

## Preliminary comments on the European Democracy Shield (“EUDS”)

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Europe’s independent press and media are a cornerstone of our democracies and societal resilience in the information space. This is recognised in the European Media Freedom Act (EMFA), which highlights the unique role of media services and the need to protect press and media freedom and pluralism as key pillars of democracy. Art. 2 provides the first definition of “media services” and “media service providers” in Europe, underlining their professional activity and editorial responsibility.

The main objective of the upcoming European Democracy Shield (EUDS) is to protect our democracy from foreign information manipulation and interference (FIMI), disinformation campaigns, as well as to protect the integrity of elections in the EU. Such threats have a common denominator: malicious intent, which also constitutes the main difference between disinformation and misinformation.

To ensure the effectiveness and legitimacy of the EUDS, it must on the one hand acknowledge that European press and media defined in the EMFA are part of the solution and not of the problem. On the other hand, the EUDS must acknowledge that the free press and media are cornerstones of the democracy the EUDS aims to protect. It is therefore part of what must be protected in the EUDS. Hence, their inclusion - or lack of clear exclusion – in potential restrictions such as content scrutiny by external fact-checkers would de facto equate professional European media with foreign malicious actors. This would undermine press and media freedom and signal a lack of trust in European media by the EU itself, especially problematic as distrust in professional media might drive citizens to non-professional, foreign or AI outlets that do not provide the same editorial guarantees. European editorial media comply with national and EU legal frameworks and self-regulation and are subject to editorial responsibility. This ensures accountability and respect for democratic values, and behind every publication there is a person liable before the law.

Therefore, a clear distinction between FIMI and editorial content disseminated by European press and media compliant with EMFA Art. 2 is justified and essential to avoid compromising the EUDS objectives. Free and pluralistic European press and media are fundamental pillars of democracy, acting as safeguards against disinformation and FIMI rather than sources of it. Lumping them together with foreign disinformation actors would weaken democracy, not strengthen it. “Shielding” democracy includes protecting press and media freedom, freedom of expression and pluralism of information.

Also, as European editorial media are liable for their content, they already fact-check internally as a key part of the editorial process. As such, it would both be redundant and undermining media freedom to subject professional editorial media content to an additional layer of fact-checking. If fact-checking initiatives are to be included in the EUDS, they must focus on foreign disinformation campaigns and non-professional content. The same applies for initiatives that assess or label editorial content as “trustworthy” or similar.

### Key recommendations:

- European editorial media must not be lumped together and subject to the same scrutiny as FIMI / disinformation outlets. This would threaten media freedom in the EU and legitimise authoritarian practices. A democracy that distrusts its own press and media weakens itself from within.
- Ensuring that European media remain outside the scope of any content restriction or evaluation in the EUDS would strengthen citizens’ trust in professional media and in democratic institutions. European media should not be collateral damage, but key partners in the fight against FIMI.
- By defining European editorial media as a safeguard and a cornerstone of our democracy that needs to be protected by the EUDS, the EU will maintain its democratic integrity and strengthen its informational sovereignty while effectively countering external challenges.
- Re-directing advertising investment away from foreign (disinformation) platforms and in favour of European editorial media is a concrete way to support their role for democracy.