

POSITION PAPER

EBU's Contribution to the 2026 Rule of
Law Report Consultation

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The [European Broadcasting Union \(EBU\)](#) representing 113 public service media organisations across Europe, and actively advocating for media freedom and pluralism, welcomes the opportunity to contribute to the targeted consultation on the **2026 Rule of Law Report**.

Strong Rule of Law is essential for the resilience and integrity of the EU, ensuring the sustainability of its democratic values and institutions. The 2026 Rule of Law Report represents an opportunity to reaffirm these principles and to fortify our media landscape.

The EBU stresses the critical importance of safeguarding media from political pressure and undue influence through the robust and effective implementation of the European Media Freedom Act. We also highlight the need to enhance protections for journalists, both offline and online, ensuring their safety and ability to operate freely. Lastly, the EBU calls for proactive and vigilant monitoring of the increasing risks posed by AI technologies to media freedom and pluralism, recognizing the urgent need to address these emerging challenges.

Safeguarding media from political pressure and undue influence

The 2026 Rule of Law Report will hold significant importance for the media community, as it will be the first report published since the European Media Freedom Act (EMFA) entered into application on 8 August 2025. The EMFA marks a significant step forward in promoting an independent and pluralistic media landscape in Europe.

Notably, Article 5 of the EMFA introduces essential safeguards for public service media, which aim to protect against political interference in governance and ensure stable, adequate, and predictable funding. However, the uneven implementation of the EMFA among Member States remains a pressing concern, particularly considering the troubling trends targeting public service media in Europe. Increasingly, public service media face challenges such as attempts to undermine governance frameworks, to erode public trust, and to reduce or destabilize funding. These growing pressures threaten the independence of public service media, media freedom, and jeopardize their ability to fulfil their democratic role.^{1 2}

Furthermore, Article 18 of the EMFA contributes to the protection of media freedom and the right of citizens to receive information, by establishing transparency and procedural safeguards before big tech platforms can restrict visibility or remove regulated media content. **These measures could help limit some of the most arbitrary and opaque content moderation practices that could lead to censorship of legitimate and professional journalistic work.** However, [big tech platforms are failing to fully provide these safeguards](#), either by neglecting to implement the rules effectively or by introducing

¹ See ORF report: "[Under Attack! Populism & Public Service Media](#)".

² See Reporters Without Borders (RSF) report: "[Pressure on Public Service Media: a decisive test for European Democracies](#)".

cumbersome and non-user-friendly processes that make these protections inaccessible to media entities.

This Rule of Law Report presents a critical opportunity for the European Commission to assess the progress and effectiveness of the implementation and enforcement of the EMFA across the EU and to issue robust recommendations to Member States accompanying the Country chapters.

Access to information

Case [C-330/25](#) before the CJEU highlights a fundamental conflict at the intersection of EU access to information laws and media freedom. Specifically, the case examines whether RTÉ, Ireland's public service broadcaster, qualifies as a "public authority" under the Aarhus Directive, thereby requiring it to disclose environmental records. While the Directive aims to increase transparency and encourage public participation in environmental decision-making, it is currently being purposefully abused to access information that could reveal the identity of sources who have assisted journalists to uncover environmental misconduct.

If the CJEU rules that PSM are subject to the Directive, it could create a precedent where PSM across the Union are obligated to release sensitive journalistic material with little to no safeguards. That would seriously compromise the ability of PSM to operate independently from public and official scrutiny. The decision could also lead to the disclosure of privileged information and the identification of confidential sources, undermining journalistic protections and exposing investigative reporting to serious chilling effects. **PSM adhere to tailored transparency frameworks that ensure accountability to the public while safeguarding editorial independence and protecting the confidentiality of journalistic sources. This case highlights the importance of ensuring in future drafting that public service media are not subject to access to information laws.**

Improving the safety and protection of journalists

Despite the EMFA introducing important measures to protect journalistic sources and the confidentiality of communications, [media professionals still face alarming threats across the EU](#). Persistent risks from intrusive surveillance technologies, legal harassment, and physical and online violence continue to undermine the safety of journalists and their ability to work freely and independently. This severely impacts journalists' watchdog functions, which are indispensable for holding power to account and sustaining democracy.

In particular, the rise of online harassment, which often targets women journalists, and is fuelled by the misuse of AI, as well as [deceptive schemes](#), create a growingly hostile online environment for journalists. This creates a chilling effect impacting freedom of expression and media freedom. Strong enforcement of the Digital Services Act (DSA) becomes vital to ensure the rapid removal of harmful and illegal content, contributing to a safer digital space for journalists.

The Rule of Law Report must make a thorough assessment of the state of journalist safety in the EU and produce tailored recommendations to Member States in this regard. This includes assessing the progress of the transposition of key legislative initiatives like the EMFA, the Anti-SLAPP Directive, assessing the safeguards in place, in line with the [2021 Recommendation on the Safety of Journalists](#), monitoring violence against journalists, including online, and the use of spyware.

In this context, we welcome the European Commission's announcement, as part of the European Democracy Shield, of an updated Recommendation on the Safety of Journalists as well as its intention of strengthening the support to the EU's existing framework to combat abusive lawsuits against public participation (SLAPPs).

Monitoring new risks to media freedom and pluralism

The rapid adoption of Generative AI tools is creating new threats to media freedom and pluralism. AI-powered search systems are becoming new intermediaries between media outlets and audiences, disrupting the economic sustainability of traditional outlets and threatening the diversity of the media landscape. Copyright violations and opaque licensing arrangements exacerbate these risks by allowing AI systems to exploit media content without fair remuneration.

Generative AI also threatens audience's access to pluralistic information, by amplifying certain narratives, reinforcing stereotypes and gender biases, distorting news agendas, and marginalizing smaller or independent media. This erosion is particularly damaging to underrepresented languages and local news ecosystems, which are increasingly sidelined in AI-mediated content delivery. Furthermore, recent research by the EBU and BBC revealed that 45% of responses from AI assistants misrepresent news content across the different tested languages, platforms and different countries, highlighting the unreliability of these tools.³ As audiences increasingly rely on AI assistants to access the news⁴ and trust their accuracy, widespread misinformation threatens public trust, access to independent news, and consequently, democratic processes.

Independent and strong public service media are essential in promoting media pluralism, cultural diversity, and social cohesion. To ensure they can uphold their public interest mandate in an AI-driven information environment, it is crucial to reinforce their role through targeted legal protections and policy measures, such as effective prominence rules.⁵ This is crucial to counteract the negative impacts of

³ According to the [Reuters Institute's Digital News Report 2025](#), 7% of total online news consumers use AI assistants to get their news, rising to 15% of under-25s. A separate BBC research shows that over a third of adults, rising to nearly half of under-35s, trust AI to produce accurate summaries.

⁴ See EBU/BBC study on "[News Integrity in AI Assistants](#)". The study involved 22 public service media organizations in 18 countries and assessed how different AI assistants answer questions about news and current affairs.

⁵ The EBU and WAN-IFRA launched [News Integrity in the Age of AI](#), an initiative urging AI developers to ensure AI is safe, reliable, and beneficial for the news ecosystem and the public. It outlines essential steps to preserve news integrity in the age of AI and invites tech companies to engage with news organizations to develop standards of safety, accuracy and transparency.

AI technologies, preserve pluralism and diversity, and safeguard democratic integrity across Europe.

The EBU strongly supports the continuous monitoring of the Rule of Law situation in the EU and candidate countries, emphasizing the importance of safeguarding media freedom and pluralism, and protecting journalists. **We urge the European Commission not only to produce strong recommendations, but also to act on them, with concrete measures and consequences when no relevant progress is made. Furthermore, we also support the European Commission's proposal to reinforce the connection between the Rule of Law Report's recommendations and access to EU funds under the next Multiannual Financial Framework (MFF).** Establishing a closer link between financial allocations and concrete adherence to democratic principles represents a crucial step towards ensuring the protection and sustainability of our democratic foundations.