2016 Annual Colloquium on fundamental rights Public consultation* on "MEDIA PLURALISM AND DEMOCRACY"

Fields marked with * are mandatory.

Introduction

Media freedom and pluralism are essential safeguards of well-functioning democracies. Freedom of expression and media freedom and pluralism are enshrined in the EU Charter of Fundamental Rights and they are at the core of the basic democratic values on which the European Union is founded.

The second Annual Colloquium on Fundamental Rights will take place on 17-18 November 2016. It will provide the stage for an open exchange on the many different aspects of media pluralism in a digital world, and the role of modern media in European democratic societies.

The colloquium should enable policymakers at EU and national level and relevant stakeholders — including NGOs, journalists, media representatives, companies, academics and international organisations — to identify concrete avenues for action to foster freedom of speech, media freedom and media pluralism as preconditions for democratic societies.

The Commission's objective with this public consultation is to gather broad feedback on current challenges and opportunities in order to feed into the colloquium's discussions. The questions asked are thus meant to encourage an open debate on media pluralism and democracy within the European Union — without, however, either prejudging any action by the European Union or affecting the remit of its competence.

Wichtig - Offentliche Konsultation (auf deutsch) / Important - consultations publiques (en français)

DE

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IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

* Contributions received from this survey will be published on the European Commission's website. Do you agree to the publication of your contribution?

- ⦿ Yes, my contribution may be published under my name (or the name of my organisation);
- ○ Yes, my contribution may be published but should be kept anonymous (with no mention of the person/organisation);
- ○ No, I do not want my contribution to be published. (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

For further information, please consult the privacy statement [click below]
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A. Identifying information

1. In what capacity are you completing this questionnaire?
   - ○ Individual/private person
   - ○ Civil society organisation
   - ○ Business
   - ○ Academic/research institution
   - ⦿ Other (please specify)

2. If you are answering this consultation as a private citizen, please give your name.

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3. If you are answering this consultation on behalf of an organisation, please specify your name and the name of the organisation you represent.

   Catalan Audiovisual Council

Is your organisation included in the Transparency Register?

- ◉ Yes
- ○ No

If yes, please indicate your Register ID-number

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179849116923-48
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If your organisation is not registered, we invite you to register here. Please note that it is not compulsory to register to reply to this consultation. Responses from organisations that are not registered will be published as part of the individual contributions.

Citizens have a right to expect that European institutions' interaction with citizens associations, NGOs, businesses, trade unions, think tanks, etc. is transparent, complies with the law and respects ethical principles, while avoiding undue pressure, and any illegitimate or privileged access to information or to decision-makers. The Transparency Register exists to provide citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities. Please help us to improve transparency by registering.

4. If you are an individual/private person:

a) What is the country of your nationality?

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czech Republic
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☑ Spain
- ☐ Sweden
- ☐ United Kingdom
- ☐ Other (please specify)

Other (please specify)

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b) What is your age group?

- ○ Under 18
- ○ 18-30
- ○ 31-40
- ○ 41-50
- ○ 51-60
- ○ 61-70
- ● Over 71

B. Media freedom and pluralism

5. In the context of media freedom and pluralism, what should be the role of the State, if any, in the regulation of media? What should be the role of self-regulation?

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Pluralism in broadcasting is an essential condition for freedom of expression,
information and communication, and guarantees the free formation of public
opinion, social diversity and cohesion. The role of the State should guarantee
this essential condition. Self-regulation could be an important tool to
guarantee media freedom and pluralism (for instance, in the new media
services), but not the only one.
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6. Could you provide specific examples of problems deriving from the lack of independence of media regulatory authorities in EU Member States?

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No
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7. What competences would media regulatory authorities need in order to ensure a sufficient level of media freedom and pluralism?

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The legal competence to strive to ensure respect for political, religious,
social, linguistic and cultural pluralism
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8. What should be the role of public service media for ensuring media pluralism?

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We understand that Public service broadcasting shall define, prepare and
distribute, programmes, content and broadcasting services permitting full
effectiveness of the fundamental rights of freedom of information and free
expression, and shall facilitate the participation of the citizens in the
political, economic, cultural and social life.

In this sense, we understand that the principal mission of the public service
broadcasting is to offer all citizens a range of broadcasting content by means
of a distribution system not requiring the use of conditioned access
technologies to satisfying their democratic, social, educational and cultural
needs, ensuring especially access to truthful, objective and balanced
information, and to the widest and most diverse range of social and cultural
expressions and high-quality entertainment. To this end, the most appropriate
broadcasting languages, formats and genres shall be employed in each case.
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9. How should public service media be organised so that they can best ensure the public service mandate?

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We think that to ensure compliance with the public service functions that
should be stablished by law, the Parliaments shall approve a framework mandate
for every xx time establishing the objectives of the public broadcasting
system as a whole.

The content of this framework mandate shall be developing in a programme
contract, which will specify precisely the objectives for a period of xx
years, reviewable every xx years.
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10. Have you experienced or are you aware of obstacles to media freedom or pluralism deriving from the lack of independence of public service media in EU Member States?

- ○ Yes
- ● No

If yes, please give specific examples.

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11. Are you aware of any problems with regard to media freedom and pluralism stemming from the lack of transparency of media ownership or the lack of rules on media ownership in EU Member States?

- ○ Yes
- ● No

If yes, please give specific examples.

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12. Please indicate any best practice on how to ensure an appropriate level of transparency and plurality of ownership in this area.

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Establishing the rules aimed to guaranteeing pluralism and control of
broadcasting concentrations in the broadcasting laws.
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13. What is the impact of media concentration on media pluralism and free speech in your Member State? Please give specific examples and best practices on how to deal with potential challenges brought by media concentration.

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At Spanish level there are two media groups controlling, one group 6 TDT
channels, and the other one 5 TDT channels and several FM radio frequencies,
with the implications that this has to the audience concentration and the
advertising market concentration.
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14. Are you aware of any problems related to government or privately financed one-sided media reporting in the EU?

- ○ Yes
- ◉ No

If yes, please give specific examples.

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15. Please indicate any best practice to address challenges related to government or privately financed one-sided media reporting while respecting freedom of speech and media pluralism.

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C. Journalists and new media players

16. What is the impact of media convergence and changing financing patterns on quality journalism?

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- Organizational and technical integrations of newsrooms; - The use of
multiskilled workforce; - The application of flexible and user-friendly
technology in all aspects of productivity; - The expansion of their services
into new media.
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17. Have you ever experienced, or are you aware of, any limitation imposed on journalistic activities by state measures?

- ○ Yes
- ◉ No

If yes, please give specific examples and further information, including justifications given by authorities and the position taken by journalists.

> --

18. Please indicate any best practice that reconciles security concerns, media freedom and free speech in a way acceptable in a democratic society.

> --

19. Have you experienced, or are you aware of, limitations related to privacy and data protection imposed on journalistic activities?

- ◯ Yes
- ◉ No

If yes, please give specific examples and further information.

> --

20. Have you experienced, or are you aware of, problems linked to hate speech and threats directed towards individuals exercising journalistic activities?

> No

21. Are you aware of cases where fear of hate speech or threats, as described above, has led to a reluctance to report on certain issues or has had a generally chilling effect on the exercise of freedom of speech?

- ◯ Yes
- ◉ No

If yes, please give specific examples and further information.

> --

22. Have you experienced, or are you aware of, problems concerning journalists' safety and security in the EU?

- ◯ Yes
- ◉ No

If yes, please give specific examples.

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23. Please indicate any best practice for protecting journalists from threats against their safety and security.

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24. Have you ever experienced or are you aware of pressures put by State measures on journalistic sources (including where these sources are whistleblowers)?
- ○ Yes
- ◉ No

If yes, please give specific examples.

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25. How would pressures on journalistic sources be best addressed?

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26. Please indicate any best practice for protecting the confidentiality of journalistic sources/whistleblowers.

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27. Have you experienced, or are you aware of, censorship (including self-censorship) in the EU?
- ○ Yes
- ◉ No

If yes, please give specific examples.

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28. Have you experienced, or are you aware of, any obstacles to investigative journalism, which may include legal provisions in force or a lack of resources?

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No
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29. Do you consider that the level and intensity of investigative journalism, the number of journalists engaged in such activity, the resources available, the space in print and the time available in audiovisual media for the publication of results of investigations has changed over time?
- ○ Yes
- ○ No

If yes, please give specific examples.

30. Please indicate any best practice facilitating investigative journalism

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D. Hate speech online

31. What would be the most efficient ways to tackle the trivialisation of discrimination and violence that arises through the spreading of hatred, racism and xenophobia, in particular online?

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To stablish clear rules of responsibility for the dissemination of these
contents by law. Besides this, we deem also important the establishment of
co-regulation and self-regulation codes amongst the value chain stakeholders.
```

32. How can a better informed use of modern media, including new digital media ('media literacy') contribute to promote tolerance? Please indicate any best practice.

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By disseminating content that strengthen cultural and linguistic diversity,
social inclusion, as they contribute to strengthen the identities of specific
communities and at the same time, allow the members of these communities to
establish links with other society groups, which results in fostering
tolerance and pluralism in society.
The media promote intercultural dialogue by educating the public in general,
combating negative stereotypes and correcting certain ideas regarding social
categories threatened with exclusion.
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E. Role of free and pluralistic media in a democratic society

33. How do developments in media freedom and pluralism impact democracy? Please explain.

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Media freedom implies editorial independence, the protection of journalists
and unrestricted public access to information sources. Media pluralism means
that citizens have access to a range of sources, views and opinions and that
no single media player has an overwhelming influence over the political
agenda.
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34. Who do you think is the most suited to help increase media literacy? Please rank and explain why.

	The most important - 1	2	3	4	5	6	7	The least important - 8
Family	●	○	○	○	○	○	○	○
Friends	○	○	●	○	○	○	○	○
School	○	●	○	○	○	○	○	○
Public authorities	○	●	○	○	○	○	○	○
Media, including online providers	○	●	○	○	○	○	○	○
Dedicated learning systems using e.g. radio, TV, mobile phones and the internet (please specify)	○	●	○	○	○	○	○	○
Civil society	○	○	●	○	○	○	○	○
Other (please specify)	○	○	○	○	○	○	○	○

Other - please specify

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35. Please give specific good examples or best practices for increasing media literacy.

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Introducing in the schoolscurricula the subject "media literacy"
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36. What would be concrete ways for free and pluralistic media to enhance good governance and transparency and thus foster citizens' democratic engagement (e.g. self-organisation for political purposes, participation in unions, NGOs, political parties, participation in elections)?

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All of the suggested options.
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37. What are best practices of free and pluralistic media contributing to foster an informed political debate on issues that are important for democratic societies (e.g. in terms of the nature of the content or in terms of format or platforms proposed)?

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For instance, by organising debates with the political parties that stand for
election.
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38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

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More paneuropean media, or media with a more paneuropean vision that help
contribute to create a Shared common European culture and common European
values.
```

39. Do you consider that social media/platforms, as increasingly used by candidates, political parties and citizens in electoral campaigns play a positive role in encouraging democratic engagement?

- ◉ Yes
- ○ No

If yes, please give specific aspects and best practices that you would recommend.

```
Social media platforms provide new ways to stimulate citizen engagement in
political life, where elections and electoral campaigns have a central role.
Personal communication via social media allows politicians to communicate
faster and reach citizens in a more targeted manner and vice versa. Although
the presence of social media is spreading and media use patterns are changing,
online political engagement is still restricted to people already active in
politics and on the internet. Other audiences are still less responsive.
The best practices should be oriented to attract and engage the audiences that
could be still less responsive to contribute to enrich the debate in a
positive and constructive way.
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If no, please give specific aspects and examples of negative impacts, and possible alternatives to address them.

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40. Do you consider that there are specific risks or problems regarding the role of platforms and social media — in relation to pluralism of the journalistic press or more generally — as regards the quality of the democratic debate and the level of engagement?

- ◉ Yes
- ○ No

If yes, please give specific examples and best practices that you would recommend to address these risks or problems.

```
The general risks could be  ideologically one-sided content storm; migration
from neutral news sites in favour of those that match the own political views;
single ingle politically heterogeneous cluster of users in which ideologically
opposed individuals interact at a much higher rate compared to the network of
retweets.

The best practice we would like to suggest would be the promotion of social
media and platforms that could stimulate a neutral analytical point of view of
the democratic debate
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Contact

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