

(English version)

**Priority question for written answer P-001603/24
to the Commission
Alexander Jungbluth (ESN)
(3 September 2024)**

Subject: Unlawful ban of 'Compact' magazine and Nancy Faeser's restricting of press freedom in the Federal Republic of Germany

On 16 July 2024, in a nationwide campaign in four federal states, Germany's Federal Minister of the Interior, Nancy Faeser, banned the magazine 'Compact' published by Jürgen Elsässer on the grounds that it breached 'the constitutional order as set out in Article 9 of the Basic Law and Section 3 of the Associations Act' ⁽¹⁾. The campaign included raids not only of the editorial offices but also of the private residences of staff. On 14 August 2024, the Federal Administrative Court partially suspended enforcement of the ban on the grounds that such action against COMPACT-Magazin GmbH, a distributor of online and print media, was incompatible with freedom of opinion and of the press (Article 5(1) of the German Basic Law), in breach of fundamental rights ⁽²⁾.

1. What view does the Commission take of Federal Minister of the Interior Nancy Faeser's demonstrably unlawful infringement upon freedom of opinion and of the press?
2. How does the Commission intend to ensure that the support and protection for independent media and journalists sought by Commission President Ursula von der Leyen ⁽³⁾ is also forthcoming at national level?
3. To what extent does the European Media Freedom Act ⁽⁴⁾ protect free and independent media outlets against arbitrary state action?

Submitted: 3.9.2024

**Priority question for written answer P-001607/24
to the Commission
Tomasz Froelich (ESN)
(3 September 2024)**

Subject: Prohibition of media in the EU

At the instigation of the German Minister for the Interior, Nancy Faeser, the magazine Compact was to be prohibited through the back door by means of a ban on association ⁽¹⁾. The Federal Administrative Court provisionally suspended this prohibition, deeming it disproportionate and considering that more lenient means, such as media supervision, should have been chosen to ensure freedom of expression and freedom of the press ⁽²⁾.

1. Does this action by the German Minister of the Interior, Nancy Faeser, endanger freedom of the press in Germany and the European Union?
2. Is the Commission aware of any other cases of successful or failed attempts to ban media in the Member States of the European Union, and if so, which?

Submitted: 3.9.2024

**Joint answer given by Vice-President Jourová on behalf of the European Commission
(2 October 2024)**

The Commission does not comment on specific individual cases falling within Member States' competence. If they consider that national measures infringe their rights, citizens and businesses can resort to the competent national authorities.

Safeguarding media freedom and pluralism, as enshrined in the EU Charter of Fundamental Rights ⁽¹⁾, has been at the heart of the Commission's efforts to uphold democracy and the rule of law in the EU.

¹ <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2024/07/exekutive1.html>

² <https://www.bverwg.de/de/pm/2024/39>

³ Political Guidelines 2024-2029_DE_240815_205436.pdf

⁴ <https://www.europarl.europa.eu/news/de/press-room/20240308IPR19014/medienfreiheitsgesetz-mehr-schutz-fur-journalisten-und-pressefreiheit-in-der-eu>

¹ Federal Ministry of the Interior and Community: 'Major blow against the far-right scene: Federal Minister of the Interior, Nancy Faeser, bans the limited company "COMPACT-Magazin GmbH", press release, 16 July 2024

² Federal Administrative Court (Bundesverwaltungsgericht): "Federal Administrative Court partially suspends immediate enforcement of the COMPACT ban", press release, 14 August 2024

⁽¹⁾ https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

The European Media Freedom Act (EMFA) ⁽²⁾ sets out a reinforced framework for media service providers. Article 4(1) of the EMFA, which will apply as of 8 February 2025, establishes that media service providers shall have the right to exercise their economic activities freely in the internal market, subject only to restrictions in line with EU law.

Recital 16 clarifies that such restrictions may derive from measures applied by national public authorities in compliance with EU law.

The EMFA also introduces a targeted set of rules requiring Member States to respect the editorial freedom and independence of media service providers and to refrain from interfering in core aspects of their activities, such as editorial decisions, journalistic sources, and communications.

Nonetheless, the EMFA also provides for derogations which allow Member States to take such measures when certain substantial and procedural conditions are fulfilled.

As part of its annual Rule of Law Report ⁽³⁾, the Commission assesses the situation regarding media freedom and pluralism in all Member States, including Germany.

The chapter on Germany describes the well-established federal legal framework guaranteeing media freedom and pluralism, based on multiple levels of safeguards and oversight ⁽⁴⁾.

⁽²⁾ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en

⁽³⁾ https://commission.europa.eu/document/download/27db4143-58b4-4b61-a021-a215940e19d0_en?filename=1_1_58120_communication_rol_en.pdf

⁽⁴⁾ https://commission.europa.eu/document/download/3d1a2f80-5989-4364-a9e6-d925d4a1c900_en?filename=16_1_58059_coun_chap_germany_en.pdf