



NEWS MEDIA EUROPE

Brussels, 17 November 2023

Preserving the economic viability of commercial media

Dear EMFA negotiators,

As the technical discussions on the European Media Freedom Act are progressing, the undersigned organisations, representing tens of thousands of commercial media brands, newspapers, magazines, radio and broadcasters across the EU, would like to bring to your attention a key point for the viability of the media sector.

While Article 2(3)1 recognises that public service remits are under national law, there is new language in **Article 5(3), introduced by the European Parliament**, that in practice enshrines under EU law a new obligation for Member States to ensure that funding for public service media allows ***“for the development of media services for new audience interests or new content and media forms”***. Such wording would lead, in fact and in law, to an extension of the remit of operations of public service media. As such it renders any remit obligations empty and allows publicly financed media to diversify their online offer to the extent that it could increasingly deliver, free of charge, new online services, including audio and audiovisual content exclusively offered online (“online-only”) and online text-based content comparable to or even identical to press offerings and hence directly competing with that provided by publishers.

Public service media has an important yet distinct role to play in our societies, which comes with specific limitations. Some of these include the EU state aid rules applicable to media forms other than broadcasting. As vast evidence and member state case-law have shown, such content directly competes with the offering of commercial media. **If this sentence remains in Article 5(3), it will**

have very dire consequences for media pluralism in the EU, by exposing commercial and independent media to unfair public sector competition and compromising its financial sustainability. We fear that such provisions go directly against the EMFA objective of promoting media pluralism and independence across the Union. The EMFA is not, and was not intended to be, a European instrument to revise or alter the sensitive balance between the public service broadcasters and commercial media, which must remain on a sustainable footing to continue playing its fundamental democratic role alongside public service media.

We therefore ask you to remove such wording from Article 5(3) and ensure that the funding and remit of public service media remains only subject to EU state aid rules and the Amsterdam Protocol. Remits of operation should never justify distortions of competition conditions nor crowd out private media offerings.

We thank you for your consideration and remain available to contribute constructively to the debate, ensuring that both public service and commercial media can serve their respective roles in a pluralistic European media landscape.

AER – Association of European Radios – www.aereurope.org

EMMA – European Magazine Media Association - www.magazinemedi.eu

ENPA – European Newspaper Publishers’ Association - www.enpa.eu

EPC - European Publishers Council – www.epceurope.eu

NME - News Media Europe - www.newsmediaeurope.eu