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REPORT

on media pluralism and media freedom in the European Union
(2017/2209(INI))

Committee on Civil Liberties, Justice and Home Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on media pluralism and media freedom in the European Union (2017/2209(INI))

The European Parliament,

- having regard to Articles 2, 3, 6, 7, 9, 10, 11 and 49 of the Treaty on European Union (TEU) and Articles 9, 10 and 16 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 11 of the Charter of Fundamental Rights of the European Union,
- having regard to Article 10 of the European Convention on Human Rights (ECHR), the case law of the European Court of Human Rights (ECtHR) and the European Social Charter,
- having regard to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted and opened for signature and ratification by UN General Assembly resolution 2106 of 21 December 1965,
- having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents¹,
- having regard to Protocol No 29 of the TEU on the System of Public Broadcasting in the Member States,
- having regard to the European Charter on Freedom of the Press,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to the declarations, recommendations and resolutions of the Committee of Ministers and Parliamentary Assembly of the Council of Europe and the Opinions and the Rule of Law Checklist of the Venice Commission,
- having regard to the Council of Europe study entitled ‘Journalists under pressure – Unwarranted interference, fear and self-censorship in Europe’,
- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the UN Convention against Corruption and the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions,
- having regard to the General Comment No. 34 of the UN Human Rights Committee,

¹ OJ L 145, 31.5.2001, p. 43.

- having regard to the UN Guiding Principles on Business and Human Rights,
- having regard to the relevant resolutions of the UN General Assembly, the UN Human Rights Council and the reports of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,
- having regard to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity,
- having regard to the work carried out by the Organisation for Security and Cooperation in Europe (OSCE) on media freedom, in particular by its Representative on Freedom of the Media,
- having regard to the work carried out by the Council of Europe Platform to promote the protection of journalism and safety of journalists,
- having regard to the joint declaration on freedom of expression and ‘Fake News’, disinformation and propaganda, issued on 3 March 2017 by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the OSCE Representative on Freedom of the Media, the Organisation of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information,
- having regard to the outcomes of the World Press Freedom Index, published by Reporters Without Borders, and to those of the Media Pluralism Monitor of the European University Institute’s Centre for Media Pluralism and Media Freedom,
- having regard to the Policy Brief entitled ‘Defining Defamation: Principles on Freedom of Expression and Protection of Reputation’ published by ARTICLE 19,
- having regard to its resolution of 21 May 2013 on the EU Charter: standard settings for media freedom across the EU¹,
- having regard to its resolutions of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens’ fundamental rights and on transatlantic cooperation in Justice and Home Affairs² and of 29 October 2015 on the follow-up to the European Parliament resolution of 12 March 2014 on the electronic mass surveillance of EU citizens³,
- having regard to its resolution of 16 March 2017 on e-democracy in the European Union: potential and challenges⁴,
- having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law

¹ OJ C 55, 12.2.2016, p. 33.

² Texts adopted, P7_TA(2014)0230.

³ Texts adopted, P8_TA(2015)0388.

⁴ Texts adopted, P8_TA(2017)0095.

and fundamental rights¹,

- having regard to its resolutions of 14 February 2017 on the role of whistleblowers in the protection of EU’s financial interests² and of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies³,
 - having regard to the conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on media freedom and pluralism in the digital environment⁴,
 - having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline and the Commission Guidelines for EU support to media freedom and media integrity in enlargement countries, 2014-2020,
 - having regard to the Commission’s 2016 Annual Colloquium on Fundamental Rights entitled ‘media pluralism and democracy’ and the relevant contributions published by the European Union Agency for Fundamental Rights,
 - having regard to the High Level Expert Group on fake news and online disinformation appointed by the Commission to advise on the scope of the phenomenon of fake news as well as defining the roles and responsibilities of relevant stakeholders,
 - having regard to European Data Protection Supervisor (EDPS) opinion 5/2016 on the review of the e-Privacy Directive (2002/58/EC),
 - having regard to Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA⁵,
 - having regard to the European Council conclusions on security and defence of 22 June 2017,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Culture and Education and of the Committee on Legal Affairs (A8-0144/2018),
- A. whereas the rights to freedom of expression and freedom of opinion are fundamental human rights and indispensable conditions for the full development of individuals and their active participation in a democratic society, for the realisation of the principles of transparency and accountability and for the fulfilment of other human rights and fundamental freedoms;

¹ Texts adopted, P8_TA(2016)0409.

² Texts adopted, P8_TA(2017)0022.

³ Texts adopted, P8_TA(2017)0402.

⁴ OJ C 32, 4.2.2014, p. 6.

⁵ OJ L 88, 31.3.2017, p. 6.

- B. whereas pluralism is inseparable from freedom, democracy and the rule of law;
- C. whereas the right to inform and the right to be informed are part of the core basic democratic values on which European Union is founded;
- D. whereas the importance of pluralistic, independent and trustworthy media as guardian and monitor of democracy and the rule of law cannot be underestimated;
- E. whereas media freedom, pluralism and independence are crucial components of the right to freedom of expression; whereas the media play an essential role in democratic society, by acting as public watchdogs, while helping to inform and empower citizens, through widening their understanding of the current political and social landscape, and fostering their conscious participation in democratic life; whereas the scope of such a role should be enlarged to encompass online and citizen journalism, as well as the work of bloggers, internet users, social media activists and human rights defenders, in order to reflect today's profoundly changed media reality while respecting the right to privacy; whereas net neutrality is an essential principle for an open internet;
- F. whereas fake news, cyberbullying and revenge porn represent growing concerns for our societies, especially among young people;
- G. whereas the spread of false news and disinformation on social media or search websites has strongly impaired the credibility of the traditional media which consequently inhibits their capacity to act as watchdogs;
- H. whereas public authorities have the duty not only to refrain from implementing restrictions on freedom of expression, but also the positive obligation to adopt a legal and regulatory framework which fosters the development of free, independent and pluralistic media;
- I. whereas, pursuant to Articles 2 and 4 of the ICERD and Article 30 of the Universal Declaration of Human Rights, the freedom of expression shall never be used to defend expressions that violate the Convention and the Declaration, such as hate speech or propaganda based on ideas or theories of the superiority of one race or group of persons of one colour, or ethnic group, or which attempt to justify or promote racial hatred and discrimination in any form;
- J. whereas public authorities have the duty to protect the independence and the impartiality of the public media in particular as actors serving democratic societies, as opposed to satisfying the interests of governments in power;
- K. whereas the authorities must also ensure that the media comply with the laws and regulations in force;
- L. whereas recent political developments in various Member States, where nationalism and populism are on the rise, have led to increased pressures on and threats against journalists, which show that the European Union must ensure, promote and defend media freedom and pluralism;
- M. whereas, according to the Council of Europe, the abuses and crimes committed against

journalists by both state and non-state actors, have a grave and chilling effect on freedom of expression; whereas the risk and frequency of unwarranted interference heightens the sense of fear among journalists, citizen journalists, bloggers and other information actors, leading to a potential high degree of self-censorship, while undermining citizens' rights to information and participation;

- N. whereas the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression recalled in September 2016 that governments have a responsibility not only to respect journalism, but also to ensure that journalists and their sources are protected by strong laws, the prosecution of perpetrators and ample security where necessary;
- O. whereas journalists and other media actors still face violence, threats, harassment or public shaming in the European Union mainly because of their investigative activities to protect the public interest from the misuse of power, corruption, human rights violations or criminal activities;
- P. whereas guaranteeing the safety and security of journalists and other media actors is a precondition for them to fully play their role and exercise their capacity to properly inform citizens and to participate effectively in public debate;
- Q. whereas, according to the Council of Europe Platform for the Protection of Journalism and Safety of Journalists, more than half of the cases of abuses against media professionals are committed by state actors;
- R. whereas investigative journalism should be promoted as a form of civic engagement and as an act of civic virtue supported by communication, learning, education and training;
- S. whereas the radical evolution of the media system, the rapid growth of the online dimension of media pluralism and the rise of search engines and social media platforms as sources of news represent both a challenge and an opportunity for the promotion of freedom of expression, for democratising the production of news by involving citizens in the public debate, and for converting a growing number of information users into information producers; whereas, however, the concentration of power of media conglomerates, platform operators and internet intermediaries, and media control by economic corporations and political actors risk causing negative consequences for the pluralism of public debate and access to information and having an impact on the freedom, integrity, quality and editorial independence of journalism and broadcast media; whereas a level playing field at European level is necessary for ensuring that search engines, social media platforms and other high-tech giants respect the rules of the EU digital single market, in fields such as e-privacy and competition;
- T. whereas journalists require direct, immediate and unencumbered access to information from public administrations to properly hold the authorities to account;
- U. whereas both information obtained on the basis of the right of inquiry as well as information obtained through whistleblowers complement each other and both are essential to journalists' ability to fulfil their mission to act in the public interest;
- V. whereas journalists require the fullest legal protection to use and disseminate such

information of public interest in their line of work;

- W. whereas the right to request and receive information from public administrations remains patchy and incomplete across the European Union;
- X. whereas the media sector plays a key role in any democratic society; whereas the effect of the economic crisis, coupled with the simultaneous growth of social media platforms and other high-tech giants and highly selective advertising revenues, have dramatically increased precariousness in the working conditions and social insecurity of media actors, including independent journalists, leading to a dramatic drop in professional, social and quality standards in journalism that may negatively affect their editorial independence;
- Y. whereas the European Audiovisual Observatory of the Council of Europe has denounced the emergence of a digital duopoly, with Google and Facebook representing up to 85 % of all digital advertising market growth in 2016, imperilling the future of traditional advertising-financed media companies, such as commercial TV channels, newspapers and magazines which have a far more limited audience reach;
- Z. whereas, in the context of enlargement policy, the Commission has the duty to demand full compliance with the Copenhagen criteria, including freedom of expression and the media, and the EU should therefore set the example of the highest standards in this field; whereas, once members of the EU, states are continuously and unequivocally bound by human rights obligations by virtue of the EU Treaties and the EU Charter of Fundamental Rights and whereas respect for freedom of expression and the media in the Member States should be subject to regular scrutiny; whereas the EU can only be credible on the global stage if press and media freedoms are safeguarded and respected within the Union itself;
- AA. whereas research consistently finds evidence that women are in the minority across media sectors, particularly in creative roles, and are severely underrepresented at senior, decision-making levels; whereas studies of women's participation in journalism suggest that, while there is a relatively good gender balance among entrants into the journalism profession, the distribution of decision-making responsibilities is characterised by a significant gender disparity;
- AB. whereas the provisions of the Charter of Fundamental Rights of the European Union and of the TEU, which ensure respect for these principles are pursued through positive actions to promote freedom and pluralism of the media, to promote the quality, access to and availability of information (positive freedom), but also requires omissions on the part of public authorities in order to avoid harmful aggression (negative freedom);
- AC. whereas unlawful and arbitrary surveillance, particularly when carried out on a mass scale, is incompatible with human rights and fundamental freedoms, *inter alia* freedom of expression – including freedom of the press and protection of confidentiality of journalistic sources –, the right to privacy and data protection; whereas the internet and social media play a role in spreading hate speech and fostering radicalisation leading to violent extremism by circulating illegal contents, especially to the detriment of young people; whereas tackling such phenomena requires close and coordinated collaboration between all relevant actors, at all levels of governance (local, regional and national) as

well as with civil society and the private sector; whereas effective security and counterterrorism laws and activities, as well as measures aimed at countering and preventing hate speech and violent extremism should always be the subject of fundamental rights obligations, so as to avoid any conflicts with the protection of freedom of expression;

- AD. whereas, echoing the Council of Europe, whistleblowing is a fundamental aspect of freedom of expression and plays an essential role in detecting and reporting irregularities and wrongdoing, and in strengthening democratic accountability and transparency; whereas whistleblowing represents a key source of information in the fight against organised crime, in investigating, identifying and publicising cases of corruption within the public and private sectors and in detecting tax avoidance schemes set up by private companies; whereas the adequate protection of whistleblowers at EU, national and international level, as well as the promotion of a culture of acknowledgement of the important role played by whistleblowers in society, are preconditions for ensuring the effectiveness of such a role;
- AE. whereas, in the context of fighting corruption and maladministration in the EU, investigative journalism should receive particular consideration and financial support as a tool serving the public good;
- AF. whereas, according to the findings of the Media Pluralism Monitor, media ownership remains highly concentrated and this constitutes a significant risk to the diversity of information and viewpoints represented in media content;
- AG. whereas the coverage of EU affairs and the work of the EU institutions and agencies should be subject to the criteria of media pluralism and media freedom, on an equal footing with the coverage of the national news, and should have multilingual support to reach the maximum number of EU citizens;
1. Calls on the Member States to take appropriate measures, including ensuring adequate public funding, to safeguard and promote a pluralist, independent and free media landscape in the service of democratic society, including the independence and sustainability of public service media and community media and grassroots media, which are crucial elements of a favourable environment for guaranteeing the fundamental right to freedom of expression and information;
 2. Emphasises the shared responsibility of lawmakers, journalists, publishers and internet intermediaries, but also of citizens as consumers of information;
 3. Calls on the EU institutions to guarantee full implementation of the EU Charter of Fundamental Rights in all their decisions, actions and policies, as a means to thoroughly uphold media pluralism and media freedom from undue influence from national public authorities; asks the Commission, in this regard, to introduce human rights impact assessments for the evaluation of its legislative proposals and to present a proposal for the establishment of an EU mechanism on democracy, the rule of law and fundamental rights in line with the relevant Parliament resolution;
 4. Stresses the need to have in place independent monitoring mechanisms to assess the situation of media freedom and media pluralism in the EU, as a means to promote and

protect the rights and freedoms enshrined in Article 11 of the Charter of Fundamental Rights of the European Union and Article 10 of the ECHR, and to promptly react to possible threats to them and violations of them; calls on the Commission and the Member States to fully support and strengthen the tools already developed in this regard, such as the Media Pluralism Monitor and the Council of Europe Platform for the Protection of Journalism and Safety of Journalists;

5. Calls on the Commission, as guardian of the treaties, to treat attempts by Member States' governments to harm media freedom and pluralism as the serious and systemic abuse of power and the move against the fundamental values of the European Union enshrined in Article 2 TEU that they are, in view of the fact that the rights to freedom of expression and freedom of opinion are fundamental human rights, and that media freedom, pluralism and independence play an essential role in democratic society, including by acting as a check on government and state power;
6. Calls on the Member States to carry out an independent review of their relevant laws and practices in order to protect freedom of expression and freedom and pluralism of the media;
7. Expresses its deep concern at the abuses, crimes and deadly attacks still being committed against journalists and media workers in the Member States because of their activities; urges the Member States to do their utmost to prevent such violence, to ensure accountability and avoid impunity and to guarantee that victims and their families have access to the appropriate legal remedies; calls on Member States to set up an independent and impartial regulatory body, in cooperation with journalists' organisations, for monitoring, documenting and reporting on violence and threats against journalists and to deal with the protection and safety of journalists at national level; calls on the Member States, moreover, to fully implement Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors;
8. Expresses its concern over the deteriorating working conditions for journalists and the amount of psychological violence that journalists witness; calls, therefore, on the Member States to set up national action plans, in close cooperation with journalist organisations, to improve the working conditions of journalists and to ensure that journalists will not be victims of psychological violence;
9. Is concerned about the state of media freedom in Malta following the assassination of anti-corruption journalist Daphne Caruana Galizia in October 2017, who was also subjected to harassment, including precautionary warrants freezing her bank accounts, and threats made by multinational companies;
10. Welcomes the decision to name the European Parliament's press room after murdered journalist Daphne Caruana Galizia; reiterates, in this context, its call for a European Parliament annual prize for investigative journalism to be named after her;
11. Calls on the Member States to fully support the initiative launched by Reporters Without Borders for the creation of a Special Representative to the United Nations Secretary-General for the safety of journalists;

12. Calls on the Member States to create and maintain, in law and in practice, a safe and secure environment for journalists and other media actors, including foreign journalists pursuing their journalistic activities in the Member States, enabling them to carry out their work in full independence and without undue interference – such as the threat of violence, harassment, financial, economic and political pressure, pressure to disclose confidential sources and materials, and targeted surveillance; stresses the need for the Member States to guarantee efficient legal recourse procedures, in respect of the above acts, for journalists whose freedom to work has been threatened, so as to avoid self-censorship; highlights the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists;
13. Underlines the importance of ensuring adequate working conditions for journalists and media workers, in full compliance with the requirements of the EU Charter of Fundamental Rights and the European Social Charter, as a means of avoiding undue internal and external pressure, dependency, vulnerability and instability, and hence the risk of self-censorship; highlights that independent journalism cannot be guaranteed and fostered by the market alone; asks the Commission and the Member States, therefore, to promote and elaborate new socially sustainable economic models aimed at financing and supporting quality and independent journalism, and to ensure that the public is accurately informed; asks the Member States to strengthen financial support to public service providers and investigative journalism while refraining from involvement in editorial decisions;
14. Condemns attempts by governments to silence critical media and demolish media freedom and pluralism, including by more sophisticated ways that do not typically create an alert in the Council of Europe Platform for the Protection of Journalism and Safety of Journalists, such as by government members and their cronies buying up commercial media outlets and hijacking the public service media to serve partisan interests;
15. Highlights the necessity of supporting and broadening the scope of activities of the European Centre for Press and Media Freedom, particularly of its legal support to journalists under threat;
16. Underlines that media professionals often work in precarious conditions with regard to their contracts, salaries and social guarantees, which compromises their ability to work appropriately and thus hampers media freedom;
17. Recognises that freedom of expression may be subject to restrictions – provided that they are prescribed by law, pursue a legitimate aim and are necessary in a democratic society – in the interests of, among other aspects, protecting the reputation and rights of others; expresses its concern, however, at the negative and chilling effects that criminal defamation laws might have on the right to freedom of expression, freedom of the press and public debate; calls on the Member States to refrain from any misuse of criminal defamation laws by striking a fair balance between the right to freedom of expression and the right to respect for private and family life, including reputation, while ensuring the right to an effective remedy and avoiding excessively severe and disproportionate penalties and sanctions, in line with the criteria laid down by the ECtHR;
18. Calls on the Commission to propose an Anti-SLAPP (strategic lawsuit against public

participation) Directive that will protect the independent media from vexatious lawsuits intended to silence or intimidate them in the EU;

19. Considers that the participation in democratic processes is founded, first and foremost, on effective and non-discriminatory access to information and knowledge; calls for the EU and its Member States to develop adequate policies to attain universal access to the internet and to recognise internet access – including net neutrality – as a fundamental right;
20. Deplores the decision adopted by the US Federal Communications Commission to repeal the 2015 rules on net neutrality, and highlights the negative consequences that decision might have, in a globally interconnected digital world, on the right of access to information without discrimination; calls on the EU and the Member States to pursue a course of strengthening the net neutrality principle by building on and further developing the Body of European Regulators for Electronic Communications (BEREC) Guidelines on the Implementation by National Regulators of European Net Neutrality Rules;
21. Highlights the important role played by independent and pluralistic media in political debate and the right to pluralistic information both during electoral terms and in the intervening periods; stresses the need to guarantee full expression for all political actors, in line with the provisions of the ICERD, and to base the amount of airtime they are given on public service broadcast channels on journalistic and professional criteria and not on their degree of institutional representativeness or political views;
22. Calls on the Member States and the Commission to refrain from adopting unnecessary measures aimed at arbitrarily restricting access to the internet and the exercise of basic human rights or at controlling public communications, such as the adoption of repressive rules on the establishment and operation of media outlets and/or websites, the arbitrary imposition of states of emergency, technical control over digital technologies – i.e. blocking, filtering, jamming and closing down digital spaces – or the de facto privatisation of control measures by pressuring intermediaries to take action to restrict or delete internet content; calls for the EU and the Member States, furthermore, to prevent such measures from being adopted by private operators;
23. Calls on the Commission and the Member States to ensure full transparency on the part of private companies and governments in the use of algorithms, artificial intelligence and automated decision-making, which should not be implemented and developed in such a way as to lead to, or with the intent of achieving, the arbitrary blocking, filtering and removal of internet content, and to guarantee that any EU digital policy and strategy must be drafted with a human rights-based approach, providing for appropriate remedies and safeguards and in full compliance with the relevant provisions of the Charter of Fundamental Rights of the European Union and of the ECHR;
24. Reiterates that cyberbullying, revenge porn and child sexual abuse material are a growing concern in our societies and can have extremely serious impacts, especially on young people and children, and highlights that the interests and rights of minors must be fully respected in the context of the mass media; encourages all Member States to draw up forward-looking legislation to address these phenomena, including provisions for detection, flagging and removal from social media of content which is manifestly

harmful to human dignity; encourages the Commission and Member States to strengthen their efforts to build effective counter-narratives and to provide clear guidelines that ensure legal certainty and predictability for users, service providers and the internet sector as a whole, while ensuring the possibility of judicial redress in accordance with national law, in order to react against the misuse of social media for terrorist purposes; stresses, however, that any measures restricting or removing internet content should only be adopted in specified, explicit and legitimate circumstances and under strict judicial oversight, in line with international standards, the case law of the ECtHR, and Article 52 of the Charter of Fundamental Rights of the European Union;

25. Takes note of the Code of Conduct on Countering Illegal Hate Speech Online, promoted by the Commission; points to the wide margin of discretion left to private companies to determine what constitutes 'illegality' and calls for such margins to be restricted, so as to avoid any risks of censorship and arbitrary restrictions on freedom of expression;
26. Reaffirms that anonymity and encryption are essential tools for the exercise of democratic rights and freedoms, for promoting trust in the digital infrastructure and communications, and for protecting the confidentiality of sources in journalism; recognises that encryption and anonymity provide the privacy and security necessary for the exercise of the right to freedom of opinion and expression in the digital age, and recalls that free access to information necessarily implies safeguarding the personal information citizens leave behind when operating online; takes note of the fact that encryption and anonymity can also give rise to abuses and wrongdoing and make it difficult to prevent criminal activities and to conduct investigations, as pointed out by law enforcement and counter-terrorism officials; recalls that restrictions on encryption and anonymity must be limited in keeping with the principles of legality, necessity and proportionality; calls on the EU institutions and the Member States to fully endorse and implement the recommendations set out in the Report of the UN Special Rapporteur of 22 May 2015 on the promotion and protection of the right to freedom of opinion and expression, addressing the use of encryption and anonymity in digital communications;
27. Encourages the development of ethical codes for journalists as well as for those involved in the management of media outlets, in order to ensure the full independence of journalists and media bodies;
28. Underlines that law enforcement and judicial authorities face many obstacles while investigating and prosecuting online offences, also due to discrepancies between Member States' legislation;
29. Notes that in the evolving digital media ecosystem, new intermediaries have emerged with the ability to influence and control information and ideas online by acquiring gate-keeping functions and powers; underlines that there must be sufficient independent and autonomous online channels, services and sources with the capacity to deliver a plurality of opinions and democratic ideas to the public on issues of general interest; calls on the Member States to develop new or existing national policies and measures in this regard;
30. Recognises that the new digital environment has exacerbated the problem of the spread of disinformation, or so-called 'fake' or 'false' news; recalls, however, that this is not a new phenomenon, nor is it restricted to the online sphere; stresses the importance of

guaranteeing the right to quality information by enhancing citizens' access to reliable information and preventing the propagation of online and offline misinformation; recalls that the use of the term 'fake news' should never be aimed at undermining public trust in the media or at discrediting and criminalising critical voices; expresses its concern about the potential threat the notion of fake news could pose to freedom of speech and expression and to the independence of the media, while underlining the negative effects that the spread of false news might have on the quality of political debate and on the well-informed participation of citizens in democratic society; stresses the importance of ensuring effective self-regulatory mechanisms based on the principles of accuracy and transparency, and providing for proper obligations and instruments in relation to source verification, and of fact checking by independent and impartial certified third-party fact checking organisations to assure the objectivity of information and its protection;

31. Encourages social media companies and online platforms to develop tools to enable users to report and flag potential fake news in order to facilitate prompt rectification and to allow for review by independent and impartial certified third party fact checking organisations, tasked with providing precise definitions of fake news and disinformation in order to reduce the margin of discretion left to private sector actors, and to continue to display and label as 'false news' information revealed as such, with a view to stimulating public debate and preventing any re-emergence of the same disinformation in a different form;
32. Welcomes the Commission's decision to establish a High Level Expert Group on fake news and online disinformation composed of representatives of civil society, social media platforms, news media organisations, journalists and academia, in order to analyse these emerging threats and propose operative measures to be taken both at European and national level;
33. Underlines the responsibility of online actors in avoiding the spread of unverified or untrue information with the sole purpose of increasing online traffic through the use of, for example so-called clickbait;
34. Recognises that the role and investment of press publishers in investigative, professional and independent journalism is essential for fighting against the proliferation of 'fake' news and stresses the need to ensure the sustainability of pluralistic editorial press content; encourages both the Commission and Member States to invest adequate financial resources in media and digital literacy and in developing communication strategies, together with international and civil society organisations, in order to empower citizens and online users to recognise and be aware of dubious sources of information and to spot and expose deliberately false content and propaganda; to this end, also encourages the Member States to integrate media and information literacy into national education systems; calls on the Commission to consider best practices from national level to ensure the quality of journalism and the reliability of information published;
35. Reiterates the right of each individual to decide on the fate of his or her personal data, in particular the exclusive right to control the use, disclosure of personal information and the right to be forgotten, defined as the possibility to obtain a prompt removal of

contents that might be prejudicial to his or her own dignity, from social media and search websites;

36. Recognises that the Internet and, more generally, the development of the digital environment has expanded the scope of several human rights, as shown, for instance, by the judgment of the Court of Justice of the European Union of 13 May 2014 in case C-131/12 Google Spain SL and Google Inc v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González¹; calls, in this regard, on the EU institutions to launch a participatory process in order to draw up a European Charter of Internet Rights, taking into account the best practices developed in the Member States – in particular the Italian Declaration of Internet Rights – to be used as reference point, together with the relevant European and international human rights instruments, for the regulation of the digital sphere;
37. Underlines the key role of whistleblowers in safeguarding the public interest and in promoting a culture of public accountability and integrity in both public and private institutions; reiterates its call on the Commission and the Member States to set up and implement an adequate, advanced and comprehensive framework for common European legislation to protect whistleblowers by fully endorsing the Council of Europe’s recommendations and by fully endorsing the Council of Europe’s recommendations and Parliament’s recent resolutions of 14 February and 24 October 2017; considers it necessary to ensure that reporting mechanisms are accessible, safe and secure, and that the claims of whistleblowers and investigative journalists are professionally investigated;
38. Stresses that the legal protection of whistleblowers when publicly disclosing information rests in particular on the public’s right to receive it; underlines that nobody should lose the benefit of protection on the sole grounds that he or she might have misjudged the facts or that the perceived threat to the public interest did not materialise, provided that, at the time of reporting, he or she had reasonable grounds to believe them to be true; recalls that persons who knowingly report wrong or misleading information to the competent authorities should not be considered as whistleblowers, and thus should not benefit from the protection mechanisms; stresses, furthermore, that any person who is prejudiced, whether directly or indirectly, by the reporting or disclosure of inaccurate or misleading information should be afforded the right to seek effective remedies;
39. Encourages both the Commission and the Member States to adopt measures to protect the confidentiality of the information sources in order to prevent any discriminatory actions or threats;
40. Calls on the Commission and the Member States to ensure that journalists are given the proper tools to inquire and receive information from EU and Member States’ public administration authorities, according to Regulation 1049/2001 on public access to documents, without facing arbitrary decisions denying such right of access; notes that the information obtained through the right of inquiry by journalists or by citizens, including information obtained through whistleblowers, is both complementary and essential to journalists’ ability to fulfil their public interest mission; reiterates that

¹ ECLI:EU:C:2014:317.

access to public sources and events should depend on objective, non-discriminatory and transparent criteria;

41. Emphasises that freedom of the press requires independence from political and economic power, which implies equal treatment regardless of editorial orientation; reiterates the importance of preserving journalism that benefits from mechanisms which prevent the concentration of single, monopolistic or quasi-monopolistic groups, ensuring free competition and editorial diversity; calls on the Member States to adopt and implement a media ownership regulation in order to avoid horizontal concentration of ownership in the media sector and indirect and cross-media ownership, and to guarantee transparency, disclosure, and easy accessibility for citizens to information on media ownership, funding sources and management; underlines the importance of applying appropriate restrictions on media ownership by persons holding public office and of ensuring independent oversight and effective compliance mechanisms in order to prevent conflicts of interest and revolving doors; considers it essential to have independent and impartial national authorities to ensure the effective supervision of the audiovisual media sector;
42. Urges the Member States to develop their own strategic capabilities and engage with local communities in the EU and the EU neighbourhood to foster a pluralistic media environment and to communicate EU policies coherently and effectively;
43. Invites the Member States to fully support and endorse the Council of Europe Recommendation of the Committee of Ministers to member States on media pluralism and transparency of media ownership adopted on 7 March 2018;
44. Recalls the important role played by public broadcasters in preserving media pluralism, as highlighted in Protocol No 29 to the Treaties; calls on the Member States to provide them with the adequate financial and technical means necessary for performing their social function and serving the public interest; calls on the Member States, to this end, to guarantee their editorial independence by protecting them, through clearly defined regulatory frameworks, from any form of governmental, political or commercial interference and influence, while at the same time, assuring all public bodies and entities which exercise powers in the areas of broadcasting and telecommunications full management autonomy and independence;
45. Urges the Member States to align their policy of issuing licenses to national broadcasting companies with the principle of respect for media pluralism; stresses that the fees charged and strictness of the obligations related to the issuing of licenses should be subject to scrutiny and should not jeopardise media freedom;
46. Calls on the Commission to check whether Member States allocate broadcasting licences on the basis of objective, transparent, impartial and proportionate criteria;
47. Suggests that in order to efficiently safeguard media freedom and pluralism, the participation in public procurement of companies whose ultimate owner also owns a media company should be prohibited or at least made fully transparent; proposes that Member States should be required to regularly report on all public funding provided to media enterprises and that all public funding provided to media owners should be regularly monitored; stresses that media owners should not have been convicted or

found guilty of any criminal offence;

48. Stresses that any public funding to media organisations should be given on the basis of non-discriminatory, objective and transparent criteria, which should be made known in advance to all media;
49. Recalls that the Member States should find ways to support the media, by ensuring, for example, VAT neutrality as recommended in its resolution of 13 October 2011 on the future of VAT¹, and by supporting initiatives related to the media;
50. Calls on the Commission to allocate permanent and adequate funding in the EU budget to support the Media Pluralism Monitor at the Centre for Media Pluralism and Media Freedom, and to create an annual mechanism for the assessment of the risks to media pluralism in the Member States; stresses that the same mechanism should be applied to measure media pluralism in candidate countries, and that the results of the Media Pluralism Monitor should have an actual bearing on the progress of the negotiation process;
51. Calls on the Commission to monitor and collect information and statistics on media freedom and pluralism within all Member States, and to closely analyse cases of the infringement of the fundamental rights of journalists, while respecting the principle of subsidiarity;
52. Stresses the need to step up the sharing of best practices among the Member States' audiovisual regulatory authorities;
53. Calls on the Commission to take into account the recommendations contained in Parliament's resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights²; in this sense, calls on the Commission to include the results and recommendations of the Media Pluralism Monitor on the risks to media pluralism and media freedom in the EU when drawing up its annual Report on democracy, the rule of law and fundamental rights (European DRF Report);
54. Encourages Member States to step up their efforts to strengthen media literacy and promote training and educational initiatives among all citizens through formal, non-formal and informal education from a lifelong learning perspective, also by paying special attention to initial and ongoing teacher training and support as well as by encouraging dialogue and cooperation between the education and training sector and all relevant stakeholders, including media professionals, civil society and youth organisations; reaffirms the need to support age-appropriate innovative tools to promote empowerment and online safety as compulsory elements of the curriculum at schools and to bridge the digital divide both through specific technological literacy projects and with adequate investments in infrastructures, in order to ensure universal access to information;
55. Emphasises that developing a sense of critical appraisal and analysis with regard to the

¹ OJ C 94 E, 3.4.2013, p. 5.

² Texts adopted, P8_TA(2016)0409.

use and creation of media content is essential to people's understanding of current issues and contribution to public life, as well as their knowledge about both the transformative potential and the threats inherent to an increasingly complex and interconnected media environment; stresses that media literacy is a crucial democratic skill that empowers citizens; calls on the Commission and the Member States to develop specific measures in order to promote and support media literacy projects, such as the pilot project on Media Literacy for All and to develop a comprehensive media literacy policy targeting citizens of all age groups and all media types as an integral part of the European Union's education policy, supported accordingly by relevant EU funding opportunities such as ESI Funds and Horizon 2020;

56. Notes with concern that, as highlighted by the 2016 Media Pluralism Monitor, media access by minorities, local and regional communities, women and people with disabilities is at risk; stresses that inclusive media are essential in an open, free and pluralistic media landscape, and that all citizens have the right of access to independent information in their mother tongue, be it a state or minority language; underlines the importance of providing European journalists, especially those working in lesser-used and minority languages, with adequate training and retraining opportunities; calls, therefore, on the Commission and Member States to encourage and support research, projects and policies that improve access to the media, as well as relevant initiatives aimed at vulnerable minority groups (such as the pilot project on Internship opportunities for minority language media), and to guarantee opportunities for participation and expression for all citizens;
57. Encourages the media sector to safeguard gender equality in media policy and practice, through co-regulatory mechanisms, internal codes of conduct and other voluntary actions;
58. Urges the Commission and the Member States to engage in social campaigns, education programmes, and more targeted training and awareness-raising activities (including for industry decision-makers) to promote egalitarian values and practices through funding and promotion at both national and European level in order to address gender inequality in the media sector effectively;
59. Recommends that the Commission develop a sectoral strategy for the European media sector based on innovation and sustainability; considers that such a strategy should strengthen cross-border collaboration and co-productions between media actors in the EU in order to highlight their diversity and promote intercultural dialogue, to enhance cooperation with individual newsrooms and audiovisual services of all the European institutions, in particular with that of Parliament, and to foster media coverage and visibility of EU affairs;
60. Stresses the importance of developing further models for the establishment of a European public service broadcasting platform that fosters EU-wide political debates based on facts, dissent and respect, contributes to a plurality of views in the newly converged media environment and fosters the visibility of the EU in its external relations;
61. Requests that the Commission and the Member States protect media freedom and freedom of speech in contemporary arts by promoting the creation of artworks that give

voice to social concerns, encourage critical debate and inspire counter-speech;

62. Stresses the necessity to abolish geoblocking of information media content, thereby allowing EU citizens to access online, on-demand and replay streaming of other Member States' television channels;
63. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and to the Secretary General of the Council of Europe.

EXPLANATORY STATEMENT

Through the adoption of Lisbon Treaty, the European Union has identified itself as a community of values in which human rights represent its cornerstone. Freedom of expression and information is internationally recognized as one of the core elements of the human rights and fundamental freedoms' architecture. It has been enshrined – among others – in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the European Convention of Human Rights. The case-law of the European Court of Human Rights, as well as the work carried out by several international organization (UN, OSCE, Council of Europe), has developed and clarified its field of application. Article 11 of the Charter of Fundamental Rights of the European Union has formally broadened its scope by including freedom and pluralism of the media in the domain of protection. Taken together, all these instruments consolidate a precise responsibility of the Member States and the EU itself to fully protect this fundamental human right and, at the same time, to put in place positive measures to proactively promote its progress.

Besides its intrinsic status as human right, freedom of expression and pluralist and independent media perform also a fundamental social role, acting as public watchdog, sheltering citizens from States' as well as private interests' abuses and empowering them to actively participate in the democratic life.

The conditions of effective media freedom, pluralism and independence from political pressure and economic interests have been aggravated since the adoption of the European Parliament resolution of 21 May 2013 “on the EU Charter: standard settings for media freedom across the EU”, as stressed by the findings of the 2017 World Press Freedom Index published by Reporters Without Borders (RSF)¹ and the conclusions of the 2017 Policy Report of the European University Institute².

Threats to freedom of expression and media pluralism are manifold and encompass a wide range of measures put in place both by States' actors and private parties.

Violence, threats and pressures against journalists

Even in the EU Member States, journalists continue to be the target of deadly attacks. The assassination of the Maltese journalist Daphne Caruana Galizia represents only the last episode in this sense. However, pressures against journalists take different and multi-faceted forms. As highlighted by the European Agency of Fundamental Rights, these include threats of violence; incidents in the context of public assemblies; alleged interference by political actors; pressures to disclose confidential sources and materials; interference through security and intelligence services; as well as financial and economic pressures³. These factors, coupled with political

¹ Reporters Without Borders (RSF), 2017 World Press Freedom Index, *Journalism weakened by democracy's erosion*, <https://rsf.org/en/journalism-weakened-democracys-erosion>

² Centre for Media Pluralism and Media Freedom (CMPF), European University Institute, “*Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in the European Union, Montenegro and Turkey*”, <http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/>

³ European Agency for Fundamental Rights (FRA), *Violence, threats and pressures against journalists and other media actors in the EU*, Contribution to the second Annual Colloquium on Fundamental Rights - November 2016, <http://fra.europa.eu/en/publication/2016/violence-threats-and-pressures-against-journalists-and-other-media-actors-european>

interferences as well as a high degree of concentration in the media sector, are also expanding the phenomenon of self-censorship, as illustrated by the Council of Europe's study "*Journalists under pressure: Unwarranted interference, fear and self-censorship in Europe*"¹. The worsening of the working and economic conditions in the media sector deriving from the economic crisis, together with the emergence of new international actors such as high tech giant or social media platforms able to dominate the online advertising market and with budget cuts operated in some Member States against public service broadcaster, are enhancing precariousness while magnifying self-censorship.

The digital sphere

Digital technologies have undoubtedly provided with new and deeply transformative instruments of participatory democracy, enlarging it in a revolutionary way and enabling citizens to turn from information-users into information-producers. The risk of disinformation implicit in the viral spreading of the internet content, in the difficulties of challenging and correcting it in time, as well as in the censorship power that might be exerted by social media platforms and tech giants, represents the flip-side of that. However, from the perspective of international law, the issue of "fake news" must be approached with extreme caution, keeping in mind that mainstream legacy media have been – and are – equally prone to spread false news, and that prohibition of "fake" or "false" news has often served as an instrument to control the media and restrict editorial freedom. We are cognizant that deceitful information can cause serious harm (damaging individuals' reputation, violating their privacy), but restrictions on "fake news" are not the solution. Final "truth" and "objectivity" are ambiguous and dangerous concepts. The demand to publish only absolute true reports is not only unrealistic but also illiberal. Moreover, we should bear in mind that the digital age has made the verification of facts easier than it ever was in traditional media: manipulation of digital material can be investigated, if the will is there, and internet has at its disposal the instruments and offers the infrastructure for checking sources and facts. Allowing public officials to decide what counts as truth is tantamount to accepting that the forces in power have a right to silence critical voices. As for "hate speech" or "terrorism", the notion of "fake news" is too vague to prevent subjective and arbitrary interpretations. Nor would it be reassuring to have private entities like Facebook making these assessments instead of public authorities.

National measures and the Copenhagen dilemma

National security and fight against terrorism are becoming a common thread for the Member States leading to the adoption of legislative acts and other measures bound to have a deep impact on human rights and fundamental freedoms, as proved by the Snowden case and the relevant case-law of the Court of Justice. Recently enacted national laws in various Member States enhancing surveillance powers conferred to security and police forces and secret services, the monitoring of communications and the retention of personal data, risk – without proper due legal guarantees and remedies – to undermine the very essence of the right to freedom of expression as well as other fundamental rights such as, for instance, the right to privacy and data protection.

Similar measures limiting the enjoyment of the freedom of expression and information or the basic functions of free and independent media, as for instance the very existence of criminal

¹ Marilyn Clark and Anna Grech, *Journalists under pressure - Unwarranted interference, fear and self-censorship in Europe*, Council of Europe Publishing, 2017

defamation laws, have the same potential to corrupt the democratic debate.

Candidate countries must prove to respect, according to article 49 TEU, the EU values listed in article 2 TEU: an obligation enshrined in the Copenhagen criteria. However, no real EU instrument is in place to guarantee the effective observance of human rights and rule of law by Member States, except for the so-called “nuclear option” provided for in article 7 TEU. The political interferences occurred in recent decades in, among others, Italy, Poland, Spain and Hungary prove the need to have a proper EU institutional mechanism of monitoring and redress.

Whistle-blowers

Whistleblowing has been widely recognised as a fundamental aspect of freedom of expression and an essential tool for guaranteeing transparency and accountability of the democratic institutions. The need of an effective whistle-blowers protection has been repeatedly invoked by several international organisations, such as the Council of Europe or the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and by the European Parliament itself. However, a common EU framework is still to be adopted, and various Member States lack an adequate system in this regard.

MINORITY OPINION

pursuant to Rule 52a(4) of the Rules of Procedure
Marek Jurek

The adopted report addresses the issue of media freedom and pluralism, which is of key importance for democracy, but deliberately leaves out aspects which are essential to the matter and which were identified in committee and in the negotiations. They relate, in particular, to the new forms of restriction on freedom of expression, an example of which is the introduction of prison sentences in France for ‘exerting moral pressure’.

The report draws attention to the responsibility of the state to guarantee the conditions of pluralism – it does not address the need to restore real conditions for pluralism in societies which experienced totalitarian tyranny. In countries which were ruled by collaborationist communist regimes, social groups considered hostile by the authorities were subjected to particularly discriminatory practices over several generations, and their views and values were methodically vilified by official propaganda. Ensuring that they can participate fully in public life is a clear responsibility of any democratic government and should be supported by the European Union.

In addition, the report contains an unauthorised reference to the Istanbul Convention, which a third of the Member States have not ratified, and calls for the establishment of an ‘EU mechanism on democracy, the rule of law and fundamental rights’, an idea which is likewise rejected by many countries. A report addressing the issue of pluralism should certainly not be used to push such one-sided ideas which are opposed by a great many citizens of our countries.

23.2.2018

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on media pluralism and media freedom in the European Union
(2017/2209(INI))

Rapporteur (*): Curzio Maltese

(*): Associated committee – Rule 54 of the Rules of Procedure

SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that freedom of expression and information, as enshrined in the Charter of Fundamental Rights of the European Union (Article 11), in the International Covenant on Civil and Political Rights (Article 19) and in the European Convention on Human Rights, is essential to achieving a pluralistic society, as set out in Article 2 of the Treaty on European Union; emphasises that access to quality, free and independent information is a fundamental human right, that media freedom and pluralism are essential pillars of democracy and that the media's independence from political and economic pressure and undue influences of any kind must be guaranteed accordingly, in order to avoid any harassment or intimidation that could influence editorial content;
2. Highlights that, in order to actively and effectively participate in public life and take part in political debates, citizens need to be properly and fully informed;
3. Believes that the reasons for the growing public mistrust of the media should be openly and seriously sought; recalls that the formation of public opinion is based upon a relationship of trust between citizens and media professionals aimed at informing the public and fostering a culture of public accountability and transparency for the purposes of general interest; notes with the gravest concern that the financing system for the press faces many challenges, including the high concentration of media ownership which results in some dominant players using information for political and commercial propaganda objectives, thus jeopardising media pluralism and dramatically lowering the

quality, diversity, reliability and trustworthiness of information and giving rise to phenomena such as ‘fake news’; salutes, therefore, the Commission’s proposal to give news publishers the right to authorise the reproduction and accessibility of their press publications online, in order to favour a balanced relationship with online business players and a fair share of the revenues generated by press publications online;

4. Takes note of the new challenges with which, in the context of a quickly evolving media landscape, both the traditional and new media are confronted as a result of the rise of technologies and digitalisation, for example the ‘filter bubble’ phenomenon, linked to the extensive use of algorithms and of the need to respect the fundamental right to privacy; stresses, in particular, that the phenomenon of so-called ‘fake news’ is a growing and worrying trend whereby false stories and deliberate misinformation, which may fuel social tensions and pose a fundamental threat to democracies; points out that journalists and media organisations have a unique responsibility in terms of shaping opinion and public discourse, and that they should commit to the pursuit of evidence-based information; calls, therefore, for media independence and transparency and urges the Commission and the Member States to develop a coherent and comprehensive strategy aimed at, on the one hand, fostering high quality journalism by strengthening financial and legal support to independently-operated media and investigative journalism, while refraining from involvement in editorial decisions, and, on the other, at supporting media literacy among all EU citizens;
5. Emphasises that the public service media have an irreplaceable role in terms of media pluralism and that they have an important responsibility to adequately reflect cultural, linguistic, social and political diversity and to ensure that the public is duly informed; recommends that Member States provide appropriate, proportionate and stable funding for the public service media, thus ensuring they can fulfil their cultural, social and educational role and contribute to an inclusive society, while guaranteeing their independence from political interference or censorship and preventing them from being used as a vehicle for propaganda and indoctrination;
6. Recalls that the Member States should find ways to support the media, by ensuring, for example, VAT neutrality as recommended in its resolution of 13 October 2011 on the future of VAT¹, and by supporting initiatives related to the media;
7. Stresses that the use of digital media has led to new challenges and opportunities for media freedom and that media pluralism, including in the online sphere, is under serious threat from the excessive concentration of media ownership, the worrying complicity whenever it arises between the interests of the media industry and politics and the corporate powers’ lack of compliance with competition and tax rules; asks the Commission and the Member States to overcome regulatory deficiencies in order to create legal clarity and consistency to ensure genuine diversity, the accessibility of media content and media freedom and to prevent the formation of dominant positions by web giants through a modernised EU competition policy that ensures fair competition in the European media sector in the context of online convergence and the growing role of online platforms as intermediaries and through a regulatory framework that makes licensing of the commercial use of copyright-protected press articles

¹ OJ C 94 E, 3.4.2013, p. 5.

compulsory, thus ensuring a fair remuneration of press publishers and, ultimately, of journalists; stresses, in this regard, that media ownership structures must be transparent and that national regulatory authorities should monitor this aspect in particular;

8. Calls on the Commission and Member States to establish an EU-wide system of statutory self-regulation to ensure that media actors engage, negotiate and institute their own ethical standards for online information without direct political involvement;
9. Notes that much of the information that traditional media outlets produce is now available both online and on traditional platforms, and that these therefore remain subject to national media regulations; recalls that this is not the case for media platforms that exist exclusively online, leading to unfair competition between such platforms and traditional media outlets; notes that similar services with similar features should have similar regulations; calls for the harmonisation of rules and media regulations to ensure a level playing field;
10. Highlights the fact that freedom of expression and information in Europe is being jeopardised by increasing intimidation of and acts of aggression against journalists, as proven by the recent assassination of Daphne Caruana Galizia; reiterates that the Member States have to safeguard the fundamental right of the freedom of expression of journalists to impart information by ensuring the protection and the facilitation of their work, as well as the fundamental right of the general public to receive that same information; emphasises the particular situation of investigative journalists, as well as the importance of the protection of sources; calls on the Member States to ensure that their legal frameworks and law enforcement practices guarantee appropriate protection, assistance and support for journalists and media professionals, while paying special attention to the specific dangers related to gender, sexual and ethnic identity;
11. Underlines that whistle-blowing is an essential element in investigative journalism and press freedom; notes that journalists can be subject to legal prosecution rather than legal protection when, acting in the public interest, they disclose information or report suspected misconduct, wrongdoing, fraud or illegal activity; recalls its resolution of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies¹; urges the Commission to present, as soon as possible, a legislative proposal that will guarantee a high level of protection for whistle-blowers in the EU;
12. Acknowledges the successful establishment of the European Centre for Press and Media Freedom (ECPMF) in the context of a European Union pilot project and highlights the ECPMF's well-known work in countering attacks on press and media freedom through the systematic recording of violations of media freedom in Europe and offering direct support to journalists and media freedom activists under threat and at risk of becoming victims of violence; asks the Commission to develop the necessary tools and provide the necessary funding to make the ECPMF a permanent EU structure;
13. Underlines that the rise of hate speech, abuse and threats in online spaces highlighted by the 2016 Eurobarometer survey on media pluralism and democracy needs to be addressed in order to safeguard the freedom of expression and the diversity of opinions

¹ Texts adopted, P8_TA(2017)0402.

in online media; calls on the Commission to further assess online abuse and its effects and take appropriate measures to effectively prevent and counteract it;

14. Underlines that media professionals, especially the youngest, too often work in precarious conditions with regard to their employment contracts, salaries and social and legal guarantees, which compromises their ability to work appropriately and thus affects the availability of impartial and independent news and information, ultimately hampering media freedom; calls on Member States and media organisations to guarantee that journalists can carry out their work to the highest standards by ensuring just and fair working conditions for all media professionals and to foster quality and continuous training, both for those working on a contractual and on a freelance basis; encourages the media sector to promote gender equality in media policy and practice, for example through co-regulatory mechanisms and internal codes of conduct;
15. Encourages Member States to step up their efforts to strengthen media literacy and promote training and educational initiatives among all citizens through formal, non-formal and informal education from a lifelong learning perspective, also by paying special attention to initial and ongoing teacher training and support as well as by encouraging dialogue and cooperation between the education and training sector and all relevant stakeholders, including media professionals, civil society and youth organisations; reaffirms the need to support age-appropriate innovative tools to promote empowerment and online safety as compulsory elements of the curriculum at schools and to bridge the digital divide both through specific technological literacy projects and with adequate investments in infrastructures, in order to ensure universal access to information;
16. Emphasises that developing a sense of critical appraisal and analysis with regard to the use and creation of media content is essential to people's understanding of current issues and contribution to public life, as well as their knowledge about both the transformative potential and the threats inherent to an increasingly complex and interconnected media environment; stresses that media literacy is a crucial democratic skill that empowers citizens; calls on the Commission and the Member States to develop specific measures in order to promote and support media literacy projects, such as the pilot project on Media Literacy for All and to develop a comprehensive media literacy policy targeting citizens of all age groups and all media types as an integral part of the European Union's education policy, supported accordingly by relevant EU funding opportunities such as ESI Funds and Horizon 2020;
17. Notes with concern that, as highlighted by the 2016 Media Pluralism Monitor, media access by minorities, local and regional communities, women and people with disabilities is at risk; stresses that inclusive media are essential in an open, free and pluralistic media landscape, and that all citizens have the right of access to independent information in their mother tongue, be it a state or minority language; underlines the importance of providing European journalists, especially those working in lesser-used and minority languages, with adequate training and retraining opportunities; calls, therefore, on the Commission and Member States to encourage and support research, projects and policies that improve access to the media, as well as relevant initiatives aimed at vulnerable minority groups (such as the pilot project on Internship opportunities for minority language media), and to guarantee opportunities for

participation and expression for all citizens;

18. Recommends that the Commission develop a sectoral strategy for the European media sector based on innovation and sustainability; considers that such a strategy should strengthen cross-border collaboration and co-productions between media actors in the EU in order to highlight their diversity and promote intercultural dialogue, to enhance cooperation with individual newsrooms and audiovisual services of all the European institutions, in particular with that of Parliament, and to foster media coverage and visibility of EU affairs;
19. Recalls the EU's commitment to safeguarding and promoting freedom of expression and information across the EU and abroad; emphasises that principles of media freedom, freedom of speech and media pluralism are as relevant for pre-accession countries and the European Neighbourhood area as they are for Member States; calls on the Commission to ensure that these principles are adequately monitored and that assistance programs are implemented in candidate, neighbouring and third countries;
20. Stresses that providing increased pluralistic coverage of EU news, respecting the cultural diversity of individual Member States and using tools such as communication, media, social media and interactive platforms to their full potential will help bring closer and better connect EU citizens to EU affairs by helping individuals to form and share opinions, make informed decisions and contribute by means of critical engagement to the positive reform and development of the EU;
21. Reaffirms the need to independently monitor the situation in relation to media freedom and pluralism in the EU and calls on the Commission, therefore, to continue to support the Media Pluralism Monitor tool and to encourage its further development to enable a comprehensive and accurate assessment of the risks to media pluralism in the EU; encourages the Commission, the Member States and all relevant stakeholders to promptly address the highlighted risks by taking appropriate measures;
22. Stresses the importance of developing further models for the establishment of a European public service broadcasting platform that fosters EU-wide political debates based on facts, dissent and respect, contributes to a plurality of views in the newly converged media environment and fosters the visibility of the EU in its external relations;
23. Requests that the Commission and the Member States protect media freedom and freedom of speech in contemporary arts by promoting the creation of artworks that give voice to social concerns, encourage critical debate and inspire counter-speech.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	21.2.2018
Result of final vote	+: 22 -: 0 0: 2
Members present for the final vote	Isabella Adinolfi, Dominique Bilde, Andrea Bocskor, Nikolaos Chountis, Silvia Costa, Mircea Diaconu, Damian Drăghici, María Teresa Giménez Barbat, Giorgos Grammatikakis, Petra Kammerevert, Svetoslav Hristov Malinov, Curzio Maltese, Stefano Maullu, Luigi Morgano, Momchil Nekov, Michaela Šojdrová, Yana Toom, Helga Trüpel, Julie Ward, Bogdan Brunon Wenta, Bogdan Andrzej Zdrojewski, Milan Zver, Krystyna Łybacka
Substitutes present for the final vote	Francis Zammit Dimech

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ALDE	Mircea Diaconu, María Teresa Giménez Barbat, Yana Toom
GUE/NGL	Nikolaos Chountis, Curzio Maltese
PPE	Andrea Bocskor, Svetoslav Hristov Malinov, Stefano Maullu, Bogdan Brunon Wenta, Francis Zammit Dimech, Bogdan Andrzej Zdrojewski, Milan Zver, Michaela Šojdrová
S&D	Silvia Costa, Damian Drăghici, Giorgos Grammatikakis, Petra Kammerevert, Luigi Morgano, Momchil Nekov, Julie Ward, Krystyna Lybacka
Verts/ALE	Helga Trüpel

0	-
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2	0
EFDD	Isabella Adinolfi
ENF	Dominique Bilde

Key to symbols:

+ : in favour

- : against

0 : abstention

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on media pluralism and media freedom in the European Union
(2017/2209(INI))

Rapporteur: Heidi Hautala

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Stresses that media pluralism embraces many aspects, including merger control rules, content requirements in broadcasting licensing systems, transparency and limited concentration of media ownership, the establishment of editorial freedoms, the independence and status of public service broadcasters, the professional situation of journalists, the relationship between media and political actors, as well as economic actors, the access of women and minorities to media content, diversity of opinions, etc.;
2. Recalls that freedom of expression and information is a fundamental right as provided for in Article 11 of the Charter of Fundamental Rights of the European Union, Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights, and is one of the most fundamental values in safeguarding democracy and enhancing our European identity; stresses that media freedom and pluralism are rooted in the fundamental right of freedom of expression, which is a cornerstone of democracy, and need the active support of the political sector; points out that freedom of expression could also protect the right of society as a whole to receive information about all issues of interest to it; calls on the Commission and the Member States to take adequate measures to safeguard and promote a pluralistic, independent and free media in order to ensure freedom of speech and democracy;
3. Calls on the Commission to monitor and collect information and statistics about media freedom and pluralism within all Member States, and to analyse cases of infringement of the fundamental right to freedom of speech and the fundamental rights of journalists and other media professionals, while respecting the principle of subsidiarity; calls on the Commission to propose measures to address the findings of these evaluations;

4. Highlights that, in a pluralistic and democratic society, citizens need to be properly and fully informed in order to actively and effectively participate in public life and take part in political debates; calls on the Commission and the Member States to promote a healthy political debate and lasting political engagement towards the respect of fundamental human rights through media literacy, media pluralism and ethics; notes with concern that limitations on media freedom and pluralism lead to democratic deficit and that democratic deficit in one Member State can affect the whole of the European Union, especially when the independence of public media might be endangered by the influence of a governing majority; points out that such influence can be counterbalanced with adequately equipped, financed and independent public service media able to resist governmental interference and to present a variety of political positions; encourages the adoption of sound legal provisions and good administrative practice in the domain of public service media, including with respect to State aid and to any public funding, with a view to strengthening their independence and their ability to fulfil their mission in the general public interest;
5. Notes with regret that insufficient attention has been paid to the concentration of media ownership at Member State and EU level; emphasises that EU competition rules play an important role in preventing the creation or abuse of dominant positions, and, in this context, calls on the Commission and the Member States to ensure that these rules are implemented properly and effectively; calls on the Member States, through their national regulatory authorities, to monitor media concentration and to provide easily accessible and fully transparent information on media ownership, including beneficial owners, and economic influence over and financial support for the media landscape, including online media; recommends that this information be made publicly accessible in all Member States, in order to identify possible sources of control and influence on the media, strengthen the media's accountability, ensure editorial and journalistic independence and safeguard the media's role as a public watchdog;
6. Is deeply concerned about the legislative and administrative measures taken by certain Member States to restrain and control their media, directly or indirectly, especially in the public media sector, or to not support media pluralism; emphasises that it is the Member States that have the positive obligation to ensure media pluralism and an environment in which citizens can participate in public debate and express ideas and opinions without fear; stresses that the fundamental principle of editorial independence from governments and/or from political or commercial interests must be protected and guaranteed, but also independence from any private interests that are likely to threaten media pluralism and media freedom; underlines that any coverage of election campaigns and of other relevant events, especially when they substantially influence public life and opinion, should be fair, balanced and impartial; urges Member States to adhere to the recommendations and resolutions by the Council of Europe as regards public media independence and recalls the European standards laid down in the Treaties in this respect; stresses that supervision of public service media must be exercised by independent bodies and not directly by political institutions, such as governments; emphasises, moreover, that in cases of state-financed public service media, editorial independence must be guaranteed;
7. Calls on the Commission and the Member States to promote and develop new socially sustainable economic models aimed at financing and supporting quality and

independent journalism and strengthening the sustainability of public service media, which are prerequisites of a pluralistic media system;

8. Suggests that in order to efficiently safeguard media freedom and pluralism, the participation in public procurement of companies whose ultimate owner also owns a media company should be prohibited or at least made fully transparent; proposes that Member States should be required to regularly report on all public funding provided to media enterprises and that all public funding provided to media owners should be regularly monitored; stresses that media owners should not have been convicted or found guilty of any criminal offence;
9. Stresses that any public funding to media organisations should be given on the basis of non-discriminatory, objective and transparent criteria, which should be made known in advance to all media;
10. Proposes that any public funding to media outlets should only be available for media organisations which publish a code of conduct easily accessible to the public;
11. Is perturbed by the recourse by powerful commercial entities to SLAPP (Strategic Lawsuit Against Public Participation) practices in attempts to silence journalists, prevent them from carrying out their work or otherwise interfere with their content; calls on the Commission to take note of this trend and to propose legislation that would curtail these abusive practices;
12. Is concerned by the high number of journalists and other media professionals in Europe who are increasingly being threatened, harassed, subjected to surveillance, physically attacked and even killed because of their investigative work and reporting on the misuse of power, corruption, human rights violations and criminal activities; regrets that only a small percentage of threats or incidents of harassment of journalists are reported to the police; calls on the Member States to promote the protection of journalism and safety of journalists and other media professionals by ensuring the proper enforcement of applicable laws and through monitoring and reporting on threats and harassment;
13. Reiterates that good working conditions and the safety and security of journalists and other media professionals are prerequisites for the fulfilment of their role to inform citizens on matters of public interest; calls on the Member States and media organisations, therefore, to ensure fair working conditions for journalists and other media professionals;
14. Calls on the Member States to ensure they follow up on the Declaration of the Committee of Ministers of the Council of Europe on the protection of journalism and safety of journalists and other media actors;
15. Calls on the Commission and the Member States to ensure that journalists are given the proper tools to inquire and receive information from EU and Member States' public administration authorities, according to Regulation 1049/2001 on public access to documents, without facing arbitrary decisions denying such right of access; notes that the information obtained through the right of inquiry by journalists or by citizens, including information obtained through whistle-blowers, is both complementary and essential to journalists' ability to fulfil their public interest mission; reiterates that

access to public sources and events should depend on objective, non-discriminatory and transparent criteria;

16. Notes that the Member States should ensure that appropriate instruments are put in place for identifying those responsible for harming others through the media, even in the online space, while fully respecting fundamental rights;
17. Recognises that journalists require the fullest legal protection to use and disseminate such information of public interest in their line of work;
18. Recognises the ‘right to blow the whistle’ in all cases where information is disclosed in good faith and is clearly in the public interest, for example where infringements of fundamental rights or criminal law have taken place, including active or passive corruption, or where facts that reveal a threat to safety, health or the environment are concerned;
19. Notes that whistle-blowers acting on reasonable grounds can be crucial sources for investigative journalists and thus contribute to an independent press; calls on the Commission therefore to provide EU-wide protection in accordance with the treaties and the Union’s objectives of democracy, pluralism of opinion and freedom of expression; stresses that the protection of whistle-blowers goes hand in hand with the confidentiality of journalists’ sources, balanced with the fundamental rights of the accused natural and legal persons;
20. Underlines that false accusations or misleading information can have far-reaching effects for people and businesses; recalls that in the event of false accusations, those responsible should be held accountable for their actions and not benefit from whistle-blower protection; stresses that any person who is defamed by inaccurate or misleading information should be afforded access to effective redress mechanisms;
21. Highlights that deliberate misinformation created or spread for financial or political gain, so called ‘fake news’, breaks the relationship of trust between the media and citizens and has the potential to endanger liberal democracies as well as to undermine our democratic values, such as freedom of expression and the rule of law; emphasises that as social media has made the circulation of such fake information much easier than in traditional media, solutions must be found to hold authors of fake news accountable for their actions in digital media, as is the case in the offline world; stresses that strict regulation or censorship of thoughts and views cannot be the response, but rather that part of the solution to tackling misinformation and propaganda lies in the assurance of the reliability of information and the education of critically-thinking, media-literate citizens; calls on the Member States and the EU institutions to devote sufficient resources to tackling misinformation and to take coordinated measures against publishers and distributors of deliberate fake news; highlights in this respect the need for media consumers to be able to distinguish between facts and pure opinions; stresses that efforts by the European External Action Service (EEAS) Strategic Communications Division, and in particular the current East StratCom Task Force, to actively contribute to the development and implementation of a strategy against the dissemination of fake news needs an overall upscale and reinforced resources to carry out its tasks effectively; highlights the need for the Member States to complement EU efforts to counter fake news and to engage at all levels, including in cooperation with the EU neighbourhood,

to foster a pluralistic media environment to communicate EU policies truthfully, coherently and comprehensively; welcomes the Commission's announcement that it is preparing a strategy to counter fake news, to be published in due course;

22. Notes that new technologies have dramatically changed the business model of the traditional press; believes, nonetheless, that, with a consistent legal framework, digitalisation has the potential to foster competition between media actors and democratise access to and the creation of information and content;
23. Notes that in the evolving digital media ecosystem, new intermediaries have emerged with the ability to influence and control information and ideas online by acquiring gate-keeping functions and powers; underlines that there must be sufficient independent and autonomous online channels, services and sources with the capacity to deliver a plurality of opinions and democratic ideas to the public on issues of general interest; calls on the Member States to develop new or existing national policies and measures in this regard;
24. Stresses that the independence of the press covers both public and private media; highlights in this regard the importance of ethical codes for journalists and editors; emphasises that such ethical codes should encompass the duty to verify information and sources; stresses that the dissemination of content online should apply the same duty of care as dissemination offline; is concerned in this regard that standards seem to be lowered in a rapidly changing online environment where quantity, promptness and clickbait seem more important than accuracy;
25. Welcomes the focus of the 2016 Annual Colloquium on Fundamental Rights on media pluralism and democracy, and the recommendations of the High-Level Group on Media Freedom and Pluralism; reiterates its call for legislative measures to ensure standards of media pluralism at European level for print media, libel, the concentration and transparency of media ownership, etc.; states that Europe's common social and political space requires media freedom and pluralism to guarantee a well-functioning democracy;
26. Emphasises that the principles of media freedom, freedom of speech and media pluralism are as relevant for pre-accession countries and the European Neighbourhood area as they are for Member States; calls on the Commission to ensure that these principles are strengthened and adequately monitored in these countries and that assistance programmes are made contingent upon adherence to these principles.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	22.2.2018
Result of final vote	+: 21 -: 0 0: 2
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Lidia Joanna Geringer de Oedenberg, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Emil Radev, Evelyn Regner, Francis Zammit Dimech, Tadeusz Zwiefka
Substitutes present for the final vote	Daniel Buda, Angel Dzhabazki, Evelyne Gebhardt, Jytte Guteland, Heidi Hautala, Kosma Złotowski
Substitutes under Rule 200(2) present for the final vote	Norbert Erdős, Michaela Šojdrová

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
EFDD	Joëlle Bergeron
ENF	Marie-Christine Boutonnet, Gilles Lebreton
GUE/NGL	Kostas Chrysogonos
PPE	Daniel Buda, Norbert Erdős, Rosa Estaràs Ferragut, Emil Radev, Michaela Šojdrová, Francis Zammit Dimech, Tadeusz Zwiefka
S&D	Mady Delvaux, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Jytte Guteland, Sylvia-Yvonne Kaufmann, Evelyn Regner
VERTS/ALE	Max Andersson, Heidi Hautala

0	-

2	0
ECR	Angel Dzhambazki, Kosma Zlotowski

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	27.3.2018
Result of final vote	+: 44 -: 3 0: 4
Members present for the final vote	Asim Ademov, Jan Philipp Albrecht, Heinz K. Becker, Monika Beňová, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Ana Gomes, Sylvie Guillaume, Jussi Halla-aho, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, Ivari Padar, Judith Sargentini, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Udo Voigt, Josef Weidenholzer, Cecilia Wikström
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Ignazio Corrao, Gérard Deprez, Maria Grapini, Marek Jurek, Miltiadis Kyrkos, Nuno Melo, Angelika Mlinar, Nadine Morano, Emilian Pavel, Morten Helveg Petersen, Petri Sarvamaa, Elly Schlein, Barbara Spinelli
Substitutes under Rule 200(2) present for the final vote	André Elissen, Marc Joulaud, Christelle Lechevalier, Martina Michels, Liadh Ní Riada, Anna Záborská

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

44	+
ALDE	Gérard Deprez, Angelika Mlinar, Morten Helveg Petersen, Cecilia Wikström
ECR	Monica Macovei, Helga Stevens
EFDD	Ignazio Corrao, Laura Ferrara
GUE/NGL	Martina Michels, Liadh Ní Riada, Barbara Spinelli, Marie-Christine Vergiat
PPE	Asim Ademov, Heinz K. Becker, Carlos Coelho, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Marc Joulaud, Nuno Melo, Roberta Metsola, Nadine Morano, Petri Sarvamaa, Csaba Sógor, Traian Ungureanu, Anna Záborská
S&D	Monika Beňová, Caterina Chinnici, Tanja Fajon, Ana Gomes, Maria Grapini, Sylvie Guillaume, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar, Claude Moraes, Ivári Padar, Emilian Pavel, Elly Schlein, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Jan Philipp Albrecht, Judith Sargentini, Bodil Valero

3	-
ENF	André Elissen, Christelle Lechevalier
NI	Udo Voigt

4	0
ECR	Jussi Halla-aho, Marek Jurek, Branislav Škripek
ENF	Harald Vilimsky

Key to symbols:

+ : in favour

- : against

0 : abstention