

The Impact of EU Media Policies on national frameworks in Albania and the Western Balkans

Armela KRASNIQI

DIRECTOR OF ALBANIAN MEDIA AUTHORITY, AMA

Abstract

This policy review examines the influence of European Union (EU) media policies on the national regulatory frameworks of Albania and the broader Western Balkans region, focusing on the role of the Audiovisual Media Authority (AMA) in Albania. It highlights the alignment of Albanian media legislation with key EU directives, including the Audiovisual Media Services Directive (AVMSD), the Digital Services Act (DSA), the Digital Markets Act (DMA), and the European Media Freedom Act (EMFA). It explores how these EU policies have facilitated the strengthening of AMA's regulatory capacity, ensuring fair competition, media pluralism, and the protection of citizens' rights in the audiovisual sector. The paper also discusses Albania's active participation in EU-level regulatory frameworks, such as the presidency of the Mediterranean Network of Regulatory Authorities (MNRA), the vice-presidency of the European Platform of Regulatory Authorities (EPRA), and its current observer status in the European Regulators Group for Audiovisual Media Services (ERGA). Furthermore, the review examines the impact of EU regulations on the regulation of online platforms, advertising rules, media pluralism and diversity, and the protection of media freedom and journalists. The discussion underscores the challenges and successes in adapting EU media policies to the national context, particularly concerning the regulation of Video Sharing Platforms. The article

concludes that, despite challenges, Albania has made significant strides in aligning its media regulatory framework with EU standards, contributing to its EU integration process.

Keywords: EU Media Policies, Audiovisual Media Authority (AMA), Media Pluralism, Digital Services Act (DSA), European Media Freedom Act (EMFA)

Introduction

The European Union (EU) media policies influence on national frameworks has been significant in shaping the way AMA fulfills its regulatory role for audio and audiovisual media. In recent years, AMA has undertaken a series of legal adjustments in line with EU legislation, including the key Directives transposition, which have also been reflected in our media market.

More specifically and summarized, EU media policies have had an impact on:

1- The EU Standards and Directives Adoption

One of the key areas where EU media policies influence Albania's audiovisual regulatory framework is the alignment with EU directives, such as the Audiovisual Media Services Directive (AVMSD). Other important acts include the Digital Services Act (DSA), the Digital Markets Act (DMA), and the European Media Freedom Act (EMFA).

2- Strengthening the position of regulatory authorities: AMA is responsible for overseeing the implementation of the audio and audiovisual regulatory framework in Albania, ensuring fair competition, media pluralism, and the protection of citizens rights in the audiovisual sector.

3- Collaboration with European partners: As part of the integration process, Albania has been encouraged to participate in EU-level regulatory frameworks and to cooperate with European bodies. In chronological order, in addition to its ongoing participation, AMA has held the presidency of the Mediterranean Network of Regulatory Authorities (MNRA), vice-presidency of the European Platform of Regulatory Authorities (EPRA), and we're currently observers in the European Regulators Group for Audiovisual Media Services (ERGA).

Online Platforms Regulation: EU regulations, including the Digital Services Act (DSA) and the Digital Markets Act (DMA), influence how Albania regulates video sharing platforms, particularly concerning content moderation, consumer protection and competition.

Video Sharing Platforms: The AVMSD rules do not only apply to what is known as traditional media but also to new media, including social media and Video Sharing Platforms.

Advertisements Rules: EU policies on advertising regulation, such as advertising restrictions for children, rules on alcohol advertising, and gambling advertisements have also been implemented in Albania. The legal amendments in 2023 to Law “On Audiovisual Media in the Republic of Albania”, as amended, focused on the Commercial Communications/ Advertisements definition, the rules and restrictions in their broadcasting on audiovisual platforms and Video Sharing Platforms.

Media Pluralism and Diversity: EU policies promote media pluralism and diversity, emphasizing the importance of a diverse media landscape that ensures a free and independent media. This has assigned specific responsibilities to AMA, which has meanwhile fulfilled its role as a driving force in the audience measurement process and has achieved Albanian audio and audiovisual media ownership transparency.

Media Freedom and Journalists Protection: The EU media policies strongly emphasize media freedom and journalists protection. AMA is part of the inter-institutional group that focuses on protecting journalists while they exercise their profession.

These were the summarized impacts on some of the main pillars where AMA’s work is based. It should be noted that the EU has developed and adopted a series of important Acts and continues to be engaged, always in line with the challenges presented by the media market and, consequently, the regulatory one, in front of changes driven by technological development. Naturally, adapting to these acts and legal regulations, for countries like Albania or the Western Balkan countries that are seeking EU membership, does present challenges, such as those related to the Video Sharing Platforms regulation. However, it should be stated that step by step, the implementation of these acts and directives has been fully successful.

Before I specifically explain the European legal framework effects on the Albanian one, and then on the Western Balkans countries, I must first address the specific legal framework of the European Union for the Media:

1. **Audiovisual Media Services Directive (AVMSD)** - Establish standards for audiovisual content, protection of minors, prohibiting hate speech, institutional and television advertisements, editorial independence, as well as protecting and promoting European works.
2. **Media Freedom and the Fight against Disinformation (EMFA/2023)** - It strengthens media independence and provides protection for journalists.

3. **Digital Services Act (DSA) and Digital Markets Act (DMA)** - are two EU laws that regulate **Very Large Online Platforms (VLOPs)**, including social media and Video Sharing Platforms.

DSA focuses on:

- **Fighting illegal content**
- **Protecting user data** and fair advertising;
- **Algorithms transparency obligations** and content moderation.

DMA aims to limit the **big tech monopolies** (Google, Meta, Amazon, Apple) by increasing competition in the digital market.

4. **Action Plan for the European Democracy**
 - Approved in December 2020 and its objective is strengthening electoral integrity, media protection, fighting disinformation.
5. **Code of Practice on Disinformation** has as its objective the collaboration with platforms to limit disinformation, especially during elections and health crises.

These five important aspects of European acts have been aligned and adapted to Albanian legislation, not only as a simple transposition but also as the AMA's regulatory work adoption, in front of the challenges posed by technology in this regard.

Specifically, there are several areas that have been affected by these changes.

- Regarding the national framework, we are referring to Law No. 97/2013 "On Audiovisual Media in the Republic of Albania", as amended.

The changes mentioned above include:

1. **The concept of Video Sharing Platforms**, establishing certain standards regarding the protection of individual rights, reporting obligations, and the advertising content regulation.
2. **The concept of co-regulation and self-regulation** in the codes of conduct development, which define the standards and practices to be respected by Media Service Providers offering audio and audiovisual media content.
3. **Media Literacy** as an important part of knowledge and understanding, enabling the public to use audio and audiovisual content safely and effectively.
4. **Media ownership transparency**, which includes the obligation for audiovisual media service providers to make the information regarding their ownership structure, including beneficial owners public.

These amendments to AMA's organic law have been accompanied by a series of important bylaws:

- **Regulation “On the criteria and procedures for reviewing changes in the ownership structure and the transparency of data related to the ownership of OSHMAs”**, approved In April 2024, with Decision No. 40.
- **Regulation “On the Special Requirements for Video Sharing Platforms Providers”** approved in December 2024 with Decision No. 128, dated 23.12.2024
- **Broadcasting Code for audiovisual media and Video Sharing Platforms**, approved by AMA in July 2023, as amended in November 2024 with Decision No. 107

The Albanian legislation alignment with that of the EU has, naturally faced us with new and unfamiliar challenges. I believe this is true for every country and regulatory subject, regardless of whether they are within or outside the official borders of the European Union, the Mediterranean region, or the Balkans. Below, I will provide a comparative overview of our legal amendments in relation to the respective European framework.

Video Sharing Platforms

The legal basis for the regulation of Video Sharing Platforms is AMA's organic law and the Digital Services Act (DSA). In the amended Law No. 97/2013, Article 32 defines the video sharing service providers obligation to ensure that the content complies with national and international rules, particularly concerning the protection of minors and the avoidance of illegal content.

In conclusion: Both acts emphasize the importance of illegal content and the protection of minors, requiring platforms to implement measures to ensure that the shared content complies with applicable laws and standards.

Protection of Minors and Harmful Content

The Article 32/1 of Law No. 97/2013, as amended, sets out detailed obligations regarding the content moderation that is shared through platforms, with the aim of protecting minors from harmful content, while requiring measures for the filtering and removal of content that may pose a risk to them.

This amendment to Albanian legislation corresponds to Articles 12 and 13 of the Digital Services Act (DSA)

In conclusion: Both acts require measures for the protection of minors, requiring platforms to implement content moderation policies that meet the user safety requirements.

Data Usage and Advertising

Article 32/1, Point 2 states that children's personal data, collected or generated by audiovisual media service providers, shall not be processed for commercial purposes, such as direct marketing, profiling, and behavior-based advertising, or for any other reason. The protection of children's data is also provided to Article 11 of the Regulation, "On the specific requirements that Video Sharing Platform providers must meet to create and offer transparent, effective, and user-friendly systems". Articles 15 and 16 of DSA require platforms to provide transparency regarding how personal data is used, as well as users options to control and revoke consent for the use of their personal data.

In conclusion: Both acts require full transparency regarding the use of personal data and the use of information for advertising purposes, clearly stating that the use of data for targeted advertising, especially for minors, is limited and prohibited.

Reporting and Transparency

In Article 32/2, Point 4 of AMA's Law, it's stated that the Authority defines, through regulations, the specific requirements that Video Sharing Platform providers must meet for the creation and operation of transparent, effective, and user-friendly systems. Meanwhile, Article 15 of DSA requires that sharing platforms publish detailed annual reports on content moderation, explaining their moderation practices and the use of algorithms to manage content.

In conclusion: Both acts require regular reporting and transparency regarding content management and moderation practices, with a particular emphasis on publishing information that enables monitoring and control by authorities and users.

We distinguish: In the Article 16 of the DSA places a particular focus on the "Notice and Action". This process must be clear, swift, and fair for all users. In the Albanian Law has generally implemented a **notice and action** system through the Regulation, "On the specific requirements that Video Sharing Platform providers must meet for the creation and provision of transparent, effective, and user-friendly systems". "*Notice and action*" aims to guarantee that illegal content is removed from platforms promptly and efficiently, while enabling individuals to report violations without facing legal or technological barriers.

In conclusion, we can say that: From a detailed analysis of Law No. 97/2013, as amended, and the Digital Services Act (DSA), we can conclude that both acts provide protective measures for minors, illegal content, and the use of personal data. However, DSA is more detailed and includes advanced technological measures and automated systems for content moderation, while the Albanian Law is more focused on preventive measures and manual content control.

Media ownership transparency

Article 5 of Directive 2018/1808 of the European Parliament and the Council, sets out provisions concerning media ownership transparency. Specifically, the Directive requires that media service providers make accessible to service recipients information related to their ownership structure, including beneficial owners.

Further to the above, and with the aim of full alignment with EU Directive 2018/1808, in the Law “On Audiovisual Media in the Republic of Albania”, as amended, was added point 1/1 to Article 32, which establishes the audiovisual media service providers obligation to make public the information regarding their ownership structure, including the beneficial owners. According to EMFA, provisions are also foreseen regarding the assurance of an even higher level of media ownership structures transparency.

Further to the above, AMA, in April 2024, by Decision has approved the Regulation “*On the criteria and procedures for reviewing changes in the ownership structure and the transparency of data related to the ownership of OSHMAs*”. With the approval of the regulation and the creation of database containing, the ownership structure data of audio and audiovisual media, including final beneficiary, is fulfilled

Media Literacy

Article 2, point 21 of EMFA also provides a definition of Media Literacy. Also, Article 3 on Definitions, specifically Article 6/1 of Law no. 97/2013, as amended, provides the Media Literacy definition, according to which, “Media Literacy refers to the skills, knowledge, and understanding that allows individuals to use in a safe and effective way the contents of audiovisual media services”. This is an ongoing process in AMAs work.

The European Media Freedom Act (EMFA) is a legislative package proposed by the European Commission, aimed at protecting and promoting media freedom and pluralism within the European Union (EU).

EMFA's implementation within the Albanian legal framework is related to:

Audience Measurement

The Audience Measurement definition is stated **by EMFA** and should cover measurement systems developed in accordance with agreed standards by the industries, within self-regulatory frameworks such as Joint Industry Committees, as well as measurement systems developed outside of self-regulatory approaches.

To enable institutional-level Audience Measurement, AMA has undertaken several initiatives, including roundtable discussions with audiovisual media service providers and marketing agencies operating in the country, the promotion of best practices implemented in EU and regional countries, and the facilitation of the process that has so far resulted in the Joint Industry Committee (JIC) establishment, based on this formula: three national television broadcasters, ART, three regional broadcasters, and one marketing/advertising agency.

Regulator Independence

The media regulator independence is explicitly stated in Article 30 of Directive 2018/1808 of the European Parliament and the Council. In regard to this provision, the legal guarantees and safeguards established by Law "On Audiovisual Media in the Republic of Albania", as amended, are consistent with the AVMSD requirements, specifically, **Chapter II of the law** ensures the Authority's full and clear independence.

Institutional Advertising

According to the European Media Freedom Act (EMFA), state advertising should be understood in a broad sense as the inclusion of promotional or self-promotional activities, public announcements, or informational campaigns undertaken by/for or on behalf of a wide range of authorities or public entities, including governments, regulatory authorities, or bodies and entities controlled by governments.

As for the Albanian legislation, I can state that Article 40 of Law No. 97/2013, as amended, provides definitions of the types of advertising and broadcasting.

Editorial Independence

The Article 6 of EMFA states that media service providers must ensure that editorial decisions are made freely within the editorial line, without external influences.

Media Pluralism

Media pluralism is another important point addressed in EMFA, in the Article 21, 22 and in the Definition 64. This is in general terms. Specifically, regarding the EU legal framework in the media field and its integration by the Western Balkan countries, the following points are worth highlighting:

North Macedonia

North Macedonia has aligned its national legislation with the Audiovisual Media Services Directive (AVMSD) by amending the Broadcasting Law. These amendments focus on ensuring a balanced and fair media landscape, setting limits on political advertising during election periods, and strengthening the independence of regulatory bodies like the Agency for Audio and Audiovisual Media Services (AVMS). North Macedonia introduced the Law on Personal Data Protection (2019) in line with the EU General Data Protection Regulation (GDPR). This law regulates how media organizations must handle personal data and ensures that citizens' privacy rights are protected when media outlets collect or share personal information.

Serbia

Serbia has aligned its national legislation with the Audiovisual Media Services Directive (AVMSD) by making amendments on Law on Electronic Media, focusing on ensuring fairness in the media, particularly in areas such as political pluralism, media independence, and the regulation of advertising. The law also addresses issues like the protection of minors and consumer protection in audiovisual services. Serbia's Law on Public Information and Media (2014, amended), is aligned with EU policies including provisions related to the protection of journalistic freedoms and media pluralism. The law aims to create an environment where media can operate independently and free from undue political or economic pressures.

Bosnia and Herzegovina

Bosnia and Herzegovina has aligned its national legislation with the EU Directive on Copyright in the Digital Single Market by adopting a Copyright Law (2019) that aligns with this EU Directive. This reform is designed to protect the rights

of creators and adapt copyright rules to digital platforms. The law ensures proper regulation of online platforms that host user-generated content. Bosnia and Herzegovina's Communications Regulatory Agency (CRA) regulates broadcasting activities in line with EU policies. It oversees audiovisual media services, ensuring that broadcast content is in compliance with EU standards related to media pluralism, advertising, and consumer protection.

Kosovo

Kosovo has aligned its national legislation with the EU Directive on Copyright in the Digital Single Market (2019) by implementing its Copyright and Related Rights Law (2018), which includes provisions aligning with EU standards on the protection of intellectual property in digital media, including digital platforms and online content. In compliance with EU Directives that encourage the creation of independent regulatory authorities to monitor media markets, ensure fairness, and regulate broadcasting activities, Kosovo has an independent regulatory authority, the Independent Media Commission (IMC), which oversees media content and ensures that broadcasters comply with regulations set by the Law on Audio-Visual Media Services. The IMC's role includes ensuring that broadcasters adhere to EU-style standards on content diversity, advertising, and neutrality.

Montenegro

Montenegro amended its Law on Media to strengthen press freedom and ensure media pluralism in line with EU recommendations. The country has introduced measures to reduce political influence over the media and ensure transparency in media ownership.

These examples show how Albania and the Western Balkans are aligning their media legislation with EU directives as part of their accession process, with significant reforms in areas such as media regulation, copyright, press freedom, data protection, and broadcasting. These efforts have been reflected not only through the adaptation of the legal framework - such as the Audiovisual Media Services Directive (AVMSD), DSA, EMFA, including the Digital Markets Act (DMA) - but have also been accompanied by concrete measures, tasks that have been completed and implemented for the further regulation of the audio and audiovisual media market.