

**HEC MONTREAL**

**Policy making, at the crossroads of public interest and  
corporate needs:  
the case of the European Media Freedom Act.**

By

Leilie Ghodsy

HEC Montréal

Aleksi Eerola

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## ABSTRACT

This thesis investigates how interest groups, research institutions, and policy actors influenced the design of the European Media Freedom Act (EMFA), the first EU regulation on media pluralism and freedom. It examines whether classical resource-based theories of lobbying adequately explain influence within a policy domain governed by democratic and normative constraints. Using a mixed-method approach combining preference attainment, reputational analysis, and process tracing, the study maps the full advocacy ecosystem surrounding the EMFA and tests how monetary, cognitive, political, and collaborative resources translated into influence.

The findings reveal that the relationship between resources and influence was conditional rather than linear. Financial capacity increased visibility but not success; perceived expertise and credibility proved decisive only when aligned with public interest; and political access yielded results only when coupled with legitimacy and policy alignment. Collaboration amplified influence when it projected coherence and trustworthiness, yet failed when driven by defensive coordination. These dynamics show that influence in EU policymaking is filtered through perceptions of legitimacy, coherence, and timing rather than determined by resource volume alone.

Theoretically, the thesis refines resource-dependence models by identifying the boundary conditions under which financial, cognitive, and political resources remain effective in normatively constrained policy domains. Empirically, it provides the first systematic mapping of the EMFA's lobbying landscape, clarifying how credibility, alignment, and reputational framing shape legislative outcomes. The study concludes that EU policymaking increasingly operates through a logic of legitimacy-filtered influence, where access and persuasion depend less on material power than on ethical alignment and perceived public value.

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## ABBREVIATIONS

- EMFA: European Media Freedom Act (= Media Freedom Act)
- AVMSD: Audiovisual Media Services Directive
- GDPR: General Data Protection Regulation
- DSA: Digital Services Act
- DMA: Digital Market Act
- TVWF: Television Without Borders directive
- EUDS: European Democracy Shield
- EU: European Union
- EC: European Commission
- DG: Directorate General
- DG CNECT: DG for Communications Networks, Content and Technology /CONNECT
- EP: European Parliament
- EBMS: European Board for Media Services
- EESC: European Economic and Social Committee
- CoEU: Council of the European Union (EU)
- ECo: European Council
- Coreper: Committee of Permanent Representatives
- BEREC: Body of European Regulators for Electronic Communications
- EDPS: European Data Protection Supervisor
- CoE: Council of Europe (≠ European Council, ≠ Council of the EU)
- NRA: National Regulatory Authority
- NGO: Non-Governmental Organisation
- SMO: Social Movement Organisation
- VLOPs: Very Large Online Platforms

*“The moment we no longer have a free press, anything can happen. What makes it possible for a totalitarian or any other dictatorship to rule is that people are not informed; how can you have an opinion if you are not informed?”*

Hannah Arendt in her last interview, 1973

## INTRODUCTION

### A. PROBLEM

The need for a European Media Freedom regulation is rooted in the mounting pressure the European Union has faced over the past decade to address threats to media freedom and pluralism across its member states. The adoption of the European Media Freedom Act in 2024 indeed did not arise in a vacuum, but as a response to a deteriorating media environment marked by government interference, concentrated ownership structures, and new technological pressures on journalism and democracy.

The clearest impetus for EU-level action has been the backsliding of media freedom in countries such as Hungary and Poland. In Hungary, successive governments under Viktor Orbán used regulatory authorities and state advertising to build a loyal media landscape, silencing critical outlets and fostering what observers describe as a system of media capture, “a form of governance failure that occurs when the news media advance the commercial or political concerns of state and/or non-state special interest groups controlling the media industry instead of holding those groups accountable and reporting in the public interest.”<sup>1</sup> Poland has followed a similar trajectory, particularly under the Law and Justice government, which expanded political control over public service broadcasters and pressured private media through taxation and advertising distribution. These cases demonstrated that the existing EU legal framework, primarily the Audiovisual Media Services Directive and competition law, was insufficient to prevent the erosion of independent journalism within member states.

Moreover, the murders of Daphne Caruana Galizia in Malta in 2017 and Ján Kuciak in Slovakia in 2018 shocked Europe and highlighted the risks faced by investigative journalists even within the EU. Both killings were linked to reporting on corruption and political-business networks, revealing the vulnerability of reporters who challenge entrenched interests<sup>2</sup>. These tragedies spurred calls from civil society, journalist organisations, and the European Parliament for stronger EU-level protections for media actors, as national governments were often either complicit or ineffective in safeguarding press freedom.

Another turning point was the Pegasus and Predator spyware scandals. Investigations in 2021–2022 revealed that journalists, opposition figures, and activists in several EU countries,

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<sup>1</sup> <https://www.cima.ned.org/themes/media-capture>

<sup>2</sup> March Europe Press Freedom Report 2024 (European Broadcasting Union, 2024), p. 25. [https://www.ebu.ch/files/live/sites/ebu/files/News/Position\\_Papers/open/2025/Europe%20Press%20Freedom%20Report%202024.pdf?utm\\_source=chatgpt.com](https://www.ebu.ch/files/live/sites/ebu/files/News/Position_Papers/open/2025/Europe%20Press%20Freedom%20Report%202024.pdf?utm_source=chatgpt.com)

including Hungary, Greece, Spain, and Poland, had been targeted with surveillance technologies<sup>3</sup>. These revelations underlined that digital tools could be weaponised against journalists, chilling investigative reporting. The spyware crisis resonated strongly in Brussels, where it became part of a wider conversation about safeguarding democracy against both external and internal threats. The European Democracy Action Plan (EDAP) (2020) had already emphasised the importance of media pluralism, but the spyware scandals underscored the urgency of concrete, binding measures. The European Parliament responded by establishing a Committee of Inquiry into the use of Pegasus and equivalent surveillance spyware<sup>4</sup>.

Prior to the European Media Freedom Act (EMFA), EU intervention in the media field was fragmented. The Audiovisual Media Services Directive (AVMSD) addressed audiovisual services but left large gaps around media ownership, state advertising, and editorial independence<sup>5</sup>. The Digital Services Act (DSA) and Digital Markets Act (DMA) targeted online platforms and competition issues but did not directly regulate media pluralism. The Council of Europe produced valuable standards, such as recommendations on media pluralism and independence of regulatory authorities, but lacked binding power within the EU legal order. This fragmented approach created space for governments intent on media capture and left the EU without a coherent framework to intervene when national safeguards failed.

Simultaneously, the COVID-19 pandemic and Russia's war in Ukraine drew attention to the role of information integrity in sustaining democratic resilience. The pandemic underscored the dangers of misinformation, while Russian propaganda campaigns exposed vulnerabilities in the European information space. These developments reframed media freedom not only as a human rights concern but also as a security and resilience issue. The debate increasingly linked media pluralism to the broader challenge of defending democracy against disinformation and authoritarian influence.

Civil society organisations such as Reporters Without Borders, the European Federation of Journalists, the International Press Institute, and Liberties Europe continuously lobbied for an EU-level instrument to protect media freedom and pluralism. Academic centres such as the Centre for Media Pluralism and Freedom at the European University Institute also supplied

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<sup>3</sup> "Investigation of the use of Pegasus and equivalent surveillance spyware," European Parliament, EPRS, June 2023. [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_ATA%282023%29747923?utm\\_source=chatgpt.com](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA%282023%29747923?utm_source=chatgpt.com)

<sup>4</sup> "Investigation of the use of Pegasus and equivalent surveillance spyware," European Parliament, EPRS, June 2023. [https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/747923/EPRS\\_ATA%282023%29747923\\_EN.pdf?utm\\_source=chatgpt.com](https://www.europarl.europa.eu/RegData/etudes/ATAG/2023/747923/EPRS_ATA%282023%29747923_EN.pdf?utm_source=chatgpt.com)

<sup>5</sup> Media freedom, freedom of expression and pluralism: The European Media Freedom Act (Policy Department, European Parliament, July 2023). [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/747930/IPOL\\_STU%282023%29747930\\_EN.pdf?utm\\_source=chatgpt.com](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/747930/IPOL_STU%282023%29747930_EN.pdf?utm_source=chatgpt.com)

empirical evidence through monitoring reports, documenting risks of capture and deficiencies in national safeguards against political and economic interference. Within the institutions, the European Parliament had repeatedly called for stronger EU action, while the Commission under Ursula von der Leyen identified media freedom and integrity as part of its European Democracy Action Plan (EDAP) and the 2020–2025 Rule of Law cycle.

Taken together, these pressures created the political conditions for the EMFA: the illiberal trajectories in Hungary and Poland exposed the limits of national safeguards and the EU's traditional reluctance to intervene in media regulation, while the murders of journalists and spyware scandals revealed the personal risks faced by reporters and the failures of national authorities to protect them. At the same time, the disinformation crisis, the pandemic, and rising geopolitical tensions reframed media pluralism as a matter of democratic security. The EMFA was therefore introduced not only to harmonise fragmented frameworks but also to create enforceable standards against political interference, ensure transparency of media ownership, regulate state advertising, and establish an independent European Board for Media Services. As the first horizontal binding law on media freedom, its adoption represents a landmark, the EU's most ambitious attempt to date to act in a domain long considered primarily national<sup>6</sup>.

Yet, the very sensitivity of the issue ensured that the EMFA became the subject of intense lobbying by media companies, journalist associations, civil society groups, and national regulators. While some stakeholders welcomed EU action as overdue, others feared over-centralisation or threats to editorial freedom. The influence exerted by these interest groups can, on the one hand, improve decision-making by helping policymakers align rules with citizen preferences. On the other hand, it can undermine the democratic legitimacy of policymaking when certain groups consistently prevail, hinder efficient policy implementation by imposing costs on parts of the public, and slow down economic growth due to excessive competition among organised interests (Dür & De Bièvre, 2007). Understanding how these actors shaped the EMFA is therefore essential for assessing both the democratic legitimacy of EU policymaking and the effectiveness of the Act itself.

## B. RESEARCH GAP

The study of lobbying and interest group influence in the European Union is well established. Scholars have produced rich analyses of how corporate actors, NGOs, and coalitions seek to

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<sup>6</sup> “The European Media Freedom Act (EMFA), Regulation (EU) 2024/1083,” Media Freedom Act website. <https://www.media-freedom-act.com/>

shape EU policymaking in fields such as health, environment, and the digital economy. Classic cases include the Tobacco Products Directive (2014), where industry and public health coalitions clashed over regulation; the REACH chemicals regulation (2006), which illustrated the centrality of technical expertise and venue shopping; and the more recent Digital Services Act and Digital Markets Act, which showcased the unprecedented lobbying power of Big Tech firms and the challenge of regulating transnational platforms. These cases have tested and refined leading approaches to measuring influence, from preference attainment to reputational analysis and process tracing. They have also highlighted the importance of monetary, cognitive, and political resources in determining who shapes EU rules.

By contrast, EU media policy has attracted much less scholarly attention. Research on the Television Without Frontiers Directive (1989) and the Audiovisual Media Services Directive (2007/2010/2018) has examined questions of institutional design, regulatory diversity, and subsidiarity, but has not systematically analysed lobbying dynamics. Much of the literature on European media systems (e.g., Humphreys 1996; Papathanassopoulos & Miconi 2023) is concerned with national-level pluralism, ownership, or governance, rather than interest group activity at the EU level. Even in comparative lobbying studies, media policy is rarely included alongside health, environment, or digital regulation.

Yet, the European Media Freedom Act represents a turning point: it is the first comprehensive EU regulation on media freedom and pluralism, binding across all member states. Its negotiation attracted mobilisation from a uniquely diverse set of stakeholders, from market actors such as the European Broadcasting Union and EMMA/ENPA, to NGOs like Reporters Without Borders, to regulators such as CSA Belge and ERGA, and academic centres like the CMPF. Unlike tobacco or chemicals, where regulatory competences were long established, the EMFA entered a fragmented legal field where the EU had previously exercised limited authority. Moreover, media pluralism carries exceptional democratic sensitivity, raising normative claims about rights and public goods in addition to market concerns.

Despite these distinctive features, no systematic study has yet examined lobbying around the EMFA, creating a double gap in the literature: an empirical gap, as we lack a mapping of which actors participated, what preferences they advanced, and to what extent they shaped the final text; and a theoretical gap, as it remains unclear whether established explanations of influence, centred on resources and strategies tested in fields such as health or digital regulation, apply to the media sector, where normative values and democratic concerns are unusually salient.

By addressing this gap, this thesis contributes both empirically and theoretically. Empirically, it provides the first systematic account of lobbying on the EMFA. Theoretically, it tests the relevance of resource-based explanations of lobbying influence in a policy field that has so far been neglected by the literature.

In the scope of the tension between interest group influence and accurate, efficient, and fair policymaking, and given the absence of systematic studies on lobbying in the media field, this thesis seeks to shed light on the following research question:

*Do interest groups exert influence on policy making in the European Union, and if they do, what degree of influence?*

### C. THESIS STRUCTURE

To address this question, I will start by doing a comprehensive review of the academic literature on the policymaking process in the European Union and the role of corporate political activity within it. The review is structured around three interconnected themes.

First, I will examine the EU's multi-level decision-making system to determine which elements and processes are subject to influence. This involves analysing the different stages of policymaking in the EU that are agenda-setting, policy formulation, decision-making, and implementation, alongside the diverse typologies of policymakers. Here, I will distinguish between institutional categories, EU-level actors such as the European Commission, European Parliament, EU agencies, and EU-level interest groups, and national-level actors including state representatives, political parties, interest associations, and NGOs/SMOs. Special attention will be given to how cross-national variations and institutional contexts shape policymaking.

Second, I will turn to interest groups as key players in this process, asking why they seek to influence EU policymaking, differentiating between public interest groups and private interest groups, while also considering the role of the media in shaping narratives and facilitating or constraining interest representation in the EU.

Third, I will review typologies of influence strategies, focusing on how policymaking can be influenced in practice. This includes strategies tied to the policymaking stages as well as strategies differentiated by actor type. Following this will be a review of insider lobbying aimed directly at policymakers, outsider lobbying designed to shape public opinion (as conceptualized by Kollman, 1998), and the so-called paradox of weakness, whereby actors with limited resources may leverage their vulnerability strategically.

By systematically engaging with these three thematic areas, this literature review will provide the conceptual foundations for analysing the interaction between policymaking structures and corporate political activity in the EU.

Following this literature review, I will move on to an in-depth analysis of the case of the European Media Freedom Act. To analyse this case, I will retrace the evolution of the EMFA, from its genesis until its final vote, and investigate which actors were involved in this legislative process and how. I will then discuss the results and put them into perspective, focusing on the consequences of the mechanisms observed on democracy and on international business.

## I. LITERATURE REVIEW

The policymaking process in the European Union involves multiple stages and actors, it does not happen at a single level of government (e.g., national or European), but rather across multiple, interconnected levels: local, regional, national, and supranational. This corresponds to the idea that the EU has a multi-level decision-making system (Grande, 1996), meaning a governance structure where authority and policy decisions are dispersed across several levels, involving both national governments and European institutions, along with other actors like regional authorities and interest groups. In most cases, the European Commission proposes legislation, then the Council of the EU (representing national governments) and the European Parliament negotiate and amend it, before national and regional governments implement the policy. At each level, NGOs, business groups, and regional lobbies may try to influence the policy-making process. Understanding this structure is crucial, because interest groups usually attempt to influence policymaking at each of these stages, often adapting their strategies depending on where the process stands and which institutions hold the most leverage at that moment.

In this multi-level decision-making system, integration is vertical, meaning national and subnational actors are involved in EU policymaking, and EU decisions affect domestic politics, but there is also a horizontal interdependence between different national governments and non-state actors, interacting across borders during EU negotiations (e.g., coalitions of like-minded countries or interest groups).

We will first identify the stages to study, before detailing their specificities and the influence mechanisms that can occur during each of these particular steps.

## A. STAGES IDENTIFICATION

The policy cycle framework outlines key phases including problem emergence, agenda setting, consideration of options, decision-making, implementation, and evaluation (Best, 2019; Álvaro Serna-Ortega et al., 2025). Various governance modes and procedures are employed, with the ordinary legislative procedure being central (Best, 2019). Lobbying influences different stages, with social interests dominating public engagement phases and economic interests prevailing in legislator contact phases (Álvaro Serna-Ortega et al., 2025; Crombez, 2002). Policy networks play a crucial role in EU decision-making (Peterson, 1995), while different modes of European integration shape domestic institutions in distinct ways : rule-setting, or positive integration, occurs when the EU establishes common standards or regulations that member states must implement; rule-removal, or negative integration, takes place when the EU eliminates national rules that restrict the internal market, thereby constraining domestic autonomy: finally, framework-setting, or framing integration, operates more indirectly by influencing national actors' expectations and policy orientations through soft law, guidelines, or shared policy ideas (Knill & Lehmkuhl, 2002). Negotiation is pervasive throughout the EU policy process (Elgström & Smith, 2000), and implementation experiences can influence subsequent policy changes (Polman et al., 2020).

Influence can occur throughout the different stages of the policy process, from shaping which issues reach the agenda to affecting how decisions are made and implemented. The classic "faces of power" debate distinguishes between these moments of influence: Bachrach and Baratz (1962) described agenda-setting power as the "second face of power," in contrast to the "first face," which refers to direct influence during decision-making (Dür, 2008). The policy cycle itself can be viewed as a sequence of interlinked stages that include identifying issues, defining objectives, designing and testing policies, refining them, implementing decisions, monitoring and evaluating outcomes, and finally readjusting or innovating policies as new challenges emerge (Pluchinotta & Tsoukiás, 2018).

Table 1 below lists the studies that were reviewed to identify the main analytical frameworks most frequently used to describe the stages of policymaking within the European Union:

Table 1 - Stages of Policymaking Identified Across Studies

Study	Stages Identified (in order presented)
Judge and Thomson, 2018	Agenda setting, formative stage, decision stage
Laloux and Delreux, 2020	Agenda-setting, intra-institutional decision-making, interinstitutional negotiations
"Information and the Legislative Process in the EU," 1997	Agenda stage, amendment stage, vote stage
Young and Roederer-Rynning, 2020	Agenda-setting, policy formation, decision-making, implementation, policy feedback
Dewey, 2008	Agenda-setting, policy formulation, policy decision, policy implementation
Best, 2019	Problem definition, implementation
Heidbreder and Brandsma, 2018	Agenda setting, formulation, decision-making, implementation, evaluation
Serna-Ortega et al., 2025	Problem emergence, agenda setting, consideration of policy options, decision-making, policy implementation, policy evaluation
"Policy-making in the European Union," 2013	Decision-making, agenda setting/policy option consideration, implementation, evaluation
Stevens, 2023	Agenda-setting, policy formulation
Crombez, 2002	Proposal stage, vote stage
Crombez and Hug, 2000	Choosing a Commission, policy making, legislative procedures, voting
Cram, 1997	No mention found of explicit stages
Klüver, 2013	Policy formulation stage, decision-making stage
Steunenberg, 2003	Agenda setting, policy option consideration, decision-making, policy drafting/preparation, implementation
Wallace and Reh, 2014	No mention found of explicit stages
Andersen and Eliassen, 2001	No mention found of explicit stages
Bulmer et al., 2020	Agenda-setting, policy formulation, decision making, implementation, feedback loops
Häge, 2011	Agenda setting, organisation, mediation/brokerage, decision-making, implementation, evaluation
Steunenberg et al., 1996	No mention found of explicit stages
Polman et al., 2020	Mobilization, gaining access, use of implementation experiences
Tosun, 2023	Problem emergence, agenda setting, policy option consideration, decision-making, implementation, evaluation
Jørgensen et al., 2007	No mention found of explicit stages
Crombez and Vangerven, 2014	No mention found of explicit stages
Smeets and Beach, 2024	Laying out tracks, tasking, using political signal in machine room, linkage, endgame

Many papers describe an initial agenda-setting phase, identified in 13 of 25 studies, in which the European Commission, often influenced by lobbying, external events, and stakeholder input, exclusively initiates policy proposals. A subsequent phase of formulation, found in 7 studies, involves drafting proposals through expert consultation, intra-institutional negotiations, and coalition building. Decision-making, mentioned in 15 studies, typically follows, with interinstitutional negotiations among the European

Parliament, the Council, and other bodies, often featuring amendments and strategic bargaining. Finally, implementation, noted in 11 studies, encompasses transposition, coordination, and feedback, with 6 studies additionally emphasizing evaluation processes. Some papers also distinguish earlier problem emergence or later policy-feedback stages.

Agenda-setting and policy initiation constitute the first and often decisive stage of EU policymaking, with the European Commission holding the exclusive right of legislative initiative in most policy areas. According to Laloux and Delreux (2020), a majority of legislative content originates at this stage, although the Commission's dominance can be reduced in cases of high interinstitutional conflict. Research by Judge and Thomson (2018) and Stevens (2023) shows that lobbying and stakeholder engagement are particularly effective during agenda-setting, especially when interest groups rely on pressure politics and public mobilisation to influence the Commission's priorities. External events such as crises or public campaigns can also shape the policy agenda, as highlighted by Tosun (2023) and Smeets and Beach (2024).

During the policy formulation and proposal development stage, the Commission remains central in elaborating policy options and drafting legislative texts, often through consultation with expert groups, interest representatives, and other stakeholders. Studies by Judge and Thomson (2018) and Stevens (2023) indicate that expertise-based lobbying becomes particularly influential at this point, as the Commission depends on technical, legal, and economic input to design coherent proposals. Several analyses note a strategic shift from pressure-based tactics toward the provision of specialised knowledge, reflecting the Commission's preference for evidence-driven consultation. Coalitions and associations play a key role in this process, since collective representation tends to facilitate access and legitimacy in Commission consultations. As Laloux and Delreux (2020) explain, this phase may also involve intra-institutional negotiations within the Commission, contributing to the refinement and internal alignment of draft proposals.

The legislative decision-making and adoption stage involves the European Parliament and the Council of the European Union acting as co-legislators through formal negotiations, amendments, and voting procedures. This process includes interinstitutional negotiations such as trilogues, where both institutions reconcile their positions to reach a common text. Studies by Crombez (2002), Crombez and Hug (2000), and Steunenberg (2003) analyse this phase using formal and mathematical models to describe the strategic behaviour and bargaining dynamics

that shape institutional outcomes. At this stage, lobbying strategies adjust once more, focusing on direct access to pivotal decision-makers such as rapporteurs in the Parliament or key ministers in the Council, whose positions can decisively influence the final wording of legislation. According to Laloux and Delreux (2020), most legislative content remains relatively stable during trilogue negotiations, except in situations of high interinstitutional conflict, where substantial revisions may still occur.

Implementation and coordination mechanisms constitute the final phase of the policy cycle, encompassing the transposition, application, and enforcement of adopted legislation. While implementation primarily occurs at the national level, the European Commission ensures oversight and coherence, often supported by specialised agencies or committees operating under comitology procedures. Research by Steunenberg et al. (1996) and Polman et al. (2020) highlights the complexity of this phase, noting the importance of feedback loops and the use of implementation experiences to inform future policy revisions. Coordination challenges are particularly significant in cross-sectoral or technically complex policy areas, as shown by Steunenberg (2003) and Bulmer et al. (2020), where differences in administrative capacity and political will can affect consistency across Member States. Increasingly, feedback and evaluation mechanisms are recognised as integral components of the EU policy cycle, ensuring that lessons from implementation contribute to future agenda-setting and regulatory improvement.

Across the stages of the EU policy process, the European Commission occupies a central position in agenda-setting and formulation, initiating proposals and shaping their content through consultations and expertise. The Council of the European Union and the European Parliament gain prominence during the decision-making and adoption stages, where they act as co-legislators and determine the final outcome of legislative proposals. Within the Council, national governments play a decisive role by articulating and defending domestic priorities, ensuring that national interests remain embedded in EU policymaking. Alongside institutional actors, non-institutional stakeholders such as interest groups, business associations, and non-governmental organisations exert influence throughout the policy cycle. Their effectiveness depends on access, resources, and the institutional environment in which they operate. Studies also emphasise the growing significance of informal mechanisms, including trilogues, the Committee of Permanent Representatives (COREPER), and informal networks, which serve to bridge institutional divides and expedite negotiations across levels of governance.

The literature further shows that the structure and salience of policy stages vary according to policy mode and sector. Regulatory, distributive, and coordination policies follow different institutional logics, and sectoral differences can alter the dynamics of influence. In environmental and climate policy, for example, processes tend to exhibit higher resilience to external shocks and stronger feedback mechanisms (Tosun, 2023). In contrast, sectoral policymaking within the Council often leads to fragmentation and coordination challenges, requiring ex-ante or ex-post mechanisms to ensure coherence (Steunenberg, 2003). Moreover, crisis-driven adaptations, as analysed by Smeets and Beach (2024), can compress or expand stages of the policy process, especially when the European Council assumes a more direct steering role to manage urgent or politically sensitive issues.

Variations reflecting policy mode and sector-specific dynamics, we will thus use a common framework documented by these findings: agenda setting, formulation, decision-making, and implementation. Now that we have identified the stages to study, we will detail their specificities and the influence mechanisms that can occur during each of these particular steps in the following 1-4 sections.

## B. STAGES CHARACTERISTICS

### 1. AGENDA-SETTING

Interest groups can shape which issues make it onto the policy agenda, a form of influence referred to as the "second face of power" (Bachrach & Baratz, 1962), meaning the ability to affect what is discussed and decided before formal proposals are even made (Dür, 2008). In the policy process, problem emergence precedes agenda setting and involves recognizing and articulating societal issues that may require political attention (Serna-Ortega et al., 2025). Agenda setting then follows as the stage where these identified issues are formally prioritized and selected for policy action. At the EU level, this phase is particularly significant because the European Commission, which holds the exclusive right of initiative in most policy areas, decides which problems will receive formal attention and move onto the institutional agenda. Most legislative substance is determined during the agenda-setting stage, although this influence may be reduced in cases of high interinstitutional conflict (Laloux & Delreux, 2020). Because agenda setting determines which problems among many potential issues will receive EU-level attention and resources, it represents a crucial gatekeeping stage and a prime target for lobbying and interest representation. The process is shaped by both internal institutional dynamics and external pressures such as public campaigns, crises, or stakeholder engagement, which can accelerate or redirect the transition from problem recognition to formal prioritization. In essence, agenda setting in the EU context is the process by which the European Commission, influenced by multiple actors and factors, determines what issues will be formally pursued through the Union's legislative process.

Interest groups might shape the contents of proposals at the agenda-setting stage before they are formally approved, meaning they have no need to engage in lobbying at later stages (Dür, 2008), and they can do so through several distinct influence mechanisms. One such mechanism is structural power, which refers to the capacity of interest groups to influence decision-makers simply because of the potential impact that business decisions about investment can have on public policy. This represents a form of influence that operates through economic dependencies rather than direct lobbying, allowing powerful actors to shape policy priorities indirectly.

In addition to structural power, interest groups also rely on expert and technical input. While expertise-based lobbying is noted as being more influential during policy formulation, the Commission's reliance on expert groups means that technical expertise can also shape which

issues make it onto the agenda (Heidbreder & Brandsma, 2018). Expert and technical input can be linked to structural power to a certain extent, since structural power gives interest groups the capacity to shape research paradigms and outcomes through their own funding. Investment decisions in relevant research thus have a significant impact on agenda setting, as they guide issue identification and understanding. Furthermore, the EU itself funds several research centres, such as the JRC, the EIT, the ERC, and the EUI, which produce data and evidence that also contribute to influencing agenda setting.

Another broad and highly visible mechanism of influence is lobbying and stakeholder engagement, which encompasses several complementary strategies that operate both inside and outside formal policymaking channels.

The first of these is pressure politics and public support. Studies show that lobbying and stakeholder engagement are particularly effective at the agenda-setting stage when they mobilize public opinion and political pressure to influence the Commission's priorities (Judge & Thomson, 2018; Stevens, 2023). Decision-makers may even adopt positions that pre-empt confrontation with powerful groups (Dür, 2008). For example, the European Commission is likely to anticipate the reaction of farm lobbies to any proposal for reforms (Dür, 2008), while environmental groups use pressure politics during agenda setting by demonstrating widespread political support (Stevens, 2023).

A second dimension of lobbying and stakeholder engagement is direct information transmission and strategic communication. Lobbying can be understood as strategic information transmission, where interest groups provide policy-relevant information to legislators and institutions. This goes beyond simple stakeholder engagement to include sophisticated communication strategies in which groups may choose to lobby or refrain from lobbying depending on strategic considerations (Austen-Smith, 1993). Interest groups can thus influence the Commission through direct communication via consultations and by providing policy-relevant information (Judge & Thomson, 2018). Within this system, the Commission tends to give greater weight to input coming from umbrella associations or federations, as they are seen as representing broader constituencies and therefore provide more legitimate or balanced perspectives than individual organisations lobbying on their own. In addition, non-EU stakeholders such as multinational corporations, global industry groups, or international NGOs can also exert notable influence, since many EU policies have external implications and the Commission often seeks technical expertise and international alignment during the agenda-setting process (Judge & Thomson, 2018).

A third sub-strategy within lobbying and stakeholder engagement consists of multiple-channel grassroots strategies, where groups combine direct and indirect methods to amplify their influence. They affect policy not only through direct lobbying but also through outside lobbying aimed at shaping public opinion, influencing the selection of decision-makers, or leveraging their structural power (Dür, 2008). Most groups combine direct contacts with indirect activities such as media campaigns and member mobilization (Binderkrantz, 2005). Social interest groups, in particular, rely on indirect strategies like grassroots lobbying during public engagement phases, a strategy in which they mobilize citizens, public opinion, and media visibility to apply indirect pressure on decision-makers and shape which issues enter the agenda (Serna-Ortega et al., 2025). For instance, in cultural policy, campaigns like “70 Cents for Culture” have been used to push specific topics onto the EU agenda (Dewey, 2008).

Beyond lobbying and stakeholder engagement, other distinct mechanisms can also shape the EU’s agenda-setting process. One of these involves external events and crisis-driven influence, as crises, public campaigns, and unexpected shocks can significantly alter priorities and serve as powerful mechanisms for getting issues onto the EU policy agenda (Tosun, 2023; Smeets & Beach, 2024). These moments create political windows of opportunity that interest groups can exploit to advance their preferred issues.

A further mechanism consists of informal influence, where lobby groups exert pressure through competing interests and internal power dynamics within the Commission (Heidbreder & Brandsma, 2018). This underscores the importance of informal networks, personal relationships, and behind-the-scenes interactions in shaping which issues gain prominence.

Finally, coalition building acts as a cross-cutting strategy across all other mechanisms. Lobbying in coalitions allows groups to pool resources, amplify their voice, and present unified positions that the Commission is more likely to consider credible and representative (Klüver, 2013; Judge & Thomson, 2018). Since the European Commission holds the exclusive right of initiative in most policy areas, it remains the primary target of these various influence strategies, with interest groups using both direct and indirect channels to shape what enters the EU’s legislative agenda.

## 2. POLICY FORMULATION

Policy formulation is the stage of EU policymaking where the European Commission develops policy options and drafts concrete legislative proposals. Policy formulation

appears in 7 of the 25 studies reviewed, making it a commonly recognized stage that follows agenda setting.

Policy Formulation, or Formation, is subsequent to Policy Option Consideration, which involves examining and evaluating different potential approaches to address an identified problem (Serna-Ortega et al., 2025, Tosun, 2023, Steunenberg, 2003), analysing various possible solutions and their feasibility before settling on a specific approach. Some studies, like “Policy-making in the European Union” (2013), explicitly combine “agenda setting/policy option consideration” as a single stage, suggesting that the boundaries between these stages can be fluid in practice. During the stage of Policy Formulation, a specific policy approach is developed into concrete proposals. Policy formulation is identified in 7 studies and involves “developing policy options and drafting legislative proposals, often consulting with expert groups, interest groups, and other stakeholders.” At this stage, the European Commission takes a central role in “drafting proposals through expert consultation, intra-institutional negotiations, and coalition building”. Policy formulation is about developing the chosen approach into detailed, actionable proposals. During formulation “expertise-based lobbying is particularly influential at this stage, as the Commission seeks technical, legal, and economic input” and “lobbying strategies shift from pressure politics to the provision of expert knowledge during formulation”.

The formulation stage is characterized by intensive stakeholder consultation. Expertise-based lobbying is particularly influential at this stage, as the Commission seeks technical, legal, and economic input (Judge & Thomson, 2018). Building on the priorities defined during agenda setting, this stage serves as the crucial link between problem identification and political decision-making. Policy formulation bridges agenda setting, where priorities are established, and decision-making, where proposals are formally adopted. It transforms broad policy priorities into specific, actionable legislative proposals that can be considered by the Council and the European Parliament. As the process advances, the nature of influence also evolves. There is a notable shift in influence strategies during formulation: lobbying efforts move away from pressure politics and toward the provision of expert knowledge, reflecting the Commission’s need for technical expertise to develop workable and legally sound proposals.

Prior research shows that the provision of policy-relevant information is a central channel of influence in EU formulation stages. Klüver 2013 and Mahoney 2007 find that organised actors reduce uncertainty and transaction costs for officials when they supply usable analysis, draft

language and methodological standards. Beyers and coauthors 2014 add that information only travels when it is seen as credible. Inputs perceived as partial or self-serving are discounted, while material that signals impartiality and societal relevance is prioritised.

During the policy formulation stage, interest groups can deploy a wide range of strategies to shape legislative content, much as they do during agenda setting. However, at this stage, their actions tend to focus more directly on providing technical information, maintaining access to decision-makers, and ensuring that their preferences are reflected in the text of legislative proposals.

As during agenda setting, interest groups can shape policy outcomes through direct lobbying of policymakers (Dür, 2008). Groups may lobby at the voting stage of the legislative process (Austen-Smith, 1993), transmitting strategic and policy-relevant information to legislators who formulate policies under incomplete information. This continuity shows that lobbying remains a central mechanism across policy stages, but its focus during formulation shifts from agenda influence to concrete text negotiation.

Beyond direct contacts, influence can also occur through formalized participation mechanisms. The formal participation of interest groups during rulemaking can significantly alter the content of policy outputs. In the United States, such influence has been documented in federal agencies, where public participation through notice-and-comment procedures allows organised actors to voice their preferences. Studies show that those who intervene during these consultations often succeed in steering policy outcomes closer to their interests (Yackee, 2006). While the European Union does not have federal agencies, a similar dynamic operates within the European Commission, whose Directorates-General perform comparable regulatory and administrative functions (Hartlapp, Metz, & Rauh, 2014; Kassim et al., 2013; Egeberg, 2006). During the EU's policy preparation phase, the European Commission systematically organises public consultations, convenes expert groups, and conducts impact assessments to collect input from stakeholders (European Commission, 2017; Bunea, 2017; Rasmussen & Gross, 2015). These participatory tools are designed to enhance transparency and evidence-based policymaking, yet they also serve as key access points for interest groups to shape policy content. By engaging early in these processes, organised actors can influence how policy problems are defined, how evidence is interpreted, and which regulatory options are prioritised (Bunea & Thomson, 2015; Quittkat, 2011). Consequently, participation during consultations and expert-group deliberations allows

interest groups to exert influence not only at the agenda-setting stage but also during policy formulation, often by providing technical expertise and political legitimacy to preferred policy choices. In this sense, the findings from Yackee's (2006) analysis of U.S. rulemaking can be applied to the EU context, where structured participation within the Commission's consultative framework provides interest groups with meaningful opportunities to affect the design and orientation of future legislation.

Whereas formal participation mechanisms rely on transparency and consultation, another critical route of influence lies in privileged access. Interest groups with close connections to decision-makers tend to engage in high levels of lobbying targeting these officials directly (Binderkrantz, 2005). Such access may occur at both the agenda-setting and the voting stages (Austen-Smith, 1993). The European Round Table of Industrialists' privileged ties with key policymakers, for instance, played a decisive role in shaping the passage of the Single European Act (Dür, 2008).

In contrast to insider access, many groups also engage in outside lobbying to influence public opinion and shape the broader political climate (Dür, 2008). These activities include campaigns, public statements, and media strategies aimed at generating pressure on policymakers. As Binderkrantz (2005) notes, most organisations combine direct contacts with bureaucrats and parliamentarians with indirect communication activities, making media engagement one of the four main influence strategies observed in empirical research.

Complementing outside lobbying, some organisations strengthen their leverage by mobilising their membership base. Member mobilisation functions as a signalling tool, demonstrating the strength and legitimacy of a group's claims. This strategy is most intensively pursued by cause-oriented groups and those in competitive environments where member engagement is essential for survival (Binderkrantz, 2005).

Moving beyond individual action, many interest groups combine forces to increase their impact. Coalition building enables them to pool expertise and amplify their collective voice, an approach often favoured by the European Commission, which tends to prefer collective representation (Dür, 2008; Klüver, 2013). The magnitude of deployed resources such as lobbying expenditures, expertise, and membership size can directly influence policy outcomes (Gilens & Page, 2014).

In addition to lobbying and coalition efforts, interest groups can exert influence through their structural power. This refers to the capacity to shape policymaker decisions indirectly by virtue of their economic importance or the potential consequences of investment choices (Dür, 2008). Structural power operates through market expectations rather than explicit lobbying, giving major business actors a subtler yet potent form of leverage.

Decision-makers may also pre-emptively adjust their policy positions to avoid confrontation with powerful interest groups, a dynamic known as anticipatory influence. For example, the European Commission is often careful to anticipate the reactions of influential lobbies such as agricultural or energy sectors before proposing reforms (Dür, 2008). This mechanism mirrors the anticipatory behaviour observed at the agenda-setting stage but manifests here in the fine-tuning of policy design.

Closely linked to anticipatory influence, information provision remains one of the most enduring and legitimate forms of lobbying. Policymakers frequently depend on expert information to make decisions under uncertainty, giving well-informed interest groups considerable sway over legislative content (Austen-Smith, 1993). As during agenda setting, the way issues are framed by experts influences not only what is considered relevant but also how problems and solutions are understood. Frames, as Nelson (2019) notes, can shape interpretations, judgments, and even opinions about an issue, ultimately steering the formulation of policy options. Frames refer to the conceptual structures and interpretive lenses through which actors present an issue, highlighting certain aspects while downplaying others to shape how policymakers and the public perceive causes, responsibilities, and solutions (Entman, 1993).

Finally, interest groups rarely rely on a single method of influence. Research shows that different strategies such as insider access, information provision, and public mobilisation are positively correlated, meaning groups often combine them rather than choosing between them (Binderkrantz, 2005). This multi-channel approach enables interest groups to exert pressure across several points of the policy process simultaneously, reinforcing their overall influence and ensuring that their preferences are considered at multiple stages of EU policymaking.

### 3. DECISION-MAKING

The decision-making phase of policymaking, corresponding to “first face of power” (Bachrach and Baratz, 1962), is the stage where policy proposals are formally considered, debated, and either adopted or rejected by the relevant authorities. This is a critical juncture where proposed policies are transformed into binding decisions through various institutional processes.

At this stage, the decision-making phase represents the formal authorization point where policy proposals either become binding decisions or are rejected, making it a pivotal moment in the policy process. This stage “involves the Council and European Parliament as co-legislators, including interinstitutional negotiations (such as trilogues), amendments, and voting procedures” Laloux and Delreux, 2020. Decision-making typically includes formal deliberation, amendment processes, and final voting on proposals.

As the process advances, the Council and Parliament assume greater prominence in decision-making and adoption, while the Commission’s role becomes less central compared to earlier stages like agenda-setting and formulation.

Moreover, research shows that “except in high-conflict cases, most legislative content is not substantially altered during trilogue negotiations” (Laloux and Delreux, 2020), suggesting that while the decision-making phase is crucial, much of the policy content is often determined in earlier stages. Trilogue negotiations are informal tripartite meetings between representatives of the European Commission, the Council of the European Union, and the European Parliament, held to reach a compromise on legislative proposals during the ordinary legislative procedure. These meetings are not part of the formal legislative process defined in the EU treaties but have become the main forum for final political bargaining. Their purpose is to reconcile the positions of the Parliament and the Council, often with the Commission acting as a mediator, in order to agree on a joint text that can be adopted more efficiently (Laloux & Delreux, 2020; Reh et al., 2013). During decision-making, influence mechanisms shift from the agenda-setting focus on the Commission to targeting “the Council and European Parliament as co-legislators,” requiring different strategies and access points for effective influence.

When formal decisions are taken on policies, interest groups attempt to influence legislators and other decision-makers (Dür, 2008). This includes direct lobbying of parliamentarians and government officials and reflects a continuation of many of the strategies seen during agenda setting and policy formulation, though adapted to a more constrained and politically sensitive environment. During this phase, influence tends to

focus on shaping voting outcomes, negotiating amendments, and ensuring that legislative texts reflect group preferences. Several distinct influence mechanisms can occur during the decision-making stage of EU policymaking.

As in the formulation stage, lobbying and information transmission remain central tools of influence, but their focus now narrows to the final moments of negotiation and voting. Direct Access to Pivotal Decision-Makers becomes particularly important. During decision-making, influence depends on proximity to key figures such as rapporteurs, committee chairs, or ministers who play decisive roles in shaping legislative compromises. Strategic information transmission is especially effective at the “vote stage,” when directed toward “the pivotal policy maker” (Crombez, 1997; Crombez, 2002). These mechanisms mirror earlier phases, where the provision of targeted, high-quality information allowed interest groups to build credibility with policymakers, but here they are used to sway the final content of the legislation.

Closely related is Direct Communication with Legislators, which continues the expert-based strategies observed in the formulation stage but occurs under tighter time constraints and greater political visibility. Economic lobbies are particularly effective during phases requiring direct contact with legislators (Serna-Ortega et al., 2025). In these moments, lobbying can affect policy outcomes by providing information that alters policymakers’ beliefs or preferences, with success depending on the lobbyist’s proximity to the pivotal decision-maker (Crombez, 2002).

Just as during agenda setting and formulation, collective organisation enhances credibility and efficiency. At the decision-making stage, lobbying in coalitions is particularly effective because it allows interest groups to pool resources, align messages, and present unified positions to legislators who face time pressure and complex choices. Coalitions help simplify representation for policymakers and demonstrate broad support across sectors or member states. This mechanism, identified by Klüver (2013), is most visible during the decision-making phase involving the Council and European Parliament, where coalition lobbying enables groups to influence final amendments and voting alignments.

Beyond coalition efforts, groups also employ tactical positioning to influence the tempo and substance of negotiations. Research identifies pace-setting, foot-dragging, and fence-sitting as key bargaining strategies that are most effective during the decision-

making process, particularly in contexts requiring compromise (Häge, 2011). These tactics mirror the anticipatory and strategic behaviours described in earlier stages, where actors calibrate their engagement to maximise leverage, but here they directly shape the speed, tone, and outcome of institutional negotiations.

Related to these tactical approaches, institutional bargaining captures how influence operates through calculated positioning within the EU's formal decision-making structures. As in the formulation phase, actors strategically assess institutional incentives, voting rules, and procedural constraints. Studies using mathematical models of strategic behavior (Crombez, 2002; Crombez & Hug, 2000; Steunenberg, 2003) show how policymakers and interest groups alike act strategically under institutional constraints, adapting their positions to expected reactions from other actors. This reflects a deep continuity between earlier agenda-setting dynamics, where actors framed problems strategically, and the formal decision-making stage, where these calculations translate into legislative bargaining.

As the process progresses, influence becomes embedded in the EU's formal interinstitutional framework. The decision-making stage involves the Council and European Parliament acting as co-legislators, where compromise is achieved through structured negotiations, including trilogues, amendments, and voting procedures. These settings are the institutional arenas where lobbying and information transmission converge: interest groups target rapporteurs, attaché-level officials, and national representatives to shape amendment wording or voting preferences. Trilogues, in particular, offer a condensed negotiation environment in which technical expertise and political pressure meet, providing final opportunities for groups to influence legislative outcomes before adoption.

Findings across EU files show that access to pivotal decision makers is a recurring predictor of influence during interinstitutional bargaining. Dür and Mateo (2016) and Eising (2007) document how sustained ties to rapporteurs, shadows and Council attachés improve the odds that amendments survive into the final compromise. The effect is stronger when technical input accompanies access, which points to complementarities between political and cognitive resources.

Alongside these formal processes, informal mechanisms remain crucial, as observed in both earlier stages of policymaking. Informal networks, personal relationships, and

semi-official settings such as the Committee of Permanent Representatives (COREPER) or informal Council meetings allow interest groups to exert influence outside visible procedures (Heidbreder & Brandsma, 2018). These informal channels mirror the backdoor influence seen during agenda setting but become even more significant here, bridging institutional divides and accelerating compromises when formal negotiations stall.

Finally, decision-making at the EU level is deeply shaped by the Council of the European Union, where ministers act as national gatekeepers. Here, influence can take the form of ministerial capture, echoing the access-based strategies seen in the formulation stage but occurring at a higher political level. Interest groups with privileged connections to national ministries can shape national positions within the Council or secure policy promises in exchange for political or economic support. As Steunenberg (2003) notes, special interest groups may “capture” ministers through ongoing communication, persuasion, or political commitments, thereby indirectly influencing collective EU decisions.

Together, these mechanisms show that the decision-making stage builds on earlier forms of influence but amplifies their strategic and political dimensions. Whereas agenda setting revolved around problem recognition and framing, and formulation focused on technical expertise and proposal drafting, decision-making transforms those earlier efforts into final political negotiations. Influence here is more direct, concentrated, and often contingent on institutional access, coalition strength, and timing.

#### 4. IMPLEMENTATION

The implementation phase of policymaking represents the critical transition from policy decisions to real-world outcomes, where legislative intent is translated into operational action through complex coordination across multiple levels of governance. It operates within a multi-level framework involving interactions between European, national, and sometimes regional authorities. Implementation primarily entails the transposition and enforcement of adopted policies at the national level, under the oversight and coordination of the European Commission and, in some cases, specialized agencies or committees such as comitology structures. The European Council also plays a hierarchical role in decision-making and oversight during implementation, particularly in ensuring compliance or steering coordination among member states (Steunenberg, 2003).

At this stage, activities include standard setting, best practice identification, and knowledge transfer, ensuring that EU legislation is applied consistently across member states (Wallace, Pollack & Young, 2013). Implementation is thus both an administrative and political process, requiring continuous negotiation between institutional actors with differing preferences and constraints. Studies highlight “the complexities of implementation, including the role of comitology, feedback loops, and the mobilization of implementation experiences to inform future policy change” (Steunenberg et al., 1996; Polman et al., 2020). “Coordination challenges are particularly salient in sectoral or cross-cutting policy areas” (Steunenberg, 2003; Bulmer et al., 2020).

The implementation phase is increasingly recognized as creating vital feedback and evaluation mechanisms that close the loop between implementation and agenda setting, allowing lessons from practice to inform future policymaking (Polman et al., 2020). It was mentioned in 11 of the 25 studies examined, making it one of the most commonly identified stages of the EU policy process alongside agenda setting and decision making.

After policies are enacted, interest groups can still shape how they are implemented by influencing the bureaucratic and administrative decisions that determine how legislation is applied in practice. Their influence at this stage no longer concerns the adoption of new rules but rather the interpretation, specification, and enforcement of existing ones by implementing authorities. This often involves engagement with the European Commission’s Directorates-General, national ministries, or specialized agencies responsible for execution, as well as participation in consultations on implementation guidelines issued by the Commission to ensure consistent application across member states (European Commission, 2017; Yackee, 2006).

During this phase, the balance of influence depends heavily on the resources and capacities available to national bodies tasked with implementation. The extent of financial support, administrative infrastructure, and technical guidance provided by the Commission and EU programs can significantly affect how faithfully and effectively policies are enforced (Hartlapp & Falkner, 2009; Borrás & Radaelli, 2011). Consequently, interest groups adapt their strategies to this administrative environment, maintaining contact with key bureaucrats, expert committees, and Commission officials who can shape implementation priorities, interpretive guidelines, or funding allocations. In this context, lobbying becomes less about political negotiation and more about

shaping operational choices, ensuring that the application of EU law aligns with specific sectoral or organizational interests.

Beyond these formal interactions, research identifies administrative networks and informal lobbying as key influence mechanisms during implementation. Formal channels tend to be more accessible to detached or external actors, while informal routes are used more effectively by actors maintaining closer ties with the Commission (Polman et al., 2020). These informal relationships allow for a continuous exchange of information and flexibility in adjusting implementation practices without the constraints of formal consultation frameworks.

In parallel, organized interests may also engage in mobilization and access-seeking activities. During the mobilization stage, particularly when seeking access to policymakers, interest groups can exert significant influence. However, Polman et al. (2020) note that while organized interests are often influential, the input from broader societal actors can make it difficult for individual implementation experiences to gain traction or compete for attention in the policy process.

A further channel of influence arises through the use of implementation experiences. According to Polman et al. (2020), actors can leverage their practical experience with policy implementation to influence future policy development or modifications. This mechanism allows implementation actors to transform operational insights into political capital, shaping subsequent revisions or adjustments of the original legislation.

Comitology and committee procedures represent another important mechanism of influence. Studies have analyzed the complexities of implementation, emphasizing the role of comitology and the institutionalized committee processes through which implementing acts are adopted (Steunenberg et al., 1996; Polman et al., 2020). These procedures create structured opportunities for both member states and interest groups to engage with Commission officials and affect how policies are operationalized at the European level.

In addition, feedback loops and policy change mechanisms provide a pathway for implementation actors to influence subsequent policy cycles. Polman et al. (2020) identify feedback loops and the mobilization of implementation experiences as critical tools through which lessons learned during implementation can inform the design of

future legislation, ensuring that policymaking remains responsive to on-the-ground realities.

Coordination mechanisms also play a central role during implementation. Coordination challenges are particularly salient in sectoral or cross-cutting policy areas, where the diversity of institutional and national interests can generate friction and delays (Steunenberg, 2003; Bulmer et al., 2020). The negotiation and management of coordination itself thus become additional arenas where actors can exercise influence, using their networks and resources to shape how policies are aligned and executed across member states.

Finally, evaluation and feedback mechanisms are increasingly recognized as integral to the policy cycle, closing the loop between implementation and agenda setting. By contributing to evaluation processes and framing the interpretation of implementation outcomes, interest groups and administrative actors can shape future priorities and the overall trajectory of EU policymaking.

Implementation opens additional venues of influence that favour technically credible actors and well-coordinated networks. Yackee (2006) and Polman et. al. (2020) show that contributions to guidelines, comitology and evaluation loops can recalibrate future rules, especially when evidence is packaged as workable practice.

### C. STRATEGIES PER TYPE OF RESOURCE

Having detailed in the previous section the strategies associated with each stage of the policymaking cycle, we now regroup them according to the type of resource they mobilise. This perspective highlights the underlying drivers of influence rather than their chronological deployment. In practice, actors rarely limit themselves to one phase of the process but rely on a combination of resources to reinforce their position across agenda-setting, policy formulation, decision-making, and implementation. Focusing on these four resource types (monetary, cognitive, political, and collaborative) clarifies how different forms of power are activated and how they shape actors' capacity to attain their preferences.

The literature identifies these four principal resources as the main determinants of lobbying capacity and influence variation among actors. Money functions as an enabling resource: financial capacity sustains permanent Brussels presence, commissioned studies, and multi-stage engagement (Dür, 2008; Binderkrantz, 2005). However, monetary strength alone is not sufficient when demands face strong opposition or poor framing (Baumgartner et al., 2009). Expertise operates both as information and as a source of legitimacy. High-quality input consistently yields influence in complex files (Klüver, 2013; Mahoney, 2007), yet credibility and timing condition its impact, meaning that perceived impartiality often matters more than the volume of evidence (Beyers et al., 2014). Political resources capture privileged access, agenda proximity, and coalition ties to office holders. These ties can convert into influence at amendment and trilogue stages, particularly when combined with technical proposals that reduce negotiation costs (Dür & Mateo, 2016; Eising, 2007; Beyers et al., 2008). Collaboration multiplies scarce resources by pooling credibility and reach. Joint letters and coalitions help resolve uncertainty for officials and raise the cost of ignoring a demand, although their effectiveness varies with internal alignment and message coherence (Klüver, 2013; Hanegraaff, 2015).

Table 2 below compiles these strategies per resource type:

Table 2 - Strategies per Resource Type

Resource type	Agenda-setting	Policy formulation	Decision-making	Implementation
<b>Monetary resources</b>	<ul style="list-style-type: none"> <li>• Funding public campaigns</li> <li>• Financing think tanks or research</li> </ul>	<ul style="list-style-type: none"> <li>• Resource deployment for lobbying activities</li> <li>• Commissioning policy papers</li> </ul>	<ul style="list-style-type: none"> <li>• Hiring law firms</li> <li>• Sponsoring lobbying campaigns targeting legislators</li> </ul>	<ul style="list-style-type: none"> <li>• Funding compliance projects</li> <li>• Supporting monitoring initiatives</li> </ul>
<b>Cognitive resources</b>	<ul style="list-style-type: none"> <li>• Expert and technical input</li> <li>• Direct information transmission and strategic communication</li> <li>• External events and crisis-driven influence</li> </ul>	<ul style="list-style-type: none"> <li>• Direct lobbying and information transmission</li> <li>• Formal participation in rulemaking</li> <li>• Anticipatory influence</li> <li>• Information provision and expertise</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic lobbying and information transmission</li> </ul>	<ul style="list-style-type: none"> <li>• Use of implementation experiences</li> <li>• Feedback loops and policy change</li> </ul>
<b>Political resources</b>	<ul style="list-style-type: none"> <li>• Structural power</li> <li>• Pressure politics and public support</li> <li>• Informal influence mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• Structural power</li> <li>• Access to decision-makers</li> <li>• Outside lobbying and media strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Direct access to pivotal decision-maker</li> <li>• Direct communication with legislators</li> <li>• Strategic positioning and bargaining tactics</li> <li>• Institutional bargaining and strategic behavior</li> <li>• Interinstitutional negotiations</li> <li>• Ministerial influence and capture</li> <li>• Informal mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative networks and informal lobbying</li> <li>• Mobilisation and access-seeking</li> <li>• Comitology and committee procedures</li> </ul>
<b>Collaboration</b>	<ul style="list-style-type: none"> <li>• Coalition building</li> <li>• Multiple channel grassroots strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Member mobilisation</li> <li>• Coalition building and resource deployment</li> <li>• Multiple channel approaches</li> </ul>	<ul style="list-style-type: none"> <li>• Coalition building and collective action</li> </ul>	<ul style="list-style-type: none"> <li>• Coordination mechanisms</li> <li>• Evaluation and feedback mechanisms</li> </ul>

Across studies, no single resource dominates in all stages. Returns increase when actors combine resources in complementary ways, such as expertise plus access or money plus coalition reach. This classification shows that influence strategies in EU policymaking can be meaningfully regrouped according to the type of resource they mobilise. Monetary resources

play a supporting role, enabling other forms of action at all stages, from funding campaigns in agenda-setting to sustaining monitoring in implementation. Cognitive resources dominate in the earlier phases, where technical expertise and information are essential to framing issues and shaping proposals. Political resources are most visible at the decision-making stage, where access, bargaining and institutional positioning become decisive. Finally, collaboration emerges as a transversal resource, underpinning agenda-setting coalitions, collective lobbying in negotiations, and coordination in the implementation phase. Looking across Table 2, it becomes clear that no actor relies exclusively on a single resource: influence depends on the ability to combine different forms of capital strategically, adapting them to the opportunities of each stage of the policy cycle.

## D. STAKEHOLDERS

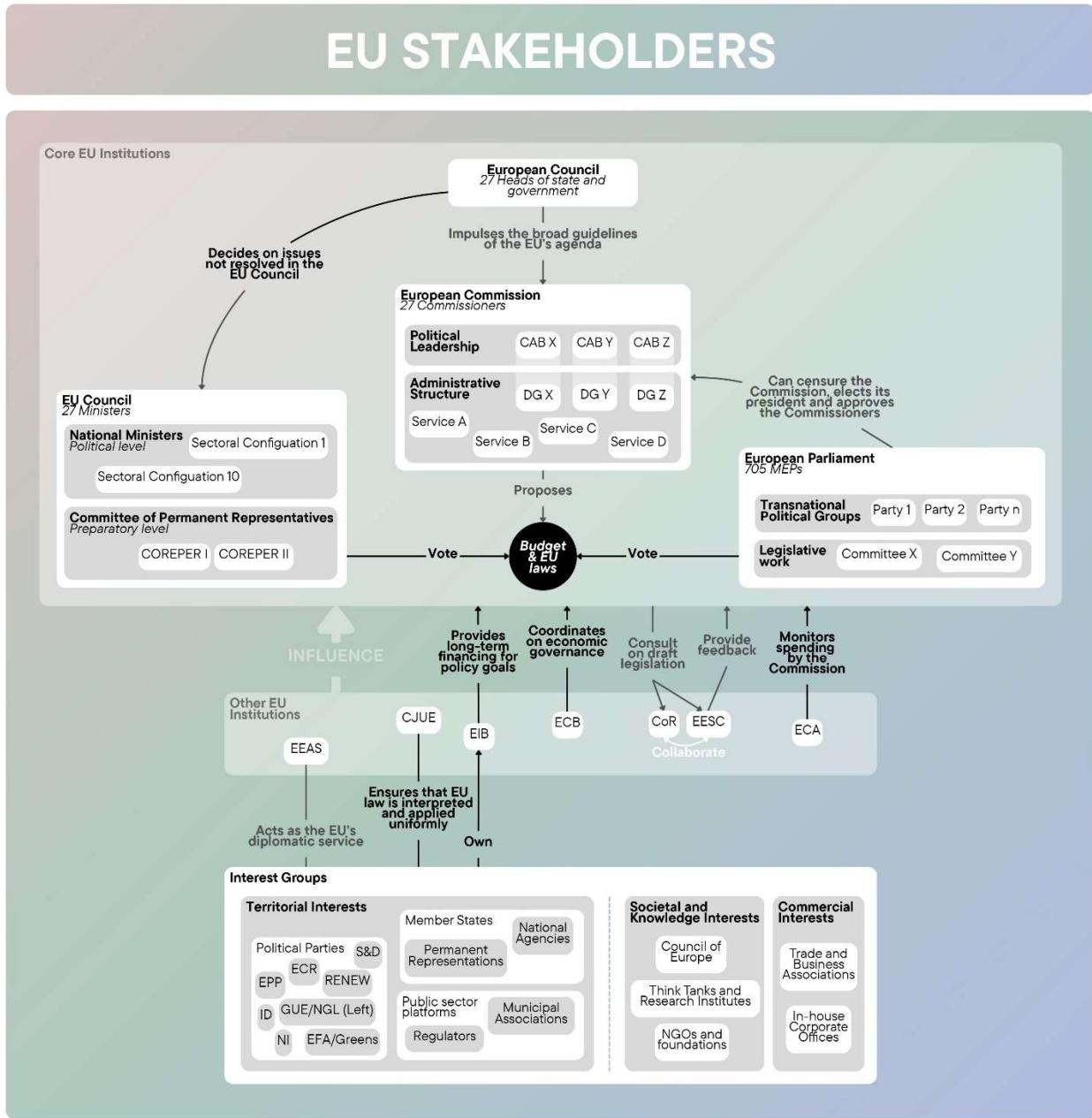
Why influence policymaking at all? In political science, issue salience refers to how important, visible, and contested a policy issue is in the eyes of policymakers, interest groups, the media, or the public, and is often used to explain why some issues attract more attention, lobbying, and conflict than others. High-salience issues are politically sensitive, heavily debated, and closely monitored (e.g., migration, climate change, or eurozone stability) and because they are “on the radar,” actors face more public and political scrutiny, while low-salience issues are more technical, specialized, or hidden from public view (e.g., chemical safety standards, fisheries quotas) and often receive less media coverage and are dominated by experts and specialized interest groups.

Research on EU policymaking reveals a wide diversity of actors occupying different roles and levels of influence. At the EU level, agencies represent a significant category. Wood (2017) distinguished four types of entrepreneurial strategies among EU agencies: technical-functional agencies, with low political salience and limited entrepreneurship, focused on information collection; politicized agencies, operating in highly salient contexts and employing extensive entrepreneurial methods under political pressure; insulating agencies, which maintain independence and credibility through internal effectiveness despite high salience; and network-seeking agencies, which use extensive entrepreneurship to expand their role despite operating in lower salience contexts. Similarly, Gouglas et al. (2017) studied the cabinets of European Commissioners, finding that advisers primarily function as policy managers and political bodyguards across multiple arenas. At the national level, actors are equally diverse. State actors, such as government institutions and national authorities, typically dominate the first block of policy networks and hold the most power (Kriesi, Adam & Jochum, 2006). Political parties, representing different domestic orientations, constitute the second block, often working alongside state actors in shaping EU debates. Interest associations represent organized groups defending sectoral interests at the national level, forming the third block of policymaking networks. Finally, social movement organizations (SMOs) and NGOs represent civil society concerns and dominate the fourth block (Kriesi, Adam & Jochum, 2006). Additional scholarship complements these perspectives. Giuliani (2023) introduced a typology of policy-taking styles, structured around logics of conditionality and appropriateness, while Beyers et al. (2018) examined how political salience varies across actor types. Collectively, these studies highlight how EU and national actors differ not only in their institutional position but also in their capacity to leverage influence within multi-level policymaking environments.

Alongside diverse actors, scholarship has mapped the range of strategies through which influence is exerted in EU policymaking. Agenda-setting has been a central focus. Princen (2011) identified four strategies actors employ to gain attention and credibility, emphasizing tools such as venue selection and framing. Eising et al. (2015) further developed frame typologies, showing that the deployment of frames depends on institutional and policy contexts as well as strategic considerations. Policy monitoring has also been categorized. Zwaan and Schoenfeld (2024) demonstrated that actors' use of monitoring depends on the level of goal agreement and instrument certainty, distinguishing between different modes of monitoring across policy areas. In turn, Wood (2017) linked the entrepreneurial strategies of EU agencies to levels of political salience, showing how agencies adapt their strategic choices to political pressures. Taken together, these typologies reveal that policymaking strategies in the EU are not uniform but depend on issue salience, institutional context, available resources, and the position of the actor within the multi-level system.

Figure 1 depicts the general structure of the network of actors that applies to the EU policymaking system, while specific actors relevant to the EMFA negotiations will be presented in the case study (IV. B).

Figure 1 – EU Stakeholders Framework



In the following sections, we will present these different stakeholders one by one.

## 1. EU INSTITUTIONS

### a. Core Legislative and Executive Institutions

The European Union's multi-level governance system involves diverse institutional and non-institutional actors operating across supranational and national levels. Key EU institutions include the European Commission, European Parliament, and Council of the EU, which serve as primary legislative bodies with varying degrees of bargaining success (Selck & Rhinard, 2005). The European Economic and Social Committee (EESC) represents organised civil

society, where actors compete for social and cultural capital while following pro-European scripts (Uhlen & Arvidson, 2022). Beyond formal institutions, the EU system encompasses regulatory agencies shaped by principal–agent dynamics between legislative and executive actors (Keleman, 2002), as well as numerous transnational actors, such as expert groups, university alliances, and academic associations, involved in knowledge governance (Fumasoli et al., 2018).

Interest groups and lobbying organisations form another crucial component of EU policymaking, with both business and non-business actors employing a mix of insider strategies and public communication tactics to influence outcomes (Beqiri et al., 2015; Pop, 2013; Judge & Thomson, 2011; Kriesi et al., 2007). Being situated at the apex of national political and associational systems, these EU-level actors often function as aggregators of national preferences, promoting cross-border consensus through frames that emphasise European integration, market efficiency, and regulatory coherence (Eising, Rasch & Rozbicka, 2015).

### *The European Commission*

Within the European Commission, cabinet advisers perform distinct roles as policy managers who steer policy and political bodyguards who mind the Commissioner. They are highly active across three arenas: orientating and mobilizing officials in the Directorate Generals, coordinating policy across Commissioner cabinets, and building political support through consulting and bargaining with external stakeholders (Gouglas, Brans & Jaspers, 2017).

The European Commission plays a crucial role as policy entrepreneurs who take skilled action to construct or revise frames: it frames policy proposals in a way that is meant to bring together the relevant political and societal actors as well as decrease the amount of conflict between them (Eising, Rasch & Rozbicka, 2015). Within the Commission, cabinet advisers serve as policy managers who steer policy and political bodyguards who mind the Commissioner, being highly active across three arenas: orientating and mobilizing officials in the Directorate Generals, coordinating policy across Commissioner cabinets, and building political support through consulting and bargaining with external stakeholders (Gouglas, Brans & Jaspers, 2017).

### *The European Parliament*

The European Parliament is identified as a key EU-level actor that must take account of the high consensus requirements in the EU political system if the policy status quo is to be changed, and thus also employs generic institutional frames them (Eising, Rasch & Rozbicka, 2015).

Members of the EP or representatives of EP party groups make media statements and are active in policy debates (Beyers, Dür & Wonka, 2018).

### *The Council of the EU*

The Council of the European Union, often referred to simply as the Council, acts as a co-legislator alongside the European Parliament, representing the governments of the Member States. Its primary role is to negotiate, amend, and adopt EU legislation, often working through rotating presidencies and specialised working parties that prepare policy compromises. The Council embodies the intergovernmental dimension of EU decision-making, translating national preferences into EU-level bargaining positions (Puettner, 2014; Hayes-Renshaw & Wallace, 2006). Within the EMFA process, national representatives in the Council played a pivotal role in mediating between the Commission's proposal and Member States' divergent priorities on media governance and state advertising rules.

### *The European Council*

The European Council occupies a different position within the EU institutional framework. Composed of Heads of State or Government, it sets the Union's overall political direction but does not directly participate in legislative detail (Christiansen, 2002; Wessels, 2016). Its conclusions establish the strategic priorities that guide the Commission's legislative agenda and the Council of the EU's negotiations. In areas such as media freedom, where the issue intersects with broader themes of democracy, rule of law, and digital transformation, the European Council's statements have shaped the tone of debate without intervening in specific regulatory provisions.

#### *b. Major Consultative, Oversight and Advisory Bodies*

A set of consultative and supervisory institutions link EU policymaking with civil society, territorial authorities, and accountability mechanisms.

### *The European Economic and Social Committee (EESC)*

The European Economic and Social Committee represents organised civil society, including employers, workers, and various interest groups, providing a forum for socio-economic dialogue (Uhlen & Arvidson, 2022). Complementing it, the European Committee of the Regions (CoR) gives regional and local authorities a formal voice in EU policymaking through consultative opinions on legislative proposals and the promotion of territorial perspectives (Tatham, 2015).

### *The Committee of the Regions (CoR)*

The Committee of the Regions is a formal advisory body that gives regional and local authorities a voice in the European Union's legislative process. It was established by the Maastricht Treaty and strengthened in subsequent treaties to ensure that EU policies consider territorial diversity<sup>7</sup>. The CoR collects input from regional and municipal representatives, issues opinions on proposed legislation particularly when it affects regional competencies, and functions as a conduit between local institutions and EU governance<sup>8</sup>. Its role helps bridge the gap between EU-level policymaking and subnational realities by promoting subsidiarity and ensuring that regional actors contribute to policy design and oversight.

### *The Court of Justice of the EU (CJEU)*

While the Court of Justice of the European Union is not a frequent target of active lobbying, it plays a pivotal role in ensuring the uniform interpretation and application of EU law across all Member States. Beyond its judicial function, the CJEU exerts significant policy-shaping influence through its jurisprudence on competences, institutional balance, and fundamental rights (Alter, 2001). Landmark rulings such as *Van Gend en Loos* (1963) and *Costa v. ENEL* (1964) established the doctrines of direct effect and supremacy of EU law, which remain cornerstones of European integration.

By interpreting treaty provisions and secondary legislation, the Court frequently clarifies ambiguous legal concepts and expands the scope of EU competences, effectively driving policy evolution in domains such as competition law, environmental protection, and digital governance. In the field of media and communication, its case law has contributed to defining the limits of state aid, market access, and freedom of expression in digital contexts. The CJEU thus acts not only as a judicial arbiter but also as a constitutional actor that shapes the legal and institutional framework within which EU policymaking occurs.

### *The European Court of Auditors (ECA)*

The European Court of Auditors, also not a frequent lobbying target, ensures the sound financial management and accountability of the Union's budget. As the EU's external audit institution, it verifies that revenue and expenditure comply with legal and procedural standards, but its impact extends beyond technical scrutiny. Through its special reports and performance audits, the ECA

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<sup>7</sup> CVCE. (n.d.). Committee of the Regions - European organisations. Retrieved from <https://www.cvce.eu/en/education/unit-content/unit/d5906df5-4f83-4603-85f7-0cab24b9fe1/5a7eb176-2133-4e37-8258-a05080d9c277>

<sup>8</sup> UPF. (n.d.). Committee of Regions & European Economic and Social Committee. Retrieved from <https://www.upf.edu/web/eu-governance/cor-eesc>

provides detailed policy evaluations and evidence-based recommendations that inform both legislative revisions and administrative reforms (Dawson, 2017).

While the ECA does not possess enforcement powers, its findings carry considerable political and reputational weight. The European Parliament and the Council rely on its annual reports when granting budget discharge to the Commission, making the ECA an essential intermediary between auditing and policymaking. In practice, its evaluations have influenced reforms in cohesion policy, agricultural subsidies, and digital transformation programmes by identifying inefficiencies and proposing corrective measures.

By reinforcing transparency, fiscal discipline, and policy learning, the ECA contributes to the legitimacy and effectiveness of EU governance, strengthening public trust in how the Union manages its resources.

*c. Financial, External and Regulatory Institutions*

Specialised institutions extend the Union's influence into economic, diplomatic, and regulatory domains.

*The European Central Bank (ECB)*

The European Central Bank is responsible for conducting monetary policy in the euro area and ensuring price stability, a mandate enshrined in the Treaty on the Functioning of the European Union. While formally independent from political influence, the ECB plays a deeply political role in economic governance. Its decisions on interest rates, asset purchases, and liquidity support have profound implications for fiscal policy, market regulation, and economic convergence among Member States (Verdun, 2017).

Since the eurozone crisis, the ECB has evolved from a narrowly defined monetary authority into a central actor in EU economic and financial governance. Through instruments such as the European Systemic Risk Board and the Banking Union, it contributes to the supervision of financial institutions and crisis management mechanisms. In this sense, the ECB's influence extends beyond monetary policy, shaping the macroeconomic environment in which EU legislation on growth, investment, and budgetary discipline operates. Its independence enhances credibility, but also positions it as a technocratic policymaker, balancing market confidence with democratic accountability.

### *The European Investment Bank (EIB)*

The European Investment Bank functions as the Union's long-term financing arm, remote to the centre of lobbying strategies, supporting projects that promote EU policy objectives such as innovation, cohesion, and climate transition. Owned by the Member States, it raises capital on international markets and provides loans, guarantees, and equity investments to both public and private entities. While its activities are financial in nature, the EIB has become a key policy instrument, translating the Union's strategic priorities into tangible investments.

Over time, the EIB's portfolio has expanded to include initiatives such as the European Fund for Strategic Investments (EFSI) under the Juncker Plan and the InvestEU programme, which stimulate private investment in areas aligned with the Green Deal and the digital transition (Mertens & Thiemann, 2019). Its financing decisions thus play an important agenda-setting role, steering resources toward projects that operationalise EU policy goals. Although the Bank operates at arm's length from legislative institutions, it embodies the Union's commitment to sustainable development, social cohesion, and competitiveness through financial governance.

### *The European External Action Service (EEAS)*

The European External Action Service serves as the diplomatic and coordination body of the European Union, supporting the High Representative for Foreign Affairs and Security Policy, while not being a central target for lobbying activities. Created by the Lisbon Treaty, it integrates diplomatic, security, and development dimensions of EU external action (Spence, 2012). The EEAS operates through EU delegations around the world, representing the Union's interests and coordinating with Member State embassies to ensure coherence across foreign policy initiatives.

Its influence extends beyond traditional diplomacy: the EEAS plays a strategic role in shaping external dimensions of internal policies, such as digital regulation, migration management, or media freedom promotion in candidate and neighbourhood countries. It frequently collaborates with the Commission's external relations Directorates-General, the Council, and international organisations to articulate unified EU positions. By doing so, the EEAS contributes to projecting the Union's normative power, anchored in democracy, human rights, and multilateralism, while enhancing the global visibility and coherence of EU policymaking.

### *The European Data Protection Supervisor (EDPS)*

The European Data Protection Supervisor is the independent authority that oversees how EU institutions and bodies handle personal data. It monitors compliance with EU data protection

law inside the institutions, carries out investigations and audits, issues guidance and opinions to improve practice, and can use corrective powers when needed. The EDPS also acts as a policy advisor to the legislator by assessing the data protection and privacy implications of proposed EU laws, which makes it a recurrent interlocutor in files touching on media, platforms, advertising, and security. In addition, the EDPS serves as the secretariat for the European Data Protection Board and participates in European and international cooperation that aims to ensure coherent application of data protection rules across jurisdictions. Including the EDPS clarifies how privacy and data governance considerations feed into agenda-setting, drafting, and implementation across the EU policy cycle.

## 2. TERRITORIAL INTERESTS

Territorial Interests, including regional and local representations, represent a distinct category of stakeholders registered in the EU Transparency Register, accounting for nearly one-fifth of registrants in 2025 (see I.C.3). However, to study the case of the EMFA, relevant stakeholders that correspond to this category being Member States, political parties and public sector platforms, territorial interests will not be compared to the other types of interest groups, namely Societal and Knowledge-Based Interests and Commercial and Professional Interests, as these stakeholders do not share the same nature of status, role, or access within the policymaking process. Member States and political parties are formally represented in the European Parliament and the Council, which provides them with direct institutional channels to express and defend their positions. Similarly, public sector platforms such as regulatory networks or permanent representations act within the EU administrative framework rather than through external lobbying, since their function lies in ensuring coordination, technical expertise, and consistent implementation of EU law. Consequently, their preferences and levels of attainment are examined only to provide contextual depth and to clarify how their institutional orientations may have coincided with, or indirectly supported, the advocacy efforts of other interest groups pursuing similar objectives.

### *The Paradox of Weakness: Opportunities and Constraints in Multi-Level Governance*

The Paradox of Weakness is an interesting concept that helps measure the complexity of the multi-level governance system of the EU, and what consequences it has on territorial-level influence chessboard.

The EU's multi-level system produces what Grande (1996) terms a *paradox of weakness*. National governments, constrained by shared sovereignty, appear weaker externally but can use

this limitation strategically to strengthen domestic control. The dispersion of authority among EU institutions and member states creates a negotiation environment where policymaking becomes slower, more technical, and dependent on expert input. This complexity opens multiple entry points for interest groups, especially those able to supply the expertise and information needed to navigate such policymaking structures.

In this fragmented context, interest groups that master procedural knowledge and provide credible data gain a competitive advantage, reinforcing the privileged position of corporate and professional associations. Conversely, less resourced NGOs and smaller associations must compensate through alliances, media visibility, and transnational networks that allow them to influence the political narrative even without direct access.

In this system marked by fragmented authority and asymmetric resources, the paradox of weakness not only shapes how power circulates but also determines which actors can effectively turn constraints into leverage: political parties adapt their strategies across national and transnational arenas, Member States use coordination and information channels to defend their interests within complex negotiations, and public sector platforms emerge as essential intermediaries that translate multilevel governance into coherent administrative practice.

We will now introduce each of the main territorial interests stakeholders.

#### *a. Political Parties*

Political parties organise political competition within and across European countries. At the European level, parties channel domestic political orientations into EU policy debates and are influential in shaping EU policy (Kriesi, Adam & Jochum, 2006), and they group into transnational federations such as the European People's Party or the Party of European Socialists, which bring together national parties that share ideological positions. These federations coordinate positions before European elections, influence the choice of European Commission leadership, and organise cooperation among Members of the European Parliament. Political parties therefore play a linking role between citizens, national governments, and EU institutions, ensuring that political debates and policy priorities reflect democratic pluralism at both national and supranational levels.

In the EU policymaking framework, political parties operate through multilevel coordination and strategic adaptation, balancing their national structures with participation in transnational federations. Evidence shows that party elites gain influence through EU-level engagement, often at the expense of national control (Carter et al., 2010). Parties systematically exchange

information across levels, attempt to shape EU policies, and maintain cross-level connections motivated by career incentives (Senninger et al., 2018). However, their influence remains uneven, as they are not always dominant actors within EU institutions (Lindberg et al., 2008). Transnational party federations play a distinct role by linking partisan networks across institutions rather than exercising traditional government-making power (Hecke et al., 2010). Adaptation occurs across five main dimensions: policy content, organisation, party competition, party-government relations, and external relations (Ladrech et al., 2002). While parties often make strategic, goal-oriented organisational choices, normative and historical factors also shape their evolution (Pittoors et al., 2020). Overall, parties employ both institutional “inside strategies” and communication-based approaches, with their repertoires determined by contextual power dynamics (Kriesi et al., 2007). The next few paragraphs briefly detail what the main political families in the EU Parliament are.

#### *European People’s Party (EPP)*

The European People’s Party is the main centre-right political family in the EU, bringing together Christian-democratic and conservative parties. It emphasises market integration, democratic values, and media pluralism while supporting a cautious balance between regulation and freedom of enterprise.

#### *Identity and Democracy (ID)*

Identity and Democracy is a far-right political group composed of nationalist and Eurosceptic parties. It strongly opposes EU intervention in national affairs and often frames media legislation such as the EMFA as a threat to sovereignty and free expression.

#### *Progressive Alliance of Socialists and Democrats (S&D)*

The S&D Group represents social-democratic and socialist parties. It advocates for strong protections of media freedom, workers’ rights, and democratic accountability, supporting EU-level regulation to ensure pluralism and prevent political or corporate media capture.

#### *European Conservatives and Reformists (ECR)*

The ECR Group unites conservative, nationalist, and reform-oriented parties. It supports economic freedom and limited EU intervention, opposing measures that could centralise control or infringe on Member States’ sovereignty, including some aspects of the EMFA.

#### *Renew Europe (RENEW)*

Renew Europe is a centrist and liberal political group promoting innovation, transparency, and fundamental rights. It favours EU-level safeguards for media independence and competition,

often acting as a bridge between progressive and conservative positions in legislative negotiations.

#### *The Greens / European Free Alliance (Greens/EFA)*

The Greens/EFA Group combines green, regionalist, and progressive parties. It supports ambitious transparency, anti-concentration measures, and journalist protection provisions, viewing media freedom as integral to democracy and environmental accountability.

#### *The Left in the European Parliament (GUE/NGL)*

The Left Group (GUE/NGL) gathers socialist, communist, and other radical left parties. It calls for stronger public service media, restrictions on corporate influence, and protection from surveillance or commercial pressure, favouring a citizen-centred approach to media regulation.

#### *Non-affiliated Members (NI)*

Non-affiliated Members are independent Members of the European Parliament who are not part of any official political group. Their positions vary widely, often reflecting national or individual political priorities rather than coordinated group strategies.

### *b. Member States*

Member State actors include national ministries, government agencies, and permanent representations that defend their country's interests within the EU. The permanent representations in Brussels act as embassies to the European Union, coordinating national positions, monitoring legislative proposals, and negotiating on behalf of their governments in the Council of the EU. Within national capitals, ministries prepare instructions, assess how proposed legislation may affect domestic policies, and align their sectoral priorities with broader government strategies. Together, these actors ensure that each Member State remains closely involved in shaping EU decisions, maintaining a continuous exchange of information and negotiation between the national and supranational levels.

State actors typically represent the most powerful actors of policymaking (Kriesi, Adam & Jochum, 2006). Member state actors in EU policymaking are mainly characterized by permanent representations serving as central information hubs between national capitals and Brussels, with significant variation in domestic coordination effectiveness across countries. Wright et al. (2001) examined 11 member states' coordination strategies, while Panke et al. (2010) analyzed domestic coordination practices in 19 small states, and Kassim & Peters (2001) provided systematic comparative findings. These studies demonstrate that permanent representations function as critical "central hub of information flows between national

capitals...and ongoing negotiations in Brussels" (Lewis et al., 2014), handling both upstream (defending interests, collecting information) and downstream (reporting, advising) communications. However, effectiveness varies significantly based on domestic institutional arrangements. Panke et al. (2010) found states like Luxembourg and Ireland develop "good instructions swiftly" while others like Greece and Cyprus produce "delayed and suboptimal instructions." Beyers & Trondal (2003) showed how domestic institutional embeddedness shapes officials' representational roles, with Belgian officials being more supranationally oriented than Swedish counterparts due to different institutional structures. National government representatives make media statements and are active in policy debates cases (Beyers, Dür & Wonka, 2018).

### *c. Public sector platforms*

Public sector platforms bring together national regulators, administrative authorities, and European institutions to coordinate how EU law is applied across countries. They do not make laws but ensure that legislation is implemented consistently and effectively. These platforms, often referred to as regulatory or administrative networks, exchange technical information, share best practices, and monitor how national administrations enforce EU rules. Examples include the European Competition Network (ECN) and the European Board for Media Services (EBMS). Their purpose is to maintain coherence, avoid regulatory gaps, and strengthen cooperation among public bodies. By facilitating dialogue and problem-solving between national and EU levels, they make the Union's complex legal and administrative framework work in practice.

They primarily serve as coordination mechanisms with limited formal powers, functioning as intermediaries between the European Commission and national authorities to facilitate policy implementation and knowledge sharing. The evidence base is robust, drawing from systematic analysis across multiple sectors and methodological approaches. Martinsen et al. (2022) provides comprehensive mapping across five policy areas (internal market, health, social protection, asylum, environment), revealing that these networks vary significantly in formalization and independence but consistently serve to reduce differentiated implementation. Coen et al. (2008) demonstrates through principal-agent analysis that networks have "wide range of tasks and broad membership, but enjoy few formal powers or resources" and remain "highly dependent on the European Commission." Empirical evidence from sector-specific studies supports these findings: Maggetti et al. (2011) shows how network centrality affects domestic adoption of standards in securities regulation, while Papadopoulos et al.

(2018) provides direct observational evidence of knowledge circulation mechanisms in broadcasting regulation. Blauberger et al. (2015) offers theoretical grounding through the “orchestration” framework, explaining why functional coordination needs drive network creation while political factors determine their specific design features.

### 3. INTEREST GROUPS

#### a. *General Overview of Interest Groups*

Interest groups constitute a distinct category of political actors whose strategies, motivations, and influence patterns have been widely examined. Research shows that business and professional associations generally prioritise direct access to decision-makers, whereas citizen groups more often rely on public mobilisation tactics (Binderkrantz, 2008; Dür & Mateo, 2013). Examples in practice include running public campaigns to pressure legislators on climate policy (Kollman, 1998), mobilising demonstrations to push for legislative change, or buying media ads or launching petitions to shift public opinion. These choices are conditioned by their organisational resources, institutional recognition, and the policy context in which they operate (Dür & Mateo, 2012). Historical and structural factors also shape how public sector interest groups interact with the state compared to private sector organisations (Bonal, 2000; Kenny et al., 1987). Within the European Union, the complex, multi-level decision-making system further influences lobbying strategies by creating multiple points of access and overlapping competencies (Grande, 1996).

Despite their democratic role, interest group pressures may also generate negative outcomes. Intense lobbying can undermine the efficiency of policymaking, weaken electoral accountability, and competition for redistributive gains can slow economic growth (Dür & De Bièvre, 2007). Yet interest groups remain indispensable to EU governance: they provide expertise, aggregate societal preferences, and contribute to the democratic legitimacy of decisions by representing a broader range of voices than elections alone can capture. Studying concrete cases, such as the negotiations surrounding the European Media Freedom Act (EMFA), allows observation of how diverse interest groups mobilise to shape legislation, balancing the benefits of plural representation with the risks of disproportionate influence.

In Brussels, lobbying has become a fully institutionalised component of EU policymaking. According to the EU Transparency Register (2025), around 15,540 organisations and nearly 29,000 individual lobbyists are officially active in EU affairs. Rather than dividing these actors

along territorial lines (EU-level versus national-level), a more relevant distinction lies in their interest logic and organisational base.

As mentioned in I.C.2, three broad families of interest representation can be identified: commercial and professional interests, societal and knowledge-based interests, and public or territorial interests, the latter being set aside in this thesis to deepen our analysis of each category's influence without comparing different natures of stakeholders. Together, these categories capture the diversity of actors participating in the EU policy process while reflecting the structural inequalities in resources, access, and lobbying capacity. For a finer overview of these categories, below is figure 2, representing the specific categories of these interest groups detailed by the EU Transparency Register.

*Figure 2 - Categories of Interest Groups (EU Transparency Register, 2025)*

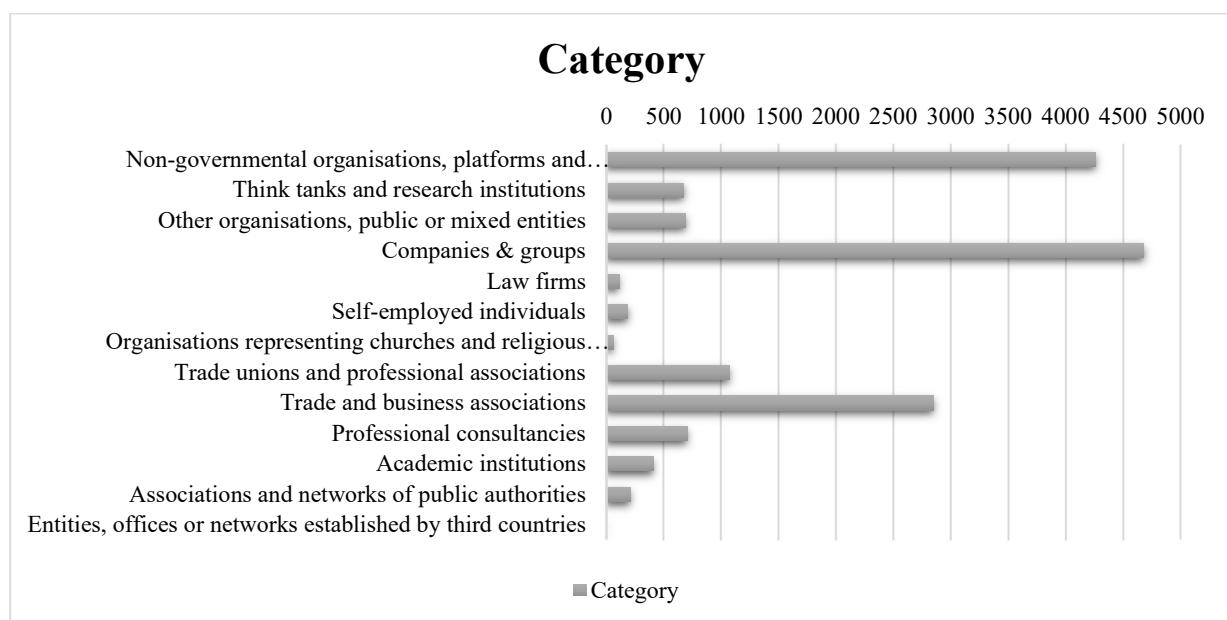


Figure 2 shows that more than half of registered organisations belong to in-house corporate offices, trade and business associations, or consultancies, illustrating the predominance of commercial and professional interests in the EU lobbying landscape. NGOs, trade unions, think tanks, and academic institutions form the second-largest group, while regional and public entities represent a smaller, though significant, share of registrants. This composition underscores the institutional weight of private-sector actors but also highlights the pluralistic participation of societal and territorial stakeholders.

Figure 3 below retraces the types of interests represented by interest groups registered in the EU Transparency Register's 2025 edition.

Figure 3 - Breakdown of interests represented (EU Transparency Register, 2025)

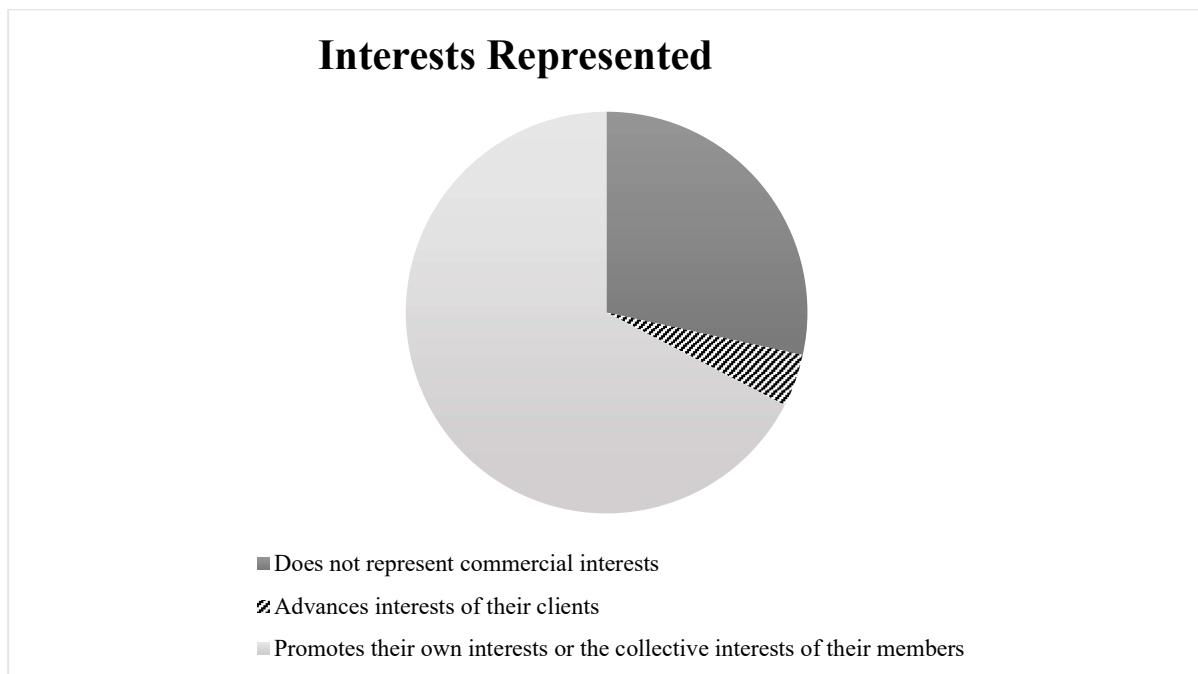
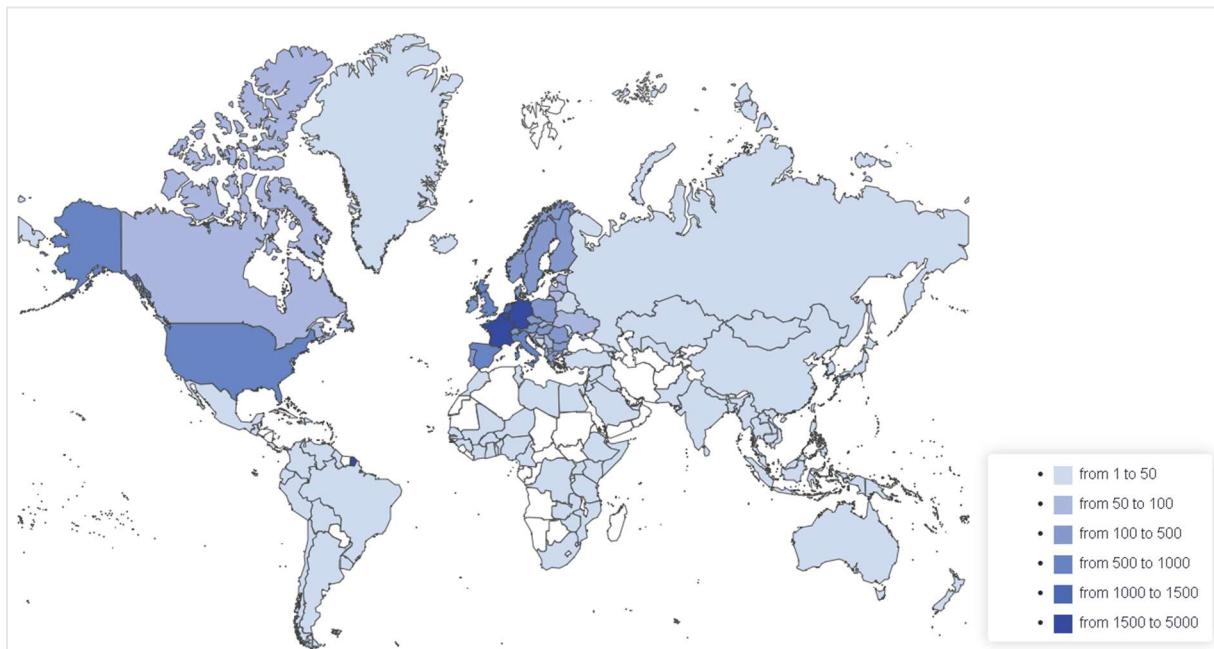


Figure 3 confirms this trend: the majority of registered entities represent business interests, followed by non-governmental or civil society organisations, and a smaller but visible proportion of public and mixed entities. Together, these figures demonstrate that while commercial and professional actors dominate in number and resources, societal and public actors collectively account for a substantial portion of the lobbying community, providing counterbalances in terms of legitimacy, expertise, and public accountability.

Figure 4 below further illustrates this system's spatial concentration.

Figure 4 - Geographical Distribution of Interest Groups (EU Transparency Register, 2025)



As Figure 4 shows, while the majority of lobbying activities take place in Belgium, particularly in Brussels, many organisations maintain headquarters or liaison offices across EU capitals such as Berlin, Paris, Madrid, Rome, and Warsaw. This dispersion underlines the transnational reach of EU policymaking, with Brussels serving as a central hub where national, regional, and global interests intersect.

In sum, the combined insights from the Transparency Register's charts and this typology demonstrate that EU lobbying is pluralistic in structure but hierarchical in effect. Corporate and professional actors dominate numerically and financially, while societal and public actors remain essential for democratic legitimacy, accountability, and territorial balance. This uneven but interdependent ecosystem frames the context within which legislative negotiations such as those surrounding the European Media Freedom Act unfold.

It is interesting to note the distinction between insider and outsider lobbying, which remains a useful analytical framework for understanding how different types of interest groups operate.

Insider lobbying refers to direct engagement with policymakers through formal consultations, expert groups, and informal exchanges. Hansen (1991) and Binderkrantz (2005) describe these as privileged access strategies, relying on sustained relationships with institutions. Typical insiders include business associations (such as employer federations, chambers of commerce), large corporations with permanent Brussels offices, law firms, and professional bodies with recognised consultative status. Their influence often takes the form of technical contributions

to legislative drafts, participation in Commission expert groups, or private meetings with MEPs and officials.

Outsider lobbying, by contrast, aims to shape public opinion and pressure policymakers indirectly (Kollman, 1998; Binderkrantz, 2005). Public interest groups, NGOs, and grassroots movements typically use campaigns, petitions, media advocacy, or social mobilisation to gain visibility and legitimacy. These strategies are essential for actors with limited financial means but strong normative appeal, such as environmental, consumer, or human rights organisations.

In practice, most actors combine both strategies, adjusting their approach according to issue salience, institutional access, and public attention. For example, a trade association may complement technical lobbying with communication campaigns, while an NGO might seek insider access through participation in consultations.

A further dimension cuts across this insider–outsider spectrum and concerns the credibility filter through which policymakers assess information. Prior work shows that officials privilege knowledge they view as impartial and replicable. This does not always coincide with who holds the largest technical capacity. Research centres and some regulators often gain reputational credit as neutral arbiters, while industry inputs can face scepticism when they align too closely with commercial stakes. Beyers and coauthors 2014 document how such credibility filters shape information exchange and uptake. The effect is particularly visible in media and digital files, where methodological choices carry distributional consequences such as how audience is measured or how content is surfaced. In these contexts, established expertise is necessary, yet perceived expertise often determines access to venues and the eventual incorporation of proposals.

The resulting lobbying ecosystem in Brussels thus combines pluralism and asymmetry: it includes a wide range of voices, but access and influence remain unevenly distributed. Corporate actors dominate through expertise and continuity, societal actors provide legitimacy and public resonance, and public authorities link EU policies to territorial realities. Understanding this balance is key to analysing legislative processes such as the EMFA, where the interplay between media industry representatives, journalists' unions, NGOs, and national regulators illustrates how diverse interest logics coexist and sometimes clash within the same policy field.

The typology of interest groups and their key characteristics are summarized in Table 3 below.

Table 3 - Typology of Interest Groups Registered in Brussels (EU Transparency Register, 2025)

Type of interest group	Corresponding Transparency Register categories	Approximate share of total registrants	Main resources and strategies
<b>Commercial and professional interests</b>	Companies and in-house lobbyists, trade and business associations, consultancies, law firms	~50 % (around 7,700 organisations)	Financial and technical resources, insider access, and regulatory expertise; focus on direct engagement with decision-makers and technical consultations.
<b>Societal and knowledge-based interests</b>	NGOs, platforms, networks, trade unions, professional associations, think tanks, academic and religious organisations	~33 % (around 5,000 organisations)	Legitimacy, public support, and communication capacity; rely on advocacy campaigns, coalition building, and agenda-setting through public discourse.
<b>Territorial interests</b>	Regional and local authorities, public or mixed entities, sub-national representations	~19 % (around 2,800 organisations)	Institutional legitimacy, territorial expertise, and administrative coordination; seek inclusion in EU consultation processes and policy implementation networks.

It is also interesting to note that a fundamental distinction exists between EU-level and national-level actors. EU-level actors generally employ broader and more generic institutional frames, which help bridge national heterogeneity and aggregate the diverse policy preferences of their members. By contrast, national actors draw attention to their domestic contexts and use specific policy frames rooted in national political, cultural, or economic realities (Eising, Rasch & Rozbicka, 2015). As a reminder of the definition given in I.A.2, frames refer to the conceptual structures and interpretive lenses through which actors present an issue, highlighting certain aspects while downplaying others to shape how policymakers and the public perceive causes, responsibilities, and solutions (Entman, 1993). National actors indeed operate within different institutional contexts, including varieties of capitalism in terms of coordinated and liberal market economies, welfare states in the form of liberal, corporatist, and social-democratic welfare regimes, and patterns of interest mediation in the corporatist and pluralistic modes (Eising, Rasch & Rozbicka, 2015). These institutional characteristics influence how national actors engage in EU policymaking processes.

Domestic power configurations vary not only from country to country, but also within countries depending on the policy domain (Kriesi, Adam & Jochum, 2006). National contexts prompt important cross-national differences, with actors from different member states invoking

different frames when responding to EU policy proposals based on their national institutional characteristics (Eising, Rasch & Rozbicka, 2015).

We will now dive deeper into each category of interest groups and review the main entities populating these categories.

*b. Societal and Knowledge-Based Interests Stakeholders*

Societal and knowledge-based interests represent about one-third of registrants. Although less resource-intensive, they play a vital role in the legitimisation and pluralisation of EU policymaking. NGOs, trade unions, and think tanks supply normative arguments, empirical data, and citizen-oriented perspectives that counterbalance corporate dominance. Their strategies frequently mix insider engagement with outside lobbying, using campaigns, petitions, or media advocacy to gain visibility and influence (Kollman, 1998).

This category brings together a variety of organisations that represent values, knowledge, and public interests rather than commercial or professional ones. NGOs and foundations advocate for causes such as human rights, consumer protection, environmental sustainability, and transparency. Many of these organisations, including Reporters Without Borders, Article 19, or the Civil Liberties Union for Europe, act as watchdogs over democratic principles and press freedom in EU policymaking. Trade unions and worker confederations represent the interests of employees and journalists, contributing to debates on labour rights, media pluralism, and social protection through bodies such as the European Federation of Journalists. Think tanks and research institutes, including the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute, provide analysis, data collection, and policy recommendations that enrich the evidence base available to legislators. Universities and academic institutions also participate in consultations related to education, science policy, and digital transformation, positioning themselves as producers of credible and peer-reviewed expertise.

As recognised by the European Parliamentary Research Service (EPRS, 2023) and reflected in the Transparency Register, these societal and knowledge-based actors form a distinct pillar of EU interest representation. Their influence depends less on financial power and more on their ability to frame issues around democratic legitimacy, human rights, and public accountability. In fields such as media and digital regulation, they often act as agenda-setters by articulating narratives that link regulatory debates to broader questions of democratic values and citizen welfare.

### *The Council of Europe (CoE)*

The Council of Europe is an intergovernmental organisation that promotes human rights, democracy, and the rule of law across a wide European membership beyond the European Union itself. Its legal framework, notably the European Convention on Human Rights and the judgments of the European Court of Human Rights, influences how EU institutions and member states frame and implement rights protections (Polakiewicz, 2021; Schumacher, 2008). Despite not being formally part of the EU, the CoE works in close cooperation with the Union through instruments such as a Memorandum of Understanding and shared normative standards (Polakiewicz, 2021). It also acts as a “norm entrepreneur” by exporting values and contributing to institutional evolution in areas like democracy and governance across Europe (Schumacher, 2008).

### *NGOs and Foundations*

Social Movement Organizations and Non-Governmental Organizations represent civil society interests and social movements at the national level. Civil society groups and social movements advocating public interest causes at the national level. They may lead movements pressuring both national and EU-level legislation, being active in EU-level debates and contributing to rights monitoring and advocacy. NGOs and foundations in EU policymaking are characterized by symbiotic relationships with EU institutions, serving as expertise providers, policy monitors, and civil society proxies through both insider and outsider lobbying strategies. The evidence comes from multiple studies spanning two decades (1999-2019) examining different aspects of NGO/foundation activity. Freise et al. (2018) identifies three core functions: contributing expertise and political legitimacy, monitoring complex rule-setting, and supporting implementation oversight in member states. Greenwood et al. (2019) describes a pluralist system where these organizations supply technical information and act as civil society proxies. Freise et al. (2019) notes their formal establishment primarily under Belgian law and enhanced role since the White Paper on European Governance.

### *Think Tanks and Research Institutes*

Think tanks and research institutes in the EU serve to address institutional and national administrative needs for policy advocacy that emerged with the deepening of EU competences (Sherrington, 2000). Their fundamental purpose is to bring expert knowledge to bear in government decision-making, providing policymakers with understandable, reliable, and accessible information about policy alternatives and their likely consequences (McGann, 2017).

They fulfill EU institutions' informational and legitimacy needs by reducing transaction costs in the policymaking process (Perez, 2014).

EU think tanks are characterized as "opinion-shapers" operating bidirectionally - both upstream toward decision-makers and downstream toward public opinion (Missiroli, 2012). They function as intermediaries that connect diverse policy actors and mitigate opportunistic behavior in EU governance (Perez, 2014). These organizations demonstrate adaptive capacity, expanding their networks and visibility during crisis periods, as evidenced during the eurozone crisis (Coman, 2019). They exhibit heterogeneous "Europeanization" patterns across member states, operating at both national and supranational levels (Pisarev, 2021).

Think tanks perform several key functions in EU policymaking. They reduce information asymmetries by connecting a wide variety of policy actors who do not usually participate in formal consultation processes (Perez, 2014). They act as "securitising actors" in idea formation and policy framing, articulating reference frames for policymakers (Rogelja, 2020). Their policy framing activities structure political conflict and competition at the European level (Daviter, 2007). During crises, they function as "laboratories of ideas," producing extensive expert reports and expanding their influence networks (Coman, 2019). They also serve as policy entrepreneurs, seeking to influence EU policy-making through both formal and informal channels (Sherrington, 2000).

#### *c. Commercial and Professional Interests Stakeholders*

As shown in Table 3 (I.C.3) representing the typology of interest groups registered in the EU transparency register in 2025, commercial and professional interests make up about half of all registrants, confirming the structural predominance of market-oriented lobbying in the EU policy arena. These actors generally possess extensive financial means, specialised expertise, and permanent representation in Brussels, allowing them to maintain continuous insider access to EU institutions. Their influence often relies on technical contributions, consultations with the Commission, and direct exchanges with Members of the European Parliament (Hansen, 1991; Binderkrantz, 2005).

This category encompasses several distinct subgroups that share an economic and professional logic of influence. The first includes in-house corporate offices representing major companies in sectors such as technology, pharmaceuticals, energy, and finance. These firms maintain permanent EU affairs teams to monitor emerging legislative proposals and influence regulatory conditions that may affect their operations. The second subgroup comprises trade and business

associations that bring together firms across an industry or multiple sectors to formulate joint positions, coordinate advocacy efforts, and provide technical expertise to policymakers. A third subgroup consists of professional and employer associations, such as chambers of commerce and federations representing lawyers, doctors, engineers, or media professionals, which combine expertise with representational power in areas like labour regulation, taxation, and professional standards. Finally, a growing segment is composed of consultancies and law firms that offer lobbying, legal, or strategic advisory services to corporate or institutional clients, leveraging their institutional knowledge and access to decision-makers.

According to the EU Transparency Register (2025) and monitoring organisations such as LobbyControl, business and trade groups constitute the largest and wealthiest segment of EU lobbying and account for the majority of total spending on lobbying activities. Their strategies are predominantly insider-oriented, focusing on direct participation in expert groups, targeted consultations, and continuous dialogue with institutional actors rather than public campaigning. This insider-driven approach is made possible by their financial capacity, stable presence in Brussels, and their ability to provide technical expertise that policymakers depend upon in complex legislative domains.

#### *In-House Corporate Offices*

In-house corporate offices primarily function to exchange technical information with EU institutions in return for access and influence (Coen et al., 2020). Unlike the US system based on economic transactions involving votes and funds, EU business-government relations center on providing high-quality technical information that EU legislators need for regulation (Coen et al., 2020). These offices act as "double entrepreneurs" - promoting both their employer's interests and the European cause by positioning themselves as auxiliaries to EU civil servants (Cloteau et al., 2018).

The research reveals several key characteristics of in-house corporate offices: companies delegate government affairs to in-house managers with specific competencies who maintain long tenures (averaging six years) and possess extensive knowledge of their company's core competencies through private sector experience (Coen et al., 2020). Almost half employ functionally specific roles like "Director of European Government Affairs" (Coen et al., 2020). More than a third of managers have social science education in their first degree, with many obtaining executive business qualifications later. Their professional background is predominantly private sector, contrasting sharply with the US "revolving door" phenomenon (Coen et al., 2020). Only slightly more than half of firms regularly hire external consultancies,

and this use correlates with larger in-house office size, suggesting complementary rather than substitute relationships (D. Coen et al., 2020).

These offices operate through several mechanisms: they act as "glue" holding together unified company perspectives across departments and throughout policy processes, serving as translators between technical information and decision-makers (D. Coen et al., 2020). They function as gatekeepers controlling information flows both into and out of the company (Cloteau et al., 2018). Offices coordinate extensive informal networks of "Angels of Europe" - approximately 50 employees across national offices who contribute European expertise while maintaining their primary roles (Cloteau et al., 2018). This network enables companies to engage across multiple policy areas despite limited Brussels-based resources. The functioning depends on establishing credibility and long-term trust arrangements with EU officials who themselves have permanent contracts and low turnover (Coen et al., 2020). This contrasts with the short-term, transaction-based relationships characteristic of US lobbying.

#### *Trade and Business Associations*

Trade and Business Associations in the EU serve multiple key functions in the policymaking framework. They represent business interests collectively in EU policy processes (Fagan-Watson et al., 2015) and act as intermediaries between private sector interests and EU institutions (Bouwen et al., 2004). Associations increasingly serve as "vessels of narrow and specialized interests" (Poletti et al., 2016) and can shield members from reputational costs while promoting collective interests (Cezar et al., 2023).

EU business associations exhibit diverse organizational forms. These include traditional "associations of associations" (like UNICE with national industry association membership), direct-firm associations, "mixed" associations combining associations and individual firms, CEO organizations like the European Round Table of Industrialists, and ad-hoc organizations that change based on policy issues (Cowles et al., 2002). Associations vary significantly in their "governability" - their ability to unify members' interests and ensure goal compliance (Greenwood et al., 2000). Resource levels differ substantially, with German, French and British associations being financially well-off while Polish associations have notably lower resources (Kohler-Koch et al., 2016).

Business associations operate through an "access goods" exchange system, providing crucial policy information to EU institutions in return for access (Bouwen et al., 2004). They engage in multi-level venue shopping, with EU-level associations lobbying Brussels institutions while

national associations typically approach both national governments and Brussels directly (Kohler-Koch et al., 2016). The European Parliament now attracts considerably more attention than previously, reflecting institutional reforms' impact on lobbying strategies. Associations rely primarily on personal, targeted, and regular contacts rather than new consultation instruments, with Brussels-based offices providing significant operational advantages. Activities correlate significantly with budget levels and having delegates on-site (Kohler-Koch et al., 2016).

Taken together, these insights from prior studies show that the EU lobbying ecosystem combines diversity and asymmetry: it is open to multiple interest logics, yet the capacity to sustain long-term influence remains closely tied to organisational resources. This configuration mirrors the EU's own policymaking structure (technocratic, consensus-based, and reliant on expertise) where access and authority are unequally distributed across actor types. In the next chapter, we will develop the hypotheses that will be tested in this thesis.

## II. HYPOTHESIS DEVELOPMENT: A RESOURCE-BASED REPLICATION APPROACH

I will explain variation in lobbying influence on the EMFA through a resource-based lens, which focuses on the monetary, cognitive, political and collaborative assets that actors mobilise during policymaking (Binderkrantz, 2005; Dür, 2008). This approach allows comparison of influence without presupposing coalition stability and links directly to mechanisms identified in prior EU lobbying studies.

The following hypotheses build directly on well-established findings in the literature on EU lobbying. Previous studies have demonstrated that interest groups exert influence through a combination of monetary, cognitive, political and collaborative resources. The aim here is not to propose new causal mechanisms, but to test whether these established relationships hold in the case of the European Media Freedom Act. Given the democratic sensitivity and heterogeneity of this policy domain, replicating such tests, applied to the EMFA, provides an ideal setting to explore the boundary conditions of those hypotheses, and assess whether traditional resource-based explanations of influence travel to a context where normative and informational legitimacy play an especially strong role. Table 4 below briefly presents each Hypothesis.

*Table 4 - Hypotheses*

Independent Variable	Definition	Hypotheses
Monetary resources	Financial capacity to sustain lobbying staff, commission studies, campaigns	H1: Actors with greater monetary resources are more likely to secure their preferences in the EMFA.
Cognitive resources	Perceived expertise, credibility, and knowledge claims recognised by policymakers as legitimate and reliable, often expressed through reports, studies, or data that shape understanding of the policy issue.	H2: Actors providing expertise that is perceived as credible, legitimate and impartial by policymakers are more likely to influence specific provisions of the EMFA.
Political resources	Access to policymakers, alliances with EU officials/rapporteurs, media reach	H3: Actors with greater political resources are more likely to shape EMFA outcomes.
Collaboration with other Stakeholders	Internal alignment and joint action with other actors (e.g., joint position papers, coalitions)	H4: Higher levels of organisational collaboration increase the likelihood of preference attainment.

### *Hypothesis 1: Monetary Resources and Lobbying Success*

Previous research shows that financial capacity enables organisations to sustain continuous engagement and expand their range of strategies (Dür, 2008; Binderkrantz, 2005). However, monetary strength alone does not guarantee success when demands face strong opposition or poor framing (Baumgartner et al., 2009).

In the EMFA negotiations, actors varied significantly in financial resources. Well-funded industry organisations such as the European Broadcasting Union and EMMA/ENPA maintained Brussels-based policy teams and commissioned external studies, while NGOs such as Reporters Without Borders and the European Federation of Journalists relied on project-based funding. Testing this mechanism in the EMFA context is particularly interesting because it allows examination of whether financial resources retain their explanatory power in a policy domain where moral authority and democratic values may carry as much weight as material capacity.

To operationalise this hypothesis, actors' monetary resources will be assessed based on indicators such as budgetary capacity, where publicly available, such as Transparency Register declarations, ability to commission studies or legal opinions, and maintenance of permanent Brussels staff. Interviews with relevant stakeholders will also help estimate monetary resources. Lobbying outcomes will then be compared to these resource levels.

The first hypothesis tested in this thesis is:

*Actors with greater monetary resources are more likely to secure their preferences in the EMFA.*

### *Hypothesis 2: Cognitive Resources and the Role of Perceived Expertise*

Prior studies highlight the centrality of cognitive resources (expertise, technical knowledge and evidence) in shaping EU policymaking (Klüver, 2013; Mahoney, 2007). Their effectiveness depends on the perceived credibility and impartiality of those providing information (Beyers et al., 2014).

The EMFA presents a distinctive test case, as media pluralism had not previously been subject to a horizontal EU regulation, creating a strong demand for credible and methodologically sound information. Academic institutions such as the EUI's Centre for Media Pluralism and Media Freedom provided systematic monitoring reports, while NGOs such as Liberties and IPI contributed comparative studies on media capture and state interference. Industry actors such as AMC and Médiamétrie offered technical data on audience measurement and market

structures. This mix of epistemic and interest-driven expertise makes it possible to examine whether policymakers valued perceived neutrality more than technical sophistication when considering evidence.

To operationalise this hypothesis, actors' cognitive resources will be assessed through indicators such as the production of reports or studies, the frequency with which their expertise was cited in Commission or parliamentary documents, and references to their work by other stakeholders during interviews.

The second hypothesis tested in this thesis is:

*Actors providing expertise that is perceived as credible, legitimate and impartial by policymakers are more likely to influence specific provisions of the EMFA than actors relying solely on technical or self-interested expertise.*

#### *Hypothesis 3: Political Resources and Access to Decision-Makers*

Earlier research emphasises that political resources (access to policymakers, alliances with rapporteurs, and visibility in public or media arenas) are decisive channels of influence (Dür & Mateo, 2016; Eising, 2007). These resources convert proximity and trust into influence, especially when combined with well-timed technical input (Beyers et al., 2008).

In the EMFA process, political resources were distributed unevenly. Industry associations such as the EBU and EMMA/ENPA had established relationships with officials in DG CNECT and with several rapporteurs in the European Parliament. Meanwhile, NGOs and journalist unions such as RSF and EFJ relied on reputational legitimacy and media outreach to attract the attention of MEPs concerned with media freedom and fundamental rights. Testing this mechanism in the EMFA context allows evaluation of whether access-based influence operates similarly in a normatively sensitive policy area where democratic values, rather than market interests, are at stake.

Operationalisation of political resources in this study includes documented access to policymakers, such as participation in consultations, invitations to hearings, references in parliamentary reports, alliances with influential MEPs or rapporteurs, and evidence of public or media outreach campaigns during the EMFA negotiations.

The third hypothesis tested in this thesis is:

*Actors with greater political resources, measured through access, alliances, and visibility, are more likely to shape EMFA outcomes.*

#### *Hypothesis 4: Collaboration with Other Stakeholders*

Collaboration among stakeholders has been identified as an important multiplier of influence in EU policymaking (Klüver, 2013; Hanegraaff, 2015). Joint actions such as co-signed position papers or coordinated campaigns signal consensus and enhance legitimacy. In the EMFA process, collaboration appeared in ad hoc alliances between press publishers and broadcasters, as well as joint advocacy by journalist unions and watchdog NGOs. Studying this dynamic is especially relevant in the context of the EMFA because the field of media policy brings together actors with highly diverse mandates, constituencies, and institutional expectations. Unlike more homogeneous sectors such as finance or chemicals, the EMFA negotiations involved organisations representing both market-oriented and rights-based interests, often with conflicting priorities. Collaboration therefore required bridging professional cultures and normative frames, making it a demanding but potentially decisive factor for visibility and credibility. Testing this mechanism in such a fragmented and normatively charged environment provides insights into whether cross-sectoral coordination can offset asymmetries in resources and access, and whether convergence across heterogeneous actors strengthens collective influence.

Operationalisation of collaboration in this study relies on evidence of joint position papers, references to alliances in interviews, and cross-citations between stakeholders in advocacy documents.

The fourth and last hypothesis tested in this thesis is:

*Actors that engage in collaborative actions with other stakeholders are more likely to see their preferences reflected in the final provisions of the EMFA.*

### III. RESEARCH DESIGN

#### 1. RESEARCH QUESTION AND CASE SELECTION

The study of lobbying and interest group influence in the European Union is well established in the scholarly literature. Scholars have extensively examined how corporate and civil society actors attempt to shape EU policymaking, often focusing on highly salient regulatory fields such as health, environment, and the digital economy. Classic cases such as the Tobacco Products Directive (2014), the REACH chemicals regulation (2006), and, more recently, the Digital Services Act and Digital Markets Act have provided rich insights into the dynamics of EU lobbying. These cases illustrate how different categories of stakeholders deploy monetary, cognitive, and political resources, frame issues strategically, and seek to influence legislative outcomes across different stages of the EU policy cycle.

##### *a. Existing Literature on EU Lobbying Cases*

The REACH regulation on chemicals highlighted the capacity of business actors to mobilise expertise and technical resources in highly complex policy domains. Binderkrantz (2005, 2008) and others underlined the importance of “venue shopping” and multi-level lobbying, as industry groups sought to shape both technical standards and political compromises. At the same time, REACH revealed how NGOs could use public campaigns to counterbalance business dominance, illustrating the insider–outsider strategy distinction. More recently, the twin Digital Services Act and Digital Markets Act attracted massive lobbying campaigns from Big Tech firms, media platforms, and digital rights groups. These cases show the growing prominence of platform regulation and how transnational actors with vast financial and technical resources attempt to shape EU rules with global implications. Academic studies of the DSA/DMA process highlight new challenges for EU policymaking: asymmetric resources, opacity of lobbying contacts, and the role of online mobilisation in addition to traditional lobbying. Together, these cases have refined our understanding of EU interest group politics by testing methods such as preference attainment, reputational analysis, and process tracing, and by highlighting the central role of resource mobilisation and strategic behaviour in shaping influence.

##### *b. Lack of Research on Media Policy Lobbying*

Despite this rich literature, EU media policy has received far less attention. With the exception of earlier analyses of the Television Without Frontiers Directive or the Audiovisual Media Services Directive, scholarly work on lobbying in the media field remains limited. Much of the existing research on European media systems (Humphreys 1996; Papathanassopoulos &

Miconi 2023) focuses on institutional design, regulatory diversity, and media pluralism at the national level, rather than on lobbying and interest group influence at the EU level. Yet, media policy presents distinct features that make it an important test case for studying EU lobbying. First, its democratic sensitivity sets it apart: unlike chemicals or digital markets, media pluralism touches directly on democracy, freedom of expression, and the public sphere. As a result, interest groups mobilise not only economic resources but also normative claims about rights and democratic values. Second, the field involves a highly heterogeneous set of actors: industry associations such as EBU, ENPA, EMMA, journalist unions such as EFJ, watchdog NGOs such as RSF and IPI, regulators such as the Belgian CSA, ERGA/EBMS, and academic centres such as EUI/CMPF. This diversity challenges the traditional business vs. NGO dichotomy common in lobbying studies and creates complex patterns of interaction. Third, the fragmented legal context of media policy is noteworthy: before the EMFA, EU competence was limited and scattered across audiovisual regulation, competition law, and soft law, in contrast to fields like tobacco or chemicals where clear competences existed. The EMFA is therefore the first comprehensive EU legal framework for media freedom, offering a unique opportunity to observe lobbying in a newly consolidated regulatory domain. Finally, the shifting salience of media policy makes it particularly timely: while long perceived as a national issue, recent developments such as democratic backsliding in Hungary and Poland, spyware scandals, and debates over disinformation have elevated media freedom to the EU agenda. This late politicisation introduces uncertainty for policymakers and stakeholders alike, shaping both lobbying strategies and the resources actors deploy.

### *c. Why a single case study of the EMFA*

In this thesis, I adopt a single-case study design. As Yin (2009) emphasises, case studies are particularly suitable when the research question asks “how” or “why” a phenomenon occurred, as they enable the researcher to investigate causal mechanisms within their real-life context. Similarly, George and Bennett (2005) underline that case studies allow for process-oriented analysis and theory testing, especially in fields where existing literature is limited. A single case study makes it possible to trace decision-making sequences, identify the preferences of different actors, and assess how the resources and strategies they deployed translated into influence. While large-N studies provide breadth, they are less equipped to capture the complexity of lobbying strategies and the interaction of diverse stakeholders across different stages of policymaking. The case study method therefore provides the necessary analytical depth to

understand lobbying around the European Media Freedom Act (EMFA), a policy process that combines normative concerns with economic interests and institutional bargaining.

The EMFA was chosen as the empirical focus because it represents a landmark development in EU media regulation. Unlike earlier directives such as the Audiovisual Media Services Directive, the EMFA takes the form of a regulation, making it binding across member states and directly applicable. This difference is significant: while directives require transposition into national law, allowing member states some discretion in how they adapt the rules, regulations apply automatically and uniformly once adopted, leaving no room for divergent national implementation. In practice, this means that the EMFA introduces a common legal framework for media governance that overrides potentially inconsistent national provisions and ensures more consistent enforcement across the Union. It is also horizontal in scope, applying across different types of media actors rather than focusing narrowly on audiovisual services. Most importantly, it is the first comprehensive EU law on media freedom and pluralism, establishing rules on editorial independence, ownership transparency, state advertising, and governance through a new European Board for Media Services. The recency of the EMFA as a legislative process also provides a unique advantage for research: many relevant stakeholders were still in post or had only recently moved on, making them accessible for interviews. Conducting the study at this stage reduces the risk of recall bias or retrospective reinterpretation, enabling the researcher to capture stakeholders' perspectives while memories of the negotiations remain fresh. This breadth, novelty, and timeliness make the EMFA an ideal case for analysing lobbying influence. It is both historically significant and politically sensitive, having attracted mobilisation from industry associations, civil society organisations, regulators, and EU institutions. Examining who shaped the EMFA and how therefore offers empirical insights into a critical legislative process, while also testing whether existing explanations of lobbying influence, focused on resources and strategies, travel to a policy domain that has so far been underexplored. By examining this case, I test whether mechanisms of influence identified in prior EU lobbying research, particularly the mobilisation of monetary, cognitive, political and collaborative resources, apply within a newly politicised and normatively sensitive policy domain.

In doing so, this thesis seeks to answer:

*To what extent and how did interest groups influence the drafting and adoption of the European Media Freedom Act (EMFA)?*

The study covers the period from the Commission's initial consultations in 2020–21 through the adoption of the EMFA in 2024 and its implementation until August 2025, allowing observation of agenda-setting, drafting, and negotiation stages.

## 2. METHODOLOGICAL APPROACH

To assess the influence of interest groups on the European Media Freedom Act (EMFA), I apply a mixed-method design. The *attained preferences* approach serves to compare actual policy outcomes for each actor involved in the EMFA negotiations with the resources they possessed, while the *reputational method* (not to be confused with perceived expertise, which is one of the four categories of resources compared with *attained preference*) and *process tracing* will provide complementary insights into less visible forms of influence and allow for a finer comprehension of the influence mechanisms that occurred during EMFA negotiations.

The first analytical component relies on the attained preferences method, which compares the declared preferences of individual actors with the eventual content of the EMFA. Position papers, consultation submissions, and official reports such as EBU input, EFJ resolutions, AMC/Médiamétrie papers, ERGA statements, and CMPF/Liberties reports provide systematic evidence of stakeholder demands. The adopted EMFA text, particularly contested provisions such as Article 18 on governance, ownership transparency, and state advertising rules, serves as the benchmark outcome.

To complement this outcome analysis, the study also employs the reputational method through twelve semi-structured interviews conducted with institutional actors (European Commission, Council of Europe, CSA, and EUI), industry organisations (EBU, ENPA, and AMC), and journalistic or NGO representatives (EFJ, RSF, and IPI Media). Interviewees were asked who they regarded as the most influential actors during the EMFA negotiations, what strategies they observed, and how they evaluated the relative strengths of different stakeholders. This approach captures forms of hidden influence that may not appear in the final legal text but were recognised by participants in the process.

Before selecting these methods, several other established approaches were considered but ultimately rejected. The *positional method*, which maps structural power hierarchies, was deemed too abstract for a single legislative case study. Likewise, *network analysis* was not feasible due to the absence of systematic data on lobbying contacts. The *Advocacy Coalition Framework* was also reviewed but found unsuitable, as the EMFA negotiations involved shifting alliances of heterogeneous actors rather than stable, programmatic coalitions. In this

context, a resource-based framework provides a suitable structure for re-testing mechanisms previously identified in EU lobbying literature.

Taken together, these methodological choices allow for a comprehensive understanding of how and to what extent different actors influenced the EMFA. By combining outcome analysis (attained preferences), perceptions (reputational method), and causal reconstruction (process tracing of key articles), I will triangulate multiple sources of evidence. This increases validity by capturing both visible and less visible dimensions of lobbying success and by linking resources and strategies to concrete legislative outcomes.

### 3. DATA COLLECTION

This thesis draws on both qualitative interviews and a broad set of documentary sources.

#### *a. Interviews*

A total of twelve semi-structured interviews were conducted with a diverse range of actors involved in the EMFA negotiations. Institutional perspectives were captured through conversations with representatives from the European Commission, the Council of Europe, the Belgian Conseil Supérieur de l'Audiovisuel, and the European University Institute. Industry associations were represented by the European Broadcasting Union and the European Magazine Media Association/European Newspaper Publishers' Association. Journalistic and NGO perspectives were obtained through interviews with the European Federation of Journalists, Reporters Without Borders, and the International Press Institute. In addition, the research included interactions with members of Arcom (France) and the Association of Commercial Television. The recency of the EMFA as a legislative process provided a particular advantage: many of these stakeholders were still in their positions or had only recently moved on, making them accessible for direct contact. Conducting interviews close to the adoption of the regulation reduces the risk of recall bias or retrospective reinterpretation, enabling the researcher to capture stakeholders' views while memories of the negotiations remain fresh. This contributes to greater accuracy in reconstructing preferences, strategies, and perceptions of influence.

Interviewees were contacted via professional email, personal networks, and snowballing recommendations. Participation was voluntary, and informed consent was obtained in all cases. To protect confidentiality, precise job titles are not disclosed, though organisational affiliation is indicated where possible.

The interviews followed a semi-structured guide covering preferences on EMFA provisions, observed strategies, and perceptions of influential actors. Conversations lasted 30–60 minutes and were recorded or summarised in detailed notes. After approximately ten interviews, responses began to converge, suggesting thematic saturation; the final two interviews confirmed this pattern.

*b. Documentary sources*

To complement interview evidence and enable triangulation, the analysis incorporates a wide range of documentary material. This includes stakeholder position papers, official EU impact assessments and reports, as well as academic literature. Particular attention was devoted to the EMFA's legal text itself, comparing the Commission's initial 2022 proposal, subsequent amendments, and the final version adopted in 2024. This close reading of successive drafts made it possible to trace concrete changes in wording and assess how different lobbying actors may have influenced the evolution of specific articles. Normative reflections are also incorporated, drawing on sources such as *The Last Interview with Hannah Arendt* and contributions in the *Review of Democracy*. Together, these materials provide a robust basis for assessing declared preferences, contextualising stakeholder claims, and cross-checking interview accounts.

Documentary sources were selected on the basis of direct relevance to the EMFA legislative process. Only materials produced by organisations with a formal stake in the debate, or by official EU or academic bodies, were included. Most sources were available in English or French, which may exclude some national-level lobbying material.

#### 4. DEPENDENT VARIABLE: MEASURING INFLUENCE

Building on prior outcome-oriented studies of lobbying influence (Dür, 2008; Klüver, 2013), influence is defined here as the degree to which individual actors were able to shape the final provisions of the European Media Freedom Act (EMFA) in line with their stated preferences. This definition follows outcome-oriented approaches in the literature, particularly Dür (2008), who distinguishes between outcomes, process, and access. While the emphasis here is on outcomes (preference attainment), the analysis also incorporates reputational assessments and process tracing, as explained in Section 2.

Influence is operationalised by systematically comparing actors' declared preferences with the final EMFA text. The unit of analysis is the individual actor's preference on specific provisions of the EMFA, allowing for systematic comparison across multiple issues. Three categories are

used: full attainment, when preferences are fully reflected in the adopted provisions, partial attainment, when preferences are partly reflected, or included in a diluted form, and non-attainment, when preferences are not reflected at all. In cases where preferences were formulated in general terms, triangulation with interviews and other documents was used to establish whether the final outcome could reasonably be considered as attainment.

For instance, if an organisation called for the creation of a new governance body and this provision was included in the final text, this would be coded as full attainment. If the body was established but with reduced competences, this would be coded as partial attainment. If no such body appeared in the final legislation, this would be coded as non-attainment.

## IV. THE CASE OF THE EMFA

### A. CONTEXT

#### 1. MEDIA IN EUROPE

As corruption has a significant negative impact on international business (Bahoo & Al, 2020), and as democracy and press freedom can reduce corruption by informing voters and allowing them to hold leaders accountable (Chowdhury, 2004), I intent to assess the degree of influence interest groups can have on policymaking affecting press freedom, in an international setting such as the European Union.

Across Europe in recent years, threats to press freedom have ranged from the murder of investigative reporters to systematic attempts at media capture, regulatory harassment, street-level violence and strategic lawsuits. The following paragraphs illustrate these threats in detail, drawing on emblematic cases from several European countries to provide a concrete overview of the risks and pressures shaping today's media landscape.

Investigative journalist Daphne Caruana Galizia, internationally known for her investigation of the Panama Papers, was assassinated by a car bomb in Malta on 16 October 2017<sup>9</sup>. In Slovakia, on the 21<sup>st</sup> of February 2018, the murders of Ján Kuciak and Martina Kušnírová<sup>10</sup>, fatally shot at their home outside the capital Bratislava, were repercussions of Kuciak's reporting on corruption, uncovering alleged corruption and tax fraud schemes involving businessman Marián Kočner and prominent figures with suspected ties to the ruling Smer-SSD and organised crime groups. These killings underscored the stakes of corruption reporting in smaller media markets and how long impunity chains can be before partial justice arrives.

Beyond lethal attacks, several countries illustrate how political power can constrict media ecosystems in Europe: in Hungary, since 2018 the consolidation of hundreds of pro-government outlets into the KESMA conglomerate entrenched a dominant, government-aligned media bloc<sup>11</sup>. Earlier in July 2022, the Commission also referred Hungary to the European Court of Justice for discriminating against Club Radio, one of the last outlets openly critical of the government, after it was denied a broadcasting licence<sup>12</sup>. A 2023 "sovereignty" law created a

<sup>9</sup> Reporters Without Borders: Malta—after a new conviction in the Daphne Caruana Galizia case <https://rsf.org/en/malta-after-new-conviction-murder-daphne-caruana-galizia-rsf-calls-full-justice-and-strong-measures>

<sup>10</sup> IPI Media: Slovakia—media freedom under threat on the seventh anniversary of Ján Kuciak's murder <https://ipi.media/slovakia-media-freedom-under-threat-on-seventh-anniversary-of-jan-kuciak-murder/>

<sup>11</sup> BTI 2024 Hungary Country Report [https://atlas.bti-project.org/1\\*2024\\*CV:CTC:SELHUN\\*CAT\\*HUN\\*REG:TAB](https://atlas.bti-project.org/1*2024*CV:CTC:SELHUN*CAT*HUN*REG:TAB)

<sup>12</sup> European Commission: Infringement procedure against Hungary over Club Radio [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_4581](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_4581)

Sovereignty Protection Office with sweeping investigatory powers that critics warn chills free debate; the European Commission opened infringement proceedings in February 2024, and the Council of Europe's Venice Commission flagged serious rule-of-law defects. In 2024 the new office launched investigations into watchdogs and investigative outlets<sup>13</sup><sup>14</sup><sup>15</sup>. Independent monitors document sustained political and economic pressure on critical media and barriers to information access, alongside slow national alignment with the European Media Freedom Act<sup>16</sup><sup>17</sup><sup>18</sup>.

In Serbia, watchdogs recorded a surge in violence and intimidation around the 2024–2025 protest wave - over 30 physical assaults in less than two months and more than 200 incidents since late 2024 - while police deployed tear gas and stun grenades against protesters and journalists, including in Novi Sad on 5 September 2025<sup>19</sup><sup>20</sup><sup>21</sup><sup>22</sup>. At the same time, the regulator REM has been repeatedly criticised for lack of independence and failure to ensure fair campaign coverage; the European Parliament's 2025 report urges reform, and Freedom House highlights disproportionate airtime and abuse of state resources benefiting incumbents<sup>23</sup><sup>24</sup>.

Revelations in Greece, Poland, Hungary and Spain, where spyware was deployed against opposition figures, activists and journalists, sparking political scandals and raising urgent questions about state overreach<sup>25</sup>. These cases illustrate how concrete violations of media freedom can escalate into legal disputes at the EU level, and other flashpoints show that pressure is not confined to the “usual suspects.” In Georgia in August 2025, journalist Mzia Amaghlobeli received a two-year prison sentence over an altercation with police amid a wider crackdown that included arrests, alleged mistreatment and the freezing of media accounts, seen by critics as an effort to silence dissent<sup>26</sup>. In Turkey during protests in March 2025, journalists were

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<sup>13</sup> Reuters: Hungary's sovereignty law threatens free debate <https://www.reuters.com/world/europe/hungarys-sovereignty-law-threatens-free-debate-says-rights-watchdog-2024-03-19/>

<sup>14</sup> Venice Commission opinion on Act LXXXVIII of 2023 <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-ADV%282024%29001-e>

<sup>15</sup> Reuters: coverage of Sovereignty Protection Office investigations <https://www.reuters.com/world/europe/hungarys-sovereignty-law-threatens-free-debate-says-rights-watchdog-2024-03-19/>

<sup>16</sup> Reporters Without Borders: Hungary country page <https://rsf.org/en/country/hungary>

<sup>17</sup> Human Rights Watch: “I Can't Do My Job as a Journalist”—Hungary <https://www.hrw.org/report/2024/02/13/i-cant-do-my-job-journalist/systematic-undermining-media-freedom-hungary>

<sup>18</sup> Freedom House: Freedom on the Net 2024—Hungary <https://freedomhouse.org/country/hungary/freedom-net/2024>

<sup>19</sup> Reporters Without Borders: Serbia—over 30 journalists attacked in under two months <https://rsf.org/en-serbia-over-30-journalists-attacked-under-two-months-rsf-urges-eu-strongly-condemn-record-wave>

<sup>20</sup> IPI Media: Serbia—attacks on journalists reach unprecedented levels <https://ipi.media/serbia-attacks-on-journalists-reach-unprecedented-levels-amidst-ongoing-anti-government-protests/>

<sup>21</sup> AP News: Tear gas fired at protesters in Serbia <https://apnews.com/article/f396a30f7b822e9170c012f817bf2f52>

<sup>22</sup> Reuters: Serbian police use teargas to disperse anti-government protesters <https://www.reuters.com/world/serbian-police-use-teargas-disperse-anti-government-protesters-2025-09-05/>

<sup>23</sup> European Parliament report on the 2023 and 2024 Commission reports on Serbia [https://www.europarl.europa.eu/doceo/document/A-10-2025-0072\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-10-2025-0072_EN.html)

<sup>24</sup> Freedom House: Freedom in the World 2024—Serbia <https://freedomhouse.org/country/serbia/freedom-world/2024>

<sup>25</sup> Politico: Spyware scandals shake EU governments <https://www.politico.eu/article/europe-pegasus-spyware-scandal-explained/>

<sup>26</sup> Washington Post: Georgia sentences journalist to two years in prison <https://www.washingtonpost.com/world/2025/08/06/georgia-journalist-authoritarianism-dissent-crackdown/>

detained, foreign correspondents were expelled and broadcasters faced bans from the regulator RTÜK, reflecting how protest periods trigger broadcast restrictions under highly discretionary rules. In France, press-safety groups condemned repeated police violence against reporters at demonstrations, including serious injuries to clearly identified journalists, highlighting how public-order policing can translate into real dangers for the press even in established democracies<sup>27</sup>. Bulgaria continues to be flagged for ownership opacity, political interference and weak protection of journalists, indicating enduring structural risks<sup>28</sup>. In Croatia, authorities introduced protocols to investigate attacks, yet critics say little has been done to counter media capture via state advertising or to reduce legal and administrative pressure, illustrating how formal safeguards often coexist with entrenched informal controls<sup>29</sup>. In Slovakia, civil-society monitors warned of the steepest deterioration among EU members in the past year as government influence over public media increased and pressure on private outlets rose, showing that backsliding can accelerate even in states once seen as relatively stable<sup>30</sup>.

Pan-European monitoring paints a systemic picture. Mapping Media Freedom/MFRR recorded 1,548 violations in 2024 across EU member and candidate countries affecting 2,567 journalists or outlets, including online harassment, hacking and DDoS, physical assaults, threats, censorship, reporting obstruction and legal intimidation such as SLAPPs; “blocked journalistic activity” through access denials is frequent<sup>31</sup><sup>32</sup>. Reports emphasise the rise of online-origin threats and the concentration of incidents around elections and contentious policy areas (for example, environmental protests)<sup>33</sup>. Analysts and newsrooms also point to biased state advertising and opaque ownership structures that channel resources to friendly outlets, distorting markets; regulators often lack independence to counter these patterns<sup>34</sup>. Investigations into attacks frequently stall, leaving perpetrators unpunished and reinforcing a

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<sup>27</sup>ECPMF/RSF statement on police violence against journalists in France <https://www.ecpmf.eu/france-mfrr-and-rsf-renew-calls-to-end-police-violence-after-new-attacks-on-journalists-at-may-day-protest/>

<sup>28</sup>Reporters Without Borders: Bulgaria country page (<https://rsf.org/en/country/bulgaria>)

<sup>29</sup>ARTICLE 19: EU Rule of Law report—country notes incl. Slovakia and Croatia <https://www.article19.org/resources/eu-rule-of-law-report-must-prompt-strong-action-to-protect-media-freedom/>

<sup>30</sup>Mapping Media Freedom—home/2024 data <https://www.mappingmediafreedom.org/>

<sup>31</sup>ECPMF: MFRR Monitoring Report 2024 <https://www.ecpmf.eu/mfrr-monitoring-report-2024/>

<sup>32</sup>The Guardian: Press freedom and pluralism face an “existential battle” across the EU <https://www.theguardian.com/media/2025/apr/29/media-freedom-pluralism-existential-battle-eu-report-finds>

<sup>33</sup>European Commission: 2024 Rule of Law Report [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law/annual-rule-of-law-cycle/2024-rule-of-law-report\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law/annual-rule-of-law-cycle/2024-rule-of-law-report_en)

<sup>34</sup>European Commission news: Progress in rule of law—further action needed (2025) [https://commission.europa.eu/news-and-media/news/progress-rule-of-law-eu-further-action-needed-finds-report-2025-07-08\\_en](https://commission.europa.eu/news-and-media/news/progress-rule-of-law-eu-further-action-needed-finds-report-2025-07-08_en)

climate of fear<sup>35</sup>. Meanwhile, implementation of the European Media Freedom Act is uneven and slow in multiple states, with gaps between law and practice<sup>36</sup>.

The European Commission's annual Rule of Law Reports for 2023, 2024 and 2025 integrate these findings and consistently warn about increasing politicisation of media, weak journalist safety (including SLAPPs and police violence), opaque or concentrated ownership often amplified by state advertising, and insufficient independence of media regulators. The Commission relies substantially on the Media Pluralism Monitor (MPM) produced by the EUI's Centre for Media Pluralism and Media Freedom as an evidentiary input for these assessments<sup>37</sup><sup>38</sup><sup>39</sup>. The Commission's communications frame media freedom and pluralism as a core rule-of-law pillar and point to the EMFA as a tool to protect editorial independence, increase ownership transparency and strengthen regulators, while noting that further action is needed<sup>40</sup><sup>41</sup>. Independent observers summarise the 2025 cycle as showing some positive trajectories but “too little” progress in long-standing problem areas<sup>42</sup><sup>43</sup>.

Taken together, Europe's press-freedom landscape features islands of accountability amid a broader tide of pressure: the murders of Caruana Galizia and Kuciak brought some convictions but also years of delay; Hungary and Serbia exemplify how market capture, punitive legislation, politicised regulators and police violence can shrink civic space; Georgia, Turkey and France show that crackdowns and policing practices can quickly endanger journalists; and EU-level monitoring repeatedly documents a cross-border pattern of politicised media ecosystems, weak safety guarantees, ownership opacity and regulators that too often lack independence.

Within the European Union, freedom and pluralism of the media are recognised as fundamental rights enshrined in EU law. Globally, the EU is still perceived as a relatively safe space for independent journalism. Yet inside the Union, news organisations face declining revenues, growing political and economic pressures, and the disruptive dominance of very large online

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<sup>35</sup>EUR-Lex: 2023 Rule of Law Report communication <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52023DC0800>

<sup>36</sup>European Commission: 2024 Rule of Law Report page [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law/annual-rule-of-law-cycle/2024-rule-of-law-report\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law/annual-rule-of-law-cycle/2024-rule-of-law-report_en)

<sup>37</sup>CMPF—Media Pluralism Monitor 2024 <https://cmpf.eui.eu/media-pluralism-monitor-2024/>

<sup>38</sup>European Commission: publication note on 2025 Media Pluralism Monitor <https://digital-strategy.ec.europa.eu/en/news/publication-2025-media-pluralism-monitor>

<sup>39</sup>SAGE Journals: discussion of MPM as an input to EU monitoring <https://journals.sagepub.com/doi/full/10.1177/02673231231176966>

<sup>40</sup>European Commission Press Corner: Rule of Law Report 2024 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_3864](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_3864)

<sup>41</sup>eucri: analysis of the 2024 Rule of Law Report <https://eucri.eu/news/commissions-2024-rule-of-law-report/>

<sup>42</sup>ECPMF: “EU Rule of Law Report—welcome but insufficient” <https://www.ecpmf.eu/eu-rule-of-law-report-a-welcome-but-insufficient-response-to-deteriorating-media-freedom/>

<sup>43</sup>Balkan Insight: 2025 Rule of Law Report—“positive” progress but too little <https://balkaninsight.com/2025/07/08/eus-rule-of-law-report-finds-positive-progress-but-too-little-in-usual-suspects/>

platforms. The lack of harmonisation across member states, with each operating its own rules, adds to the challenges for media operating across borders<sup>44</sup>.

In recent years, the European Commission's Rule of Law Reports, supported by the Media Pluralism Monitor, have repeatedly flagged systemic risks. These include political interference in editorial decisions, inadequate safeguards for journalists against threats and harassment, opaque or concentrated ownership that hides who controls media outlets, and weak independence of regulatory bodies in some member states<sup>45</sup>. The reports make clear that threats to press freedom are not isolated incidents but part of structural deficiencies within several national systems.

Civil society has echoed these warnings. Julie Majerczak, head of the Brussels office of Reporters Without Borders, underlined that “press freedom has seriously deteriorated in the EU in recent years.” She highlighted how journalists are increasingly exposed to verbal and physical aggression, online abuse, vexatious lawsuits, and even unlawful surveillance, all of which create a climate of intimidation and pressure<sup>46</sup>.

To address these risks, the European Commission tabled a legislative proposal in September 2022 designed to promote pluralism and independence in the media sector. The aim is to guarantee that public and private media alike can function freely, across borders, and adapt to the digital transition without political or commercial capture. Vera Jourová, Commissioner for Values and Transparency, stated when presenting the package: “for the first time in the EU law, we are presenting safeguards to protect the editorial independence of the media. State should not interfere in editorial decisions, the financing of public service media should be transparent and predictable, not used as a pressure. We strongly believe that no journalists should be spied on for doing their work.”<sup>47</sup>. Her words resonated strongly in light of the rising concern over state overreach and violations of media freedom detailed above.

The Rule of Law Reports and the Media Pluralism Monitor are crucial in this process, as they provide the evidence base for EU action. The European Media Freedom Act (EMFA) builds on these tools: findings from the reports inform both the identification of systemic risks and the design of safeguards within the EMFA, ensuring that monitoring is not only descriptive but also

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<sup>44</sup>European Parliament: Media freedom and pluralism <https://www.europarl.europa.eu/topics/en/article/20220113STO21330/media-freedom-and-pluralism>

<sup>45</sup>European Commission: Rule of Law Report 2024 – Media pluralism section [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law/annual-rule-of-law-cycle/2024-rule-of-law-report\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law/annual-rule-of-law-cycle/2024-rule-of-law-report_en)

<sup>46</sup> Reporters Without Borders: RSF on the state of press freedom in the EU <https://rsf.org/en/region/europe-central-asia>

<sup>47</sup>European Commission: Proposal for a European Media Freedom Act, September 2022 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_5504](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504)

tied to enforcement. In practice, this means that concerns about ownership transparency, regulator independence, or protection of journalists can directly trigger EU-level scrutiny under the new regulation<sup>48</sup>.

The EMFA therefore complements the broader digital framework that includes the Digital Services Act and Digital Markets Act, but with a unique focus on defending the independence, pluralism, and sustainability of journalism in Europe. Together, these instruments seek to build a media environment where fundamental rights are protected and citizens can access trustworthy, diverse information.

## 2. EU LAW

In the previous section, we discussed the landscape of media in Europe. In this new section, we will review the EU's legal framework.

The European Union's legal system has evolved step by step, from the creation of the founding treaties to a complex architecture combining constitutional principles, legislative instruments, and judicial enforcement. This framework determines how the EU acts in areas such as media regulation. These actions result from the interaction of institutions with distinct roles in law-making and implementation: the Commission proposes, the Parliament and Council of the EU co-legislate, and the CJEU ensures compliance. The European Council provides strategic guidance, while advisory and consultative bodies contribute expertise and societal perspectives.

See Figure 1 (I.C) to visualise the institutional architecture of the European Union and the key stages through which legislation is proposed, negotiated, adopted, and applied across Member States.

The European Union's institutional framework operates through a structured interaction between political, legislative, executive, and judicial bodies. At its centre, the European Council defines the Union's overall political direction, while the Council of the European Union (composed of national ministers) adopts legislation jointly with the European Parliament, which represents EU citizens and exercises democratic oversight of the European Commission. The Commission, composed of 27 Commissioners and supported by Directorates-General and Services, holds the exclusive right of legislative initiative and ensures the implementation of EU law. The Court of Justice of the European Union (CJEU) guarantees the uniform interpretation of EU law, while the European Court of Auditors (ECA) supervises financial

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<sup>48</sup>European Commission: European Media Freedom Act – fact sheet on monitoring and enforcement <https://digital-strategy.ec.europa.eu/en/policies/european-media-freedom-act>

management. Two advisory bodies, the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR), provide formal input from civil society and local authorities. This institutional balance underpins the legal system described in the following sections.

*a. Foundational Treaties and Constitutional Anchoring*

The legal foundation of the EU lies in the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), which define institutional roles, competences, and fundamental values. Article 2 TEU establishes that the Union is founded on respect for human dignity, freedom, democracy, equality, the rule of law, and human rights, including pluralism and non-discrimination. These values set the constitutional baseline for all EU action.<sup>49</sup>

The Charter of Fundamental Rights of the European Union, which became legally binding with the Lisbon Treaty in 2009, further anchors freedom of expression and information as a fundamental right. Article 11 of the Charter explicitly guarantees freedom of the media and pluralism.<sup>50</sup>

Even before the Charter's entry into force, the Court of Justice of the European Union (CJEU) had recognised fundamental rights as general principles of EU law, drawing inspiration from the European Convention on Human Rights (ECHR) and the constitutional traditions of Member States.<sup>51</sup> This constitutionalisation of rights ensures that any EU intervention, including in media regulation, must comply with both the Charter and the Convention.

*b. Division of Competences and Legal Bases*

Under Article 5 TEU, the EU acts only within the limits of competences conferred upon it by the Member States. The principle of subsidiarity requires that action be taken at the EU level only when objectives cannot be sufficiently achieved by Member States alone. For media-related policies, competence is shared. Article 167 TFEU gives the EU the power to support, coordinate, or supplement Member State actions in cultural matters, including media pluralism, but explicitly prohibits harmonisation of national laws.<sup>52</sup> When the objective concerns the functioning of the internal market, however, Article 114 TFEU provides a legal basis for harmonisation measures.<sup>53</sup>

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<sup>49</sup> Treaty on European Union (Consolidated Version), OJ C 202, 7 June 2016

<sup>50</sup> Charter of Fundamental Rights of the European Union, OJ C 202, 7 June 2016

<sup>51</sup> Court of Justice of the European Union. (2012). Case C-617/10, Åkerberg Fransson. ECLI:EU:C:2013:105

<sup>52</sup> Treaty on the Functioning of the European Union, Article 167, OJ C 202, 7 June 2016

<sup>53</sup> Treaty on the Functioning of the European Union, Article 114, OJ C 202, 7 June 2016

In practice, the EU relies on Article 114 to address cross-border media issues such as ownership transparency or audience measurement, while Article 167 shapes programmes that promote cultural and pluralistic values. This dual legal foundation explains why EU media regulation often combines market-integration logic with fundamental-rights objectives.

*c. Legislative Instruments*

EU law takes different forms depending on the desired degree of harmonisation. Regulations are directly applicable in all Member States and ensure uniform rules across the Union, while Directives bind Member States to achieve a certain result but allow flexibility in transposition. Decisions, Recommendations, and Communications are used for targeted or non-binding measures.<sup>54</sup>

When cross-border coordination is necessary, such as in digital or audiovisual markets, the EU favours regulations to avoid fragmentation. By contrast, directives are typically used in culturally sensitive areas where national diversity must be preserved. This combination of instruments allows the EU to balance uniformity with respect for Member State autonomy.

*d. Legislative Process and Policy Coordination*

Most EU legislative acts follow the Ordinary Legislative Procedure (co-decision), in which the European Parliament and the Council of the EU jointly adopt laws on a proposal from the European Commission.<sup>55</sup> Negotiations are often conducted in “trilogues” to reconcile institutional positions. The Commission also issues impact assessments and organises public consultations to ensure transparency and evidence-based policymaking.<sup>56</sup>

Once legislation is adopted, delegated and implementing acts may further specify technical details. The Commission works closely with national authorities, regulatory networks, and expert groups to ensure consistent application, particularly in complex policy areas such as media, data, and digital regulation. In addition to the formal legislative institutions, consultative committees such as the EESC and CoR provide opinions on draft proposals, ensuring that civil society and regional authorities are represented in the policymaking process.

*e. Enforcement and Judicial Oversight*

Compliance with EU law is monitored through several mechanisms. The European Commission can initiate infringement proceedings against Member States that fail to implement or apply EU

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<sup>54</sup>European Parliament. (2024). Legislative acts: Regulations, Directives, Decisions. <https://www.europarl.europa.eu/factsheets/en/sheet/2/the-european-union-s-legal-acts>

<sup>55</sup>European Commission. (2023). Ordinary Legislative Procedure. [https://commission.europa.eu/law/law-making-process/adopting-eu-law/ordinary-legislative-procedure\\_en](https://commission.europa.eu/law/law-making-process/adopting-eu-law/ordinary-legislative-procedure_en)

<sup>56</sup>European Commission. (2024). Better Regulation Guidelines. [https://commission.europa.eu/better-regulation\\_en](https://commission.europa.eu/better-regulation_en)

law correctly (Articles 258–260 TFEU).<sup>57</sup> National courts may refer questions of interpretation to the CJEU through the preliminary reference procedure (Article 267 TFEU), ensuring uniform interpretation across the Union.<sup>58</sup>

Individuals or organisations directly affected by an EU act may challenge it before the CJEU through an action for annulment (Article 263 TFEU). In addition, broader mechanisms such as the Rule of Law Framework and the Article 7 TEU procedure allow political and legal responses to systemic breaches of EU values, including threats to media freedom and judicial independence.<sup>59</sup>

The EU's legal order also interacts closely with the European Convention on Human Rights. The CJEU aligns the interpretation of the Charter, notably Article 11, with Article 10 ECHR, which protects freedom of expression.<sup>60</sup> This ensures consistency between EU and Council of Europe standards.

#### *f. Integration and Evolution*

Over time, the EU's legal framework has evolved from a narrow focus on economic integration to a broader concern with democratic governance, transparency, and rights protection. Early case law established the supremacy and direct effect of EU law, giving citizens and organisations the ability to invoke EU rights before national courts.<sup>61</sup> Subsequent treaty reforms expanded EU competences to include justice, security, and fundamental rights, creating the constitutional basis for horizontal regulations such as the General Data Protection Regulation (GDPR) or the Digital Services Act (DSA).

This progressive integration has set the stage for sector-specific legislation in media and communication. The European Media Freedom Act builds on this constitutional and procedural foundation, combining market integration under Article 114 with rights-protection objectives under Article 167 and Article 11 of the Charter. It represents the latest step in the Union's ongoing effort to translate constitutional principles into enforceable guarantees for media freedom and pluralism.

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<sup>57</sup>European Commission. (2023). Infringement Procedure. [https://commission.europa.eu/law/law-making-process/applying-eu-law/infringements-procedure\\_en](https://commission.europa.eu/law/law-making-process/applying-eu-law/infringements-procedure_en)

<sup>58</sup>Court of Justice of the European Union. (2023). Preliminary ruling procedure. [https://curia.europa.eu/jcms/jcms/Jo2\\_7024/en/](https://curia.europa.eu/jcms/jcms/Jo2_7024/en/)

<sup>59</sup>European Commission. (2024). Rule of Law Framework and Article 7 Procedure. [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-of-law/rule-of-law_en)

<sup>60</sup>European Union Agency for Fundamental Rights (FRA). (2024). Charter Article 11 – Freedom of expression and information. <https://fra.europa.eu/en/eu-charter/article/11-freedom-expression-and-information>

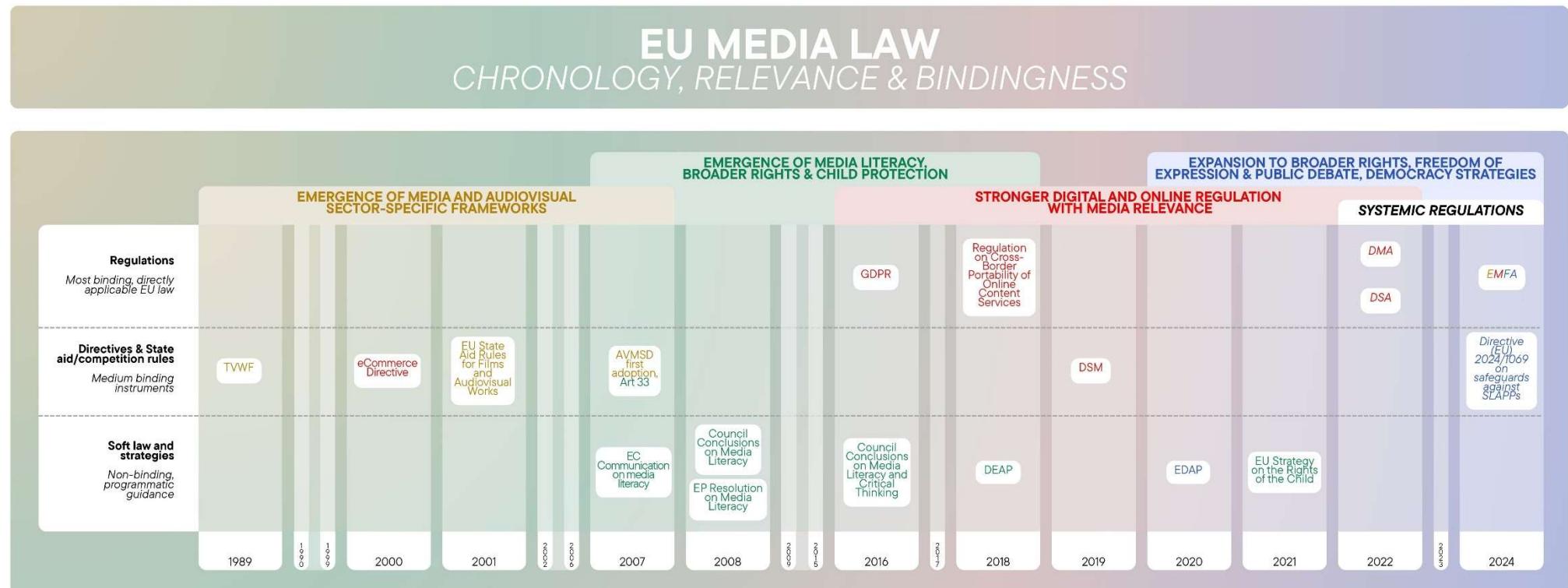
<sup>61</sup>Court of Justice of the European Union. (1963). Case 26/62, Van Gend en Loos v. Netherlands Inland Revenue Administration. ECLI:EU:C:1963:1.

The effectiveness of this legal and institutional system also relies on a broader ecosystem of interest groups and intermediaries, including NGOs, trade and business associations, and academic institutions, that interact with EU bodies through consultations and lobbying. These actors contribute information, expertise, and advocacy, helping translate constitutional principles into policy practice.

### 3. EU MEDIA LAW

Figure 5 summarizes the chronology, relevance and degree of bindingness of EU Media Law elements.

Figure 5 - EU Media Law, Chronology, Relevance & Bindingness



As illustrated by Figure 5, most media and audiovisual sector-specific laws were introduced between 1989 and 2007, followed by a period from 2007 to 2018 marked by stronger attention to media literacy, fundamental rights, and child protection. From 2016 to 2022, regulation increasingly focused on digital and online environments, integrating issues with growing media relevance. Starting in 2020, the scope expanded toward broader themes of freedom of expression, public debate, and democracy through the European Democracy Action Plan, leading to more systemic regulatory frameworks such as the Digital Markets Act and the Digital Services Act adopted from 2022 onward. In this continuum, the EMFA aligns with and consolidates these priorities, reflecting the EU's move toward a comprehensive and integrated approach to media governance.

In this section, we will present the main elements composing the EU Media legal framework.

### *Overview*

The European Union has developed a dense legal and policy framework to regulate media, promote freedom and pluralism, and adapt to technological change. This framework combines sector-specific rules on broadcasting and audiovisual works with horizontal regulations on privacy, competition, and online platforms. It reflects the EU's dual ambition: to safeguard democratic values such as media pluralism and cultural diversity, while also creating a digital single market that benefits consumers and businesses.

The Television Without Frontiers Directive (TVWF), adopted in 1989, was the EU's first attempt to harmonise broadcasting across borders<sup>62</sup>. It introduced the principle of free circulation of television services within the single market while setting minimum standards, such as quotas for European works and protection of minors. It primarily concerned broadcasters, regulators, and audiovisual producers. Though now replaced by later rules, it laid the foundation of European audiovisual law.

The eCommerce Directive, adopted in 2000, created the first EU framework for online services and platform liability<sup>63</sup>. It established the “country of origin” principle and a conditional liability regime for intermediary service providers, which shaped the development of the EU's digital single market. It concerned internet providers, hosting services, online platforms, and

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<sup>62</sup>European Commission: Television Without Frontiers Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31989L0052>

<sup>63</sup>European Commission: eCommerce Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000L0031>

indirectly media organisations publishing content online. The directive remained the baseline until the Digital Services Act replaced parts of it two decades later.

EU state aid rules for films and audiovisual works were clarified in 2001 and revised in 2013<sup>64</sup>. These rules allow governments to subsidise film and television production for cultural reasons, while requiring compatibility with EU competition law. Conditions include cultural purpose, proportionality, and limits on territorial spending. They matter to producers, distributors, and national authorities, helping sustain European cinema and audiovisual industries against global competition.

Media literacy became a formal EU policy priority in the mid-2000s, and the 2007 Audiovisual Media Services Directive incorporated it into law<sup>65</sup>. The EU defines media literacy as citizens' ability to access, understand, critically evaluate, and create communication in a variety of contexts. Initiatives since then, such as the Digital Education Action Plan (DEAP), aim to build resilience against disinformation and manipulation. These policies concern educators, schools, civil society, and young people, but also the general public.

The Audiovisual Media Services Directive (AVMSD), adopted in 2010 and revised in 2018, modernised the TVWF Directive<sup>66</sup>. It extended rules beyond traditional broadcasting to on-demand and online video services, introducing standards on advertising, protection of minors, and quotas for European works. It concerns broadcasters, video-on-demand platforms, advertisers, and regulators. The 2018 revision responded to the global rise of streaming platforms like Netflix and YouTube.

The General Data Protection Regulation (GDPR), adopted in 2016 and enforceable since May 2018, harmonised data protection across the EU<sup>67</sup>. It gave individuals stronger rights over their personal data, imposed strict obligations on organisations for consent and transparency, and introduced high fines for non-compliance. It concerns all entities processing data, including media outlets and platforms. For journalism, it raised questions about balancing privacy rights with freedom of expression.

The regulation on cross-border portability of online content services entered into force in April 2018<sup>68</sup>. It allows EU citizens to access their paid subscriptions, films, series, sports or music

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<sup>64</sup>European Commission: State aid for films and audiovisual works [https://competition-policy.ec.europa.eu/sectors/media/state-aid-films\\_en](https://competition-policy.ec.europa.eu/sectors/media/state-aid-films_en)

<sup>65</sup>European Commission: Media literacy policies <https://digital-strategy.ec.europa.eu/en/policies/media-literacy>

<sup>66</sup>European Commission: Audiovisual Media Services Directive <https://digital-strategy.ec.europa.eu/en/policies/audiovisual-media-services>

<sup>67</sup>European Commission: General Data Protection Regulation [https://commission.europa.eu/law/law-topic/data-protection/data-protection-eu\\_en](https://commission.europa.eu/law/law-topic/data-protection/data-protection-eu_en)

<sup>68</sup>European Commission: Cross-border portability of online content services <https://digital-strategy.ec.europa.eu/en/policies/cross-border-portability-online-content-services>

services, while temporarily travelling in other member states. It mainly concerns consumers, streaming platforms, and content providers, ending “digital borders” that limited access abroad.

The Copyright in the Digital Single Market (DSM) Directive was adopted in April 2019<sup>69</sup>. It updated copyright law for the online environment, introducing a press publishers’ right (Article 15) to ensure fair remuneration when platforms use their content, and clarifying liability for user-uploaded content on platforms (Article 17). It directly concerns press publishers, journalists, online platforms such as YouTube, and end users. It was controversial, but its aim was to rebalance relations between media and large platforms.

The EU Strategy on the Rights of the Child, adopted in 2021, addressed digital and media issues as part of broader child rights protection<sup>70</sup>. It emphasises safe online spaces, protection from harmful content, and equal access to diverse and quality information. It concerns children, parents, educators, policymakers, and digital platforms.

The Digital Services Act (DSA), adopted in 2022, created a comprehensive regulatory framework for online intermediaries<sup>71</sup>. It entered into force in November 2022, with obligations for very large platforms applying from August 2023. It establishes due diligence, transparency, and accountability requirements to tackle illegal and harmful content and improve user protection. It concerns platforms, hosting providers, marketplaces, regulators, and indirectly media organisations that rely on fair online distribution.

The Digital Markets Act (DMA), adopted alongside the DSA in 2022, entered into application in May 2023<sup>72</sup>. It addresses competition concerns by designating certain big digital companies as “gatekeepers,” prohibiting unfair practices like self-preferencing and imposing obligations such as interoperability. It directly targets dominant technology firms but indirectly benefits consumers, small businesses, and media outlets reliant on fair access to markets.

Directive (EU) 2024/1069, adopted on 11 April 2024, establishes safeguards to protect persons who engage in public participation from manifestly unfounded claims or abusive court proceedings—so-called “SLAPPs” (“Strategic Lawsuits Against Public Participation”)<sup>73</sup>. It applies to civil and commercial matters with cross-border implications, and covers individuals and organisations such as journalists, media outlets, NGOs, academics, whistleblowers, trade

<sup>69</sup>European Commission: Copyright in the Digital Single Market Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0790>

<sup>70</sup>European Commission: EU Strategy on the Rights of the Child [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child_en)

<sup>71</sup>European Commission: Digital Services Act <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

<sup>72</sup>European Commission: Digital Markets Act <https://digital-strategy.ec.europa.eu/en/policies/digital-markets-act>

<sup>73</sup>Directive (EU) 2024/1069, adopted on 11 April 2024... SLAPPs, EUR-Lex, <https://eur-lex.europa.eu/eli/dir/2024/1069/oj/eng>

unions, artists, and human rights defenders<sup>74</sup>. Key procedural protections include early dismissal of claims that are clearly without merit, cost recovery by the defendant, financial security for costs and potential damages, and penalties for abusive claimants. The Directive went into force around 6 May 2024 and EU Member States are required to transpose its minimum requirements into national law by 7 May 2026. Its significance lies in enhancing freedom of expression and protecting public debate, by countering litigation aimed more at silencing critics (including media actors) than at vindicating genuine legal claims<sup>75</sup>.

#### *The European Media Freedom Act*

The process leading to the adoption of the European Media Freedom Act (EMFA) followed the ordinary legislative procedure and unfolded over several key stages between 2021 and 2024. The origins of the EMFA trace back to the European Democracy Action Plan (EDAP), presented by the European Commission in December 2020, which announced the intention to propose a European Media Freedom Act. Throughout 2021 and 2022, the Commission, and more specifically its Directorate-General for Communications Networks, Content and Technology (DG CNECT), organised public consultations, stakeholder meetings, and impact assessments. It also commissioned external studies, such as the Centre for Media Pluralism and Media Freedom's (CMPF) *Media Pluralism Monitor* and the *Study on Media Plurality and Diversity Online*, to identify structural risks to media pluralism and inform the legislative proposal. On 16 September 2022, the European Commission officially presented the EMFA proposal (COM(2022) 457), transmitting it to both the European Parliament and the Council of the European Union. This marked the formal start of the legislative process. Within the European Parliament, the proposal was assigned to the Committee on Culture and Education (CULT), with Sabine Verheyen (EPP, Germany) appointed as rapporteur. Other committees, including the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Internal Market and Consumer Protection Committee (IMCO), provided opinions. The CULT Committee debated the proposal through 2023, ultimately adopting its draft report in July 2023, which consolidated the Parliament's internal compromises. On 3 October 2023, the European Parliament plenary adopted its position with 448 votes in favour, 102 against, and 75 abstentions. This vote did not mark final adoption but rather established the Parliament's first-reading position and negotiating mandate for the upcoming trilogue negotiations with the Council and Commission. In parallel, the Council of the EU examined the proposal within its Working Party on

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<sup>74</sup>EUR-Lex, <https://eur-lex.europa.eu/eli/dir/2024/1069/oj/eng>

<sup>75</sup>Lexology, <https://www.lexology.com/library/detail.aspx?g=621799e2-a80a-44c7-88e2-61b2c48346d2>

Audiovisual and Media Services (WPMS), under the successive Czech, Swedish, and Spanish presidencies. On 21 June 2023, the Council reached a general approach, meaning that Member States had agreed on a unified negotiating position to engage in trilogues with the Parliament. Interinstitutional trilogue negotiations took place between December 2023 and February 2024. These talks focused on reconciling differences between the Parliament and Council, with major compromises achieved on sensitive issues such as Article 4 (use of spyware), Articles 17–18 (media privilege and complaint mechanisms), and Article 20 (user-interface and device rules). On 15 February 2024, the institutions reached a provisional political agreement on the final text. The European Parliament formally approved this compromise text on 13 March 2024, marking the regulation's adoption at the EU level. The Council of the EU gave its final endorsement shortly after, on 26 March 2024. The European Media Freedom Act was published in the Official Journal of the European Union in April 2024, entering into force 20 days after publication. Most of its provisions will apply from 2025, while certain articles, most notably Article 20 on device and interface obligations, will take effect later, in 2027, to allow time for implementation.<sup>76</sup>

The EMFA is the first EU regulation dedicated specifically to safeguarding media freedom and pluralism. It establishes rules on ownership transparency, editorial independence, state advertising, and the autonomy of national regulators. It reflects the Union's growing concern over political capture and declining pluralism, positioning itself as a cornerstone of democratic resilience in the digital age.

#### Scope and Objectives

Adopted as Regulation (EU) 2024/1083, the European Media Freedom Act creates a unified framework to protect the independence, transparency, and sustainability of media across the European Union. Most of its provisions will apply from August 2025. The regulation complements existing digital and audiovisual legislation such as the Audiovisual Media Services Directive (AVMSD), the Digital Services Act, and the Digital Markets Act. By addressing both traditional and online environments, the EMFA aims to remove barriers to cross-border operation and to ensure that all media can function under transparent, fair, and non-discriminatory conditions within the internal market.<sup>77</sup>

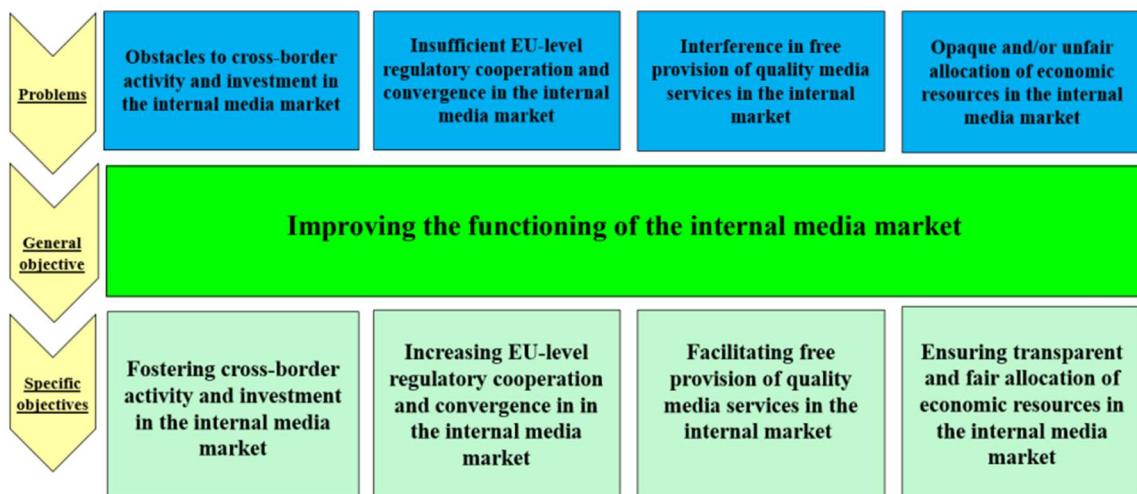
Figure 7 represents the “Intervention Logic” as conceived by the Council:

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<sup>76</sup>European Commission: European Media Freedom Act ([https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_5504](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504))

<sup>77</sup> European Commission, European Media Freedom Act – Fact Sheet on Monitoring and Enforcement, 2024, <https://digital-strategy.ec.europa.eu/en/policies/european-media-freedom-act>

Figure 6 - Intervention Logic from the Council



As Figure 6 shows, the Council describes the general objective of the intervention as “*to improve the functioning of the internal media market and foster the provision of quality media services, thus strengthening the integrity of the internal market as a whole*”. More precisely, the Council identifies four specific objectives. The first is to foster cross-border activity and investment in the internal media market by enabling media operators to expand more easily across borders through the harmonisation of national rules on media pluralism and the use of common EU criteria for assessing market transactions. The second is to increase regulatory cooperation and convergence by strengthening collaboration among national regulators, issuing coordinated guidance, and promoting collective EU-level action to ensure compliance with media standards. The third is to facilitate the free provision of quality media services by safeguarding access to trustworthy and independent content, limiting political or corporate interference, enhancing ownership transparency, promoting self-regulation, and protecting journalists’ sources. Finally, the fourth objective is to ensure transparent and fair allocation of economic resources by improving openness in audience measurement and state advertising, preventing biased or discriminatory distribution of public funds, and fostering fair competition and equal opportunities across the EU media market.<sup>78</sup>

In the next paragraphs, we will present all the articles of the EMFA and outline the main tensions they provoked.

Article 1 defines the subject matter and objectives of the regulation. It establishes that the EMFA aims to enhance the functioning of the internal market for media services while safeguarding

<sup>78</sup>[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSL:ST\\_12413\\_2022\\_ADD\\_1](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSL:ST_12413_2022_ADD_1)

media freedom, pluralism, and editorial independence. Article 2 provides definitions for key terms such as “media service provider,” “editorial decision,” and “media market concentration,” which serve as the conceptual foundation for the entire regulation.<sup>79</sup> Article 3 reaffirms the freedom to provide media services across the internal market and prohibits restrictions based on nationality, political affiliation, or other unjustified grounds.<sup>80</sup>

#### Editorial Independence, Journalistic Protection, and Ownership Transparency

The first substantive provisions concern the protection of editorial independence and journalistic sources. Article 4 requires Member States to respect and protect the effective editorial freedom of media service providers and to guarantee the independence of public service media, including transparent and adequate funding and objective appointment procedures. Article 4 has become a flashpoint for debate because it imposes strong legal safeguards against state interference—specifically prohibiting compulsory source disclosure, surveillance, and search of editorial premises except under strictly defined judicial and proportional conditions.<sup>81</sup> Civil society actors and press freedom organisations warned that any “national security” exception would undermine the article’s purpose, as it would allow States to put pressure on journalists of their choice as long as they declare a national security reason.<sup>82</sup> Some analyses argue that ambiguous drafting in exceptions may allow states to circumvent protections, reducing the article’s effectiveness in practice.<sup>83</sup> Article 5 reinforces these guarantees by prohibiting the use of spyware or surveillance technologies against journalists and their sources, except under narrowly defined conditions authorised by judicial decision.<sup>84</sup>

Article 6 introduces binding transparency obligations concerning media ownership. Media service providers must disclose their ownership structures, beneficial owners, and sources of financing, making this information publicly accessible. This transparency enables regulators and citizens to identify potential conflicts of interest and to prevent hidden concentrations of influence that could threaten pluralism.<sup>85</sup> As article 6 obliges media service providers to publish their ownership structures and beneficial owners, as well as disclose revenues from state advertising, this requirement sparked controversy because critics argue that some key elements

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<sup>79</sup> Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024, Articles 1–2, Official Journal of the European Union (OJ L, 2024).

<sup>80</sup> Ibid., Article 3.

<sup>81</sup> Article 4, Rights of media service providers, Media Freedom Act text. (Media-Freedom-Act.com)

<sup>82</sup> RSF, “A national security exception in the EMFA would be a very disturbing signal for press freedom,” December 2023. <https://rsf.org/en/national-security-exception-emfa-would-be-very-disturbing-signal-press-freedom>

<sup>83</sup> Stanford Law, No. 114: Unpacking the European Media Freedom Act (How Articles 4, 6 and 18 undermine its effectiveness), May 2025. <https://law.stanford.edu/publications/no-114-unpacking-the-european-media-freedom-act-how-articles-4-6-and-18-undermine-its-effectiveness/>

<sup>84</sup> Ibid., Articles 4–5

<sup>85</sup> Ibid., Article 6

are non-binding or narrowly scoped, limiting the article's effectiveness in practice.<sup>86</sup> Some analyses caution that forcing public disclosure of beneficial owners may create tension with privacy and personal data protection rights, especially when applied without sufficient safeguards.<sup>87</sup>

#### Institutional Architecture and Governance: the EBMS replaces ERGA

Articles 7 to 11 establish the European Board for Media Services (EBMS), which replaces the former European Regulators Group for Audiovisual Media Services (ERGA). Article 7 formally creates the Board as an independent body composed of national media regulators. Article 8 defines its composition and internal structure, ensuring functional independence from both the Commission and national governments. Article 9 details the Board's tasks, including promoting consistent application of the regulation, coordinating cross-border cases, and advising the Commission on media pluralism risks. Article 10 sets rules on transparency and accountability, while Article 11 defines its procedural operations, including the adoption of opinions and the organisation of stakeholder dialogues.<sup>88</sup>

In the field of media regulation, no fully autonomous EU agency existed prior to the European Media Freedom Act. Until 2024, coordination among national media regulators was carried out through the European Regulators Group for Audiovisual Media Services (ERGA), an advisory network established by a Commission Decision in 2014 to support consistent implementation of the Audiovisual Media Services Directive. ERGA did not possess independent legal status and operated under the auspices of the European Commission's Directorate-General for Communications Networks, Content and Technology (DG CNECT), primarily focusing on exchanging information, providing technical opinions, and promoting regulatory convergence across Member States. In this respect, ERGA corresponded to what Wood (2017) classifies as a technical-functional agency, characterised by low political salience and limited entrepreneurial capacity, whose authority depended on expertise and inter-administrative coordination rather than formal autonomy<sup>89</sup>.

The European Media Freedom Act (EMFA) fundamentally transforms this institutional setting by creating the European Board for Media Services (EBMS), which replaces ERGA and

<sup>86</sup> Stanford Law, Unpacking the European Media Freedom Act: How Articles 4, 6 and 18 undermine its effectiveness (2025) <https://law.stanford.edu/publications/no-114-unpacking-the-european-media-freedom-act-how-articles-4-6-and-18-undermine-its-effectiveness/>

<sup>87</sup> Rivista Italiana di Informatica e Diritto, Media ownership transparency and the European ... (2024) <https://www.rivistaitalianadiinformaticaediritto.it/index.php/RIID/article/download/286/225/517>

<sup>88</sup> Ibid., Articles 7–11

<sup>89</sup> European Commission Decision 2014/462/EU establishing the European Regulators Group for Audiovisual Media Services; Wood, M. (2017). EU agencies and their entrepreneurial strategies. *Journal of European Public Policy*, 24(5), 726–745.

formalises its network within a new legal and organisational framework. The EBMS will bring together national regulators to coordinate decisions on media pluralism, ownership transparency, and cross-border market concentrations, while issuing opinions and facilitating cooperation with the European Commission. Although formally positioned within the Commission's structure, the EBMS enjoys greater independence and institutional visibility than its predecessor. This evolution marks a significant step toward the Europeanisation of media regulation, aligning it with other EU policy fields where semi-autonomous agencies provide technical expertise and ensure regulatory coherence.

In Wood's (2017) typology, the EBMS can be understood as a network-seeking agency, operating in a policy area of moderate salience but pursuing extensive entrepreneurial strategies to expand its authority and consolidate a transnational network of regulators. By mobilising expertise, issuing recommendations, and coordinating national decisions, the EBMS seeks to strengthen its role as a credible actor in the governance of media freedom and pluralism. Its creation illustrates the broader tendency of the EU to institutionalise soft coordination mechanisms into structured, quasi-regulatory entities capable of bridging national diversity and ensuring consistent rule application<sup>90</sup>.

#### Cooperation and Cross-Border Oversight

Articles 12 to 15 define mechanisms for cooperation between the EBMS, national regulators, and the European Commission. Article 12 introduces the principle of mutual assistance and exchange of information. Article 13 regulates cooperation in cases of cross-border relevance, including dispute settlement procedures. Article 14 establishes structured dialogue between the Commission, the Board, and civil society to promote pluralism and freedom of expression. Article 15 sets procedures for handling complaints and ensures that media service providers and the public can raise concerns about the application of the regulation.<sup>91</sup>

Article 16 expands the EBMS's scope by empowering regulators to address media services originating from outside the Union that pose serious risks to public security or the integrity of democratic debate. This provision provides a legal basis for coordinated action against foreign interference while safeguarding freedom of expression.<sup>92</sup>

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<sup>90</sup>European Commission (2024). European Media Freedom Act: Regulation (EU) 2024/1060 of the European Parliament and of the Council of 14 May 2024. Official Journal of the European Union, L 210.

<sup>91</sup> Ibid., Articles 12–15

<sup>92</sup> Ibid., Article 16

## Online Platforms, User Choice, and Digital Intermediaries

The EMFA dedicates several articles to digital intermediaries and online environments. Article 17 protects media content distributed through very large online platforms by requiring platforms to notify media service providers before removing or restricting their content. It also mandates an internal complaint mechanism to safeguard editorial autonomy. Article 18 complements this by requiring transparency and cooperation between platforms and media outlets, including the publication of moderation policies and information-sharing obligations.<sup>93</sup> Article 18 is contested because it grants media entities the right to receive prior notice and challenge content removals by very large online platforms, essentially a “media privilege.”<sup>94</sup> Critics highlight risks: states or disinformation actors could abuse that privilege to evade moderation obligations, and some warn that the article relies too much on procedural safeguards rather than strong substantive obligations for platforms.<sup>95</sup> Moreover, the relationship between Article 18 and the Digital Services Act (DSA) has been scrutinised for potentially creating gaps or overlaps in moderation rules.<sup>96</sup>

Article 19 guarantees users the right to customise default settings on devices and interfaces such as connected televisions, smart speakers, or in-car systems, ensuring that consumers can choose their preferred media sources freely. Article 20 creates a framework for cooperation between very large online platforms and the EBMS, facilitating dialogue and conflict resolution concerning compliance with Articles 17 to 19.<sup>97</sup>

## Media Market Concentration and Regulatory Independence

Article 21 introduces new safeguards concerning media market concentration. It requires Member States to assess mergers or acquisitions involving media service providers, considering their potential impact on editorial independence and media pluralism. These assessments must involve consultation with the EBMS and the Commission.<sup>98</sup>

Article 22 reinforces the independence and impartiality of national regulators responsible for media oversight. It requires Member States to guarantee that these authorities are adequately resourced, functionally independent, and protected from political or commercial influence.<sup>99</sup>

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<sup>93</sup> Ibid., Articles 17–18

<sup>94</sup> Monti, In defence of Article 18 of the EMFA, CMPF Observatory, November 2024 <https://cmpf.eui.eu/in-defence-of-article-18-of-the-emfa/>

<sup>95</sup> Monti, The missing piece in the DSA puzzle? Article 18 of the EMFA and the media privilege, Rivista Italiana, 2024.

<sup>96</sup> CMPF, “The interplay of the Digital Services Act and the European Media Freedom Act,” October 2024 <https://cmpf.eui.eu/digital-services-act-and-european-media-freedom-act/>

<sup>97</sup> Ibid., Articles 19–20

<sup>98</sup> Ibid., Article 21

<sup>99</sup> Ibid., Article 22

## Market Transparency and Public Funding

Article 23 establishes standards for transparency and fairness in audience measurement systems. It obliges providers of audience measurement tools to publish their methodologies and to make data accessible and verifiable. This measure aims to create a level playing field and ensure that advertising markets operate based on objective information rather than biased metrics.<sup>100</sup>

Articles 24 and 25 address state advertising and public communication spending. Article 24 requires that state advertising be allocated according to transparent, objective, and proportionate criteria, with full disclosure of recipients and amounts. It sets strict rules for audience measurement systems: providers must ensure transparency, impartiality, and verifiability, and must make their methodologies accessible and submit to independent annual audits.<sup>101</sup> The measure has been contentious, especially among measurement industry actors, because it imposes demanding data and audit obligations that may challenge proprietary systems and raise business risks.<sup>102</sup> Article 25 extends these transparency requirements to online platforms, ensuring that digital advertising involving public funds is also subject to oversight.<sup>103</sup>

## Implementation, Reporting, and Final Provisions

Articles 26 and 27 introduce rules for reporting and confidentiality. Article 26 obliges the Commission to periodically evaluate the regulation's implementation and to report on its effectiveness in promoting pluralism and editorial independence. Article 27 ensures the protection of confidential business information and journalistic sources when data are shared between authorities.<sup>104</sup>

Articles 28 to 30 define enforcement mechanisms. Article 28 provides for cooperation between the Commission and the EBMS in monitoring compliance and publishing summaries of findings. Article 29 requires each Member State to designate national contact points to coordinate EMFA implementation. Article 30 allows for penalties under national law for violations of the regulation's provisions.<sup>105</sup>

Finally, Articles 31 to 33 contain transitional and final provisions. Article 31 defines the timeline for entry into force and application. Article 32 repeals inconsistent prior EU acts, and

<sup>100</sup> Ibid., Article 23

<sup>101</sup> Media-Freedom-Act site, “Article 24, Audience measurement.” [https://www.media-freedom-act.com/Media\\_Freedom\\_Act\\_Article\\_24\\_%28Regulation\\_EU\\_2024\\_1083\\_of\\_11\\_April\\_2024%29.html](https://www.media-freedom-act.com/Media_Freedom_Act_Article_24_%28Regulation_EU_2024_1083_of_11_April_2024%29.html)

<sup>102</sup> Médiamétrie / AMC, Position paper on audience measurement obligations under EMFA (2025) <https://www.mediametrie.fr/system/files/2025-04/AMC%20et%20M%C3%A9diam%C3%A9trie%20Position%20paper.pdf>

<sup>103</sup> Ibid., Articles 24–25

<sup>104</sup> Ibid., Articles 26–27

<sup>105</sup> Ibid., Articles 28–30

Article 33 establishes the date of application and obliges Member States to adapt their national frameworks accordingly.<sup>106</sup>

Taken together, the thirty-three articles of the EMFA establish a comprehensive legal framework that integrates economic, democratic, and digital dimensions of media governance. The regulation is both a single-market instrument facilitating cross-border media operation and a fundamental-rights tool designed to safeguard editorial independence, pluralism, and transparency. Its structure reflects the European Union's growing recognition that media freedom is not only an economic asset but also a fundamental precondition for democratic accountability. However, several provisions such as Articles 4, 6, 18, and 24 generated significant tensions among stakeholders, revealing diverging views on how to balance state authority, transparency obligations, platform accountability, and market regulation within a unified framework. Such tensions and diverging positions will be exposed further in IV.B.

#### *EU Media Law Conclusion*

These instruments, from the TVWF to the EMFA, show how EU media law has evolved: from harmonising broadcasting in the 1980s, to setting liability rules for online services in 2000, to supporting cultural diversity and media literacy, to comprehensive data protection, copyright reform, and digital market regulation. The EMFA represents the culmination of these efforts, explicitly embedding media freedom into the EU's legal framework at a time when pluralism and editorial independence are increasingly under pressure.

According to information on EUR-Lex, the European Union Law official online database of EU law and other public documents of the EU, "Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU aims to enhance the editorial freedom and independence of media service providers, ensure that media service providers can operate more easily across borders in the European Union's (EU) internal market, enable media service providers to benefit from the digital transformation of the media space, establish safeguards for media service providers and journalists against interference, inject more transparency into the market, notably as regards media ownership or the allocation of state advertising, enhance regulatory cooperation and convergence".

Among other things, the European Media Freedom Act protects media freedom and editorial independence by requiring EU Member States to respect the effective editorial freedom of

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<sup>106</sup> Ibid., Articles 31–33

media service providers; protects journalistic sources and confidential communications, including in regard to threats to journalists or the illegitimate use of spyware; ensures the independent functioning of public service media, including by providing guarantees regarding their financial resources and the rules regarding the appointment and dismissal of the head and/or members of public service media management boards; guarantees the transparency of media ownership through disclosure obligations for media service providers of specific information (e.g. legal names, contact details, ownership); provides safeguards against the unwarranted removal by very large online platforms (designated under the Digital Services Act) of media content produced according to professional standards but deemed incompatible with terms and conditions; introduces a right of customisation of the media offering on devices and interfaces, such as connected TVs, enabling users to change the default settings to reflect their own preferences; ensures Member States provide an assessment of the impact of key media market concentrations on media pluralism and editorial independence; ensures transparency on audience measurement for media service providers and advertisers; establishes transparency requirements for the allocation of state advertising to media service providers and online platforms by public authorities and entities; intensifies and extends cooperation and coordination between media regulators, including on measures concerning media services from outside the EU; facilitates a structured dialogue between very large online platforms, media service providers and civil society.”<sup>107</sup>

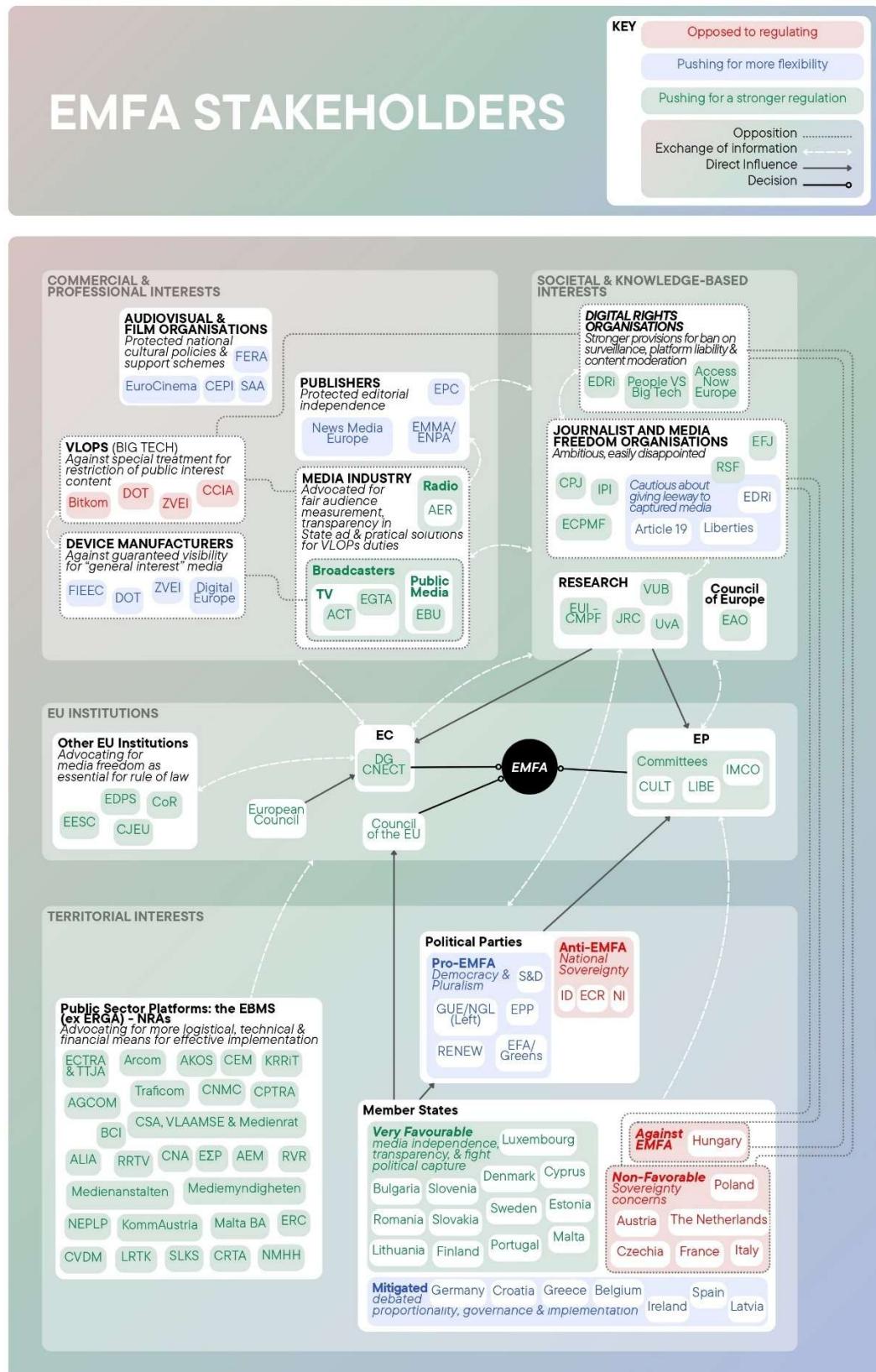
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<sup>107</sup> <https://eur-lex.europa.eu/EN/legal-content/summary/european-media-freedom-act.html?fromSummary=05>

## B. KEY INSTITUTIONS

Figure 7 below serves as a visual representation of EMFA stakeholders and their interactions.

Figure 7 - EMFA Stakeholders Framework



The stance of these stakeholders regarding the initial version of EMFA is detailed in the following sections.

## 1. EU INSTITUTIONS

### a. *Core Legislative and Executive Institutions*

#### *The European Commission - DG CNECT*

The European Commission initiated the EMFA in response to systemic risks identified in its annual Rule of Law Reports<sup>108</sup><sup>109</sup>. Officials underlined that the proposal stemmed from “worrying developments reported in the annual rule of law exercise in some member states: public service media not being able to express objective enough views, and state funding being sometimes in a discriminatory way being given to certain media service providers over others.”<sup>110</sup> The Commission stressed that the EMFA does not regulate media freedom itself, but regulates in the interest of securing media freedom: “[the Commission’s] main task was to ensure that media pluralism and independence are not undermined in member states”<sup>111</sup>. As the entity responsible for designing the law, it is only normal that these preferences were largely attained: the final EMFA text preserved the Commission’s proposed structure and key articles (on editorial independence, state advertising transparency, and platform obligations), although some provisions were diluted during negotiations<sup>112</sup>. The role of DG CNECT on ensuring an optimal implementation of the EMFA is crucial, as an official declared “The team is currently preparing guidelines on Article 18, where the Commission is indeed mandated to issue some further instructions how to implement the rules. [...] We have also received the different questions from Member States on how they should shape the national laws to be in line with the with the Media Freedom Act”.<sup>113</sup>

#### *The European Parliament - CULT, LIBE, IMCO*

The Parliament acted as co-legislator and made amendments stressing fundamental rights and freedoms. The CULT committee presented its draft report on 31 March 2023, proposing 117 amendments, and held its committee vote on 7 September 2023<sup>114</sup>. LIBE committee published

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<sup>108</sup> European Commission, Proposal for a Regulation establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (COM/2022/457 final) (16 September 2022)

<sup>109</sup> European Commission, Rule of Law Reports 2022 & 2024

<sup>110</sup> Anonymous, European Commission, Directorate General for Communications Networks, Content and Technology, Unit I.1 staff member, interview conducted online by Leilie Ghodsy, 13 August 2025

<sup>111</sup> Anonymous, European Commission, Directorate General for Communications Networks, Content and Technology, Unit I.1 staff member, interview conducted online by Leilie Ghodsy, 13 August 2025

<sup>112</sup> Ibid.; also trilogue compromise confirmed in: European Parliament, Provisional agreement resulting from interinstitutional negotiations on the proposal for a regulation on the Media Freedom Act, 2024.

<sup>113</sup> Anonymous, European Commission, Directorate General for Communications Networks, Content and Technology, Unit I.1 staff member, interview conducted online by Leilie Ghodsy, 13 August 2025

<sup>114</sup> European Parliament Committee on Culture and Education draft report, “European Media Freedom Act”, 31 March 2023 (Legislative Observatory file 2022/0277(COD)) [“CULT draft report”]

its opinion on 16 April 2023, adopting amendments including on spyware, source protection, and surveillance exceptions<sup>115</sup>, and IMCO shaped the platform obligations. The amendments from LIBE and CULT, especially Article 4, reflect tensions between overregulation concerns and demands for stronger enforcement<sup>116</sup>, the Parliament's committees pushing for stronger rights protections. Parliament's preference for strengthening journalists' rights was partly attained: Article 4 was improved, but platform obligations (Art. 18) were moderated, and national security exemptions remained. According to an official of the European Parliament, the CULT Committee “worked a lot to make sure that the European Media Freedom Act would not give too many powers to the Commission. The idea was really to make sure that the Board of Media Services would remain independent, so that the Commission cannot interfere directly in the decisions or evaluations taken under the EMFA” resonating with many stakeholders’ will to protect governance for Member States and private stakeholders<sup>117</sup>. A more detailed review of MEPs votes will be laid out in IV.B.2.a and b, as they reflect the preferences of each of these categories of interest groups.

#### *The Council of the EU*

The Council of the EU functioned as the primary negotiation forum for Member States’ positions on the EMFA. Its institutional preference was to broker a compromise text acceptable to a wide range of governments, balancing calls for strong EU-level safeguards with concerns about subsidiarity and overregulation<sup>118</sup>. The Council reached a General Approach on 21 June 2023 and subsequently a compromise text that preserved the EMFA’s main architecture while introducing significant modifications. These adjustments diluted some Commission and Parliament proposals, reflecting Member State reservations, but also enabled adoption.

#### *The European Council*

The European Council’s influence was significant in setting the broader political direction that made the EMFA possible. Through its conclusions and policy priorities, the European Council placed a strong emphasis on defending democracy, the rule of law, and fundamental rights within the Union<sup>119</sup><sup>120</sup>. This high-level political guidance helped frame the EMFA as a central instrument in safeguarding democratic values, ensuring media pluralism, and countering threats

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<sup>115</sup> European Parliament LIBE Committee Opinion on EMFA, published 16 April 2023

<sup>116</sup> Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview, 14 August 2025

<sup>117</sup> Anonymous, official at the European Parliament, CULT Committee for the EMFA, interview conducted online by Leilie Ghodsy, 29th of September 2025

<sup>118</sup> Council of the EU, Press release: Media Freedom Act: Council agrees its negotiating mandate, 21 June 2023, available at: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/21/media-freedom-act-council-agrees-its-negotiating-mandate/>

<sup>119</sup> European Council Conclusions, European Council meeting (June 2022) on “A New Push for European Democracy”

<sup>120</sup> Commission Communication COM/2020/788 “A New Push for European Democracy”

such as disinformation and political interference in the media. By keeping media freedom on the EU's strategic agenda, the European Council provided the political momentum and legitimacy that supported the Commission's proposal and the subsequent interinstitutional negotiations.

*b. Major Consultative, Oversight and Advisory Bodies*

*The European Economic and Social Committee (EESC)*

The EESC, in its opinion of December 2022, urged the EU to ensure the independence of media regulators and highlighted the importance of adequate funding for regulatory authorities. It also supported stronger safeguards for editorial independence, aligning its stance with journalist organisations and parts of the European Parliament<sup>121</sup>. While the final EMFA text did enshrine regulatory independence, notably through the upgrade of ERGA into the European Board for Media Services (EBMS), the issue of funding and resources for national regulatory authorities was left largely unresolved. As such, the EESC's preference for strong institutional guarantees was only partially achieved<sup>122</sup>.

*The Committee of the Regions (CoR)*

The CoR adopted its opinion on the EMFA in March 2023, warning against risks of over-centralisation of media regulation at EU level. It emphasised the need to respect national and regional competences while supporting the broader aims of media pluralism and independence<sup>123</sup>. The final EMFA maintained a balance between EU-level coordination through the EBMS and the continuing authority of national regulators, although with stronger EU oversight than the CoR preferred. The law therefore only partly reflected the CoR's preferences, since it accepted greater EU centralisation in practice.

*The Court of Justice of the EU (CJEU)*

The CJEU will play a key role in ensuring the correct and uniform application of the European Media Freedom Act across all Member States. As the ultimate judicial authority of the EU, the CJEU has the power to interpret the EMFA's provisions, settle disputes over its scope or implementation, and sanction national measures or practices that violate its principles. If a Member State, public authority, or regulatory body fails to respect the Act's guarantees of media independence, transparency, or freedom from political interference, the European Commission or affected parties may bring the case before the CJEU. Through its rulings, the Court will

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<sup>121</sup> EESC Opinion, December 2022; Committee of the Regions Opinion, 16 March 2023

<sup>122</sup> European Economic and Social Committee, Opinion on the Proposal for a Regulation on the European Media Freedom Act, 14 December 2022.

<sup>123</sup> Committee of the Regions, Opinion: European Media Freedom Act, March 2023.

uphold the supremacy of EU law, protect journalists and media organisations from unlawful restrictions, and ensure that the EMFA's safeguards for media pluralism and freedom are consistently enforced throughout the Union.

For now, the CJEU has to rule on the EMFA's legal basis: as an official at DG CNECT declared, “Hungary has taken the Media Freedom Act to court on two counts. Firstly, about the interpretation of Article 3, but then maybe more worrying challenges: the whole balance towards the legal basis of the Media Freedom Act”<sup>124</sup>, which refers to the principle of a single market for media, an idea that many stakeholders rejected from the start. For example, an official at the European Magazine Media Association and the European Newspaper Publishers Association, representing the interests of press publishers (see IV.C.2) declared “the official EMMA/ENPA position is that there is no media market. There are at least 27 media markets with a plural S”.<sup>125</sup>

#### *c. Financial, External and Regulatory Institutions*

##### *The European Data Protection Supervisor (EDPS)*

The EDPS contributed expertise on privacy and surveillance safeguards during the drafting of the EMFA. Its opinion of November 2022 called for stronger protections against spyware, clearer rules on source confidentiality, and limits on state surveillance, particularly in relation to Articles 4 to 6 of the proposal<sup>126</sup>. These recommendations were partly integrated into the final text: Article 4 strengthened protection for journalists' communications and sources, explicitly prohibiting the use of spyware except under strict conditions of national security. However, the EDPS's call for narrower exceptions and stronger procedural guarantees was not fully reflected, leaving national governments with significant discretion<sup>127</sup>.

## 2. TERRITORIAL INTERESTS

As outlined in the literature review (I.C.2 and 3), territorial interests are not compared with interest groups, since their institutional role, access, and status within the EU policymaking process differ fundamentally. Their involvement, through formal representation or administrative coordination rather than external lobbying, is considered only to contextualise how their positions may have indirectly aligned with the advocacy efforts of other actors.

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<sup>124</sup> Anonymous, official at the European Commission, Directorate General for Communications Networks, Content and Technology, Unit I.1, interview conducted online by Leilie Ghodsy, 13rd of August 2025

<sup>125</sup> Anonymous, official at the European Magazine Media Association and the European Newspaper Publishers Association, interview conducted online by Leilie Ghodsy, 19th of August 2025

<sup>126</sup> EDPS Opinion, “European Media Freedom Act” (11 November 2022)

<sup>127</sup> European Data Protection Supervisor, Opinion 24/2022 on the Proposal for a Regulation on the European Media Freedom Act, 11 November 2022.

Based on the positions of each stakeholder detailed below, Table 5 summarizes the positions of stakeholders.

*Table 5 - Gap Between Territorial Interests' Preferences and Initial EMFA Proposal*

<b>Territorial Interests</b>	<b>Initial Gap</b>
Pro-EMFA Parties	Very favorable: free and independent media must be shielded from political, economic, and technological pressures
Anti-EMFA Parties	Very opposed: media and culture policies regulation would lead to centralised control and ideological uniformity dictated by Brussels
Hungary	Completely opposed: incompatible with national sovereignty and EU law
Non-favourable countries - Poland, Czechia, Italy, France, the Netherlands, Austria	Very opposed: political fragmentation and sovereignty concerns, mostly conservative and nationalist MEPs wary of supranational oversight over national media regulation
Mitigated support - Belgium, Germany, Greece, Croatia, Latvia, Ireland, Spain	Moderately favorable: faced internal debates over proportionality, governance structures, or national implementation
Very favourable countries - Portugal, Sweden, Bulgaria, Slovakia, Lithuania, Cyprus, Malta, Denmark, Estonia, Finland, Slovenia, Romania, Luxembourg	Very favorable: shared commitment to safeguarding media pluralism and aligning national systems with European standards, mostly liberal, social-democratic, and green MEPs
ERGA - NRAs	Very favorable

As shown in Table 5, territorial interests were overall moderately aligned with the draft regulation, though variation was substantial across Member States. Pro-EMFA parties and very favourable countries registered the smallest gaps, reflecting strong political endorsement of the Commission's objectives. Conversely, Hungary and anti-EMFA parties displayed maximal divergence, positioning themselves as systematic opponents of EU-level intervention in media policy. Intermediate cases such as Germany, Belgium, and Spain reveal that even among supporters, reservations persisted concerning subsidiarity, proportionality, and the national security clause. These patterns confirm that political alignment with the EU's integration project largely predicted initial support for the EMFA.

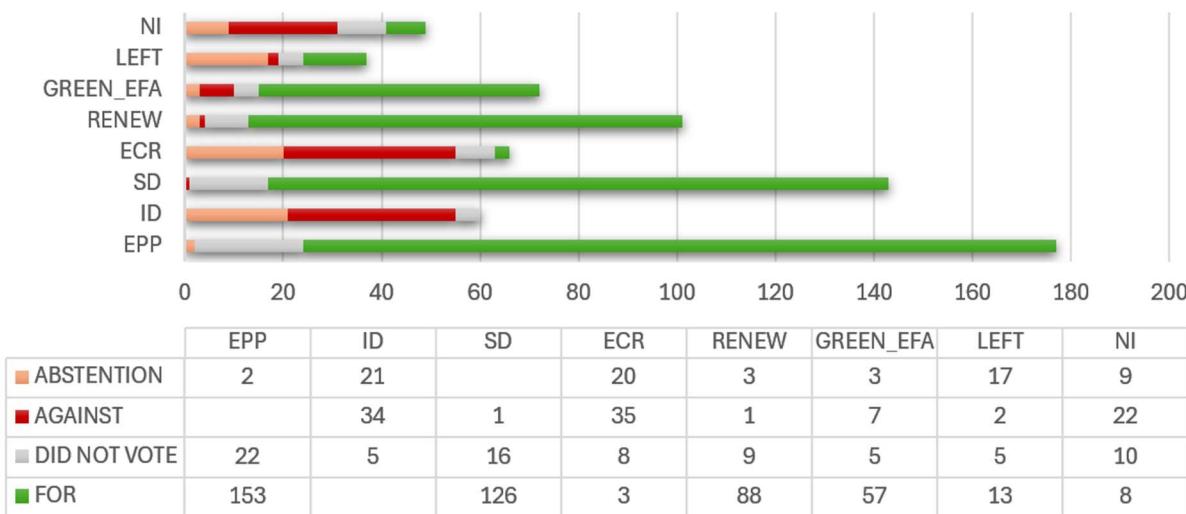
The comparative analysis of positions across political, institutional, societal, and commercial actors reveals that the European Media Freedom Act received broad but differentiated support across the EU policy spectrum. At the political level, support for the EMFA strongly followed the pro- versus anti-European divide, with centrist, liberal, and progressive parties championing the Act as a democratic safeguard, while Eurosceptic and nationalist parties opposed it as

overreach into national sovereignty. Among Member States, the same pattern emerged: a clear North–South consensus in favour contrasted with Central and Eastern European reservations, particularly where sovereignty or security prerogatives were invoked.

#### *a. Political Parties*

Figure 8 represents each party's votes on October 3<sup>rd</sup>, 2023, and their count, reflecting the trends regarding the EMFA inside each party.

*Figure 8 – Votes per parties on Oct 3, 2023<sup>128</sup>*



As shown by Figure 8, there are two main categories of orientations reflected in the votes of each party: for, and against, the parties majorly voting against the EMFA also counting a higher proportion of abstention, except for The Left.

#### *Pro-EMFA parties: EPP, S&D, Renew Europe, Greens/EFA, and The Left*

The groups in favour of the European Media Freedom Act, coincidentally Pro-European groups, described it as a historic and essential step to protect democracy, pluralism, and journalists across the Union. They agreed that free and independent media are a cornerstone of democratic life and must be shielded from political, economic, and technological pressures. Supporters highlighted key provisions such as editorial independence, transparent media ownership, fair distribution of state advertising, and the protection of journalistic sources from surveillance or spyware. They also praised the creation of the European Board for Media Services to coordinate national regulators and saw the act as a long-awaited response to disinformation, propaganda, and threats against journalists in several member states. Although some parties like the Greens and The Left wanted stronger safeguards against oligarchic control and surveillance, the overall

<sup>128</sup> <https://howtheyvote.eu/votes/158554#open-data>

tone among supporters was one of pride and urgency to adopt a unified European framework that upholds media freedom and strengthens democracy<sup>129</sup>.

#### *Anti-EMFA parties: ECR, Identity and Democracy, and most non-attached members*

The groups against the act rejected it as an excessive intrusion into national sovereignty and a misuse of EU legal powers. They argued that media and culture policies should remain the competence of member states, warning that the regulation would lead to centralised control and ideological uniformity dictated by Brussels. Opponents claimed the EMFA could enable censorship, surveillance, and political interference rather than prevent them, and that the European Board for Media Services would weaken national systems. Some went further, accusing the Commission of using the act to shape public opinion and silence dissenting voices. For them, the EMFA threatens rather than defends freedom of expression and represents another step toward bureaucratic overreach within the Union<sup>130</sup>.

#### *b. Member States*

The orientation of Member States will be assessed both by looking at their MEPs' votes and the countries' own votes at the Council, as both are relevant channels of influence for Member States, which is corroborated by interviewees' narratives. As Hungary is the only State to have voted against the EMFA at the Council, this combination of information will remain simple.

Figure 9 represents voting orientation per countries regarding the EMFA.

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<sup>129</sup> European Parliament, Verbatim report of proceedings - Tuesday, 3 October 2023 – Strasbourg - 22.3. European Media Freedom Act (A9-0264/2023 - Sabine Verheyen) [https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-03-ITM-022-03\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-03-ITM-022-03_EN.html)

<sup>130</sup> European Parliament, Verbatim report of proceedings - Tuesday, 3 October 2023 – Strasbourg - 22.3. European Media Freedom Act (A9-0264/2023 - Sabine Verheyen) [https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-03-ITM-022-03\\_EN.html](https://www.europarl.europa.eu/doceo/document/CRE-9-2023-10-03-ITM-022-03_EN.html)

Figure 9 - Votes per countries on Oct 3, 2023<sup>131</sup>



<sup>131</sup> <https://howtheyvote.eu/votes/158554#open-data>

This figure allows us to visually compare national patterns of support, opposition, and abstention regarding the EMFA. By presenting voting orientations by country, it makes it possible to identify clusters of alignment or divergence across Member States, revealing regional, political, or institutional trends. The visual format highlights contrasts such as strong consensus versus internal fragmentation, and helps assess the geographical and political balance of support for the regulation. It also enables the observation of outliers (for instance, Hungary's strong opposition or Luxembourg's full support) and provides an intuitive overview of how national delegations positioned themselves within the broader European debate on media freedom. Table 6 below then represents the percentage of votes per orientation, per countries.

Table 6 - Percentage of votes per countries on Oct 3, 2023<sup>132</sup>

COUNTRY	ABSTENTION	AGAINST	DID NOT VOTE	FOR	Total
Austria	5%	21%	11%	63%	100%
Belgium	19%	14%	10%	57%	100%
Bulgaria	0%	6%	18%	76%	100%
Croatia	0%	25%	8%	67%	100%
Cyprus	17%	0%	0%	83%	100%
Czechia	33%	14%	5%	48%	100%
Denmark	7%	7%	0%	86%	100%
Estonia	0%	14%	0%	86%	100%
Finland	7%	7%	0%	86%	100%
France	0%	27%	8%	66%	100%
Germany	6%	14%	17%	64%	100%
Greece	0%	14%	19%	67%	100%
Hungary	5%	52%	14%	29%	100%
Ireland	23%	0%	8%	69%	100%
Italy	49%	0%	13%	38%	100%
Latvia	13%	13%	13%	63%	100%
Lithuania	9%	0%	9%	82%	100%
Luxembourg	0%	0%	0%	100%	100%
Malta	0%	0%	17%	83%	100%
Netherlands	3%	24%	10%	62%	100%
Poland	0%	44%	15%	40%	100%
Portugal	10%	10%	0%	81%	100%
Romania	0%	3%	6%	91%	100%
Slovakia	0%	7%	14%	79%	100%
Slovenia	13%	0%	0%	88%	100%
Spain	8%	0%	22%	69%	100%
Sweden	10%	10%	0%	81%	100%
Grand Total	11%	14%	11%	64%	100%

<sup>132</sup> <https://howtheyvote.eu/votes/158554#open-data>

The distribution of voting orientations across Member States reveals a heterogeneous landscape of support for the European Media Freedom Act. While a clear majority of countries displayed strong or moderate endorsement of the regulation, a smaller group showed divided or hesitant positions, and only one, Hungary, expressed systematic opposition. The percentage-based breakdown highlights how national delegations often reflected internal political cleavages, particularly between pro-European and sovereignty-oriented parties. It also underscores a broader North–South consensus around the EMFA’s objectives of transparency and media independence, contrasted with more fragmented attitudes in parts of Central and Eastern Europe. Overall, the data illustrate both the broad legitimacy of the Act within the European Parliament and the persistence of differentiated political alignments shaping Member States’ engagement with EU-level media governance.

### *Hungary*

Hungary was the only Member State to vote against the Council’s General Approach on 21 June 2023<sup>133</sup>, and has since launched a legal challenge at the Court of Justice of the EU<sup>134</sup>, framing it as incompatible with national sovereignty and EU law. In the Parliament, Hungary is one of the two countries with Poland whose votes against the EMFA are proportionally higher than those in favor (see Table 6). Budapest argued that media freedom should remain under exclusive national competence and that EU intervention represented unjustified centralisation<sup>135</sup>. Since the regulation entered into force, its preferences have not been realised.

### *Non-favourable countries – Poland, Czechia, Italy, France, the Netherlands, Austria*

Countries in the least favourable group, that is Poland, Czechia, Italy, France, the Netherlands, and Austria, displayed divided or cautious attitudes toward the EMFA, reflecting a mix of political fragmentation and sovereignty concerns. In Poland and Czechia, opposition stemmed largely from conservative and nationalist MEPs wary of supranational oversight over national media regulation. Italy’s high abstention rate suggested internal divisions and strategic neutrality rather than open rejection. In France, the Netherlands, and Austria, support from centrist and progressive MEPs contrasted with strong resistance from far-right and Eurosceptic

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<sup>133</sup> Council of the EU, Outcome of the Council meeting: Education, Youth, Culture and Sport Council, 21 June 2023; see also Court of Justice of the EU, Case C-xx/24 (Hungary v Parliament and Council, pending).

<sup>134</sup> Europa SPS “Hungary’s legal challenge: A clash between EMFA and state-controlled media” (30 May 2025)

<sup>135</sup> Anonymous, European Commission (DG CNECT) staff member, interview conducted online by Leilie Ghodsy, 13 August 2025.

parties, leading to a heterogeneous national stance that weakened overall alignment with the Act.

*Mitigated support - Belgium, Germany, Greece, Croatia, Latvia, Ireland, Spain*

Moderately supportive countries such as Belgium, Germany, Greece, Croatia, Latvia, Ireland, and Spain showed clear majorities in favour of the EMFA, though dissenting votes or abstentions revealed domestic diversity in media and political landscapes. These countries generally accepted the Act's objectives of protecting media freedom and transparency but faced internal debates over proportionality, governance structures, or national implementation. Support was often driven by social-democratic, liberal, and green MEPs, while opposition came from right-wing or nationalist factions, resulting in moderate yet stable backing of the regulation. For countries like Belgium, regional governance problematics created debates: an official at the Conseil Supérieur de l'Audiovisuel (CSA, High Council for Audiovisual), which regulates audiovisual in southern Belgium, also known as Wallonia, explained that “Belgium has many complexities because of the competencies [the fact that each region has its own regulatory body]. That always creates a complex situation where we have to put a little bit more thought into cooperation, as we cannot just do anything on our own”<sup>136</sup>. Germany also raised constitutional concerns notably around protection of “tendencies” (Tendenzschutz) enshrined in its Basic Law, which safeguard the editorial line of press organisations, and the division of competences between EU and national law<sup>137</sup>. Berlin was also wary of a potential competence shift from national to EU level in media regulation<sup>138</sup>. Through the Council negotiations, Germany secured language recognising press autonomy and subsidiarity, though no major textual overhaul was adopted<sup>139</sup>.

*Very favourable countries - Portugal, Sweden, Bulgaria, Slovakia, Lithuania, Cyprus, Malta, Denmark, Estonia, Finland, Slovenia, Romania, Luxembourg*

Highly favourable countries such as Portugal, Sweden, Bulgaria, Slovakia, Lithuania, Cyprus, Malta, Denmark, Estonia, Finland, Slovenia, Romania, and Luxembourg, expressed strong and cohesive support in their votes, with little or no recorded opposition. Their delegations largely endorsed the EMFA's emphasis on media independence, transparency, and protection against political interference. In these countries, the regulation was perceived as reinforcing existing

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<sup>136</sup> Anonymous, staff member at the Conseil Supérieur de l'Audiovisuel (Belgium), 3rd of September 2025

<sup>137</sup> Interview, Anonymous, official at the European Magazine Media Association and the European Newspaper Publishers Association, 19 August 2025

<sup>138</sup> Anonymous, official at EMMA/ENPA, interview conducted online by Leilie Ghodsy, 19 August 2025.

<sup>139</sup> German Bundestag, Plenary debate on the European Media Freedom Act, Protocol 20/119, 2023; see also Council of the EU, General Approach, 21 June 2023.

democratic norms and strengthening rule-of-law mechanisms. Broad cross-party consensus, particularly among liberal, social-democratic, and green representatives, reflected a shared commitment to safeguarding media pluralism and aligning national systems with European standards. Nordic countries, including Finland, still expressed scepticism about bureaucracy and regulation, especially regarding self-regulated media sectors, stressing that their media systems rely on robust self-regulation rather than statutory oversight<sup>140</sup>. While Finland eventually accepted the compromise text, its initial preference for minimal EU-level intrusion was only partly reflected in the final law<sup>141</sup>.

#### *General considerations across countries*

Interestingly, despite their different degrees of support towards the EMFA, some countries were coordinated on specific points of advocacy.

Several Eastern European governments, including Poland, Estonia, Latvia, Lithuania, Czechia and Slovakia, approached the EMFA debates with concerns rooted in Russian disinformation. Their preference was not to oppose press freedom as such, but to ensure that EU rules did not prevent them from restricting Russian state-linked outlets such as Sputnik and RT, which they considered instruments of hostile influence. This approach reflects a broader security rationale: Poland and the Baltic States had already banned Kremlin-backed broadcasters, while the Czech Republic and Slovakia suspended disinformation websites after the 2022 invasion of Ukraine<sup>142</sup>. In interviews, one publishers' association official confirmed that Eastern European countries insisted on retaining tools to control Russian propaganda, even if this meant resisting a blanket "privilege" for all media under Article 18<sup>143</sup>. This preference was partly attained, as the final EMFA text limited the scope of media privilege and confirmed that compliance with professional standards and existing EU law remained prerequisites for protections under Article 18.

Several member states also pushed for the inclusion of a national security exception in the debate on Article 4 of the EMFA: officials argued that surveillance of journalists could be justified in cases affecting national security and sought an explicit exclusion clause to preserve this possibility<sup>144</sup>. France, Italy, Malta, Greece, Cyprus, Sweden, Finland, and Germany collectively pressed for language affirming that national security remains under the sole

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<sup>140</sup> Anonymous, European Commission (DG CNECT) staff member, interview conducted online by Leilie Ghodsy, 13 August 2025.

<sup>141</sup> Finnish Ministry of Transport and Communications, Statement on the European Media Freedom Act proposal, October 2022.

<sup>142</sup> German Marshall Fund, Russia's Information Warfare in Central and Eastern Europe, June 2017; see also European Commission, Banning of RT and Sputnik in the EU, March 2022.

<sup>143</sup> Anonymous, official at EMMA/ENPA, interview conducted online by Leilie Ghodsy, 19 August 2025.

<sup>144</sup> European Federation of Journalists, France must drop national security exception in EMFA negotiations, 14 June 2023.

responsibility of member states<sup>145</sup><sup>146</sup>. Journalists' organisations reacted with alarm: the EFJ warned in June 2023 that introducing such an exception would constitute "a blow to media freedom" by opening a loophole for spyware use against reporters and their sources<sup>147</sup>. RSF likewise called on French Interior Minister Gérald Darmanin to abandon the amendment, stressing that it undermined the very purpose of Article 4<sup>148</sup>, aiming at preventing Member States nor EU institutions to exert pressure on media or journalists through coercive measures such as spyware, unjustified searches, or access to confidential information. Investigative reporting confirmed that France played a leading role in assembling this coalition of governments intent on legitimising surveillance under the banner of national security<sup>149</sup>. The Council's General Approach of 21 June 2023 codified this preference by inserting Article 4(3), which stipulates that the article applies "without prejudice to Member States' responsibility for safeguarding national security"<sup>150</sup>. Despite sustained NGO opposition, the preference of these seven governments was partly attained: the final EMFA text retained this exception clause.

Overall, among the national bodies who formally interacted with MEPs to defend their countries' interests were the Permanent Representations of Portugal, Spain, Latvia, Czechia, Slovakia and Finland, the Swedish Ministry for Culture and Media, the Ministry of Culture in Slovenia, and the Danish Government, as registered by the European Parliament as "*Meetings with interest representatives published in line with the Rules of Procedure*"<sup>151</sup>.

#### *c. Public sector platforms: the European Board for Media Services (EBMS)*

The EBMS, transformed from ERGA, was upgraded in independence and resources and is tasked with coordinating national regulators, issuing guidance, and handling cross-border enforcement under Articles 18, 22, 24 and 25<sup>152</sup>. As a reminder, Articles 18, 22, 24 and 25 of the EMFA establish the European Board for Media Services, define its coordinating role among national regulators, and empower it to issue guidance and manage cross-border cooperation and enforcement to ensure consistent application of the regulation across the EU.

National regulators, such as Belgium's CSA, Germany's Die Medienanstalten, Media Authority of North Rhine-Westphalia, or France's Arcom uniformly welcomed the EMFA as "a very good

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<sup>145</sup> Investigate Europe, Hardline EU governments push to legitimise surveillance of journalists under Media Freedom Act, 8 December 2023.

<sup>146</sup> Investigate Europe, EU's Media Freedom Act at risk of being gutted, July 2023.

<sup>147</sup> European Federation of Journalists, Seven EU Member States want to legalise spying on journalists under EMFA, 12 December 2023.

<sup>148</sup> Reporters Without Borders, RSF calls on French Interior Minister to abandon EMFA amendment undermining protection of journalists, 22 June 2023.

<sup>149</sup> Investigate Europe, EU governments plan blank cheque to spy on journalists, 29 November 2023.

<sup>150</sup> Council of the EU, General Approach on the European Media Freedom Act, 21 June 2023, Article 4(3).

<sup>151</sup> [https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2022/0277\(COD\)#section8](https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2022/0277(COD)#section8)

<sup>152</sup> Regulation (EU) 2024/1083 of the Parliament and of the Council of 11 April 2024 (EMFA, final act), Articles 18, 22, 24-25

first step” but warned that its success will depend on the administrative and financial capacity of national authorities to implement it effectively. Insufficient resources risk undermining regulators’ ability to recruit and retain specialised staff, which is necessary to carry out the EMFA’s expanded tasks. These include compiling and updating registers of media ownership, coordinating cross-border cases with other NRAs through the European Board for Media Services, monitoring compliance with obligations such as state advertising transparency and audience-measurement standards, and applying sanctions where breaches occur. Limited funding may also delay the development of digital reporting systems and cross-border cooperation mechanisms required under Articles 6, 21, and 24. Regulators such as Arcom welcomed the stronger role, especially pushing for more cross-border enforcement and guidance, but warned of resource constraints. The CMPF Media Pluralism Monitor reports persistent capacity gaps in several NRAs<sup>153</sup>. Interviews with staff at the Belgian CSA underlined resource pressure and the complexity that comes with Belgium’s federal structure<sup>154</sup>. French representatives also stressed that NRAs such as Arcom faced rising workloads, particularly with platform supervision, and warned that implementation would require significant resources<sup>155</sup>. Arcom similarly reported rising workloads linked to new EU responsibilities such as platform supervision under the EMFA and the Digital Services Act, illustrating systemic capacity constraints that could weaken enforcement across several Member States.<sup>156</sup> In addition, complex federal governance structures in some countries add layers of coordination that make timely and consistent implementation more difficult.<sup>157</sup>

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<sup>153</sup> CMPF, Media Pluralism Monitor 2023, report on NRA capacity

<sup>154</sup> Interview, Anonymous, staff member at the Conseil Supérieur de l’Audiovisuel (Belgium), 3 September 2025

<sup>155</sup> ARCOM, Rapport d’activité 2023, available at: <https://www.arcom.fr/publications/rapports-annuels>

<sup>156</sup> Autorité de régulation de la communication audiovisuelle et numérique (ARCOM), Rapport d’activité 2023, published May 2024, available at: <https://www.arcom.fr>

<sup>157</sup> Anonymous, staff member at the Conseil Supérieur de l’Audiovisuel (Belgium), interview conducted by Leilie Ghodsy, 3 September 2025

### C. INTEREST GROUPS AND THEIR INITIAL STANCE

Based on the positions of each stakeholder detailed below, Table 7 summarize the positions of stakeholders.

*Table 7 - Gap between Other Interest Groups' Preferences and Initial EMFA Proposal*

<b>Interest Groups</b>	<b>Initial Gap</b>
	<b>Societal and Knowledge-Based Interests</b>
CoE - EAO	Partial: Provided evidence to inform debates on Art 22 and 25 on media ownership transparency obligations and state advertising: no clear thresholds for media concentration
Journalist and Media Freedom Organisations - EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRI	Always want more: applauded the recognition of editorial independence, but judged the EMFA to be insufficiently ambitious
Digital Rights Organisations - People vs. Big Tech, Access Now Europe, EDRI	Unsatisfied: Art 17's self-declaration mechanism could weaken content moderation on VLOPs, need for stronger guarantees for media independence, pluralism, transparency of state funding, and protections from editorial interference, and no rollback in existing safeguards, need for total ban on spyware in Art 4, too many exceptions
EUI - CMPF	Partial: groundbreaking, aligned with their recommendations on rule of law
Other Research Institutions – JRC, UvA, VUB	Satisfying: studies on platform accountability, discoverability, and plurality were reflected in Articles 18–20 and 21–25, showing strong alignment with the Commission's draft.
<b>Commercial and Professional Interests</b>	
Press Publishers – EMMA/ENPA, EPC, News Media Europe	Opposed: interference with press autonomy, fearing overreach and regulatory oversight; opposition softened once safeguards were clarified
Media Industry – EBU, ACT, EGTA, AER	Supportive but cautious : promoted practical fixes for Art 18 (dialogue, reinstatement rights, timelines), fairness in audience measurement (Art 24), and state advertising transparency (Art 25); called for clear Commission guidelines to ensure consistent application
Audiovisual and Film Organisations - EuroCinema, CEPI, FERA, SAA	Cautious: Art 20 could undermine national cultural policies and audiovisual support schemes, need for revisions to preserve Member States' cultural competences
VLOPS – CCIA, DOT, Bitkom, ZVEI	Unsupportive: Art 18 obligations excessive & overlapping with DSA, need for clearer delineation of responsibilities and limit compliance burdens
Device Manufacturers – DigitalEurope, DOT, ZVEI, FIEEC	Cautious: need to maintain flexibility in UI design under Art 20

In Table 7, societal, knowledge-based, and commercial actors show similarly diverse patterns. Among societal and research organisations, institutions like the CMPF and other research bodies demonstrated the highest congruence with the Commission's text, reflecting the strong methodological and normative overlap between their prior recommendations and the EMFA's design. NGOs and digital-rights coalitions expressed only partial satisfaction (score 2), balancing endorsement of media independence safeguards with concerns over surveillance and enforcement. In the commercial sphere, public service broadcasters (EBU) were nearly fully aligned, while press publishers and very large online platforms stood at the opposite end of the spectrum, reflecting deep resistance to regulatory oversight. The remaining industry actors fell in between, with measurement organisations, commercial broadcasters, and radio networks showing moderate alignment. These findings suggest that alignment was highest among actors promoting public-interest regulation and transparency, and lowest among those defending autonomy from EU-level constraints.

Across interest group categories, the highest alignment with the EMFA's initial proposal was found among public service media, research institutions, and NGOs promoting transparency and media pluralism. By contrast, press publishers, device manufacturers, and large online platforms displayed systematic or strategic opposition, primarily due to concerns over regulatory interference, market impact, or operational autonomy. National regulators and the EBMS demonstrated cautious support, welcoming coordination mechanisms while warning about implementation capacity.

## 1. SOCIETAL AND KNOWLEDGE-BASED INTERESTS

### *The Council of Europe (CoE) – European Audiovisual Observatory (EAO)*

The CoE, though external to the EU, played an important role in shaping debates on the EMFA through its human rights framework. Its standards on freedom of expression and media pluralism served as a benchmark, while the PRO-FREX projects in countries such as Albania explicitly promoted the EMFA as a model for safeguarding media independence in accession countries<sup>158</sup>. PRO-FREX is a joint action under the Horizontal Facility for the Western Balkans and Türkiye 2023–2026, implemented by the Council of Europe and funded by the European Union. It is designed to support public institutions and civil society organisations in enhancing legal, institutional, and operational safeguards for freedom of expression and media. Its main goals include aligning countries like Albania's media frameworks with European standards,

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<sup>158</sup> Anonymous, Senior Project Officer of PRO-FREX-A, Council of Europe, interview, 28 August 2025

strengthening the capacity of relevant institutions such as the Audiovisual Media Authority, protecting journalists, supporting self-regulation, providing legal advice, and fostering dialogue among media stakeholders. As an official at PRO-FREX-A explained, “It's not enough to have it in the law: for example, for media ownership, the real work starts after they incorporate it in their media law, because now AMA [the Audiovisual Media Authority of Albania] has a responsibility to assess the level of transparency of media ownership in the country”<sup>159</sup>. In recent events, PRO-FREX workshops and forums in Tirana have promoted integrating EMFA provisions and the EU’s Digital Services Act into Albania’s media legal framework, thereby positioning the EMFA as a benchmark for media regulation in the accession context<sup>160</sup>. These preferences were broadly attained: the EMFA’s final provisions on media pluralism and independence align with CoE standards and are already being used as accession guidance<sup>161</sup>. The CoE has no legislative role in the EU, its influence was indirect rather than decisive.

The EAO, operating under the Council of Europe, contributed technical expertise through its research on media ownership, transparency obligations, and market concentration trends. Its comparative data and reports were used to inform debates on Articles 22 and 25 of the EMFA<sup>162</sup>, which concern media ownership transparency and state advertising. While ownership transparency obligations were ultimately adopted, the regulation stopped short of introducing clear thresholds for media concentration, leaving much discretion to national authorities<sup>163</sup>. This meant that the Observatory’s evidence was reflected in part but not fully translated into binding standards.

*Journalist and Media Freedom Organisations - EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRi*  
The European Federation of Journalists (EFJ) described the EMFA as “historic” and applauded the recognition of editorial independence, though it criticised the law as insufficiently ambitious<sup>164</sup>. Reporters Without Borders (RSF) adopted a similar position, as “as NGOs, we always want the most ambitious laws possible, so we’re often a little disappointed. But we are also realistic: the EU can’t do everything, and no single law can solve all problems. Still, the EMFA is a real step forward, with many important advances.”<sup>165</sup>. The International Press

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<sup>159</sup> Anonymous, Senior Project Officer of Protecting Freedom of Expression and of the Media in Albania (PRO-FREX-A) at the Council of Europe, interview conducted online by Leilie Ghodsy, 28th of August 2025

<sup>160</sup> [https://www.coe.int/en/web/tirana/protecting-freedom-of-expression-and-of-the-media-in-albania-pro-frex-a-1?utm\\_source=chatgpt.com](https://www.coe.int/en/web/tirana/protecting-freedom-of-expression-and-of-the-media-in-albania-pro-frex-a-1?utm_source=chatgpt.com)

<sup>161</sup> Council of Europe, PRO-FREX-A Project, Protecting Freedom of Expression and of the Media in Albania, 2023–2024 reports.

<sup>162</sup> European Audiovisual Observatory, “Transparency of Media Ownership” report, 2021 <https://rm.coe.int/iris-special-2021-02en-transparency-of-media-ownership/1680a57bf0>

<sup>163</sup> European Audiovisual Observatory, Media Ownership and Concentration in Europe, 2022; Mapping Media Regulation and State Advertising in the EU, 2023.

<sup>164</sup> Schroeder Renate, Director of the European Federation of Journalists, interview conducted online by Leilie Ghodsy, 9 September 2025

<sup>165</sup> Anonymous, Head of Reporters Without Borders Brussels Office, interview conducted online by Leilie Ghodsy, 5 September 2025

Institute (IPI) took a pragmatic stance, stressing that regulation is legitimate in public spaces despite philosophical scepticism: Oliver Money-Kyrle, Head of Europe Advocacy at IPI, explained that “government, is not always the bogeyman that is presented to be, [...] any marketplace you're talking about, the economy or any sort of public space need requires rules for it to function”<sup>166</sup>. The Committee to Protect Journalists (CPJ) supported safeguards for journalists’ independence and joined other organisations in calling for a strong and independent EBMS. Article 19 concentrated on source protection and editorial safeguards<sup>167</sup>, while Liberties warned about underfunding and urged member states to meet implementation deadlines<sup>168</sup>. European Digital Rights (EDRi) focused on due process and accountability in Article 18 obligations for platforms<sup>169</sup>. The ECPMF hailed it as a “landmark achievement” for media pluralism, while the EPD framed it as a democratic benchmark for EU and candidate countries. Outlets and watchdogs such as Oko Press, NFNZ, and Transparency International EU viewed it as a safeguard against media capture but cautioned against weak implementation and loopholes. The Heinrich Böll Stiftung and n-ost Berlin stressed the need to counter institutional capture and uphold cross-border solidarity, whereas the Frank Bold Society and Max von Abendroth called for stronger transparency rules and enforcement guarantees. Together, they portrayed the EMFA as a promising yet fragile framework that must be backed by political will and oversight<sup>170</sup>.

#### *Digital Rights Organisations - People vs. Big Tech, Access Now Europe, EDRi*

Digital-rights organisations such as People vs. Big Tech, Access Now Europe, and EDRi have adopted critical, rights-centred stances toward the EMFA, focusing especially on surveillance, platform liability, and content moderation. People vs. Big Tech submitted formal feedback in January 2023 cautioning against Article 17’s self-declaration mechanism, warning that it could create de facto exemptions for certain media providers and weaken content moderation on very large online platforms (VLOPs)<sup>171</sup>. Access Now Europe joined a coalition in February 2023 urging MEPs to strengthen the EMFA’s guarantees for media independence, pluralism, transparency of state funding, and protections from editorial interference, and to ensure no

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<sup>166</sup> Money-Kyrle Oliver, Head of Europe Advocacy at the International Press Institute, interview conducted online by Leilie Ghodsy, 29 August 2025

<sup>167</sup> Article 19, “Position on the European Media Freedom Act,” 2023

<sup>168</sup> Civil Liberties Union for Europe, “Implementation of the EMFA: Risks and Challenges,” 2024

<sup>169</sup> EDRi, “Response to EMFA Article 18,” 2023

<sup>170</sup> Joint NGO statements and coalition reactions to adoption of EMFA, e.g. Coalition calls for effective implementation as the Parliament adopts the European Media Freedom Act (13 Mar. 2024) [https://www.ecpmf.eu/coalition-calls-for-effective-implementation-as-the-parliament-adopts-the-european-media-freedom-act/?utm\\_source=chatgpt.com](https://www.ecpmf.eu/coalition-calls-for-effective-implementation-as-the-parliament-adopts-the-european-media-freedom-act/?utm_source=chatgpt.com)

<sup>171</sup> People vs. Big Tech input into the European Media Freedom Act, January 2023. [https://www.nigdywieczej.org/docstation/com\\_docstation/20/people\\_vs.\\_big\\_tech\\_input\\_into\\_the\\_european\\_media\\_freedom\\_act\\_ec.europa.eu\\_0.pdf](https://www.nigdywieczej.org/docstation/com_docstation/20/people_vs._big_tech_input_into_the_european_media_freedom_act_ec.europa.eu_0.pdf)

rollback in existing safeguards<sup>172</sup>. EDRi co-authored an open letter in September 2023 calling for a total ban on spyware in Article 4 of the EMFA, arguing that the provisions then on table allowed too many exceptions and threatened journalistic independence<sup>173</sup>.

#### *European University Institute / Centre for Media Pluralism and media Freedom*

The European University Institute's Centre for Media Pluralism and Media Freedom (CMPF) viewed the Commission's initial proposal for the European Media Freedom Act as a necessary and timely initiative to harmonise fragmented national frameworks and strengthen safeguards for media freedom, pluralism, and editorial independence across the Union. This assessment was consistent with over a decade of CMPF research through the *Media Pluralism Monitor*, which had repeatedly identified structural risks such as insufficient ownership transparency, weak regulatory independence, and high levels of market concentration<sup>174</sup>: a member of the CMPF explained “our main role was to provide data: since our monitor evaluates and assesses the risk for Media freedom and media pluralism in Europe, it has informed by providing data, which really got to the EU Member States on how urgent it was to establish a regulation that could give more safeguards in the direction of protecting media freedom. This was the main role: Provide data, evidence, and consequently justify the need for this regulation.”<sup>175</sup> The Commission's proposal was therefore welcomed as broadly aligned with CMPF's long-standing calls for comparable ownership transparency obligations and the establishment of a common European framework to monitor and protect media pluralism.<sup>176</sup> However, CMPF experts were cautious about the practical enforceability of several provisions in the initial draft. As a CMPF staff member explained, “it's a regulation, but in some aspects, it looks like a directive, and we risk a disharmonized implementation.”<sup>177</sup> These concerns also extended to provisions on online content and journalists' protection, where CMPF warned that vague definitions and security-related exceptions could weaken the regulation's intended safeguards.<sup>178</sup> Matteo Trevisan, Research Associate at CMPF, similarly pointed out “some concern over the risk of abuse of exceptions provided under Article 4 of the Regulation”.<sup>179</sup> This stance echoed CMPF's previous

<sup>172</sup> Access Now, Open letter: EU must ensure European Media Freedom Act protects media independence and plurality, 9 February 2023 <https://www.accessnow.org/press-release/open-letter-european-media-freedom-act/>

<sup>173</sup> EDRi & partners, Open Letter: European Parliament must protect journalists and ban spyware in the European Media Freedom Act, September 2023 <https://edri.org/our-work/open-letter-european-parliament-protect-journalists-ban-spyware-emfa/>

<sup>174</sup> CMPF, Media Pluralism Monitor 2021: Monitoring Risks for Media Pluralism in the EU, Albania, Montenegro, the Republic of North Macedonia, Serbia, and Turkey, European University Institute, Florence, 2021.

<sup>175</sup> Anonymous, staff member at the European University Institute's Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 3rd of September 2025

<sup>176</sup> CMPF, Monitoring Media Pluralism in Europe: 10 Years of the Media Pluralism Monitor, EUI, 2023.

<sup>177</sup> Anonymous, staff member at the European University Institute's Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 3rd of September 2025.

<sup>178</sup> Ibid.

<sup>179</sup> Trevisan Matteo, Research Associate at the European University Institute's Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 4th of September 2025.

work on media pluralism and the rule of law in Europe, including its *Media Pluralism Monitor* reports (2016–2021) and the *Study on Media Plurality and Diversity Online*, which had already urged the EU to adopt a coordinated and transparent framework to address systemic risks to independence.<sup>180</sup> The initial EMFA proposal thus reflected many of the centre’s long-standing recommendations but, in CMPF’s view, still required refinement to ensure that its principles could be translated into enforceable, uniform standards across all Member States.<sup>181</sup>

#### *Other Research Institutions*

The Joint Research Centre contributed technical studies to help assess the potential impact of the EMFA, especially regarding cross-border content distribution and platform accountability. For example, its reports on platform risk and exposure helped shape Article 18 obligations<sup>182</sup>. The European Commission’s tender-funded *Study on Media Plurality and Diversity Online* conducted with the CMPF, the University of Amsterdam and Vrije Universiteit Brussel, analysed detectability and market plurality in online media, feeding into debates on EMFA’s market concentration measures<sup>183</sup>. The study argues that measures to enhance the “prominence and discoverability” of general-interest media services can help counter visibility biases in digital platforms, which corresponds with the EMFA’s emphasis on default settings and device/interface rules (Articles 19–20) to favour general-interest media.<sup>184</sup> Moreover, the Study’s policy recommendations address market plurality and concentration of economic resources, emphasizing the need for regulatory tools to address dominant platforms and share of advertising revenues, which resonates with the EMFA’s objectives on ownership transparency and market oversight (e.g., Articles 6, 21).<sup>185</sup>

## 2. COMMERCIAL AND PROFESSIONAL INTERESTS

#### *Press Publishers - EMMA/ENPA, EPC, News Media Europe*

Since the press had never been subject to EU-level regulation unlike television and radio sectors, press publishers were among the strongest initial critics of the EMFA, at one point labelling it the “Un-Media Freedom Act.”<sup>186</sup>, insisting that the press should remain governed solely by self-regulation and general laws. As Renate Schroeder, Director of the EFJ, explains,

<sup>180</sup> CMPF, Study on Media Plurality and Diversity Online, European Commission Tender Report, 2021.

<sup>181</sup> CMPF, Ownership Transparency Obligations under Article 6 of the EMFA, Florence, 2024.

<sup>182</sup> [https://publications.jrc.ec.europa.eu/repository/bitstream/JRC109146/mapping\\_of\\_risk\\_web-platforms\\_and\\_risk\\_data\\_online\\_final.pdf?utm\\_source=chatgpt.com](https://publications.jrc.ec.europa.eu/repository/bitstream/JRC109146/mapping_of_risk_web-platforms_and_risk_data_online_final.pdf?utm_source=chatgpt.com)

<sup>183</sup> European Commission, Study on Media Plurality and Diversity Online, published by CMPF-VUB-UvA consortium (2024)

<sup>184</sup> Study on Media Plurality and Diversity Online (final report), Chapter on “Prominence and discoverability” (commissioned by the European Commission) <https://digital-strategy.ec.europa.eu/en/library/study-media-plurality-and-diversity-online>

<sup>185</sup> Study on Media Plurality and Diversity Online, sections on market plurality and concentration of resources <https://digital-strategy.ec.europa.eu/en/library/study-media-plurality-and-diversity-online>

<sup>186</sup> Anonymous, official at the European Magazine Media Association and the European Newspaper Publishers Association, interview conducted online by Leilie Ghodsy, 19 August 2025

“The press, and that's why we also had at the beginning the problem with the publishers, are not used to any regulation”<sup>187</sup>. They feared interference in editorial autonomy and objected to regulatory overreach, particularly on ownership transparency: “having a media regulator overseeing our sector might open the door to press regulation, which is something that we would oppose” declared an official at the European Magazine Media Association and the European Newspaper Publishers Association (EMMA/ENPA). The European Publishers Council (EPC) explicitly warned against “the spectre of statutory regulators [...] having any powers or oversight over a free press.”<sup>188</sup> Over time, opposition softened as content safeguards were clarified, and some provisions diluted.

#### *Media Industry – EBU, ACT, EGTA, AER*

The European Broadcasting Union strongly supported the EMFA from the outset, presenting itself as “an ally in promoting media freedom in the EU.”<sup>189</sup> Officials underlined that while the title “Media Freedom Act” might have sounded controversial a decade earlier, the EBU recognised its importance and aligned members behind it. The organisation advocated practical solutions for Article 18, including reinstatement rights, a dialogue and de-confliction mechanism with platforms, rapid response timelines, and transparency in metrics<sup>190</sup>. The Association of Commercial Television and Video on Demand (ACT), representing the interests of commercial broadcasters such as Paramount, Groupe TF1, Sky Group, NBCU and Warner Bros Discovery, lobbied heavily for fairness in audience measurement (Article 24) and transparency in state advertising (Article 25)<sup>191</sup>. These demands were designed to reduce opaque or platform-centric advantages and to ensure that state resources were distributed fairly. The Association of European Radios (AER) welcomed the objectives of the EMFA but cautioned that the regulation should not interfere with national laws and practices. It argued that in order to preserve media pluralism, EMFA must not undermine functioning national radio markets, and urged that licensed audio services be made discoverable within user interfaces such as in-car systems<sup>192</sup>. As a Senior EU Policy Adviser at EBU explains, together with EBU and ACT, the Association of Television and Radio Sales Houses (EGTA) “came to the conclusion together that there are a lot of loopholes or unclarities in the text”<sup>193</sup> and co-authored a joint media industry position paper calling for detailed Commission guidelines on how

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<sup>187</sup> Schroeder Renate, Director of the European Federation of Journalists, interview conducted online by Leilie Ghodsy, 9<sup>th</sup> of September 2025

<sup>188</sup> European Publishers Council, “Response to the European Media Freedom Act Proposal,” 2023

<sup>189</sup> Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview conducted by Leilie Ghodsy, Brussels, 14 August 2025

<sup>190</sup> Anonymous, official at the European Broadcasting Union, interview conducted by Leilie Ghodsy, 8 September 2025

<sup>191</sup> ACT, “Position Paper on the European Media Freedom Act,” 2023

<sup>192</sup> AER, AER Position on the Proposal for a European Media Freedom Act, 5 April 2023 <https://www.aereurope.org/aer-position-on-the-proposal-for-a-european-media-freedom-act/>

<sup>193</sup> Anonymous, official at the European Broadcasting Union, interview conducted by Leilie Ghodsy, 8 September 2025

audience measurement obligations under Article 24 of the EMFA should be interpreted and applied to ensure consistent implementation across Member States<sup>194</sup>, as “audience measurements is hugely important for the media to sell advertising space: if they don't have the audience measurements from certain big platforms where their content features, they lose out on advertising money”<sup>195</sup>.

#### *Audiovisual and Film Organisations – EuroCinema, CEPI, FERA, SAA*

Audiovisual and film organisations such as EuroCinema, the European Audiovisual Production Association (CEPI), the Federation of European Screen Directors (FERA), and the Society of Audiovisual Authors (SAA) took coordinated positions during the EMFA negotiations. In their earliest interventions, they expressed strong concern that the European Commission’s initial EMFA proposal, particularly Article 20, could inadvertently undermine national cultural policies and existing support mechanisms for European audiovisual creation. In a joint open letter published on 12 June 2023 and co-signed by 73 European and national organisations, they warned that embedding user-interface and prominence rules within an internal-market regulation risked interfering with Member States’ competence to promote cultural diversity and sustain domestic production schemes.<sup>196</sup> While acknowledging the EMFA’s objective of safeguarding media freedom, they urged co-legislators to revise the text to ensure it complemented rather than constrained cultural policy frameworks. This position established a unified front among audiovisual stakeholders early in the negotiations.

#### *Very Large Online Platforms – CCIA, DOT, Bitkom, ZVEI*

VLOPs including Meta, Google, TikTok, Youtube, Spotify and X, often referred to as “Big Tech” and represented by the Computer and Communications Industry Association and the Digital Online Tech organisation, resisted obligations under Article 18, framing them as intrusions into their business autonomy. Regulators and broadcasters reported that platforms were “not super enthusiastic” about the media privilege provisions<sup>197</sup>. They were supported in their position by national digital industry federations such as Bitkom and ZVEI, which echoed concerns about excessive regulatory overlap with the Digital Services Act. Together, these associations argued for clearer delineation between EMFA and existing platform obligations,

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<sup>194</sup>EGTA, Joint Media Industry Position – EMFA Audience Measurement obligations, 24 March 2025 <https://www.egta.com/joint-media-industry-position-emfa-audience-measurement-obligations/>

<sup>195</sup>Anonymous, official at the European Broadcasting Union, interview conducted by Leilie Ghodsy, 8 September 2025

<sup>196</sup> <https://www.saa-authors.eu/articles/open-letter-audiovisual-and-cultural-organisations-voice-concerns-over-the-european-media-freedom-act>

<sup>197</sup>Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview conducted by Leilie Ghodsy, 14 August 2025

seeking to limit additional compliance burdens and maintain flexibility in content curation and moderation practices.

*Device Manufacturers – DigitalEurope, DOT, ZVEI, FIEEC*

Device manufacturers, particularly producers of smart televisions and connected devices such as Samsung, TLC, Hisense and LG, were directly concerned with Article 20 of the EMFA, which regulates default settings and user interface configuration. Mainly represented through DigitalEurope, which actively lobbied on Article 20, with additional indirect input from DOT and national federations such as ZVEI and FIEEC, their primary concern was to maintain flexibility in how home screens and menus are designed, while ensuring compliance with the new obligation that users be able to customise their media offer and change default settings.

Taken together, these findings illustrate that the EMFA emerged from a complex coalition of supportive but heterogeneous actors, united by a shared concern for media freedom but divided over the means of achieving it. The clearest opposition originated from sovereignty-oriented governments and market-dominant private interests, while support was strongest among those advocating public accountability and cross-border regulatory coherence. This configuration reflects broader cleavages in EU governance between market autonomy and democratic oversight, situating the EMFA as a test case for the Union’s capacity to legislate on media pluralism while maintaining legitimacy across diverse political and economic constituencies.

## D. PREFERENCE ATTAINMENT, REPUTATIONAL INFLUENCE AND PROCESS TRACING

Building on the mapping of key stakeholders and their initial positions, the following section examines the outcomes of the EMFA negotiations through three complementary dimensions: preference attainment, reputational influence, and process tracing.

The first dimension, preference attainment, measures the extent to which each actor's stated objectives were reflected in the final EMFA text. This outcome-based analysis captures observable success or failure by comparing preferences with the provisions ultimately adopted.

The second dimension, reputational influence, assesses the more intangible forms of power that cannot be fully observed through policy outcomes alone. Drawing on twelve semi-structured interviews with institutional, industry, and civil society representatives, this approach evaluates how actors were perceived by others involved in the negotiation process. It captures informal, procedural, and cognitive influence that shaped the EMFA's trajectory but remains only partially reflected in the legislative content. NGOs such as EFJ, RSF, and EDRI were recognised for their legitimacy and advocacy yet remained secondary to institutional and industry actors like ACT and EBU, who were seen as technically effective and politically well connected: "we were among the stakeholders that were really supportive of the legislative proposal [...] we were really seen as an ally in promoting media freedom in the EU" said a Senior Policy Advisor at the EBU.<sup>198</sup>

Finally, the third dimension, process tracing, identifies the concrete strategies employed by actors throughout the negotiations. By retracing the sequence of interventions surrounding key provisions such as governance, ownership transparency, and state advertising, this analysis reconstructs the causal pathways of influence. It connects resources and perceptions to the mechanisms that shaped the legislative outcome, examining how stakeholders leveraged cognitive expertise, political access, coalition building, and organisational capacity to steer the EMFA's final form.

Together, these three analytical dimensions provide a comprehensive understanding of both the visible outcomes of the EMFA and the underlying mechanisms through which influence was exercised.

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<sup>198</sup> Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview conducted by Leilie Ghodsy, Brussels, 14th of August 2025.

The European Media Freedom Act emerged in 2022 as the first comprehensive EU regulation dedicated to safeguarding media pluralism and independence. Its initial design required member states to respect the editorial freedom of media outlets, strengthen the protection of journalistic sources, and prevent the use of spyware against journalists and their families. It introduced public disclosure obligations for TV, radio, and print channels to declare their owners and shareholders by making this information easily and directly accessible to their audiences, such as on their websites or broadcasts, without a fixed frequency for updates when ownership changes but with an implicit expectation of timely accuracy, while also guaranteeing public service media with stable and predictable funding as a safeguard against political interference. The proposal further mandated that member states assess the impact of media market concentration on pluralism and editorial independence, and it established rules for the transparent and non-discriminatory allocation of state advertising. In the online sphere, the EMFA built on the Digital Services Act by offering stronger protections against unjustified removal of professionally produced media content by very large online platforms. Finally, it included a right for users to customise their media offer on connected devices, such as smart TVs, by changing default settings, and created a new European-level watchdog to oversee implementation and scrutinise media concentrations that could harm pluralism.<sup>199</sup>

When the final regulation was adopted in 2024, most of these core elements were retained, though compromises were introduced in several areas. The European Board for Media Services (EBMS), created from the transformation of ERGA, was strengthened compared to the original draft, with greater independence, remit, and resources, though questions remain about its capacity in practice. Conversely, the controversial proposal to establish a “media privilege” granting blanket immunity to media content on platforms was narrowed: Article 18 ultimately established a procedural regime, whereby VLOPs must notify media providers, offer an explanation within roughly 24 hours, and engage in negotiation or mediation, but without exempting media content entirely from moderation. Most provisions entered into force on 8 August 2025, with Article 20 on device and user interface configuration delayed until 2027 .

The contrast between the Commission’s 2022 proposal and the adopted 2024 text highlights both continuity and adjustment: the EMFA preserved its foundational goals of transparency, editorial independence, and regulator cooperation, while scaling back or modifying certain measures after political negotiation and lobbying pressure. To analyse these outcomes

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<sup>199</sup> [https://www.youtube.com/watch?v=z3FsEs8SYw&ab\\_channel=EuropeanParliamentaryResearchService](https://www.youtube.com/watch?v=z3FsEs8SYw&ab_channel=EuropeanParliamentaryResearchService)

systematically, this section compares the stated preferences of key institutional, industry, and civil society actors with the provisions of the final regulation. Using the preference attainment method, the analysis maps whether actors achieved full, partial, or no attainment of their goals, supported by reputational evidence from interviews and process tracing of critical negotiations.

To operationalise this comparison, Table 8 below compiles the main actors involved in the EMFA policymaking process, their stated policy preferences, the relevant provisions of the regulation, the final outcomes, and the degree of attainment of their goals. Each row corresponds to a specific actor or group of actors, drawing on primary sources such as interviews, official position papers, and EU legislative documents, as well as secondary analysis from think tanks and academic commentary.

In addition to outcome-based preference attainment, the table also integrates a qualitative assessment of reputational influence, derived from twelve semi-structured interviews with institutional, industry, and civil society representatives. This dimension captures how each actor was perceived by others in terms of credibility, access, and agenda-setting capacity during the negotiation process. While preference attainment shows which objectives were formally achieved in the EMFA text, reputational assessments reveal who was seen as driving the process, framing debates, or merely reacting to institutional initiatives.

The inclusion of this reputational dimension provides a fuller understanding of power and authority in practice. It highlights how perceived legitimacy and expertise often shaped negotiation dynamics as much as material resources did, with actors such as the European Broadcasting Union (EBU) or the Association of Commercial Television (ACT) gaining privileged access through technical credibility, while NGOs like the EFJ or RSF relied on symbolic visibility and advocacy networks. By juxtaposing reputational influence with preference attainment, the table serves as both a synthetic overview of who “won” or “lost” in the EMFA negotiations and an analytical tool illustrating how reputational capital could reinforce, compensate for, or diverge from formal policy outcomes.

Table 8 - Preference Attainment and Reputational Influence

Interest Groups	Policy Preference (as stated in documents/interviews)	Relevant EMFA Article(s)	Policy Outcome (final text)	Preference Attainment	Reputational Influence
<b>Societal and Knowledge-Based Interests</b>					
CoE - EAO	Promote standards for candidate countries; benchmark for human rights	Cross-cutting	EMFA provisions align with CoE benchmarks; cited as guidance for Albania	Partial, broadly aligned and moved slightly closer through uptake of pluralism and transparency benchmarks, yet still short of prescriptive concentration thresholds.	Supportive but external; respected as reference point but not central in Brussels debates
Journalist and Media Freedom Organisations - EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRI	Stronger source protection and editorial safeguards, independent EBMS, effective remedies and enforcement, adequate NRA funding	Articles 4 to 6, 18, 21, 25	Editorial independence and source protection included, EBMS created, transparency rules adopted, but enforcement tools and funding guarantees remain limited	Partial, moved somewhat closer on editorial independence, source protection and creation of the EBMS, but further away on strong remedies, hard enforcement and guaranteed NRA resourcing.	EFJ vocal but less resourced; RSF seen as norm entrepreneur; IPI pragmatic but secondary; CPJ symbolic but marginal; Article 19 niche but respected; Liberties seen as watchdog; EDRI credible but peripheral compared to DSA
Digital Rights Organisations - People vs. Big Tech, Access Now Europe, EDRI	Ban spyware, tighten Article 4 exceptions, add strong sanctions, constrain Article 17 self-declaration, ensure due process for Article 18	Articles 4, 17, 18	Procedural safeguards included, national security carve outs remain, no strong sanction regime, self-declaration kept with risks noted	Partial, moved closer on procedural safeguards and due process around Article 18, but further away on a spyware ban, tighter Article 4 exceptions, and strong sanctions. Article 17 self-declaration largely retained.	EDRI respected for expertise but peripheral in EMFA; Access Now visible coalition actor; People vs. Big Tech vocal but limited institutional access
EUI - CMPF	Highlight risks to media pluralism; call for clear thresholds on ownership and stronger safeguards	Articles 20, 22, 25	MPM risk baselines integrated; thresholds not adopted	Partial, moved closer through integration of risk baselines and transparency logic, but not closer on clear concentration thresholds and detailed enforcement metrics.	High reputation as impartial and technically rigorous knowledge provider; viewed as backbone of EMFA's evidence base

Interest Groups	Policy Preference (as stated in docs/interviews)	Relevant EMFA Article(s)	Policy Outcome (final text)	Preference Attainment	Reputational Influence
Other Research Institutions – JRC, UvA, VUB	Evidence on platform exposure and discoverability, support prominence of general-interest media, ownership transparency and market oversight	Articles 6, 18, 19, 20, 21, 24, 25	Concepts integrated into structure, prominence and transparency included, detailed metrics and binding indicators only partly taken up	Partial, moved closer on prominence, transparency and audience-measurement principles, but only marginally closer on binding indicators and operational metrics.	Regarded as credible technical contributors; helped shape rationale but limited political weight
<b>Commercial and Professional Interests</b>					
Press Publishers – EMMA/ENPA, EPC, News Media Europe	Resist regulatory overreach; oppose ownership transparency; preserve self-regulation; avoid statutory oversight	Articles 20, 22, 25	Ownership transparency adopted; merger scrutiny kept; oversight limited	Partial to none, moved further away overall since ownership transparency and merger scrutiny remained, although slightly closer than Parliament's stronger ideas due to softer language and absence of strict EU-level thresholds.	Initially loud critics, later pragmatic; visibility high early on but reputation weakened compared to broadcasters because of their difference in lobbying experience
Media Industry – EBU, ACT, EGTA, AER	Support EMFA but promote practical fixes for Art 18 (dialogue, reinstatement rights, timelines), fairness in audience measurement (Art 24), and state advertising transparency (Art 25); called for clear Commission guidelines to ensure consistent application	Articles 18, 24, 25	Dialogue and procedural regime under Article 18 included, audience measurement and state advertising transparency adopted, guidance still pending	Partial to full, moved closer on Article 24 and Article 25 where ACT's asks were largely secured, and somewhat closer on Article 18 through a workable procedural regime rather than automatic reinstatement. Guidance still pending.	EBU and ACT viewed as highly influential and constructive; EBU seen as ally of Commission; ACT praised for professionalism and economic framing; AER and EGTA technically respected but less visible
Audiovisual and Film Organisations – EuroCinema, CEPI, FERA, SAA	Protect cultural policy competences; avoid UI rules that undermine	Article 20	Parliament clarified Article 20 to respect cultural objectives;	Partial, moved closer after Parliament's clarifications to Article 20 that respected cultural-	Seen as coordinated but moderate; constructive contributors on cultural

Interest Groups	Policy Preference (as stated in docs/interviews)	Relevant EMFA Article(s)	Policy Outcome (final text)	Preference Attainment	Reputational Influence
	national support schemes		EMFA adopted with safeguards but no full carve outs	policy objectives, yet not to a full carve-out from UI rules.	competence; not major influencers
VLOPS – CCIA, DOT, Bitkom, ZVEI	Resist intrusive obligations under Art. 18; maintain business autonomy	Article 18	Obligations adopted but with procedural regime, not blanket immunity	Partial to none, moved further away on Article 18 since binding procedural duties were adopted, although closer than the strongest drafts because obligations remained procedural and not blanket immunity.	Structurally powerful but reputationally disengaged; described as reluctant, less active than in DSA negotiations
Device Manufacturers – DigitalEurope, DOT, ZVEI, FIEEC	Maintain flexibility in user interface design; ensure obligations feasible; delay application of device default-setting rules	Article 20	Obligation adopted but application delayed to 2027	Partial, moved closer through delayed application of Article 20 and recognition of feasibility concerns, while core customisation obligations were kept.	Low-visibility actors; technically credible but marginal in political influence

Table 8 highlights that core institutional aims largely held, while industry actors with strong technical credibility (e.g., broadcasters and measurement coalitions) converted more of their preferences into text than NGOs, which secured principles but faced limited enforcement wins. Knowledge providers anchored the rationale yet saw only partial uptake of their stricter proposals. Platforms and device makers appeared formally constrained but reputationally peripheral in this file.

Table 9 below synthesises which strategies each actor mobilised, at what intensity, and toward which provisions, showing how reputational standing and strategic choice interacted. High credibility helped cognitive strategies land, while broad coalitions helped outside pressure reach inside venues such as CULT, LIBE, IMCO, Coreper and attaché meetings.

*Table 9 - Strategies Used*

Interest Groups	Agenda setting	Policy Formulation	Decision-Making	Implementation
Societal and Knowledge-Based Interests				

Interest Groups	Agenda setting	Policy Formulation	Decision-Making	Implementation
CoE - EAO <sup>200201202</sup>	Expert and Technical Input. Example: standards and capacity support fed early debates.	Information Provision and Expertise. Example: technical assistance on governance and safeguards.	n.a.	Use of Implementation Experiences, Mobilization and Access-Seeking. Example: PRO-FREX-A workshops on bringing EMFA and DSA into national frameworks.
Journalist and Media Freedom Organisations - EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRI <sup>203204205206207</sup>	Combined expert input, direct information transmission, and strategic communication. Examples: EFJ and Article 19 provided legal analyses and petitions on source protection and spyware; IPI published a detailed EMFA position linking Article 18 eligibility to ownership transparency (Article 6); EDRI and Liberties issued open letters and policy papers shaping the agenda.	Member mobilisation and access to decision-makers through lobbying and information sharing. Examples: EFJ worked with MEPs on protective amendments; RSF briefed lawmakers on spyware risks; IPI engaged rapporteurs and shadows on platform-media rules; Liberties and EDRI pushed Article 18 safeguards during trilogues.	Broad coalition building and collective action. Examples: joint NGO letters during trilogues led by EFJ, RSF, CPJ, Liberties, and EDRI; coordinated messaging through the “ban spyware” coalition; alignment with academic partners and digital-rights networks.	Ongoing evaluation, mobilisation, and feedback mechanisms. Examples: EFJ and Article 19 planned post-adoption monitoring; CPJ and EDRI sustained advocacy during the guideline phase; Liberties prepared submissions on Article 18 implementation.
Digital Rights Organisations - People vs. Big Tech, Access Now Europe, EDRI <sup>208209210</sup>	Pressure politics, public campaigns, open letters. Example: coalition open letter urging strong media independence safeguards.	Information provision, direct submissions, critique of draft provisions. Example: People vs Big Tech submitted feedback in Jan. 2023 warning that Article 17 self-declaration risked de facto exemptions.	Coalition-building, advocacy within trilogues, aligning with journalist/digital rights groups. Example: EDRI and others coordinated on surveillance exceptions and procedural rules.	Mobilization, continuing engagement, scrutiny of platform compliance and guideline phase. Example: EDRI monitors overlap with DSA, engages on EMFA implementation.
EUI - CMPF <sup>211</sup>	Expert and Technical Input, Direct Information	Information Provision and Expertise. Example: legal and	Strategic Lobbying and Information	Evaluation and Feedback Mechanisms.

<sup>200</sup>Council of the EU, “Council and Parliament strike deal on new rules,” 15 December 2023. [Consilium](#)

<sup>201</sup> Council of the EU, “Council adopts European Media Freedom Act,” 26 March 2024. [Consilium](#)

<sup>202</sup> Anonymous, Senior Project Officer of Protecting Freedom of Expression and of the Media in Albania PRO-FREX-A at the Council of Europe, interview conducted online by Leilie Ghodsy, 28th of August 2025. Supported here by Council of Europe PRO-FREX-A implementation pages. [Portal](#)

<sup>203</sup> IPI, “Position on the EMFA,” 23 January 2023. [IPI Media](#)

<sup>204</sup> The Guardian coverage of Liberties’ 2025 report on implementation risks and enforcement salience, 29 April 2025. [The Guardian](#)

<sup>205</sup> RSF, “Open letter urging Council not to weaken protection against surveillance,” 20 June 2023, and RSF update, 1 December 2023.

<sup>206</sup> Money-Kyrle Oliver, Head of Europe Advocacy at the International Press Institute, interview conducted online by Leilie Ghodsy, 29th of August 2025.

<sup>207</sup> Schroeder Renate, Director of the European Federation of Journalists, interview conducted online by Leilie Ghodsy, 9th of September 2025

<sup>208</sup> <https://www.accessnow.org/press-release/open-letter-european-media-freedom-act/>

<sup>209</sup> <https://peoplevsbig.tech/category/emfa/>

<sup>210</sup> EDRI, “Open letter: protect journalists against spyware in the EMFA,” 19 June 2023. [European Digital Rights \(EDRI\)](#)

<sup>211</sup> Trevisan Matteo, Research Associate at the European University Institute’s Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 4th of September 2025.

Interest Groups	Agenda setting	Policy Formulation	Decision-Making	Implementation
	Transmission and Strategic Communication. Example: MPM evidence and analyses shaped the file's rationale.	governance commentary on Articles 4 and 18.	Transmission. Example: defended a calibrated media privilege approach.	Example: ongoing monitoring to inform guidance and future cycles.
Other Research Institutions – JRC, UvA, VUB <sup>212213</sup>	Expert and technical input. Example: the JRC contributed technical models and risk assessments to the Commission's impact assessment and EMFA preparatory studies.	Information provision and expertise. Example: UvA research critiqued definitions of "media" and pointed out blind spots in the draft text's coverage.	Strategic lobbying and information transmission. Example: academic contributions fed into Council / Parliament working documents and amendments.	Evaluation and feedback. Example: research teams will use EMFA data to monitor whether concentration thresholds or prominence obligations function as intended.
<b>Commercial and Professional Interests</b>				
Press Publishers – EMMA/ENPA, EPC, News Media Europe <sup>214215</sup>	Pressure Politics and Public Support, Lobbying and Stakeholder Engagement. Example: called the proposal a historic threat to press freedom until scope was clarified.	Direct Lobbying and Information Transmission, Coalition Building and Resource Deployment. Example: coordinated national lobbying in Council and Brussels outreach.	Strategic Positioning and Bargaining Tactics. Example: sought clarity on media eligibility and platform-media dispute handling.	Mobilization and Access-Seeking. Example: staying engaged on guidance and EBMS practice.
Media Industry – EBU, ACT, EGTA, AER <sup>216217</sup>	Lobbying and stakeholder engagement combining policy expertise and evidence-based communication. Examples: advocated due prominence and editorial independence safeguards, framing requests around economic fairness and level-playing-field objectives.	Access to decision-makers and direct information transmission. Examples: maintained active Brussels advocacy across Commission services and cabinets; jointly pressed for enforceable audience-measurement standards and state advertising transparency.	Coalition building and collective action. Examples: coordinated positions among EBU, ACT, and egta on audience-measurement quality and governance, presenting a unified front during trilogues and consultations.	Comitology engagement and coordination mechanisms. Examples: contributed to the Article 18 consultation process, followed up with EBMS and the Commission on audience-measurement guidance and implementation.
Audiovisual and Film Organisations - EuroCinema, CEPI, FERA, SAA <sup>218</sup>	Lobbying and stakeholder engagement. Example: EuroCinema and other film/audiovisual associations issued a joint press release welcoming the European	Information provision and expertise. Example: CEPI emphasised that EMFA should complement, not undermine, existing AV regulation and cultural subsidies.	Strategic lobbying and informal influence. Example: film organisations participated in trilogue negotiations to secure carve-outs and clarifications around cultural	Coordination and follow-up engagement. Example: monitoring EU- and Member State-level translation of cultural policy safeguards under Article 20 post-adoption.

<sup>212</sup><https://digital-strategy.ec.europa.eu/en/library/study-supporting-impact-assessment-european-media-freedom-act>

<sup>213</sup><https://www.dare.uva.nl/search?field1=isbn%3Bvalue1%3D0000000460392923%3BdocsPerPage%3D1%3BstartDoc%3D190&>

<sup>214</sup> News Media Europe, reactions to EMFA deal and evolving stance, 15 December 2023. [newsmediaeurope.eu](http://newsmediaeurope.eu)

<sup>215</sup> Anonymous, official at the European Magazine Media Association and the European Newspaper Publishers Association, interview conducted online by Leilie Ghodsy, 19th of August 2025.

<sup>216</sup> EBU, "3 steps to give prominence to general-interest media services," and related prominence work, May 2023. [EBU](http://EBU)

<sup>217</sup> ACT, EBU, egta, "Joint Media Industry Position – EMFA Audience Measurement Guidelines," 24 March 2025. [EBU](http://EBU)

<sup>218</sup>[https://eurocinema.eu/03-10-2023-audiovisual-and-cultural-organisations-welcome-the-eu-parliaments-position-on-the-emfa-clarifying-article-20/?utm\\_source=chatgpt.com](https://eurocinema.eu/03-10-2023-audiovisual-and-cultural-organisations-welcome-the-eu-parliaments-position-on-the-emfa-clarifying-article-20/?utm_source=chatgpt.com)

Interest Groups	Agenda setting	Policy Formulation	Decision-Making	Implementation
	Parliament's clarification of Article 20 to preserve Member States' cultural policy space.		policy exemptions.	
VLOPS – CCIA, DOT, Bitkom, ZVEI <sup>219</sup>	Lobbying and Stakeholder Engagement, Direct Information Transmission and Strategic Communication. Example: warned that a broad media privilege risks abuse and slows takedowns.	Anticipatory Influence, Information Provision and Expertise. Example: legal and operational input on declaration criteria and workflows.	Strategic Lobbying and Information Transmission, Informal Mechanisms. Example: worked through trade associations during trilogues.	Coordination Mechanisms. Example: prepare to implement Article 18 process, engage in guideline consultation.
Device Manufacturers – DigitalEurope, DOT, ZVEI, FIEEC <sup>220</sup>	Expert and Technical Input. Example: demonstrated UI and prominence feasibility in policy debate on general-interest media.	Access to Decision-Makers, Information Provision and Expertise. Example: briefings and workshops with Commission and EBMS on UI and prominence.	Strategic Lobbying and Information Transmission. Example: argued for workable device-side obligations where relevant.	Coordination Mechanisms. Example: align with EBMS and national regulators on implementation practice.

The strategic mapping of Table 9 shows that different categories of actors mobilised distinct repertoires of influence that reflected their resources and reputational positions.

Knowledge-based and institutional actors (CoE, CMPF, JRC, UvA, VUB) primarily employed cognitive and procedural strategies, relying on expert reports, consultations, and technical advice to frame the EMFA's rationale. Their influence operated through epistemic authority rather than direct lobbying, shaping the conceptual underpinnings of media pluralism and governance.

Civil society organisations and digital-rights coalitions (EFJ, RSF, IPI, EDRi, Access Now, People vs Big Tech) relied on public mobilisation, coalition-building, and normative framing. They used petitions, open letters, and coordinated advocacy to maintain political pressure and shape amendments in Parliament. Although these outside strategies ensured visibility, they were less effective in Council negotiations, which remained dominated by institutional and industry expertise.

Industry actors, particularly the media and broadcasting alliances (EBU, ACT, EGTA, AER), combined expert lobbying, coalition coordination, and comitology engagement, giving them

<sup>219</sup> CCIA, "Media Freedom Act: EU Parliament risks enabling spread of harmful content with media exemption," 7 September 2023.

<sup>220</sup> DOT Europe, "Position paper on the European Media Freedom Act," 24 January 2023, and DOT library. [doteurope](http://doteurope)

privileged access to the Commission and Council. Their early provision of technically grounded solutions, on audience measurement, state advertising transparency, and platform-media procedures, enabled them to influence operational drafting phases and later guidance.

Meanwhile, audiovisual and film organisations used targeted lobbying to preserve national cultural competences, demonstrating coordinated yet moderate engagement, while platforms and device manufacturers relied on anticipatory and technical lobbying to mitigate burdens without investing heavily in political alliances.

Across all categories, the most effective strategies blended expertise and coalition leverage, reinforcing the finding that credibility, timing, and constructive framing determine access in EU policymaking. The EMFA negotiations thus illustrate how technical knowledge, reputational legitimacy, and procedural engagement converge to define influence beyond formal lobbying power.

## 1. SOCIETAL AND KNOWLEDGE-BASED INTERESTS

### *The Council of Europe (CoE) – European Audiovisual Observatory (EAO)*

The Council of Europe promoted EMFA provisions aligned with its standards on media independence and pluralism, providing technical input through initiatives such as the PRO-FREX-A project in Albania<sup>221</sup>. While many of its benchmarks were reflected in the regulation's final provisions, they were not comprehensively implemented, and the CoE's role remained external to EU law. The Council of Europe, including through its PRO-FREX-A project in Albania, was seen as supportive but external to the legislative core. Interviewees noted that its standards were used as benchmarks, particularly for candidate countries, but it had little direct visibility in Brussels lobbying or trilogue debates<sup>222</sup>. Its reputation was that of a reference point, respected for expertise and principles, but not central to EU political bargaining.

*Journalist and Media Freedom Organisations - EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRi*  
Civil society groups pushed for stronger protections than the EMFA ultimately delivered. Civil Liberties Union for Europe (Liberties) repeatedly warned in its reports that underfunding of NRAs and delays in implementation would undermine the regulation's credibility<sup>223</sup>. Liberties was reputationally positioned as a watchdog rather than a core negotiator. Interviewees noted that its influence came from post-legislative monitoring, publishing readiness assessments and

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<sup>221</sup> Council of Europe, "EU-CoE cooperation on media freedom: PRO-FREX-A project in Albania," 2023.

<sup>222</sup> Anonymous, Senior Project Officer, PRO-FREX-A, Council of Europe, interview conducted online by Leilie Ghodsy, 28 August 2025

<sup>223</sup> Article 19, "Comments on the European Media Freedom Act proposal," Oct. 2022.

pointing to risks of underfunding rather than directly shaping the legislative text<sup>224</sup>. This gave Liberties visibility among NGOs and some MEPs, but it was reputationally placed in the “aftercare” space, not central in the power struggles of trilogues<sup>225</sup>.

Article 19 pressed for robust source protection, arguing that without strong safeguards journalists would remain vulnerable to surveillance and pressure<sup>226</sup>. European Digital Rights focused on Article 18, calling for procedural accountability in how platforms handle media content and criticising the risks of unchecked platform discretion<sup>227</sup>. The final EMFA reflected parts of these demands such as source protection was included, procedural safeguards were written into Article 18, and deadlines for NRA readiness were set, but not to the extent that NGOs considered sufficient. Article 19 was consistently described as a respected but niche actor. Its legal expertise on source protection and editorial safeguards gave it credibility in Brussels, yet interviewees noted that its visibility in the EMFA debates was limited compared to larger NGOs<sup>228</sup>. Policymakers valued its detailed submissions, but it was reputationally seen as a specialist voice whose influence was acknowledged in expert circles rather than in broader political compromises<sup>229</sup>.

The EFJ described the EMFA as “historic,” praising the law’s explicit recognition of editorial independence and safeguards for journalists<sup>230</sup>. However, the federation criticised what it saw as weaknesses in enforcement, particularly the lack of strong remedies for journalists facing violations and the insufficient independence of regulators. As Renate Schroeder, Director of the EFJ explained, “At first, we were quite enthusiastic, but then when we saw some amendments in the Council draft allowing surveillance under national-security excuses, we got angry. We coordinated with Article 19, RSF and IPI to pressure the Parliament to close that loophole”<sup>231</sup>. EFJ therefore considered the law an important milestone but not a complete achievement of its agenda. Its preference for stronger safeguards was only partly met. Attainment: partial. The EFJ was vocal throughout the negotiations, issuing press releases and petitions and engaging with MEPs to push for strong protections<sup>232</sup>. Interviewees described the EFJ as respected and symbolically important but reputationally limited when compared to industry lobbies, given its

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<sup>224</sup> Liberties, “Readiness of Member States for EMFA Implementation,” report, March 2024

<sup>225</sup> Anonymous, EFJ Director Renate Schroeder, interview conducted online by Leilie Ghodsy, 9 September 2025

<sup>226</sup> European Digital Rights (EDRI), “Position paper on the EMFA,” Dec. 2022.

<sup>227</sup> EFJ, “European Parliament strengthens Article 4 in EMFA,” Sept. 2023.

<sup>228</sup> Article 19, “EMFA: Protecting Journalistic Sources,” policy submission, 2023

<sup>229</sup> Anonymous, staff member at CMPF, interview conducted online by Leilie Ghodsy, 3 September 2025

<sup>230</sup> RSF, “RSF calls for stronger governance in EMFA negotiations,” 2023.

<sup>231</sup> Schroeder Renate, Director of the European Federation of Journalists, interview conducted online by Leilie Ghodsy, 9th of September 2025

<sup>232</sup> EFJ, “European Media Freedom Act is Historic,” press release, September 2022

smaller resources and narrower constituency<sup>233</sup>. Its reputation was that of a consistent voice for journalists but not a decisive influence on the final compromises.

RSF strongly campaigned for ambitious enforcement mechanisms and a powerful, independent European Board for Media Services. While editorial independence was recognised in Articles 4–6, the role of civil society in the EBMS was not given the centrality RSF had sought. In a public statement, RSF called the EMFA “a real step forward” but regretted the absence of robust enforcement and monitoring powers<sup>234</sup>. As a result, RSF’s attainment was partial, it influenced discourse and visibility but did not secure its core institutional demands. RSF’s reputation was that of a symbolic “norm entrepreneur.” Its campaigns and statements on editorial independence were noted, and interviewees credited it with keeping pressure high in the public debate<sup>235</sup>. Yet its influence was seen more as moral and reputational than as shaping the text directly. Policymakers and other stakeholders recognised RSF’s visibility, but reputationally categorised it as secondary to larger coalitions and technical lobbies<sup>236</sup>.

IPI took a more pragmatic stance, acknowledging that regulation in shared public spaces was legitimate despite philosophical scepticism about statutory oversight. In interviews, IPI’s advocacy head explained that the organisation worked to shape practical safeguards for independence rather than reject the EMFA altogether<sup>237</sup>. While IPI’s influence was less visible than EFJ or RSF, it contributed to debates on editorial independence and platform oversight. Its preferences were acknowledged in part but were not central to the final compromise. IPI’s pragmatic positioning won it respect, but interviewees repeatedly mentioned that EFJ and RSF overshadowed it in visibility and perceived influence<sup>238</sup>. Its advocacy in Brussels was acknowledged as serious and constructive, yet reputationally, IPI was framed as a supporting rather than leading NGO. Policymakers appreciated its reasoned tone, but it was not regarded as a decisive voice in shaping outcomes<sup>239</sup>.

The CPJ supported the protection of journalists and advocated for a strong, independent EBMS, but its Brussels presence and visibility during negotiations were limited compared to other NGOs. Although it aligned with wider coalitions of NGOs to reinforce calls for independence and safeguards, its own preferences did not translate directly into the final text. CPJ’s influence

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<sup>233</sup> Renate Schroeder, Director of EFJ, interview conducted online by Leilie Ghodsy, 9 September 2025

<sup>234</sup> IPI, “IPI welcomes EMFA but warns against weak enforcement,” 2023.

<sup>235</sup> RSF, “RSF calls on French Interior Minister to abandon EMFA amendment undermining protection of journalists,” 22 June 2023

<sup>236</sup> Anonymous, Head of RSF Brussels Office, interview conducted online by Leilie Ghodsy, 5 September 2025

<sup>237</sup> CPJ, “EU must protect journalists in EMFA negotiations,” 2022.

<sup>238</sup> Anonymous, IPI Europe Advocacy Head Oliver Money-Kyrle, interview conducted online by Leilie Ghodsy, 29 August 2025

<sup>239</sup> IPI, “Position on EMFA,” 2023

was therefore low. The CPJ was seen as less central in the Brussels lobbying ecosystem. While its name carried international weight on journalist protection, interviewees highlighted its limited local presence and weaker integration into the coalitions that actively shaped EMFA<sup>240</sup>. As a result, CPJ's reputation was more symbolic than influential: respected globally, but in EU circles, regarded as marginal compared to Brussels-based or more networked NGOs<sup>241</sup>.

*Digital Rights Organisations - People vs. Big Tech, Access Now Europe, EDRI*

In the final EMFA, the core demands of digital rights organisations were only partially met. EDRI warned that the agreed text “lacks crucial safeguards against surveillance of journalists” and could “dangerously promote the use of spyware in the EU,” criticising the broad national-security carve-outs permitted under Article 4<sup>242</sup>. While procedural transparency requirements and source protection made it into the law, the absence of binding sanction mechanisms and stronger accountability frameworks remained a key shortfall<sup>243</sup>. EDRI was perceived as an influential voice when digital rights were on the table, particularly in relation to Article 18 obligations for platforms. Interviewees described EDRI as well respected for its expertise but reputationally peripheral in EMFA compared to its central role in the Digital Services Act<sup>244</sup>. Policymakers acknowledged its credibility, but its influence was reputationally framed as limited by the EMFA’s stronger media rather than digital orientation<sup>245</sup>.

Access Now similarly argued that the EMFA should reinforce, not dilute, existing guarantees of editorial independence and transparency of state funding<sup>246</sup>. People vs. Big Tech’s concerns over Article 17’s self-declaration mechanism were borne out in the final text, as this clause remained largely unchanged, maintaining potential for uneven treatment among media providers<sup>247</sup>. Overall, these organisations secured procedural safeguards and visibility but not the stronger enforcement and spyware ban they had sought.

*European University Institute / Centre for Media Pluralism and media Freedom*

The European University Institute’s Centre for Media Pluralism and Media Freedom (CMPF) is a research centre based in Florence that provides independent expertise and comparative data on media pluralism, freedom, and regulation across Europe, informing EU policy through its Media Pluralism Monitor and policy analysis. Researchers at CMPF describe the EMFA as an

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<sup>240</sup> Anonymous, Head of RSF Brussels Office, interview conducted online by Leilie Ghodsy, 5 September 2025

<sup>241</sup> CPJ, “Submission on EMFA Proposal,” 2023

<sup>242</sup> <https://edri.org/our-work/challenges-ahead-european-media-freedom-act-falls-short-in-safeguarding-journalists-and-eu-fundamental-values>

<sup>243</sup> Ibid

<sup>244</sup> EDRI, “Response to EMFA Draft Proposal,” October 2022

<sup>245</sup> Anonymous, European Commission DG CNECT official, interview conducted online by Leilie Ghodsy, 13 August 2025

<sup>246</sup> <https://www.accessnow.org/faq-how-the-eu-plans-to-protect-media-freedom>

<sup>247</sup> <https://www.disinfo.eu/advocacy/policy-statement-on-article-17-of-the-proposed-european-media-freedom-act>

important regulation that explicitly addresses risks to media pluralism and ownership concentration<sup>248</sup>. Their analysis of ownership transparency under Article 6 finds that existing national laws do not guarantee the level of transparency required by EMFA<sup>249</sup>. They also note that EMFA lacks clear thresholds for ownership concentration, leaving ambiguity about what degree of ownership stake or market share is problematic. CMPF's "*Blurring boundaries: the EMFA's new framework for media concentration and pluralism*" (May 2025) and "*Ownership transparency obligations under Article 6*" (November 2024) are two reports that highlight these issues. In an interview, a staff member at CMPF expressed concern that while the regulation's principles are strong, without more precise criteria regulators will struggle to enforce effectively<sup>250</sup>. The CMPF influenced the EMFA through its *Media Pluralism Monitor* and dedicated reports. Its 2024 and 2025 studies highlighted gaps in ownership transparency and warned that the absence of thresholds for concentration would hinder enforcement<sup>251</sup>. The Commission integrated CMPF's risk baselines but not the requested thresholds. As a result, attainment was partial: its empirical evidence shaped debate, but its strongest recommendations were not taken up. The CMPF gained a strong reputation as the evidence-provider of the EMFA process. Interviewees emphasised that CMPF's Media Pluralism Monitor gave the Commission "empirical justification" to push the regulation<sup>252</sup>. As a result, CMPF was reputationally central not for lobbying but for shaping the knowledge environment: widely respected as impartial, technically rigorous, and politically useful. Their role was frequently cited in both Commission communications and NGO statements, giving them a reputation as the backbone of the regulatory narrative. While CMPF had no formal negotiating power, their evidence-based authority made them a critical reference point, earning them high reputational influence in the process<sup>253</sup>.

#### *Other Research Institutions*

Research institutions such as the CMPF and university consortia saw several of their analyses reflected in EMFA's structure but not fully in its operational detail. The CMPF's "*Blurring Boundaries*" report highlighted that while EMFA enshrines media pluralism and editorial independence, it omits quantitative thresholds for concentration and market dominance<sup>254</sup>. The

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<sup>248</sup> CMPF, *Blurring boundaries: the EMFA's new framework for media concentration and pluralism* (9 May 2025) (EUI/CMPF)

<sup>249</sup> CMPF, *Ownership transparency obligations under Article 6 of the EMFA: Opportunities and Challenges* (15 November 2024)

<sup>250</sup> Anonymous, staff member at the Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 3 September 2025

<sup>251</sup> CMPF, *Blurring boundaries: the EMFA's new framework for media concentration and pluralism*, May 2025; CMPF, *Ownership transparency obligations under Article 6*, Nov. 2024.

<sup>252</sup> European Commission, 2022 Rule of Law Report, COM(2022) 500 final; CMPF, *Media Pluralism Monitor* 2022

<sup>253</sup> Anonymous, staff member at CMPF, interview conducted online by Leilie Ghodsy, 3 September 2025

<sup>254</sup> <https://cmpf.eui.eu/blurring-boundaries-the-emfas-new-framework-for-media-concentration-and-pluralism>

Commission-tendered *Study on Media Plurality and Diversity Online*, carried out with the University of Amsterdam and Vrije Universiteit Brussel, provided evidence on “discoverability bias” and market plurality that inspired Articles 19–20 on prominence and Articles 6 and 21 on transparency<sup>255</sup>. However, their recommendations for precise enforcement metrics, algorithmic accountability, and binding operational indicators were not retained<sup>256</sup>. These research bodies’ empirical evidence and conceptual framing shaped the regulation’s rationale but were only selectively translated into binding provisions.

## 2. COMMERCIAL AND PROFESSIONAL INTERESTS

### *Press Publishers - EMMA/ENPA, EPC, News Media Europe*

Press publishers represented by the European Newspaper Publisher Association, the European Magazine Media Association, and the European Publishers Council were among the strongest early critics of the EMFA, labelling it at one stage the “Un-Media Freedom Act”<sup>257</sup>. Their stated preference was to avoid statutory regulation of the press, preserve self-regulation, and prevent ownership transparency and merger scrutiny from being imposed at EU level<sup>258</sup>. They argued that editorial autonomy should be protected by existing national rules and general law, rather than new EU oversight. Despite their strong opposition, the final EMFA text adopted Article 6 on ownership transparency and Article 22 on merger scrutiny, obliging press companies to disclose ownership structures and allowing the EBMS to review media market concentrations<sup>259</sup>. These measures directly contradicted publishers’ lobbying efforts, even though some clarifications and dilutions softened the obligations. The EPC explicitly warned against “the spectre of statutory regulators... having any powers or oversight over a free press”<sup>260</sup>, but this warning did not prevent adoption of the provisions. As a result, publishers’ attainment was partial to none: they failed on their core demands, although their campaigning did secure some moderations, such as the lack of precise thresholds for concentration and limits to regulator intervention<sup>261</sup>. Publishers were reputationally visible in the early phases, loudly branding the draft as the “Un-Media Freedom Act.” Their confrontational stance attracted attention, but as negotiations advanced, they became more pragmatic and presented themselves as constructive rather than obstructionist<sup>262</sup>. In interviews, their visibility was acknowledged,

<sup>255</sup>[https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733129/IPOL\\_STU%282023%29733129\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733129/IPOL_STU%282023%29733129_EN.pdf)

<sup>256</sup><https://law.stanford.edu/publications/no-114-unpacking-the-european-media-freedom-act-how-articles-4-6-and-18-undermine-its-effectiveness>

<sup>257</sup> EPC, “Position paper on the European Media Freedom Act,” November 2022.

<sup>258</sup> Official Journal of the European Union, Regulation (EU) 2024/1069 on the European Media Freedom Act, Articles 6 and 22

<sup>259</sup> European Publishers Council, “European Media Freedom Act: EPC position,” 2022

<sup>260</sup> CMPF, Blurring Boundaries: the EMFA’s new framework for media concentration and pluralism, May 2025

<sup>261</sup> Politico Europe, “Big Tech warns EU media law will undermine content moderation,” 2022

<sup>262</sup> European Publishers Council, “The Un-Media Freedom Act,” press release, September 2022

but industry insiders and policymakers often suggested that their reputation diminished compared to broadcasters or platforms, being framed as reactive rather than agenda-setting<sup>263</sup>.

#### *Media Industry – EBU, ACT, EGTA, AER*

Among industry actors, commercial broadcasters, represented by the Association of Commercial Television and Video on Demand, achieved a particularly high level of success. ACT's lobbying strategy consistently emphasised two key demands: fairness in audience measurement (Article 24) and transparency in the allocation of state advertising (Article 25)<sup>264</sup>. These provisions were intended to level the playing field by countering opaque measurement systems dominated by global platforms and preventing discriminatory practices in state support to media outlets. From ACT's perspective, both objectives were attained in the final regulation, as Article 24 explicitly recognised joint-industry standards as the benchmark for audience measurement, while Article 25 imposed binding transparency requirements for state advertising<sup>265266</sup>. ACT reinforced these preferences through position papers, sustained engagement with the Commission and Parliament, and by aligning with national broadcasters and measurement actors. The outcome is a textbook case of full attainment, confirming ACT as one of the economic “winners” of the EMFA.

The EBU positioned itself early as a strong supporter of the EMFA, framing the regulation as a democratic safeguard<sup>267</sup>. It pushed especially for workable mechanisms in Article 18, such as reinstatement rights, rapid-response timelines, and structured dialogue with platforms, as well as for fairness in audience measurement under Article 24<sup>268269</sup>. While some of these demands were integrated, others were softened in the Council's compromise. The final text preserves transparency requirements and ensures a role for dialogue, but without the stronger reinstatement guarantees requested. Attainment was therefore partial, with gains recognised in audience measurement but limited progress on platform procedures<sup>270</sup>. The EBU was reputationally assessed as one of the most influential non-institutional actors. Interviewees, including a senior policy advisor at the organisation, stressed that the EBU, avoiding obstructionist rhetoric, was “among the stakeholders that were really supportive of the legislative proposal, whereas for instance press publishers and their European associations were

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<sup>263</sup> Anonymous, official at EMMA/ENPA, interview conducted online by Leilie Ghodsy, 19 August 2025

<sup>264</sup> ACT, “Position Paper on the European Media Freedom Act,” 2023

<sup>265</sup> Eucrim, “The European Media Freedom Act – Key Issues and Implications,” 2024

<sup>266</sup> ACT, Position Paper on the EMFA, 2023; confirmed in Anonymous interview with Senior Policy Advisor at EBU (contextual cross-reference), 14 August 2025.

<sup>267</sup> Euractiv, “Europe’s broadcasters hail Media Freedom Act proposal,” 16 Sept. 2022.

<sup>268</sup> Anonymous, official at the European Broadcasting Union, interview conducted by Leilie Ghodsy, 8 September 2025

<sup>269</sup> EBU, “EBU position on the European Media Freedom Act,” 2023.

<sup>270</sup> EBU, “EBU welcomes adoption of the European Media Freedom Act,” 2024, <https://www.ebu.ch>.

pushing back a lot. And I think that was helpful for us during the two years of policy makers, that we were really seen as an ally in promoting media freedom in the EU”<sup>271</sup>. Its close ties to policymakers gave it privileged access, particularly on Articles 18 and 24, where it secured procedural safeguards for reinstatement of PSM content and fairness in audience measurement<sup>272</sup>. Unlike publishers, the EBU framed its lobbying as supporting the public interest, which enhanced its reputation among institutional actors<sup>273</sup>.

ACT built a reputation for effectiveness, particularly on economic issues such as state advertising (Art. 25) and audience measurement (Art. 24). Its demands were retained in the final text, reflecting both well-prepared lobbying strategies and its alignment with broader industry coalitions<sup>274</sup>. Interviews indicated that ACT was regarded by policymakers as a highly professional and data-driven actor, able to convincingly frame its demands as questions of economic fairness rather than narrow corporate interests<sup>275</sup>. This reputation distinguished ACT from publishers, whose lobbying was often perceived as defensive and obstructionist, and made ACT one of the most effective industry players in reputational terms<sup>276</sup>.

Closely connected to ACT’s demands, the audience measurement actors such as Médiamétrie and the Alliance for the Measurement of Content (AMC) successfully secured recognition of joint-industry and self-regulatory models as the reference standard under Article 24. They also achieved the inclusion of audit and transparency requirements. Since adoption, they have continued to work with the EBMS to operationalise these standards in practice<sup>277</sup>. Their priority was to ensure that existing joint-industry and self-regulatory models, which constitute the backbone of European audience measurement, were recognised as the “reference system” under EU law. In the final text, Article 24 explicitly enshrines this recognition, while also adding audit and transparency requirements that reflect the technical proposals advanced by these actors<sup>278</sup>. Their success illustrates the effectiveness of highly specialised expertise in EU policymaking: by presenting themselves as the sole holders of reliable methodological knowledge, Médiamétrie and AMC persuaded legislators that their practices could be generalised into law. This is again a case of full attainment, where highly technical policy preferences were codified almost verbatim into the regulation.

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<sup>271</sup> Anonymous, Senior Policy Advisor at the EBU, interview conducted in Brussels by Leilie Ghodsy, 14 August 2025

<sup>272</sup> European Broadcasting Union, Position Paper on EMFA, October 2022

<sup>273</sup> Anonymous, official at the EBU, interview conducted in Brussels by Leilie Ghodsy, 8 September 2025

<sup>274</sup> ACT, Position Paper on EMFA, November 2022

<sup>275</sup> Anonymous, staff member at CSA Belgium, interview conducted online by Leilie Ghodsy, 3 September 2025

<sup>276</sup> Euractiv, “Commercial broadcasters welcome EMFA provisions on advertising and audience measurement,” May 2024

<sup>277</sup> Médiamétrie & AMC, Joint Position Paper on the EMFA – Audience Measurement Provisions (Article 24), 2023; confirmed in interview evidence, Brussels, August 2025

<sup>278</sup> Médiamétrie & AMC, Joint Statement on Article 24, 2023.

### *Audiovisual and Film Organisations – EuroCinema, CEPI, FERA, SAA*

Audiovisual and film organisations such as EuroCinema, the European Audiovisual Production Association (CEPI), the Federation of European Screen Directors (FERA), and the Society of Audiovisual Authors (SAA) took coordinated positions during the EMFA negotiations. They co-signed a joint press release in October 2023 welcoming the European Parliament's adoption of its position on the EMFA, particularly the clarification of Article 20, which they viewed as a positive step toward safeguarding European audiovisual creation and cultural diversity while preventing the regulation from undermining national cultural policies<sup>279</sup>. FERA and SAA reiterated this support, underlining that the EMFA should respect the EU's principle of cultural exception and sustain the independence of national audiovisual regulators<sup>280</sup>. Their interventions reflected a shared industry objective to maintain the integrity of cultural policy competences within the EMFA's framework, ensuring that media freedom protections did not inadvertently constrain existing support schemes for European production<sup>281</sup>.

### *Very Large Online Platforms – CCIA, DOT, Bitkom, ZVEI*

Major platforms including Meta, Google, TikTok, and X, portraying Article 18 obligations as intrusions into business autonomy and potentially incompatible with their global moderation systems<sup>282</sup>, preferred to avoid procedural obligations giving media privileged treatment in content moderation disputes. Platforms lobbied against mandatory reinstatement and rapid-response deadlines, stressing the risks of creating loopholes for disinformation actors<sup>283</sup>. Despite this resistance, Article 18 was adopted: platforms are now obliged to notify media providers before removing or restricting content, provide explanations within 24 hours, and engage in good-faith negotiation or mediation through the EBMS if disputes persist<sup>284</sup>. This fell far short of VLOPs' stated preference. Regulators and broadcasters observed after entry into force in August 2025 that platforms were "not super enthusiastic" about the obligations and have been slow in implementing the complaint-handling systems<sup>285</sup>. Attainment was therefore partial to none: although the obligations were moderated compared to Parliament's stronger drafts, the existence of binding duties marked a defeat for platforms. Interviewees repeatedly

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<sup>279</sup> [EUROCINEMA, Audiovisual and cultural organisations welcome the EU Parliament's position on the EMFA clarifying Article 20, 3 October 2023](https://eurocinema.org/2023/10/03/eurocinema-audiovisual-and-cultural-organisations-welcome-the-eu-parliaments-position-on-the-emfa-clarifying-article-20-3-october-2023/)

<sup>280</sup> FERA, European audiovisual and cultural organisations welcome the EU Parliament adoption of its position on the EMFA, 3 October 2023 (via Cineuropa) <https://cineuropa.org/en/newsdetail/450938/>

<sup>281</sup> SAA, Joint press release: European audiovisual and cultural organisations welcome the EU Parliament adoption of its position on the EMFA, 3 October 2023 <https://www.saa-authors.eu/articles/joint-press-release-european-audiovisual-and-cultural-organisations-welcome-the-eu-parliament-adoption-of-its-position-on-the-emfa>

<sup>282</sup> European Digital Rights (EDRI), "Platforms and the EMFA: risks of abuse," December 2022

<sup>283</sup> Official Journal of the European Union, Regulation (EU) 2024/1069, Article 18

<sup>284</sup> Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview conducted by Leilie Ghodsy, Brussels, 14 August 2025

<sup>285</sup> Council of the EU, "General Approach on the European Media Freedom Act," 21 June 2023, ST 10509/23

underlined that the large platforms, while globally powerful, were reputationally disengaged from EMFA compared to their central role in the Digital Services Act<sup>286</sup>. A Commission official noted that platforms were “not very enthusiastic” and engaged “much less than in DSA”<sup>287</sup>. Policymakers and NGOs described them as reluctant players, present in consultations but not shaping the agenda. Their reputation was thus paradoxical: structurally powerful, but perceived as peripheral in this file.

#### *Device Manufacturers – DigitalEurope, DOT, ZVEI, FIEEC*

An official of GD CNECT explained that manufacturers presented their UI designs directly to the Commission in workshops during the preparatory phase, to demonstrate concretely how customisation works on devices, bringing screens into the room to show policymakers how user interfaces operate in practice, which gave them technical credibility but not broader political clout<sup>288</sup>. This technical engagement helped frame the final provision, which delays the application of Article 20 until 2027 in recognition of the implementation challenges and industry feedback<sup>289</sup><sup>290</sup>. Device manufacturers, such as Samsung and LG, were acknowledged as relevant to Article 20 on user interfaces, but their reputational weight was limited compared to broadcasters or platforms<sup>291</sup>. Observers described them as “low-visibility actors,” whose influence was confined to a narrow provision and therefore reputationally marginal compared to larger players.

### 3. COMMENTARY: OUTCOME-BASED SUCCESS VS PERCEPTION

In formal terms, VLOPs were not successful in achieving their preferences in the EMFA. They opposed obligations under Article 18, which require platforms to notify media providers before restricting or removing content, to provide explanations within 24 hours, and to offer negotiation or mediation through the EBMS<sup>292</sup>. Despite this resistance, the final text maintained these obligations, even if in a more procedural form. From a preference-attainment perspective, this corresponds to Partial–None, as the regulation went against the platforms’ stated interests<sup>293</sup>. However, interviews consistently underlined that platforms invested little energy in the EMFA compared to the DSA and DMA. A staff member at the European Broadcasting

<sup>286</sup> Anonymous, European Commission DG CNECT official, interview conducted online by Leilie Ghodsy, 13 August 2025

<sup>287</sup> Anonymous, official at a national regulatory authority, interview conducted online by Leilie Ghodsy, 21 August 2025

<sup>288</sup> Anonymous, industry representative, interview conducted online by Leilie Ghodsy, 27 August 2025

<sup>289</sup> Anonymous, European Commission, Directorate General for Communications Networks, Content and Technology, Unit I.1 staff member, interview conducted online by Leilie Ghodsy, 13 August 2025.

<sup>290</sup> European Commission, Proposal for a Regulation establishing a common framework for media services in the internal market (European Media Freedom Act), COM(2022) 457 final, 16 September 2022, Article 20; Official Journal of the European Union, Regulation (EU) 2024/1069, OJ L 202, 8.5.2024, pp. 1–27.

<sup>291</sup> Anonymous, official at ENPA/EMMA, interview conducted online by Leilie Ghodsy, 19 August 2025

<sup>292</sup> Official Journal of the European Union, Regulation (EU) 2024/1069 on the European Media Freedom Act, Article 18.

<sup>293</sup> Euractiv, “EU seals deal on Media Freedom Act,” December 2023.

Union observed that VLOPs were “not very enthusiastic” about EMFA and engaged less than on other digital files<sup>294</sup>. Similarly, an official at EMMA/ENPA remarked that platforms were “not really present in the EMFA discussions,” which were dominated instead by media organisations and civil society<sup>295</sup>. This low level of engagement reflected a strategic calculation: EMFA’s scope was narrower and less threatening than the systemic obligations introduced under the DSA, such as risk assessments and independent audits<sup>296</sup>. The divergence between outcome-based analysis and the reality of the negotiations lies in the relative salience of EMFA for platforms. Outcome-based coding shows platforms as “losers,” because Article 18 obligations were adopted against their opposition. Yet the interviews confirm that VLOPs devoted minimal resources to lobbying EMFA, treating it as marginal compared to the DSA. Their lack of mobilisation suggests that they did not view EMFA as a significant regulatory threat. In practice, the law imposes limited additional burdens, mostly procedural, and does not alter their core business models. While VLOPs formally lost on Article 18, their low involvement and prioritisation of the DSA indicate that EMFA was not a meaningful defeat. The gap arises because outcome-based methods capture the text adopted, but interviews reveal that platforms hardly contested this file, seeing little at stake compared to broader digital regulation.

Observing the final version of EMFA, we also see that publishers failed to block ownership transparency (Art. 6, 20, 22) and merger scrutiny (Art. 22), and their initial demand of “no statutory oversight, only self-regulation” was rejected. From this perspective, attainment is low, Partial to None, because the final text contradicts their stated preferences. In the ENPA interview though, the official described publishers as having played an important role in moderating the proposal, presenting themselves as constructive and pragmatic rather than defeated. They stressed that through lobbying, more extreme elements were softened, such as civil society oversight over publishers, which was avoided, and merger control language, which was less strict than NGOs wanted. From their standpoint, this looked like a partial victory: they did not get everything they wanted, but they prevented what they saw as the worst-case scenario. Publishers did not “win” on their main preferences regarding blocking transparency, but they believe they avoided a heavier regulatory framework. Our systematic attainment analysis shows publishers lost ground, but their self-perception stresses defensive gains and

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<sup>294</sup> Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview conducted by Leilie Ghodsy, Brussels, 14 August 2025.

<sup>295</sup> Anonymous, official at the European Magazine Media Association and the European Newspaper Publishers Association, interview conducted online by Leilie Ghodsy, 19 August 2025.

<sup>296</sup> European Commission, “The Digital Services Act package,” 2022.

success in avoiding harsher regulation. The scope of evaluation alters the perspective on success: outcome-based analysis looks at the legal text, while actors evaluate success relative to their starting fears. For publishers, “it could have been worse” is framed as success even if, on paper, they lost. The narrative framing also has to be factored in, as in interviews, associations tend to highlight their ability to shape compromises to maintain credibility with members, they cannot admit total defeat.

This illustrates why combining preference attainment with reputational perceptions is necessary. Outcome-based analysis shows whether actors achieved their stated goals, yet it does not fully capture how influence was perceived during the negotiations. Narratives and reputational accounts shed light on how actors evaluate each other’s weight in the process and how their presence shaped dynamics even when their preferences were not fully attained. Taken together, these two dimensions provide a more complete picture, allowing us to differentiate not only between formal success or failure, but also the actual degree of influence that each actor was able to exert.

## E. ANALYSIS: RESOURCES AND PREFERENCE ATTAINMENT

This section analyses the determinants of influence in the EMFA negotiations by systematically comparing actors' preference attainment with the resources they mobilised. Building on the coding developed in the previous parts, it tests whether monetary, cognitive, political, and collaborative resources correlate with success in shaping the final outcome. These four resource dimensions serve as the independent variables, each linked to a hypothesis about how they enhance lobbying effectiveness. The quantitative analysis is then complemented with reputational assessments and process tracing, which provide qualitative nuance by illustrating how strategies were deployed in practice, with a particular focus on Article 18 where mobilisation was most intense. In this way, the section allows us to test our four hypotheses in a structured manner, while also capturing the less tangible forms of influence that shaped the legislative process. Table 10 below summarises the four resource types, their definitions, and the corresponding hypotheses, providing the baseline for the correlation tests.

The first step in assessing the determinants of influence is to map out the resources mobilised by each major actor during the EMFA negotiations. Table 10 provides a structured, qualitative overview of how stakeholders drew on monetary, cognitive, political, and collaborative resources, operationalised in line with the four dimensions defined in the hypotheses. Each column reflects a distinct type of capacity: financial and organisational means (monetary), expertise and evidence provision (cognitive), privileged access and formal authority (political), and collective coordination through alliances and coalitions (collaboration). This coding allows us to capture variation across different categories of actors, from institutions and member states to industry groups and NGOs, and to establish a baseline for nuancing whether greater mobilisation in a given resource dimension correlates with higher preference attainment. By systematically linking these resource profiles to outcomes, the analysis can identify not only which resources mattered most but also how different configurations of capacities shaped the legislative process.

Table 10 - Resources Mobilized

Interest Groups	Monetary resources	Cognitive resources	Political resources	Collaborative resources
<b>Societal and Knowledge-Based Interests</b>				
CoE - EAO <sup>297298299</sup>	<p><b>Agenda-setting -</b> Financing think tanks or research - joint EU-CoE capacity funding</p> <p><b>Implementation -</b> Funding compliance projects - support for alignment in candidate countries</p> <p>CoE: total budget of PRO-FREX-A=€465k (Joint Program Amount secured for 2025: €232.7k)</p> <p>EAO: estimated budget for "Transparency of Media Ownership" report, 2021: €220k</p>	<p><b>Agenda-setting -</b> Expert and technical input - standards and toolkits</p> <p><b>Policy Formulation -</b> Information provision and expertise - technical assistance on governance and safeguards</p> <p><b>Implementation -</b> Use of implementation experiences - PRO-FREX workshops spread good practice</p>	<p><b>Agenda-setting -</b> Outside lobbying and media strategies - promote standards through communications</p> <p><b>Implementation -</b> Administrative networks and informal lobbying - liaison with national ministries and NRAs</p>	<p><b>Implementation -</b> Mobilisation and access-seeking - work with national authorities and civil society</p>
Journalist and Media Freedom Organisations - EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRI <sup>300301302303</sup> 304305306307308309 310311	<p><b>Agenda-setting -</b> Financing think tanks or research - research programme informing readiness assessments; funding public campaigns - investigative and</p>	<p><b>Agenda-setting -</b> Direct information transmission and strategic communication - petitions and explainer briefs; public advocacy on Article 4 safeguards; Expert and technical input - early consultation response; detailed EMFA position;</p>	<p><b>Decision-making -</b> Coalition building and collective action - joint letters during trilogues urging a spyware ban; Strategic lobbying and information transmission - feed legal language</p>	<p><b>Agenda-setting -</b> Coalition building, alignment with Commissioner Věra Jourová on EMFA framing</p> <p><b>Policy Formulation -</b> Multiple channel approaches,</p>

<sup>297</sup> CM(2024)1 - Council of Europe Programme and Budget 2024-2027

[https://search.coe.int/cm#%22CoEIdentifier%22:\[%22090001680adec99%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm#%22CoEIdentifier%22:[%22090001680adec99%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

<sup>298</sup> PRO-FREX workshop on integrating EMFA and DSA in Albania — Council of Europe — 3 July 2025. <https://www.coe.int/en/web/freedom-expression/-/integrating-european-media-freedom-act-emfa-and-digital-services-act-%C2%A0in-albania-s-media-framework>

<sup>299</sup> PRO-FREX action description and objectives — Council of Europe — 11 April 2025 and 12 September 2025 updates. <https://www.coe.int/en/web/pristina/protecting-freedom-of-expression-and-of-the-media-pro-frex-k>

<sup>300</sup> EU transparency register [https://transparency-register.europa.eu/search-register-or-update/organisation-detail\\_en?id=612547127497-45](https://transparency-register.europa.eu/search-register-or-update/organisation-detail_en?id=612547127497-45)

<sup>301</sup> EFJ position on the EMFA — EFJ — 13 to 16 January 2023. <https://europeanjournalists.org/wp-content/uploads/2023/01/EFJ-position-on-the-EMFA.pdf> and <https://europeanjournalists.org/blog/2023/01/16/efj-publishes-position-on-the-european-media-freedom-act/>

<sup>302</sup> EFJ and partners react to Council spyware clause — SafeJournalists — 21 June 2023. <https://safejournalists.net/european-federation-of-journalists-efj-strongly-rejects-the-eu-councils-position-on-the-european-media-freedom-act-emfa-and-condemns-the-attack-on-media-freedom/>

<sup>303</sup> Open letter to Council on spyware safeguards — RSF — 20 June 2023. <https://rsf.org/en/open-letter-urges-council-eu-not-weaken-journalists-protection-against-surveillance-emfa>

<sup>304</sup> Without political will the EMFA risks becoming a dead letter — RSF — 6 August 2025. <https://rsf.org/en/eu-without-political-will-enforces-it-emfa-risks-becoming-dead-letter>

<sup>305</sup> RSF report on public service media — 21 July 2025. <https://rsf.org/en/rsf-publishes-new-report-protect-europe-s-public-media>

<sup>306</sup> IPI position on the EMFA — 23 January 2023. <https://ipi.media/ipi-position-on-the-european-media-freedom-act/>

<sup>307</sup> After entry into force, political will is crucial — IPI — 8 August 2025. <https://ipi.media/eu-after-entry-into-force-political-will-now-crucial-for-european-media-freedom-act-success/>

<sup>308</sup> CPJ to EU: The time to act on spyware is now — 6 December 2023. <https://cpj.org/2023/12/eu-the-time-to-act-on-spyware-is-now/>

<sup>309</sup> Journalists open letter to ban spyware in the EMFA — 14 September 2023. <https://cpj.org/wp-content/uploads/2023/09/Journalists-open-letter-EMFA-Ban-Spyware.pdf>

<sup>310</sup> Recommendations for the EMFA — Article 19 — 20 March 2022. <https://teaching.globalfreedomofexpression.columbia.edu/resources/eu-article-19s-recommendations-european-media-freedom-act>

<sup>311</sup> EMFA comes into force explainer — LibertiesEU — 13 August 2025. <https://www.liberties.eu/en/stories/emfa-comes-into-force-2025/45504>

Interest Groups	Monetary resources	Cognitive resources	Political resources	Collaborative resources
	<p>advocacy work on spyware safeguards</p> <p><b>Policy Formulation -</b> Resource deployment for lobbying activities - Brussels outreach and analysis support, staff time, travel, and advocacy materials, legal analysis and consultation work</p> <p>EFJ: €2,148,620</p> <p>RSF: €12,999,021</p> <p>IPI: €5,340,971</p> <p>CPJ: €2,148,620</p> <p>Article 19: €20,062,592</p> <p>Liberties: €1,580,000</p> <p>EDRi: €2,148,620</p>	<p>Pressure politics and public support - calls to act on spyware</p> <p><b>Policy Formulation -</b> Direct lobbying and information transmission - work with MEPs on amendments; brief lawmakers on spyware risks; Information provision and expertise - link Article 18 eligibility to Article 6 compliance; legal critique of broad media privilege; Coalition building and resource deployment - co-sign open letters; Outside lobbying and media strategies - public analysis to shape amendments; public communications around trilogues</p> <p><b>Decision-making -</b> Strategic lobbying and information transmission - engage rapporteurs and shadows</p>	<p>concerns</p> <p><b>Implementation -</b> Use of Implementation experiences - stress centrality of Commission guidelines</p>	<p>coordination with DG CNECT and MEPs</p> <p><b>Decision-making -</b> Coalition building and collective action with MFRR partners</p> <p><b>Implementation -</b> Evaluation and feedback mechanisms - monitoring</p> <p>Implementation and filing evidence; benchmark guidance against rights standards; detailed submission on Article 18 guidelines; Mobilisation and access-seeking - continued advocacy during guideline phase; enforcement push as EMFA takes full effect; Coordination mechanisms</p>
Digital Rights Organisations - People vs. Big Tech, Access Now Europe, EDRi <sup>312313</sup>	<p><b>Policy Formulation -</b> Resource deployment for lobbying activities - coordination across member organisations</p> <p>People Vs Big Tech: N/A</p> <p>Access Now: €1,346,036</p> <p>EDRi: €2,148,620</p>	<p><b>Agenda-setting -</b> Direct information transmission and strategic communication - open letters against surveillance exception</p> <p><b>Policy Formulation -</b> Coalition building and resource deployment - align with journalists and academics</p>	<p><b>Decision-making -</b> Coalition building and collective action - coordinated asks during trilogues</p>	<p><b>Implementation -</b> Mobilisation and access-seeking - continued platform-governance engagement under EMFA and DSA</p>
EUI - CMPF <sup>314315316</sup>	<p><b>Agenda-setting -</b> Financing think tanks or research - research grants for the Media Pluralism Monitor</p> <p><b>Policy Formulation -</b> Commissioning policy papers - Observatory briefs and legal notes</p> <p>€1,000,000 for MPM/year</p>	<p><b>Agenda-setting -</b> Expert and technical input - MPM evidence and EMFA Observatory analysis</p> <p><b>Policy Formulation -</b> Information provision and expertise - legal and governance commentary</p> <p><b>Decision-making -</b> Strategic lobbying and information transmission - defend calibrated Article 18 approach</p> <p><b>Implementation -</b> Evaluation and feedback</p>	<p><b>Agenda-setting -</b> Informal influence mechanisms - expert briefings that steer frames</p> <p><b>Policy Formulation -</b> Outside lobbying and media strategies - public notes and explainer pieces</p>	<p><b>Agenda-setting -</b> Coalition building - joint workshops with NRAs and NGOs</p> <p><b>Collaboration across</b> academia, NRAs and NGOs - briefings and workshops</p>

<sup>312</sup> Open letter to ban spyware in the EMFA — EDRi — 27 September 2023. <https://edri.org/our-work/open-letter-european-parliament-protect-journalists-ban-spyware-emfa/>

<sup>313</sup> Challenges ahead: EMFA falls short — EDRi — 17 January 2024. <https://edri.org/our-work/challenges-ahead-european-media-freedom-act-falls-short-in-safeguarding-journalists-and-eu-fundamental-values/>

<sup>314</sup> <https://digital-strategy.ec.europa.eu/en/policies/monitoring-media-pluralism>

<sup>315</sup> Media Pluralism Monitor 2023 — CMPF EUI — 2023. <https://cmpf.eui.eu/>

<sup>316</sup> In defence of Article 18 — CMPF EMFA Observatory — 1 November 2024. <https://cmpf.eui.eu/in-defence-of-article-18-of-the-emfa/>

Interest Groups	Monetary resources	Cognitive resources	Political resources	Collaborative resources
		mechanisms - monitoring for guidance cycles		
Other Research Institutions – JRC, UvA, VUB <sup>317</sup>	<b>Agenda-setting</b> – Expert and technical input. Example: the JRC contributed technical models and risk assessments to the Commission's impact assessment and EMFA preparatory studies  JRC: €120,000 UvA & VUB joint study: €450,000	<b>Policy formulation</b> – Information provision and expertise. Example: UvA research critiqued definitions of “media” and pointed out blind spots in the draft text's coverage	<b>Decision-making</b> – Strategic lobbying and information transmission. Example: academic contributions fed into Council and Parliament working documents and amendments	<b>Implementation</b> – Evaluation and feedback. Example: research teams will use EMFA data to monitor whether concentration thresholds or prominence obligations function as intended
<b>Commercial and Professional Interests</b>				
Press Publishers – EMMA/ENPA, EPC, News Media Europe <sup>318319</sup>	<b>Policy Formulation</b> - Resource deployment for lobbying activities - national and Brussels advocacy  EMMA/ENPA: €700,000 EPC: €650,000 News Media Europe: €350,000	<b>Agenda-setting</b> - Direct information transmission and strategic communication - warn of risks then refine scope <b>Policy Formulation</b> - Information provision and expertise - legal analysis on eligibility and safeguards	<b>Decision-making</b> - Strategic positioning and bargaining tactics - clarity on Article 18 eligibility and dispute handling	<b>Implementation</b> - Mobilisation and access-seeking - engagement with EBMS practice and guidelines
Media Industry – EBU, ACT, EGTA, AER <sup>320321322</sup>	<b>Agenda-setting</b> - Funding public campaigns - advocacy for due prominence and independence  <b>Policy Formulation</b> - Commissioning policy papers - studies on measurement and governance; Resource deployment for lobbying activities - campaigns and analyses  EBU: €1,835,093 ACT: €950,000	<b>Agenda-setting</b> - Direct information transmission and strategic communication - position papers on due prominence and independence; level-playing-field framing  <b>Policy Formulation</b> - Direct lobbying and information transmission - Brussels advocacy on services and cabinets  <b>Decision-making</b> - Strategic lobbying and information transmission - audience-measurement standards	<b>Policy Formulation</b> - Access to decision-makers - outreach to Council and permanent reps  <b>Decision-making</b> - Coalition building and collective action - joint front with ACT and EGTA on measurement	<b>Implementation</b> - Coordination mechanisms - follow-up with EBMS and Commission on guidance; Comitology and committee procedures - input to Article 18 consultation and Article 24 guidance

<sup>317</sup>JRC ESTIMATION: Internal JRC staff time plus light external costs. A small team over roughly 4 to 6 staff-months at an all-in staff cost often near €120k per FTE-year gives about €60k to €90k, then add management, editing, layout, dissemination and overhead. Page count and methods suggest desk research and workshops, not fieldwork.

[https://publications.jrc.ec.europa.eu/repository/bitstream/JRC109146/mapping\\_of\\_risk\\_web-platforms\\_and\\_risk\\_data\\_online\\_final.pdf](https://publications.jrc.ec.europa.eu/repository/bitstream/JRC109146/mapping_of_risk_web-platforms_and_risk_data_online_final.pdf) UvA & VUB ESTIMATION: DG CNECT studies of similar complexity and duration often land in the low to mid six figures. A fresh comparator is a 9-month CNECT study with an estimated value of €300k. Given the size, four partners, interviews and analysis delivered as a 486-page report, a range of €300k to €600k is realistic. Midpoint €400k to €450k. <https://cmpf.eui.eu/projects-cmpf/media-pluralism-online-project/>

<sup>318</sup>EU transparency register[https://transparency-register.europa.eu/search-register-or-update/organisation-detail\\_en?id=612547127497-45](https://transparency-register.europa.eu/search-register-or-update/organisation-detail_en?id=612547127497-45)

<sup>319</sup> ENPA news and press releases on EMFA articles 4 and 18 — ENPA — 28 November 2023 and 3 October 2023. <https://www.enpa.eu/news>  
<sup>320</sup>EU transparency register

<sup>321</sup>EBU position and group resources on EMFA — EBU — updated 18 October 2023. <https://www.ebu.ch/groups/media-freedom-act-group>

<sup>322</sup>Joint media industry position on audience measurement guidelines — EBU press release — March 2025. <https://www.ebu.ch/news/2025/03/joint-media-industry-position>

Interest Groups	Monetary resources	Cognitive resources	Political resources	Collaborative resources
	EGTA: €250,000 AER: €150,000			
Audiovisual and Film Organisations - EuroCinema, CEPi, FERA, SAA <sup>323</sup>	<b>Agenda-setting –</b> Lobbying and stakeholder engagement. Example: EuroCinema and other film and audiovisual associations issued a joint press release welcoming the European Parliament's clarification of Article 20 to preserve Member States' cultural policy space EuroCinema: €150,000 CEPi: €85,000 FERA: €75,000 SAA: €450,000	<b>Policy formulation –</b> Information provision and expertise. Example: CEPi emphasised that EMFA should complement, not undermine, existing audiovisual regulation and cultural subsidies	<b>Decision-making –</b> Strategic lobbying and informal influence. Example: film organisations participated in trilogue negotiations to secure carve-outs and clarifications around cultural policy exemptions	<b>Implementation –</b> Coordination and follow-up engagement. Example: monitoring EU- and Member State-level translation of cultural policy safeguards under Article 20 post-adoption
VLOPS – CCIA, DOT, Bitkom, ZVEI <sup>324325326</sup>	<b>Policy Formulation -</b> Resource deployment for lobbying activities - association advocacy teams  CCIA: €650,000 DOT: €750,000 Bitkom: €1,125,000 ZVEI: €350,000	<b>Agenda-setting -</b> Direct information transmission and strategic communication - warn that a broad media privilege can slow takedowns <b>Policy Formulation -</b> Anticipatory influence - legal and operational input on declarations and workflows	<b>Decision-making -</b> Strategic lobbying and information transmission - work through trade bodies in trilogues <b>Decision-making -</b> Informal mechanisms - back-channel coordination	<b>Implementation -</b> Coordination mechanisms - prepare Article 18 processes and join guideline consultation
Device Manufacturers – DigitalEurope, DOT, ZVEI, FIEEC <sup>327328</sup>	<b>Implementation -</b> Funding compliance projects - UI and accessibility updates for prominence regimes  DigitalEurope: €3,250,000 DOT: €750,000 ZVEI: €350,000 FIEEC: €150,000	<b>Agenda-setting -</b> Expert and technical input - feasibility and UX know-how <b>Policy Formulation -</b> Information provision and expertise - briefings and workshops with Commission and EBMS	<b>Decision-making -</b> Strategic lobbying and information transmission - argue for workable device-side duties	<b>Implementation -</b> Coordination mechanisms - align with EBMS and NRAs on prominence guidance

The distribution of resources detailed in Table 10 highlights pronounced asymmetries among EMFA stakeholders. EU institutions retained structural advantages in political and monetary

<sup>323</sup>EU transparency register

<sup>324</sup>EU transparency register

<sup>325</sup> CCIA statement on media exemption risks — 7 September 2023 and 3 October 2023. <https://ccianet.org/news/2023/09/media-freedom-act-eu-parliament-risks-enabling-spread-of-harmful-content-with-media-exemption/> and <https://ccianet.org/news/2023/10/controversial-media-exemption-divides-european-parliament/>

<sup>326</sup> DOT Europe position paper on EMFA — 24 January 2023. <https://doteurope.eu/library/dot-europe-position-paper-on-emfa/>

<sup>327</sup> EU transparency register

<sup>328</sup> Why we need EU prominence guidelines — DIGITALEUROPE — 10 July 2025. <https://www.digitaleurope.org/resources/why-we-need-guidelines-on-audiovisual-prominence-rules/>

resources, allowing them to steer the agenda and dominate interinstitutional negotiations. Member States collectively mobilised influence through Council coalitions, while the CoE and EAO played complementary roles by supplying technical guidance and alignment support through joint funding mechanisms such as PRO-FREX-A. Knowledge-based actors like the CMPF and other research institutions (JRC, UvA, VUB) contributed analytical and cognitive capital, with annual project budgets ranging from €120,000 to €1 million, ensuring continuity between empirical data and policymaking.

Civil-society and professional organisations, such as journalist federations, digital-rights groups, and media-freedom NGOs, relied on advocacy networks and normative authority rather than high financial capacity. Although their budgets varied widely, from under €2 million for Liberties or EDRI to over €20 million for Article 19, they amplified their voice through coalition-building, joint letters, and public mobilisation. In contrast, commercial actors, including press publishers, broadcasters, and platform or device associations, displayed substantial monetary and political leverage, deploying between €150,000 and €3 million per organisation in lobbying, research commissioning, and coalition activities to secure favourable wording in Articles 18, 20, and 24.

This mapping demonstrates that resource heterogeneity shaped each actor's pathway of influence across agenda-setting, policy formulation, decision-making, and implementation. It confirms that monetary power and institutional embeddedness facilitated agenda control for corporate and institutional players, whereas NGOs and knowledge-based organisations transformed cognitive and collaborative resources into reputational and normative influence, laying the groundwork for analysing how these differing capacities affected preference attainment in the EMFA process.

Building on Table 10, Table 11 below applies the same logic of resource-based coding to translate the qualitative strategies of each actor into comparable intensity scores ranging from 0 to 4. Each score represents how systematically and consistently a resource was mobilised across the different stages of the EMFA policy cycle. A score of 4 denotes sustained and repeated use of that resource across agenda setting, policy formulation, decision-making, and implementation. A score of 1 corresponds to minimal or one-off mobilisation, often limited to reactive or symbolic engagement. A score of 0 is used where no evidence of targeted action or mobilisation was identified. The Total Resources score is the sum of each actor's resources scores, reflecting their overall allocation. This Total Resources score is mostly interesting to compare actors' relative resources.

Monetary resources are treated as structural capacity rather than file-specific expenditure. This methodological choice follows established approaches in the lobbying literature, notably Beyers (2004), Dür (2007), Klüver (2013), and Binderkrantz (2005). In line with these authors, the coding reflects overall financial and organisational strength rather than the precise amount spent on the EMFA, since individual budget lines for advocacy or research are rarely disclosed. The indicators include the existence of permanent offices in Brussels, staff devoted to EU affairs, the capacity to commission studies or campaigns, and access to stable or diversified funding. Where possible, process tracing was used to nuance interpretation by identifying concrete moments of mobilisation, such as research commissioned by broadcasters, campaigns financed by journalist organisations, or compliance work funded by regulators.

Cognitive resources are coded on the basis of demonstrable contributions of knowledge and expertise. This includes direct information transmission, expert or technical input, anticipatory influence on upcoming provisions, formal participation in consultations, and the production of policy-relevant studies. Higher scores are assigned to actors that provided sustained evidence across several stages, such as CMPF's Media Pluralism Monitor data, methodological guidance from the audience-measurement sector, or the Commission's reliance on JRC and academic analyses for preparatory work.

Political resources are coded through indicators of access and institutional leverage. These include both formal and informal pathways of influence, such as direct communication with legislators, access to rapporteurs or Council negotiators, strategic positioning during trilogues, and participation in high-level working parties. Scores rise when an actor demonstrates visible influence in interinstitutional bargaining, whether through formal representation, insider channels, or recognised authority in policy coordination.

Collaborative resources are coded from observed coalition-building and coordination strategies. The main indicators include the creation or leadership of alliances, sustained participation in joint advocacy, member mobilisation, and the establishment of coordination mechanisms or feedback loops. Higher scores correspond to continuous and structured cooperation across organisations, as seen in the coordination between ERGA and the future EBMS, the broadcasters' and measurement coalition on audience metrics, or the NGO joint letters and campaigns on spyware safeguards.

The table can be read vertically to identify which actors relied most on a given resource type and horizontally to understand how each actor combined different resources to build its

influence profile. A vertical reading highlights which type of resource carried more weight in shaping the EMFA's negotiations overall, for example cognitive or collaborative resources, while a horizontal reading reveals the internal balance between expertise, access, financial means, and coordination for each actor. Together, these two readings help distinguish structurally powerful actors with extensive material resources from epistemic or normative actors whose influence relied primarily on credibility and networks rather than formal access.

*Table 11 - Resources Scores*

Interest groups	Perceived expertise	Political	Collaboration	Financial capacity	Total resources
<b>Societal and knowledge-based interests</b>					
<b>CoE, EAO</b>	3	1	3	3	2.5
<b>Journalist and media-freedom organisations, EFJ, RSF, IPI, CPJ, Article 19, Liberties, EDRI</b>	3	2	3	1	2.3
<b>Digital rights organisations, People vs Big Tech, Access Now Europe, EDRI</b>	3	2	3	1	2.3
<b>EUI, CMPF</b>	4	1	2	2	2.3
<b>Other research institutions, JRC, UvA, VUB</b>	3	1	2	2	2.0
<b>Commercial and professional interests</b>					
<b>Press publishers, EMMA, ENPA, EPC, News Media Europe</b>	3	3	2	3	2.8
<b>Media industry, EBU, ACT, EGTA, AER</b>	3	3	3	2	2.8
<b>Audiovisual and film organisations, EuroCinema, CEPI, FERA, SAA</b>	2	2	2	2	2.0
<b>VLOPs sector, CCIA, DOT Europe, Bitkom, ZVEI</b>	3	2	2	3	2.5
<b>Device manufacturers, DigitalEurope, DOT, ZVEI, FIEC</b>	3	2	2	2	2.3

The Council of Europe and the European Audiovisual Observatory combined recognised expertise and strong collaborative capacity but held little direct bargaining power in EU decision-making. Their expertise was visible in the design of technical standards and in alignment activities with national authorities, reflecting a well-established normative reputation on media pluralism. However, their political score remained low because their involvement took the form of external guidance rather than participation in legislative negotiations. Their collaborative capacity was substantial, sustained by programmes such as PRO-FREX that brought together regulators and candidate countries. Their financial resources were stable, enabling them to fund compliance workshops and knowledge-sharing projects, but their structural distance from the EU's institutional core limited their direct policy leverage.

Journalist and media-freedom organisations such as the EFJ, RSF, IPI, CPJ, Article 19, Liberties, and EDRI presented a strong profile in expertise and coalition-building but operated with limited financial means and moderate political access. Their perceived expertise stemmed from legal analyses, position papers, and advocacy campaigns on issues such as spyware bans, editorial independence, and regulator autonomy. They achieved high levels of collaboration through joint letters, public statements, and shared advocacy platforms like the Media Freedom

Rapid Response network. Politically, they maintained selective but meaningful access to members of Parliament and Commission officials, yet they lacked the systematic lobbying presence and insider relationships that industry actors enjoyed. Financial constraints forced them to prioritise symbolic and advocacy-driven strategies rather than sustained technical engagement, although their normative legitimacy remained high.

Digital-rights organisations including People vs Big Tech, Access Now, and EDRI also showed strong cognitive and collaborative capacities but faced a structural disadvantage in a media-focused regulation where digital issues were secondary. Their expertise was widely recognised in relation to surveillance, content moderation, and algorithmic transparency, and their coalitions were strong across member organisations and NGOs. However, their access to negotiators was limited, particularly compared to their central position in other files such as the Digital Services Act. Their financial means were modest and spread across several parallel policy areas, which limited the intensity of their mobilisation in EMFA despite their credible reputation.

The European University Institute and its Centre for Media Pluralism and Media Freedom stood out as the most authoritative knowledge provider of the entire process, with the highest expertise score in the configuration. CMPF's data and analyses, such as the Media Pluralism Monitor and targeted EMFA policy briefs, provided the empirical basis for the Commission's justification of the regulation. Their political influence remained limited because they did not engage in lobbying or coalition politics, focusing instead on evidence provision. Their collaboration was moderate and mainly academic, relying on workshops and partnerships with NRAs and NGOs. Their financial resources were stable and adequate for continuous research and monitoring, although far below the lobbying budgets of corporate or industry actors.

Other research institutions such as the Joint Research Centre, the University of Amsterdam, and the Vrije Universiteit Brussel shared a similar pattern of expertise-based influence, but on a slightly lower scale. Their work contributed technical models and policy evaluations that shaped specific articles on ownership transparency, discoverability, and audience measurement. Their collaboration score reflects their involvement in multi-partner consortia and studies, while their political and financial scores remain moderate, as universities and public research centres generally operate through Commission tenders and do not engage in lobbying.

Press publishers represented by EMMA, ENPA, EPC, and News Media Europe displayed high political access and financial resources, combined with recognised but interest-driven expertise

on press freedom and market dynamics. Their collaboration score was lower because coordination between publishers was often fragmented along national or segment lines. Their lobbying capacity was significant, supported by permanent offices in Brussels and consistent engagement with Parliament and Council. Financially, they could commission legal analyses, communication campaigns, and coalition activities, reflecting a strong material base, although their credibility with policymakers was sometimes constrained by their defensive stance toward transparency obligations.

The broadcasting and media industry, including the EBU, ACT, EGTA, and AER, exhibited a highly balanced and well-coordinated influence profile. These actors combined strong perceived expertise with political access and effective coalition work. Their technical input on prominence, audience measurement, and procedural fairness under Article 18 made them indispensable interlocutors for EU institutions. They sustained continuous dialogue with the Commission and Council, showing high levels of collaboration through joint statements, consultations, and post-adoption follow-up. Their financial capacity was robust, allowing for well-resourced advocacy, but less extensive than that of very large platforms.

Audiovisual and film organisations such as EuroCinema, CEPI, FERA, and SAA displayed steady but moderate engagement across the EMFA cycle. Their expertise was recognised in relation to cultural policy and audiovisual diversity, but their influence was limited to safeguarding national competences rather than shaping the broader regulation. Their political and collaborative activities were coordinated yet selective, reflecting focused interventions rather than large-scale lobbying. Their financial means were sufficient to support communication and follow-up work but modest compared to other industry sectors.

Very Large Online Platforms, represented by associations such as CCIA, DOT Europe, Bitkom, and ZVEI, combined high expertise and financial resources with medium collaboration and limited political engagement in this particular file. Their structural power and technical knowledge were unquestionable, yet they invested little effort in the EMFA compared to digital governance acts such as the DSA or DMA. Their political and coalition scores reflect this relative disengagement, as they viewed the EMFA as peripheral to their core business interests. Their financial capacity remained high, allowing them to maintain monitoring and minimal compliance preparation without active campaigning.

Device manufacturers, including DigitalEurope, DOT, ZVEI, and FIEEC, focused their influence narrowly on user interface obligations under Article 20. They displayed credible

technical expertise and stable financial capacity, sufficient for direct engagement with the Commission through workshops and briefings. Their political influence was moderate, reflecting a functional but not strategic role in the negotiations, while their collaboration score was comparable, representing regular coordination through trade associations. Their participation remained confined to ensuring technical feasibility rather than shaping broader policy directions.

Taken together, this configuration reveals that actors who combined high perceived expertise with political access and structured coalition-building, such as broadcasters and their measurement partners, achieved the most tangible legislative results. Knowledge-based actors such as CMPF and the university teams defined the evidence base and conceptual logic of the regulation but translated their influence only partially into the text due to limited political leverage. Civil-society organisations and journalist associations converted normative legitimacy and public mobilisation into visibility and symbolic influence, yet the lack of financial means constrained their capacity to secure stronger enforcement mechanisms. Platforms and manufacturers, despite abundant structural resources, remained largely disengaged from EMFA because their strategic interests lay elsewhere. Overall, the analysis confirms that recognised expertise enhanced credibility and access, but that influence was maximised when this expertise was coupled with political presence and durable coalition networks.

When the resource mapping in Table 10, summarized in Table 11, is read against the preference-attainment results of Table 8 (IV.D), several qualitative correlations emerge between the types of resources actors mobilised and their ultimate success in shaping the EMFA. Material capacity alone did not determine influence. What mattered was how resources were combined, activated, and perceived inside EU venues, and, crucially, whether actors' preferences aligned with the positions of the pro-EMFA majority in the European Parliament and the supportive coalitions of member states in the Council. These alignments largely followed party lines, with the EPP, S&D, Renew Europe, Greens/EFA, and The Left backing the Act, while ECR, Identity and Democracy, and most non-attached members opposed it on sovereignty grounds.

Actors endowed with both political access and recognised expertise achieved the highest levels of preference attainment. This group includes the broadcasting and media industry alliances such as the EBU, ACT, EGTA, and AER, which converted their cognitive and political resources into legislative outcomes. Their detailed proposals on audience measurement and state advertising transparency were largely integrated into Articles 24 and 25, and their

continuous engagement during drafting and trilogues ensured that operational elements under Article 18 reflected their preferred procedural approach. Their partnership with the Audience Measurement Coalition magnified this effect, translating sectoral know-how into institutional authority. Crucially, their objectives overlapped with those of the centrist and progressive parliamentary majority, particularly Renew Europe, S&D, and the Greens, which viewed transparency and fair competition in the media market as essential to democratic safeguards: Oliver Money-Kyrle, Head of Europe Advocacy at IPI explained that “the Commission was pretty open to engaging in debating many of the different elements of EMFA, and the parliament was fantastic”.<sup>329</sup> The strong complementarity of their resources, technical credibility, political access, and coordinated advocacy, combined with favourable party-level alignment, made these actors the clearest case of diversified mobilisation delivering high attainment.

Knowledge-based organisations such as the CMPF and other research institutions, including the JRC, the University of Amsterdam, and the Vrije Universiteit Brussel, display the second-strongest resources-to-results pattern. Their cognitive resources were exceptional, since their empirical baselines, policy briefs, and conceptual frameworks underpinned the Commission’s rationale and informed the structure of provisions on ownership transparency, discoverability, and measurement. Although their political access and coalition work were limited, their analyses were widely cited by rapporteurs and MEPs from S&D, Renew Europe, and the Greens, whose committees strongly supported the EMFA’s evidence-based approach. The parliamentary majority was already favourable to their policy orientation, which increased the salience of their expertise. Nonetheless, without institutional representation in the Council or direct participation in trilogues, their influence translated into partial uptake rather than enforceable provisions.

The Council of Europe and the European Audiovisual Observatory formed a distinct category of external expertise. Strong cognitive and collaborative resources, especially through the PRO-FREX-A programme and workshops with NRAs, fed standards and implementation practices into preparatory debates. Lacking formal access to EU negotiations, their influence was indirect but facilitated by ideological alignment with the pro-EMFA parliamentary majority and the Council’s northern and western member states, which saw them as legitimate reference bodies for regulatory best practice. Their contribution was therefore reputational and normative rather than textual.

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<sup>329</sup> Money-Kyrle Oliver, Head of Europe Advocacy at the International Press Institute, interview conducted online by Leilie Ghodsy, 29th of August 2025.

Civil society and journalist organisations such as the EFJ, RSF, IPI, CPJ, Article 19, Liberties, and EDRi combined high collaboration and moral legitimacy with targeted cognitive mobilisation. They issued joint statements, legal analyses, and open letters defending editorial independence, source protection, and anti-spyware safeguards. Their campaigns resonated strongly with MEPs from the Greens, S&D, and The Left, who publicly championed these priorities, but faced resistance from the ECR and ID groups and from a small bloc of member states led by France and Italy seeking to preserve national security exemptions. This political configuration explains their partial attainment: they succeeded in shaping Articles 4, 6, and 18 but could not prevent the Council from inserting Article 4(3)'s national security clause. Their case shows that coalition building and normative authority can offset limited money and uneven access, but alignment of preferences with decisive Council and Parliament blocs ultimately set the ceiling.

Digital rights organisations such as EDRi, Access Now, and People vs Big Tech exhibited similar dynamics but faced an even less favourable institutional environment. Their cognitive and collaborative resources were strong, and their campaigns amplified concerns around surveillance and spyware. Yet the EMFA's framing as a media rather than digital regulation meant that their demands fell outside the core priorities of the main parliamentary groups and were peripheral to most Council coalitions. Where their proposals overlapped with majority preferences, such as transparency in platform–media relations under Article 18, they achieved partial wins; where they sought stricter surveillance bans, they met opposition from both ECR and several national governments.

Audiovisual and film organisations such as EuroCinema, CEPI, FERA, and SAA operated as a cohesive but narrowly focused coalition with moderate cognitive and collaborative resources. Their objective to protect national cultural policies matched the preferences of several Council delegations, especially France, Italy, and other culturally minded states, and encountered no ideological resistance within the pro-EMFA parliamentary majority. Constructive engagement with Parliament and Council yielded clarifications in Article 20 and partial attainment. Here, steady mobilisation and favourable alignment at both national and parliamentary levels delivered targeted outcomes without large budgets or extensive lobbying infrastructures.

Press publisher associations, including EMMA, ENPA, EPC, and News Media Europe, had strong financial and political resources but weak collaboration and reputational legitimacy. They ran well-funded campaigns and had access to Parliament and Council, yet their core positions, particularly opposition to ownership transparency rules, were misaligned with the

main political groups. Centrist and left-leaning MEPs largely viewed transparency and anti-concentration measures as democratic safeguards. This misalignment, combined with a defensive communication style and fragmented coordination, led to visibility without success. Their experience underscores that monetary and access resources cannot compensate for a lack of political and reputational alignment.

Very large online platforms, represented by CCIA, DOT Europe, Bitkom, and ZVEI, combined the greatest financial and technical resources with low mobilisation on EMFA because they prioritised the DSA and DMA. They opposed Article 18's procedural obligations but did not build or activate coalitions capable of engaging a Parliament dominated by pro-EMFA groups. Their preference for broad media privilege exemptions conflicted with the majority view, particularly among S&D, Renew Europe, and Greens MEPs, who defended tighter safeguards against misinformation. The result was minimal attainment: Article 18 was adopted almost unchanged, showing that high capacity without mobilisation and alignment yields little influence.

Device manufacturers, including DigitalEurope, DOT, ZVEI, and FIEEC, focused narrowly on feasibility and timelines under Article 20. Their technical credibility, moderate access, and coordination within their trade groups secured a delay to 2027. Their success reflected a pragmatic alignment with centrist and northern Council delegations willing to phase in compliance, rather than ideological support. This was a partial win produced by functional rather than political convergence.

Taken together, these patterns show that the relationship between resources and preference attainment is conditional, not linear. Actors who combined multiple resource types, most effectively cognitive with political or cognitive with collaborative, and whose preferences aligned with the dominant parliamentary majority or with pivotal Council coalitions converted capacity into legislative text. Actors relying on a single resource, or whose positions were misaligned with prevailing political group preferences, rarely did. The resulting hierarchy of influence is clear. First, high cognitive, political, and collaborative mobilisation aligned with majority preferences, as in the EBU and ACT camp, produced full or near-full attainment. Second, high cognitive resources with limited access, as in CMPF and academic partners, achieved partial attainment by shaping the rationale without writing the rules. Third, coalitions with strong normative legitimacy but low structural resources, as with EFJ, RSF, and Liberties, attained symbolic and partial gains where they matched parliamentary support but were constrained by Council opposition. Fourth, actors with high financial or technical depth but

weak mobilisation and misaligned political preferences, notably VLOPs and publishers, gained visibility without policy wins. Fifth, external or narrowly focused actors, such as the CoE, EAO, and device makers, shaped implementation choices and timelines but did not redirect the overall settlement.

In qualitative terms, resource mobilisation correlated positively with preference attainment only when resources were deployed coherently, channelled through decision-making venues, and perceived as legitimate, and when the actors' demands fit within the ideological and institutional boundaries of the pro-EMFA parliamentary majority and supportive Council blocs. Financial and political capacities expanded reach, but influence crystallised through credible expertise, coordinated alliances, and favourable political alignment. Where actors under-mobilised (VLOPs), over-confronted from a misaligned position (publishers), or operated externally (CoE), resources rarely translated into substantive gains. Where actors combined expertise, access, and coalition breadth with majority alignment (EBU and ACT with measurement partners), preferences travelled into law.

## F. DISCUSSION

### 1. CAPACITY VS MOBILISATION

The EMFA negotiations show that the mere possession of financial, political, or reputational resources was not sufficient to secure preference attainment. Influence depended on whether these resources were actively mobilised within the specific institutional and normative context of the file. This dynamic is captured by the distinction between capacity and mobilisation: actors could be structurally powerful yet ineffective if they did not strategically deploy their assets, while smaller organisations could achieve visible results through targeted, timely, and credible engagement.

Very large online platforms (VLOPs) such as Google, Meta, and Amazon illustrate this gap clearly. They possessed unmatched financial capacity, technical expertise, and extensive political networks, making them among the structurally strongest players in EU digital regulation. Yet their mobilisation on the EMFA, and specifically on Article 18, was minimal. Platforms submitted position papers and participated in trade associations such as CCIA and DOT Europe, but their engagement was lighter than in the Digital Services Act, which they viewed as their primary battlefield. As one Commission official noted, the EMFA's digital provisions were treated as “add-ons” to the DSA rather than existential threats. Consequently, Article 18, which they opposed, survived largely intact. Their case shows that capacity did not automatically translate into influence when the file was perceived as peripheral.

By contrast, the International Press Institute (IPI) exemplifies how limited actors can still shape outcomes through strategic mobilisation. Despite modest financial and organisational capacity, IPI made a targeted intervention during trilogues, proposing that compliance with Article 6 safeguards on editorial independence be incorporated into Article 18. This small but well-timed contribution improved the article's clarity and consistency, addressing enforcement concerns raised by policymakers. IPI's experience confirms that even limited resources can yield influence when mobilised strategically and aligned with legislative priorities.

A similar contrast appears among the broadcasting and press-publisher sectors. The European Broadcasting Union (EBU) and the Association of Commercial Television (ACT) combined sustained financial investment with permanent Brussels representation and policy monitoring. Their capacity to fund studies on audience measurement standards and to maintain continuous contact with rapporteurs and Council delegates allowed them to secure the inclusion of their key proposals, recognition of joint-industry models and transparency obligations, under Articles

24 and 25. Their resources were not only abundant but also systematically activated, transforming financial potential into political and cognitive credibility.

Press-publisher associations such as EMMA, ENPA, EPC, and News Media Europe had comparable financial resources but deployed them defensively. Much of their funding went into campaigns opposing ownership-transparency and merger-scrutiny provisions, which they framed as threats to market freedom. This confrontational approach weakened their credibility and reduced access to sympathetic policymakers. Despite strong budgets, they failed to achieve their central goals, demonstrating that financial strength used without legitimacy or strategic alignment can generate visibility without policy impact.

Civil-society and journalist organisations such as the European Federation of Journalists (EFJ), Reporters Without Borders (RSF), and Article 19 confirmed the same pattern in reverse. Operating with limited budgets, they remained continuously engaged throughout the policy process, providing legal input, coordinating joint advocacy, and aligning closely with supportive Members of the European Parliament from the S&D, Renew, and Greens groups. Their persistence and credibility compensated for their lack of resources, allowing them to influence provisions on spyware safeguards, editorial independence, and source protection.

These examples show that resource possession alone, whether financial, political, or reputational, did not determine outcomes. Influence stemmed from the activation of resources within the right arenas and at the right time. VLOPs illustrate dormant capacity; broadcasters exemplify fully mobilised capacity; and NGOs demonstrate how low material resources can be offset by sustained mobilisation and normative legitimacy. The broader lesson is that in the EMFA's multi-level environment, success required the conversion of structural potential into active engagement through targeted proposals, alliances, and credible presence.

## 2. LEGITIMACY AND CREDIBILITY

Across all resource dimensions, legitimacy and credibility emerged as decisive filters that determined whether mobilisation efforts translated into influence. In the EMFA's normative and value-based context, where the regulation was framed as a democracy and media freedom instrument, actors perceived as neutral, informed, and consistent with public-interest goals gained privileged access. Those seen as defensive or self-interested faced reduced trust and diminished impact, regardless of their financial or technical capacity.

Perceived expertise functioned as a central channel of legitimacy. The Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute became one of the

most credible references during the agenda-setting phase. Its Media Pluralism Monitor and related methodological reports shaped the Commission's problem definition and informed the drafting of several articles. CMPF's influence stemmed from its methodological rigour and perceived neutrality, which made policymakers treat it as an analytical partner rather than a lobbyist. Yet this strong alignment also meant that its later influence was limited, since most of its objectives were already reflected in the Commission's initial proposal. This case shows that credibility guarantees access but not necessarily further preference gains once convergence is achieved.

Similar findings apply to other research bodies such as the Joint Research Centre (JRC) and academic teams from Amsterdam and Brussels, whose studies on media diversity, audience exposure, and platform risk fed directly into the EMFA's evidence base. Their influence was indirect and rooted in recognition as impartial sources of expertise. Even though they did not advocate, their work structured the analytical framework within which lobbying unfolded, confirming that informational authority can set boundaries for policy debates without direct intervention.

Civil-society organisations displayed another form of legitimacy based on moral authority and normative alignment. Groups such as Reporters Without Borders (RSF), the European Federation of Journalists (EFJ), Article 19, and the International Press Institute (IPI) were not regarded as technical experts but as consistent defenders of democratic values. Policymakers described them as authentic and normatively aligned with the EMFA's purpose. By forming coalitions and issuing joint statements, they enhanced their representativeness and credibility, demonstrating that unity and persistence could reinforce moral legitimacy in the eyes of institutions.

By contrast, press-publisher associations and platform representatives, although often technically competent, struggled to maintain legitimacy because their interventions were framed as self-serving. Policymakers described their input as political rather than technical, which weakened their perceived neutrality and reduced their persuasiveness. This reputational loss limited their informal access and the institutional uptake of their proposals.

Taken together, these patterns indicate that legitimacy acted as a cross-cutting condition shaping all forms of resource mobilisation. Financial investments strengthened influence only when they reflected professionalism and constructive engagement. Expertise produced access only when framed as impartial and solution-oriented. Collaboration succeeded when it conveyed

shared responsibility rather than tactical convenience. In a regulatory context guided by democratic values, epistemic and moral credibility became the true currency of influence, conditioning whether resources, once activated, would be rewarded with access and preference attainment.

### 3. STRATEGIC ALIGNMENT AND TIMING

Influence in the EMFA negotiations also depended on the strategic alignment and timing of mobilisation. Actors who aligned their efforts with the dominant political narratives and intervened at the right institutional moments were far more successful than those who acted late, inconsistently, or against the prevailing consensus.

Political resources proved most effective when combined with credible expertise and legitimacy. The European Broadcasting Union (EBU) and the Association of Commercial Television (ACT) illustrate this interaction. Their sustained engagement with DG CNECT, rapporteurs, and Council delegates allowed them to anticipate developments and adjust their proposals accordingly. Their amendments were technically sound and politically compatible with the majority coalition supporting the EMFA, which facilitated their integration into the final text.

Civil-society coalitions also benefited from alignment with key parliamentary groups. Organisations such as RSF, EFJ, and IPI cultivated close relationships with Members of the European Parliament from S&D, Renew, and the Greens. These political allies shared their framing of the EMFA as a democracy-protection tool. As a result, NGO proposals on spyware safeguards and editorial independence were incorporated into compromise amendments. Their influence stemmed from the ability to embed their normative objectives within the dominant political discourse rather than from material or institutional power.

Strategic alignment was equally visible among member states. France and Italy coordinated to preserve discretion on cultural and advertising rules, securing clarifications in Article 20. Nordic countries obtained flexibility on self-regulation, while Central and Eastern European governments defended national-security exceptions in Article 4(3). These results underline that early coordination and internal coherence, not just formal authority, determined effectiveness.

In contrast, misaligned actors, including press-publisher associations, certain platforms, and sovereignty-oriented governments, found themselves excluded from the majority consensus. Their attempts to weaken transparency provisions or expand exemptions echoed the positions

of Eurosceptic and nationalist-right groups that opposed the EMFA entirely. This political isolation undermined their capacity to influence outcomes despite significant resources.

Collaboration also served as a timing mechanism that amplified strategic alignment. Coalitions of NGOs and journalist-rights organisations coordinated their actions and synchronised interventions during critical stages of the legislative process. They used these alliances to block last-minute Council efforts to dilute spyware protections and to secure references to editorial independence within Article 18. Joint mobilisation ensured that their presence was continuous and responsive to negotiation dynamics, allowing smaller actors to act collectively when opportunities arose.

The absence of collaboration, by contrast, often neutralised potential influence. Press-publisher associations, though wealthy and well-connected, pursued separate lobbying strategies and conveyed inconsistent messages, which prevented them from capitalising on opportunities at decisive moments.

Timing, alignment, and cooperation thus worked together to determine how effectively actors transformed resources into influence. Political access opened doors, but only those who entered with coherent, legitimate, and timely contributions saw their preferences reflected in the final compromise. The EMFA demonstrates that success in the EU policy process requires not only capacity but also the strategic synchronisation of resources with institutional momentum and political opportunity.

## CONCLUSION

### A. THESIS PURPOSE

The purpose of this thesis was to understand how interest groups, research institutions, and other policy actors influenced the design of the European Media Freedom Act (EMFA), and to determine whether classical resource-based theories of EU lobbying adequately explain influence in a policy domain governed by democratic and normative constraints. The research sought to fill a gap in the literature by examining media policy as a distinct field where traditional material and access-based logics interact with principles of legitimacy, credibility, and institutional trust. While the resource-dependence framework developed by Dür, Beyers, Klüver, and Binderkrantz remains central to the study of EU lobbying, few empirical studies have tested the boundary conditions of these models in contexts where moral and epistemic legitimacy shape access and persuasion. The EMFA, as a regulation explicitly designed to safeguard democracy and media pluralism, provided an ideal setting to test these boundary conditions and assess whether established patterns linking financial capacity, political access, and technical expertise to influence remain valid. By analysing this specific media policy field, the thesis evaluates how lobbying dynamics evolve when credibility, normative alignment, and reputation acquire institutional weight and when influence is filtered through democratic and ethical expectations.

### B. FINDINGS AND CONTRIBUTIONS

The findings reveal that the relationship between resources and influence in the EMFA negotiations was conditional rather than linear. Resource possession mattered, but influence depended on how these resources were mobilised, combined, and perceived within the EU's institutional and normative context.

First, monetary capacity expanded strategic options but did not guarantee preference attainment. Financially powerful actors such as press publishers and very large online platforms secured visibility but failed to alter the text, while underfunded NGOs and journalist organisations achieved symbolic or partial gains by leveraging credibility and moral legitimacy.

Second, perceived expertise emerged as a decisive but contingent resource. Actors such as the CMPF, the Joint Research Centre, and Médiamétrie were influential because their expertise was viewed as methodologically rigorous, impartial, and aligned with the regulation's objectives. By contrast, corporate or partisan knowledge claims that appeared self-interested lost credibility.

Third, political resources remained the strongest predictor of preference attainment but within clear boundaries. Political access and institutional positioning produced results only when combined with legitimacy and policy alignment. Actors aligned with pro-European political majorities and supportive member states benefited from structural momentum, while those associated with sovereigntist or anti-regulatory positions faced limited receptivity.

Fourth, collaboration acted as a multiplier of influence. The most successful coalitions, such as the EBU-ACT-AMC alliance, combined complementary resources, presented unified positions, and projected credibility, which allowed them to shape several EMFA articles directly. Conversely, fragmented or defensive alliances, such as the press-publisher groups, undermined their own influence despite high capacity.

Overall, the thesis demonstrates that influence in the EMFA was filtered through perceptions of legitimacy, coherence, and timing. Actors who aligned their strategies with the EU's democratic and institutional values achieved greater preference attainment than those who relied solely on structural or financial advantages.

The main contribution of this thesis lies in expanding the explanatory scope of EU lobbying theory by applying it to a policy domain where democratic values, normative legitimacy, and epistemic credibility fundamentally shape influence. Through its mixed-method approach combining preference attainment, reputational assessment, and process tracing, the thesis moves beyond traditional resource-based explanations to account for how actors mobilise and legitimise their influence in a sensitive and normatively charged environment. It demonstrates that influence in the European Media Freedom Act (EMFA) negotiations depended not only on the possession of resources but also on the credibility, alignment, and moral framing of their use.

Empirically, the thesis provides the first systematic mapping of the EMFA's advocacy ecosystem, integrating societal, institutional, and commercial actors across the full policy cycle. By reconstructing who influenced which provisions and why, it clarifies the mechanisms through which expertise, reputation, and coalition-building shape legislative outcomes in a regulatory field directly tied to democratic resilience. Theoretically, it contributes to refining resource-dependence theory by revealing that influence is mediated by how resources are perceived and contextualised rather than simply by their availability. In doing so, the thesis bridges classical interest-group models with recent scholarship on legitimacy, framing, and epistemic governance in EU policymaking.

A central theoretical contribution of the thesis is the testing of the boundary conditions of established resource-based hypotheses within a uniquely normative policy field. The EMFA serves as a stress test for conventional assumptions that financial capacity, political access, and cognitive expertise directly determine lobbying success. The findings show that these relationships hold only within specific institutional and reputational limits.

For H1, the boundary condition emerges where financial power loses influence under strong democratic or ethical scrutiny. Press publishers and platforms had considerable budgets yet failed to shape outcomes when their goals conflicted with transparency and pluralism norms.

For H2, the thesis identifies that cognitive resources are effective only when perceived as neutral and aligned with public interest. Expertise translated into influence when actors such as CMPF or JRC were viewed as credible and impartial, not when knowledge was tied to commercial agendas.

For H3, the study shows that political access remains decisive but becomes conditional on normative legitimacy. Actors with access who aligned with pro-European or democratic majorities succeeded, while those opposing the prevailing normative framework, such as sovereigntist governments, did not.

For H4, collaboration proved valuable only when it projected coherence and legitimacy rather than defensive coordination. Coalitions such as AMC or MFRR demonstrated that credibility-based alliances could multiply influence even with modest means.

Together, these findings delineate the limits of traditional resource-based explanations and highlight a shift toward legitimacy-filtered influence, where the effectiveness of resources depends on their reputational framing and congruence with democratic norms. This refinement contributes to the broader literature by demonstrating that resource-dependence models remain valid but are bounded by contextual factors that define which types of power are acceptable and persuasive in EU policymaking on media freedom.

### C. IMPLICATIONS AND FUTURE RESEARCH

While this thesis provides a comprehensive analysis of the EMFA negotiations, its findings also point to several promising avenues for future research. The results indicate that classical resource-based models of lobbying operate only within specific boundary conditions, namely: when material power is exercised within legitimate normative frames, when expertise is perceived as credible and impartial, when political access aligns with institutional values, and when collaboration conveys coherence rather than fragmentation. These constraints reveal that influence in EU policymaking depends not only on resources but on how those resources are perceived, legitimised, and mobilised within democratic and reputational boundaries.

Future studies could test whether these same boundary conditions hold across other regulatory fields where normative expectations constrain lobbying strategies, such as the Artificial Intelligence Act, the SLAPP Directive, or the European Democracy Action Plan. These files, like the EMFA, intertwine technical expertise with ethical and democratic concerns, offering fertile ground to examine whether legitimacy-filtered influence is a structural feature of EU policymaking or a distinctive outcome of media governance.

Broadening the empirical base would further consolidate these findings. Including underrepresented actors such as large online platforms, measurement consortia, and device manufacturers would help refine the analysis of how different stakeholders operationalise influence across files of varying salience. Comparative or longitudinal studies could also track how actors reallocate resources between legislative processes and whether their perceived legitimacy evolves with changing institutional or political contexts.

Methodologically, future research could complement this work by developing ways to quantify file-specific spending and informal influence networks more precisely. Such approaches would make it possible to assess the balance between structural capacity and reputational power with greater accuracy.

Ultimately, the implications of this thesis extend beyond the EMFA. They suggest that EU policymaking is increasingly governed by a logic of legitimacy-filtered influence, where access and persuasion depend less on material strength than on credibility, ethical alignment, and perceived public value. Understanding these evolving boundary conditions will be essential both for scholars seeking to refine theories of EU lobbying and for policymakers aiming to ensure transparency, accountability, and trust in European governance.

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*Interviews*

- Anonymous, official at the European Commission, Directorate General for Communications Networks, Content and Technology, Unit I.1, interview conducted online by Leilie Ghodsy, 13rd of August 2025.
- Anonymous, official at the European Parliament, CULT Committee for the EMFA, interview conducted online by Leilie Ghodsy, 29th of September 2025.
- Anonymous, Senior Policy Advisor at the European Broadcasting Union, interview conducted by Leilie Ghodsy, Brussels, 14th of August 2025.
- Anonymous, official at the European Magazine Media Association and the European Newspaper Publishers Association, interview conducted online by Leilie Ghodsy, 19th of August 2025.
- Anonymous, Senior Project Officer of Protecting Freedom of Expression and of the Media in Albania (PRO-FREX-A) at the Council of Europe, interview conducted online by Leilie Ghodsy, 28<sup>th</sup> of August 2025.
- Anonymous, staff member at the European University Institute's Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 3<sup>rd</sup> of September 2025.
- Anonymous, staff member at the Conseil Supérieur de l'Audiovisuel (Belgium), 3<sup>rd</sup> of September 2025.
- Anonymous, staff member at the Conseil Supérieur de l'Audiovisuel (Belgium), 3<sup>rd</sup> of September 2025.
- Anonymous, Head of Reporter Without Borders Brussels Office, interview conducted online by Leilie Ghodsy, 5<sup>th</sup> of September 2025.
- Anonymous, official at the European Broadcasting Union, 8<sup>th</sup> of September 2025.
- Money-Kyrle Oliver, Head of Europe Advocacy at the International Press Institute, interview conducted online by Leilie Ghodsy, 29<sup>th</sup> of August 2025.
- Trevisan Matteo, Research Associate at the European University Institute's Centre for Media Pluralism and Media Freedom, interview conducted online by Leilie Ghodsy, 4<sup>th</sup> of September 2025.
- Schroeder Renate, Director of the European Federation of Journalists, interview conducted online by Leilie Ghodsy, 9<sup>th</sup> of September 2025.