



Media Board Working group 2 – 2026 Terms of Reference (ToR)

<p>Name of the Working group</p>	<p>Media Freedom and Pluralism in the Internal Market</p>
<p>WG Chair, NRA</p>	<p>Giacomo Lasorella, AGCOM</p>
<p>Summary of background</p>	<p>On 8 August 2025, the vast majority of the provisions of the European Media Freedom Act (EMFA) entered into application. This marked a significant milestone in the establishment of a comprehensive Union-wide framework for the protection of media freedom, pluralism, and the proper functioning of the internal market for media services.</p> <p>EMFA is a pivotal step in EU media regulation by introducing a harmonised framework for assessing media market concentrations in the scope of media plurality and editorial independence.</p> <p>The RoPs require the European Board for Media Services (hereafter the Media Board) to focus on the practical and effective enforcement of new regulatory powers conferred by EMFA upon NRAs, such as market plurality assessment, across all Member States.</p> <p>As set out in its Work Programme for 2026, reinforcing the long-term sustainability and resilience of the media sector constitutes a strategic priority for the Media Board. The proper functioning of the internal market for media services is intrinsically linked to the existence of a diverse, competitive, and economically viable media ecosystem. It is therefore essential to ensure that market conditions foster innovation, fair competition, and editorial independence, while at the same time safeguarding pluralism and the diversity of voices that are indispensable to democratic societies.</p> <p>Against this background, this Working Group on Media Freedom and Pluralism in the Internal Market (hereinafter WG) will primarily focus on the assessment of media market concentrations and the assessment of national measures potentially affecting the internal market, in accordance with Articles 21, 22, and 23 EMFA.</p> <p>Additionally, considering the close relationship between audience measurement and revenue streams in media markets, the WG will also devote substantial attention to Article 24 EMFA, notably the principles of transparency, impartiality, and comparability imposed on providers of audience measurement systems. In line with article 24(4), the Board will assist the Commission in the preparation of guidelines in this area through an input to be adopted by the end of the year, if this task is undertaken.</p> <p>In line with Article 20 EMFA, which is scheduled to enter into application in 2027 and notably its paragraph 5, the WG will also foster cooperation among relevant stakeholders and promote harmonised standards related to the design of services or user interfaces.</p> <p>Furthermore, in view of the rapid pace of technological change and the growing complexity of economic, competitive, and societal risks affecting the internal market for media services, the WG will actively support the European Commission and provide an input towards the application of article 26(2) of EMFA, notably the definition of key performance indicators, the methodological standards and criteria for selecting the researchers in the context of the monitoring exercise to be carried out. A forward-looking, data-driven, and evidence-based monitoring mechanism is indispensable in order to identify emerging structural vulnerabilities, anticipate potential market distortions, and detect early signs of risks to media pluralism and editorial independence.</p> <p>Through this integrated and strategic approach, the Media Board will play a central role in fostering the correct implementation and consistent enforcement of a coherent, future-oriented, and effective regulatory framework for the European media landscape. It will contribute to reinforcing media freedom, safeguarding pluralism, and strengthening the resilience and competitiveness of the internal market for media services. At the same time, it will support the continuous improvement of regulatory governance, the quality and</p>



	<p>reliability of market intelligence, and the Union’s overall capacity for risk prevention, preparedness, and mitigation.</p>
<p>Working group scope and purpose</p>	<p>To comply with the tasks mentioned above, it is proposed for the WG to engage in the following workstreams:</p> <p>1. The functioning of the internal market for media services (lead: ERC)</p> <p>This Workstream oversee and support the effective implementation of Articles 22, and 23 EMFA, which are designed to safeguard media freedom, editorial independence, and pluralism within the internal market for media services.</p> <p>Following the adoption of the Media Board’s internal guidance on the application of these provisions, continuous and structured supervision is required in order to ensure their coherent, consistent, and effective enforcement at both national and Media Board level. This function is essential to promote legal certainty, facilitate regulatory convergence, and ensure that the objectives of EMFA are fully realised across all Member States.</p> <p>In this context, this Workstream shall coordinate the activities of Ad Hoc Expert Groups tasked with preparing opinions relating to Articles 21, 22, and 23 of the EMFA. The mandate, however, extends beyond responding to formal requests for opinions submitted by stakeholders or institutions. It also includes the development of a comprehensive and structured repository of relevant cases and regulatory experiences. This repository will collect and systematise national cases, document best practices, and capture lessons learned from the practical application of Articles 21, 22, and 23 across Member States. By fostering the exchange of expertise among members and enabling comparative analysis, the repository will serve as a valuable reference tool for addressing similar cases in the future and for strengthening regulatory consistency throughout the Union. During the second part of the year, the Workstream will provide its opinion on the opportunity to review the EBMS internal guidance adopted last year on national measures and on concentrations, highlighting the gaps that may have been identified or the needs for improvements.</p> <p>Furthermore, this Workstream shall be responsible for contributing to the Commission’s preparatory work for the development of future guidelines pursuant to Article 22(2) of the EMFA. A position paper will be drafted and presented at the first Plenary on this issue.</p> <p>2. Audience Measurement and Customisation of media offer (lead: AGCOM)</p> <p>The Work Programme for 2026 requires the monitoring of the EMFA implementation.</p> <p>This Workstream picks 2 priorities among the various topics, which have started being discussed in 2025 and have raised a lot of attention and interest among the stakeholders: Audience measurement (art 24) and customization of media offer (art 20)</p> <p>Article 24(5) EMFA entrusts the Media Board with the responsibility of fostering the exchange of best practices concerning the deployment of audience measurement systems across the European Union. This mandate is to be pursued through a regular dialogue involving representatives of national regulatory authorities or bodies, providers of audience measurement systems, media service providers, their representative organisations, and other interested parties. The logic behind art 24 EMFA is to ensure that audience measurement systems in all Member States adhere to the “<i>principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination, comparability and verifiability</i>”.</p> <p>For this purpose, national regulatory authorities or bodies are called upon to actively encourage the development and adoption of voluntary codes of conduct by providers of audience measurement systems, in close cooperation with media service providers, their representative organisations, and other interested parties. These codes of conduct are intended to serve as practical instruments to support compliance with the principles set out in Article 24 and to promote high professional and ethical standards in the design, operation, and governance of audience measurement systems throughout the Union. The Media Board will foster this objective at EU level, by pursuing an harmonized approach in</p>



the promotion of these standards and by supporting the NRAs in their attempts to encourage the adoption of the codes of practice.

In 2026, this workstream will build on the comprehensive mapping exercise of audience measurement activities in the Member States initiated by the Media Board in 2025. Building on the dialogue initiated together with all relevant stakeholders and its results – existing national approaches including areas of convergence and divergence, this Workstream will continue to foster the dialogue (on a bilateral basis, but also -and mainly- through the organization of a dedicated workshop in the month of October) among providers of audience measurement systems, media service providers, their representative organisations, and other interested parties. In parallel, it will prepare a policy paper setting out recommendations aimed at ensuring that efficient, reliable, and future-proof audience measurement systems are maintained across all Member States. This paper is intended to provide data, information and possibly also the EBMS position to the European Commission in view of the eventual guidelines that the Commission might adopt under Article 24(4) of the EMFA.

Article 20 of the EMFA assigns to the Media Board the mandate to foster cooperation between media service providers, standardisation bodies, device manufacturers, and other relevant stakeholders (i.e. device manufacturers), with a view to promote the development of harmonised standards relating to the design of devices, user interfaces, and the digital signals transmitted through such devices. The purpose of this cooperation is to ensure that technological design choices do not undermine media freedom, pluralism, and user autonomy, and that users are provided with transparent, fair, and meaningful choices when accessing media services through connected devices and digital platforms.

In the course of 2025, the Media Board organised a dedicated stakeholder workshop bringing together interested parties in order to explore and assess the various technical, regulatory, and market-based options for modifying the default settings of devices. This workshop provided a first overview of existing practices, identified potential obstacles, and examined possible models for implementing the requirements of Article 20 in a proportionate and technologically neutral manner.

Building on this initial exchange, the Media Board will, throughout 2026, engage in a series of targeted meetings (mainly during the first semester of the year) with device manufacturers, media service providers, consumer organisations, and other relevant stakeholders. The objective of these consultations will be to gather the views of the market and try to identify the options to promote the development of harmonised standards for the implementation of Article 20, in anticipation of its entry into application on May 8, 2027.

At the end of this process, a joint stakeholders' workshop will be organised to present the activities carried out and to ensure that the information gathered in the first semester of the year reflects the realities of the market and the expectations of stakeholders. This workshop could also serve as the formal starting point for the drafting of voluntary codes of conduct on audience measurement.

3. Monitoring the implementation of EMFA and its impact in the internal market (lead: KommAustria)

This Workstream will support the Commission in monitoring the implementation of the EMFA in the various Member States, in particular through the organisation of quarterly thematic discussions and/or roundtables devoted to newly introduced EMFA responsibilities and their practical application at national and Union level. These regular exchanges will enable national regulatory authorities (NRAs) to compare regulatory approaches, share best practices, and strengthen administrative cooperation. The meetings will provide a dedicated platform for the discussion of national experiences, operational challenges, and emerging issues in EMFA-related areas that are not covered by other Working Groups. These meetings could be the occasion to discuss also specific



EMFA issues (for example the implementation of art 6 and 25) and, if a common position arises, could lead to other initiatives.

In addition, this Workstream will support the European Commission in carrying out the independent, objective, and continuous monitoring foreseen by Article 26 of the EMFA. This monitoring shall encompass both the identification of risks and the assessment of progress in the functioning of the market, with a view to supporting a competitive, pluralistic, and resilient media ecosystem across the Union. More specifically, this Workstream (in coordination with the WG Chair and the Steering group) will cooperate with the Commission in the preparation and implementation of the monitoring framework, in line with the procedures laid down in Article 26. It will provide expert input into the definition of key performance indicators, the establishment of appropriate methodological safeguards to guarantee the objectivity and integrity of the monitoring process, and the development of transparent and robust criteria for the selection of independent researchers tasked with the delivery of the study on this subject that is expected to be procured by the Commission. The input provided by the WS is one of the priorities of the working group 2 and will result in a paper to be delivered by August.

The findings of the annual monitoring exercise will be formally presented to and discussed with the Media Board. This exchange will allow the Board to assess trends and developments in the internal market for media services, to consider any policy or regulatory implications arising from the monitoring results, and to contribute to the formulation of evidence-based recommendations aimed at reinforcing media freedom, pluralism, and editorial independence throughout the European Union.



Working group 2 Deliverables

WORKSTREAM 1 – The functioning of the internal market for media services		
Deliverable 1	Deliverable type	Internal report
	Deliverable title	Activities carried out in 2026 for the implementation of Articles 21, 22, and 23
	Due date	December 2026
	Approval procedure	Vote at the Plenary
	Publication	No
Deliverable 2	Deliverable type	Position Paper
	Deliverable title	Position paper on the Commission's guidelines for the application of Article 22 of the EMFA
	Due date	June 2026
	Approval procedure	Vote at the Plenary
	Publication	Yes
WORKSTREAM 2 – Audience Measurement and Customisation of media offer		
Deliverable 3	Deliverable type	Policy paper with recommendations
	Deliverable title	EBMS recommendations for keeping efficient, reliable, and future-proof audience measurement systems across all Member States
	Due date	December 2026
	Approval procedure	Vote at the Plenary
	Publication	Yes
Deliverable 4	Deliverable type	Internal document
	Deliverable title	Options for the customisation of devices in view of the entry into force of art 20 of EMFA
	Due date	September 2026
	Publication	No
Deliverable 5	Deliverable type	Workshop
	Deliverable title	Implementation of article 24 (and possibly also art 20) of EMFA
	Due date	October 2026



WORKSTREAM 3 –Monitoring the implementation of EMFA and its impact in the internal market

Deliverable 6	Deliverable type	Quarterly NRAs' meetings
	Deliverable title	State of play of national EMFA implementation
	Due date	Every 3 months
Deliverable 7	Deliverable type	Policy paper with recommendations
	Deliverable title	Input for the definition of KPIs and for the monitoring of internal market according to art 26 of EMFA
	Due date	August 2026
	Publication	Yes