

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

Fields marked with \* are mandatory.

## Introduction

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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 - Öffentliche Konsultation (auf deutsch) / Important -  
consultations publiques (en français)**

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DE

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## IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

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\*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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

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### A. Identifying information

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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.

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

Amandine Hähnel, European Magazine Media Association. Sophie Scrive, European Newspaper Publishers' Association.

Is your organisation included in the Transparency Register?

- Yes  
 No

If yes, please indicate your Register ID-number

EMMA: 37937886834-69 ENPA: 5950962136-12

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)

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

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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?

Freedom of expression and freedom of the press are the most important principles guaranteeing media pluralism. As the fourth pillar of democracy, the press plays a fundamental role in informing citizens about the political power in place and its actions, in organising debates, in giving citizens the tools to develop their own opinions, in uncovering stories and ensuring accountability of governments.

Because of this role, it is essential that any government must not interfere with or restrict such a fundamental right either through media law or through legislation in other areas. A free and independent press should not be restrained by any State influence.

Further, while governments are involved to some extent in the regulation of broadcasters for historical, cultural and societal reasons, they can't have a similar approach in regulating the press - and it should remain so. The freedom of the press requires full independence of editorial staff and publishing houses from both political powers and commercial interests. In fact, any government intervention in the media would be contrary to editorial independence and could lead to state press control and censorship.

Specific national laws (e.g. press or competition laws) should only set a general frame giving legal certainty to publishers. The composition of the publishing house board, the content published, the type and amount of advertising etc. should not be submitted to State interference. Publishers cannot fall under the competence of any media or audiovisual regulatory media authority that would threaten press freedom and freedom of expression, notably through their rules of licensing, content control and qualitative advertising rules.

Self-regulation in the press publishing sector is used on different perspectives:

It is currently used in most Member States on non-editorial areas such as advertising and has an important value to avoid advertising restrictions by law which could be detrimental to advertising revenues in the press and to media pluralism.

Most importantly, self-regulation as currently applied in the different Member States through ethical codes (at national or company level) is indispensable for guaranteeing press freedom, editorial independence and pluralism.

If the first one is in some cases recognised at EU level especially in the field of advertising, the second one is exclusively based at national and company level and should remain like this. It is therefore important to distinguish these two sides of self-regulation as they are fundamentally different.

Media pluralism is a matter which falls under the national competence of each Member State because of its specificities, traditions, culture and history, in particular as regards the press sector. The Treaty on the Functioning of the European Union (TFEU) has clearly recognised this national dimension and therefore, the absence of EU competence in this field. At a time when the European Commission considered proposing legislation in this field, the initiative has been rejected because of the adverse effect it would have on the sustainability and diversity of the press sector in Europe, especially at regional and local levels.

National media markets in the EU are very diverse and have been shaped by historical, cultural and societal developments. Over the decades, each Member State has developed a national ecosystem of laws, codes of conduct and traditions that frame and support a well-functioning and vibrant press sector. Any pan-European approach dictating the rules for media pluralism risks ignoring these local rules and threatening this long established balance.

For instance, each Member State has its own approach to regulating media concentration and pluralism. Media consumption and reading habits vary considerably from one country to another, with the press, public and private TV and radio sectors holding very different local market shares in different territories. In this respect, media pluralism can only be assessed by national authorities who can adapt their legislative framework according to their national, regional and local specificities.

It is also important to ensure that media pluralism is not endangered when revising existing European legislation on audiovisual policy.

The new proposal on the AVMS Directive endangers press advertising revenues. In the interests of maintaining a vibrant and pluralistic media landscape, where the broadcast media and the press can co-exist successfully in the Digital Single Market as vehicles of information, policymakers must realise the importance of maintaining a sufficient advertising share for the press in order to respect media pluralism.

The 12 minute per hour limitation for advertising for broadcast programmes was

not only established as a consumer protection measure but also to allow a fair distribution of advertising between different media. It is therefore important that this limit remains in place.

## 6. Could you provide specific examples of problems deriving from the lack of independence of media regulatory authorities in EU Member States?

When media regulatory authorities lack independence, it leads to problems of one-sided reporting, lack of accountability of the government in place, firing of journalists and employees who do not share the same political views as the government, less debate and automatically less democracy. This situation is acknowledged in some EU Member States and raises justified concerns across Europe.

However, the key question is not whether some media entities could be under certain political control but what are the actual effects of any such control on the media market and whether it interferes with pluralism and press freedom.

Indeed, the independence of media regulatory authorities will not solve the problem - as there is usually not a growing governmental control over the media without broader political problems. The influence on the media is generally rather a consequence of a more interventionist government that does not respect the limits of its competences.

In any case, the press sector should remain out of state control. Its independence is guaranteed by codes of conduct, of ethics, but also by a sustainable economic structure and financing. The press can only entirely fulfill its democratic role in society without media authorities similar to the ones existing for broadcasters.

A recent example of a regulatory authority intervention impacting the press sector happened in Portugal. The authority (ERC), which is also responsible for the classification - general information, confessional, etc. - of periodical publications, decided to change the official classification of many newspapers and magazines without explanation, and without informing the owners. This resulted in the loss of many financial support, incentives etc., that are restricted to one particular category of press titles.

**7. What competences would media regulatory authorities need in order to ensure a sufficient level of media freedom and pluralism?**

Media regulatory authorities have a role when it comes to granting licensing or authorization in the audiovisual sector. However, this competence cannot be extended to other media such as the press publishing sector because it would restrict press freedom, increase censorship and threaten media pluralism. It is therefore essential to ensure that national regulatory authority do not extend the scope of their competences to other non-audiovisual media, including the press.

The AVMS Directive clearly exclude the press from its scope and has highlighted the need to rely on the criteria of the “principal purpose” for videos including in press websites. This is in our view an important legal basis that should be clearly respected in all Member States and by all regulatory authorities.

A key-issue under discussion is the need for governments to refrain from interfering with media regulatory authorities by establishing a systematic state control of the media sector. This issue is part of the revision of the AVMS Directive. If some difficulties have been raised in certain countries (e.g. Hungary, Poland, Croatia), an EU wide approach may not consider the specific situation of each country which differ from other Member States.

**8. What should be the role of public service media for ensuring media pluralism?**

If the role of public service broadcasters is essential for ensuring media pluralism, such a role should not go beyond their public service mission and unfairly compete with private media, including the press sector. This issue has been raised in many Member States on the basis of competition law, when public service broadcasters exceed their mission in providing commercial services which are in the interest of the public or when they provide “press like” services which are not audiovisual but written/text based content.

These developments create a situation of unfair competition and constitute a risk for media pluralism since it affects directly private media on the market, including the press publishing sector.

**9. How should public service media be organised so that they can best ensure the public service mandate?**

Although the Communication on the application of State aid rules to public service broadcasting has established certain principles for the respect of fair competition and the respect of the public service remit, the application of these principles at national level are still not satisfactory in many Member States, especially when it comes to apply the public value test and to respect independence for this evaluation.



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.

The lack of independence of public service broadcasters can be perceived in some countries from different perspectives:

- The political interference of Government which could restrict the role of public service media by censorship or pressure on journalists, etc. This aspect is more related to the issue of editorial independence and state interference against media freedom.
- The competition issue when public service broadcasters exceed their public service mission and develop commercial activities/services which affect their independence and their credibility towards the public.
- The development of commercial activities by PSBs occurs with the government's full awareness and consent.

The first point is more part of the on-going discussion on the review of the AVMS Directive (Article 30) and the use of the rule of law procedure.

The second point is assessed under national and EU competition law, on the basis of the Communication of 2009.

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.

The media market differs greatly from one Member State to another, thus the legislation on media concentration and ownership in each Member State reflects the specificity of this market. Therefore certain ownership restrictions which could be relevant in one country may have a different effect on the media market in another country because of its particular characteristics.

The problems on media freedom and pluralism do not come from a lack of transparency of media ownership or of a lack of specific rules on media ownership. They much rather originate in broader political decisions that impact the entire society. What really matters is not the question of ownership but of editorial, commercial and political independence of these media, and transparency would not help in that regard.

The EU legislation on company law already foresees some harmonized rules in this respect. A media specific approach of transparency would not provide any added value if current EU rules applicable to all companies are already in place.

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

Certain laws already exist (e.g. company law) that set rules on ownership transparency, and they apply to media companies as well. The existing company laws and national rules regulating the media at national level ensure an appropriate level of transparency. If there is a need for additional and specific rules for the media sector, these should be decided at national level since media pluralism is a national competence.

From another perspective, particular focus should be placed on the market dominance of technology platforms that control users' access to digital content. In this area, the question of transparency of these new platforms activities has been raised from many different angles (competition, taxation, net neutrality, copyright, access to information, etc.).

**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.**

The way the question is asked gives the impression that media concentration negatively impacts media pluralism and free speech. Our experience often proves the contrary. When mergers and concentration occurs in full respect of national and EU rules on competition, it allows many small press titles to survive. The maintenance of the incredible variety of newspapers and magazines we know in Europe today and that matter for democracy depends on the capacity of publishers of finding sufficient resources to finance these titles, what

sometimes requires concentration.

Indeed, the vast majority of publishing houses in Europe are SMEs, producing content that caters for every taste, hobby, profession and business sector you can imagine. The huge array of newspapers and magazines one sees in shops is only the very top of the iceberg when it comes to what is available to Europe's citizens to read and inform and entertain themselves: tens of thousands of titles from local newspapers and consumers' magazines to B2B or specialised titles are sent to interested citizens on a subscription basis.

These titles are in some cases not able to survive on their own and benefit from being part of a group. This does not mean that there is less free speech, since there are codes of conduct and self-regulatory measures that ensure the independence of the press titles. Indeed, it is well known that different editorial lines are represented in titles owned by the same publisher. But it means that the very existence of these titles is safeguarded through their belonging to a bigger group. Again, the independence from the political influence is key here, but can be ensured via national media laws, company law and self-regulation.

The limited number of owners in certain media markets (whether national, regional or local) does not mean that there are fewer press titles and therefore less pluralism. On the contrary, this might be the only way to maintain certain newspapers or magazines on the market, which would not be viable if they remained individual companies.

It has also been highlighted in many debates that diversity of ownership of media outlets is not sufficient per se to ensure media pluralism of media content and that overly restrictive ownership rules in Europe might hinder European companies from competing globally and increase the influence of non-European media owners.

Concentration enables more profitability, which allows more investments and a more qualitative content. In the challenging times the publishing sector is facing with the need to adapt to digital, the real risk is not concentration but the non-sustainability of the business model, and consequently the disappearance of some titles. The possibility to build technical cooperation should be maintained as long as the common competition rules (e.g. Regulation 139/2004) are respected. As in other sectors, concentration can occur between publishing houses as long as it happens in the framework of the existing EU and national competition laws. We are of the view that there is no need for EU specific competition rules for the media sector. This would only have the effect of limiting the freedom of publishing houses to operate, restrict efficiency and hold back competitiveness at a global level, all of which would undermine the diversity of press titles in Europe in the long-term.

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.

We agreed to comment without answering YES or NO.

In some Member States, especially in countries that joined the EU after 2004, governmental influence on the editorial content of the media has been reported. This is of course a major problem as it prevents the role of check and balances that the media usually plays in a democratic country, influences media users' opinions and limits a healthy representation of different views in the media. However, these problems are political ones, vary from one country to another and cannot be addressed via a one-size-fits-all solution.

It also have to be considered that a "one-sided" media reporting in one particular newspaper or magazine is also connected to its political affiliation. The editorial line of a newspaper and a magazine depends also on this political trend which reflects also the diversity of opinions and ideas in the media. If all press titles would be obliged to remain purely objective in their editorial lines, this would be at the detriment of freedom of expression and media pluralism.

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.

Case-by-case, national based solutions enable to address this type of challenges while respecting freedom of speech and pluralism. Furthermore self-regulation helps in setting up rules for ensuring media independence from the political and commercial influence. The use of self-regulation and the establishment of press councils are aimed at preserving media freedom and pluralism and at the same time promoting the trustfulness of information.

When governments try to take control over the media, it is fundamental that they are reminded about their obligation of respecting EU rules and values of media freedom, if necessary through the procedure of rule of law.

## C. Journalists and new media players

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

The question of media convergence has to be considered from a broader perspective than the traditional media landscape (TV, radio, press) since the evolution of the digital market has considerably changed media consumption, audience and readerships but also revenues streams.

New players have appeared on the digital market and are now the only ways to access content (search engines, social networks, telecom operators, internet service providers, etc.). Such a change has an important impact on the overall economic value of content, in particular on professional editorial journalistic content, and on publishers' capacity to invest

In certain cases, publishers are under economic pressure on the market because of the competition challenges created by these new market players, which could lead to potential abuses of dominant position. If access to information is controlled by only few players, this has a direct impact on citizens' access to information and on media pluralism.

At a time where publishers invest heavily in professional editorial journalistic content, especially in the digital environment, they also need to ensure revenues not only from advertising and subscription based business models. It has also to come from the extensive use of news content by key-market players on all digital platforms. In this respect, a publishers' right recognized at EU level in the future copyright reform proposal is highly desirable and essential for the financing of journalism.

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.

State interference against journalistic reporting and editorial independence is a threat which remains present in all European democracies, even when the appropriate safeguards are in place at EU and/or national level.

However, each of these specific issue should be addressed in its respective context since the origin of press freedom threat are most of the time linked to a Member State's political context.

A "one size fits all" approach at EU level is therefore not the right solution compared to a more targeted/state specific approach.

It could have the effect to decrease rather than increase media independence and diversity in the Member States where either such a problem does not exist or has other challenges that are completely different.

For example, some Member States have established limitations on editorial reporting on health issues that lead to fines if an article has the intention or may have the effect of promoting a particular medical procedure, a pill, etc. This notably happened in Portugal.

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

After terrorist attacks happened in the heart of Europe, we observed immediate decisions by governments to equip themselves with the necessary powers to react. Considering them with a bit of distance and analysis, they now appear problematic for democracy.

From a media perspective, a too restrictive approach in terms of security could prevent journalists to do their job properly, to protect their sources correctly, and to investigate freely. It is absolutely vital that we balance antiterrorist laws and emergency measures with other democratic rules and media freedom values.

Other important tools such as media literacy and education are essential to raise awareness and prevent extremism, hate speech or to fight against terrorism. Press publishers are actively involved with the young generation in many different educative and media literacy projects aiming at raising awareness, fostering critical thinking and learning the value of press freedom.

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.

During the revision process of EU Data protection rules, ENPA and EMMA have raised awareness on the need to ensure that data processing for journalistic purposes remain out of the scope of the new Regulation in order to respect press freedom.

Such an exemption should be adequately applied and respected by all Member States at national level.

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

We are aware that journalists sometimes experience threats and insults for the opinion they defend. Especially online, where people feel hidden behind pseudonyms, hate speech is often observed. Protection of journalists is a priority for our democracy and should be taken extremely seriously.

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.

Though this is difficult to measure, we are aware of cases where journalists and publishers hesitate to publish a controversial article and sometimes even prefer to adapt its tone or focus to avoid increasing the tensions in society or becoming a target for threats or hate speech.

This self-censorship effect can and is overcome by media literacy and education, and such media literacy programmes must be reinforced. The different types of humour (caricature, irony, sarcasm etc.) must be explained as well as the role of the press in democracy. This develops readers' understanding, critical analysis and respect of press content as well as journalists.

Furthermore, the inclusion of media literacy programmes in schools (newspapers in education) aims at ensuring that children can also have a better understanding of news and information in both the analogue and digital environments. The development of educational programmes aimed at explaining to the younger generations the use and potential danger of social networks and search engines, including audiovisual content, is also important to consider in this debate.

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.

In our knowledge, journalists are generally safe and secure within the EU. However, the terrorist threat is a reality today and journalists are not spared and sometimes are even a specific target. For instance in January 2015, the editorial team of the French press title Charlie Hebdo was attacked and several people killed because of the tone adopted in their drawings and articles. The reactions across Europe showed that this atrocious attack against press freedom require appropriate safeguards for the exercise of press freedom rather than legislative measures which could restrict the exercise of journalism.

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

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.

The journalistic work includes investigating and unveiling stories that can be embarrassing for the State. Over the past months and years, global political and financial scandals such as the Panama Papers or the NSA classified information have been revealed by journalists and whistle-blowers. Because of the implications those had on the political class, some governments as well as the European Union tried to regulate the journalistic profession to better access their sources, and to punish whistle-blowers.

Sources are absolutely fundamental for the journalistic work and it is of crucial importance that they are perfectly protected. It is key for their security, their legal certainty as well as for the quality of journalistic investigation. Measures limiting the protection of sources immediately affect the quality and quantity of information journalists are able to gather and share, thus hindering their work. It must be ensured that no State or EU measures limit press freedom by putting journalistic sources under threat of legal consequences.

The trade secret Directive has been highly debated because of the impact it could have on journalists reporting about companies' activities. Although an exemption has been introduced in the text, EU decision makers always have to remain vigilant of the development of certain legislations which not only prevent journalists from reporting but also from investigating and protecting their sources, which include whistle blowers.

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

Firstly, it is essential that no EU legislation hinders the communication between sources and journalists by setting up rules limiting the protection of sources. Secondly, national rules and legislation must ensure a strong protection of journalistic sources.

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

27. Have you experienced, or are you aware of, censorship (including self-censorship) in the EU?

- Yes
- No

If yes, please give specific examples.

Besides what has been mentioned under question 21, self-censorship can happen because of certain national or EU legislation foreseeing measures that have a direct or indirect impact on press freedom and prevent press reporting.

For instance, the use of high punitive damages in the UK could be perceived as an obstacle to press freedom. If a national defamation law threatens a journalist or a publisher with unbearable fines, some articles risk not being published if they may be considered defamatory, even if the information would be of great interest and relevance for society.

The criminalisation of defamation is still considered as highly problematic in some Member States (Czech Republic, France, etc.).

Moreover, publishers experience censorship from digital intermediaries. Notably Apple and Facebook have restrictive policies as regards nudity/sexuality that can sometimes be assimilated with censorship. The most famous case happened in Denmark in 2012 when the Apple e-books store refused to sell a retrospective on the Danish hippie culture in the 1960s and 1970s as the book included photographs of naked men and women, what represented a violation of the company's policy.

This case illustrates a very concrete problem: it cannot be that multinational digital players, who have a great dominance on the market and this way control the access of content to people, decide the kind of content users can access or not.

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?

As mentioned earlier, legislations such as the Trade Secrets Directive or anti-terrorist measures represent an obstacle to investigative journalism. The protection of sources, the freedom to investigate, to ask questions to authorities, to access transparent information are many aspects that are necessary to conduct a qualitative and secure journalistic investigation.

Moreover, the economic and legislative situation of publishers makes it often difficult to develop a sustainable business model on print and online. In some cases, it means that publishers lack resources to finance long and costly investigations.

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.

It is true that the financial pressure is such on many press titles that often publishers cannot invest the same amount of money, and give the same time and space to investigative journalism than they used to.

Over the past years, the publishing sector in Europe has gone through a crucial restructuring phase, with lots of investments being made in the digital side of the business. Although the number of digital products and readers is growing, most publishers have not yet found a sustainable business model for their digital part.

Online advertising revenues remain low and are further endangered by the spreading of ad-blockers use. Paywalls and digital subscriptions are still not accepted everywhere. Consequently digital editions of magazines and newspapers continue to be cross-subsidised by the printed business of publishers. This is not easy since the press sector face a strong decline of advertising revenues since the economic crisis in 2008 and 2009. In addition, restrictive legislation impacting publishers and the massive influence of technological giants in the digital environment also affect the return on publishers' investments in digital.

Legislators could help in this regard by enforcing EU competition rules and avoiding adopting laws that threaten press financing: e.g. laws introducing advertising restrictions (Energy Efficiency Directive), including more exceptions to copyright, developing sustainable business models online more complex (General Data Protection Regulation) etc. This would contribute to create the right conditions for more investigative journalism.

### 30. Please indicate any best practice facilitating investigative journalism

As explained in question 29, legislators can do a lot to facilitate investigative journalism by providing media companies with the right conditions to do their business. Legislation that limits the financial resources of publishers immediately impact investments in investigations, which is the most costly form of journalism.

Furthermore, in Portugal, there is a project called "Público+" that has been developed by one of the major national newspapers through a fund financed by companies. Through this kind of philanthropy, Público has now extra funds to offer readers investigative journalism.

(<http://static.publico.pt/PUBLICOMAS/>)

## D. Hate speech online

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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?

There should not be any mandatory obligation for publishers to monitor blogs and forums. From a publishers' perspective, the current system seems appropriate. Publishers are not always in a position to monitor the many comments that are published by readers on their websites, which contribute to the exchange and debate. The non-liability provisions of the E-commerce Directive applies in this context.

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.

Education to media, including new media, and media literacy programmes can play a role in promoting tolerance online. Teaching the importance of respect and tolerance, of the value of words and communication, explaining how media and social media work and the responsibilities of each stakeholder on digital platforms and media increases the understanding of users and influences their behaviour.

EMMA and ENPA consider that media literacy is absolutely important for an educated and involved society and is an essential life skill for the 21st century. As communication technologies transform society, they increasingly impact our understanding of the world we live in. In our European countries where different communities, languages, religions, beliefs, political belongings, humours and cultures live together, media literacy initiatives empower people to be critical and tolerant thinkers, who do not automatically reject what they do not understand.

The inclusion of media literacy programmes in schools ensures that children have a better understanding of news and information in both the analogue and digital environments. The development of educational programmes aimed at explaining to the younger generations the use and potential danger of social networks and search engines, including audiovisual content, is also important to consider in this debate. The ability to read, appreciate, analyse and re-use information is highly required skills in our societies that are extremely turned towards communication.

Publishers believe that encouraging reading and learning, both offline and online, helps create successful future and tolerant generations in the European Union.

## E. Role of free and pluralistic media in a democratic society

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

Media freedom and pluralism are indispensable for democracy. However, it is the role of EU and national decision-makers to refrain from adopting legislation that directly or indirectly restrict media freedom and pluralism and therefore impact on democracy.

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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Media, including online providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dedicated learning systems using e.g. radio, TV, mobile phones and the internet (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other - please specify

It is difficult to give a proper ranking for a topic like media literacy since it relies on the involvement of different stakeholders in the process. But it is important to highlight that the newspapers and magazines themselves play a central part of this process because of their high value contribution to education, learning and opinion building. Different national solutions are already in place and should be further encouraged and developed.

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

In Portugal, there are several regional newspapers that have partnership agreements with schools – for example, students go to the newsroom, they build up the first page, and so on – and journalists visit schools to explain what they do, how they cover events, and so on. There is also a national publication (Diário de Notícias) that promotes a Media Lab for junior and high school students – which provides a critic analysis of the information online, gives the opportunity to write articles and create the newspaper.

In Belgium, an initiative (Ouvrir mon Quotidien) has been launched which allows children to get in contact with daily press, by reading the press in classrooms. The objectives of this operation are for instance to develop the students' critical thinking, to sharpen their curiosity and to put them in touch with the news. It also allows comparing accurately the information offered, how to treat them and how to represent them. This is an important aspect of media literacy, which is an essential component of a comprehensive citizen education.

**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)?**

Media content already plays an accountability role that forces governments to be more transparent. By informing, educating and advising, newspapers and magazines empower their readers and give them all tools they need to get engaged in politics and society if they want to.

**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)?**

There is no unique approach towards media pluralism and press freedom, therefore there is no unique solution or response to this question. Europe is diverse and pluralistic by nature and because of that, Member States have different traditions and cultures which contribute to their democratic values and to press freedom. It is therefore essential to take into account such diversity and specificity when assessing Europe's media landscape.

38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

The issue of access to political information is not an issue if the different national or regional media are able to report freely about one particular political situation. The question of cross-border access to information is more related to the audiovisual sector which has more EU wide dimension than the press, which is still today very much addressed to a local, regional and national readerships. As we explained earlier, there should not be a uniform approach as regards access to news (whether political or not) considering that we live in a pluralistic and diverse EU media landscape.

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.

The massive use of social media is a chance for the democratic engagement. Well used, it helps citizens to be informed, candidates to communicate about their programmes, people to exchange ideas and debate. The easiness of use, of reactions, of comments, of links to other informative or critical materials makes social media a particularly adapted tool for electoral campaigns. Nowadays, citizens are indeed able to contribute to the democratic debate through different channels, for instance by using blogs, social networks, mobile platforms, etc.

Considering the renouncement of many EU citizens, and especially young ones, towards politics, the use of social media platforms can foster the democratic debate among them and get them interested into the topics again, and even encourage them to vote. However professional media remain inescapable for in-depth analysis, information and comments. Professional media and social media platforms are complementary. An important distinction between the press and social networks is the investment in professional journalism and the editorial responsibility.

If no, please give specific aspects and examples of negative impacts, and possible alternatives to address them.

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.

Platforms and social media bring many advantages, including the quick spread of information, the easiness of sharing content, the access to small media that are difficult to find in the physical world, the participative elements and so on. However, they also bear important risks with them, particularly if they become the media of reference. In relation to problems regarding the role of online platforms, press publishers in Europe have raised serious concerns regarding the abuse of dominant position of Google in the search area.

Google's abusive practices, in particular through the preferential treatment given to its own services, is destroying a truly competitive digital market in Europe and therefore prevents many European companies, including SMEs, from competing under fair and equal conditions with Google. This situation has a direct impact on the accessibility and visibility of a wide range of media in Google's dominant search engine, with an inevitable impact on media pluralism and access to information by European citizens.

Moreover, social media do not have the same purpose as traditional media, nor do they carry the same responsibilities. Share articles, entertain, create "buzz" effects, attract viewers to increase advertising revenues are often the biggest priorities of these platforms - over qualitative information, in-depth analysis, protection of sources, content responsibility etc. Both can and should coexist, but the problem is when social media or platforms start replacing professional media in terms of use. The main issues relate to:

- Growing habit of users of consuming only short extracts of longer articles (e.g. from Google News) - less analysis, less reflection
- Use of professional media content without remuneration of the right holders while monetizing it through advertising (copyright, competition and business model issues) - consequences on professional media's financing
- Lack of quality of debate, though not of quantity - due to the lack of professional journalists present on and employed by platforms and social media, of no editorial choice, of absence of moderation etc.
- Censorship of content depending on platforms' policy guidelines (see answer to question 27)
- Lack of pluralism of opinions represented - the main stream is often over-represented.

Professional media are accountable, have rules, legislation, self-regulatory codes to respect. They foster the democratic debate, ensure different opinions are being listened to, check their information, and it is key for our societies, for pluralism and engagement that they continue playing this role in the future.

