

The European Media Freedom Act: Protect media independence and media pluralism

The Nordic Public Service Media perspective

Well-functioning and stable public service media play an active role in the promotion of media pluralism and social cohesion, strengthening the inclusion of all communities and generations. Media independence is fundamental for a thriving and pluralistic media landscape and a cornerstone for public service media's activities. There is also a clear correlation between the use of public service media content and the strength of democracy.

As an increased number of states undermine the free and independent media through regulatory and financial pressure, we acknowledge the need for a regulatory framework that establishes some basic principles for media independence and pluralism as proposed in the European Media Freedom Act (EMFA).

We believe that the challenges that the EMFA proposal aims to solve are not primarily of an internal market or competition nature. It should rather ensure fundamental rights and freedoms, and strengthen free media.

In this document we, the Nordic Public Service Media, represented by the Nordvision office in Brussels, want to provide a Nordic perspective on the EMFA proposal, address specific issues and propose improvements to the proposal.

The Amsterdam protocol and the respect of national specificities

Due to linguistic, cultural, demographic, legal and political differences and national specificities, Member States are generally best suited and equipped to decide on the media framework in their country. Any regulatory initiative needs to be based on the principle of subsidiarity and proportionality. In addition, the competence of Member States to provide for the funding of public service media and define their remit as enshrined in the Amsterdam protocol must be respected.

The Nordic countries rank the highest in the World Press Freedom Index and the Democracy Index. The Nordic media markets are characterised by high levels of popular trust, supported by constitutional safeguards on freedom of expression and independent self-regulatory systems. The highest levels of trust are noted for public media. In addition, there are several measures in place in the Nordic countries to safeguard the independence of public broadcasters from undue interference by state and regulatory authorities.

An important part of media freedom is to ensure journalists' protection from different types of threats, such as the protection of sources and the fight against illegal deployment of spyware. These aspects are safeguarded in the Nordic countries, and we welcome that they are addressed in the EMFA, but they should be made broader.

Although the Nordic systems are stable and ensure free and independent media, it cannot be precluded that negative tendencies in other states regarding media freedom can appear also in the Nordics. Ensuring the protection of the basic rights covered in the EMFA proposal would thus be beneficial for all member states. However, the provisions of EMFA should not go too far and lead to the weakening of well-functioning national systems with strong safeguards on media independence and pluralism. For example, the Board's role as proposed in the EMFA should be carefully considered in order not to infringe on national competences.

Recommendations for the EMFA

Funding of public service media

We welcome that the EMFA acknowledges that public service media play an important role in a democratic society and thereby seeks to ensure support for strong and well-funded public service media while safeguarding the protection of editorial independence. The funding of public service media should also be stable and determined on a multi-year basis.

Ensure prominence and brand attribution

Media content is more and more distributed online. Media companies face an increasingly complex chain of distribution, with several market actors between them and their audience. Many of these actors, with their devices and interfaces, function as gatekeepers and they determine which media services are prominently displayed, based on commercial objectives and not on media pluralism and diversity. This leads to a situation where media services of general interest, including public media services, are increasingly difficult to find. We propose that Member States take necessary measures to ensure prominence of audiovisual and audio media services of general interest in their country.

The EMFA should include an obligation to ensure that third party platforms and devices clearly and visibly display the identity of media service providers offering their content and services on such devices and interfaces. Failure by platforms to do so prevents the viewer from being able to identify by whom the content is made available and who bears the editorial responsibility.

Protect media content from global platforms' arbitrary suspension

We welcome that the EMFA proposal recognizes the negative impact on media freedom and pluralism when global online platforms arbitrarily deprive regulated media from disseminating their content and services. To strengthen this intention, we propose a solution which clarifies that these platforms cannot tamper with regulated medias' content at all. An alternative would be to add procedural safeguards where suspension or restriction of services or content must be preceded by a warning, and the introduction of a 24-hour time limit for platforms' complaint handling.

We aim to be an active and a constructive voice in the further deliberations of the EMFA.



Danish Broadcasting Corporation (DR)



Norwegian Broadcasting Corporation (NRK)



Icelandic National Broadcasting Service (RUV)



Swedish Television (SVT)



Swedish Radio (SR)



Swedish Educational Broadcasting Company (UR)



Finnish Broadcasting Company (YLE)