

## **P7\_TA-PROV(2013)0203**

### **EU Charter: standard settings for media freedom across the EU**

#### **European Parliament resolution of 21 May 2013 on the EU Charter: standard settings for media freedom across the EU (2011/2246(INI))**

*The European Parliament,*

- having regard to Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions,
- having regard to Article 10 of the European Convention on Human Rights, the case-law of the European Court of Human Rights, the declarations, recommendations and resolutions of the Committee of Ministers and Parliamentary Assembly of the Council of Europe, and the documents of the Venice Commission and the Council of Europe’s Commissioner for Human Rights on freedom of expression, of information and of the media,
- having regard to Article 11 of the EU Charter of Fundamental Rights, Articles 2, 7 and 9 to 12 of the Treaty on European Union, the treaty articles relating to freedom of establishment, freedom to provide services, free movement of persons and goods, competition and state aids, and Article 167 of the Treaty on the Functioning of the European Union (culture),
- having regard to the Protocol on the system of public broadcasting in the Member States annexed to the Treaty on European Union, known as the Protocol of Amsterdam,
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)<sup>1</sup>,
- having regard to the Commission staff working document on media pluralism in the Member States of the European Union (SEC(2007)0032),
- having regard to the European Charter on Freedom of the Press<sup>2</sup>,
- having regard to the establishment by the Commission of a High-Level Group on Media Freedom and Pluralism,
- having regard to its resolutions of 20 November 2002 on media concentration<sup>3</sup>, of 4 September 2003 on the situation as regards fundamental rights in the European Union (2002)<sup>4</sup>, of 4 September 2003 on Television without Frontiers<sup>5</sup>, of 6

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<sup>1</sup> OJ L 95, 15.4.2010, p. 1.

<sup>2</sup> <http://www.pressfreedom.eu/en/index.php>.

<sup>3</sup> OJ C 25 E, 29.1.2004, p. 205.

<sup>4</sup> OJ C 76 E, 25.3.2004, p. 412.

September 2005 on the application of Articles 4 and 5 of Directive 89/552/EEC ('Television without Frontiers'), as amended by Directive 97/36/EC, for the period 2001-2002<sup>6</sup>, 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)<sup>7</sup>, of 25 September 2008 on concentration and pluralism in the media in the European Union<sup>8</sup>, of 25 November 2010 on public service broadcasting in the digital era: the future of the dual system<sup>9</sup>, and of 10 March 2011 on media law in Hungary<sup>10</sup>,

- having regard to the ongoing European Initiative for Media Pluralism<sup>11</sup>, an initiative registered with the Commission, which aims to protect media pluralism through the partial harmonisation of the national rules concerning media ownership and transparency, conflicts of interest with political office, and the independence of media supervisory authorities,
- having regard to Recitals 8 and 94 of the Audiovisual Media Services Directive, which outline the need for Member States to prevent any actions which create dominant positions or restrict pluralism, and to enable independent regulatory bodies to carry out their work transparently and impartially,
- having regard to the work carried out by the OSCE on media freedom, in particular by its Representative on Freedom of the Media, to the related reports, and to the speech delivered by video at the hearing on media freedom held by the Committee on Civil Liberties, Justice and Home Affairs on 6 November 2012,
- having regard to the reports on the media published by NGOs, including those by Reporters Without Borders (Press Freedom Indexes) and Freedom House (Freedom of the Press reports),
- having regard to the studies on media-related issues published by Parliament<sup>12</sup> and by the European University Institute's Centre for Media Pluralism and Media Freedom<sup>13</sup>,
- having regard to the independent study 'The indicators for media pluralism in the Member States - Towards a risk-based approach' conducted on the Commission's

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<sup>5</sup> OJ C 76 E, 25.3.2004, p.453.

<sup>6</sup> OJ C 193 E, 17.8.2006, p. 117.

<sup>7</sup> OJ C 104 E, 30.4.2004, p. 1026.

<sup>8</sup> OJ C 8 E, 14.1.2010, p. 75.

<sup>9</sup> OJ C 99 E, 3.4.2012, p. 50.

<sup>10</sup> OJ C 199 E, 37.7.2012, p. 154.

<sup>11</sup> [www.mediainitiative.eu](http://www.mediainitiative.eu)

<sup>12</sup> 'The Citizen's Right to Information: Law and Policy in the EU and its Member States', June 2012, available at

<http://www.europarl.europa.eu/committees/fr/studiesdownload.html?languageDocument=EN&file=75131>

<sup>13</sup> <http://cmpf.eui.eu/Home.aspx>.

request in 2007 and published in 2009<sup>14</sup>, in which a Media Monitoring Tool is defined with indicators in order to highlight threats to media pluralism,

- having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Culture and Education (A7-0117/2013),
- A. whereas the media play a fundamental ‘public watchdog’ role in democracy, as they allow citizens to exercise their right to be informed, to scrutinise and to judge the actions and decisions of those exercising or holding power or influence, in particular on the occasion of electoral consultations; whereas they can also play a part in establishing the public agenda using their authority as information gatekeepers and hence act as opinion formers;
  - B. whereas freedom of expression in the public sphere has been shown to be formative of democracy and the rule of law itself, and coaxial to its existence and survival; whereas free and independent media and free exchange of information have a decisive role in the democratic transformations taking place in non-democratic regimes, and the Commission is requested to undertake the close monitoring of media freedom and pluralism in accession countries and to pay sufficient attention to the role of free media in the promotion of democracy throughout the world;
  - C. whereas freedom of the media is a cornerstone of the values enshrined in the Treaties, among them democracy, pluralism, and respect for the rights of minorities; whereas the history thereof, under the name of ‘freedom of the press’, has been constitutive of the progress of democratic ideas and the development of the European ideal in history;
  - D. whereas media freedom, pluralism and independent journalism are essential elements to the very exercise of media activity throughout the Union, and particularly in the single market; whereas, therefore, any undue restrictions on media freedom, pluralism and the independence of journalism are also restrictions on the freedom of opinion and on economic freedom; whereas journalists should be free from the pressure of owners, managers and governments, as well as from financial threats;
  - E. whereas an autonomous and strong public sphere, based on independent and plural media, constitutes the essential environment in which the collective freedoms of civil society, such as the right of assembly and association, as well as individual freedoms, such as the right to freedom of expression and the right of access to information, can thrive;
  - F. whereas citizens’ fundamental rights to freedom of expression and information can be guaranteed only through media freedom and pluralism, whereby journalists and the media can exercise their right and duty to inform citizens in a fair and

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<sup>14</sup> drafted by K.U.Leuven – ICRI, Jönköping International Business School - MMTC, Central European University - CMCS and Ernst & Young Consultancy Belgium.

neutral manner and report impartially on events and decisions of public interest; whereas all members of society have the right to express their views in a democratic and peaceful fashion;

- G. whereas the European Court of Human Rights has ruled that there is a positive obligation on Member States to ensure media pluralism, arising from Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which includes similar provisions to those contained in Article 11 of the Charter of Fundamental Rights of the European Union, which is part of the *acquis communautaire*;
- H. whereas information, by its very nature, and also and in particular thanks to the technological changes of recent decades, goes beyond geographical boundaries and performs a crucial role in informing national communities living abroad, providing tools that permit mutual knowledge and understanding across borders and between countries; whereas including online, but not limited to it, media have acquired a global character on which the expectations and needs of the public, and in particular consumers of information, are now dependent; whereas the changes in the media world and communication technologies have redefined the arena of information exchange and the way in which people are informed and public opinion is shaped;
- I. whereas a Europe-wide public sphere based upon continuous and uninterrupted respect for media freedom and pluralism is a crucial element in the integration process of the Union, in accordance with the values enshrined in the Treaties, the accountability of the EU institutions and the development of European democracy, as for example in the case of elections to the European Parliament; whereas a vibrant, competitive and pluralistic media landscape, both print and audiovisual, stimulates the participation of citizens in public debate which is essential for a well-functioning democratic system;
- J. whereas NGOs, associations monitoring media freedom, the Council of Europe and the OSCE, as well as the European Parliament in its studies and resolutions, have reported on and warned against the threats posed to a free and independent media by governments, including EU Member State governments<sup>15</sup>;
- K. whereas the Council of Europe and the OSCE have examined the human and democratic dimension of communication, through detailed declarations, resolutions, recommendations, opinions and reports on the subjects of media freedom, pluralism and concentration, thus creating a significant body of common pan-European minimum standards in this field;

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<sup>15</sup> These include: direct or indirect partisan political control and influence over the media or media control bodies; the barring or limiting of market access for some media outlets through broadcast licensing and authorising procedures; misuse and abuse of the rules on national or military security and public order or morality in order to impose censorship and impede access to documents and information; violation of the principle of the confidentiality of sources; absence of laws on media concentration and conflicts of interest; and the use of advertising to influence editorial lines.

- L. whereas the European Union is committed to protecting and promoting media pluralism as an essential pillar of the right to information and the right to freedom of expression, which are essential milestones for active citizenship and participative democracy, and are enshrined in Article 11 of the Charter of Fundamental Rights;
- M. whereas media freedom is a qualifying criterion for the accession of candidate countries to the EU under the Copenhagen criteria, and is also one of the principles promoted by the EU in its foreign policy; whereas the EU and its Member States should consequently lead by example internally, thereby ensuring credibility and coherence;
- N. whereas Parliament 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;
- O. whereas on 16 January 2007 the Commission launched a ‘three-step approach’, consisting of: a Commission Staff Working Paper on Media Pluralism; an independent study on media pluralism in EU Member States, with indicators for assessing media pluralism and identifying potential risks in the Member States (to appear in 2007); and a Commission communication on the indicators for media pluralism in the Member States (to appear in 2008), to be followed by a public consultation<sup>16</sup>; whereas the media pluralism tool described in the independent study has yet to be implemented;
- P. whereas this approach has unfortunately been discontinued by the Commission, as neither the communication nor the public consultation were ever launched;
- Q. whereas, with the entry into force of the Lisbon Treaty, the Charter of Fundamental Rights has become binding; whereas the Charter is the first international document that explicitly states that ‘the freedom and pluralism of the media shall be respected’ (Article 11(2)); whereas the Treaties provide the EU with a mandate and powers to ensure that all fundamental rights are protected in the Union, notably on the basis of Articles 2 and 7 TEU;
- R. whereas Member States have a duty to constantly promote and protect freedom of opinion, expression, information and the media, as these principles are also guaranteed in their constitutions and laws, and also to provide citizens with fair and equal access to different sources of information and thus to differing viewpoints and opinions; whereas they have in addition the duty to respect and protect private and family life, home and communications, as well as the personal data of citizens, under Articles 7 and 8 of the Charter; whereas, should these freedoms be placed at serious risk or violated in a Member State, the Union is obliged to intervene in a timely and effective fashion, on the basis of its competences as enshrined in the Treaties and in the Charter, so as to protect the European democratic and pluralistic order and fundamental rights;

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<sup>16</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/52>

- S. whereas the EU has competences in media-related fields such as the internal market, audiovisual policy, competition (including state subsidies), telecommunications and fundamental rights; whereas Parliament has stated that on this basis minimum essential standards should be defined in order to ensure, guarantee and promote freedom of information and an adequate level of media pluralism and independent media governance<sup>17</sup>; whereas the Commission has entrusted the Centre for Media Pluralism and Media Freedom of the European University Institute with the task of conducting an analysis of the scope of EU competences in the field of media freedom;
- T. whereas concerns arise in relation to the challenges and pressure facing the media, notably public service broadcasters, in terms of editorial independence, staff recruitment, precarious employment, self-censorship, pluralism, neutrality and quality of information, access and funding, arising from undue political and financial interference, as well as the economic crisis;
- U. whereas concern arises in relation to the high unemployment rate of journalists in Europe, as well as the large proportion of them who act as freelancers, with limited job stability and support and in a climate of great uncertainty;
- V. whereas the private media are faced with growing concentration, both domestically and crossborder, with media conglomerates distributing their products in different countries, increasing intra-EU media investment, and non-European investors and media exerting an increasing influence in Europe leading to the monopolisation of information and undermining pluralism of opinion; whereas there is a certain concern regarding the sources of financing of some private media, including some in the EU;
- W. whereas the European public has, as shown by numerous surveys, opinion studies and public initiatives, voiced its concern regarding the deterioration of media freedom and pluralism, and has repeatedly demanded action from the EU for the preservation of media freedom and the development of a strong, independent and plural mediascape;
- X. whereas the speeding-up of the news cycle has resulted in severe shortcomings on the part of journalists, such as omitting to check and double-check journalistic sources;
- Y. whereas the development of the digital environment can play an essential role in access to online information for European citizens;
- Z. whereas the media landscape is undergoing fundamental changes; whereas, particularly in this time of economic crisis, an increasing proportion of journalists are working in precarious conditions of employment and facing a lack of social security, by comparison with labour market standards, and also have to face various challenges related to the future of journalism;

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<sup>17</sup> See paragraph 6 of the resolution of Parliament of 10 March 2011 on media law in Hungary.

- AA. whereas petitions have been addressed to Parliament regarding the same concerns and demands by citizens, thereby showing a request for action on the part of the institutions, and in particular Parliament;
- AB. whereas the technological changes brought about by the internet, personal computing, and, more recently, mobile computing have profoundly changed the informational infrastructure in ways that have had consequences for the business model of more traditional media, and in particular its reliance on the advertisement market, thereby imperilling the survival of media titles that perform an important civic and democratic role; whereas it is therefore the obligation of public authorities, at Member State as well as Union level, to create a 'toolbox', to be made available during the present transition period, that will help guarantee the survival of the values and responsibilities of independent media, regardless of whatever technological platform is assumed by them now or in the future; calls on the Commission, in this regard, to conduct a study of the effects of technological change on the media business model and its consequences for media freedom and pluralism;
- AC. whereas the recent economic crisis has made the difficulties of media titles worse and, with the increasing precariousness of the journalist's role, has made the mediascape more vulnerable to economic and political pressure, as well as more fragile in itself; whereas these phenomena have had particular consequences for those journalistic genres which are more expensive or take more time to develop, such as investigative journalism, reportage, and the posting of international and European correspondents; whereas these types of journalism are essential to guarantee responsibility and accountability on the part of public and political authorities, to stop abuses of economic and institutional power, and to ensure the uncovering and prosecution of criminal activity in the social, environmental and humanitarian areas; calls on the Commission to conduct a study of the effects of the crisis and of precarious employment on the journalistic community, with a view to analysing and endeavouring to remedy the consequences for media freedom and pluralism;
- AD. whereas technological change, a diverse community of independent journalism professionals, and the acquisition of the plural competences needed to gather and produce quality today also create opportunities for the creation of new cross-platform and transnational journalistic ventures that can be supported through both public and market-based policies;
1. Calls on the Member States and the European Union to respect, guarantee, protect and promote the fundamental right to freedom of expression and information, as well as media freedom and pluralism, and hence to refrain from exerting, and to develop or support mechanisms to impede, threats to media freedom such as trying to unduly and politically influence or pressure and impose partisan control and censorship on the media, limit or wrongfully restrict the freedom and independence of the mass media in the service of private or political interests, or threaten public service broadcasters financially;
  2. Calls on the Member States and the EU to make sure that legally binding procedures and mechanisms are in place for the selection and appointment of public media heads, management boards, media councils and regulatory bodies

that are transparent, are based on merit and indisputable experience and ensure professionalism, integrity and independence, as well as maximum consensus in terms of representing the entire political and social spectrum, legal certainty and continuity rather than political or partisan criteria that are based on a 'spoil and reward' system linked to election results or are subject to the will of those in power; notes that every Member State should establish a set of criteria for appointing state media heads or boards, in line with the principles of independence, integrity, experience and professionalism; calls on the Member States to establish guarantees ensuring the independence of media councils and regulatory bodies from the political influence of the government, the parliamentary majority or any other group in society;

3. Stresses that media pluralism and journalistic and editorial independence are pillars of media freedom, in terms of ensuring that media are diversified, grant access to different social and political actors, opinions and viewpoints (including NGOs, citizens' associations, minorities, etc), and offer a wide range of views;
4. Calls on the Member States to ensure that cultural communities which are divided in several regional governments or Member States can have access to media in their language, and that no political decisions are taken that would curtail such access;
5. Recalls that, according to the European Court of Human Rights, states party must guarantee media pluralism under Article 10 of the European Convention on Human Rights; points out that Article 10 of that Convention contains provisions similar to those of Article 11 of the Charter of Fundamental Rights of the European Union, which forms part of the Community acquis;
6. Stresses that the Commission should ensure that Member States guarantee proper implementation of the Charter of Fundamental Rights in their country, as witnessed by media pluralism, equal access to information and respect for the independence of the press through neutrality;
7. Notes that under the Copenhagen criteria countries wishing to accede to the European Union must comply with the *acquis communautaire*, which includes the Charter of Fundamental Rights and, more particularly, Article 11 thereof, which requires respect for the freedom and pluralism of the media; notes, conversely, that although existing Member States are also required to comply with the Charter, no mechanism exists to ensure that they do so;
8. Underlines the fundamental role of a genuinely balanced European dual system, in which private and public service media play their respective roles and which shall be preserved, as requested by Parliament, the Commission and the Council of Europe; notes that in a multimedia society in which there are now greater numbers of commercially-driven global market players, public service media are essential; recalls the important role of public service media funded by the citizens through the state to meet their needs, as well as their institutional duty to provide-high quality, accurate and reliable information for a wide range of audiences, which shall be independent of external pressures and private or political interests, while also offering space for niches that may not be profitable for private media; stresses that the private media have similar duties in relation to information, in particular



that of an institutional and political nature, e.g. in such contexts as elections, referendums, etc; underlines the need to guarantee the professional independence of national news agencies and avoid the creation of news monopolies;

9. Recognises that continued self-regulation and non-legislative initiatives, where they are independent, impartial and transparent, have an important role to play in ensuring media freedom; calls on the Commission to take measures to support the independence of the media and its regulatory agencies, from both the state (including at European level) and from powerful commercial interests;
10. Recalls the specific and distinctive role of public service media, as stated in the Amsterdam Protocol on the system of public broadcasting in the Member States;
11. Recalls that Protocol 29 to the Treaties recognises that the system of public broadcasting in the Member States is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism; consequently foresees that Member States can fund public service broadcasting only insofar as this is provided for the fulfilment of the public service remit, and without affecting trading conditions and competition in the Union to an extent which would be contrary to the common interest;
12. Stresses the importance of appropriate, proportionate and stable funding for public service media in order to guarantee their political and economic independence so that they may fulfil their full remit - including their social, educational, cultural and democratic roles - and can adapt to digital change and contribute to an inclusive information and knowledge society in which representative, high-quality media are available to all; expresses its concern over the current trend in some Member States to apply budget cuts or scale down the activities of public service media, since this reduces their ability to fulfil their mission; urges Member States to reverse this trend and ensure that public service media receive stable, sustainable, adequate and predictable funding;
13. 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 or impeding the fundamental right of citizens to be informed on issues of public interest and importance; underlines that a proper balance needs to be ensured in this respect; warns that the media should not be threatened by the influence of specific interest groups or lobbies, economic actors, or religious groups;
14. Calls on the Commission and the Member States to apply competition and media rules, to ensure competition in order to address and prevent dominant positions, possibly through setting lower competition thresholds in the media industry than in other markets, to guarantee the access of new entrants on the market, to intervene where the media are excessively concentrated and where media pluralism, independence and freedom are in danger, in order to ensure that all EU citizens have access to free and diversified media in all Member States, and to recommend improvements where needed; 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; calls on the Commission to assess how existing competition rules relate to the increasing concentration of commercial media in the Member States; calls on the Commission to propose concrete measures to safeguard media pluralism and prevent excessive media concentration;

15. Stresses that attention must be paid to the level of concentration of media ownership in the Member States, while underlining that the concept of media pluralism covers a wider spectrum of issues, such as prohibition of censorship, protection of sources and whistleblowers, issues related to pressure from political actors and market forces, transparency, working conditions of journalists, media control authorities, cultural diversity, the development of new technologies, unrestricted access to information and communication, uncensored access to the internet, and the digital divide; believes that media ownership and management should be transparent and not concentrated; stresses that concentration of ownership jeopardises pluralism and cultural diversity and leads to uniformity of media content;
16. 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, and, in particular, that the beneficiary owners of media conglomerates are always public so as to avoid conflicts of interest; calls for the effective implementation of clear rules to ensure transparent and fair procedures for media funding and state advertising and sponsoring allocation, so as to guarantee that these do not cause interference with freedom of information and expression, pluralism or the editorial line of media, and calls on the Commission to monitor this;
17. Highlights that, despite the use of competition policy through the EU Merger Regulation and, in particular, its Article 21<sup>18</sup>, concern has been raised that these instruments do not adequately control media concentration due to problems of market delimitation, where in some cases large cross-media mergers fall short of turnover thresholds stipulated in EU competition policy;
18. Highlights 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; calls for competition thresholds to be set lower in the media industry than in other markets;
19. Reminds the Commission that on several occasions in the past it has been asked on the possibility of introducing a legal framework to prevent concentration of ownership and abuse of dominant positions; 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;

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<sup>18</sup> That article stipulates that national authorities may act in defence of 'legitimate interest' in enacting national legislation to preserve media pluralism.

20. Underlines the importance of ensuring the independence of journalists, both from internal pressures from editors, publishers or owners and externally from political or economic lobbies or other interest groups, and stresses the importance of editorial charters or codes of conduct on editorial independence, since these prevent owners, governments or external stakeholders from interfering with news content; stresses the importance of exercising the right to freedom of speech without discrimination of any kind and on the basis of equality and equal treatment; 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; appeals to the Member States to provide legal guarantees regarding the full protection of the confidentiality of sources principle, and calls for the strict application of European Court of Human Rights case-law in this area, including in relation to whistle-blowing;
21. Calls for journalists to be protected from pressures, intimidation, harassment, threats and violence, recalling that investigative journalists are often threatened and physically attacked, and even have attempts made on their lives as a result of their activities; stresses the importance of ensuring justice and fighting against impunity for such acts, also pointing to their chilling effect on free expression, which leads to media self-censorship; emphasises that investigative journalism helps monitor democracy and good governance, as well as uncovering irregularities and criminal offences, thus being of assistance to the prosecution authorities; urges Member States and the EU to support and promote investigative journalism and to promote ethical journalism in the media by developing professional standards and appropriate redress procedures, notably through professional training and codes of conduct established by media associations and unions;
22. Calls on the Member States to adopt legislation so as to prevent the infiltration of newsrooms by intelligence officers, since such practices highly endanger freedom of expression as they allow the surveillance of newsrooms and generate a climate of distrust, hamper the gathering of information, threaten the confidentiality of sources and ultimately attempt to misinform and manipulate the public, as well as damage the credibility of the media;
23. Stresses that an increasing number of journalists find themselves employed under precarious conditions, lacking the social guarantees that are usual on the job market, and calls for the improvement of the working conditions of media professionals; emphasises that Member States must ensure that journalists' working conditions comply with the provisions of the European Social Charter; stresses the importance of collective contracts for journalists and of trade union representation of journalists' collectives, which must be permitted for all employees, even if they are members of a small group, work in small companies or have non-standard forms of contract, such as temporary or interim work, as security of employment allows them to speak and act together and more easily and effectively uphold their professional standards;
24. Emphasizes the need to promote ethical journalism in media; calls upon the European Commission to propose an instrument (e.g. by means of a

recommendation such as the recommendation of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry) 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 foresee 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;

25. Calls on all Member States in which defamation is a criminal offence to decriminalise it as soon as possible; regrets that pressures, violence and harassment are exerted on journalists and the media in many Member States, including while covering demonstrations and public events, raising concerns among European and international organisations and in academia and civil society; emphasises the importance of engaging in dialogue with the authorities in order to ensure that media freedom and independence are not endangered, that critical voices are not curbed and that law enforcement personnel respect the role played by the media and ensure they can report freely and safely;
26. Underlines the importance of setting up self-regulatory bodies of the media, such as complaints commissions and ombudspersons, and supports the practical, bottom-up efforts initiated by European journalists to defend their fundamental rights by instituting a drop-in centre to document alleged violations of those rights, notably of their freedom of expression (in line with the pilot project which was adopted by the plenary as part of Parliament's position on the 2013 budget on 23 October 2012);
27. Underlines the need for rules in relation to political information in the whole audiovisual media sector, in order to guarantee fair access to different political competitors, opinions and viewpoints, in particular on the occasion of elections and referendums, with a view to ensuring that citizens can form their opinions without undue influence from one dominant opinion-forming power; stresses that such rules need to be properly enforced by the regulatory bodies;
28. 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; underlines the importance of ensuring freedom of expression and information on the internet, notably through guaranteeing net neutrality, and consequently calls on the EU and the Member States to ensure that these rights and freedoms are fully respected on the internet in relation to the unrestricted access to and provision and circulation of information; warns against any attempts by authorities to require registration or authorisation or curb content alleged by them to be harmful; acknowledges that the provision of internet services by public service media contributes to their mission of ensuring that citizens are able to access information and form their opinions from a variety of sources;

29. 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; calls on the Commission to include these internet actors in the EU regulatory framework when revising the Audiovisual Media Services Directive, in order to tackle the problems of discrimination of content and distortion of source selection;
30. Encourages the Commission and the Member States, in the framework of the Commission's media literacy policy, to pay sufficient attention to the importance of media education in providing citizens with critical interpretation skills and the ability to sift through the ever-growing volume of information;
31. Calls on the Commission to check whether Member States allocate broadcasting licenses on the basis of objective, transparent, non-discriminatory and proportionate criteria;
32. 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, on the basis of the detailed standards developed by the Council of Europe and the OSCE and the risk-based analytical approach and indicators developed by the independent study drawn up for the Commission, in liaison with NGOs, stakeholders and experts, including by monitoring and supervising the development of and changes in media legislation and the impact of any legislation adopted in the Member States affecting media freedom, notably in relation to government interference, as well as good practices for the definition of public service standards for both public and private channels; underlines the importance of making such common European standards known to the wider public; 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; believes that the Commission should present that report to Parliament and the Council and make proposals for any actions and measures arising from its conclusions on the report;
33. 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, at least as much as it has 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, and the right of reply, these being general interests covered by the AVMSD; at the same time, believes that any regulation should take place on the basis of a detailed and careful analysis of the situation in the EU and the Member States and of the problems to be solved and the best ways to address them; 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, shall be pursued, as requested by most stakeholders and bearing in mind that some of the most striking threats to media freedom in some Member States come from newly adopted legislation;
34. 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, media freedom and pluralism, and to ensure the full application of the Charter of Fundamental Rights, of the ECHR and of the related jurisprudence on positive obligations in the field of media, since 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, such as putting in place an appropriate legislative and administrative framework to guarantee effective pluralism<sup>19</sup>; consequently, calls on the Commission to review and amend the AVMSD in order to ensure - as happens for and on the basis of the model of regulatory authorities in the framework of electronic communications - that the national regulatory authorities are fully independent, impartial and transparent as regards their decision-making processes, the exercise of their duties and powers and the monitoring process, effectively funded to carry out their activities, and have appropriate sanctioning powers to ensure that their decisions are implemented;

35. Calls on the Commission to include in the evaluation and revision of the AVMSD also 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; calls on the Commission to launch the communication implementing the Media Pluralism Monitoring Tool indicators for media pluralism in the EU Member States, as already developed in the independent study 'The indicators for media pluralism in the Member States - Towards a risk-based approach and on the basis of the proposed 'three-step approach' of January 2007; this should be followed by a broad public consultation with all involved actors, inter alia on the basis of the follow-up to the report of the High Level Group on Media Freedom, and notably through the drafting of a proposal for a set of EU Guidelines on Media Freedom and Pluralism;
36. Calls on the Member States to immediately proceed with reforms to achieve these objectives; calls on the Commission to clearly establish the remit of the media regulatory authorities, particularly in terms of regulating and monitoring, and to monitor their compliance with the requirements of necessity and proportionality when imposing sanctions; recalls the importance of adapting the scope of the regulation to the specific nature of individual media;
37. Calls on the National Regulatory Authorities to cooperate and coordinate at EU level on media matters, for instance by establishing a European Regulators' Association for audiovisual media services, to harmonise the status of the National Regulatory Authorities foreseen by Articles 29 and 30 AVMSD by ensuring they are independent, impartial and transparent, both in their decision-making processes and in the exercise of their powers, as well as in the monitoring process, and to provide them with appropriate sanctioning powers to ensure that their decisions are implemented;
38. Calls on the Commission, the Council and the Member States to take appropriate, timely, proportionate and progressive measures where concerns arise in relation to

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<sup>19</sup> ECHR, *Centro Europa 7*, 7 June 2012, par. 134.

freedom of expression, information, media freedom and pluralism in the EU and the Member States;

39. Believes that in the case of further accessions to the EU additional emphasis should be placed on the protection of freedoms and on freedom of speech, since these are widely considered to be elements of the human rights and democracy conditionality of the Copenhagen criteria; calls on the Commission to continue to monitor the performance and progress of EU candidate countries as regards the protection of media freedoms;
40. Calls on the Commission to ensure that criteria based on media pluralism and ownership are included in every Impact Assessment undertaken for new initiatives on legislative proposals;
41. Expresses concern at the lack of transparency in media ownership in Europe, and consequently calls on the Commission and the Member States to ensure transparency in media ownership and management and to take initiatives in this field, notably by requiring broadcast, print and similar media to submit to national media authorities, company registers and the public sufficiently accurate and up-to-date ownership information so as to allow identification of the beneficiary and ultimate owners and co-owners of media outlets, their CVs and their financing, for instance by further developing the Mavise database into a Single European Register in order to identify excessive media concentration, prevent media organisations from hiding special interests, and allow citizens to check what the interests behind their media are; calls on the Commission and the Member States to scrutinise and monitor whether public funds destined by Member States to the public service media are used transparently and in strict accordance with Protocol 29 to the Treaties; believes that transparency of ownership is an essential component of media pluralism; calls on the Commission to monitor and support progress to promote greater exchange of information on media ownership;
42. Underlines that freedom of the media should also include freedom of access to media, by ensuring the effective supply of and access to broadband internet for all European citizens, within a reasonable timeframe and cost, by further developing wireless technologies, including satellite enabling internet connectivity;
43. Emphasises that according to the European Court of Human Rights jurisprudence authorities have positive obligations under Article 10 ECHR to protect freedom of expression as one of the preconditions for a functioning democracy, since the ‘genuine effective exercise of certain freedoms does not depend merely on the State’s duty not to interfere, but may require positive measures of protection’;
44. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the European Fundamental Rights Agency, the OSCE, and the Council of Europe’s Committee of Ministers, Parliamentary Assembly, Venice Commission and Commissioner for Human Rights.