Coimisiún na Meán

Content of Media Service Providers on Very Large Online Platforms: What Article 18 of EMFA means for Media Service Providers



Introduction

The European Media Freedom Act entered into force on 8 August 2025 and puts in place a new set of rules to protect media pluralism and editorial independence in the EU. They ensure that media – public and private – can operate more easily across borders in the EU internal market, without undue pressure and taking into account the digital transformation of the media space.

Media service providers increasingly rely on very large online platforms (VLOPs), such as Facebook, Instagram, YouTube, TikTok and X, to distribute content and reach audiences. These platforms apply their own terms and conditions, under which they may restrict the visibility of content, or suspend or remove accounts, where they consider that content to be in breach.

Article 18 of the European Media Freedom Act ("EMFA") provides benefits for media service providers by requiring VLOPs – platforms or search engines that have more than 45 million users per month in the EU – to give special protections to certain media service providers.

This functionality is designed to help ensure that quality journalism receives appropriate treatment in content moderation decisions, reducing the risk of legitimate news content being incorrectly removed or restricted. VLOPs must implement specific safeguards when dealing with media content, including verification processes and enhanced due diligence before taking action against media service providers.

Article 18 does not prevent a platform from moderating content, but it requires the platform to provide advance notice, an opportunity to respond, and a defined process, and it establishes routes through which a decision may be challenged.

This guide sets out what Article 18 provides, who may avail of its protections, how to declare as an MSP, and what steps are available where a problem arises. The guide is not exhaustive and does not constitute legal advice.

What is a media service provider?

Article 2(2) EMFA defines a media service provider (MSP) as a natural or legal person whose professional activity is to provide a media service, and who exercises editorial responsibility for the choice of content and how it is organised.

A media service is a service whose principal purpose, or a dissociable section of it, is to provide programmes or press publications, under editorial responsibility, to the general public, in order to inform, entertain or educate.

For Article 18 specifically, an MSP must also be either subject to regulatory oversight by a national regulatory authority or adhere to a recognised co-regulatory or self-regulatory mechanism governing editorial standards.

What does Article 18 provide?

Under Article 18 VLOPs must provide a functionality allowing MSPs to declare their status. Once an MSP has submitted a declaration under Article 18(1), Article 18 requires VLOPs to:

- acknowledge the declaration and provide a direct contact channel to the MSP
- accept or reject the declaration without undue delay
- before suspending an account of the MSP or restricting the visibility of content on the grounds that it breaches their terms and conditions, provide a statement of reasons and 24 hours to reply
- treat complaints made by the MSP under the Digital Services Act or the Platform to Business Regulation as a priority
- engage in a genuine dialogue with the MSP where content is repeatedly restricted or suspended without sufficient grounds
- publish annual figures on restrictions, suspensions, rejected and invalidated declarations

These protections apply only to moderation based on a platform's own terms and conditions. They do not apply where a platform removes content because it is illegal or acts under its separate obligations to protect minors or manage systemic risks under the Digital Services Act.

Why should a media service provider declare under Article 18?

Declaring under Article 18 is optional but brings a number of benefits for eligible MSPs.

Where a platform intends to suspend an account or restrict content on terms and conditions grounds, it must first provide a statement of reasons and give the MSP 24 hours to reply, except in defined crisis situations. Complaints raised through existing platform complaint mechanisms must also be dealt with as a priority and without undue delay.

A declared MSP's status is published on the platform, and platforms must report annually on how they have treated MSP content. Where restrictions or suspensions recur without sufficient grounds, a declared MSP may also request a dialogue with the platform and, if the matter remains unresolved, ask the European Board for Media Services to issue an opinion on it.

What must be declared, and how

The declaration functionality should be a dedicated, clearly identifiable feature on the platform's interface, presented as a standardised questionnaire. An MSP is asked to declare that it is a media service provider, that it complies with the editorial independence safeguards required by Article 6(1) EMFA (measures such as an editorial charter, safeguards for editors-in-chief and disclosure of conflicts of interest), and that it is editorially independent from Member States, political parties, third countries and entities controlled or financed by third countries.

An MSP must also declare that it is either subject to regulatory requirements and oversight by a national regulatory authority such as An Coimisiún, or that it adheres to a recognised co-regulatory or self-regulatory mechanism, such as a press council. It must also confirm that it does not publish AI-generated content without human review or editorial control. The MSP's legal name, a contact email address and the contact details of its regulator or self-regulatory body must also be provided.

Supporting material, such as evidence of editorial independence policies or press council membership, may be uploaded but is not compulsory, and a declaration cannot be rejected solely on the basis that such material was not included. Where an MSP operates multiple accounts on a platform, it should be able to declare them together in a single submission. Where a platform has reasonable doubt as to whether an MSP meets the regulatory oversight or self-regulation requirement, it should seek confirmation from the relevant authority or body rather than rejecting the declaration.

What happens after declaration

The platform must acknowledge receipt of a declaration and provide a direct contact channel, then process it on an ongoing basis rather than in batches, accepting or rejecting it without undue delay. Once accepted, the declaration is published on the platform, with the exception of the email address which is not made publicly available. An MSP may update, amend or withdraw its declaration at any time, and doing so should be no more burdensome than the original submission.

A platform may only invalidate a previously accepted declaration where the MSP no longer meets one or more of the substantive conditions set out above. Where a declaration is rejected or invalidated, the platform must give reasons and point to the remedies available.

If a declaration is rejected, or content is restricted

Where a platform intends to restrict or suspend content on terms and conditions grounds, it must first provide a statement of reasons and give the MSP 24 hours to reply before the decision takes effect. An MSP should use that window to respond.

An MSP may also lodge a complaint through the platform's internal complaint-handling mechanisms, either under Article 11 of the Platform to Business Regulation or Article 20 of the Digital Services Act. Both routes must be prioritised and dealt with without undue delay by the platform.

Where restrictions or suspensions recur without sufficient grounds, an MSP may request a direct dialogue with the platform in good faith, aimed at reaching an amicable solution. Where that dialogue does not resolve the matter, the MSP may notify the European Board for Media Services of the outcome and request an opinion, including recommended actions for the platform.

Where a declaration is rejected or invalidated, or where dialogue under the previous paragraph does not lead to an amicable solution, an MSP may resort to mediation under Article 12 of the Platform to Business Regulation, or to out-of-court dispute settlement under Article 21 of the Digital Services Act, carried out through an independent body certified for that purpose, such as those certified by An Coimisiún as Ireland's Digital Services Coordinator. The MSP may notify the European Board for Media Services of the outcome of either process.

Article 18 is part of a European Regulation and is therefore directly applicable in Irish law. An MSP may also choose, at any point, to bring a case before the national courts to enforce its rights under it.

Where to register

Media service providers may submit an Article 18 declaration directly through the relevant platform.

Facebook (Meta): How Meta tracks Media Service Providers under the European Media Freedom Act | Facebook Help Center
Instagram (Meta): How Meta tracks Media Service Providers under the European Media Freedom Act | Facebook Help Center
WhatsApp (Meta): How WhatsApp tracks Media Service Providers under the European Media Freedom Act | WhatsApp Help Ce…
YouTube (Google): Media Service Provider Self-Declaration - YouTube Help
TikTok: https://www.tiktok.com/transparency/en/emfa-app
X: European Media Freedom Act
LinkedIn: European Media Freedom Act Declarations | LinkedIn Help
Pinterest: Media Service Provider Declaration Form | Pinterest Help

Coimisiún na Meán's role

An Coimisiún is Ireland's designated national regulatory authority under EMFA and is a member of the European Board for Media Services. Article 18 does not, however, give An Coimisiún, or any national regulator, powers to enforce it or to sanction a platform for non-compliance.

An Coimisiún's role in relation to Article 18 is limited to confirming an MSP's regulatory status to a platform where there is reasonable doubt about a declaration and feeding information and experience into the European Board for Media Services, including the Structured Dialogue it holds with platforms, MSPs and civil society. Separately, as Ireland's Digital Services Coordinator, An Coimisiún handles complaints about VLOPs under the Digital Services Act more generally, through its contact centre.

As An Coimisiún has no enforcement or sanctioning power under Article 18, an MSP experiencing a problem with a platform should pursue the remedies set out above rather than raise the matter with An Coimisiún as a means of resolving it.

Useful contacts and links

Out-of-court dispute settlement bodies certified by An Coimisiún

Website: https://www.cnam.ie/industry-and-professionals/online-safety-framework/certifications-schemes/out-of-court-dispute-settlement-bodies/

Competition and Consumer Protection Commission

For queries on the Platform to Business Regulation

Website: https://www.ccpc.ie/enforcement-and-regulation/digital/platform-to-business-regulation

European Commission list of certified out-of-court dispute settlement bodies across the EU

Website: https://digital-strategy.ec.europa.eu/en/policies/dsa-out-court-dispute-settlement

European Commission guidelines on the Article 18 declaration functionality

Website: https://digital-strategy.ec.europa.eu/en/library/guidelines-under-article-18-european-media-freedom-act-emfa

European Board for Media Services

Secretariat to the Media Board
European Commission - DG CONNECT - Directorate General for Communications Networks, Content and Technology
Unit I.1 - Audiovisual and Media Services Policy
Office L51 8/DCS
B-1049 Brussels, Belgium
EU-MEDIABOARD-SECRETARIAT@ec.europa.eu
Website: https://media-board.europa.eu/about-us_en

Coimisiún na Meán Contact Centre

Phone: +353 1 963 7755

Email: usersupport@cnam.ie

Monday - Friday: 8am - 6pm

Website: https://www.cnam.ie/industry-and-professionals/complaints/

European Media Freedom Act

Website: https://eur-lex.europa.eu/eli/reg/2024/1083/oj/eng