

## **The Evolution of Electronic Media Legal Regulation in the European Union<sup>12</sup>**

Andrej Blagojević<sup>34</sup>, Assistant Professor, Faculty of Philosophy,  
University of Niš, Serbia

### **Abstract**

It is widely recognized that the effective legal regulation of electronic media is essential for a diverse, accessible, and responsible media landscape. Within the European Union, this regulation has evolved significantly over time, reflecting the dynamic nature of the media environment. This paper examines the evolution of legal regulation of radio and television in the European Union, charting its course from the foundational Television Without Frontiers Directive (1989) and the Satellite and Cable Directive (1993, revised 2019), to its current cornerstone, the Audiovisual Media Services Directive (AVMSD, 2010, revised 2018). The paper primarily focuses on the AVMSD as the most significant legal act shaping the EU's electronic media landscape. Furthermore, it analyzes the impact of recent legal frameworks—the Digital Services Act (2022), the Digital Markets Act (2022), and the European Media Freedom Act (2024)—demonstrating how these regulations, while not primarily designed for traditional electronic media, nonetheless have a significant impact on them. Through an analysis of these legislative developments, the paper explores how the EU's approach has evolved over the years in response to technological advancements, market competition, media freedom challenges, and the regulation of digital platforms and streaming services.

*Keywords:* electronic media, media regulation, Audiovisual Media Services Directive, European Union

## **The Evolution of Electronic Media Legal Regulation in the European Union**

### **Introduction**

The accelerated technological progress had led to the emergence of the first electronic media in the 20th century, which soon became the dominant form of media.

<sup>1</sup> Part of this study is based on research from the doctoral dissertation *The Legal Regulation of Public Media Services*, completed at the Faculty of Law, University of Niš, Serbia, in 2021, with updated content.

<sup>2</sup> This study was supported by the Ministry of Science, Technological Development and Innovations of the Republic of Serbia (Contract No. 451-03-137/2025-03/ 200165)

<sup>3</sup> Corresponding author: [andrej.blagojevic@filfak.ni.ac.rs](mailto:andrej.blagojevic@filfak.ni.ac.rs)

<sup>4</sup> ORCID: 0000-0003-1124-2403

This dominant role of electronic media has been maintained to this day, despite the fact that the development of the Internet has significantly impacted both the technical aspects of broadcasting and consumer perceptions and habits. “The development of communication media has transformed the spatial and temporal constitution of social life, creating new forms of action and interaction which are no longer linked to the sharing of a common locale” (Thompson, 1995: 62). Along with the rise of electronic media, significant attention has been given to their legal framework. In continental Europe, a large number of laws regulating electronic media have been enacted, primarily due to the regional integration of European countries through the establishment of the European Union and the formation of the Council of Europe.

The most significant legal provisions regarding electronic media include regulations, directives, and decisions that apply to EU member states. On the other hand, the conventions and protocols of the Council of Europe are crucial legal documents that affect not only EU countries but also those outside the Union that are members of the Council. While regulations and directives are among the most important acts of the European Union, numerous non-binding acts—such as recommendations, opinions, and Green Papers, White Papers, and Communications from the European Commission—also play a significant role in shaping the legal framework for audiovisual (electronic) media in this region. Additionally, many resolutions, recommendations, and declarations from the Committee of Ministers of the Council of Europe hold considerable importance. “The legal regulation of broadcast television and radio is critical in maintaining a fair and diverse media landscape, ensuring that broadcasters fulfill their public service obligations while providing the necessary checks and balances to prevent monopolistic practices” (Benjamin, Speta, & Shelanski, 2001: 214).

The paper will present the regulatory framework for electronic media at the EU level through its binding acts. The analysis will focus on traditional electronic media, specifically radio and television programs. It will provide a detailed examination of the two most significant European legal regulations at the EU level that exclusively pertain to these media: the Television without Frontiers Directive of 1989 and its successor, the Audiovisual Media Services Directive of 2010, revised in 2018. Additionally, the Satellite and Cable Directive from 1993 will be closely analyzed, as it holds particular significance from a copyright perspective for radio and television. In the end, the paper will also examine some of the recent EU regulations that have an indirect impact on electronic media.

### **The Beginnings of Electronic Media Legal Regulation in the European Union**

The legal framework governing traditional electronic media within the European Union has evolved over several decades, with the Audiovisual Media Services Directive standing as its most significant cornerstone. Originally adopted in 2010 and revised in 2018, this directive was preceded by numerous legislative provisions concerning media services, established during the formative years of

European integration. The earliest relevant provisions can be traced back to the Treaty establishing the European Economic Community in 1957, which laid the foundation for a unified market for services among EU member states. Certain clauses within this treaty explicitly addressed media services, recognizing their role in the broader economic and cultural landscape of the Union.

Furthermore, one of the two fundamental treaties that form the constitutional basis of the European Union, the Treaty on the Functioning of the European Union, also includes media-related regulations. It emphasizes cooperation among member states in various cultural domains, including “artistic and literary creation, including in the audiovisual sector” (The Treaty on the Functioning of the European Union – consolidated version 2012, C 326/47, Article 167), while also underscoring the EU’s commitment to fostering an open and competitive market to ensure the smooth functioning of its industries (Article 173). Another pivotal document in this regard is the Charter of Fundamental Rights of the European Union, which guarantees every individual the right to freedom of expression, as well as media freedom and pluralism (Charter of Fundamental Rights of the European Union 2000/C 364/01, Article 11).

By the 1980s, the growing recognition of media services as a key part of the internal market led to important amendments to the Treaty establishing the European Economic Community, as well as the adoption of the Single European Act. These legislative changes laid the foundation for a unified internal market and made it necessary to regulate the audiovisual sector. In response, the European Commission introduced concrete measures, including the Green Paper on the Establishment of the Common Market for Broadcasting, especially by Satellite and Cable (COM (84) 300 final, 1984). This document was designed to stimulate debate and set objectives for creating a harmonized audiovisual market, a goal realized five years later with the adoption of the first directive on audiovisual services, Television Without Frontiers (TWF). The Green Paper emerged as a response to the regulatory inconsistencies among member states, particularly concerning commercial advertising. The legal basis for this initiative on the liberalization of media services was established through rulings of the European Court of Justice, which affirmed the supranational character of broadcasting and prohibited any form of discriminatory treatment toward broadcasters from other Member States.<sup>5</sup>

According to Peter Humphreys, the Green Paper stipulates that Member States retain jurisdiction over their broadcasters within their national borders, while in the case of cross-border broadcasting, all broadcasters must comply with the minimum standards established by the European Union (Humphreys, 1996: 265). One of the most pressing issues addressed by the European Commission was the regulation of commercial advertising, which was seen as a crucial driver of the commercial media sector and a primary source of revenue. Due to the lack of harmonized legal provisions among member states, this was previously unfeasible. The Green Paper also advocated for the removal of internal barriers to national television programs

---

<sup>5</sup> Judgment of the Court of Justice, Sacchi, Case 155/73 (30 April 1974); Judgment of the Court of Justice, Roi vs. Debaue, Case 52/79 (18 March 1980).

and the establishment of a broadcasters' organization, all aimed at fostering a unified broadcasting market.

Although the 1980s marked the full recognition of the audiovisual sector's importance within the EU single market, leading to the adoption of the Television Without Frontiers Directive, the following decade saw a temporary slowdown in audiovisual policy development. The focus shifted towards the telecommunications sector, which was perceived as more economically significant and vital for the advancement of the information society, in contrast to what was then regarded as "outdated" television (Näränen, 2005: 36). However, the early 21<sup>st</sup> century witnessed a renewed emphasis on audiovisual regulation, driven by rapid technological advancements. Several key documents contributed to this resurgence, ultimately leading to the revision and codification of the existing Television Without Frontiers Directive. These included the E-commerce Directive of 2000 (Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market), the European Commission's Communication on Principles and Guidelines for the Community's Audiovisual Policy in the Digital Age (COM/99/0657), and the Communication on the Future of European Regulatory Audiovisual Policy (COM/2003/0784). These policy initiatives paved the way for the adoption of a new regulatory framework essential for the governance of electronic media: the Audiovisual Media Services Directive, introduced in 2007 and later amended in 2010.

### **Key directives governing radio and television**

The initial provisions related to media and media services, adopted during the establishment of the European Union, laid the foundation for the adoption of key documents that shaped the regulatory framework for electronic media. This process started with the publication of the Green Paper by the European Commission. The primary goal of the Green Paper was to establish binding norms for media services across the European Union, a goal achieved with the adoption of the Television Without Frontiers Directive in 1989 (Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation, or administrative action in Member States concerning the pursuit of television broadcasting activities). This was the first step in creating a regulatory framework for the media market, followed by the Audiovisual Media Services Directive in 2010 (Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation, or administrative action in Member States concerning the provision of audiovisual media services). The legal nature of these documents allowed Member States to determine how to achieve the objectives set forth in the directives, while also establishing the minimum obligations each Member State must fulfill.

## **The Television Without Frontiers Directive of 1989**

The *Television Without Frontiers Directive* consists of seven chapters: Definitions, General Provisions, Production and Distribution of Television Programs, Television Advertising and Sponsorship, Protection of Minors, Right of Reply, and Final Provisions. The following analysis examines each of these chapters in detail, citing the relevant articles.

The first chapter establishes key definitions fundamental to the Directive, including television broadcasting, television advertising, surreptitious advertising, and sponsorship. These definitions highlight the Directive's dual purpose: facilitating the free circulation of television broadcasts across Member States while setting regulatory standards for advertising within the EU (Article 1).

The second chapter outlines the obligations of Member States to ensure that all broadcasters under their jurisdiction adhere to national broadcasting standards. Additionally, it mandates the free transmission and retransmission of television content from other Member States. This chapter also defines the circumstances under which Member States may impose broadcasting restrictions and clarifies the European Commission's supervisory role in overseeing these measures (Articles 2–3).

The Directive establishes quotas to promote European audiovisual content, requiring broadcasters to dedicate at least 10% of their programming to works produced by independent European producers (Articles 4–5). It further defines European audiovisual works and mandates that Member States submit reports to the European Commission on compliance with these content obligations, though local television broadcasters are exempt from these requirements (Articles 6–9).

One of the most pivotal sections of the Directive pertains to television advertising and sponsorship. It introduces regulations that remain fundamental to modern audiovisual law, such as the requirement that advertisements be clearly distinguishable from editorial content and the prohibition of subliminal messaging and surreptitious advertising (Article 10). Additionally, this section establishes rules on the duration, placement, and scheduling of advertisements, the use of sponsorship, and restrictions on advertising for certain product categories, including tobacco, alcohol, and medicinal products (Articles 11–21).

The fifth chapter addresses the protection of minors, imposing a duty on Member States to prevent the broadcast of content that could be harmful to children's physical, mental, or moral development. Moreover, it explicitly bans content that incites hatred (Article 22).

The penultimate chapter emphasizes the significance of the right of reply, ensuring that individuals who believe they have been adversely affected by false or misleading information broadcast on television are provided a means to seek correction or redress (Article 23). The final provisions set a two-year timeframe for Member States to implement the Directive, which played a crucial role in establishing a baseline regulatory framework for television broadcasting across the European market (Articles 24–27).

The 1989 Television Without Frontiers Directive's significance at the time was immense, marking the true beginning of the European media space we know today. It was key to shaping the modern European media landscape by establishing a framework for cross-border television broadcasting and fostering a single market for television services. It enabled the free flow of information, increased viewer choice, promoted European audiovisual works, and laid the foundation for future European media policy, significantly contributing to European integration.

This directive underwent two significant revisions, in 1997 and 2007. The 1997 amendment aimed to refine key provisions by clarifying the country-of-origin principle for broadcasters, defining events of public interest, introducing regulations on television sales, and reinforcing protections for minors. The 2007 amendments, by contrast, responded to rapid technological advancements that transformed the media landscape, necessitating regulatory adjustments to accommodate emerging digital media services within the evolving digital single market.

### **The Satellite Broadcasting and Cable Retransmission Directive of 1993**

Although primarily focused on copyright law, the *Satellite Broadcasting and Cable Retransmission Directive* (Council Directive 93/83/EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission) was designed to regulate television and radio programs within the *acquis communautaire*. Its objective was to establish legal provisions for the distribution of radio and television programs via satellite and cable—technologically advanced forms of broadcasting at the time—and respond to the challenges that terrestrial broadcasting had not posed previously.

The first chapter of the Directive defines satellite broadcasting and cable retransmission, specifying the concept of a satellite and the country of origin, while when it comes to cable retransmission, it outlines only the conditions under which a program is considered to be retransmitted from another state (Article 1). The second chapter deals specifically with satellite broadcasting, setting out the obligations of Member States regarding licensing agreements for the transmission of rights for satellite broadcasting, the mandatory application of collective rights management rules, and the protection of performers, phonogram producers, and broadcasting organizations. It also establishes a minimum level of protection, which Member States may choose to extend by mutual agreement (Articles 2–7). The third chapter concerns cable retransmission, specifically the obligations of receiving states regarding compliance with copyright law through contractual agreements, the rights and responsibilities of collective copyright management organizations, the duty of Member States to provide mediation in the absence of retransmission agreements, and the requirement to conduct negotiations in good faith when granting retransmission authorizations (Articles 8–12). The final chapter contains the concluding provisions related to the implementation of the Directive (Articles 13–15).

Therefore, the Directive enabled satellite broadcasters and cable retransmitters to obtain significant rights concerning the use of copyrighted and related works



beyond the borders of the broadcasting state. At the same time, it provided legal protection for authors and ensured a regulatory framework that safeguarded the interests of all parties involved.

### **Audiovisual Media Services Directive of 2010**

The 2007 amendments to the Television Without Frontiers Directive resulted in the adoption of the Audiovisual Media Services Directive<sup>6</sup>, which represents the most significant legal document regulating the area of audiovisual services at the European Union level. Almost all of its content is based on the Television Without Frontiers Directive, ensuring continuity while broadening the scope of its regulation. The Audiovisual Media Services Directive consists of the following sections: Definitions, General Provisions, Provisions Applicable to All Audiovisual Media Services, Provisions Relating to On-Demand Audiovisual Media Services, Provisions Concerning Exclusive Rights and Short News Reports in Television Broadcasting, Distribution and Production of Television Programmes, Television Advertising and Teleshopping, Protection of Minors in Television Broadcasting, Right of Reply in Television Broadcasting, Contact Committee, Cooperation Between Regulatory Bodies and Member States, and Final Provisions.

The directive introduces new concepts and definitions compared to its predecessor. In its first chapter, it retains four fundamental definitions related to television broadcasting and advertising while broadening the scope of regulation by defining additional terms such as audiovisual media services, providers of audiovisual media services, on-demand audiovisual media services, editorial responsibility, and others (Article 1). The General Provisions establish the concept of audiovisual media service providers by outlining jurisdictional rules for Member States, determining when and under what conditions a provider falls within a Member State's jurisdiction (Article 2). The next article mandates that each Member State must ensure the free reception and retransmission of audiovisual media services from another Member State, while also detailing permissible restrictions and the procedure before the European Commission, including derogations related to on-demand audiovisual media services (Article 3). Furthermore, a Member State may, under specific conditions, impose stricter rules on service providers under its jurisdiction than those outlined in the directive while managing its relationship with other Member States on broadcasting matters (Article 4).

The next two chapters cover provisions applicable to all audiovisual media services and those specifically addressing on-demand audiovisual media services. The provisions applicable to all audiovisual media services outline Member States' responsibilities in regulating providers under their jurisdiction. They require that providers make a minimum set of information available to service recipients (Article 5). Additional provisions prohibit incitement to hatred, ensure accessibility for

---

<sup>6</sup> The technical and technological development has led to the emergence of new media, which have become equal in status to television, the previously dominant form of media. As a result, the term "television" had to be replaced with the term "audiovisual services."

individuals with visual and hearing impairments, and regulate scheduling restrictions for broadcasting cinematographic works (Articles 6–8). Regarding advertising and sponsorship, the regulatory framework remains largely unchanged, with a slight deregulation in terms of advertising volume restrictions. Provisions established by the Television Without Frontiers Directive, such as those on surreptitious advertising, subliminal messages, and advertising of specific product categories, remain largely intact. However, the directive introduces the term “audiovisual commercial communications” in place of “television advertising” and includes new rules on product placement (Articles 9–11).

A key addition to the directive is the chapter dedicated exclusively to on-demand audiovisual media services. This section sets forth obligations regarding the protection of minors, the promotion and availability of European works, and the monitoring of compliance with these provisions through reporting to the Commission (Articles 12–13). The directive also addresses rights in television broadcasting and short news reports, as well as the distribution and production of exclusive television programming. Member States are granted the authority to designate events of major importance to society and prevent exclusive broadcasting of such events by broadcasters under their jurisdiction. They must also ensure that events designated by another Member State as significant public interest events are not broadcast exclusively (Article 14). Additionally, broadcasters and media outlets have the right to use short extracts of news for general news programs, even when another broadcaster holds exclusive rights, provided that any compensation does not exceed the actual costs incurred for granting access (Article 15).

The sixth chapter focuses on the distribution and production of television programming. Similar to the Television Without Frontiers Directive, the directive requires that broadcasters ensure the majority of their programming consists of European audiovisual works and that at least 10% of their overall programming is reserved for independent European producers, except for programming intended for local audiences (Articles 16–18).

The next chapter regulates advertising, defining the conditions under which television advertising and teleshopping are permitted. In addition to requiring clear identification of advertising content in relation to editorial programming, the directive emphasizes preserving programming integrity, ensuring coherence when incorporating advertisements (Articles 19–20). It further specifies that during the broadcasting of cinematographic works or children’s programming, advertising breaks or teleshopping may be inserted only once per scheduled period of at least 30 minutes (Article 20). Additional provisions prohibit the advertising of medicinal products and establish regulations for advertising alcoholic beverages (Articles 21–22). As in the previous directive, television advertisements may not exceed 20% of the hourly broadcasting time, while teleshopping windows must be clearly marked and last at least 15 consecutive minutes (Articles 23–24). Exceptions apply depending on the nature of the program (Articles 25–26).

Similar to its predecessor, the 2010 Directive mandates that Member States ensure broadcasters under their jurisdiction do not transmit programs that could



seriously impair the physical, mental, or moral development of minors, except in cases where technical measures or watershed restrictions prevent minors from accessing such content (Article 27). When necessary, a sound alert must be broadcast beforehand, or an appropriate visual symbol must be displayed throughout the program (Article 27).

Regarding the right of reply, the directive retains provisions similar to those in its predecessor, guaranteeing the right of individuals to respond if affected by false information. Member States must provide appropriate legal remedies, independent of other national legal norms (Article 28). A key novelty is the requirement that Member States ensure the right of reply is not subject to unreasonable conditions, with responses published within a reasonable timeframe and in an appropriate manner (Article 28).

The Audiovisual Media Services Directive establishes the Contact Committee, an advisory body under the European Commission, responsible for monitoring the directive's implementation. The committee consults on issues arising from its application, issues opinions, and serves as a forum for exchanging views on relevant matters (Article 29). It also examines stakeholder consultations and assesses progress in the field (Article 29). The following chapter outlines cooperation between Member States and the Commission (Article 30).

The Final Provisions clarify that the directive does not override other conventions, unless they fall within its scope, and require Member States to submit national legal provisions covering areas regulated by the directive (Articles 31–32). The Commission must also submit triennial reports on audiovisual media services, considering the specificities of Member States (Article 33). Finally, the Television Without Frontiers Directive is repealed and replaced by this directive (Article 34).

### **Revised Directive on Audiovisual Media Services of 2018**

The continued convergence of media, along with the creation of new methods for producing and using audiovisual content, required an update to the 2010 Directive. The need to regulate new forms of audiovisual services was first highlighted in the *Digital Single Market Strategy for Europe* (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions – A Digital Single Market Strategy for Europe, COM/2015/0192 final) and later addressed through the revision of the Directive.

While one of the main reasons for revising and transforming the original *Television Without Frontiers Directive* into the *Audiovisual Media Services Directive* was to broaden the definition of audiovisual services and regulate non-linear media services with more relaxed advertising rules, the 2018 revision aimed to address new video sharing platforms. As stated in the preamble of the revised Directive on Audiovisual Media Services, media convergence necessitates updating the legal framework to better adapt to market developments and establish a balance between access to online content, consumer protection, and competition (Directive (EU)

2018/1808 of the European Parliament and of the Council amending Directive 2010/13/EU (Audiovisual Media Services Directive) in response to changing market realities, preamble). The most significant changes to the Directive will be highlighted in the following section, focusing on the articles that have been modified or added.

In the first chapter of the revised Directive, the main reason for the revision is immediately apparent. A definition was introduced regarding the platform service for video content sharing, aimed at providing the public with programs and/or user-generated video content, where the platform provider does not assume editorial responsibility. This extension of the Directive's scope now includes video-sharing platforms (such as YouTube and Dailymotion), as well as audiovisual content shared via social networks (such as Facebook and Instagram). In addition to this new concept of video-sharing platforms, the chapter includes modifications to existing points to cover video content more broadly, while introducing new terms, such as user-generated content, editorial decisions, and video-sharing platform providers (Article 1).

The most significant changes in the second chapter of the revised Directive, now titled *General Provisions on Audiovisual Services*, focus on the relationship between the Commission, member states, and the European Regulators Group for Audiovisual Media Services (ERGA). Established by the Commission's decision in 2014, ERGA serves as its advisory and support body for implementing media regulation on audiovisual media services within member states. The importance of ERGA is highlighted in subsequent chapters, particularly in the section dealing with regulatory bodies. The second chapter specifies increased responsibility for member states in overseeing media service providers under their jurisdiction, cooperation with the Commission regarding media service provider registration, and the handling of disputes between member states concerning jurisdiction over service providers (Article 3). It also defines procedures for restricting media services from one member state to another. A new aspect is the promotion of self-regulation through codes of conduct, which are drafted at the national level by major stakeholders (Article 4a).

The section of the Directive that underwent the most changes is the third chapter, *Provisions Applicable to Audiovisual Media Services*, where nearly all articles (except one) were replaced or supplemented with new provisions. Member states are now encouraged to enhance transparency of media service providers' ownership structures (Article 5) and to improve protections against content that could harm minors (Article 6a). More detailed measures regarding the accessibility of media services for individuals with disabilities are also introduced (Article 7). Additionally, product placement in programs is no longer explicitly prohibited, as it was under the previous Directive, but is now generally allowed, with specific limitations (Article 11). The chapter that previously focused on on-demand audiovisual services is now integrated into the third chapter, including articles that were once in the fourth chapter. This section now addresses on-demand media services in detail. The proportion of European audiovisual works is set at 30%, and financial contributions to their production are specified (Article 13).

While the chapters on exclusive rights and short news in television broadcasting, as well as the section on television program distribution and production, did not

undergo significant changes, there are some amendments related to television advertising and teleshopping (TV shopping). These are allowed during sports events but prohibited in children's programming (Articles 19-20). The regulation of the total amount of advertising in a program on a daily basis is now more clearly defined (Article 23). Another change is that the chapter on the protection of minors is no longer a separate section in the revised Directive, while the chapters on the right of reply in television broadcasting and the Contact Committee remain unchanged.

Notable innovations in the Directive include the regulation of video-sharing platforms, which is now addressed in an entirely new chapter (IXa). This chapter brings platforms meeting the definition of a video-sharing platform under the Directive, including those offering user-generated content, such as Facebook or YouTube, within its scope. The chapter dealing with regulatory bodies overseeing media services within member states has also been significantly expanded. Jurisdiction over these platforms, the creation of a register of service providers, and the relationships between member states, the Commission, European Regulators Group for Audiovisual Media, and the Contact Committees are now more clearly defined, especially in cases of jurisdictional disputes. (Article 28a). Special protections for minors from harmful content, as well as safeguards against hate speech and content promoting criminal acts such as terrorism, child pornography, racism, and xenophobia, are outlined (Article 28b). The same restrictions on commercial communications that apply to linear communications and on-demand video content also apply to video-sharing platforms, with member states bearing specific responsibilities. The Directive further establishes measures to protect against unlawful content, including judicial, extrajudicial, and self-regulatory mechanisms through codes of conduct (Article 28b).

A significant portion of the Directive is dedicated to the regulatory bodies of member states and the European Regulators Group for Audiovisual Media Services (ERGA). In the previous Directive, this chapter contains just one article, but it has now been expanded to emphasize the independence and impartiality of regulatory bodies in relation to national authorities and other entities within member states (Article 30). The Directive also prescribes cooperation between regulatory bodies of member states when media service providers operate in another member state (Article 30a). Finally, the functioning of ERGA is thoroughly outlined as a body providing technical support, cooperation, and the exchange of experience to the Commission in the field of audiovisual services, all aimed at ensuring the application of the Directive (Article 30b).

As mentioned, the revised *Audiovisual Media Services Directive* is a response to technological advancements that have led to the emergence of new services and facilitated the use of existing media services, altering user behaviors and necessitating their inclusion within regulatory frameworks. This, at least for now, completed the regulation of the audiovisual sector.<sup>7</sup>

---

<sup>7</sup> The concept of the audiovisual sector frequently encompasses the film industry, while in other instances it is understood to refer exclusively to audiovisual media, with the film sector being treated as a distinct entity.

## **Other Regulations on Audiovisual Media**

Given that copyright issues in this area were not the subject of regulation under the Audiovisual Media Services Directive, it is important to mention that this field is governed by 11 directives and two regulations. These include the analyzed Satellite and Cable Directive and its revised 2019 version, which extended regulations to online broadcasting and adapted copyright rules to the needs of the digital age, including provisions on streaming services (Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programs). Also significant in this sector is the film industry, which is closely linked to the audiovisual sector and often considered a part of it. The MEDIA sub-program, operating within Creative Europe, plays a crucial role by supporting the development, promotion, and distribution of European audiovisual works. Additionally, various recommendations by the European Commission are of importance, such as the Recommendation on Film Heritage, which calls for the collection, preservation, and transmission of film heritage to future generations (Recommendation on film heritage and the competitiveness of related industrial activities 2005/865/CE).

A major issue in audiovisual media is the protection of minors. While the Audiovisual Media Services Directive provides for their protection, it is also important to note the European Commission's Recommendation on the Protection of Minors in the Audiovisual Sector (Recommendation on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry, 2006/952/EC). Lastly, among the recommendations related to audiovisual works, the Recommendation on Media Literacy in the Digital Environment should be highlighted, as it outlines the obligations of the media industry to enhance media literacy across the European Union (Recommendation on media literacy in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society, 2009/625/EC).

Currently, the most significant set of regulations in the EU concerning the digital environment are the Digital Services Act (DSA) and the Digital Markets Act (DMA). However, these primarily target large online platforms and search engines rather than traditional media, though they may indirectly affect electronic media. The Digital Services Act (Regulation (EU) 2022/2065 on a Single Market for Digital Services and amending Directive 2000/31/EC) imposes obligations on large platforms that distribute digital content, including content originating from electronic media. Although streaming and video-on-demand (VOD) services are regulated by the Audiovisual Media Services Directive, if they distribute their content via major online platforms (e.g., YouTube, Facebook, X), those platforms must comply with DSA rules on content moderation, advertising transparency, and user protection. On the other hand, the Digital Markets Act (Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and

(EU) 2020/1828) applies to major digital companies and search engines (Google, Apple, Meta) and regulates how these platforms manage content from media companies. The DMA regulates algorithm transparency, prevents self-preferential treatment of content from dominant platforms, and promotes fair conditions for all media companies. The importance of this legal framework for EU member states is considerable, as these regulations take the form of EU regulations and are directly applicable without requiring additional national legislation.

Finally, a key regulation for media freedom and pluralism in the European Union is the European Media Freedom Act (Regulation (EU) 2024/1083 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU). This regulation, which is directly applicable in all member states, came into force but will be fully implemented from August 2025. Its provisions relevant to radio and television include ensuring the independence of national regulatory authorities for electronic media, transparency of media ownership to prevent excessive concentration, diversity of content, independence of public service media, and mechanisms for coordination between national regulatory bodies and the European Commission.

The legal instruments governing audiovisual media beyond the Audiovisual Media Services Directive are rather extensive. They include both analyzed regulations, directives and relevant recommendations and other numerous acts in the form of decisions, reports, proposals, and more. Nevertheless, the Audiovisual Media Services Directive remains the most significant binding document for all EU member states. As technology advances and new challenges arise in this field, further revisions of existing documents will likely be required. In its report *ERGA's Views on the Future Priorities for Media Policy* from July 2024, the European Regulators Group for Audiovisual Media Services highlights the increasing convergence of traditional and digital media, emphasizing the need for regulatory updates that ensure fair competition and the visibility of European works. ERGA also stresses the importance of adapting the directive to address the role of third-country media providers and evolving content distribution models, which will be crucial for the future development of electronic media in the EU (*ERGA's Views on the Future Priorities for Media Policy* from July 2024).

## Conclusion

Due to rapid technological advancements, the legal framework governing electronic media in the European Union has undergone substantial transformations, requiring both the expansion of digital platforms and the necessity for regulatory adaptation. Historically, electronic media regulation was primarily focused on television and radio broadcasting, with several directives, such as the Television Without Frontiers Directive (TWF), laying the foundation for cross-border audiovisual content and setting essential standards for advertising, cultural diversity, and content restrictions. The adoption of the Audiovisual Media Services Directive

(AVMSD) built upon this framework, has extended regulatory oversight to include on-demand services and evolved media formats while maintaining core protections for consumers and broadcasters. Additionally, the Satellite and Cable Directive has introduced further provisions to harmonize copyright regulations across member states and facilitate cross-border retransmission of audiovisual content.

Over time, media consumption patterns have evolved, and regulatory measures have expanded to address new challenges beyond traditional broadcasting. While television and radio remain essential components of the media landscape, digital platforms, streaming services, and social media networks have gained prominence. However, despite the rise of digital media, the TWF and, later, the AVMSD, have remained central in ensuring that traditional broadcasters adhere to EU-wide standards. The AVMSD continues to define obligations for audiovisual media, covering aspects such as advertising, quotas for European audiovisual works, and measures to protect minors, based on the regulatory principles founded by the previous TWF Directive. As the media landscape evolves, these directives have been adapted to maintain regulatory consistency while addressing the growing influence of digital intermediaries. While primarily targeting online platforms, several acts, such as the Digital Services Act, the Digital Markets Act, as well as the European Media Freedom Act which is focused on media freedom and pluralism, have undoubtedly contributed to shaping the evolving media landscape, indirectly impacting traditional media like television and radio through their influence on content distribution, competition, and regulatory oversight.

For traditional broadcasters like TV and radio, the future EU media regulation must proactively address the challenges and opportunities presented by emerging technologies, particularly as they increasingly synchronize with digital platforms. While fostering innovation across the media landscape, it is essential to safeguard fundamental rights, including freedom of expression and access to diverse content. The above-mentioned *ERGA's* report highlights the increasing convergence of traditional and digital media, emphasizing the need for regulatory updates to ensure fair competition and the visibility of European audiovisual works. It also highlights the importance of adapting the AVMSD to address the role of third-country media providers, as well as evolving content distribution models, which will be crucial for the future development of electronic media in the EU. Moreover, as artificial intelligence and data-driven advertising continue to grow, some stronger regulatory oversight is needed to ensure a fair and competitive media landscape that protects both consumers and content creators.

## References

- Benjamin, S. M., Speta, J. B., & Shelanski, H. A. (2001). *Telecommunications law and policy* (p. 214). Aspen Law & Business.
- Humphreys, P. (1996). *Mass media and media policy in Western Europe*. Manchester University Press.



- Näränen, P. (2005). *European regulation of digital television*. In A. Brown & R. G. Picard (Eds.), *Digital terrestrial television in Europe* (p. 36). Lawrence Erlbaum Associates Publishers.
- Thompson, J. B. (1995). *The media and modernity: A social theory of the media* (p. 62). Stanford University Press

## **Legal Sources**

- Charter of Fundamental Rights of the European Union. (2000). *Official Journal of the European Union*, C 364/1.
- Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation, or administrative action in Member States concerning the pursuit of television broadcasting activities.
- Directive 93/83/EEC of the European Parliament and of the Council of 27 September 1993 on the coordination of certain rules concerning copyright and related rights applicable to satellite broadcasting and cable retransmission.
- Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation, or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).
- Directive (EU) 2018/1808 of the European Parliament and of the Council amending Directive 2010/13/EU (Audiovisual Media Services Directive) in view of changing market realities.
- Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programs.
- European Regulators Group for Audiovisual Media Services (2024). ERGA's views on the future priorities for media policy.
- European Commission. (1984). Green paper on the establishment of the common market for broadcasting, especially by satellite and cable. COM (84) 300 final.
- Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).
- Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act).
- 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 (European Media Freedom Act).
- Single European Act. (1987). *Official Journal of the European Communities*, L 169/1.
- Treaty Establishing the European Economic Community. (1957). *Official Journal of the European Union*, 298/11.

Treaty on the Functioning of the European Union. (2007). Official Journal of the European Union, C 326/47.

## **Razvoj regulative elektronskih medija u Evropskoj uniji**

Andrej Blagojević, Docent, Filozofski fakultet, Univerzitet u Nišu, Srbija

### **Apstrakt**

Pravna regulativa elektronskih medija ima ključnu ulogu u oblikovanju raznovrsnog, dostupnog i odgovornog medijskog prostora. U okviru Evropske unije, ovaj regulatorni okvir značajno se razvijao tokom vremena, prateći dinamične promene u medijskom okruženju. Rad istražuje razvoj pravne regulative elektronskih medija u EU, od prvobitne *Direktive o televiziji bez granica* (1989) i *Direktive o satelitskom emitovanju i kablovskom reemitovanju* (1993, revidirane 2019), do njenog savremenog temelja, *Direktive o audiovizuelnim medijskim uslugama* (2010, revidirane 2018). Analiza je prvenstveno usmerena na AVMSD, kao najvažniji pravni akt koji oblikuje medijski prostor EU. Rad takođe ispituje uticaj novijih regulatornih okvira—*Akta o digitalnim uslugama* (2022), *Akta o digitalnim tržištima* (2022) i *Evropskog akta o slobodi medija* (2024). Ovi propisi, iako primarno nisu usmereni na tradicionalne elektronske medije, značajno utiču na njihovo funkcionisanje. Kroz analizu zakonodavnih promena, rad osvetljava stalne napore EU da se prilagodi tehnološkim inovacijama, uspostavi ravnotežu između tržišne konkurencije i medijskih sloboda, te efikasno reguliše digitalne platforme i servise za strimovanje.

*Ključne reči:* elektronski mediji, regulacija medija, Direktiva o audiovizuelnim medijskim uslugama, Evropska unija.

Received: 1<sup>st</sup> March 2025

Revision received: 12<sup>th</sup> March 2025

Accepted: 20<sup>th</sup> March 2025