



2017/2209(INI)

1.3.2018

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

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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	<table><tr><td>+: </td><td>21</td></tr><tr><td>–: </td><td>0</td></tr><tr><td>0: </td><td>2</td></tr></table>	+:	21	–:	0	0:	2
+:	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 Dzhambazki, 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 Złotowski

Key to symbols:

+ : in favour

- : against

0 : abstention