

## Publishers Warn Against Misuse of EMFA to Justify Press Registries

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Governments in several European countries are pushing for the introduction of national registries that press publishers would be legally obliged to join, in a way that deviates from the letter and spirit of the EMFA. This dangerous trend alarms independent press publishers across Europe.

Art. 6 EMFA requires media service providers to make certain ownership and funding information publicly available and Member States to entrust national entities to develop a database collecting said information.

The EMFA in no way requires media service providers to undergo any registration process, nor places on them the burden of populating the Art. 6 databases – the scope of which is limited to the information made available per paragraph 1, with no extra conditions. National laws implementing the EMFA may not distort the substance nor the intention of the law and much less create new, unjustified and disproportionate obligations.

Art. 6 databases are intended to serve as a one-stop shop collection of publicly available information, in practice functioning as a consultation tool for the general public. In contrast, a registry is or can easily become a means to condition press freedom to state approval (e.g., licensing or accreditation schemes) and facilitate political capture.

**Therefore, turning the obligation for Member States to set up databases into a registration obligation for media service providers signals an alarming departure from the intent of Art. 6 and an unjustified shift of the compliance burden from public authorities onto the media. It also creates a clear risk of state control, adversely impacting the ability of media service providers to exercise and enforce the very same rights which the EMFA seeks to protect.**

In light of the historical self-regulation of the press in most Member States, it is crucial not to introduce press registries. Such registries are unjustified and fundamentally at odds with Europe's constitutional traditions, which protect a free and independent press from state interference.<sup>1</sup>

The EMFA sets a new benchmark for transparency in media ownership, and it should not be misused to justify state-controlled press registries or any other measure presenting the same risk. Independent publishers therefore **urge national governments and EU institutions to ensure that national laws implementing the EMFA in no way introduce state-controlled registries** – in fact prohibited under the EMFA, as Member States are

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<sup>1</sup> We are aware of national press registries in place before EMFA only in very exceptional cases where furthermore the national media regulator has supervisory powers also over the press. Said cases must therefore not be presumed to be extendable to countries with very different legal traditions.

obliged to refrain from measures hindering media freedom and pluralism – and to ensure that EMFA's implementation strengthens, rather than weakens, press freedom in Europe.

As national regulatory authorities often do not have oversight over the press, Member States may consider consulting national press councils in the database compilation process. In any event, it must be clear that any failure or delays by the entrusted national body to create the Art. 6 database must not have any negative impact on publications – on their legitimacy, effective independence or ability to freely exercise economic activities and enforce their rights.

If such proposals for press registries proceed, News Media Europe, the European Newspaper Publishers' Association and the European Magazine Media Association will not hesitate to raise the matter formally with the European Commission, the European Court of Human Rights and the European Board for Media Services to ensure Member States respect both the letter and the spirit of the EMFA.

**Legal background:**

The introduction of press registries is entirely disproportionate to the goal of ownership transparency. The EMFA already provides the least intrusive and most effective mechanism by requiring media themselves to disclose information, avoiding state control.

Article 4 EMFA prohibits Member States, including their national regulatory authorities and bodies, from restricting media service providers' ability to exercise their economic activities in the internal market, and obliges them to respect their effective editorial freedom and independence. Article 21 in turn prohibits Member States from introducing disproportionate and unjustified national laws and measures liable to undermine media pluralism or the editorial independence of media service providers in the internal market.

Claiming that press registries are required as a result of the EMFA is at best a misinterpretation of EU law, and at worst a misuse of it that undermines both the EMFA and the fabric European democratic traditions.

The ECHR also makes it abundantly clear that everyone has "the right to receive and impart information and ideas without interference by public authority". The introduction of registries breaches this principle. As such, the databases required by the EMFA should not and cannot become state-controlled registries.

*Undersigned by*

*European Magazine Media Association (EMMA): [www.magazinemedia.eu](http://www.magazinemedia.eu)*

*European Newspaper Publishers' Association (ENPA): [www.enpa.eu](http://www.enpa.eu)*

*News Media Europe (NME): [www.newsmediaeurope.eu](http://www.newsmediaeurope.eu)*