

Concentration and pluralism in the media in the European Union

European Parliament resolution of 25 September 2008 on concentration and pluralism in the media in the European Union (2007/2253(INI))

The European Parliament,

- having regard to Article 11 of the Charter of Fundamental Rights of the European Union,
- having regard to the protocol to the Treaty of Amsterdam on the system of public broadcasting in the Member States¹ (Amsterdam Treaty Protocol),
- having regard to the Commission staff working document entitled "Media pluralism in the Member States of the European Union" (SEC(2007)0032),
- having regard to Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities²,
- having regard to its resolution of 20 November 2002 on media concentration³,
- having regard to the 2005 Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Unesco Convention on cultural diversity),
- having regard to its resolution of 22 April 2004 on the risks of violation, in the EU and especially in Italy, of freedom of expression and information (Article 11(2) of the Charter of Fundamental Rights)⁴,
- having regard to the Communication from the Commission of 2001 on the application of State aid rules to public service broadcasting⁵,
- having regard to the Council Resolution of 25 January 1999 concerning public service broadcasting⁶,
- having regard to the Recommendation Rec(2007)3 of 31 January 2007 of the Committee of Ministers of the Council of Europe to Member States on the remit of public service media in the information society,
- having regard to the Recommendation Rec 1466(2000) of 27 June 2000 of the Parliamentary Assembly of the Council of Europe on media education;

¹ OJ C 340, 10.11.1997, p. 109.

² OJ L 332, 18.12.2007, p. 27.

³ OJ C 25 E, 29.1.2004, p. 205.

⁴ OJ C 104 E, 30.4.2004, p. 1026.

⁵ OJ C 320, 15.11.2001, p. 5

⁶ OJ C 30, 5.2.1999, p 1.

- having regard to the Recommendation Rec(2007)2 of the Committee of Ministers of the Council of Europe of 31 January 2007 on media pluralism and diversity of media content;
 - having regard to its resolution of 13 November 2007 on the interoperability of digital interactive television services¹,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Industry, Research and Energy and the Committee on Civil Liberties, Justice and Home Affairs and (A6-0303/2008),
- A. whereas the European Union has confirmed its commitment to the defence and the promotion of media pluralism, as an essential pillar of the right to information and freedom of expression enshrined in Article 11 of the Charter of Fundamental Rights of the European Union, which remain fundamental principles for preserving democracy, civic pluralism and cultural diversity,
 - B. whereas Parliament has repeatedly expressed its view that the Commission should establish a stable legal framework, both in the media and in the information society as a whole, aimed at ensuring an equivalent level of protection of pluralism in the Member States and enabling operators to benefit from the opportunities created by the single market,
 - C. whereas, as the Commission stressed in its above-mentioned staff working document, the concept of media pluralism cannot be limited to the issue of concentration of ownership of companies, but also includes issues related to public broadcasting services, political power, competition in the economy, cultural diversity, the development of new technologies, transparency, and the working conditions of journalists in the Union,
 - D. whereas public broadcasting services need to have the necessary resources and institutions to allow them to be genuinely independent of political pressures and market forces,
 - E. whereas as things stand public broadcasting services are under pressure, unjustifiably and to the detriment of content quality, to compete for ratings with commercial channels, whose objective is ultimately not quality but satisfaction of majority public taste,
 - F. whereas the Unesco Convention on cultural diversity attaches considerable importance to, inter alia, the creation of conditions conducive to media diversity,
 - G. whereas the Unesco Convention on cultural diversity recognises the right of its parties to take measures aimed at enhancing diversity of the media, including through public service broadcasting,
 - H. whereas the important role of the public audiovisual media in ensuring pluralism is recognised in the Unesco Convention on cultural diversity and in the Amsterdam Treaty protocol, which stipulates that the system of public broadcasting in the Member States is

¹ Texts adopted, P6_TA(2007)0497.

directly related to the democratic, social and cultural needs of each society and the need to preserve media pluralism, while the Member States are responsible for determining the remit of public television broadcasting and providing for its funding,

- I. whereas the above-mentioned Commission Communication of 2001 fully recognises the central role played by public broadcasting bodies in promoting plurality and cultural and linguistic diversity and stresses that, in examining the state aids in question, the Commission will apply criteria such as the importance of promoting cultural diversity and meeting the democratic, social and cultural needs of each society,
- J. whereas the above-mentioned Council Resolution of 25 January 1999 reiterates the vital role of public service broadcasting in ensuring pluralism and demands that Member States give it a wide remit that reflects its role of bringing to the public the benefits of new audiovisual and information services and new technologies,
- K. whereas the Amsterdam Treaty protocol has been adopted to ensure Member States' competence to organise their national public service broadcasting system in a way tailored to the democratic and cultural needs of their society, so as to best serve the aim of preserving media pluralism,
- L. whereas the above-mentioned Recommendation Rec(2007)3 underlines the specific role of public service broadcasting as a source of impartial and independent information and comment, and of innovative and varied content which complies with high ethical and quality standards, and as a forum for public discussion and a means of promoting broader democratic participation of individuals, and thus demands that Member States remain empowered to adapt that remit to fulfil its purpose in a new media environment,
- M. whereas media pluralism can only be guaranteed by a proper political balance in the content of public service television,
- N. whereas experience shows that the unrestricted concentration of ownership jeopardises pluralism and cultural diversity and whereas a system purely based on free market competition alone is not able to guarantee media pluralism,
- O. whereas in Europe the two-pillar arrangements for private and public television and audiovisual media services have proved their value in consolidating media pluralism and should be further developed,
- P. whereas concentration of ownership is generating increased dependence by media professionals on the owners of large media enterprises,
- Q. whereas new technologies, and in particular the shift to digital technology for the production and dissemination of audiovisual content and the entry on the market of new communications and information services have significantly influenced the quantity of available products and means of dissemination; whereas, however, a quantitative increase in media and services does not automatically guarantee content diversity; whereas new updated means of ensuring media pluralism and cultural diversity and the provision of prompt and objective information to the public are therefore necessary,
- R. whereas the current telecommunications regulatory framework, reflecting the direct relationship and interdependence between infrastructure and content regulation, provides

Member States with suitable technical instruments for the protection of media and content plurality, such as access and must-carry rules,

- S. whereas, however, respect for pluralism of information and diversity of content is not automatically guaranteed by technological advances, but must come about through an active, consistent and vigilant policy on the part of the national and European public authorities,
- T. whereas, while the internet has greatly increased access to various sources of information, views and opinions, it has not yet replaced traditional media as a decisive public opinion former,
- U. whereas due to technological developments, newspaper publishers are increasingly disseminating content via the internet and are therefore largely dependent on (online) advertising revenue,
- V. whereas the media remains a tool of political influence, and whereas there is a considerable risk concerning the media's ability to carry out its functions as a watchdog of democracy, as private media enterprises are predominantly motivated by financial profit; whereas this carries the danger of a loss of diversity, quality of content and multiplicity of opinions, therefore the custody of media pluralism should not be left purely to market mechanisms,
- W. whereas large media enterprises have built substantial and often dominant positions in some Member States, and whereas the existence of press groups owned by enterprises that may award public procurement contracts represents a threat to media independence,
- X. whereas the contribution of multinational media enterprises in some Member States is essential for revitalising the media landscape, but whereas certain improvements are also needed in working conditions and remuneration,
- Y. whereas working conditions and the quality of media professionals' work must be improved and whereas, in the absence of social guarantees, a growing number of journalists are employed under precarious conditions,
- Z. whereas EU competition law is somewhat limited in its ability to address media concentration issues because the activities creating concentration of media ownership at vertical and horizontal level in the new Member States have not reached the financial threshold at which EU competition law would apply,
- AA. whereas the introduction of over-restrictive rules on media ownership risks reducing the competitiveness of European enterprises on the world market and increasing the influence of non-European media groups,
- AB. whereas media consumers should have access to a wide choice of content,
- AC. whereas media creators strive to produce the highest quality content possible but the conditions are not uniformly satisfactory for achieving this in all Member States,
- AD. whereas the proliferation of new media (broadband internet, satellite channels, digital terrestrial television, etc.) and the varied forms of media ownership are not sufficient in

- themselves to guarantee pluralism in terms of media content,
- AE. whereas the rules on content quality and on the protection of minors should be applied both at public and commercial levels,
 - AF. whereas media enterprises are indispensable as regards media pluralism and the preservation of democracy and should thus be more actively concerned with practices relating to business ethics and social responsibility,
 - AG. whereas in commercial media outlets private user-generated content, especially audiovisual content, is increasingly utilised for a nominal fee or without any payment, raising problems of ethics and protection of privacy, a practice putting journalists and other media professionals under undue competitive pressure,
 - AH. whereas weblogs represent an important new contribution to freedom of expression and are increasingly used by media professionals as well as by private persons,
 - AI. whereas public broadcasters have to be given stable funding, must act in a fair and balanced way and be given the means to promote the public interest and social values,
 - AJ. whereas the Member States have wide scope for interpreting the remit of the public service media and its financing,
 - AK. whereas the public service media have a noticeable market presence only in the audiovisual and non-linear areas,
 - AL. whereas the enduring basis of the European audiovisual model must be the balance between a strong, independent and pluralist public service and a dynamic commercial sector; whereas the continuity of this model is essential for the vitality and quality of creation, the pluralism of the media and respect for and promotion of cultural diversity,
 - AM. whereas sometimes the public service media of the Member States suffer from both inadequate funding and political pressure,
 - AN. whereas the tasks assigned to public sector broadcasting by each Member State require long-term funding and guaranteed independence, which is far from being the case in all Member States,
 - AO. whereas in certain Member States the public service media may play a pre-eminent role in terms of both quality and audience,
 - AP. whereas universal public access to high-quality, diverse content is becoming even more crucial in this context of technological changes and increased concentration and in an ever more competitive and globalised environment; whereas public audiovisual services are essential for democratic opinion-forming, to enable people to familiarise themselves with cultural diversity and to guarantee pluralism; and whereas these services must be able to use the new broadcasting platforms to carry out the task they are given, to reach out to all the groups that make up society, whatever means of access are used,
 - AQ. whereas public service media need to have sufficient public funding to enable them to compete with commercial media, in terms of offering a high standard of cultural and news content,

- AR. whereas new media channels have emerged over the last decade and whereas a rising share of advertising revenues going to internet outlets is a source of concern for traditional media outlets,
- AS. whereas public service broadcasters and commercial broadcasters will continue to play complementary roles, together with new players, in the new audiovisual landscape characterised by a multiplicity of delivery platforms,
- AT. whereas the EU has no intrinsic competence to regulate media concentration, nevertheless its competence in various policy fields enables it to play an active role in safeguarding and promoting media pluralism; whereas competition and state aid law, audiovisual and telecommunication regulation as well as external (trade) relations are areas in which the EU can and should actively pursue a policy to strengthen and foster media pluralism,
- AU. whereas there are a growing number of conflicts concerning freedom of expression,
- AV. whereas, in the information society, media education is an essential means of empowering citizens to make an informed and active contribution to democracy,
- AW. whereas the increased supply of information (particularly thanks to the internet) is making the interpretation and assessment thereof increasingly important,
- AX. whereas the promotion of media literacy among the citizens of the European Union needs much more support,
- AY. whereas the European media are now operating on a globalised market, which means that comprehensive restrictions regarding their ownership will considerably detract from their ability to compete with third-country undertakings not bound by similar restrictions; whereas it is therefore necessary to strike a balance between the consistent implementation of fair competition rules and the provision of pluralist safety valves on the one hand and ensuring that businesses have the necessary flexibility to compete on the international media market on the other,
- AZ. whereas we live in a society in which we are constantly being inundated with information, instant communications and unfiltered messages, while the selection of information requires particular abilities,
- BA. whereas measures to consolidate and promote pluralism in the media must be fundamental to EU foreign relations (in the field of trade and elsewhere), particularly in the context of the European Neighbourhood Policy, enlargement strategy and bilateral partnership agreements,
1. Urges the Commission and the Member States to safeguard media pluralism, to ensure that all EU citizens can access free and diversified media in all Member States and to recommend improvements when needed;
 2. Firmly believes that a pluralistic media system is an essential requirement for the continued existence of the democratic European social model;
 3. Notes that the European media landscape is subject to continuing convergence, as regards both the media and markets;

4. Highlights that the concentration of ownership of the media system creates an environment favouring the monopolisation of the advertising market, introduces barriers to the entry of new market players and also leads to uniformity of media content;
5. Points out that the development of the media system is increasingly driven by profit-making and that, therefore, societal, political or economic processes, or values expressed in journalists' codes of conduct, are not adequately safeguarded; considers, therefore, that competition law must be interlinked with media law, in order to guarantee access, competition and quality and avoid conflicts of interests between media ownership concentration and political power, which are detrimental to free competition, a level playing field and pluralism;
6. Reminds the Member States that a balance must always be sought, in the decisions of the national regulatory authorities, between their duties and freedom of expression, the protection of which is ultimately the responsibility of the courts;
7. Calls on the Commission to commit itself to promoting a stable legal framework with a guaranteed high standard of protection of pluralism in all the Member States;
8. Calls, therefore, both for a balance between public and private broadcasters - in those Member States where public broadcasters presently exist - and for the interlinking of competition and media law to be guaranteed in order to strengthen the plurality of the media;
9. Believes that the main objectives of public authorities should be to create conditions that ensure a high level of media quality (including in the public media), secure media diversity and guarantee the full independence of journalists;
10. Calls for measures to improve the competitiveness of European media concerns in order to make a significant contribution to economic growth, to be fostered also through raising the level of awareness and knowledge of economic and financial issues among citizens;
11. Highlights the growing influence of third-country media investors in the EU, especially in the new Member States;
12. Calls for the consistent application of competition legislation at EU and national level in order to ensure a high level of competition and to enable new competitors to enter the market;
13. Takes the view that EU competition law has helped to restrict media concentration; nevertheless stresses the importance of independent, Member State supervision of the media and urges, to that end, that media regulation at a national level be effective, clear, transparent and of a high standard;
14. Welcomes the Commission's intention to develop specific indicators to evaluate media pluralism;
15. Calls for further indicators, in addition to media pluralism, to be drawn up as criteria for analysing the media, including its orientation as regards democracy, the rule of law, human and minority rights and professional codes of conduct for journalists;

16. Considers that the rules on media concentration should govern not only the ownership and production of media content, but also the (electronic) channels and mechanisms for access to and dissemination of content on the internet, such as search engines.
17. Underlines the need for ensuring access to information for disabled people;
18. Recognises that self-regulation has an important role in ensuring media pluralism; welcomes existing industry initiatives in this area;
19. Encourages the creation of a charter for media freedom to guarantee freedom of expression and pluralism;
20. Calls for media freedom to be respected and for media reporting to comply consistently with ethical codes;
21. Stresses the need to institute monitoring and implementation systems for media pluralism based on reliable and impartial indicators;
22. Stresses the need for the EU and Member State authorities to ensure journalistic and editorial independence by appropriate and specific legal and social guarantees, and points out the importance of the creation and uniform application of editorial charters in Member States, and all markets where EU-based media companies operate, to prevent owners, shareholders, or outside bodies such as governments, from interfering with news content;
23. Calls on the Member States to ensure through appropriate means a suitable balance among political and social sensibilities, in particular in the context of news and current affairs programmes;
24. Welcomes the dynamics and diversity brought into the media landscape by the new media and encourages responsible use of all the new technology such as mobile TV as a platform for commercial, public and community media;
25. Encourages an open discussion on all issues relating to the status of weblogs;
26. Supports the protection of copyrights at the level of online media, with third parties having to mention the source when taking over declarations;
27. Recommends the inclusion of media literacy among the European key competences and supports the development of the European core curriculum for media literacy while underlining their role in overcoming any form of digital divide;
28. Maintains that the purpose of media education must be, as is laid down in the above-mentioned Recommendation Rec1466(2000), to provide citizens with the means of bringing critical interpretation to bear on, and utilising, the ever growing volume of information being imparted to them; considers that this learning process will thus enable citizens to formulate messages and select the most appropriate media for communicating them, and hence to exercise their rights to the full where freedom of information and expression is concerned;
29. Urges the Commission, in adopting a European approach to media literacy, to pay sufficient attention to standards of critical content assessment and exchanges of best practice in this connection;

30. Calls on the Commission and the Member States to consolidate an objective framework for granting broadcasting licences in the areas of cable and satellite TV and analogue and digital broadcasting markets, on the basis of transparent and fair criteria, in order to establish a system of pluralist competition and prevent abuses by companies enjoying monopolies or dominant positions;
31. Reminds the Commission that on several occasions, it has been asked to draw up a directive that would aim to ensure pluralism, encourage and preserve cultural diversity as defined in the Unesco Convention on cultural diversity, as well as to safeguard access for all media companies to the technical elements that can enable them to reach the public in its entirety;
32. Calls on the Member States to support high-quality public broadcasting services which can offer a real alternative to the programmes of commercial channels and can, without necessarily having to compete for ratings or advertising revenue, occupy a more high-profile place on the European scene as pillars of the preservation of media pluralism, democratic dialogue and access to quality content for all citizens;
33. Calls on the Commission and the Member States to support greater cooperation between European regulatory authorities and to intensify the formal and informal discussions and exchanges of views between regulatory authorities in the broadcasting field;
34. Recommends that, where appropriate, public service media in the Member States reflect the multicultural nature of regions;
35. Encourages the disclosure of ownership of all media outlets to help achieve greater transparency regarding the aims and background of the broadcaster and publisher;
36. Encourages the Member States to ensure that the application of national competition law to the media as well as to the internet and communication technology sector facilitates and promotes media pluralism; calls on the Commission, in implementing EU competition rules, to take account of their impact on media pluralism;
37. Recommends that regulations governing state aid are devised and implemented in a way which allow the public service and community media to fulfil their function in a dynamic environment, while ensuring that public service media carry out the function entrusted to them by Member States in a transparent and accountable manner, avoiding the abuse of public funding for reasons of political or economic expediency;
38. Asks the Commission, when making a decision about the necessity of a revision of the above-mentioned Commission Communication of 2001, to take due account of the Unesco Convention on cultural diversity and the above-mentioned Recommendation Rec(2007)3; in the event that the Commission decides to revise the existing guidelines, asks that any measure or clarification proposed is assessed as far as its impact on media pluralism is concerned and duly respects Member States' competences;
39. Recommends that the Commission use the process of revising the above-mentioned Commission Communication of 2001- if it considers it necessary - as a way to strengthen public service broadcasting as an important guarantor of media pluralism in the EU;
40. Considers that, in order to enable the public audiovisual media to fulfil their task in the

era of digital technology, it is necessary for them to develop new information services and media over and above traditional programmes and to be able to interact with every digital network and platform;

41. Welcomes the implementation in certain Member States of provisions requiring cable television providers to include state-run channels and to allocate a section of the digital spectrum to public providers;
42. Urges the Commission to apply a broad understanding of the remit of public service broadcasters in line with a dynamic and future-proof interpretation of the Amsterdam Treaty protocol, in particular with regard to an unconstrained participation of public service broadcasting in technological developments and deriving forms of content production and presentation (in the form of both linear and non-linear services); whereas this should also include adequate funding for new services as part of the public service broadcasting remit;
43. Reiterates that the regulation of spectrum use must take account of public interest objectives such as media pluralism and thus cannot be subjected to a purely market based regime; considers in addition that Member States should remain responsible for deciding on frequency allocation to serve the specific needs of their societies in particular with respect to safeguarding and promoting media pluralism;
44. Recommends during the revision of the Telecom Package to retain and, where necessary, to extend must-carry rules;
45. Agrees with the above-mentioned Recommendation Rec(2007)2 that fair access by content providers to electronic communication networks should be ensured;
46. Draws attention to its above-mentioned resolution of 13 November 2007, as interoperability is of fundamental importance for media pluralism;
47. Calls for a balanced approach to the allocation of the digital dividend to ensure equitable access for all players, thereby safeguarding media pluralism;
48. Is concerned about the dominance of a few large online players, which restricts new market entrants and thereby stifles creativity and entrepreneurship in this sector;
49. Calls for greater transparency with respect to personal data and information on users stored by internet search engines, email providers and social networking sites;
50. Considers that regulation at EU level sufficiently safeguards the accessibility of electronic programme guides and similar overview and navigation facilities, but that further action could be considered with regard to the way that information about the available programmes is presented to ensure that services of general interest are easily accessible; calls on the Commission to ascertain by means of consultative procedures whether minimal guidelines or sector-specific regulation are needed to safeguard media pluralism;
51. Calls for safeguarding of the balance between public law and private broadcasters, and of the coherent application of competition and media law, to strengthen media pluralism.

52. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.