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Freedom of News Websites under the New Law:

What Has Changed, and What Are the Limits of Regulation?

Introduction

Does launching a news website in Lebanon now require a state licence? Must every blog, podcast, or content creator register as a media outlet? And does the law require the owner and the responsible director to be two separate individuals?

With the entry into force of the new Media Law, concerns have emerged that the requirements imposed on digital media websites could increase the burden on digital media, particularly small and independent outlets, or turn registration and transparency procedures into an indirect form of licensing.
However, a reading of the law's provisions shows that the discussion requires a distinction between two different issues: on the one hand, the freedom to establish a website and begin publishing, and, on the other, the obligations that apply when a website operates as a professional media institution.

For the first time, the law explicitly establishes that setting up an digital media website does not require prior approval. At the same time, however, it imposes obligations on professional websites concerning the identification of editorial responsibility, registration, and transparency of ownership and funding.

The key question, therefore, is not whether digital media institutions should be regulated, but rather how accountability and transparency can be ensured without regulation becoming disguised licensing or imposing a disproportionate burden that restricts media pluralism.

No Prior Licensing for News Websites

Article 62 of the Media Law clearly provides that “digital media is free” and that the establishment of digital media platforms and websites is not subject to any prior approval or licensing.
In practical terms, this means that public authorities do not have the power to decide in advance who is entitled to establish a news website and who is not.

However, a website operating in a professional and institutional capacity is subject to notification and registration requirements in the special register maintained by the national media council, in addition to the transparency obligations set out in the law.

This distinction between licensing and notification or registration is fundamental from the perspective of international standards.

According to media policy expert and Director of the Media and Journalism Research Center, Marius Dragomir, licensing means that an authority has the power to decide whether a media outlet is permitted to begin operating, whereas registration or notification involves providing the regulatory authority with specific information required by law, without having to await its approval of the right to publish.

Registration should therefore remain declaratory rather than authorising in nature: the Authority should record the information provided without becoming a body that decides which actors “deserve” to qualify as media outlets. The information required should also be objective and clearly defined, procedures should be simple and inexpensive, and no political or editorial criteria should be used to accept or reject a website.

In other words, if the authorities are able to use registration to prevent an outlet from entering the media market, registration has effectively become a form of licensing, regardless of the terminology used.

When Does a Website Become a "Professional Media Website"?

Not everyone who publishes content online is subject to the obligations applicable to media institutions.

Article 61 adopts a criterion based on the nature of the activity: a media website is a website or digital application that regularly provides the public with media content related to current events and that is subject to editorial oversight.

At the same time, the law distinguishes such websites from the individual use of digital media to express personal opinions and ideas, as is the case with personal blogs.

In essence, this distinction is consistent with the international approach that cautions against allowing the law to become a tool for determining who qualifies as a "real journalist." Under international freedom of expression standards, journalism is not an activity reserved exclusively for those working within traditional media institutions; it may also be practised by bloggers, individuals, and others who publish independently.

The most important criterion, therefore, is the **institutional nature of the activity**: regular publication, the existence of editorial decision-making and oversight, clear editorial responsibility, and an organised operation directed at an audience.

A podcast, content creator, or personal blog does not automatically become a media institution simply because it has an audience or produces content. The situation becomes different when the activity develops into a professional and organised media service that meets the characteristics defined by law.

Here too, a distinction must be made between regulating a media institution and regulating the journalism profession itself. Questions relating to professional status, accreditation, and journalists' social and economic rights require a separate debate and dedicated professional legislation. The law governing media institutions should not be used to grant the state the power to determine who is entitled to practise journalism or exercise freedom of expression.

Must the Owner and the Responsible Director Be Two Different People?

The law allows any natural or legal person who meets its requirements to own a media outlet, and it does not impose on digital media websites the specific corporate form required for television and radio institutions.

Article 63 also does not provide that the website owner and the responsible director must be two different persons.

Former MP Ghassan Moukheiber, who took part in drafting the law and in its legislative process, explains that identifying the owner's name alongside that of the responsible director does not necessarily mean that the two roles must be held by different people. Under this interpretation, the owner may also serve as the responsible director, provided that they meet the legal requirements for that role. Otherwise, another person who meets those requirements must be appointed.

The requirement to have a responsible director is not new to Lebanese media legislation. It dates back to the 1962 Publications Law.

According to Moukheiber, the purpose is not to create an additional administrative layer within the media institution, but rather to identify a person who bears actual and legal responsibility for editorial oversight and who can be contacted and held accountable by the public, the courts, or the Authority, including in matters relating to rights of reply, corrections, and official notifications.

This is broadly consistent with international standards, which recognise that requiring a professional media institution to identify the person or body bearing editorial responsibility can be legitimate.

However, identifying editorial responsibility is one thing; turning the position of responsible director into an obstacle to establishing a media outlet is another.

For this reason, the conditions imposed on the responsible director should be genuinely linked to the objective of ensuring accountability and should be proportionate and justifiable. In this context, Moukheiber notes that requirements such as actual editorial supervision, full-time engagement, and not serving as responsible director for more than one website are also linked to an earlier practice in Lebanon that could be described as the “renting of signatures,” whereby the same person was listed as responsible director for several media outlets without exercising genuine editorial oversight over them.

The implementation of these conditions must nevertheless take into account the realities of digital media, so that they ensure effective accountability without their cost or manner of application becoming an indirect barrier for small websites or new media initiatives.

Why Does the Law Require Disclosure of Ownership and Funding Sources?

Transparency of ownership and funding is not an obligation imposed exclusively on digital media websites.
The law establishes registers covering different categories of regulated media outlets. These registers include information on owners, persons responsible for management, ownership structures and beneficial owners, as well as revenues and sources of funding.

For digital media websites, there is an additional requirement to display certain basic information clearly on the website itself, including the name of the owner, its legal form, the media outlet's registration number, the name of the responsible director, and official contact information.

These obligations are based on a simple principle: the public has a right to know who stands behind the media outlet from which it receives news and information.
Dragomir notes that ownership transparency has become a core element of modern media regulation, including under European standards, because it enables the public to understand whether a media outlet is directly or indirectly controlled by a politician, a major corporation, a government body, or another influential interest.

Transparency in this context is not about interfering with editorial choices. Rather, it is about enabling citizens to assess the context in which the information they receive is produced.
At the same time, transparency requirements must themselves remain proportionate. They should focus on information that genuinely reveals ownership, control, and the main sources of influence, rather than becoming an open-ended and unlimited reporting regime or a mechanism that could undermine the confidentiality of journalistic sources.

Fines: When the Same Amount Has a Different Impact

Sanctions remain one of the issues requiring the greatest attention when applying the law to digital media.

Article 64 provides that violations of the provisions governing digital media are punishable by a fine ranging from twenty to one hundred times the official minimum wage.

At the same time, the provisions governing the national media council establish a graduated system of measures, beginning with requests for clarification, followed by notices, warnings and reports, and ultimately referral to the judiciary. The council's decisions are also subject to judicial review.

Moukheiber considers that these mechanisms provide safeguards for proportionality, and that the existence of minimum and maximum levels for fines allows judges to take into account the nature and seriousness of the violation.

However, the law does not establish a separate, more lenient regime for small media institutions, and this is one of the key issues that will become clearer through its implementation.

According to Dragomir, proportionality should not be assessed solely on the basis of the sanction as set out in law, but also according to its actual impact on the media outlet concerned. A fine that may have only a limited impact on a major television network could threaten the survival of an independent website operated by a team of three people.

Procedures and sanctions should therefore take into account the size and resources of the media outlet, the seriousness of the violation, and whether it was intentional or repeated. Where a violation can be remedied, the outlet should also be given an opportunity to correct it before significant financial penalties are imposed.

The same principles of transparency and accountability may apply to both a large media institution and a small local website, but this does not mean that the administrative burden or the impact of sanctions should be identical in both cases.

This is not a privilege granted by the state to small media outlets; it is part of protecting media pluralism itself.

Between Freedom and Accountability: Where Should the Balance Be Struck?

The new Media Law brings professional news websites within a clearer regulatory framework, but it does not make the right to establish a news website conditional on prior authorisation from the state.

This is a fundamental principle that must be preserved in the implementation of the law.

At the same time, freedom to establish a media outlet does not mean that a professional media institution should operate without any responsibility towards its audience. Identifying editorial responsibility, ensuring the right of reply and correction, and disclosing ownership and principal sources of funding are all objectives that can be justified in the public interest.

The problem begins when the measures used to achieve these objectives go beyond what is necessary, or when administrative procedures, accountability requirements, or fines become so burdensome that they effectively prevent small and independent media outlets from entering the market or continuing to operate.
The real test of the law, therefore, will lie not only in the wording of Article 62, which prohibits prior licensing, but also in how the provisions that follow it are implemented.

Registration must remain registration, rather than becoming a gateway for approving which media institutions may operate. Transparency should reveal genuine sources of influence rather than create burdensome bureaucracy. The responsible director should ensure accountability rather than become a requirement that excludes new media initiatives. And sanctions should serve to remedy violations rather than eliminate the very media outlet they are intended to regulate.

Freedom to establish news websites does not mean an absence of accountability. But accountability, in turn, must not become **disguised licensing or a disproportionate burden that weakens the very media pluralism the law is intended to protect.**