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*Committee on Civil Liberties, Justice and Home Affairs*

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## **WORKING DOCUMENT 2**

on EU Charter: standard settings for media freedom across the EU

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Renate Weber

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## Standard setting on media freedom

In order to make a step forward on media freedom and pluralism in Europe, your rapporteur proposes to start addressing the following series of issues.

a) **bring together expertise** on media freedom and pluralism in the EU: it is necessary to open a wide debate with citizens, stakeholders, institutions, Council of Europe, OSCE, etc to analyze the concrete situation in the EU and its Member States, identify problems and propose solutions. The studies and recommendations underway in the EP, Commission, HLG, etc will be extremely relevant to take well informed decisions.

b) identify and consolidate the “soft law” **standards** developed internationally and at European level, in the Council of Europe (Council of Ministers, Parliamentary Assembly, European Court of Human Rights, Commissioner for Human Rights, Venice Commission), OSCE and its Representative for Media Freedom, UN Special Rapporteur for media freedom, UNESCO, etc. These bodies have worked intensely on democracy and media freedom and pluralism and a common body of standards exists and shall be applied by EU Member States.

c) ensure **monitoring** of the standards and of the situation of media freedom in the EU and MSs: the application of these standards on media freedom shall be **monitored**, to identify threats to media freedom and find solutions where these emerge. The Fundamental Right Agency could be mandated, as requested in the past by the EP LIBE committee, to carry out this work of monitoring of the standards, as well as of the situation of media freedom in the EU/MSs. The indicators developed by the independent study could be used as a basis, and monitoring shall be done by liaising with NGOs and stakeholders to develop an early warning system. The Commission, the Council and the EP could then take the necessary initiatives to address threats to media freedom and come up with solutions.

d) **EU competences** in the field of media freedom and pluralism: it is necessary to clarify whether the EU has competence to propose and adopt a legislative initiative on the issue. A legal opinion should be asked to the EP legal service, other institutions could do the same, while academics and experts should also be invited to give their contribution, notably the European University Institute Center for Media Pluralism and Media Freedom which is already working on the issue.

e) **EU legislative initiative, self-regulation initiatives, backup intervention**: a wide debate should be launched on how to protect media freedom in the most appropriate way. Questions to be answered comprise: shall the EU promote a legislative initiative, self-regulation or “backup” interventions in case of violations of media freedom and pluralism in MSs? Which aspects shall be dealt, how and at which level? Can a EU legislative initiative be “the” solution of all the problems related to media freedom and pluralism? How to ensure that EU or national legislation does not create an opportunity to give further powers of political influence on governments to control media?

f) Protection of media freedom by national independent **regulatory authorities**, which shall cooperate at EU level: a possible way forward could be to review the Audiovisual Media Services Directive (AVMSD), to **harmonize the status of the Regulatory Authorities** in the Member States and their cooperation at EU level – including by reviewing and strengthening article 29 on the “Contact Committee”, as well as art. 30 on the “cooperation between regulatory bodies in the Member States”- by ensuring they are independent, impartial and transparent, both in the decision-making process and in the exercise of their power, and in the monitoring process. The press, online-press and radio broadcasting are currently not covered

by the AVMSD, which leaves a gap that should be filled if feasible.

g) **specific issues**: the report shall also address issues of relevance for media freedom, such as: the protection of the independence of journalists from both internal pressures from the editors or the owners and externally from the political power or other interest groups. Protection from threats and violence are also fundamental, as investigative journalists are often menaced because of their activities (by organized crime, economic powers, extremists, etc). Journalists shall have a wide right to access to documents and information and sources shall be protected, including whistle-blowers; in this context the model of the Icelandic Modern Media Initiative law shall be analyzed. Public service broadcasters should be free from political interference in terms of editorial independence, recruitment of staff and funding, and provide high quality information while allowing access to a wide range of stakeholders. Specific rules shall apply in relation to political information to guarantee fair access to political competitors, opinions and viewpoints notably on the occasion of elections and referenda, so to ensure that citizens can form their opinion without the undue influence of one dominant opinion forming power. New media (via internet, blogs, etc) specificities shall be recognised and registration practices creating a disproportionate burden should be avoided. Ethical journalism shall be promoted, by ensuring that media respect anti-discrimination and refrain from racism, xenophobia, homophobia, anti-gypsism, sexism; by treating information related to violent events in an appropriate way and by respecting privacy and data protection. EU Merger policy and media pluralism, media ownership and concentration, transparency of media ownership, conflict of interest shall also be addressed in the context of their contribution to guaranteeing media freedom and pluralism.

## Conclusion

Your rapporteur intends the report she has been charged with drafting as an important instrument for the EP to take part in the wider debate on media freedom and to give the institution's contribution for the protection and promotion of fundamental rights in the EU and notably that of freedom of expression, opinion, information and the freedom and pluralism of media. To do this, it is important to take the appropriate time to hold a wide debate and modulate the reports' calendar to be able to take into proper consideration the upcoming **EP study** by the Institute of European Media Law of Saarbrücken / Brussels on "the citizens' right to information: law and policy in the EU and its Member States"<sup>1</sup>, the Commission **HLG recommendations** and the **Commission follow up decisions**. Your rapporteur also proposes to hold a hearing in the autumn on media freedom and pluralism so to draw on contributions from experts, stakeholders, NGOs, institutions and citizens and include useful suggestions in the report.

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<sup>1</sup> The study will update the study published in 2004 by the European Institute for the Media of Düsseldorf / Paris on the information of the citizens in the EU: obligations for the media and the institutions concerning the citizen's right to be fully and objectively informed".