

## Objective:

In the framework of the revision of the Television without Frontiers Directive, Article 3a on events of major importance can be modified in order to create a set of rules for the right to information in general, including trans-frontier access to short reports for use in information programmes on a non-discriminatory basis.

## Comments of the European Federation of Journalists:

The EFJ believes that it is in the interest of the public to be informed about events of general interest despite exclusive rights contracts. In this extent, we estimate that the first option proposed by the issue paper proposes better guarantees for fair treatment of journalists (from both broadcast and print media) to events of general interest.

## Motivation:

If a news agency or radio station is denied any access to a major event because of a contract granting exclusive rights to one media outlet this would from the point of view of the EFJ violate Articles 11 of the Charter of Fundamental Rights and Article 10.1 of the European Convention of the Protection of Human Rights and Fundamental Freedom if the event is of significant public interest.

We do not consider that exclusive contracts are generally unlawful. However, in all cases the source of information must also be made available to other media outlets through arrangements that do not infringe upon the provisions of the exclusive contract. Thus, for example, other media, including news agencies or other broadcast media, should be able to provide “highlights” or a short report of an exclusive event to be published after live coverage.

Exclusive broadcasting rights may not generally cause problems relating to freedom of expression if they concern major events regarding works that are protected by authors’ and creators’ rights – such as artistic or other creative activities – where they do not constitute events of significant and particular national interest. However, exclusive broadcasting rights should not preclude the factual coverage of an event by other media outlets including news agencies, radio companies or freelance journalists.

A sufficient guarantee can only be provided, we believe, if regulations oblige the holder of exclusive rights to respect the right of short reporting or publication of “highlights” and not to create any obstacle to other media outlets, including news agencies, radio stations and others in exercising their rights.