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Reasoned opinion concerning the Commission proposal concerning a media freedom act – COM (2022) 457

The Danish Parliament, Folketinget, has examined the European Commission's proposal for a regulation establishing the European Media Freedom Act (COM (2022) 457), and considered whether the proposal complies with the principle of subsidiarity.

A majority in Folketinget encompassing the Social Democratic Party, the Liberal Party, the Moderates, the Denmark Democrats, the Green Left, the Liberal Alliance, the Conservative Party, the Red-Green Alliance, the Social Liberal Alliance, the New Right and the Danish People's Party finds that the proposal does not comply with the principle of subsidiarity. Folketinget supports media freedom, but finds that the European Commission with its proposal for a regulation seeks to regulate in an area with shared competence, where member states could regulate better themselves. Generally, Folketinget finds that the Commission should show restraint when it comes to proposing regulation of news media as they are best regulated nationally and in accordance with national traditions. This is in particular true because news media – as far as language, culture and choice of topics are concerned – is largely targeted at each individual member state. Because of this, there is no significant cross border element that necessitates harmonisation using article 114 TFEU.

More specifically Folketinget finds that the proposal violates the principle of subsidiarity on two accounts:

- In article 5 of the proposal the relationship between member states and public service media is regulated. In line with protocol no. 29 ("the Amsterdam Protocol") on the system of public broadcasting in the Member States, Folketinget finds that it is up to the member states to regulate and finance public service media nationally.
- Article 6 of the proposal instructs media service providers, and more specifically providers of news and current affairs content, to take action to ensure editorial independence. Folketinget finds that news

9. december 2022

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and current affairs content largely is directed at a national context (culture, language, etc.). This implies that the cross border elements are very limited and that there is therefore no need to harmonise rules in this area.

Sincerely yours

Kim Valentin
Chair of the European Affairs Committee of Folketinget