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## **European Media Freedom Act (EMFA): ERGA adopts its position paper supporting the initiative and calling for an effective independence of the new European Board for Media Services**

On the 25<sup>th</sup> November 2022, ERGA adopted its [position paper](#) on the European Commission's proposal for a European Media Freedom Act (EMFA). This major legislative project aims at protecting media freedom, pluralism and independence as well as ensuring a well-functioning internal market for media in the EU. European citizens need to access an independent and pluralistic media offer in order to form their opinions and thus effectively participate in the democratic life.

In this regard, ERGA welcomes EMFA and endorses its objectives. ERGA notes positively the principle based-approach and the reasonable level of minimum harmonisation. ERGA also commends the ambition of the proposal, which covers a wide range of relevant themes such as the rights and obligations of media service providers, the protection of journalists, and the public service media. ERGA welcomes in particular that EMFA intends to address important issues such as the treatment of media content online and the problems related to media services providers established outside the Union. ERGA is proposing concrete solutions to further strengthen these key provisions.

Concerning the new governance, ERGA welcomes the establishment of the European Board for Media Services, which will replace ERGA and will be entrusted with new responsibilities. ERGA members share the Commission's view that a strengthened coordination and collective deliberation among national regulatory authorities (NRAs) can bring significant added value to EU enforcement of media regulation. Of particular relevance is the creation of a specific mechanism for "structured cooperation" that will help to strengthen the legal certainty, predictability, and robustness of cross-border regulatory cooperation.

Notwithstanding its overall support for the proposal, ERGA also draws the attention to the need to address the weaknesses of the new institutional design and raises certain concerns already flagged in its contribution to the [public consultation](#) launched by the European Commission, and in its [initial reaction](#). One of the concerns relates to the status of the Board and its effective independence, including from the European Commission. The Board has to do more than assist the Commission and has to be able to act on its own initiative, not being required to have to seek agreement with the Commission when drafting its opinions and more in general when performing its tasks. Moreover, the Board has to have the power to independently manage its own internal affairs. In the same vein and since the effective independence of

the Board is intertwined with the operational set-up, ERGA calls for a secretariat operating separately from the Commission. Finally, it is crucial that the future Board and all its members are equipped with adequate human and financial resources to effectively carry out all their new tasks and properly implement the new rules.

*“ERGA supports the EMFA proposal, which represents a major step forward for the EU, and fully endorses its goals. I am confident that the co-legislators will effectively address the shortcomings ERGA has identified. To this end, ERGA will continue to stand ready to provide its technical advice and dialogue with all relevant political actors”* said Karim Ibourki, ERGA Chair.

**About ERGA:**

*The European Regulators Group for Audiovisual Media Services (ERGA) consists of the national regulatory authorities in the field of audiovisual media services. ERGA advises the European Commission and facilitates cooperation between the regulatory bodies in the EU. Mr Karim Ibourki, President of the Belgian CSA (Conseil supérieur de l’audiovisuel) is the current Chairperson of ERGA.*