



***European Federation of Journalists***  
***From the General Secretary***

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November 14<sup>th</sup> 2005

Dear Sir/Madam,

Enclosed is a response from the European Federation of Journalists to the consultation paper on competitiveness in the European publishing sector.

With Kind Regards,

A handwritten signature in black ink, which appears to read 'Aidan White', is positioned above the printed name.

AIDAN WHITE  
General Secretary

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## COMMENTS ON EUROPEAN COMMISSION CONSULTATION PAPER ‘STRENGTHENING THE EU PUBLISHING SECTOR’

This submission is made by the European Federation of Journalists (EFJ) on behalf of its member unions in all member states of the European Union. The EFJ is the regional organisation the International Federation of Journalists (IFJ). The IFJ is a body committed to the defence of the social and professional interests of journalists and represents, in Europe, the majority of journalists working across all sectors of media. It is particularly interested in the press and publishing sector where many thousands of its members are active.

The IFJ is also an active member of the International Federation of Reproduction Rights Organisations (IFRRO) and associates itself in general terms with the submission of IFRRO on issues related to reproduction and other relevant rights including certain forms of digital uses in copyright text and pictorial works on behalf of creators and publishers.

However, the EFJ makes it clear that it represents strongly the individual interests of creators and journalists which differ very often from the corporate perspective of rights holders in membership of certain other groups, such as the European Newspaper Publishers Association, also in membership of IFFRO, and the European Publishers’ Council.

The EFJ welcomes the opportunity to comment on the European Commission Staff working paper *Strengthening the Competitiveness of the EU Publishing Sector*. This response will focus on the questions posed in the consultation on Chapter 7 of the Staff Working Paper. But first, we would like to make some general remarks.

Journalists as critical and professional suppliers of publishing content, particularly in newspapers and periodical publishing, contribute greatly to the strength of European publishing and to the professional independence, pluralism and quality needed to strengthen public confidence in publishing products.

We recognise that the creative content sector is a key element in the growth and development of publishing and media generally and that within the cultural industries, the print media sector is one of the most important single contributors to the European economy, with, according to the World Association of Newspapers, more than 5,100 daily newspapers in Europe last year and a total aggregate circulation of nearly 90 million titles.

These newspapers provide a traditional base for further expansion of the media news and information sector through provision of online services adding considerably to the contribution to the EU economy by the European owned print media sector.

The growth of the advertising markets in Europe, which are still lagging behind those of the United States, should continue to see the expansion of the media sector, although the print-specific share of advertising revenues may be spread more widely across the converged media environment.

Nevertheless, the Staff Working Paper is clear in its positive tone (for instance on Page 7 and Page 27) regarding the European publishing industry. It is in good shape and able to compete with the United States industry. The existence of well-established labour market traditions and a settled and efficient authors’ rights system are, in our view, important contributing factors.

We argue strongly in this response that it would be unacceptable and undesirable to take any action that would create an imbalance in the relationship between journalists and their employers, either in terms of the industrial relations and employment framework and certainly not in any disturbance of the European authors' rights system.

The Staff Paper illustrates in our view that there is no disadvantage to publishers by maintaining the existing authors' rights framework, which provides for an efficient and effective system of administration for the settlement of disputes and for the creation of an environment that will allow for the expansion and development of creative industries and journalism in particular.

We believe that all further work and assessments of data as well as proposals for steps to be taken arising from this consultation should be carried out in collaboration the EFJ and its members.

Regarding the detail of the content of the Working Paper we are concerned about the accuracy of the data. Some figures quoted do not match information we have from national sources and for that reason we consider that it necessary to review definitions used in the paper to ensure that they are precise and unambiguous.

## **THE STAFF WORKING PAPER -- QUESTIONS 1 - 4**

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We do not believe that enough emphasis is given in the paper to the evaluation of the importance of protected social conditions, an enabling environment for professional journalism and the need for a high level of protection for authors' rights as an indicator for competitiveness.

We are well aware of the turbulent nature of the media sector which is affected by restructuring of the industry, brought about by technological convergence and availability of new platforms for receiving information. In this environment, businesses are under pressure to find new economic and production models to suit changing markets. There are challenges – such as that provided by the free newspaper industry – that provide opportunities as well as difficulties. Through all of it there needs to be a wider recognition of the importance of quality in terms of content.

It is unlikely that current industry structures will survive this period of turbulent change, but there is no doubt that consumer confidence in information sources will continue to depend on quality of content, whatever the mode of dissemination of information.

We are not sure about the evolution of business models, but we are deeply concerned that existing management strategies are too focussed on cost-reduction strategies. They fail to see the importance of quality products that can improve consumer confidence by building on traditional quality definitions – pluralism in choice of sources, well-trained and ethically aware staff, and engagement with consumers and citizens in a manner that recognises the benefits of open access systems.

Attempts to blur the distinction between editorial and commercial departments, employment strategies that create a vulnerable workforce through more “forced” freelance activity, continual pressure on authors' rights of journalists, falling investment in professional activity, training and investigative journalism are all additional factors that undermine competitiveness in print media.

The value of enhanced authors' rights protection and the need to create a more stable employment environment for journalists are particularly important. We enclose a recent

publication of the EFJ on this matter that explains in some detail the case for enhanced protection of economic and moral rights of journalists.

We share the concern of some that it is difficult to see the rationale behind some of the European Commission's initiatives to reassess legislative frameworks that only is in the process of being implemented and which has not yet been transposed by all Member States, such as the Directive 2001/29 on the Information Society. Stability in general terms is a crucial factor to enhance the competitiveness of the EU publishing sectors.

We recognise, of course, that the digital environment offers new opportunities both in respect of individual and collective administration of rights. The EFJ believes that there must be wider respect for the rights of individual journalists, staff and freelance, to determine how their works are used and managed.

It is in the interest of rights holders and their representatives to increase the use of their works and revenues. Rights holders need to work on new concepts and business models to meet the challenges of the digital environment. The EFJ is ready to engage in dialogue to ensure that the opportunities created by the new working environments are fully taken, but that must not happen at the expense of any dilution of existing rights.

Copyright protection and administration of rights relate directly to an issue that needs to be looked at more thoroughly when examining the competitiveness of the print media sectors, namely the added value to the product that these industries produce. There is, we argue, a huge demand for access to quality information.

We are the first to recognise that many of the new players, in particular Internet Service Providers (IPS) and other online producers, do not emerge from the same tradition and competence that ensure respect for the rights of creators and their need for fair remuneration and control over their works.

It is this respect for quality of content that we believe is fundamental to the future and the experience of the publishing industry often provides a useful benchmark for judging the quality and marketing of information.

Existing and well established structures for the individual and collective administration of rights and content, such as through collecting societies, provides the best opportunities for the print publishing sectors. They provide the best way to ensure easy access to quality content at a fair price. This type of administration is increasingly important to protect the publishing industries and to stimulate the production of quality content.

## **LINK BETWEEN DIVERSITY OF OWNERSHIP AND DIVERSITY OF CONTENT -- QUESTIONS 5 – 7**

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There is we believe a great deal of tension between those who pursue the rapid and most open opportunities for economic exploitation of technological change and those, like journalists and their organisations, who believe it is vital to maintain core cultural and democratic values such as pluralism, cultural diversity and the highest level of rights at work.

Easy access to content for free, regardless of the quality and the accuracy of the information inevitably leads to unacceptable strains on the price of content and the levels of authors' rights protection.

The EFJ regrets that issues related to quality and pluralism still do not figure prominently in the discussions and papers produced by the Commission. We see that questions related to important and decisive industry developments – such as consolidation of media, concentration of media ownership, and the need to protect public service broadcasting, for instance, are not properly dealt with at European level.

The EFJ is particularly concerned at the impact of media concentration on diversity of content in the countries covered by the recent enlargement. Unacceptable levels of media concentration and foreign ownership are taking place that are potentially damaging to the cultural heritage and diverse media landscape in some countries.

Because these countries are often small, these developments do not have a significant impact on the wider European media market and, as a result do not , do not trigger proper investigation as required by thresholds established under competition regulations.<sup>1</sup>

It is vital, we believe, for the well-established principle that media products are not just economic products, but have a social, democratic and cultural value which requires special consideration must be brought to bear in the formulation of rules concerning anti-trust policy.

New players coming for different sectors, such as telecommunications and the computer industry, and now entering the market do not often have the same interest or competence in respect of creating an environment based upon quality and traditional respect for ethical and professional content which converts into considerable added value in terms of market journalistic material.

We are not convinced of the notion of self-sustaining diversity in content and ownership given the low entry to the market and citizen's increased participation through blogging. Citizens continue to respect traditional "branded" sources of information and look to these sources when seeking accuracy and reliability.

(The increasing share of the Internet news sources by traditional media, through sites such those provided by the BBC or Guardian Unlimited are evidence that traditional media maintain a high degree of credibility and reliability.)

It is this strength in reliable and useful sources of information that is critical to creating a truly diverse information environment. It is not a matter of choice by number that creates pluralism, but the availability of access to different opinions and ideas via credible points of access that defines the quality of diversity.

The notion of diversity, media and public policy is best illustrated in the different approaches to public service media, notably the elaboration of public service broadcasting. But traditional support for print media and newspapers – such as in the

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<sup>1</sup> <http://www.ifj.org>. This site contains a number of recent reports on the impact of media concentration, particularly in the states of central and Eastern Europe.

campaign for lifting of VAT or TVA on newspapers – as well as state support for distribution arrangements, such as in France, indicates a continuing concern that there are public service values attached to the operation of media that deserve public support and which cannot be left entirely in the hands of market forces.

The evolution of the traditional newspaper industry has seen the predominance of market imperatives and this has led to the emergence of systems of self-regulation. By contrast, broadcast media, largely because of reasons of scarcity and because of the strategic importance of and cost of technical equipment have been regulated by legal regimes covering both technical aspects of media – allocation of frequencies, for instance – as well as content.

In most European countries the twin tracks of regulation – voluntary for print and statutory regulation for audiovisual media – are under pressure because of the changing technical and economic models now under development.

The emergence of online information sources and the deregulation of telecommunications have contributed to a completely new environment in which traditional regulatory models no longer fit.

In these circumstances it is likely that traditional models will survive, but that inevitably some new architecture will be required to reflect the changing structures of the industry. Such changes may see the evolution of a single regulatory body covering all aspects of the media sector and made up of different elements covering research and development; technical regulation; and regulation of content.

## **ADVERTISING: INTEGRATED MEDIA POLICY -- QUESTIONS 8 – 9**

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In all areas of regulation, the EFJ favours a light-touch approach in which voluntary self-regulation should be promoted and encouraged. Matters of professional content and ethics of journalism, for instance, are best dealt with by journalists themselves and should not require legal administration. There may be arguments for forms of co-regulation in which the voluntary principle is supported by some legal obligations, but any form of criminalising content of journalism, beyond that covered by the general law, would be opposed strongly by the EFJ and its member unions.

The EFJ is in favour of light-touch regulation with an emphasis on the voluntary principle of self-regulation. This should be the general rule to be applied across all media sectors

In terms of main issues for an integrated media policy from the perspective of publishing, the EFJ believes that such policy must focus on creating an enabling environment for quality content. There will need to be actions that extend and enhance pluralism. There must be action to promote public service values.

There should be greater support for creators' rights and for greater respect for the social and labour rights of people who work in the industry and, finally, there should be a legal environment that ensures the effective application of rights across the sector. All of this would enhance the value of quality content.

## CONCLUSION

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The EFJ has the following comments:

1. We note that the need for strong competitiveness of the EU print media sectors is well argued, but that more reliable information is required, particularly to take account of the changing nature of the industry and the impact of convergence. We suggest the establishment of a monitoring unit which can record and research information about changes in the print sector and the wider media. This would be very useful in creating a reliable statistical and information resource.
2. The framework conditions for competitiveness must include improve authors' rights protection and protection against piracy and the negative impact of private copying, in particular of digital works. The EFJ on behalf of journalists should be closely involved in policy developments in this area.
3. Another key aspect building and strengthening the newspaper sector is to maintain quality and reliability of content. This is best done through increased investment in employment conditions and professionalism. The need for more professional training, increased support for systems of self regulation that enhance editorial independence and a reduction in levels of vulnerability in employment by creating more labour rights protection throughout the publishing sector cannot be overstated.
4. In order to achieve these objectives, the EFJ believe that increased social dialogue between publishers and journalists and their unions provides a mechanism for developing a new framework of industrial relations that can benefit all sides at a time of radical change within the industry.

*Brussels*

*November 14th 2005*

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