

Brussels, 17 July 2023

Dear members of the Civil Liberties, Justice and Home Affairs Committee,

The European Media Freedom Act (EMFA) presents a unique opportunity to enhance and harmonise safeguards for the rights of journalists. Their crucial role as watchdogs in our democracies requires the highest level of protection against state surveillance and repression.

Ahead of the vote on Tuesday 18 July, on Article 4 of the EMFA, we urge you **to introduce a complete ban on the use of spyware against journalists**. In its current version, LIBE's compromise text establishes EU legal grounds that would allow for the deployment of spyware against journalists.

LIBE must imperatively reinforce its position.

Why?

The negotiations with the Council in trilogues risk to severely weaken the safeguards introduced by the Parliament, creating loopholes that will inevitably lead to unlawful and disproportionate measures against journalists. The PEGA investigative work unequivocally demonstrated this.

The use of spyware must be prohibited as it grants unchecked and unlimited access to the individual's communications, photos, contacts and online behaviour data. Source confidentiality and our access to quality journalism are in jeopardy.

What are we calling for?

1. Vote for an absolute prohibition of the deployment of spyware and similar intrusive technologies under point (ca) of Article 4.2.
2. Complementary to point 1, prohibit without exception "access to encrypted data" (point (ba) of Article 4.2) as this access is nowadays enabled mainly through data extraction technologies that exploit system vulnerabilities, grant authorities uncontrolled access to all data stored on the device and thus, resemble the level of intrusiveness of spyware.
3. Strictly restrict the exceptions for the rest of the measures of Article 4 by inserting an exhaustive and limited list of serious crimes allowing them (as defined in Article 2 (17) of the Commission's proposal);

Digital rights, civil society, media and journalists organisations are demanding better protections to counter the current digital threats faced by journalism in Europe. We trust that LIBE will stand alongside journalists in this important cause.

Sincerely yours,

1. Access Now

2. ARTICLE 19
3. Alternatif Bilisim (AiA), Turkey
4. Asociația pentru Tehnologie și Internet (ApTI), Romania
5. Association of European Journalists (AEJ Belgium), Belgium
6. Balkan Investigative Reporting Network (BIRN)
7. Civil Liberties Union for Europe (Liberties)
8. Daktilo1984 Association, Turkey
9. Deutsche Journalistinnen- und Journalisten Union (dju) in ver.di, Germany
10. Digital Democratic Transformation Network, Turkey
11. Državljan D / Citizen D, Slovenia
12. Eurocadres
13. European Center for Not-for-Profit Law (ECNL)
14. European Centre for Press and Media Freedom (ECPMF)
15. European Digital Rights (EDRi)
16. Epicenter.works – for digital rights, Austria
17. European Federation of Journalists (EFJ)
18. European Partnership for Democracy (EPD)
19. European Sex Workers Rights Alliance (ESWA)
20. Free Press Unlimited (FPU)
21. Gong, Croatia
22. Global Forum for Media Development (GFMD)
23. Homo Digitalis, Greece
24. Independent Journalists Association of Vojvodina, Serbia
25. International Press Institute (IPI)
26. IT-Pol, Denmark
27. Media and Law Studies Association (MLSA), Turkey
28. Media Diversity Institute (MDI)
29. Media Research Association (MEDAR), Turkey
30. Mnemonic
31. Open Data and Data Journalism Association, Turkey
32. Ossigeno.info, Italy
33. Red Ribbon Istanbul (RRI) Association, Turkey

34. South East Europe Media Organisation (SEEMO)

35. Vrijschrift.org, Netherlands

36. Wikimedia Europe