

(English version)

**Question for written answer E-001365/24
to the Commission
Christine Anderson (ESN)
(16 July 2024)**

Subject: Equal treatment and media freedom — questions on the prohibition of ‘Compact’ and the continued operation of ‘Indymedia’

The Minister for the Interior of the Federal Republic of Germany has just banned the magazine ‘Compact’ along with its online channels. In the light of the European Media Freedom Act, it is worrying that a publication such as ‘Compact’, which indeed disseminates controversial and sometimes aggressive content, is now banned, while a publication such as ‘Indymedia’, which calls for militant actions against political opponents, remains online. Thus, in the run-up to the State Parliament elections in Hessen last year, ‘Indymedia’ suggested that members and supporters of Antifa terrorise AfD candidates through ‘antifascist house visits’ or even the ‘destruction of campaign stalls’ ⁽¹⁾. This difference in treatment casts doubt on the equal treatment and respect for freedom of expression in the Member States of the European Union.

1. Is a measure such as the prohibition of ‘Compact’ in keeping with the European Media Freedom Act, and is it supported by the Commission?
2. Are any other similar actions by Member States to be expected?
3. In the light of the European Media Freedom Act, how does the Commission view the fact that the far-left website ‘Indymedia’, which regularly calls for violence against politicians, is not banned?

Submitted: 16.7.2024

**Answer given by Vice-President Jourová on behalf of the European Commission
(6 September 2024)**

The Commission is committed to safeguarding pluralistic and independent media, essential for democracy and the rule of law, and to the functioning of the internal market for media. As part of its annual Rule of Law Report, the Commission assesses the situation regarding media freedom and pluralism in the Member States ⁽¹⁾.

The chapter on Germany describes the well-established federal legal framework guaranteeing media freedom and pluralism, based on multiple levels of safeguards and oversight ⁽²⁾.

The European Media Freedom Act (EMFA) ⁽³⁾ provides a reinforced framework for media service providers. Article 4(1) EMFA, which will apply as of 8 February 2025, provides that media service providers shall have the right to exercise their economic activities in the internal market without restrictions other than those allowed pursuant to EU law. Recital 16 clarifies that such restrictions may derive from measures applied by national public authorities in compliance with EU law.

The Commission understands that the German Federal Minister for the Interior on 16 July 2024 took action against the publishers of the magazine ‘Compact’ on the basis of German law that allows for the prohibition of associations ‘directed against the constitutional order’.

Articles 62, 52(2) of the Treaty on the Functioning of the European Union allow the freedom to provide services to be restricted on grounds of public policy, public security or public health.

The Commission does not assess individual cases in the Member States. The Commission will continue to closely monitor the state of media freedom in all Member States in its annual Rule of Law Report ⁽⁴⁾.

¹ <https://jungfreiheit.de/politik/deutschland/2023/antifa-gewalt-afd-hessen>

⁽¹⁾ COM(2024) 800 final: https://commission.europa.eu/document/download/27db4143-58b4-4b61-a021-a215940e19d0_en?filename=1_1_58120_communication_rol_en.pdf

⁽²⁾ SWD(2024) 805 final: https://commission.europa.eu/document/download/3d1a2f80-5989-4364-a9e6-d925d4a1c900_en?filename=16_1_58059_coun_chap_germany_en.pdf

⁽³⁾ 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).

⁽⁴⁾ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle_en