

## **Public consultation on the revision of the ‘Television without Frontiers’ Directive**

### **The Newspaper Society’s submission on Issues Paper for the Audiovisual Conference in Liverpool:**

#### **Protection of Minors and Human Dignity Right of Reply**

The Newspaper Society represents the regional newspaper industry. Its members publish around 1300 regional and local newspaper titles, daily, weekly and Sunday, paid for and free, throughout the United Kingdom. The regional press has a total readership of around 40 million - about 83% of the adult population and it is rated in surveys as the most read and most trusted of media.

Regional newspaper companies are developing their activities across media platforms. They are innovating, exploring and investing in all the opportunities afforded by technological developments and online media. However, their core business remains the provision of local content to their local communities, whatever the form or platform for delivery. Regional newspapers are firmly rooted in their local communities. Their titles do not cross borders and their online versions and other services are not aimed at an international audience.

The Newspaper Society opposes the Commission’s suggestions for extension of the TV Without Frontiers Directive beyond television services to all audiovisual services including the non-linear audiovisual services. We refer you to our submission on Issues Paper 1 on the Rules relating to Audiovisual Content. For the avoidance of doubt, the Society makes the following additional comments on the specific proposals set out in the Issues Paper on Protection of Minors and Human Dignity and Right of Reply.

**Protection of minors:** The Newspaper Society does not consider that there is need for further EU legislation on protection of minors. It rejects the proposal for new statutory or co-regulatory rules or any other mandatory system for non-linear audiovisual content or other online content. It opposes the imposition of either the current broadcasting rules onto online content or other statutory strictures. This includes opposition to any compulsory introduction of filtering or ratings systems that could present problems of principle and practice if applied to news and current affairs services. Such proposals for new legislature controls would introduce and widen state control over news sites and other content in a manner unacceptable to newspaper publishers. Publishers and editors should remain free to exercise their own editorial judgment within the strictures of national law, voluntary industry self-regulation and their own publication policies, based on their detailed knowledge of their readership, without new EU legislation attempting to set pan-European legislative principles.

**Discrimination:** The EU does not have competence to legislate on editorial content and cannot introduce rules on discrimination that would govern editorial content in the manner suggested. Legislation on incitement to hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and its relationship with the fundamental right of freedom of expression and media editorial content are a matter for Member States to determine. They raise important issues of freedom of speech that are often a matter of intense debate at national level, as the

reaction to recent government proposals in the UK has demonstrated. The Newspaper Society opposes any attempt to introduce EU legislation to govern online content by way of an extension of the TV Without Frontiers directive to online media.

**Right of Reply:** The Newspaper Society also opposes the Commission's proposal for extension of right of reply to all media through the TV Without Frontiers Directive, by requiring Member States to introduce measures into domestic law or practice.

The Commission does not have competence to regulate newspaper content and therefore we question the legislative competence of the Commission to put forward such a proposal.

The UK regional newspaper industry opposes the introduction of any statutory right of reply and therefore opposes the Commission's proposal for extension of EU right of reply legislation or broadcasting controls to the online versions of its newspapers and other online publications that might include audiovisual content, which also provide a forum for news, comment, opinion, debate, discussion and assertion of views.

The legislation proposed could lead to intense editorial and legal difficulties: a plethora of different right of reply regimes applicable to different versions of the same publication, burdensome legal challenges that discourage publication, remedies that could be tantamount to state or judicial dictation of editorial content, difficulties in policing and enforcement - with ultimate chilling effect upon publication of expressions of fact, comment and opinion whether emanating from journalistic or private contributors.

The UK regional newspaper industry considers that right of reply provisions should remain a matter of national law and voluntary self-regulation, that has already proved effective, flexible and adaptable.

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