

## **MFRR proposed amendments to the European Democracy Shield Draft Report**

- The Media Freedom Rapid Response (MFRR) partners welcome the European Commission's [EU Democracy Shield](#) initiative and the European Parliament's Special Committee's [Rapporteur's Draft Report](#) published on 21 January. While the Shield lays out critical political priorities and policy measures to defend democracy, these require further operationalisation. The MFRR calls for a comprehensive action plan that elaborates on the concrete implementation, in particular regarding the crucial role of independent media and public interest journalism and a timeline for these commitments.
- Journalism, local news and public service media as critical infrastructure must be duly sustained and protected.

### **Protection of journalists**

- Strengthening already existing prioritisation of the safety and protection of journalists as a critical prerequisite for an independent and plural media environment, an improved and sustained investment in **collective data collection and analysis on all forms (including non-lethal) of violence against journalists** across the EU and candidate countries is crucial. The recommendation needs to be updated to prioritise robust support mechanisms for online violence, threats, and harassment, to enforce the DSA and the EMFA. Furthermore, flexible and long-term funding mechanisms are crucial to sustain press freedom monitoring and rapid response efforts in EU Member States and candidate countries, such as the Media Freedom Rapid Response.
- Proposed guidelines on the implementation of relevant EU rules should **clearly reference available appeals mechanisms** and to clarify the roles of the respective Boards of the DSA and EMFA, as well as Very Large Online Platform (VLOP) escalation channels, in safeguarding journalists. To address the rising tide of online attacks, it encourages strengthened cooperation between tech companies, law enforcement agencies, and media organisations, with a focus on developing effective protections against DDoS and other digital threats targeting journalists.

### **Legal protection of journalists**

- Strengthen the **support system for journalists and media targeted with SLAPPs**, including through financial compensation for legal, economic and psychosocial damages as well as financial support to prevent their financial collapse, and by training the judiciary and legal community on the phenomenon of SLAPPs and existing legal instruments;
- Ensure the **review of the EU Anti-SLAPP Recommendation** is prepared in close consultation with the CASE-coalition, and increase its profile through regular engagement with national focal points and stocktaking at the High-Level Event on combating SLAPPs. Simultaneously, it remains crucial to address the lagging compatible and timely transposition of the Anti-SLAPP Directive by EU Member States with enforcement measures, including a comprehensive evaluation report on the effectiveness of the implementation as proposed by the EP report and infringement procedures in case of failure, and to extend the applicability of anti-SLAPP protections also to purely domestic SLAPP cases.

- Criminal **defamation** laws violate the right to freedom of expression and are never necessary or proportionate, even if reputation protection is a legitimate aim. To reinforce the EU anti-SLAPP recommendation, we are calling for reliance on civil, not criminal, remedies in defamation cases. The Democracy Shield must explicitly demand the full decriminalisation of defamation across EU member states and candidate countries, ensuring civil frameworks comply with freedom of expression standards and do not burden journalists.
- The year 2025 has seen a disproportionate rise in **foreign-agent style laws** and threats for their adoption, as MapMF registers. To add to the concerns, the proposed EU Directive on interest representation services on behalf of third countries, with overbroad definitions, a lack of a legitimate aim, and disproportionate compliance burdens, threatens to cause a too wide interpretation and to create a chilling effect on independent journalists and researchers, and civil society. In the current climate of pressures against democratic institutions, the Democracy Shield must provide tools to preserve values and retain EU interests. To avoid misuse of this directive and to prevent further fallout of foreign agent laws, the Democracy Shield must explicitly oppose foreign-agent style laws at all levels, reject the current directive, and prevent any future disproportionate regulations targeting civil society or media based on foreign funding or vague notions of ‘foreign influence’.

### Implementation of the existing framework in the context of security

- Media and journalism should be seen as a fundamental part of security and democratic resilience, and as such treated as a part of **critical infrastructure**. Furthermore, an ambitious and effective implementation of EMFA and national case-law supporting journalists is crucial to ensure **protection against spyware** and other invasive, targeted surveillance, setting clear and firm limits on the use of such technology against journalists and the media. Simultaneously, adherence to transparency regulations on the access, use, and processing of personal data through spyware and other digital surveillance tools must be enforced, safeguarding individuals' rights to information and access to their processed data, in line with the EMFA, GDPR, and Directive (EU) 2016/680.
- While the draft European Democracy Shield focuses strongly on foreign information manipulation and disinformation, it only indirectly addresses the **threat posed to EU information integrity from media capture**. Media capture within the EU is predominantly driven from within and between Member States - rather than external forces - indicating a clear gap. The EDS should include clear language stressing that safeguarding an independent, pluralistic media sector from capture is a precondition for “information integrity”, not a secondary objective to addressing disinformation.
- Overall, the EDS should be more **tightly hard-wired to the EMFA**, which is a landmark tool for preventing and unwinding state-driven media capture within the bloc. To do so, it should also insert an explicit objective: to prevent, detect and remediate “politically or economically orchestrated media capture,” with a definition referencing EMFA concepts. It should also require the EU Commission’s periodic EDS progress reports to contain a **dedicated section on media capture risks and responses** for every Member State, drawing on EMFA monitoring, the annual Rule of Law Report and the Media Pluralism Monitor report, as well as reports by the Media Freedom Rapid Response.
- To forcefully support the implementation of the EMFA, in cases where EMFA monitoring or the European Board for Media Services identifies “high-risk” capture – such as large politically-driven mergers or systemically abusive state advertising practices – the EDS should trigger a formal request for remedial action to the national authority, as well as a commitment by the Commission to assess infringement action or competition intervention within a fixed deadline.

- The Draft report and the Commission's report refer several times to the relevance of the strong implementation of the DSA. We reiterate these calls, emphasising that a strong and uncompromising enforcement of DSA is essential for a healthy democracy, and protection of journalists, among other vulnerable groups. This should include protection from pressures of the out-of-court dispute settlement bodies, trusted flaggers, and other institutions defined for the protection of citizens under the DSA. EUDS should, thus, develop **mechanisms to ensure safety of the protection and enforcement** mechanisms under this and other EU legislation, to counter mounting pressures from foreign and domestic actors.
- Formulate more concrete steps for ensuring the implementation of the DSA. The Democracy Shield should entail a commitment to developing a **risk-assessment that is reflective of the real needs of journalists** and media workers on the ground, in consultation with media and media organisations, through direct communication with media protection organisations, and media themselves.

### Recognition of the role of media in protecting democracy

- For the EU to remain a safe haven for journalists worldwide, ensure **durable and structural protection for journalists in exile** through accelerated access to special visas beyond short-term relocation, regardless of their nationality, and set up partnership programmes between exiled journalists and media outlets in EU Member States under the Media Resilience Fund to create work and network opportunities and safe work spaces;
- **Add measures on transnational repression** to the Democracy Shield, including making it a focus area of the European Centre for Democratic Resilience, an EU Recommendation on TNR to ensure a coordinated whole-of-government approach across EU Member States, the establishment of a collective EU data gathering mechanism, and TNR awareness raising training for journalists and enforcement bodies;

### Foreign information manipulation and interference (FIMI) and media resilience

- While the European Commission's efforts - such as the Rapid Alert System and the upcoming Centre for Democratic Resilience - are welcome, a ***clear action plan for the Centre's mandate and functioning*** is essential, alongside meaningful civil society involvement. To ensure the Centre's effectiveness, establish a formal consultation mechanism for defining its scope and mandate, and equip it with forecasting capabilities to anticipate disinformation routes. The Democracy Shield should establish a formal civil society consultation mechanism for the Centre for Democratic Resilience and ensure it has a robust forecasting capacity.
- Ensure that any restrictive measures aiming to prevent and counteract FIMI are **compliant with international human rights standards**, including strict adherence to the three-tier test of legality, legitimate aim, and necessity and proportionality. Furthermore, definitions of 'disinformation' must be narrow and precise to avoid censorship. EUDS should take a critical approach against "disinformation" regulations, in particular criminal laws or proposals emerging at the Member States level, in the candidate countries and in the wider EU's neighbourhood and refrain from any regulations aimed at blanketly regulating or limiting "inaccurate" or "untrue" information under the guise of counteracting FIMI. Strengthening democratic resilience also requires bolstering the information ecosystem by ***supporting independent media and journalism***, and protecting journalists, without over-reliance on fact-checkers.

*This input was coordinated by the **Media Freedom Rapid Response (MFRR)**, a Europe-wide mechanism which tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries.*