

David Norris
Individual submission – other
Ireland

This material was originally composed as a submission to the Leveson Inquiry. As a public representative I have been battling on behalf of individual members of the public for many years when their privacy and human rights have been invaded by the media. All the issues raised by the Leveson Inquiry are in my opinion relevant to the Irish situation and indeed the broader European one. Unfortunately most politicians are reluctant to take these issues up because as Mr. Tony Blair, former British Prime Minister, stated you can either accommodate or oppose the media and if you oppose them they will go after you and your family mercilessly, remorselessly and ceaselessly. As a result many are afraid. Not all the issues may seem directly relevant to the public consultation on media, freedom and pluralism but I believe that the vast majority will and I am glad to have this forum to ventilate my view.

Ms. Rowena Collins-Rice,
Secretary to the Leveson Inquiry,
Royal Courts of Justice,
Strand, London WC2A 2LL,
United Kingdom.

Dear Ms. Collins Rice,

Thank you very much for your letter. I am currently in Cyprus and dictating this material with the help of my excellent and efficient PA Miriam Gordon Smith. I do not use computers and so in the circumstances I hope that you will understand and forgive any roughness of expression or presentation. **I am conscience of the fact that I am addressing representatives of the nation that gave the world not only a free and democratic press but also the intellectual structure for such in John Milton's Magestrial Areopgitica. Not only that but there is a curious almost Shakespearan circularity in the present miring of the British media in controversy. It started to the external observer with that lamentable episode in which a private telephone conversation between HRH Prince Charles and Ms. Camilla Barker Bowles was illegally intercepted and published. The material of an intimate nature was highly personal and salicious. It was at that moment that the forces of morality and decency should have strictly intervened enforced whatever law then existed in terms of privacy and used this to strengthen the defences available to citizens against the intrusion of the media. However perhaps because it was a member of the royal family the establishment fatally drew back thereby permitting the opening up of an entire area of scandalous intervention.**

It closes with the recent episode involving the follies of Prince Harry. Observing that from abroad the claim of the Sun that this raises questions of Prince Harry's judgement and security seem quite ludicrous. I would be interested to learn whether even the Sun with its telephonic lens and sophisticated spying devices has found the method of photographing judgement or security. Any of these issues can be adequately dealt with in prose by those who are even semi literate. Moreover the sound of feline laughter must be deafening in the UK at the notion of the Sun as a champion of freedom of the press or indeed any other kind of freedom, and as for the Mail group they are lucky that the British public memory is so short lived in the light of the fact of the history of those newspapers in the 1930s when their proprietors openly supported Oswald Mosley and his fascists and lavished encomia on the Austria Corporal Adolf Hitler.

By this stage it may have emerged that my method of expression is forceful colourful and to some provocative and I hope that the colour of the language I employ and my method of expression will

not be permitted to blind the Commission to any truths that may be contained in these ascerbically expressed views and I would also ask you to remember that I myself am also a victim of media attack in my own country and that in Ireland the press and the media in general have replaced the Roman Catholic Church as an unelected unaccountable and unrestrained tyranny that sees itself as above the power of parliament. Politicians defer citizens are trampled and the mob howls for further spectacle.

May I also at this point acknowledge very clearly the fact that your inquiry is largely as a result of pressure from investigative journalism of the best kind in Spectator/Guardian. It takes great moral courage to investigate and in the course of so doing impugn elements of your own profession.

#####

I am very grateful to yourself, Lord Leveson and the members of the Inquiry for giving me this opportunity to contribute to your very important discussions. I am particularly anxious to make this contribution as I believe it important that you hear a discordant or dissenting voice especially with regard to the apparent chorus of approval that has been orchestrated for the so called Irish model on which I will comment further in the body of my statement.

You do indeed as an Inquiry have both a heavy responsibility and an absolutely unique opportunity. I am nearly seventy years old and have been active in public life for at least forty years one way or another, but this is the first time I can ever remember when the press barons are at bay and the politicians have simultaneously at last found a modicum of courage with which to address the situation. This combination may never recur nor may it last very long and it is very clear that a powerful "counter Reformation" is currently being organised in advance of any recommendations your committee may make. I believe there is a grave danger if the Irish model which was essentially the model presented to the Irish Government by the industry itself in its own interests were accepted uncritically in Britain the status quo would be essentially preserved which is precisely what the media interests intend. It would indeed be tragic were the Inquiry to allow itself to be gulled by those with a vested interest in promoting the idea that the Irish model is effective. However on the basis of some of the evidence given and of the incisive nature of the questioning both by Counsel for the Inquiry and the Chairman I am hopeful **that** this disastrous situation **can** be avoided.

Your document starts by asking me to give an indication to whom I am etc. My full name is David Patrick Bernard Fitz-Patrick Norris. Although born in the Belgian Congo to an English father and Irish mother I am and have always been an Irish citizen, have been resident in Ireland since the age of six months and all my conscious memories are of Ireland. I have been active in public life for many years on issues of human rights, foreign policy and aesthetic matters such as the preservation of Georgian Dublin. I was for many years Senior Lecturer in Modern Literature and Tutor in the University of Dublin Trinity College. I was elected to Seanad Eireann (the Irish upper house) in 1987 and have been re-elected at every election since then, at the last election top of the poll and with the highest majority ever recorded. As a result of my length of service I am "The Father of The House" and presided over the opening day of the new parliament in the upper house. I was responsible for the creation of the Foreign Affairs Committee and as a litigant in the Irish High Supreme Court and ultimately at the European Court of Human Rights was successful in obtaining the reform of the legislation criminalising homosexual behaviour between males.

In addition to my academic and political activities I was for three and a half years a successful columnist with the highest circulation evening newspaper and remain a member of the National Union of Journalists. I am proud of the fact that in those three and a half years I never once missed a

deadline nor had to retract a single word even though I took on controversial issues such as the Iraq War, clerical child abuse etc.

May I at this stage remark upon the fact that when those giving evidence promoting the adoption of an "Irish model" have given evidence there has been a singular absence of reference to the interests, the plight and the difficulties encountered by ordinary members of the public; instead there is a great deal of high toned academic discussion concerning relations between Government and its institutions, Press Councils, advisory bodies, newspaper editors and their lawyers. In my opinion good Government and in this instance good regulation of the press should place at its heart the welfare and inalienable rights of the individual citizen. We have a saying over here with which you may be familiar "if you want to know whether the boot pinches don't ask the boot, ask the foot". I feel that the Press Council and the Ombudsman bear a closer resemblance to boot laces than to feet. I believe and shall return to this later that the major defect of any such organisation lies not so much in the personnel as in the brief under which they operated which invariably renders them passive and not proactive. They rely upon complaint from individual members of the public against powerful institutions in the media. It appears to me upon reading the recent report of the Irish Press Council and Ombudsman that they unwittingly appeared to preen themselves upon the low level of complaint. There are very good reasons for this. First of all the public as acknowledged in his submission by Professor Horgan is almost totally ignorant of the existence and/or operation of these institutions. Secondly the Irish public when broken up into individuals is actually terrified of the power of the press and reluctant to engage in any way with them that may draw the attention of the press to their existence. Ireland is a very small country and everyone takes an interest in other people's business, one person may delight in reading of the discomfort of another be they public figure or not but would certainly not welcome such attention themselves. My experience over a long career in politics is that while many people will individually supply you with information which is credible and verifiable on a private basis they are very rarely prepared to allow themselves to be identified, thus rendering the information proffered of significantly less value. It is a similar situation and perhaps even more extreme to that obtaining in attempting to persuade witnesses in criminal trials to give evidence. Increasingly in all walks of life people prefer to protect themselves by turning a blind eye as long as is humanly possible.

With regard to the subject of your inquiry I prepared, introduced and sponsored a debate upon a Privacy Bill which would have had a particular impact in raising the standards especially of print journalism. I also sought and obtained other major debates in this area. I will append to the conclusion of this document access codes to the more important of these parliamentary debates in order to facilitate your researchers in teasing out the meat of a long and sophisticated political argument. I have consistently throughout my political career at the prompting of individual citizens raised questions concerning issues of privacy etc. using parliamentary techniques such as the Order of Business and Motions on the Adjournment of the House. For this I was rewarded by being told by one of the Editors of a tabloid newspapers that the extraordinary number and viciousness of press attacks upon me during the recent Irish Presidential election were payback time for the work I had done on the Defamation Bill. I regard this as a quite extraordinary and inappropriate intervention by the media into the proper conduct of parliamentary life and have made this clear on the record of the house.

Your second query concerns the question of whether or not there is a parallel between the Irish and British situations regarding the culture, practices and ethics of the press and the degree of public concern. My personal view and this is supported by a considerable body of personal experience and a great deal of evidence some of it hard, and some of it circumstantial is that the situation in Ireland is identical to that in the UK but on a far smaller scale. The policy and legislative response of the Irish Government has been reactive rather than positive and they have in fact responded to the concerns

of the media and have been influenced overwhelmingly by media interests and lobbying as opposed to the welfare of the ordinary citizen. The result of this approach as enquired at paragraph C is that the bodies produced by the Government have had no discernible affect and the downward slide in the ethical standards of journalism in Ireland has been marked and consistent over the last five years despite the existence of these institutions which have provided cosmetic cover for the industry. When I read to a colleague who is also a journalist Professor Horgan's phrase about the "seismic change" resulting from the establishment of his office he nearly choked on the telephone with laughter. There was no need for further comment. My belief is that reserving one's self to a position where one only responds to the complaints or inquiries of that tiny percentage of the aggrieved public that actually has the mettle to make a formal complaint avoids the real responsibility. There must be a monitoring element if there is to be any safe guarding of principles. Any such institution needs to be able to intervene especially in the interests of systemic corruption as has been demonstrated in Britain (and I believe shortly will be in Ireland) if it is to respond seriously to its responsibilities.

My strong belief is that every single accusation and infringement uncovered by your Inquiry exists in one form or other in the Irish media. This is compounded by the extraordinary level of bullying within the media especially the print media as a result of which in the shrinking newspaper market of today journalists who are naturally already fearful of losing employment are consistently harassed bullied and threatened from the editorial office. Of this I have substantial concrete evidence but because of the requirement of anonymity I have to be careful in the manner in which I use it.

With regard to my comments on your appended draft criteria for a regulatory solution my comments on paragraph 1. Effectiveness is as follows. Throughout this section it is the interests of the press rather than the citizen that are placed to the fore and in the light of the cataract of evidence produced to the Inquiry I find this regrettable. For example (B) states "It must recognise the importance of a free press in a democracy, freedom of expression and investigative journalism" and so on before it comes anywhere near mentioning the defence of the public. It talks about public interest without defining this. It is noteworthy that Professor Horgan in his submission appeared to concede to newspaper editors the definition of what constituted news which is similarly dangerous in my opinion. Public interest is not necessarily what the public is interested in, which of course may include bizarre variations in the sexual practices of well-known people. If I may allow myself an anecdote here I was recently in a newsagent's shop in Dublin on a Sunday morning. A woman arrived in straight from mass in the Pro-Cathedral festooned with various religious medallions and other imagery and made straight for a newspaper whose front cover dealt in some detail with the demise of a woman in rural Ireland apparently as a result of sexual intercourse with a dog. She took up and purchased the paper saying "Isn't that extraordinary!", which it certainly was. There is no doubt she was interested in it and I am sure that it sold a lot of papers. But was the publication of such material in any realistic way in the public interest.

Your second main section deals with fairness and objectivity of standards. I permitted myself a wry smile at 2.1 "there must be a statement of ethical standards which is recognised as reasonable by the industry and creditable by the public" and goes on to speak of enforcement. My wry smile was provoked by the evidence given by Mr. Desmond a newspaper proprietor of some substance as well as a somewhat curious business background who when the word ethical was employed actually had either the gall or the honesty to state that he did not know what the word ethical meant. If newspapers proprietors, substantial shareholders or indeed editors are not only a stranger to ethics but admit to a public inquiry that they have no understanding of the word it is difficult to see how ethical standards can be enforced.

Paragraph 2.3 states “the setting of standards must be independent of Government and Parliament and sufficiently independent of media interest, in order to command public respect”. I am concerned at the primacy given to the independence from Government and particularly concerned at the use of the word *sufficiently* when dealing with independence from media interests which suggests in that case a minimal criteria and this is reinforced by the repetition of this phrase in paragraph 3.1 and a repetition of the word sufficiently on which I will comment later on paragraph 5.

Paragraph 4 speaks of credible remedies but it neglects to copper fasten this by reference to enforcement and penalties.

The final paragraph 5.1 states “the solution must be sufficiently reliably financed to allow reasonable operational independence and appropriate scope, but without placing a disproportionate burden on either the industry, complainants or the tax payer.” This seems to me to be weak. The phrase sufficiently reliably financed again suggests a minimal standard. Surely it should be properly financed and operational independence hardly needs to be qualified by the word reasonable. Once again I note the order of concern regarding financial burden 1. The industry 2. Complainants. 3. The tax payer. In my view the interest of the complainant should be first central and primary and it is a moral responsibility of the industry to bear part of the cost. With regard to the tax payer no estimated cost has been provided but there is no doubt that in terms of overall revenue generation and spend this would be miniscule and certainly good value if it were to protect the public against the invasion of privacy, the hacking of telephones, the corruption of politicians and police, the cowering of Prime Ministers and Governments and the debasement of public political discourse as convincingly revealed by your Inquiry.

As a member of the NUJ I would like to express my pride and gratitude to Michelle Stanistreet General Secretary NUJ and the National Union of Journalists for the courage and clarity of the evidence given in particular concerning the cavalier destruction of ethics and truth by management in the interests of sales by the method of crass bullying and harassment of staff. I also thoroughly approve of the statement that “the years of self-regulation on the media bosses terms has amounted to no regulation at all. “ I wholeheartedly endorse the NUJ code of conduct which I am sure you have to hand. I fervently wish that it were routinely observed by Irish newspapers or effectively monitored by the Ombudsman or Press Council and I may tell you that my view is that that of the 12 separate principles listed 8 at least are routinely broken and these are numbers, 3, 4, 5, 6, 8, 9, 11 and 12.

(At the outset I should indicate my position regarding the Presidential election and the fact that I am involved in a series of legal cases and have to date received six or seven apologies and am negotiating damages).

1 TO: CNECT-G1-HLG@ec.europa.eu
2 TO: CNECT-G1-REGULATORS@ec.europa.eu

3
4 Public consultation on the independent report from the High Level Group on Media Freedom and Pluralism
5 **and**
6 Public consultation on the independence of audiovisual regulatory bodies

7
8 European Commission
9 Directorate- General for Communications Networks, Content and Technology (CNECT)
10 Unit G1
11 Office BU25 05/181
12 B - 1049 Brussels

13
14 **Opinions about media freedom and pluralism, also about independence of audiovisual**
15 **regulatory bodies**

16
17 This Opinion is joint answer to the following consultations:

- 18
19 1) Public consultation on the Independent Report from the HLG on Media Freedom and
20 Pluralism
21 2) Public consultation on the independence of the audiovisual regulatory bodies

22
23 First of all, a lot of thanks to the Directorate- General for Communications Networks, Content and
24 Technology (CNECT) for organising this very important consultation.

25
26 This opinion represents an opinion of an individual citizen, not any legal entity.

27
28 This opinion does not contain:

- 29 – any business secrets
30 – any trade secrets
31 – any confidential information.

32
33 This opinion is public.

34
35 The European Commission Directorate- General for Communications Networks, Content and
36 Technology (CNECT) can add the PDF file of this opinion to a relevant web page(s).

37
38 Annex 2 holds information about disclaimers and copyright.

39
40 Best Regards,

41
42 Jukka Rannila
43 citizen of Finland

44
45 signed electronically

46 **The reference pages**

47

48 The mentioned reference pages (on 10 June 2013 those web pages were accessible) are following:

49

50

1)

51 Public consultation on the Independent Report from the HLG on Media Freedom and
52 Pluralism

53 [http://ec.europa.eu/digital-agenda/en/public-consultation-independent-report-hlg-media-](http://ec.europa.eu/digital-agenda/en/public-consultation-independent-report-hlg-media-freedom-and-pluralism)
54 [freedom-and-pluralism](http://ec.europa.eu/digital-agenda/en/public-consultation-independent-report-hlg-media-freedom-and-pluralism)

55

56

2)

57 Public consultation on the independence of the audiovisual regulatory bodies

58 [http://ec.europa.eu/digital-agenda/en/public-consultation-independence-audiovisual-](http://ec.europa.eu/digital-agenda/en/public-consultation-independence-audiovisual-regulatory-bodies)
59 [regulatory-bodies](http://ec.europa.eu/digital-agenda/en/public-consultation-independence-audiovisual-regulatory-bodies)

60

61 **Digitalisation of everything / Consequences**

62

63 This Opinion is mostly about the consequences of digitalisation (of everything), and about the direct
64 and indirect consequences for the “traditional” and “new” media.

65

66 **The (information) systems landscape**

67

68 It can be said, that the media (information) systems landscape is in constant flux because of
69 digitalisation (of everything). For the purposes of this Opinion, we make the following distinctions
70 for the information systems:

71

- privately owned information systems (IS)
- publicly owned information systems (IS).

72

73

74 More IDs and IDs is one of the consequences of digitalisation (of everything). The ID is identifier

75 in an information system. Examples of these identifiers are following:

76

1) Facebook ID for individual person

77

2) Facebook ID for individual up-dates of individuals

78

3) Data Universal Numbering System (D-U-N-S)

79

4) Reuters Instruments Codes (RICs)

80

5) Social security number / ID for individual citizens in the European Union member
81 states

82

6) Business Identity Code code for a company in the European Union member states

83

7) A value added tax number for a company in the European Union member states.

84

85 In the European Union level there is two interesting examples of creating YET another ID for an
86 information system:

87

A) REMIT Registration Format

88

B) Registry options to facilitate linking of emissions trading systems

89

90 I answered to those consultations (A and B) and in the Annex 1 there are links to the answers /

91 opinions of those consultations. In both cases there was need to register actions of private and/or
92 public activity of private and/or public communities.

93
94 The examples of private IDs (Facebook IDs, Data Universal Numbering System (D-U-N-S),
95 Reuters Instrumens Codes (RICs)) show, that persons and/or communities can use or even demand
96 of using IDs from privately owned information systems.

97
98 Social security numbers and tax identifier codes are examples of publicly owned information
99 system, and use of public IDs have spread to several private systems. E.g. in Finland the social
100 security ID is so prevalent, that the private companies can possibly combine information from
101 numerous private information systems. Naturally these combination effort raise serious questions
102 about the rules and regulations of combining information private information systems.

103
104 A tax identifier code and value added tax number for a company in the European Union member
105 states are also examples for widespread public ID. E.g. in Finland Finnish Business Information
106 System actually combined three previous register together, and the current Business Identity Code
107 have spread to the usage in several private and public systems.

108

109 **Why use so much text for a simple issue?**

110

111 The current reality is, that there will be more and more IDs, since digitalisation of different areas
112 will result new IDs and/or combination of new and old IDs.

113

114 Another aspect of these public IDs are, that they can demand very comprehensive amount of
115 international diplomacy. An example is the International Registry pursuant to the Luxembourg
116 Protocol to the Convention on International Interest in Mobile Equipment on Matters specific to
117 Railway Rolling Stock (the Luxembourg Protocol) ¹. The mentioned agreement has been signed by
118 the European Union, and the ratification process in underway.

119

120 The creation YET another public ID is not always organised by the European Union, and in some
121 cases the European Union (and member states) just have to accept the reality of some of those
122 public IDs – in some cases even private IDs are the norm. The Reuters Instrumens Codes (RICs) is
123 an example of a near monopoly situation, and some of current private IDs might constitute (near)
124 monopoly situations. Naturally, (near) monopolies can be assessed by the Competition Directorate-
125 General, and it will be interesting to see possible new cases related to private IDs.

126

127 **A free and pluralistic media to sustain European democracy?**

128

129 The Report of the High Level Group on Media Freedom and Pluralism contains many interesting
130 recommendations (30), and in this Opinion will give will give a reasoned opinions just to some
131 questions / recommendations.

132

133

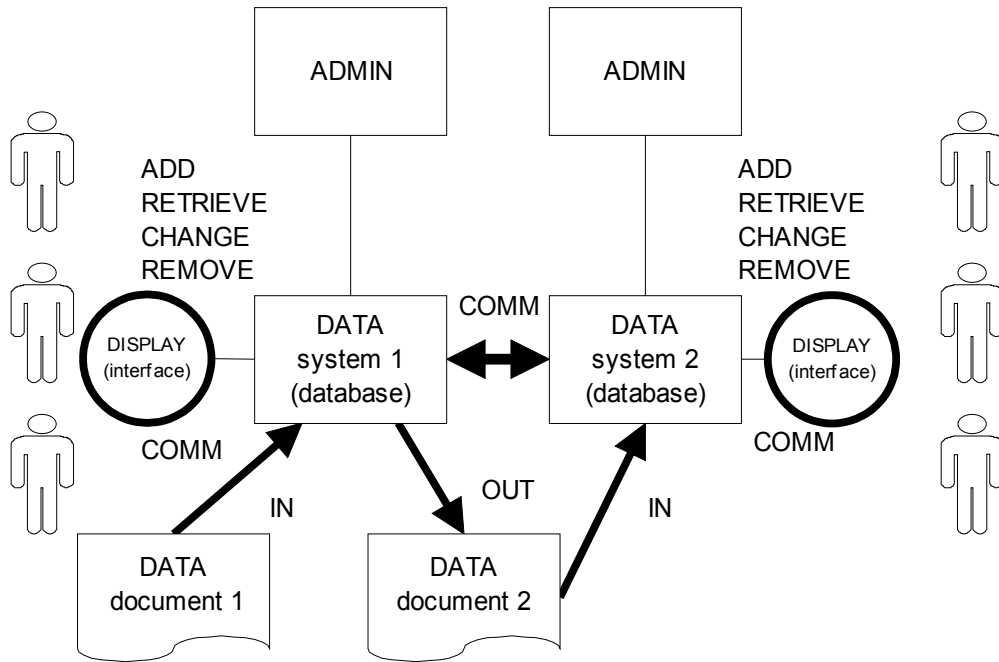
1 <http://www.unidroit.org/english/conventions/mobile-equipment/main.htm> (Convention on International Interests in Mobile Equipment (Cape Town, 2001))

134 **Documents → Databases → IDs → Combination of IDs → Information services**

135

136 In the following figure is a simplification of information technologies.

137



138

139

140 There some basic functions:

- 141 • ADD data
- 142 • RETRIVE data
- 143 • CHANGE data
- 144 • REMOVE data
- 145 • ADMISTATION of a system.

146

147 These functions use/change/etc. data in two forms:

- 148 • DOCUMENT
- 149 • DATABASE.

150

151 Like the figure indicates, the documents can actually change to the database information in a
 152 database; the results is naturally new IDs and new databases.

153

154 The data is consumed/used/etc. by the humans, and their internal mental world can change the
 155 consumed/used/etc. information. This means, that for some persons the data transmitted with the
 156 help of database IDs means something or nothing.

157

158 Humans use different displays and computer use different interfaces, e.g. a mobile device can
 159 access data in an database with an interface, and then the data is converted to the mobile device
 160 display.

161

162 The general aim: pursuit for the truth / truth-seeking

163

164 The consultations (about the media freedom and pluralism and about independence of audiovisual
165 regulatory bodies) are interesting examples for protecting the truth-seeking endeavours. The truth is,
166 that misinformation can spread nowadays instantly around the Internet. Therefore, the truth-seeking
167 endeavours are facing yet another problem, i.e. distortion by the general misinformation.

168

169 There are some interesting examples of truth-seeking endeavours organised outside the European
170 Union:

171 * PolitiFact ²172 * PolitiFact Australia ³173 * FactCheck.org ⁴174 * The Fact Checker ⁵.

175

176 It can be said, that PolitiFact has a reputational brand, and the brand is now expanded to Australia.
177 All these four examples are organised differently. (e.g. a foundation, a private company). Also, there
178 are some (non-profit) institutions supporting investigative journalism. Naturally, there are different
179 sites for leaking different classified material to the public, e.g.

180

181 * Wikileaks ⁶182 * Leak Directory ⁷.

183

184 The aim is the same with different organising modes: serious truth-seeking.

185

186 In this Opinion, I will not give a qualitative analysis for the examples; the general note is, that some
187 of those services can be very controversial depending on the situation.

188

189 What is the problem then?

190

191 In the following figure is a general conception of combination of real-time information systems and
192 more slow information systems. Generally speaking, a simple addition for a information system can
193 be result a real-time avalanche of updates to large amount of information systems.

194

195 There is the real-time problem for truth-seeking organisations/endeavours with real-time
196 challenge(s). Who will prevail: the truth-seeking organisations/endeavours or misinformation
197 distributors?

198

199

2 <http://www.politifact.com/about/>, About PolitiFact

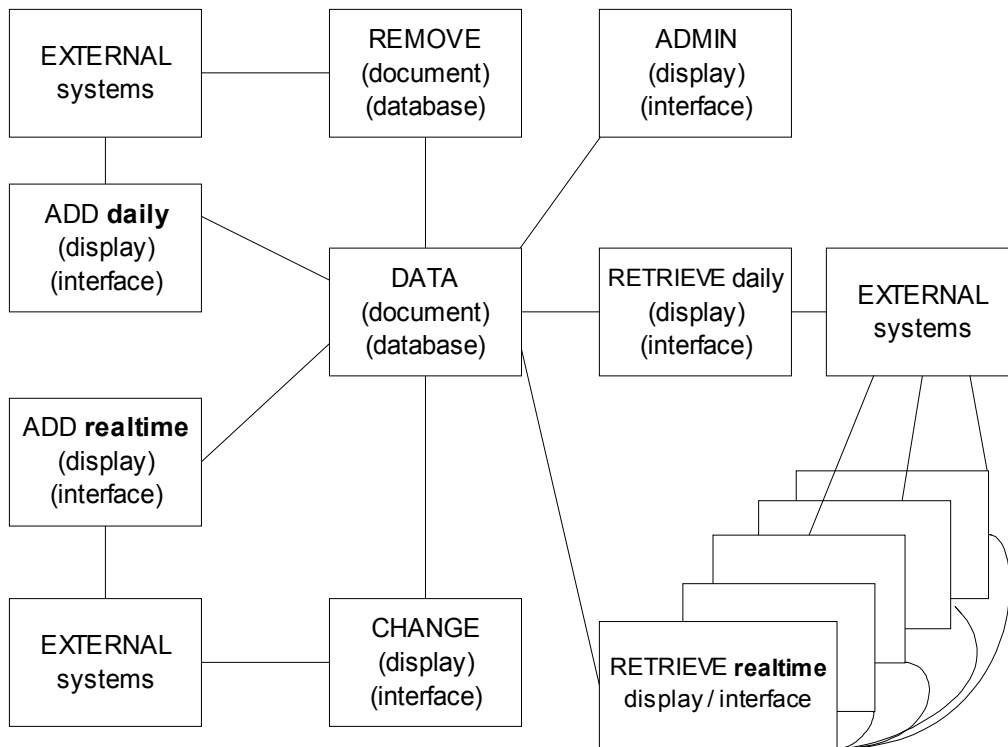
3 <http://www.politifact.com.au/>, PolitiFact Australia

4 <http://www.factcheck.org/>, FactCheck.org

5 <http://www.washingtonpost.com/blogs/fact-checker/>, The Fact Checker / Washington Post

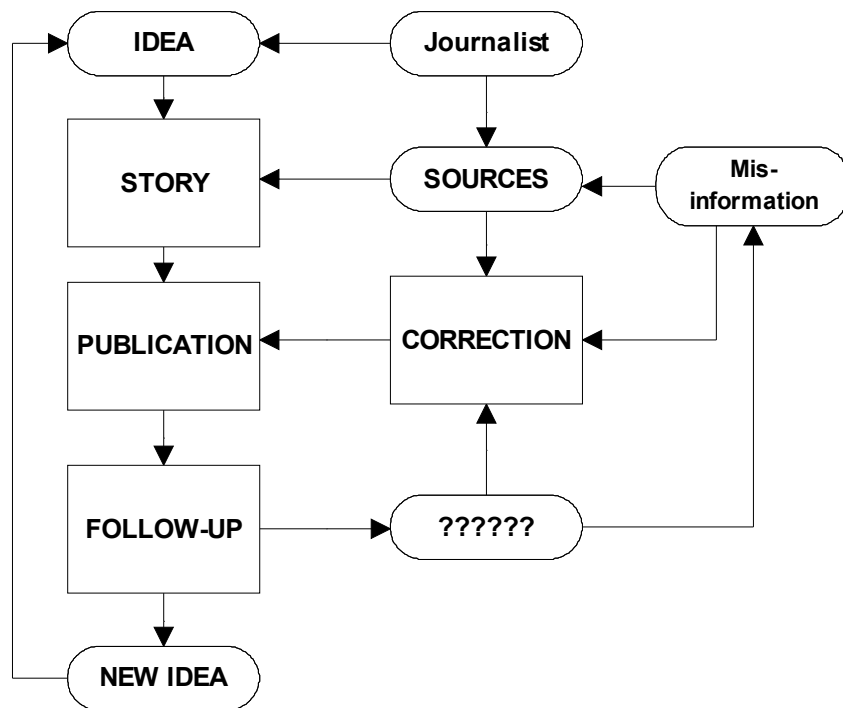
6 <http://wikileaks.org/About.html>, About WikiLeaks

7 <http://leakdirectory.wikispaces.com/>, directory of leak sites



200
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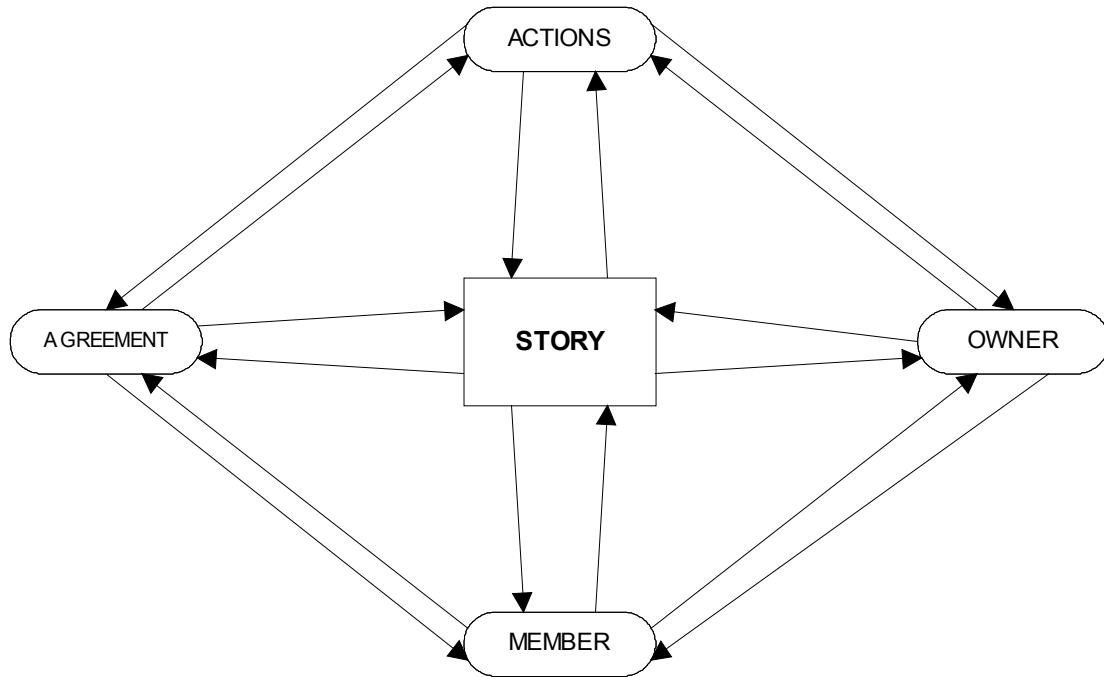
The next figure is a simple conception of a journalistic publication: from an idea to another idea. In the middle there is the publication of a story. The problem nowadays is the follow-up of a story, and the possibility for the misinformation in several stages. Also, the correction process for a story might be flawed, since the misinformation distribution is always a challenge.



205

206 The challenge can be described in an another way. A story can have following stakeholders:

- 207 • a story is made and owned by some actors
- 208 • a story can have information about several actors, i.e. members of a story
- 209 • a story is distibuted with an agreement, e.g. a newspaper is an agreed form of
- 210 distribution of a story.
- 211



212
213

214 Who has the responsibility to for making corrections and mitigating previous and following
 215 misinformation (related to a story)? In practical reality, there is a numerous amount of actions for a
 216 simple story between different stakeholders. Like said before, everything can be almost/mostly
 217 digital, and therefore almost/totally real-time.

218

219 **Voluntary and non-voluntary actions ?**

220

221 In the consultation documents there are numerous proposals for:

222

- 223 • European Union (Commission in specific)
- 224 • (national) competition authorities
- 225 • (national) media councils
- 226 • journalists
- 227 • different media organisations
- 228 • educators.
- 229

230 All these recommendations seems to be well-intended and some are even applaudable. The
 231 conclusions from previous explanation is, that is a single story has a large amount of stakeholders,

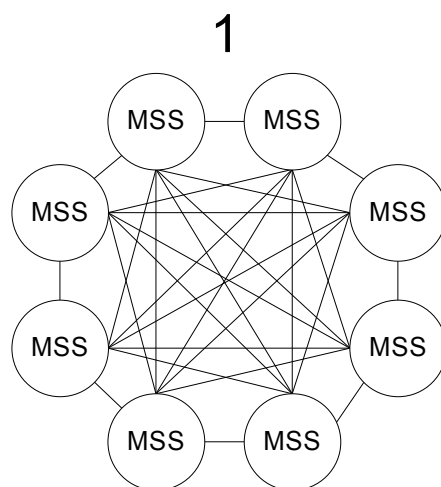
232 who need highly-detailed information of a specific story.

233

234 **National level?**

235

236 It can be concluded, that a specific story in the national in a member state is actually distributed in
 237 several systems in a member state. Different member state systems (MSS) are then integrated in
 238 different layers. In other words, the original is distributed totally and partially to several systems.
 239



240

241

242 Like said before, one (or more) of the systems can be a special system for correcting the
 243 misinformation distributed in different stories.

244

245 In the national level (member state) there is a need at least for the following information:

246

247

- clear identifier for an original story
- original story without modifications
- modification(s) added later to the original story
- originator(s) of a story
- factual references of a story
- original distributor of a story
- members (persons / communities) in a story
- references to previous story / stories

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256 On the other hand, the misinformation can spread also, and there could be the following
 257 information:

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259

- clear identifier for the found misinformation
- original (misinformation) story without modifications
- modification(s) added later to the original (misinformation) story
- originator(s) of a (misinformation) story

260

261

262

- 263
- 264
- 265
- 266
- 267
- factual references of a (misinformation) story
 - non-factual references of a (misinformation) story
 - original distributor of a (misinformation) story
 - members (persons / communities) in a (misinformation)story.

268 Naturally, there has to be identifier for person / community, who / which has made a evaluation of a
269 story and the amount of misinformation in a story. Therefore some more additions:

- 270
- 271
- 272
- 273
- person / community responsible for evaluating the amount of misinformation
in a story.

274 It can be said, that depending on the situation in a specific member state, misinformation
275 distributing efforts are covered rather fast. E.g. in Finland different media actors are quite eager to
276 point mistakes in stories provided by other media actors.

277

278 **Need for another group of different IDs in the national level?**

279

280 Unfortunately, the proposals made before mean yet another problem with different IDs. Do we need
281 following IDs:

- 282
- 283
- 284
- 285
- 286
- 287
- national IDs for different communities?
 - national IDs for different persons?
 - national IDs for different factual stories?
 - national IDs for different non-factual stories?

288 In the case of Finland, some of the base registers ^{8 9} can be used very widely for pinpointing a
289 specific community. On the other hand, using social security numbers for pinpointing a specific
290 person would constitute several problems. The problem would be also following:

- 291
- 292
- 293
- 294
- 295
- different national media organisations have different IDs for stories
 - different national media organisations have different IDs for communities
 - different national media organisations have different IDs for persons.

296 Naturally, this situation leads us to the “Clearing House” solutions, where different IDs are
297 compared, evaluated, cross-referenced, etc. The “Clearing House” then gives its own ID for general
298 consumption. The following figure gives an idea of the “Clearing House” solution, which means
299 one-to-many relations.

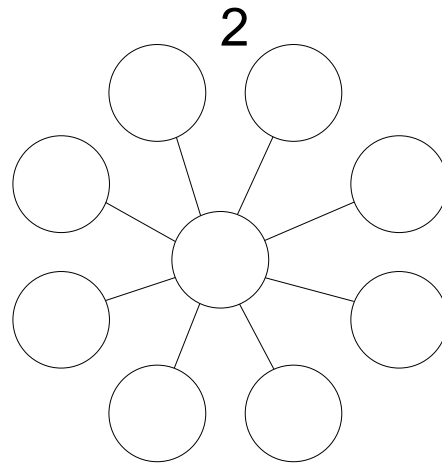
300

301 [Continues on the next page]

302

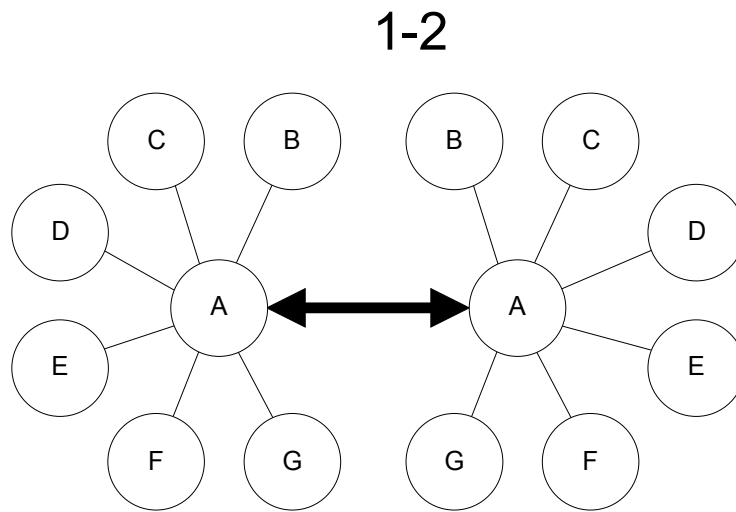
8 <http://www.prh.fi/en.html>, National Board of Patents and Registration of Finland

9 <http://www.ytj.fi/english/>, Joint business information system of the National Board of Patents and Registration and the Tax Administration



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The practical reality is, that different “Clearing House” solutions can be combined, and therefore the original IDs are hid.



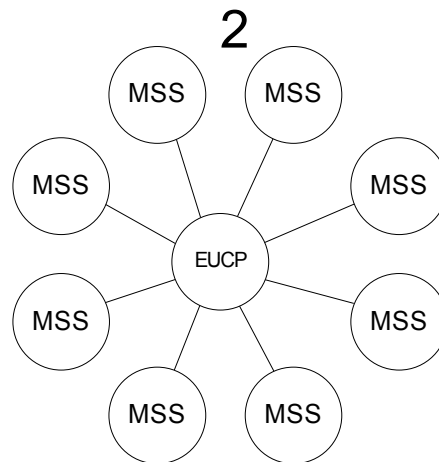
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EU-wide level?

However, the news cycle (factual and non-factual) does not follow neatly or easily the national borders between member states. A story revealed is global by nature in our globalised world.

This leads to the question of a European Contact Point (EUCP) for different member state systems (MSS); also it can be said being a “Clearing House”.

[Continues on the next page]



320

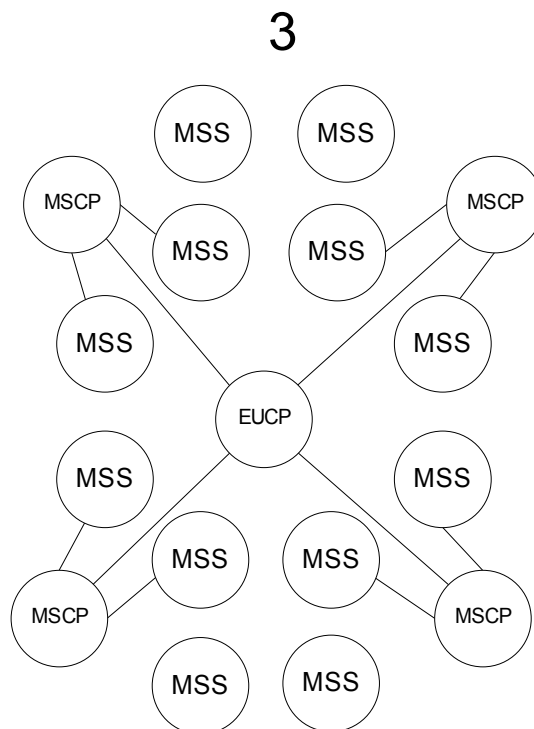
321

322 In the current situation, European Union member states (and some co-operation states) have their
 323 own internal IDs for several information systems. Also, the members states organised as a
 324 federation have their own internal problems with state-level IDs.

325

326 On the other hand, there are some working examples of joined or federated EU-wide registers.
 327 However, the amount of administration and needed legally binding agreements is considerable.

328



329

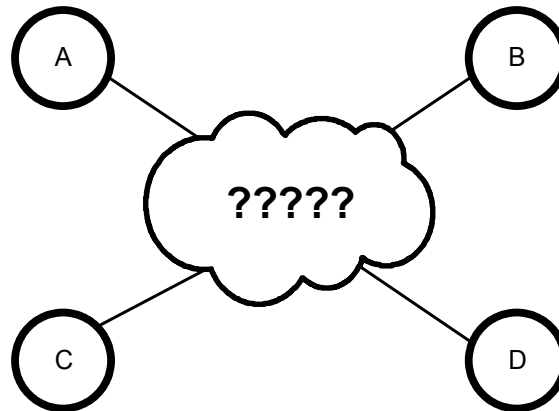
330

331 The solution can be, that member states have own Member State Contact Points (MSCP) and

332 differet state level systems are combined gradually. Then the member state system IDs can be used
 333 in the European Contact Point (EUCP).

334
 335 **Global level?**

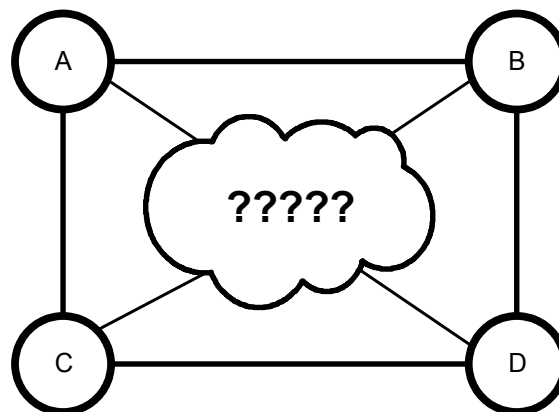
336
 337 The new buzzword is “Cloud Computing”. Following figure is one conception of a cloud system.
 338



339
 340
 341 In theory, a cloud can be an application, and the users just add data to the application, and there is
 342 no need to have local computing resources – e.g. “just have an internet connction”. In this Opinion,
 343 the serious risks in “cloud” computing are not assessed.

344
 345 In practical reality, EU-wide systems (e.g. A, B, C, D) can be joined together with one-to-one
 346 connections, and member state systems can be joided with one-to-many system (E.g. 27 systems →
 347 System A, etc.). Then these EU-wide systems (e.g. A, B, C, D) use “the cloud” with non-EU
 348 systems, which are relevant. In some cases, the global IDs are free to use. In some cases, there is
 349 fees for these global IDs.

350



351
 352
 353 An example ¹⁰ of different non-EU IDs is C-SPAN video library, where there is IDs for persons,

¹⁰ <http://www.c-spanvideo.org/>, C-SPAN video library

354 events, organisations, etc. On the other hand, e.g. European Commission has very vast amount of
355 material, which have different IDs, and those services are usable with different information
356 technologies. Similarly, several other EU institutions provide material with different IDs, and their
357 usage is free world-wide.

358

359 **What should be done by the European Commission?**

360

361 What can be said about:

362

- 363 1) media freedom and pluralism
- 364 2) independence of audiovisual regulatory bodies.

365

366 It can be said, that the European Union must protect media freedom and pluralism. Also,
367 independence of audiovisual regulatory bodies must be protected by the European Union.

368

369 The main issues addressed in this Opinion are:

370

- 371 1) The challenge of real-time misinformation
- 372 2) Mitigating the real-time misinformation with different IDs for (inter alia)
373 stories, actor, factual informat, misinformation
- 374 3) The problem of layered IDs nationally, EU-wide and globally
- 375 4) Some solutions for layered IDs.

376

377 It can be said, that there will be several formats / standards, which can be e.g. 1) free and public, 2)
378 private and commercial, 3) not standardised, 4) standardised, 5) national, 6) international, 7)
379 official, 8) non-official, 9) obsolete. And naturally there are several combinations (1 to 9).

380

381 Therefore, the work of the European Commission is following:

382

- 383 1) Follow the standards / formats landscape in the media landscape
- 384 2) Encourage usage of public and free standards in the media landscape
- 385 3) Possible fund and advise the development of public and free standards in the
386 media landscape
- 387 4) Assess the situation with private and commercial IDs in the media landscape
- 388 5) Possibly enforce some opening the usage of interfaces private and
389 commercial IDs in the media landscape (cf. RICs case)
- 390 6) Active co-operation with global partners, who provide different IDs in the
391 media landscape

392

393 **1) First example of possible activity for the European Commission**

394

395 I have urged earlier the European Commission (different Dgs) to increase usage of ¹¹ ¹² RSS feeds.

396

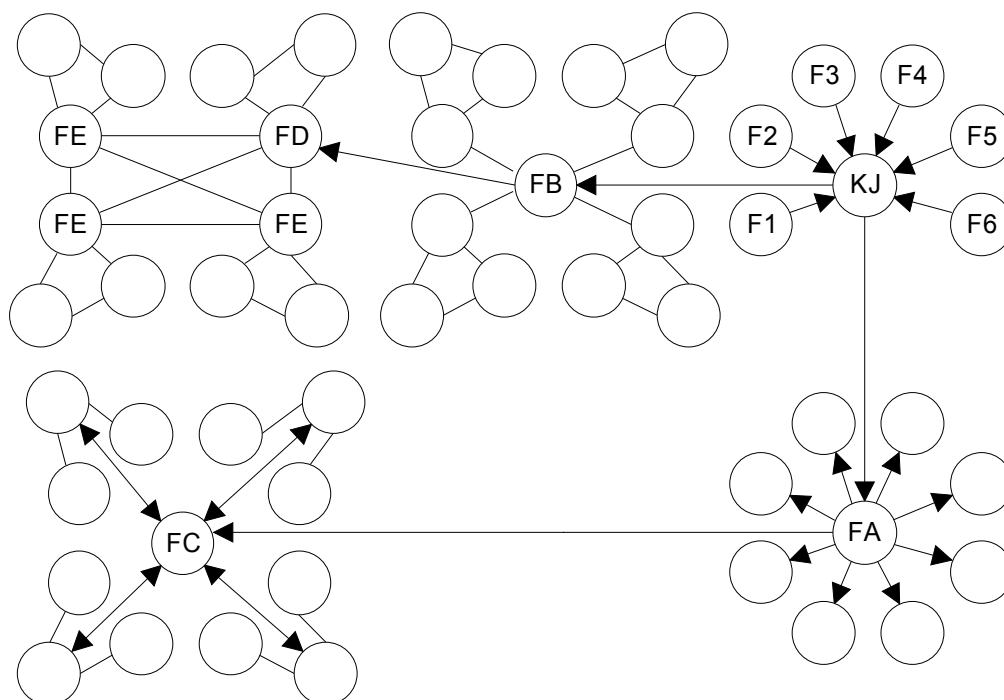
11 <http://en.wikipedia.org/wiki/RSS>, RSS, Wikipedia article

12 <http://www.rssboard.org/rss-specification>, RSS 2.0 Specification



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One way of supporting media freedom and pluralism is the usage of RSS feeds from several informations services. European Commission could work with different stakeholders for converting their own internal feeds to public RSS feeds.



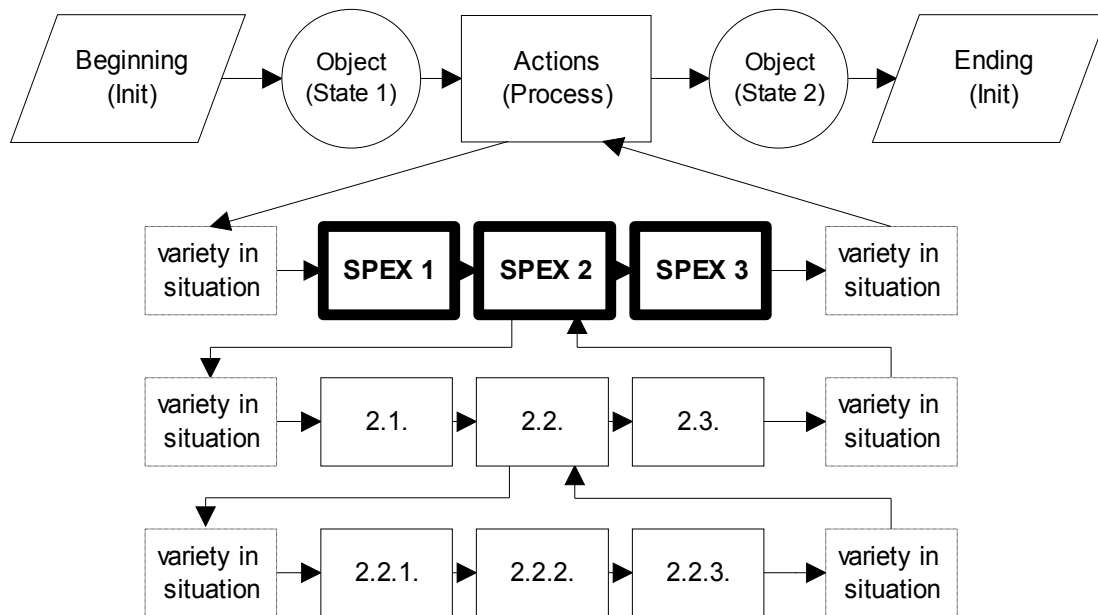
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Generally speaking, there are numerous non-RSS feeds provided by different information systems. The European Commission could assess the situation, and it could fund the conversion work for some information systems.

Like indicated in the previous figure, different informations systems are tightly integrated, and the feeds (e.g. formats F1-F6, FA, FB, FC, FC, FD) between systems can be non-standard, i.e. non-RSS.

2) Second example of possible activity for the European Commission

Previously, there was is a simple conception of a journalistic publication: from an idea to another idea, and in the middle there is the publication of a story. In the following figure, there is simple process model from beginnig to ending.



419
420

421 Generally speaking, informations system need in some points highly detailed information, and in
422 some cases this information is given by people using displays.

423

424 The European Commission could work with global and regional partners for creating standardised
425 user interfaces (SPEX) for different stakeholders. These standardised user interfaces (SPEX) could
426 then be implemented by different information systems.

427

428 An example for this kind of standardised user interfaces (SPEX) could be “a citizen interface” for
429 reporting inaccuracies in a published story, i.e. the “a citizen interface” for reporting inaccuracies in
430 story would be the same or almost the same in different systems regardless of the technological
431 measures. These standardised user interfaces (SPEX) could be developed in different contest and/or
432 consultations.

433

434 3) Third example of possible activity for the European Commission

435

436 Since the European Union is a multi-lingual community, the question of language is important.

437

438 The European Commission could work with global and regional partners for publishing linguistic
439 versions of some important texts in different information systems. Generally speaking, just English
440 versions of texts in some information systems might not be feasible. The developers some
441 information systems could be very interested to have linguistic versions for their information
442 services, but they dont have resources to do that.

443

444 One option is, that the European Commission funds the translation work of some important
445 information systems, and then collects the funded amount of money is collected gradually back, e.g.
446 yearly basis. Naturally, there has to be serious assessment of this approach, but in some cases an

447 important information systems can be developed with minimal resources, even though the usage of
 448 that system can be global.

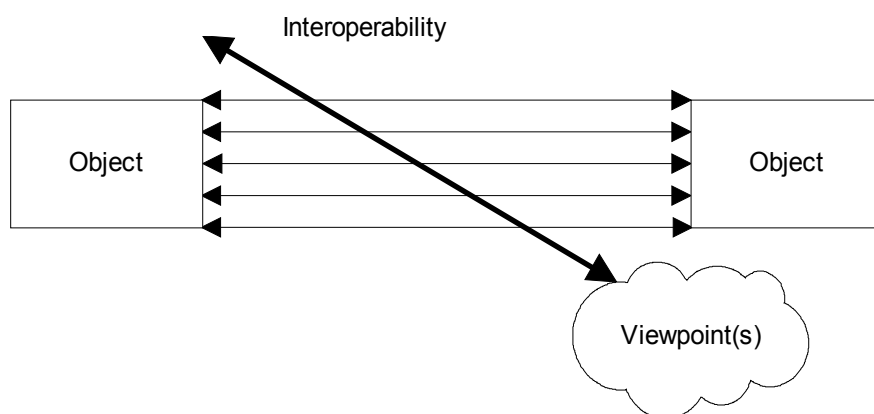
449

450 **4) Fourth example of possible activity for the European Commission**

451

452 The previously mentioned need for standardised formats and standardised user interfaces is just one
 453 part of the interoperability in different information systems. There are several other viewpoints with
 454 interoperability and with interoperability layers.

455



456

457

458 The consultations most likely will result several ideas and/or idea for securing media freedom and
 459 pluralism. The commission could publish a work program based on the results of these two
 460 consultations. The publish work program should be divided to some layers:

461

- 462 1) Technological layer
- 463 2) Data layer
- 464 3) Information layer
- 465 4) People layer

466

467 The easiest layer is naturally the technological layer, and the standardisation in that area can be very
 468 fast. In the data layer there can be competing ideas for different IDs, can those proposals should be
 469 assessed with different stakeholders. The information layer is about understanding the received data
 470 - hopefully in the correct / original form. The European Commission can (once more) provide
 471 auspices for multi-lingual understanding. The people layer is the hardest layer, since we are very
 472 accustomed to certain models.

473

474 **Good luck !!!!!!!**

475

476 This Opinion is quite limited, and probably other opinions will result some constructive ideas.

477

478 Jukka Rannila

479 citizen of Finland

480

481

ANNEX 1

482

483 My opinions to the previous and relevant consultations – there consultations were mostly organised
484 by the Commission of the European Union.

485

486 General page to all consultations – both in English and in Finnish:

487 <http://www.jukkarannila.fi/lausunnot.html>

488

489

490 EN: Opinion 1: Review of the rules on access to documents

491 http://www.jukkarannila.fi/lausunnot.html#nro_1

492

493 EN: Opinion 2: Schools for the 21st Century

494 http://www.jukkarannila.fi/lausunnot.html#nro_2

495

496 EN: Opinion 3: The future of pharmaceuticals for Human use in Europe- making Europe a Hub for
497 Safe and Innovative medicines

498 http://www.jukkarannila.fi/lausunnot.html#nro_3

499

500 EN: Opinion 5: Consumer Scoreboard, Questionnaire for stakeholders

501 http://www.jukkarannila.fi/lausunnot.html#nro_5

502

503 EN: Opinion 6: Consultation on a Code of Conduct for Interest Representatives

504 http://www.jukkarannila.fi/lausunnot.html#nro_6

505

506 EN: Opinion 8: European Interoperability Framework, version 2, draft

507 http://www.jukkarannila.fi/lausunnot.html#nro_8

508

509 EN: Opinion 9: CAMSS: Common Assessment Method for Standards and Specifications, CAMSS
510 proposal for comments

511 http://www.jukkarannila.fi/lausunnot.html#nro_9

512

513 EN: Opinion 15: Collective Redress

514 http://www.jukkarannila.fi/lausunnot.html#nro_15

515

516 EN: Opinion 17: Opinion to Antitrust Case No. COMP/C-3/39.530

517 http://www.jukkarannila.fi/lausunnot.html#nro_17

518

519 EN: Opinion 18: Opinion Related to the Public Undertaking by Microsoft

520 http://www.jukkarannila.fi/lausunnot.html#nro_18

521

522 EN: Opinion 19: Official Acknowledgement by the Commission

523 http://www.jukkarannila.fi/lausunnot.html#nro_19

524

- 525
526 EN: Opinion 20: SECOND Opinion Related to the Public Undertaking by Microsoft
527 http://www.jukkarannila.fi/lausunnot.html#nro_20
528
529 EN: Opinion 21: Opinion about the European Interoperability Strategy proposal
530 http://www.jukkarannila.fi/lausunnot.html#nro_21
531
532 EN: Opinion 23: Public consultation on the review of the European Standardisation System
533 http://www.jukkarannila.fi/lausunnot.html#nro_23
534
535 EN: Opinion 27: Public Consultation on the Modernisation of EU Public Procurement Policy
536 http://www.jukkarannila.fi/lausunnot.html#nro_27
537
538 EN: Opinion 28: Consultation on the Europe 2020 Project Bond Initiative
539 http://www.jukkarannila.fi/lausunnot.html#nro_28
540
541 EN: Opinion 30: Internet Filtering
542 http://www.jukkarannila.fi/lausunnot.html#nro_30
543 NOTE: Organised by the European Committee for Standardization (CEN) ¹³
544
545 EN: Opinion 32: COMP/C-3/39.692/IBM – Maintenance services
546 http://www.jukkarannila.fi/lausunnot.html#nro_32
547
548 EN: Opinion 34: REMIT Registration Format
549 http://www.jukkarannila.fi/lausunnot.html#nro_34
550 NOTE: Organised by The Agency for the Cooperation of Energy Regulators (ACER) ¹⁴
551
552 EN: Opinion 35: Exploiting the employment potential of the personal and household services
553 http://www.jukkarannila.fi/lausunnot.html#nro_35
554
555 EN: Opinion 37: CASE COMP/39.654 - Reuters instrument codes
556 http://www.jukkarannila.fi/lausunnot.html#nro_37
557
558 EN: Opinion 39: Registry options to facilitate linking of emissions trading systems
559 http://www.jukkarannila.fi/lausunnot.html#nro_39
560

13 <http://www.cen.eu/> (Accessed 2 July 2012)

14 <http://www.acer.europa.eu/> (Accessed 2 July 2012)

ANNEX 2561
562 DISCLAIMERS563
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575
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590
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The English explanation is in the following web page:

<http://creativecommons.org/licenses/by-nd-nc/1.0/fi/deed.en>

603



15 Based on the Finnish three-party system there is a phenomenon called extreme-centre in Finland. The 2011 parliamentary elections in Finland challenge the three-party system, since three “old” parties were not traditionally as the three largest parties. The is now a “new” party as the third largest party. We all must remain being interested about this new development in Finland.

**ÖFFENTLICHE ANHÖRUNG ZUM UNABHÄNGIGEN BERICHT DER
HOCHRANGIGEN GRUPPE FÜR MEDIENFREIHEIT UND MEDIENVIELFALT**

FRAGEN ZU DEN EMPFEHLUNGEN DER HOCHRANGIGEN GRUPPE

Empfehlung 1:

Die EU sollte befugt sein, auf der Ebene der Mitgliedstaaten zum Schutz der Freiheit und Vielfalt der Medien einzugreifen, um dadurch den Wesensgehalt der Rechte zu garantieren, die den EU-Bürgern durch die Verträge verliehen werden, insbesondere des Rechts auf Freizügigkeit und auf eine repräsentative Demokratie. Vor allem der enge Zusammenhang zwischen der Freiheit und Vielfalt der Medien und der EU-Demokratie rechtfertigt eine erweiterte Zuständigkeit der EU in Bezug auf gerade diese Grundrechte gegenüber anderen in der Charta verankerten Grundrechten.

Anmerkungen:

Neelie Kroes, EU-Kommissarin für die Digitale Agenda, hatte im Oktober 2011 die High-Level-Group on Media Freedom and Pluralism (HG) eingesetzt, die von der früheren lettischen Präsidentin Varia Vike-Freiberga geleitet wurde. Dem vierköpfigen Beratungsgremium gehörte auch die ehemalige Bundesjustizministerin Herta Däubler-Gmelin (SPD) an. Die HG hatte im Januar 2013 ihren Bericht vorgelegt. Darin hatte sie vorgeschlagen, die Europäische Union mit Eingriffsrechten auszustatten, damit sie nötigenfalls Freiheit und Vielfalt der Medien in den Mitgliedsstaaten schützen könnte. Auch hatte die HG empfohlen, dass künftig die in Wien ansässige Europäische Grundrechteagentur die Entwicklung von Meinungsvielfalt und Medienfreiheit in den EU-Mitgliedsstaaten beobachten solle.

In dem HG-Report drückt sich ein anspruchsvoller regulatorischer Grundgedanke aus, wie er auch schon in der Empfehlung 1 hervortritt. In Deutschland stieß er allerdings anfangs oftmals auf Skepsis und Desinteresse. Andere, und so auch ich, zeigten sich weniger reserviert. Ich trat dafür ein, daß der HG-Report mit seinen schwungvoll begründeten Europäisierungsempfehlungen in der medienpolitischen und medienrechtlichen Fachwelt als neue, unkonventionelle Stimme zur Kenntnis genommen und gründlicher diskutiert werden möge.

So etwas kam dann auch hier und da in Gang, und der Report begann unter Insidern zum Gegenstand einer relativ breiten Pro- und Kontra-Debatte zu werden. Dabei wurden – neben als schwächer bewerteten Passagen – auch gewisse vielversprechende, die Public-Service-Idee bei günstigem Verlauf europaweit voranbringende Elemente und Ansätze herausgearbeitet. Als Beispiel für diese kritisch-reformorientierte Betrachtungsweise sei genannt Uli Röhms: Durch die Wettbewerbsbrille. Die Vorschläge der EU-Experten zur Medienfreiheit. In: epd medien Nr. 16 vom 19. April 2013, S. 5- 9.

Dabei geht es um die Art und Weise, in der die HG mit einer EU-Medienfreiheit als europäischem Funktionsgrundrecht argumentiert, z.B. um dessen Herleitung aus einem jeweils national verwurzelten, supranational-dynamisch verstandenen Demokratieprinzip, um

das nähere Verhältnis dieser publizistischen Funktionsfreiheit zu Jedermannsrechten wie Meinungsäußerungs- und -verbreitungsfreiheit, Informationsfreiheit, Meinungsbildungsfreiheit, um die einschlägigen ziemlich komplexen Vielfaltmodalitäten und Öffentlichkeitsbezüge, um daraus folgende Maßgaben für mediengerechte Strukturentscheidungen, Gewährleistungsaufgaben, Interventionsbefugnisse usw.

Damit habe ich mich in früheren Jahren oftmals beschäftigt, vor allem im Blick auf die nähere Ausgestaltung des Grundrechts der Medienfreiheit, das sich in Art. 11 Abs. 2 der EU-Grundrechtscharta findet. Siehe www.jura.uni-bielefeld.de/lehrstuehle/stock/forschungsschwerpunkte/eu-medienfreiheit. Dabei handelt es sich insbesondere um die Frage, ob auch auf europäischer Ebene Elemente eines öffentlich-„dienenden“ Mediengrundrechts etabliert werden sollten, wie sie in Staaten mit einer hochentwickelten Public-Service-Tradition, so zt. in Großbritannien und dann auch in Deutschland, geläufig waren. Dies betrifft bei den elektronischen Medien auch etwaige künftige genuin europäische Medienstrukturen. Solche integrativen Medien könnten für den weiteren Verlauf des Konstitutionalisierungsprozesses wichtig werden: Europäische öffentliche Medien als „Medium und Faktor“ europäischer demokratischer Öffentlichkeit?

Mit alledem bekommt man es jetzt auch in den HG-Empfehlungen zu tun, ausgehend von den allgemeineren Darlegungen in den Abschnitten 1 und 2 des Berichts. Da eröffnen sich interessante Perspektiven, und es gäbe dazu im Detail vieles anzumerken. Aus Brüsseler Sicht, jedenfalls aus derjenigen der Kommissarin Neelie Kroes als der Schöpferin der HG, auch der Initiatorin dieser Konsultation (vgl. dort S. 3-5), war die damit beginnende Reformdiskussion wohl ein europapolitisches Positivum, sie war an sich gern gesehen und galt als hoffnungsvoller Ansatz. Dann kam aber eine aktuelle Affäre dazwischen, mit der wir in Deutschland nicht gerechnet hatten.

Es handelt sich um die Streitigkeiten über die Einbeziehung des Kultur- und Medienbereichs einschließlich der Internet-Kommunikation in die Verhandlungen über das geplante Abkommen zwischen der EU und den USA über eine groß angelegte Freihandelszone („Transatlantic Trade and Investment Partnership“, TTIP). Darin traten, innerhalb der EU-Kommission und weit über sie hinaus, überraschende konzeptionelle Unsicherheiten und innere Labilitäten zutage. Die HG mit ihren Empfehlungen, die auf älteren ordnungspolitischen Voraussetzungen beruhen, wurde dadurch kalt erwischt. Der HG-Report erscheint unversehens entwertet. Manch einer fragte sich nun, ob es unter diesen Umständen noch sinnvoll wäre, an der Anhörung teilzunehmen – sollte man nicht lieber den Ausgang des TTIP-Konflikts abwarten und auf bessere Tage hoffen? Auch ich stand vor dieser Frage, und ich kam angesichts der negativen Fakten dazu, sie zu bejahen. Dazu noch ein paar Bemerkungen.

Der von der EU-Kommission im März 2013 vorgelegte, nach anfänglichen Einwänden einstimmig verabschiedete erste Textvorschlag für ein Verhandlungsmandat sah nach einer Mitteilung des Kommissars für Handel Karel de Gucht nicht vor, die Bereiche Audiovisuelles und Medien aus den TTIP-Verhandlungen auszunehmen. Demgegenüber drängte das EU-Parlament in einer mit großer Mehrheit angenommenen Entschließung vom 23. März 2013 auf die eindeutige Ausklammerung von Diensten mit kulturellen oder audiovisuellen Inhalten, auch online, aus dem Mandat. Andernfalls wurde ein von wirtschaftsliberalen Kräften ausgehender, faktisch unaufhaltsamer Liberalisierungs-, Deregulierungs-, Ökonomisierungsdruck befürchtet, der erhebliche Risiken für Bestand und Entwicklung tragender Fundamente

des nationalen und europäischen kulturellen Lebens mit sich bringen könnte, insbesondere des öffentlich-rechtlichen Rundfunks.

Ähnliche tief besorgte Stellungnahmen wurden von weiteren kultur- und medienpolitisch engagierten Institutionen und Verbänden auf den Weg gebracht, so in Deutschland vom Bundesrat, vom Landtag Nordrhein-Westfalen, vom Deutschen Kulturrat, von der Deutschen UNESCO-Kommission und vom WDR-Rundfunkrat, auch unter Hinweis auf die 2007 in Kraft getretene UNESCO-Kulturkonvention, die auf einzelstaatlicher und gesamteuropäischer (Unions-)Ebene bestimmte in dieser Angelegenheit einschlägige Rechte und Pflichten zu Schutz und Förderung kultureller Vielfalt statuiert. Dazu die umfangreichen Nachweise in den Informationen des Deutschen Kulturrats, zuletzt Newsletter zum TTIP vom 11. und 13.6.2013, siehe www.kulturrat.de/text.php?rubrik=142. Dort auch Belege zu den - nach wie vor machtvollen - gegnerischen Positionen.

Alles dies beschäftigte Politiker und Experten über Monate hinweg. Es absorbierte manche Energien, welche andernorts sinnvoller hätten eingesetzt werden können. Es brachte neuerliche, längst überwunden geglaubte Simplifikationen und Polarisierungen mit sich. Es führte auch zu diversen hinter verschlossenen Türen ausgehandelten, nur gerüchteweise, per Leak o.ä. bekanntwerdenden Kompromißvorschlägen – nicht aber zu klaren Konsequenzen für den TTIP-Umfang.

Am 14. Juni 2013, also morgen, will der EU-Handelsministerrat nun über das Verhandlungsmandat entscheiden. Was dabei herauskommen wird, wissen wir heute, am 13. Juni, noch nicht – müßten wir es aber nicht wissen, um hier adäquat votieren zu können? Denn morgen ist auch deadline für die von der Kommissarin Kroes initiierte öffentliche Konsultation über Medienfreiheit und Medienvielfalt nach dem HG-Report. Das nenne ich ein unglückliches Timing! Die Beschlüsse des Handelsministerrats werden für die Konsultation so oder so relevant sein. Sollen wir also nun bis Freitagabend warten und dann nötigenfalls unsere Stellungnahme ändern, ergänzen, noch einmal von vorn beginnen o.ä.? Oder sollen wir – wenn es aus Termingründen heute sein muß - einfach ins Blaue hinein schreiben? Das eine wie das andere ist unpraktikabel, und es ist unzumutbar. Darum möchte ich meine Anmerkungen hier beenden und würde mich freuen, wenn nach Verabschiedung des Mandats das Gespräch über die einschlägigen Grundrechtsfragen und ordnungspolitischen Grundsatzentscheidungen wieder aufgenommen werden könnte.

Bielefeld, 13.6.2013

(Prof. Dr. Martin Stock)