

Research Article | Araştırma Makalesi

# Media Ownership Concentration and Pluralism in the European Union: An Assessment within the Framework of EMFA

## Avrupa Birliği'nin Ortak Medya Politikası Oluşturmaya Yönelik Yasal Düzenlemeleri: Avrupa Medya Özgürlüğü Yasası (EMFA)



Vedat ÇAKIR (Prof. Dr.)  
Selçuk University, Faculty of Communication  
Konya/Türkiye  
vedatcakir@selcuk.edu.tr



Canan ÖZCAN (PhD Student)  
Selçuk University, Institute of Social Sciences  
Konya/Türkiye  
canandoner@outlook.com.tr

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### Abstract

Media ownership concentration threatens media freedom and pluralism by enabling economic and political influence over editorial decisions and information flow. Regulatory differences among EU member states cause legal uncertainty, especially for cross-border media activities, hindering the internal media market. To tackle this, the European Media Freedom Act (EMFA) establishes a regulatory framework to strengthen media pluralism, editorial independence, and ownership transparency. This study uses qualitative methods, including literature review and document analysis, to assess how EMFA addresses ownership concentration and its impact on media pluralism in the EU, with focus on Turkey's alignment with EU regulations. Findings reveal EMFA's key innovations: mandatory transparency, protections against political interference, and fair state advertising allocation. The European Board for Media Services' creation marks a key institutional advance. However, limitations exist, notably the advisory nature of some rules and lack of binding enforcement, which may reduce long-term effectiveness. These raise questions about EMFA's ability to ensure consistent application across member states and maintain sustainable media pluralism in a digitalized environment.

**Keywords:** EU, Media Pluralism, Concentration In Media, Regulation, EMFA.

### Öz

Avrupa Birliği'nin pek çok alanda bütünleşme çabaları devam etmektedir. Özellikle birliğin iç pazarında medya hizmetleri önemli bir rol oynamaktadır. Medya alanında iç pazarda bütünleşmeyi sağlamak ve medya çoğulculuğunu ve medyanın özgürlüğünü korumak amacıyla Avrupa Medya Özgürlüğü Yasası (EMFA) 7 Mayıs 2024'te yürürlüğe girmiştir. Çalışma, nitel araştırma yöntemlerinden belgesel tarama ve yasal metin analizi teknikleri ile gerçekleştirilmiştir; AB'nin medya politikaları, EMFA'nın içeriği ve ilgili düzenleyici çerçeve detaylı biçimde değerlendirilmiştir. Ayrıca, Avrupa Birliği'nde medya yoğunlaşmasına dair kurumsal ve hukuki yaklaşımlar ile bu düzenlemelerin medya çoğulculuğu üzerindeki olası etkileri karşılaştırmalı olarak analiz edilmiştir. Elde edilen bulgular, EMFA'nın medya sahipliği şeffaflığını artırma, kamu yayıncılığı üzerinde siyasi etkileri sınırlama ve ulusal düzenleyici otoriteler arasında iş birliğini güçlendirme yönünde önemli hükümler içerdiğini göstermektedir. Ancak, yasanın yaptırım gücünden yoksun oluşu, medya bağımsızlığına yönelik ihlaller karşısında caydırıcılığını sınırlamaktadır. Bu çalışma, EMFA'yı Türkçe literatürde sistematik biçimde ele alan ilk akademik analizlerden biri olması açısından orijinal bir katkı sunmakta; AB'nin medya özgürlüğü politikalarına ilişkin güncel bir değerlendirme yaparak medya hukuku ve demokratikleşme literatürüne kuramsal ve uygulamalı bir çerçeve kazandırmaktadır.

**Anahtar Kelimeler:** AB, Medyada Çoğulculuk, Medyada Yoğunlaşma, Düzenlemeler, EMFA.



## Introduction

The European Union's (EU) efforts to regulate the media sector originated in the 1980s, a period marked by the decline of state control over broadcasting, the expansion of commercial television, and the increasing circulation of American audiovisual productions across Europe. In response to these developments, the EU sought to establish an effective European cultural market capable of counterbalancing external dominance. By the late 1980s, EU decision-making bodies had adopted a more nuanced approach to media regulation, emphasizing both economic integration and cultural protection. Early initiatives, such as the 1984 Green Paper, culminated in the adoption of the Television Without Frontiers Directive in 1989, which laid the foundations for cross-border television broadcasting within Europe. During this period, the Council of Europe also played a significant role in shaping European media policy through its Rhodes, Madrid, and Strasbourg declarations, which highlighted unrestricted European television, technological compatibility, and the protection of cultural diversity as core principles. In 1992, as part of its single market strategy, the EU formalized a media policy based on three main pillars: the free movement of television programmes, support for audiovisual production and distribution, and the development of new technologies while preserving cultural diversity (Tekinalp, 2003). The Television Without Frontiers Directive was revised in 1997 and later replaced by the Audiovisual Media Services Directive (AVMSD) in 2007, reflecting the transformation of broadcasting activities and the emergence of new audiovisual services. Although the AVMSD addressed media pluralism and acknowledged the issue of ownership concentration, earlier regulatory frameworks largely lacked comprehensive and binding mechanisms to address structural problems related to media ownership and editorial independence.

Within this regulatory context, the EU increasingly emphasized the promotion of media pluralism, the preservation of cultural and linguistic diversity, the support of European audiovisual works, and the protection of consumers and personal data. Media freedom and pluralism have been recognized as essential components of democratic governance, closely linked to the principles of freedom of expression and the right to access information. These principles are firmly embedded in European human rights instruments, including Article 10 of the European Convention on Human Rights and Article 11 of the Charter of Fundamental Rights of the EU, which underline the EU's responsibility to safeguard freedom of information, expression, and media pluralism (Demirbilek, 2011). Despite successive attempts to harmonize audiovisual regulation at the EU level, full integration of the internal media market has remained elusive. The limited scope of previous directives, combined with persistent national differences in regulatory traditions, has hindered the establishment of a unified media framework. Variations in national rules concerning media pluralism, editorial independence, and market regulation, as well as insufficient cooperation between national regulatory authorities, have continued to pose obstacles to cross-border media activity and market expansion.

Against this background, EMFA represents the most comprehensive and binding attempt by the EU to address long-standing structural problems related to media pluralism, ownership concentration, and editorial independence at the Union level. This study fills a significant gap in the existing literature by providing the first comprehensive policy-oriented and critical analysis of EMFA, highlighting its distinctive regulatory innovations compared to previous EU media frameworks. In particular, the regulation's binding provisions on ownership transparency, protection from political interference, and

oversight of digital intermediaries mark a clear departure from earlier directives, thereby enhancing the EU's capacity to safeguard media pluralism and editorial independence in the contemporary digital media landscape.

The main research question guiding this study is how EMFA reshapes the EU's approach to media pluralism and media ownership compared to previous regulatory frameworks. By analysing EMFA's core provisions alongside existing EU media policies, this article aims to contribute to communication and media studies literature by providing a policy-oriented and critical assessment of the EU's most recent and comprehensive media regulation. In this context, the article briefly examines the indirect and normative implications of EU-level media regulations for national legal systems, with particular reference to Turkish media law, highlighting the broader cross-border relevance of EMFA as a regulatory reference framework beyond EU Member States.

### **Methodology**

This study is designed as a qualitative inquiry that examines debates on media concentration, media pluralism, and media freedom within the regulatory framework of the EU. It employs a qualitative thematic document analysis approach, combining literature review and document analysis methods to provide a comprehensive understanding of the EMFA.

The documents examined in the study were selected in direct relation to the main sections of the article. Document selection was guided by three key criteria: legal binding force, institutional structure, and regulatory capacity. In the sections focusing on the EMFA, the full text of the EMFA was analyzed as the primary object of analysis; additionally, previous EU regulations—namely the Television Without Frontiers Directive and the AVMSD—were examined within a comparative framework. This approach enables the identification of the ways in which the EMFA departs from previous EU regulations concerning media freedom and pluralism.

The analysis was conducted using a qualitative thematic document analysis method. Documents were examined in line with themes determined in accordance with the theoretical and analytical framework of the article. These themes were structured as media concentration and its risks, media pluralism, media freedom, editorial independence, and regulatory mechanisms. Under the heading "Media Freedom, Pluralism, and Regulatory Mechanisms under EMFA," the regulatory provisions introduced by the EMFA were systematically analysed and discussed within this thematic framework, with reference to specific regulatory articles.

In the section titled "Turkish Media Law and the EMFA: An Analytical Overview of Regulatory Developments and EU Alignment," the indirect and normative effects of EU media regulations on national legal systems are addressed at the level of discussion. This section is included in the analysis to demonstrate the cross-border effects of EU media policies and to illustrate how EMFA functions as a reference framework not only for EU Member States but also for candidate and third countries.

In conclusion, the study does not aim to produce empirical findings regarding the implementation of EMFA; rather, it offers an early-stage regulatory analysis that discusses the conceptual foundations, legal innovations, and position of the regulation within EU media policy. A key limitation of this methodological approach is that the long-term effects of EMFA and its practical outcomes at the national level have not yet become

observable. Accordingly, the study aims to establish a conceptual and regulatory basis for future empirical and country-based research.

### **Media Concentration and Its Challenges**

The term “concentration” refers to the situation in which ownership is held by one or more entities. In the context of media, concentration denotes the partnerships and consolidations established among media owners. Media pluralism, in contrast, involves the distribution of ownership among multiple entities, whereas concentration occurs when a small number of national or international organizations control a significant portion of the capital of media outlets that have political or social influence within a country (Iglezakis, 2023). The key distinction between concentration and monopolization lies in the scope of control, encompassing ownership, audience reach, profits, ideology, and political influence. Concentration within the media poses significant challenges, particularly with regard to the public’s right to access diverse information and news (Ataş, 2018).

Advances in communication technologies and the liberalization of trade have enabled the simultaneous use of various media platforms such as newspapers, the Internet, radio, and television. This technological and economic shift has led to a significant restructuring of the media landscape in Europe through mergers and acquisitions. Companies operating across multiple sectors have sought to expand their dominance via foreign investments, product diversification, and strategic differentiation. Consequently, media organizations have developed increasingly complex ownership structures (Demirbilek, 2011).

The immense power held by media owners today exacerbates these challenges, especially when these owners also control significant sectors outside the media industry. This dual ownership creates opportunities for unethical relationships with political authorities. Media owners may exploit their media power for economic or political gain, while political actors might engage in illicit practices to regulate or control the media for their own benefit. These dynamics raise serious ethical concerns, as media concentration combined with influence from non-media sectors facilitates practices that undermine integrity and democratic processes (Özgöker et al., 2016). Furthermore, the globalization of media and the lack of comprehensive regulatory safeguards intensify such concentration tendencies (Trappel & Meier, 2022).

Media concentration is widely recognized as one of the most critical obstacles to achieving a pluralistic media environment (Çakır & Gülnar, 2007). As the economic appeal of the media sector has grown, capital owners have increasingly prioritized profit maximization. The broader the audience reached by media content, the greater its economic return. This commercial focus disadvantages smaller media enterprises, which are essential for media pluralism. Due to the high costs associated with maintaining and operating media outlets, small-scale enterprises often struggle to compete, are pushed out of the market, or resort to producing commercially viable popular content. This trend undermines media pluralism by gradually diminishing small, independent voices (Kayış, 2019).

The societal, economic, and political conditions created by these factors driving media owners toward expansion and concentration have, in turn, provided states with an environment conducive to regulating and controlling the media sector (Demirbilek, 2011). However, according to Article 151 of the EU Founding Treaty, media-related regulations are limited, and the enforcement of common rules regarding media services among

member states is not mandated. In other words, media regulations remain largely within the discretion of member states. Accordingly, the Union primarily supports collective efforts to preserve linguistic and cultural diversity, while granting member states the right to implement their own measures (Kihdir, 2012).

Interpretations of media concentration and the regulatory responses to it vary across EU member states in terms of their approach to media pluralism. While some member states evaluate concentration primarily through competition law frameworks, others adopt specific regulations to address pluralism concerns arising from concentration. These regulatory approaches differ significantly: in some countries, all media activities are assessed regardless of thresholds, whereas in others, concentration is considered only when certain limits are exceeded or criteria met. This lack of harmonization among member states creates legal uncertainty for media companies operating across borders, resulting in economic and administrative burdens that negatively affect competition within the internal media market.

To prevent media ownership from concentrating in the hands of a few and to mitigate social and economic issues arising from such concentration, media markets are predominantly regulated through competition-based rules and authorized regulatory institutions established via specific legislative measures. With media ownership acquiring an international dimension, and concentration having cultural and economic implications that affect all EU member states, the EU has been compelled to undertake preventive regulations and initiatives to address these challenges (Demirbilek, 2011).

Since the publication of the Green Paper, the EU's approach to media concentration has largely focused on deregulation, aiming to subject media services to competition-based rules. Within this framework, the primary goal of transmission regulation has been to promote deregulation and maximize competition. Nevertheless, differences remain in the regulation of transmission methods—such as cable, satellite, and terrestrial broadcasting—and in media content. Despite these efforts, no specific EU regulation targeting media concentration exists. Instead, the issue is addressed within the broader framework of EU law, competition law, and media law, with various court rulings providing guidance on concentration-related matters within the media sector (Avşar, 2004).

### **The Concept of Media Pluralism**

Pluralism, at its core, represents inclusivity. More specifically, it denotes the ability of individuals, political or intellectual communities, and organizations within the public sphere to freely express and share their ideas and emotions without fear of pressure or threat, thereby fostering open debate. In this context, every state holds the responsibility to ensure pluralism, which plays a pivotal role in societal emancipation (Ataş, 2018). Media pluralism as a principle is also recognized and protected by the EU (Avşar, 2004). However, although media freedom and pluralism are enshrined in the Charter of Fundamental Rights of the EU, the founding treaties do not grant the EU direct authority to legislate or enforce media pluralism. Moreover, due to divergent political and cultural policies among member states, a unified legal framework for promoting and safeguarding media pluralism at the EU level remains unachieved. As a result, the EU primarily relies on competition law and the AVMSD to support media pluralism. However, competition law's focus on market dynamics does not directly advance pluralism, while provisions in the AVMSD, though intended to support pluralism, have limited effectiveness because their application depends heavily on member states' discretion. Consequently, measures

to promote media pluralism are implemented through non-binding tools such as the Media Pluralism Monitor, parliamentary reports, recommendations, and academic studies (Sayar, 2021).

Efforts to foster pluralism and curb media concentration have been significantly propelled by civil society organizations, alongside press associations and advocacy groups. Key initiatives include the Green Papers of 1992 and 1994 and the efforts spearheaded by Commissioner Mario Monti. Another important milestone was the “Reading-Wallström 3-Step Approach” introduced at the 2005 Liverpool Audiovisual Conference. This approach entailed the EU Commission publishing a working paper that outlined its stance on media concentration and reviewed member states’ media market regulations. The paper emphasized the critical role of European competition law in addressing media concentration while acknowledging member states’ legislative responsibilities. It highlighted that restricting media concentration alone does not guarantee pluralism, underscoring the importance of geographic and cultural diversity. Market share distribution was identified as another significant factor influencing concentration. Although concentration is inherent in smaller markets, safeguarding freedom of expression and editorial independence remains essential. The working paper also discussed cross-border media concentration fueled by international competition. In response to concerns that global investment trends might harm local media, the Commission asserted that, provided editorial independence is preserved, such trends may foster cultural diversity and support pluralism. The vital role of public service broadcasting in maintaining a pluralistic media environment was also emphasized. Public broadcasters, driven by public service principles, are indispensable for ensuring media market diversity (Demirbilek, 2011).

The independence of public service media providers is crucial, particularly for delivering impartial, independent, and high-quality information during elections. However, due to institutional proximity to governments and reliance on public funding, public service media providers are more vulnerable to political intervention compared to other media outlets. Often funded by public resources, public broadcasters tend to align their activities with governmental political agendas while informing the public (Avşar, 2004). Consequently, public service media can become tools for disseminating state-dominant ideologies, contradicting the fundamental essence of public broadcasting. Despite this, public broadcasting remains essential for fostering a pluralistic media environment. In an era where media increasingly functions as an ideological instrument, public broadcasters must adopt a public-interest-oriented approach to protect societal interests. Nevertheless, public broadcasting poses challenges not only in Europe but globally (Kayış, 2019). The EU, similarly to its stance on media concentration, delegates the regulation of public broadcasting to member states, resulting in varied interpretations and implementations across the Union (Çakır & Gülnar, 2007).

The EU primarily entrusts member states with determining media ownership limits, setting upper bounds for media service providers, and adopting measures to prevent concentration in mass communication tools (Özel, 2011). Member states continue to legislate on media ownership and implement anti-concentration measures to safeguard pluralism and diversity. Strengthening public service broadcasting constitutes one such effort. While the creation of a pluralistic media landscape is widely supported, no binding international decisions exist beyond promoting public broadcasting. The prevailing consensus holds that media pluralism in the public interest can be achieved through a

combination of competition law, media ownership regulations, and complementary measures. However, competition law alone cannot guarantee media pluralism, as its primary concern is profit-driven market dynamics. Likewise, media ownership regulations, by themselves, are insufficient to ensure and sustain pluralism (Avşar, 2004). Despite widespread recognition of issues surrounding media concentration and pluralism within the EU, no binding legislation has been enacted beyond advancing public broadcasting; the EU has not introduced specific regulations targeting concentration and pluralism (Ataş, 2018).

Technological convergence has substantially affected the regulatory landscape regarding media freedom and pluralism in Europe, thereby underscoring the urgent need to protect media freedom in the digital age. This reality highlights the growing demand for new EU-level regulations to ensure that media freedom remains applicable and desirable in the digital era (Wójcik, 2023). Effectively addressing media pluralism requires consideration of several key factors. First, the media environment is now far more diverse than in the past. The emergence of social media and structural shifts in the media market have increased the importance of safeguarding the principle of media pluralism across new platforms (Iglezakis, 2023).

### **The European Media Freedom Act**

EU, within the framework of its audiovisual media policies, aims to create a unified European market that facilitates the free circulation of media services and products while ensuring fair commercial principles (Keskin, 2016). Although the AVMSD harmonized certain aspects of media services in the internal market, its limited scope—particularly its exclusion of radio and print media—has impeded comprehensive media integration. To strengthen these efforts, the EMFA, which came into force on May 7, 2024, builds upon and expands the AVMSD by providing a more comprehensive legal framework designed to safeguard media freedom, pluralism, and the effective functioning of the internal media market (Wójcik, 2023).

Structurally, EMFA is organized into four chapters comprising 29 articles. The first chapter defines the scope of the law and sets out provisional measures. The second chapter elaborates on the rights and obligations of media service providers and users, ensuring transparency and editorial independence. The third chapter establishes provisions regarding independent regulatory authorities, including the newly created European Board for Media Services, and addresses regulatory cooperation, market functioning, and resource allocation. The final chapter contains the law's concluding provisions. This clear and coherent structure provides an effective framework to address the multifaceted challenges of media regulation across EU member states.

The primary objective of EMFA is to guarantee the smooth functioning of media services within the EU's internal market by protecting editorial independence and promoting media pluralism. To achieve this, EMFA prohibits a range of practices detrimental to media freedom, such as coercing journalists and editors to reveal sources, unauthorized use of spyware against journalists (except under exceptional circumstances), politically motivated managerial appointments or dismissals that undermine editorial autonomy, and the misuse of public media services through state advertising for political ends. Furthermore, media organizations are mandated to disclose state aid, ownership structures, and revenue sources transparently, thereby reinforcing accountability and mitigating undue political influence.

The EMFA adopts a broad and functional definition of media services that extends beyond traditional television and radio broadcasting. Article 2 defines media services, in line with Articles 56 and 57 of the Treaty on the Functioning of the EU, as services whose principal purpose consists in providing programmes or press publications to the general public under the editorial responsibility of a media service provider, by any means, for purposes of information, entertainment, or education. This definition encompasses not only audiovisual media services, including on-demand services, but also press publications, thereby reflecting the structural transformation of the contemporary media landscape.

While the Regulation does not categorise video-sharing platforms or very large online platforms (VLOPs) as media service providers, it explicitly recognises their systemic role in the dissemination and accessibility of media content. By incorporating these actors into its regulatory framework through specific definitions, the EMFA acknowledges the growing influence of digital intermediaries in shaping media visibility and pluralism, without conflating their function with editorial responsibility (Eskens, 2024).

Furthermore, the EMFA introduces a comprehensive regulatory approach to audience measurement systems, which play an increasingly central role in advertising allocation and content distribution. By distinguishing between industry-standard and proprietary audience measurement practices, the Regulation aims to enhance transparency, impartiality, and verifiability in media metrics, thereby strengthening trust, accountability, and fairness within the media market (Van Drunen et al., 2023).

Article 5 obliges Member States to guarantee the editorial and functional independence of public service media providers from political authorities and other external influences, in accordance with EU legal standards and the AVMSD. Complementing this safeguard, Article 21 requires Member States to assess the impact of state actions on media freedom and pluralism and to apply the principles of transparency, non-discrimination, and proportionality in all legislative, regulatory, and administrative measures affecting media service providers. This multi-layered regulatory approach is designed to protect editorial independence and to limit governmental interference in media operations (Van Drunen et al., 2023).

While Article 5 focuses on the independence of public service media, Article 7 addresses the institutional autonomy of national media regulatory authorities. Further provisions, notably Articles 20, 21, and 24, introduce additional mechanisms aimed at fostering media pluralism, mitigating structural risks such as excessive media concentration, and enhancing transparency in areas including state intervention and audience measurement. Taken together, these mechanisms seek to address longstanding structural threats to media freedom and pluralism. Nevertheless, the practical impact of Article 7 on Member State governments remains limited, rendering some of its provisions largely symbolic in nature (Wójcik, 2023).

Transparency in media ownership is a critical concern addressed by EMFA. Member states must ensure the establishment of comprehensive databases detailing media ownership, including any direct or indirect state affiliations. Media organizations from non-EU countries receiving state advertising or financial support are subject to reporting obligations, reinforcing transparency across borders. In instances where media concentration threatens the internal market's stability, national regulatory authorities must consult the European Board for Media Services, which in turn advises the European

Commission. This consultative process aims to uphold media pluralism and prevent the dominance of a few entities within the market (Razzante, 2023; Wójcik, 2023).

The rights and obligations of media service providers and recipients are clearly delineated within EMFA. Providers are required to operate transparently, impartially, and in a manner respectful of media pluralism, cultural and linguistic diversity, consumer protection, accessibility, and non-discrimination. Correspondingly, member states must ensure that media recipients have access to diverse, editorially independent content and that the necessary conditions exist to protect these rights, fostering a free and democratic public discourse. The Act underscores the importance of editorial independence as foundational to maintaining trust and professionalism in the media environment, particularly in the increasingly digital and cross-border context of the EU's media landscape.

Taking into account the digital transformation of media consumption, the EMFA extends its regulatory framework to encompass very large online platforms (VLOPs) as structurally influential intermediaries in the dissemination of media content. While EMFA does not define VLOPs autonomously, it explicitly refers to the designation provided under Article 33 of the Digital Services Act, which identifies platforms reaching an average of more than 45 million monthly active users within the Union.

Importantly, EMFA does not classify VLOPs as media service providers, nor does it attribute editorial responsibility to them. Instead, the Regulation recognises their systemic role in shaping media visibility and access within the internal market. Through provisions such as Articles 17 to 19, EMFA establishes procedural safeguards aimed at enhancing transparency, accountability, and dialogue between VLOPs, media service providers, and civil society, particularly in relation to content moderation practices and the visibility of independent media.

Media service providers operating under EMFA remain subject to obligations concerning transparency of ownership, funding, and editorial independence. By contrast, VLOPs are required to engage in structured dialogue, justify significant restrictions on the visibility of media content, and cooperate with regulatory authorities, without assuming the editorial obligations applicable to media organisations. This differentiated regulatory approach reflects EMFA's attempt to balance freedom of expression with the need to address the growing influence of digital intermediaries on media pluralism (Iglezakis, 2023).

Audience measurement systems, which are crucial for advertising and content strategies, are regulated under Article 24. Providers are required to adopt methodologies that are transparent, impartial, inclusive, proportional, and verifiable in order to maintain trust and accuracy in media metrics. Furthermore, the EMFA seeks to enhance transparency and accountability in the allocation of public funds for state advertising by requiring that such practices comply with principles of objectivity, non-discrimination, and proportionality.

Finally, the EMFA recognises that access to a diversity of information sources is essential for safeguarding media pluralism and maintaining a healthy democratic public sphere. Nevertheless, the lack of transparency surrounding media ownership structures and the political, economic, or financial influences exerted over them remains a persistent challenge within the media sector. Such opacity has the potential to undermine public trust in media impartiality and editorial independence. In response, the EMFA seeks to address these structural concerns by promoting ownership transparency, strengthening

regulatory oversight, and establishing mechanisms to monitor risks related to excessive media concentration and undue influence within the media market (Razzante, 2023).

### **Media Freedom, Pluralism, and Regulatory Mechanisms under EMFA**

The protection of media freedom and pluralism—fundamental pillars of democracy and the rule of law—forms the essential basis for a well-functioning internal media market. The EU emphasizes the necessity of robust safeguards that allow media service providers to freely produce content, distribute it across borders, and ensure users' access. The EMFA positions editorial independence at the core of achieving media pluralism and delivering high-quality media services. It underscores the importance of safeguarding journalists' sources and confidential communications, which are vital for journalists to act as watchdogs and to protect the public's right to information. Nonetheless, divergent regulations among member states regarding these protections create inconsistencies that hinder market integration and undermine uniform standards across the EU. To mitigate these disparities, EMFA establishes minimum harmonized standards applicable to all member states (European Union, 2024).

Independent national regulatory authorities play a critical role in the consistent application and enforcement of media regulations throughout the Union. In recognition of this, EMFA creates the European Board for Media Services as an independent advisory body tasked with coordinating and overseeing the activities of these authorities. This Board replaces and expands the functions of the European Regulators Group for Audiovisual Media Services (ERGA), which previously lacked effective mechanisms for cross-border collaboration. The European Board is explicitly designed to strengthen regulatory coherence and enhance cooperation among member states in addressing cross-border challenges. EMFA defines national regulatory authorities as expert bodies responsible for balancing the interests of media providers and consumers, while safeguarding freedom of expression, media pluralism, and diversity.

At the heart of EMFA's regulatory framework lies the principle of media service providers' independence. While media policy remains a sovereign prerogative of member states, media freedom and pluralism constitute binding obligations under EU values. EMFA respects member states' sovereignty but reinforces these values through independent regulatory authorities whose roles are integral and binding components of the framework (Gamito, 2022). Building upon this foundation, EMFA transforms ERGA into the European Board for Media Services, a transitional advisory body that ensures uniform application of EMFA provisions across the Union (Bayer, 2023). Despite these advancements, significant uncertainties persist concerning member states' commitment to implementation and the Board's enforcement capabilities. Questions remain regarding sanctions or repercussions should a member state fail to report or transparently manage state financial support, indicating ongoing challenges for effective regulation.

EMFA establishes a unified framework for monitoring and assessing media concentration activities within the EU to prevent restrictions that adversely affect media service providers' operation in the internal market. Accurate and transparent information about media ownership is critical to enable consumers to identify potential conflicts of interest. Given media's influential role in shaping public opinion and enabling democratic participation, EMFA requires member states to go beyond traditional competition law by adopting national regulations that explicitly incorporate media pluralism and editorial independence as guiding principles. The third chapter of EMFA outlines a regulatory

cooperation framework essential for a resilient internal media market, while the fifth chapter details procedural safeguards and measures to ensure market sustainability. Article 21 mandates that any national measures potentially impacting media pluralism or editorial independence be procedurally justified and proportionate. The European Board for Media Services holds the authority to issue opinions on such measures, and the European Commission may provide its stance based on these assessments when media concentration threatens market stability.

The European Commission is assigned specific responsibilities under EMFA, including independent monitoring of the internal media market, evaluating risks to its resilience, and consulting with the European Board. While EMFA represents significant progress toward protecting media independence, some provisions remain advisory and lack binding enforcement mechanisms. For instance, transparency rules in media ownership, although essential, have limited effectiveness without enforceability. Moreover, EMFA does not mandate binding evaluations for media mergers, representing a notable gap in regulatory oversight.

EMFA introduces a structured, four-stage assessment and reporting cycle obliging member states to conduct comprehensive analyses of their national media markets within four years of implementation, and subsequently at four-year intervals. These analyses cover:

- Media concentration levels and risks related to foreign information manipulation or interference;
- Forward-looking evaluations of the internal media market, including online platform influence;
- Threats to media pluralism and editorial independence;
- Measures media service providers employ to safeguard editorial independence;
- Frameworks for public fund allocation and state advertising practices (Iglezakis, 2023).

In parallel, EMFA establishes a continuous monitoring mechanism whereby the European Commission independently oversees the internal media market, identifies potential risks, and tracks relevant developments. This monitoring includes detailed analyses of media concentration and foreign interference risks, evaluations of market conditions, assessments of pluralism and independence, and comprehensive reviews of state advertising and funding allocation. Annual public reports detailing methods and findings are submitted to the European Parliament to enhance transparency and accountability.

The objectives of EMFA emphasize cross-border cooperation among member states in the media sector, the promotion of legal frameworks supporting media pluralism and independence, protection of information consumers—especially from harmful third-country content—limitation of state interference, safeguarding editorial independence and journalistic sources, and ensuring fair competition. The European media community therefore aims to establish a reliable single media market, secure internal market protections, guarantee transparency in media pluralism, and uphold principles of non-discrimination and equality. Nonetheless, the diversity of cultural, social, and political contexts among member states poses considerable implementation challenges (Yesipovych, 2023). As stated in EMFA's preamble, media services are vital to supporting democratic societies, economic freedoms, pluralism, and fundamental rights.

Nevertheless, EMFA falls short of providing binding criteria or concrete mechanisms for evaluating the independence and accountability of media service providers, leaving these areas ambiguous (Van Drunen et al., 2023).

### **Turkish Media Law and The EMFA: An Analytical Overview of Regulatory Developments and EU Alignment**

Turkey officially adopted the Universal Declaration of Human Rights on May 27, 1949, by publishing it in the Official Gazette (Hatipler, 2011). Subsequently, the European Convention on Human Rights (ECHR) was ratified by Turkey on March 10, 1954. Turkey also signed the European Convention on Transfrontier Television on September 7, 1992, and ratified it on December 12, 1993, upon its publication in the Official Gazette (Öztürk, 2013). Furthermore, the Charter of Fundamental Rights of the EU, the Audiovisual Media Services Directive (AVMSD), and the recently adopted EMFA have become integral to Turkish media law through Turkey's ongoing alignment efforts with the EU acquis.

Recognized as an EU candidate country since 1999, Turkey's accession process requires compliance with the Copenhagen Criteria, established at the 1993 Copenhagen Summit, which set forth political, economic, and legal standards necessary for full membership. Among these, harmonizing media regulation with the EU acquis is essential for deeper integration. The EU aims to establish a common media policy to ensure cohesion, making media regulation a critical element of this process. Consequently, Turkey is expected to align its media legislation with EU standards as part of its accession preparations (Akalin, 2014).

1. Five key regulatory milestones mark the evolution of EU media policies:
2. The Green Paper (1984), aiming to create a common media market,
3. The Television Without Frontiers Directive (1989),
4. The first revision of the Television Without Frontiers Directive (1997),
5. The Audiovisual Media Services Directive (2007),
6. The final legalization efforts in 2010 (European Commission).

Turkey formally applied for EU membership on April 14, 1987, initiating negotiations that have since covered 35 chapters encompassing social, cultural, economic, and political domains. Chapter Seven, originally titled Information Society and Media, outlines Turkey's policies for aligning its media sector with EU standards. This chapter was renamed Digital Transformation and Media as of 2022.

The most recent 2024 EU Progress Report highlights persistent challenges in Turkey's alignment with EU media policies, emphasizing concerns about the lack of financial and administrative independence of regulatory authorities in electronic communications. The report further underscores the necessity for greater transparency in public expenditures and calls for additional administrative reforms to foster a competitive and consumer-friendly telecommunications market (European Commission, n.d.).

Significant criticisms are directed at Turkey's regulatory framework governing radio, television, and on-demand media services. These include ambiguities in the scope, definitions, and licensing criteria, as well as contentious provisions regulating access restrictions and judicial oversight of online broadcasting. Authorities are urged to ensure equal and unfettered access for citizens to online services while intensifying efforts to fully comply with the Digital Services Act (DSA) and the Digital Markets Act (DMA). The

report reiterates ongoing concerns regarding the neutrality and independence of the Radio and Television Supreme Council. Additionally, legislation such as the Law on the Regulation of Broadcasts on the Internet and Combating Crimes Committed Through Such Broadcasts, alongside amendments to the Press Law and other related laws, is criticized for incompatibility with the core principles of EU digital services legislation and for disproportionately restricting freedom of expression, in conflict with international human rights standards and the ECHR. Therefore, comprehensive revisions to these laws are strongly recommended.

The Law on the Establishment and Broadcasting Services of Radio and Television is reported to inadequately prevent media concentration, resulting in ownership dominance by a few companies and perpetuating a biased media landscape. Furthermore, public advertising funds and distribution channels for printed media are controlled by a single company, exacerbating ownership imbalances.

While acknowledging moderate progress in digital transformation and media, the report identifies persistent structural problems:

- Lack of effective competition in the media sector,
- High levels of media ownership concentration,
- Absence of financial and administrative independence for regulatory bodies.

For the forthcoming period, the EU expects Turkey to:

Align legislation in the electronic communications sector—particularly concerning universal services, licensing, market access, and right of way—with the EU acquis.

Enhance the financial and administrative independence of regulatory authorities and their board members.

Amend the Law on the Regulation of Broadcasts on the Internet to promote media pluralism and address freedom of expression concerns.

Take meaningful steps to strengthen the independence of public broadcasters.

In conclusion, the EU stresses the urgent need to address regulatory shortcomings, guarantee media independence, and foster a competitive and pluralistic media environment. These reforms are crucial for Turkey to harmonize its media policies with EU standards and international human rights obligations. This alignment process reflects the broader objective of the EMFA to enhance transparency, pluralism, and democratic resilience across both member and candidate states.

## **Conclusion**

This study examines the EMFA and its innovations and structural regulations aimed at strengthening media freedom, pluralism, and editorial independence within the EU. By adopting a multi-dimensional analytical perspective that combines regulatory analysis, digital transformation, and candidate-country alignment, the study contributes to the existing literature by situating EMFA not only as a legal instrument but also as a governance framework shaping the future of media freedom. EMFA establishes a unified framework at the EU level to address media ownership concentration, prevent state intervention, and promote transparency, competition, and independence among media service providers. Throughout the study, it was observed that media ownership

concentration, state interventions, and threats to editorial independence continue to pose structural challenges to media freedom and the integrated internal market of the EU.

EMFA seeks to address these challenges by prioritizing transparency in media ownership, equitable distribution of public advertising, and robust legal safeguards for the independence of media service providers. However, as emphasized in recent studies by Wójcik (2023) and Van Drunen et al. (2023), the predominantly non-binding character of certain EMFA provisions raises concerns regarding uneven implementation and regulatory fragmentation among member states. In an increasingly digitalized media environment—where online platforms, algorithmic systems, and artificial intelligence play a growing role in content visibility and distribution—EMFA introduces critical regulatory safeguards. Together with the DMA, EMFA strengthens the EU’s normative commitment to protecting media freedom and editorial independence. Nevertheless, the discretionary power of digital platforms to restrict, suspend, or deprioritize media content remains a contested area that requires continuous regulatory scrutiny and empirical assessment (Yesipovych, 2023).

With regard to media ownership concentration, EMFA introduces innovative mechanisms, such as the establishment of national media ownership databases and enhanced cooperation between national regulators and the European Board for Media Services. Despite these advancements, uncertainties persist concerning the effectiveness of monitoring, enforcement, and sanctioning mechanisms, particularly in cross-border media markets. For candidate countries such as Turkey, alignment with EU media policies remains a critical yet challenging objective. Persistent structural issues—including the lack of financial and administrative independence of regulatory authorities such as the Radio and Television Supreme Council—continue to hinder compliance with EU standards and constitute a significant obstacle in Turkey’s EU accession process.

From the perspective of democratic accountability, transparent and accountable media governance is essential for strengthening public trust and ensuring the legitimacy of media institutions. EMFA aims to foster this accountability by reducing undue political and economic influence over media systems and encouraging transparency in ownership structures and state funding. However, without binding enforcement mechanisms and clearly defined evaluation criteria, these objectives risk remaining normative aspirations rather than fully operational guarantees.

In terms of public policy effectiveness, the success of EMFA ultimately depends on the capacity and political willingness of member states to implement its principles consistently and to empower independent regulatory authorities capable of monitoring, sanctioning, and promoting media pluralism effectively. This requirement is particularly pressing in the digital era, where media consumption increasingly occurs on online platforms that transcend national borders and demand coordinated regulatory oversight.

To enhance the effectiveness and long-term impact of EMFA, the following priorities should be emphasized:

1. **Binding Mechanisms:** Stronger and more enforceable legal mechanisms are required to ensure compliance with media freedom and pluralism principles across member states, thereby reinforcing democratic accountability.
2. **Digital Governance:** The growing influence of online platforms and artificial intelligence on media visibility and content distribution must be systematically

monitored and regulated to safeguard editorial independence and public access to information.

3. Regulatory Cooperation: The European Board for Media Services should further strengthen institutional cooperation with national regulatory authorities to address cross-border challenges and ensure regulatory coherence.

In conclusion, EMFA represents a significant normative and institutional step toward establishing a freer, more independent, and transparent media environment within the EU. Nevertheless, its long-term effectiveness will depend on the development of binding enforcement tools, consistent implementation across member states, and the integration of candidate countries into the evolving European media governance framework. Safeguarding media freedom and pluralism is not only essential for preserving democratic values but also for ensuring the formation of informed public opinion and the effective functioning of democratic societies.

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# Media Ownership Concentration and Pluralism in the European Union: An Assessment Within the Framework of EMFA

Vedat AKIR (Prof. Dr.)

Canan ZCAN (PhD Student)

## Extended Abstract

The European Union's (EU) ongoing efforts toward integration across diverse policy areas have led to the field of media emerging as both a critical enabler of democratic pluralism and a complex regulatory challenge. The convergence of media technologies, the digital transformation of content production and distribution, and the cross-border nature of media services have intensified the need for a harmonized regulatory framework. Within this scope, the European Media Freedom Act (EMFA), which came into force on May 7, 2024, stands out as a milestone legal initiative designed to ensure media pluralism, editorial independence, and the proper functioning of the internal media market across EU member states. The study provides a comprehensive analysis of EMFA, contextualized within the historical trajectory of EU media policy, from the early regulatory attempts grounded in the Treaty of Rome to the progressive directives such as the Television Without Frontiers Directive and the Audiovisual Media Services Directive (AVMSD). While AVMSD laid the groundwork for harmonization, its limited scope and lack of binding provisions on media ownership and pluralism necessitated a more robust and comprehensive framework, which EMFA aims to fulfill. At its core, EMFA addresses two interlinked issues: the rising concentration in media ownership and the erosion of editorial freedom, both of which are perceived as threats to democratic discourse and the public's right to information. The act mandates member states to enhance transparency in media ownership structures and ensures that editorial decisions are free from political and economic interference. Furthermore, EMFA obliges states to implement safeguards in the appointment and removal of management in public service broadcasters, enforce clear rules on state advertising allocation, and protect journalistic sources and confidentiality, especially from surveillance and spyware threats. EMFA's scope is notably expansive. It introduces a broadened definition of media services, which now encompasses traditional broadcasting, online platforms, on-demand audiovisual content, podcasts, and digital press. It also establishes the European Board for Media Services to facilitate cooperation among national regulatory authorities and to supervise the uniform implementation of the Act across member states. This development replaces and expands the mandate of the former ERGA (European Regulators Group for Audiovisual Media Services), signaling a structural shift towards centralized oversight with consultative mechanisms. The paper also evaluates the responsibilities imposed on member states, particularly with regard to editorial independence, fair competition, and non-discriminatory practices in state funding. Crucially, EMFA requires countries to maintain open and competitive media markets, implement transparent and merit-based appointment procedures for public media officials, and develop public databases of media ownership. These provisions aim to create a resilient media environment where multiple voices can coexist and thrive, thus reinforcing democratic resilience. However, EMFA is not without its limitations. As the study argues, the Act lacks binding enforcement tools to compel compliance from member states, especially in cases of systemic political influence over media institutions. While it introduces strong normative

frameworks, many of its measures, including those related to media concentration, remain recommendatory. The absence of punitive mechanisms or direct sanctions dilutes its potential impact, particularly in politically sensitive environments. The research also presents a comparative insight into the Turkish media regulatory landscape, highlighting the influence of EU norms on domestic legislation such as the Radio and Television Law No. 3984 and subsequent alignment with AVMSD principles. The analysis suggests that although Turkey is not a member of the EU, its media legislation has historically mirrored EU practices, underscoring the Union's normative power in shaping media governance beyond its borders. In sum, EMFA represents a significant step in codifying media freedom and pluralism as essential components of the EU's democratic infrastructure. It attempts to strike a balance between national sovereignty and supranational oversight by promoting standardization while respecting local regulatory autonomy. Nonetheless, its success will largely depend on the political will of member states, the robustness of national regulatory bodies, and the active involvement of civil society in monitoring media ownership and editorial independence. This extended abstract concludes by emphasizing that the implementation of EMFA offers a new chapter in EU media policy, one that seeks to future-proof democratic institutions against both internal and external threats in an increasingly digital and polarized information landscape. The act not only reflects the Union's commitment to media pluralism and freedom but also raises critical questions about the enforceability of supranational norms in the media domain. Future research should investigate the real-world application of EMFA provisions and their effectiveness in countering media monopolization and safeguarding journalistic autonomy. Moreover, EMFA's proactive engagement with digital platforms marks a critical recognition of the evolving media ecosystem. By extending regulatory oversight to very large online platforms (VLOPs), the Act attempts to ensure that content moderation practices align with media freedom principles. These platforms, often functioning as key gateways to news and public discourse, are now required to disclose algorithmic processes, identify trusted media service providers, and ensure that any restriction or removal of media content is transparently justified. This move signifies the EU's determination to establish a level playing field between traditional and digital media actors, while safeguarding users' rights to access diverse, reliable, and editorially independent information. As such, EMFA positions itself not only as a legislative safeguard against democratic backsliding within member states but also as a normative benchmark in the global discussion on platform governance and digital media accountability.

**Keywords:** EU, Media Pluralism, Concentration In Media, Regulation, EMFA.

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