Jekk tkun meħtieġa aktar informazzjoni, jekk jogħġbok aċċessa r-Regolamenti u informazzjoni relatata oħra permezz tal-links li ġejjin:

L-Att dwar il-liberta' tal-midja Ewropea (EMFA)

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1083

N.B. Dawn in-Noti ta' Spjegazzjoni ma humiex maħsuba biex ikunu deskrizzjoni eżawrjenti tal-istrument legali u lanqas sostitut tiegħu jew suppliment leġiżlattiv għall-istess. Dawn in-Noti ta' Spjegazzjoni mhumiex intiżi bħala deċiżjoni awtorevoli fuq l-interpretazzjoni tal-leġiżlazzjoni.

Is-7 ta' Awwissu, 2025

No. 1240

MINISTRY FOR CULTURE, LANDS AND LOCAL GOVERNMENT

Explanatory Notes

1. Introduction

Title of Legislation	European Media Freedom Act (Measures for Implementation), Order, 2025 (hereinafter referred to as the "order").
Activity to be regulated	The strengthening of media freedom, pluralism, and independence in the media landscape in the internal market with an effect on media service providers and journalists.
Responsible entity	The Office for Advertising and the Media (yet to be established)

2. Summary and background

The European Media Freedom Act (hereinafter referred to as "EMFA") – Regulation (EU) 2024/1083 of the European Parliament and of the Council of the 13th of March, 2024 is a landmark Regulation designed to strengthen media freedom, pluralism, and independence across the EU. In response to the rapid digitalization of media, growing influence of large online platforms, and increasing political and private interference, the EMFA sets out uniform rules to safeguard editorial independence, ensure transparent public funding, and prevent media capture. It also addresses power imbalances between media providers and digital platforms, enhances cooperation between Member States through the European Board for Media Services, and guarantees citizens' right to access diverse and trustworthy media. Together, these measures aim to protect democratic discourse and maintain a vibrant, pluralistic media landscape in the digital age.

In this regard, the aim of the order is to establish the Office for Advertising and the Media, which will be designated as the competent authority that implements, enforces and supervises the particular provisions of the EMFA.

3. Overview of the Structure of the Regulation to be implemented

Chapter I – General Provisions

This first chapter defines the objective, i.e. ensuring the proper functioning of the internal media market by strengthening media freedom, pluralism, and editorial independence across the EU, making clear that the Regulation applies to media service providers, including both private and public entities, and relevant digital platforms. The chapter introduces new definitions

such as "media service," "editorial independence," and "very large online platform", and establishes that the Regulation is complementary to existing EU legislation, particularly the Digital Services Act (DSA) and the Audiovisual Media Services Directive (AVMSD), and does not override national constitutional protections of freedom of expression.

Articles:

Article 1 – Subject matter and scope

Article 2 – Definitions

Chapter II – Rights and Duties of Media Service Providers and Recipients of Media Services

This chapter focuses on the editorial independence of media providers. It requires all providers to implement internal measures that safeguard editorial freedom from interference, whether from political actors, shareholders, or other external pressures. It also protects the confidentiality of journalistic sources and sets strict conditions for using surveillance technologies against media professionals. Importantly, it requires media ownership transparency, meaning that media service providers must publicly disclose ownership structures and any state advertising income.

Articles:

Article 3 – Right of recipients of media services
Article 4 – Rights of media service providers
Article 5 – Safeguards for the independent functioning of public service media providers
Article 6 – Duties of media service providers

Chapter III – Framework for Regulatory Cooperation and a Well-Functioning Internal Market For Media Services

This chapter sets rules to protect public service media from political influence, since they are often closely linked to the state. Member States must ensure these media outlets are independent, fairly managed, and properly funded. The appointment and dismissal of managers must follow clear, transparent, and objective rules to prevent public broadcasters from being controlled by the government, known as "media capture."

To help oversee this, the European Board for Media Services is established, replacing the previous European Regulators Group for Audiovisual Media Services (ERGA). This Board consists of representatives from national media regulators and acts as an independent advisory body. Its key roles include:

Giving opinions and advice to the European Commission.
Helping resolve cross-border media issues.
Promoting best practices among Member States.
Monitoring risks to media freedom, such as disinformation or foreign interference.
Ensuring that EU media rules are applied consistently across countries.

The chapter also addresses the power of large platforms like Facebook and YouTube, which act as key gateways for accessing media. These platforms must:

Clearly label media providers that meet recognised standards of trustworthiness.
Treat such providers fairly.

Notify providers before removing or restricting their content and allow them to respond.
Prioritise complaints from these media providers if content is removed unfairly.
Engage in dialogue if restrictions happen repeatedly.

Additionally, users must have the right to easily change device or app settings that control media access, so they can customise the content they see according to their preferences.

Member States must also ensure that any new laws or Regulations that could affect media pluralism or editorial independence are justified, proportionate, and follow clear rules. National laws must include ways to assess media market concentration—such as mergers—that could reduce the diversity of media voices.

There are also rules for audience measurement systems (which track viewership and audience data). These systems must follow principles of:

Transparency
Impartiality
Inclusiveness
Proportionality
Non-discrimination
Comparability
Verifiability

Lastly, the chapter requires that any public funding, advertising contracts, or state support for media providers and online platforms must be awarded through transparent, fair, and non-discriminatory procedures. The criteria must be publicly available in an electronic, easy-to-access format.

Articles:

Section 1 – Independent media authorities

Article 7 – national regulatory authorities or bodies

Section 2 – European Board for Media Services

Articles 8 - 13 – the European Board for Media Services

Section 3 - Regulatory cooperation and convergence

Article 14 - Structured cooperation
Article 15 - Requests for enforcement of obligations of video-sharing platform providers
Article 16 - Guidance on media regulation matters
Article 17 - Coordination of measures concerning media services from outside the Union

Section 4 - Provision of and access to media services in a digital environment

Article 18 - Content of media service providers on very large online platforms
Article 19 - Structured dialogue
Article 20 - Right to customise the media offering

Section 5 - Requirements for well-functioning media market measures and procedures

Article 21 - National measures affecting media service providers
Article 22 - Assessment of media market concentrations
Article 23 - Opinions on media market concentrations

Section 6 - Transparent and fair allocation of economic resources

Article 24 - Audience measurement
Article 25 - Allocation of public funds for state advertising and supply or service contracts

Chapter IV - Final Provisions

The final chapter contains technical and transitional rules. It sets out the timelines for when the Regulation takes effect and how it interacts with existing laws. Member States are required to take the necessary steps to comply with the Regulation and ensure that media service providers are aware of their new rights and duties.

Articles:

Article 26 - Monitoring exercise
Article 27 - Evaluation and reporting
Article 28 - Amendments to Directive 2010/13/EU
Article 29 - Entry into force and application

4. Overview of the Structure of the Order to Implement the Regulations

Part	Of Order	Details
I	**Preliminary**	Full Title: *European Media Freedom Act (Measures for Implementation) Order, 2025* Purpose: Implement the requirements of Regulation (EU) 2024/1083 of the European Parliament and the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU Supremacy Clause: Order prevails in legal conflicts.
	Interpretation	Aligns with definitions in EMFA.
II	**Office for Advertising and the Media**	
	Establishment of the Office for Advertising and the Media	Name: Office for Advertising and the Media (OAM) Type: Independent public body Powers: Legal personality, can contract, sue/be sued
	Leadership	Head appointed by President (on Prime Minister's advice, consultation with the Opposition)- Term: 7 years, non-renewable Dismissal: Just cause, with judicial review
	Functioning	Operates independently Supported by Finance Ministry-approved staff/resources Annual Report due 1 April (starting from 2027)

Part	Of Order	Details
	Enforcement Powers	Request data/documents- Impose fines (up to €2,500) On-site inspections- Liaison with authorities
	Offences	Fines: €500–€10,000 + €50/day Alternative: Administrative fine up to €2,500 Appeal: Court of Appeal (Civil, Inferior)
III	**Implementation of the EMFA**	
	Journalistic Source Protection	Prohibits forced disclosures, surveillance, spyware use
	Derogations	Only under EMFA rules Commissioner appointed under Security Services Act shall review issued warrants for surveillance, inspection, interception, detention or sanctioning of media service providers or persons mentioned in EMFA in relation to the same media service providers Applies to media professionals only
	Review & Judicial Protection	Security Services Commissioner Judicial protection is secured by a right of action before the First Hall of the Civil Court
	Public Media Governance	CEO appointed through open call Dismissals subject to judicial review
	Broadcasting Oversight	Broadcasting Authority enforces EMFA Chapter III Media Registrar develops ownership database together with the Head of the Office for Advertising and the Media
	Penalties Enforcement	Non-compliance: €500–€10,000 + €50/day- Subject to appeal
	State Advertising Monitoring	Entities to report every 6 months to the Office OAM publishes annual public report (due 1 April)
IV	**Amendments to the Broadcasting Act**	Broadcasting Authority must assess competition & pluralism impacts Redefines "programme" per EU standards
V	**Amendments to the Media and Defamation Act**	Adds definitions: "editorial control", "media service", "media service provider"- Source protection expanded to editorial staff & collaborators

Commentary

The Regulation applies to a broad spectrum of actors involved in media services, including but not limited to:

Actor	List of obligations & corresponding Articles (Regulation (EU) 2024/1083)
1. Media Service Providers & Journalists	• Operate under transparent ownership structures. • Protected against unjustified surveillance, interference, and disclosure of sources. • Recommended to publish a statement on ownership and editorial responsibility. • Establish internal protocols ensuring editorial independence. • Maintain records of public advertising received. • Report financial data biannually to the Office for Advertising and the Media (OAM).
2a. Office for Advertising and the Media (OAM)	• Manage document requests, inspections, and administrative penalties. • Produce first Annual Report by 1 April 2027 (covering until 31 Dec 2026).

Actor	List of obligations & corresponding Articles (Regulation (EU) 2024/1083)
2b. Broadcasting Authority	• Enforce EMFA, especially Chapter III. • Assess impacts on competition and pluralism before authorising actions. • Monitor compliance with editorial and functional independence of public service media. • Establish procedures to assess media concentration impacts on independence and pluralism. • Coordinate with the European Board for Media Services. • Engage in cross-border cooperation.
3. Security Services Commissioner	• Conducts reviews of warrants issued for the interception and inspection of media service providers in line with the derogations dictated by Article 4 of EMFA and issued under the provisions of the Security Services Act.
4. Courts and Tribunals of Malta	• Hear appeals on decisions under the EMFA Order. • Provide judicial protection regarding journalistic rights breaches under EMFA.
5. Public Service Media (PBS)	• CEO appointment through a competitive process with an open call published at least 1 month in advance. • Selection criteria for CEO to be public. • CEO dismissal decisions subject to judicial review.
6. Public Authorities	• Report state advertising contracts biannually to the OAM. • Submit annual financial disclosures related to advertising. • Ensure public communication respects journalistic freedom. • Avoid interfering with editorial content.

5. Concluding Sections

EMFA shall come into force from the 8th of August 2025. However:

(a) Article 3 shall apply from 8 November 2024
(b) Article 4(1) and (2), Article 6(3) and Articles 7 to 13 and 28 were made applicable from 8 February 2025
(c) Articles 14 to 17 were made applicable from 8 May 2025
(d) Article 20 shall apply from 8 May 2027.

Given that Regulations are binding and directly applicable, the two-month stand-still period listed in Article 3(2)(b) of the Small Business Act (Chapter 512 of the Laws of Malta) will not apply.

Should further information be required, kindly access the Regulations and any relevant information through the following links:

European Media Freedom Act (EMFA)

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1083

N.B. This Explanatory Note is not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. This Note does not purport to be an authoritative ruling on the interpretation of the legislation.

7th August, 2025