

# ALBANIAN LAW JOURNAL

THE EUROPEAN FREEDOM  
ACT AND THE MEDIA  
FREEDOM IN ALBANIA

Joana KOSHO



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**PUBLISHER**

European Movement Albania (EMA)  
Rr. Milto Tutulani, Nd. 1, Ap. 3 (Dora D'Istria)  
Tirana 1019, Albania  
Tel: +355 44 104 247  
E-mail: [info@em-al.org](mailto:info@em-al.org)  
Web: [www.em-al.org](http://www.em-al.org)

**AUTHORS**

Joana KOSHO

**YEAR OF PUBLICATION**

May 2025

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This publication was funded by the European Union. Its contents are the sole responsibility of European Movement Albania, Albanian Law Journal and its authors and do not necessarily reflect the views of the European Union.

The action "Building Partnership on Fundamentals: Empowering CSOs for the EU accession process", is being implemented by the European Movement in Albania, with the financial support of the European Union - IPA Civil Society Facility 2021, and in cooperation with the Academy of European Integration and Negotiations (AIEN), Slovak Foreign Policy Association (SFPA) and the Center for Transparency and Freedom of Information (CTFI).



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The freedom of expression and information, together with freedom of the press, contribute significantly to the formation of public opinion, thereby enabling people to make informed choices in their political decisions. Freedom of expression and press freedom are therefore essential for democracy, which is one of the fundamental values common to all Member States, on which the European Union is founded (Article 2, TEU).

Moreover, in providing information on the performance of public authorities, media also play an important role as a 'watchdog' over public power, for which they need to be free from any dominant political or state influence. This utmost significance of press freedom for the democratic functioning of society, making it a fundamental constitutional value, leads to very high requirements before any restrictions can be imposed on the freedom of the press by the public authorities (European Parliament, 2015).

A large number of studies, articles and papers, show that the media impact on public opinion is enormous and essential. Many issues of everyday life, human crisis or mainstream policies, once covered and analyzed from the lenses of the media, become the main concerns of the citizens and have a meaningful impact on the attitudes of the public opinion. The agenda setting theory describes the power of news media to shape public opinion and to set the public agenda. (Kosho, 2016; 2019). The power and the role media have to create the beliefs and attitudes of the public opinion, and the need to regulate the media market and

pluralism, are some of the reasons to motivate the European institutions to further elaborate the legal framework on media freedom. On the other hand, freedom of expression is one of the main issues in the Chapter 23, fundamental for Albania's path toward the European Union.

The EU integration process presents an opportunity for Albania to undertake meaningful reforms in the media sector. However, a 'tick-box' approach will not be enough – sustained political will and legal enforcement are necessary to ensure long-term progress (BIRN, SCiDEV, 2024).

In this context, it is important to understand the new European Media Freedom Act as an upgrade to the existed legal framework, in order to protect the free speech and the journalists mission.

How free are the European media?

What are some of the EMFAs shortcomings?  
Are the Albanian media free and independent and what can be done?

These are some of the main issues that will be discussed in this paper.

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## Freedom of Expression and of the Press: The European Media Freedom Act

Traditionally, media have always played a vital role in shaping public opinion and facilitating democratic discourse. The media are indispensable in informing European citizens on the activities of the European Union and its institutions (Eurobarometer, 2023). Media are not common goods/services in the market, but they fulfil a democratic role that needs to be recognized in order to shape meaningful media policies. A group of authors (Brogi, et al., 2023) that published the study “The European Media Freedom Act: media freedom, freedom of expression and pluralism”, supported by the European Parliament, have advocated for a new media freedom regulations system. According to the authors, considering that media freedom, and in particular news media freedom, is connected with privileges and responsibilities, there is a pressing need for a “new social contract” that defines the status of the media in the digital society and is mindful in avoiding the definition of the media privilege comes with control (Brogi et al., 2023).

Given the importance and the power media have to set the political and public agenda, the European institutions have intensified their work to improve the legal framework of the European media. Building on past efforts, the Commission has taken a number of measures to regulate media freedom and pluralism in the EU. This has culminated in the European Media Freedom Act, which entered into force on 7 May 2024. The new rules will fully apply as of 8 August 2025 (European Commission, 2024).

### What is the European Media Freedom Act?

EMFA addresses the fragmented national regulatory approaches related to media freedom, pluralism, and editorial independence. It seeks to improve the functioning of the internal market for media services, and to prevent the emergence of obstacles to the operation of media service providers across the EU. The Act also establishes a clear, legal framework for national regulatory authorities, that deals with providers that systematically engage in disinformation, including information manipulation and interference, and abuse the internal market freedoms, including by state-controlled media service providers financed by certain third countries (EMFA, 2024).

The main goals of this act are (EP News, 2024):

Protecting journalists’ work. Authorities will be prohibited from pressuring journalists and editors to disclose their sources, including by detaining them, sanctions, office searches, or by installing intrusive surveillance software on their electronic devices. Parliament added sizeable safeguards to allow the use of spyware, which will be possible only on a case-by-case basis and subject to authorization by a judicial authority investigating serious crimes punishable by a custodial sentence.

Editorial independence of public media. To prevent public media outlets from being used for political purposes, their heads and board members should be selected through transparent and non-discriminatory procedures for sufficiently long terms of office. It will not be possible to dismiss them before

their contract ends, unless they no longer meet the professional criteria. Public media will have to be financed using transparent and objective procedures, and the funding should be sustainable and predictable.

Transparency of ownership. To enable the public to know who controls the media and what interests may influence reporting, all news and current affairs outlets regardless of their size will have to publish information about their owners in a national database, including if they are directly or indirectly owned by the state.

Fair allocation of state advertising. Media will also have to report on funds received from state advertising and on state financial support, including from non-EU countries. Public funds to media or online platforms will have to be allocated via public, proportionate and non-discriminatory criteria. Information on state advertising expenditure will be public, including the total annual amount and the amount per outlet.

Protecting EU media freedom from big platforms. MEPs made sure to include a mechanism to prevent very big online platforms, such as Facebook, X (formerly Twitter) or Instagram, from arbitrarily restricting or deleting independent media content. Media will have the option to bring the case to an out-of-court dispute settlement body and request an opinion from the European Board for Media Services (a new EU board of national regulators to be set up by the EMFA).

Several media freedom organizations welcomed the adoption of this piece of

legislation as a big advance for the right to information in Europe and called for full and effective implementation, with a particular consideration to the fact that «EMFA only lays down the very minimum of standards» and therefore «Member States can, and should, go much further in establishing stronger safeguards to protect media freedom and pluralism and journalists' rights» (International Press Institute; Barata, 2024).

There are also, organizations that are skeptical about the European Media Freedom Act. In particular, the Article 4 of the EMFA, which includes the majority of provisions aimed at safeguarding the independence and the protection of journalists, is creating concerns in some European circles. The article 4. c), states that: "Member States, including their national regulatory authorities and bodies, shall not deploy spyware in any device or machine used by media service providers or, if applicable, their family members, or their employees or their family members, unless the deployment is justified, on a case-by-case basis, on grounds of national security and is in compliance with Article 52(1) of the Charter and other Union law ... (EMFA, 2024). According to Jan Erik Kermer (Center for Media Pluralism and Media Freedom), the Article 4 essentially legalizes the use of spyware in EU law, albeit under exceptional circumstances. In addition, the provision permitting the retrospective authorization of spyware opens up the possibility of journalists' rights being violated before the intervention of the law (Kermer, 2024).

Many organizations in the field of media independence, freedom of speech, digitalization, news agencies, etc., have taken a

stance against the Article 4 and 17. The European Partnership for Democracy (EPD) and 79 other organizations argued against Article 4, that, according to them “would allow Member States to spy on journalists if this was deemed necessary in the name of protecting national security”. They stressed that this will legalize the use of spyware against journalists instead of protecting them (EPD, 2023). The European Digital Rights (EDRi), think that the Article 4 fails to meet the established legal standards found in the jurisprudence of European Courts. EDRi states that “the expansive interpretation of an “overriding reason of public interest” poses a significant threat to journalists’ rights, exposing them to potential detention, office searches, and wiretapping without explicit accusations of serious criminal offences (EDRi, 2023).

Concerns are raised also for the Article 17 of the Media Freedom Act. For example, Club de Madrid (CdM: the world’s largest forum of democratic former Presidents and Prime Ministers) while do acknowledge the EMFA proposal as a step in the direction of strengthening democracy in the EU by promoting a free and pluralistic media system in Europe, are deeply concerned about the potential consequences of Article 17. According to them: “Article 17, as it stands, poses a risk to the principles of democratic discourse. We are particularly concerned with the identification of media service providers (MSP) based on self-declaration and the risk of exploiting this provision as a means to spread disinformation, misinformation, and propaganda with greater ease and less oversight. The issue of media designation is deeply flawed, arbitrary and open to abuse. In practice, this could open the flood gates to bad actors” (CdM, 2023)

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## How free is the European media with or without the Media Freedom Act

Based on the Reporters Without Borders 2023-24 report, the freedom of the press in one in three EU member states is currently “problematic”, an increase on the previous year. The remaining two thirds are ranked as “satisfactory” or “good”, although many, such as France, saw their scores drop. According to this report, press freedom around the world is being threatened by the very people who should be its guarantors – political authorities. RWB report gives some hope for the European media, when states that “the countries where press freedom is “good” are all in Europe, and more specifically within the European Union, which has adopted its first media freedom law (EMFA). Press freedom is nonetheless being put to the test in [Hungary](#), [Malta](#) and [Greece](#), the three lowest-ranked EU countries” (World Press Freedom Index, 2024).

For the European media freedom, some light is shed also by the Rule of Law Report. Since 2022, the European Commission prepares the Rule of Law Report, that examines developments across all Member States, in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances. It includes country chapters for all 27 Member States and also includes country chapters on four enlargement countries (Albania, Montenegro, North Macedonia, Serbia) (European Commission, 2024).



In the section “Media pluralism and Media freedom”, the Commission report for 2024, states that: continued concerns about the independence or impartiality of regulators exist in several Member States, including insufficient safeguards against undue political influence over the nomination process or in the functioning of regulators, as is the case in Hungary, Slovenia, Croatia, Bulgaria and Poland. Enlargement countries also face challenges in ensuring the independence of media regulators.

In Serbia, the media regulator fails to fully exercise its mandate to safeguard media pluralism and professional standards and there are serious concerns about its independence, while in Albania questions arise due to the political affiliation and perceived conflicts of interest of the regulator. Previously highlighted challenges regarding transparency of media ownership persist in Bulgaria, Czechia, France, the Netherlands and Cyprus. In Albania, the transparency of ownership of media is limited, and in Serbia, measures aimed at increasing transparency of media ownership are not yet fully implemented, and political and economic influence on the media remains a source of concern” (Rule of Law Report, 2024).

The media freedom, independence and pluralism throughout Europe, is facing serious challenges. The International Press Institute (IPI) and the Media Freedom Rapid Response (MFRR) consortium partners have filed detailed submissions to the Law Report on the topic of media freedom and pluralism in some European countries (IPI, 2024). The Media

Freedom Rapid Response documents, reports and raises awareness about all threats and attacks on media freedom, media pluralism and independent journalism across the bloc, by publishing an annual report ‘Mapping Media Freedom’ (MMF). For the year 2024, this report finds that journalists, media workers and their families, as well as media outlets across Europe, have been subjected to various attacks and threats. The number of attacks against media workers reflects an increasingly hostile environment for journalists and media companies.

Legislation and public officials increasingly discredit journalists or block journalistic activity. Anti-media laws, including foreign-agent laws, further restrict media freedom. Journalists were also frequently blocked and attacked while reporting about elections or environmental topics.

Additionally, media workers face an increasing amount of online attacks, including online harassment, death threats, hacking, etc. For example, only in the year 2024, in the EU Member States, MMF reported 942 press freedom violations involving 1,446 attacked media-related persons or entities. This is an increase of 48 % compared to 2023, where 635 press freedom violations have been recorded involving 927 attacked media-related persons or entities (MMF, 2024).

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## An overview of the media freedom in Albania

After the collapse of the communist regime, during which the press was completely controlled by the government, the Albanian media embarked on a new development journey in 1990. Although more than 30 years have passed, the media in Albania still have deep problems regarding freedom and independence (Albanian Media Institute, 2020). Press freedom and media independence in Albania are threatened by conflicts of interest between the business and political worlds, a flawed legal framework and partisan regulation. Journalists are victims of acts of intimidation by politicians and organized crime.

According to Reporters Without Borders, Albanian journalists face political pressure, especially during elections. Politicians limit editorial independence by politicizing media regulators and by appointing those in charge of the public media (Reporters Without Borders, 2024). The same conclusion is drawn by the Freedom House (2024): “While the constitution guarantees freedom of expression, the intermingling of powerful business, political, and media interests inhibits the development of independent news outlets; most are seen as biased toward either the PS or the PD. Reporters have little job security, low salaries, and remain subject to lawsuits, intimidation, and occasional physical attack by those facing media scrutiny” (Freedom House, 2024).

“The challenges to media freedom in Albania are largely structural in nature”, this is the conclusion of the Shadow Report for the Media Freedom in Albania, (Center Science and Innovation for Development, July 2024). As many other previous reports on media freedom in Albania, the Shadow Report underlines serious threats to media freedom in Albania; specifically: “a symbiotic relationship between powerful economic and political vested interests, which might sometimes include organized crime.

Media ownership is highly concentrated among a small number of individuals or family media groups, that often see media as a tool to exert political and economic influence, exerting strong control over reporting, editorial line, and agenda setting.

The quality of media content has deteriorated, with increased self-censorship of journalists and shrinking space for independent, critical, and investigative journalism due to structural issues, working conditions, and pressures” (Shadow Report, 2024).

The structural problems of the Albanian media are not the only one in the region. Across Southeast Europe, the news media are in a state of transition and turmoil. According to Balkan Free Media Initiative Report (2024): “The new European Media Freedom Act is falling short in the Balkans, one of the most challenging environments for media independence in Europe. There are doubts around the will and the ability of national regulators to fully enforce the Act’s provisions. And the Act itself needs

strengthening if Brussels' laudable ambitions for improved media freedom are to be met," the report argues. Given that the EMFA has set the benchmark for media regulation within the bloc, accession countries including Albania, Bosnia & Herzegovina, Montenegro, North Macedonia and Serbia, will have to conform to these standards upon joining the Union (BFMI report, 2024).

In the annual report from the European Commission, (2024), are given the evaluations for the progress Albania has done (or not) so far. According to the European Commission, Albania's progress in the area of the freedom of expression and of the press, remains stagnant, facing obstacles that affect media independence, transparency, safety, and the working conditions of journalists. In the Chapter 25 recommendations, about the Freedom of Expression, European Commission states that: "Albania is between having some level of preparation and a moderate level of preparation in the area of freedom of expression and made no progress during the reporting period.

Media independence and pluralism continued to be affected by the high market concentration, the overlap of business and political interests, the lack of transparency of financing sources, the high concentration of media ownership, intimidation and precarious working conditions for journalists". The lack of progress in implementing the European Freedom act is highlighted in this report. According the EU Commission, no progress was made in aligning the legislative framework with the EU acquis and European standards,

including the Media Freedom Act. Similarly, there was no progress in addressing major challenges hampering media independence, in particular high market concentration and the transparency of media ownership, financing sources and economic interests, including public funding. The civil law provisions on publishing fraudulent or inaccurate information need to be aligned with European standards. The Criminal Code does not provide for special protection for journalists against violence, attacks or threats while exercising their profession (European Commission, October 2024).

Free speech and media independence are crucial for a healthy, democratic community, as European Union claims to be. The new Media Freedom Act aims to protect journalists from political and economic pressure, regulating the market and ensuring media independence. But, there is a great risk of failure for the European Media Freedom Act to secure comprehensive protection for journalists or safeguard freedom of speech and press in Europe. A large number of organizations that protect the freedom of speech, have expressed deep concern over this act, in particular: “The Article 4 would allow Member States to spy on journalists if this was deemed necessary in the name of protecting national security; and Article 17 may pose a risk to the principles of democratic discourse” (EPD, CdM, 2023).

All the international reports, indexes and studies, speak for a politically and economically captured media in Albania. Press freedom and media independence are threatened by conflicts of interest between the business and political worlds, a flawed legal framework and partisan regulation. Politicians limit editorial independence by politicizing media regulators and by appointing those in charge of the public media. The quality of media content has deteriorated, with increased self-censorship of journalists and shrinking space for independent, critical, and investigative journalism due to structural issues, working conditions, and pressures (RWB, CSID, 2024). According the EU Commission Report, Albania has made no progress in aligning the legislative framework with the EU acquis and European standards, including the Media Freedom Act (EC, 2024). There is an urgent need to create a positive environment for the journalists and

small media owners to flourish, in order to fight against the monopolization of media ownership, strengthening the legal framework that regulate media independence and free speech in Albania.

Is the European media a good model to follow? A controversial and deeply concerning event happening in Germany was a wakeup call about free speech and law enforcement. German authorities raided homes in a coordinated crackdown, looking for people suspected of posting hate speech online (CBS News, February 2025). A CBS 60 Minutes segment has made waves in the public opinion internationally, because of the extent to which Germany polices speech and the casual disregard the prosecutors interviewed showed toward freedom of expression (60 Minutes, 2025).

Many global leaders, journalists, politicians, in line with organizations in the field of individual rights and media freedom, are alarmed by the restriction of speech in European countries like England and Germany. FIRE (Foundation for Individual Rights and Expression), concerned about international threats to free expression, has dedicated an article to the events happening in Germany, (60 Minutes and Vice President Vance put Europe’s worrying speech restrictions into the spotlight. February 2025). Citing the author of the article, Sarah McLaughlin: “An American writer living in Germany may be sentenced to years in prison for satirically using a swastika to criticize the country’s COVID policies. Berlin police shut down a pro-Palestinian protest because they couldn’t be sure if Irish protesters were saying something hateful in a foreign language –

better censored than sorry. And what of the arrests of people who share, even unknowingly, a fake quote, because “the accused bears the risk of spreading a false quote without checking it?” (Ibid.)

Meanwhile, according to a negotiating paper obtained by BILD, the potential new coalition in Germany wants "to ban lies" because "disinformation and fake news threaten democracy" (BILD, 2025). If this ‘wish’ will come true, it’s going to be a dangerous precedent for the speech and media freedom not only in Germany, but also in other European countries. Is it healthy for the democracy of a European country, to let politics define ‘what is a lie and what is not’?

In my opinion, any new European framework that aims to protect media freedom and journalist’s independence is a plausible act, but good will is not enough. The new act has to truly guarantee journalists freedom to inform and also the citizens right for free speech. According to many organizations and journalists, there is a need to amend the Article 4 and 17 of the EMFA, in order to ensure the full respect and implementation of all European values, including democracy, freedom of speech and the rule of law in all European Member States and accession countries. Albania, if it’s truly committed to a European future, must guarantee free and independent media and accordingly implement the recommendations of European institutions.

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