Basic information

2011/2246(INI) INI - Own-initiative procedure	Procedure completed
EU Charter: standard settings for media freedom across the EU **Subject** 1.10 Fundamental rights in the EU, Charter 3.30.08 Press, media freedom and pluralism	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	WEBER Renate (ALDE)	11/10/2011
	Shadow rapporteur MARINESCU Marian-Jean (PPE) GÖNCZ Kinga (S&D) TAVARES Rui (Verts/ALE) KIRKHOPE Timothy (ECR) DE JONG Dennis (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
CULT Culture and Education	MIGALSKI Marek Henryk (ECR)	10/11/2011

European Commission

Commission DG	Commissioner
Communications Networks, Content and Technology	KROES Neelie

Key events

Date	Event	Reference	Summary
13/10/2011	Committee referral announced in Parliament		
21/02/2013	Vote in committee		
25/03/2013	Committee report tabled for plenary	A7-0117/2013	Summary

20/05/2013	Debate in Parliament		
21/05/2013	Decision by Parliament	T7-0203/2013	Summary
21/05/2013	Results of vote in Parliament		
21/05/2013	End of procedure in Parliament		

Technical information	
Procedure reference	2011/2246(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/07291

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	CULT	PE483.722	21/06/2012	
Committee draft report		PE496.665	08/10/2012	
Amendments tabled in committee		PE500.572	28/11/2012	
Committee report tabled for plenary, single reading		A7-0117/2013	25/03/2013	Summary
Text adopted by Parliament, single reading		T7-0203/2013	21/05/2013	Summary

EU Charter: standard settings for media freedom across the EU

2011/2246(INI) - 25/03/2013 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Renate WEBER (ADLE, RO) on the EU Charter: standard settings for media freedom across the EU. Members recall that freedom of the media is a cornerstone of the values enshrined in the Treaties and that freedom of expression in the public sphere has been shown to be formative of democracy and the rule of law itself. Accordingly, Member States and the European Union must respect, guarantee, protect and promote the fundamental right to freedom of expression and information as well as media pluralism. They must **refrain from exerting threats to media freedom** such as trying to unduly and politically influence or pressure and impose censorship on the media in the service of private or political interests.

In order to achieve this, **legally binding procedures and mechanisms** must be put in place for the selection and appointment of public media heads to ensure professionalism, integrity and independence in the media in terms of representing the entire political and social spectrum.

Application of the Charter on Fundamental Rights: recalling that the EU Charter on Fundamental Rights protects media pluralism, Members call on the Commission to ensure that Member States guarantee proper implementation of the Charter. They underline the fundamental role of a genuinely balanced European dual system, in which private and public service media play their respective roles, as requested by Parliament, the Commission and the Council of Europe.

Public service media: Members recall the important role of public service media, funded by citizens through the state, as well as their institutional duty to provide high quality, accurate and reliable information. They also recall the specific and distinctive role of public service media, which is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism. Public service media have a social, educational, cultural and democratic role that must be guaranteed even in times of financial crisis and budget cuts.

Regulation and competition thresholds: Members stress that **measures to regulate the access of media outlets to the market through broadcast licensing and authorising procedures**, rules on the protection of state, national or military security and public order and rules on public morality and child protection **should not be abused for purposes of imposing political or partisan control or censorship on the media**. A proper balance needs to be ensured in this respect, and should not be threatened by the influence of specific interest groups, economic actors, or religious groups. The Commission and Member States are asked to apply competition and media rules, to address and prevent dominant positions, possibly through setting **lower competition thresholds in the media industry than in other markets.**

They stress that the existence of **press groups owned by enterprises** that have the power to award public procurement contracts represents a threat to media independence and call on the Commission to assess how existing competition rules relate to the increasing concentration of commercial media in Member States. They also call for concrete measures to prevent excessive media concentration.

Avoiding conflicts of interest: Members call for rules to ensure that conflicts of interest such as those resulting from the amalgamation of political office and control over media outlets are properly addressed and resolved. They call for the effective implementation of clear rules to ensure transparent and fair procedures for media funding and state advertising and sponsoring allocation.

The report highlights the fact that market power in the media industry arises not only from monopoly pricing power, but also from **political influence** leading to regulatory capture, making dominant positions more difficult to dismantle once they are established. Members recall that the Commission has on several occasions been asked about the possibility of introducing a legal framework to prevent concentration of ownership and abuse of dominant positions. They call on the Commission to propose concrete measures to safeguard media pluralism, **including a legislative framework for media ownership rules introducing minimum standards for Member States**.

Journalistic independence: the committee underlines the importance of ensuring the independence of journalists in the face of external pressure. It highlights the fact that the right of access to public documents and information is fundamental for journalists and citizens, and calls on the Member States to establish a solid and extensive legal framework with regard to freedom of governmental information and access to documents of public interest. Journalists must also be protected from pressures, intimidation, harassment, threats and violence. Members recall the particular role of investigative journalists. They call on Member States to adopt legislation so as to **prevent the infiltration of newsrooms by intelligence officers**. They stress that an increasing number of journalists find themselves employed under precarious conditions, and call for the improvement of the working conditions of media professionals.

Codes of conduct and ethical rules: Members ask the Commission to propose a legal instrument (e.g. by means of a recommendation) to ensure that the Member States oblige the media sector to develop **professional standards and ethical codes** which include the obligation to indicate a difference between facts and opinions in reporting, the necessity of accuracy, impartiality and objectivity, respect for people's privacy, the duty to correct misinformation and the right of reply. They call on all Member States in which defamation is a criminal offence to **decriminalise** it and to set up **self-regulatory bodies** of the media, such as complaints commissions and ombudspersons.

Internet: the report stresses that the fundamental right to freedom of expression and freedom of the media is not only reserved for traditional media, but also covers social media and **other forms of new media on the internet.** It emphasises the growing importance of news aggregators, search engines and other intermediaries in the dissemination of and access to information and news content on the internet and calls on the Commission to include these internet actors in the EU regulatory framework when revising the Audiovisual Media Services Directive.

Monitor media pluralism: Members underline the importance and urgency of annually monitoring media freedom and pluralism in all Member States and reporting on a yearly basis on the matter, in liaison with all stakeholders both institutional and others. They believe that the Commission, the Fundamental Rights Agency and/or the EUI Centre for Media Pluralism and Media Freedom must carry out this task and publish an annual report with the results of the monitoring. That report should be presented to Parliament and the Council and proposals made for any actions arising from conclusions on the report.

Review the current legislative framework: recalling EU competences to take legislative measures to guarantee media freedom and pluralism, Members believe that any regulation should take place on the basis of a detailed and careful analysis of the situation in the EU and Member States. **Non-legislative initiatives**, such as monitoring, self-regulation and codes of conduct, should be pursued.

The committee repeats its call on the Commission to review and amend the Audiovisual Media Services Directive (AVMSD) and extend its scope to minimum standards for the respect, protection and promotion of the fundamental right to freedom of expression and information, and to ensure that the national regulatory authorities are fully independent, impartial and transparent. The Commission should also institutionalise EU-level cooperation and coordination, for instance by establishing a **European regulators' group for audiovisual media services,** and streamline and strengthen the status and role of the national regulatory authorities.

The National Regulatory Authorities, for their part, are asked cooperate and coordinate at EU level on media matters, for instance by establishing a European Regulators' Association for audiovisual media services.

The committee makes other recommendations, such as:

- taking appropriate, timely, proportionate and progressive measures where concerns arise in relation to freedom of expression, information, media freedom and pluralism in the EU and the Member States;
- ensuring that criteria based on media pluralism and ownership are included in every impact assessment undertaken for new initiatives on legislative proposals;
- ensuring transparency in media ownership and management and to take initiatives in this field, so as to allow identification of the beneficiary and ultimate owners and co-owners of media outlets;
- monitoring whether public funds destined by Member States to the public service media are used transparently;
- ensuring the effective access to broadband internet for all European citizens.

EU Charter: standard settings for media freedom across the EU

2011/2246(INI) - 21/05/2013 - Text adopted by Parliament, single reading

Parliament adopted by 539 votes to 70 with 78 abstentions, a resolution on the EU Charter: standard settings for media freedom across the EU.

Parliament recalls that freedom of the media is a cornerstone of the values enshrined in the Treaties and that freedom of expression in the public sphere has been shown to be formative of democracy and the rule of law itself. Accordingly, Member States and the European Union must respect, guarantee, protect and promote the fundamental right to freedom of expression and information as well as media pluralism. They must **refrain from exerting threats to media freedom** such as trying to unduly and politically influence or pressure and impose censorship on the media in the service of private or political interests.

In order to achieve this, **legally binding procedures and mechanisms** must be put in place for the selection and appointment of public media heads to ensure professionalism, integrity and independence in the media in terms of representing the entire political and social spectrum.

Application of the Charter on Fundamental Rights: recalling that the EU Charter on Fundamental Rights protects media pluralism, Parliament calls on the Commission to ensure that Member States guarantee proper implementation of the Charter. It underlines the fundamental role of a genuinely balanced European dual system, in which private and public service media play their respective roles, as requested by Parliament, the Commission and the Council of Europe.

Public service media: Parliament recalls the important role of public service media, funded by citizens through the state, as well as their institutional duty to provide high quality, accurate and reliable information. It also recalls the specific and distinctive role of public service media, which is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism. Public service media have a social, educational, cultural and democratic role that must be guaranteed even in times of financial crisis and budget cuts.

Regulation and competition thresholds: Parliament stresses that **measures to regulate the access of media outlets to the market through broadcast licensing and authorising procedures**, rules on the protection of state, national or military security and public order and rules on public morality and child protection **should not be abused for purposes of imposing political or partisan control or censorship on the media**. A proper balance needs to be ensured in this respect, and should not be threatened by the influence of specific interest groups, economic actors, or religious groups. The Commission and Member States are asked to apply competition and media rules, to address and prevent dominant positions, possibly through setting **lower competition thresholds in the media industry than in other markets.**

It also stresses that the existence of **press groups owned by enterprises** that have the power to award public procurement contracts represents a threat to media independence and call on the Commission to assess how existing competition rules relate to the increasing concentration of commercial media in Member States.

Avoiding misuse of dominant position: Parliament calls for rules to ensure that conflicts of interest such as those resulting from the amalgamation of political office and control over media outlets are properly addressed and resolved. It calls for the effective implementation of clear rules to ensure transparent and fair procedures for media funding and state advertising and sponsoring allocation.

Parliament highlights the fact that market power in the media industry arises not only from monopoly pricing power, but also from **political influence** leading to regulatory capture, making dominant positions more difficult to dismantle once they are established. It recalls that the Commission has on several occasions been asked about the possibility of introducing a legal framework to prevent concentration of ownership and abuse of dominant positions. It calls on the Commission to propose concrete measures to safeguard media pluralism, **including a legislative framework for media ownership rules introducing minimum standards for Member States**.

Journalistic independence: Parliament underlines the importance of ensuring the independence of journalists in the face of external pressure. It highlights the fact that the right of access to public documents and information is fundamental for journalists and citizens, and calls on the Member States to establish a solid and extensive legal framework with regard to freedom of governmental information and access to documents of public interest. Journalists must also be protected from pressures, intimidation, harassment, threats and violence. Members recall the particular role of investigative journalists. They call on Member States to adopt legislation so as to **prevent the infiltration of newsrooms by intelligence officers**. They stress that an increasing number of journalists find themselves employed under precarious conditions, and call for the improvement of the working conditions of media professionals (often employed under atypical contracts).

Codes of conduct and ethical rules: Parliament calls for the promotion ethical journalism in the media. In an oral amendment adopted in plenary, it calls upon the Commission to propose an instrument (e.g. by means of a recommendation) to ensure that the Member States invite the media sector to develop professional standards and ethical codes which include the obligation to indicate a difference between facts and opinions in reporting, the necessity of accuracy, impartiality and objectivity, respect for people's privacy, the duty to correct misinformation and the right of reply. This framework should provide the establishment by the media sector of an independent media regulatory authority – operating independently from political or other external interference – that can treat complaints about the press based on the professional standards and ethical codes, and that has the authority to take appropriate sanctions.

At the same time, Parliament calls on all Member States where defamation is a criminal offence to **decriminalise** it

Internet: Parliament stresses that the fundamental right to freedom of expression and freedom of the media is not only reserved for traditional media, but also covers social media and **other forms of new media on the internet.** It emphasises the growing importance of news aggregators, search engines and other intermediaries in the dissemination of and access to information and news content on the internet and calls on the Commission to include these internet actors in the EU regulatory framework when revising the Audiovisual Media Services Directive.

Monitor media pluralism: Parliament underlines the importance and urgency of annually monitoring media freedom and pluralism in all Member States and reporting on a yearly basis on the matter, in liaison with all stakeholders both institutional and others.

Parliament believes that the Commission, the Fundamental Rights Agency and/or the EUI Centre for Media Pluralism and Media Freedom must carry out this task and publish an annual report with the results of the monitoring. That report should be presented to Parliament and the Council and proposals made for any actions arising from conclusions on the report.

Parliament considers that the EU has the competences to take legislative measures to guarantee, protect and promote freedom of expression and information, media freedom and pluralism, in as much as it has competences in relation to the protection of minors and of human dignity, cultural diversity, citizens' access to information about and/or the coverage of important events, promotion of the rights of persons with disabilities, consumer protection in relation to commercial communications. It believes that non-legislative initiatives, such as monitoring, self-regulation and codes of conduct, as well as the activation of Article 7 TEU when appropriate, must be pursued, and bearing in mind that some of the most striking threats to media freedom in some Member States come from newly adopted legislation.

Parliament considers that the Commission, the Fundamental Rights Agency and/or the EUI Centre for Media Pluralism and Media Freedom must publish an annual report with the results of the monitoring. That report should be presented to Parliament and the Council and proposals made for any actions arising from conclusions on the report.

Review the current legislative framework: recalling EU competences to take legislative measures to guarantee media freedom and pluralism, Members believe that any regulation should take place on the basis of a detailed and careful analysis of the situation in the EU and Member States.

Parliament notes it has repeatedly expressed concern about media freedom, pluralism and concentration, and has called on the Commission, as guardian of the treaties, to take appropriate measures, inter alia by proposing a legislative initiative on the matter. **Non-legislative initiatives**, such as monitoring, self-regulation and codes of conduct, should be pursued.

Parliament repeats its call on the Commission to review and amend the Audiovisual Media Services Directive (AVMSD) and extend its scope to minimum standards for the respect, protection and promotion of the fundamental right to freedom of expression and information, and to ensure that the national regulatory authorities are fully independent, impartial and transparent.

The directive's objective is to:

- create an area without internal frontiers for audiovisual media services whilst ensuring at the same time a high level of protection of objectives of general interest, and enforce the related jurisprudence on positive obligations in the field of media and putting in place an appropriate legislative and administrative framework to guarantee effective pluralism;
- ensure that the national regulatory authorities have appropriate sanctioning powers to ensure that their decisions are implemented;
- should include provisions on transparency on media ownership, media concentration, conflict of interest rules to prevent undue influence on the media by political and economic forces, and independence of media supervisory bodies.

The National Regulatory Authorities, for their part, are asked cooperate and coordinate at EU level on media matters, for instance by establishing a European Regulators' Association for audiovisual media services.

Parliament makes other recommendations, such as:

- taking appropriate, timely, proportionate and progressive measures where concerns arise in relation to freedom of expression, information, media freedom and pluralism in the EU and the Member States;
- ensuring that criteria based on media pluralism and ownership are included in every impact assessment undertaken for new initiatives on legislative proposals;
- ensuring transparency in media ownership and management and to take initiatives in this field, so as to allow identification of the beneficiary and ultimate owners and co-owners of media outlets;
- monitoring whether public funds destined by Member States to the public service media are used transparently;
- ensuring the effective access to broadband Internet for all European citizens.