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Answer given by Vice-President Jourová
on behalf of the European Commission
(25.10.2024)

Safeguarding media freedom and pluralism has been at the heart of the Commission's efforts to uphold democracy and the rule of law in the EU. Article 4(3) of the European Media Freedom Act (EMFA)¹ requires Member States to effectively protect journalistic sources and confidential communications and to refrain from taking certain measures, including subjecting journalists' corporate or private premises to search for the purpose of obtaining information related to or capable of identifying journalistic sources or confidential communication.

Nonetheless, Article 4(4) of the EMFA provides for a derogation allowing Member States to take such measures under certain strict conditions.

These conditions include the requirement that the possibility to take the measure is provided for by EU or national law, that the measure is justified by an overriding reason of public interest and is proportionate, and that the measure is subject to prior authorisation by a judicial authority or an independent and impartial decision-making authority or, in duly justified exceptional and urgent cases, is subsequently authorised by such an authority without undue delay.

These EMFA provisions shall apply from 8 August 2025.

As part of its annual Rule of Law Report, the Commission assesses the situation on media freedom and pluralism in all Member States². The chapter on Italy notes that in spite of targeted rules on the protection of journalists, the situation regarding their safety and working conditions as well as the increasing prevalence of strategic lawsuits against public participation (SLAPPs) cases³ remain an issue⁴.

If they consider that national measures infringe their rights, citizens and businesses can resort to the competent national authorities.

¹ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en

² https://commission.europa.eu/document/download/27db4143-58b4-4b61-a021-a215940e19d0_en?filename=1_1_58120_communication_rol_en.pdf

³ SLAPP: strategic lawsuits against public participation.

⁴ https://commission.europa.eu/document/download/60d79a4f-49cd-4061-a18f-d3a4495d6485_en?filename=29_1_58066_coun_chap_italy_en.pdf