



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

Response from UK Office of Communications (Ofcom)

13 July 2016

Ofcom is the independent public regulatory authority responsible for implementing the AVMS Directive in the UK. We have over 10 years' experience of media content regulation and we are a converged regulator with responsibilities for telecommunications, spectrum and postal services. We welcome the opportunity to contribute to this important consultation and look forward to discussing the topics outlined here in more detail in the future.

We have answered the questions where our expertise is most relevant.

For any questions about this response, please contact Maria Donde (maria.donde@ofcom.org.uk)

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?

In the UK, all three models of media regulation (statutory, co- and self-regulation) are used. There are benefits in having a mixed approach, but also some challenges. Ofcom's experience in regulating a number of sectors and working with a variety of statutory, co-regulatory and self-regulatory bodies suggests there are some core principles of effective regulation that are shared by all models. These principles are set out in our response to Question (7), below.

In the UK, an inquiry into the regulation of the press conducted throughout 2011 – 2012 (the "Leveson Inquiry") considered all forms of media regulation. Ofcom was asked to contribute to that Inquiry. In our response, we focused on the objectives of media regulation, the models and options for achieving effective regulation and the ability of self-regulation to deliver regulatory outcomes. We also considered options for supporting effective regulation through statutory underpinning. Overall, our view was that there are merits to a plural approach to media regulation, and in retaining a distinct context to support freedom of expression by the press. This plurality of approach is a strength of the UK system. It permits two subtly different approaches to co-exist and to offer distinct but complementary perspectives. In combination, they help support the diversity of UK media, and in turn enhance the positive role the media can play in wider society.

Statutory regulation: has a role to play in the regulation of the media. It is usually the most effective model where there is a clear divergence between commercial interests and the wider public interest.

In the UK there are three key pieces of legislation that protect media plurality and are relevant in the context of media regulation more widely:



1. Competition law, which should prevent any abuse of a monopoly position;
2. The Enterprise Act 2002; and,
3. The Communications Act 2003.

Statutory regulation is usually carried out by an independent body and in the UK the government has appointed Ofcom as the independent regulator for the communications industry. The Communications Act 2003 and the Enterprise Act 2002 are the two pieces of legislation that define Ofcom's role with regard to regulating media plurality and the regulation of media more generally.

Under the Communications Act, Ofcom's principal duty is to further the interests of citizens in relation to communications matters and further the interests of consumers in relevant markets, where appropriate by promoting competition. Ofcom is required, in carrying out this duty, to secure various ends, including the maintenance of a sufficient plurality of providers of different television and radio services. The Act also puts in place media ownership rules for television, radio and newspapers and sets out Ofcom's duty to carry out regular reviews (at least every three years) of these rules. The Communications Act also confers on Ofcom a statutory duty to set standards for the content of programmes in TV and radio services, including those ensuring impartiality, and to ensure that on-demand programme services meet certain content standards (for example in relation to hate speech or protection of minors).

Under the Enterprise Act, Ofcom also has a formal statutory role to conduct a "public interest test" in relation to certain media mergers. This role is triggered by an intervention notice issued by the Secretary of State and requires Ofcom to report whether it is or may be the case that the merger may be expected to operate against the public interest. It is then for the Secretary of State to decide whether there is a plurality concern requiring further investigation by the Competition and Markets Authority and ultimately to determine any remedies.

Co-regulation: A statutory regulator is also an essential part of any co-regulatory model, where the regulator functions typically as a "backstop" with ultimate enforcement powers, while industry plays a greater role in helping to develop a flexible and practical regulatory approach.

Self-regulation: In our response to the Leveson Inquiry, Ofcom noted that it is widely accepted that a self-regulated free press is at the heart of a healthy democracy, and that self-regulatory systems rely on a strong alignment between the incentives of participants and the wider public interest.

All three models of regulation are described and discussed in our response to the Leveson Inquiry (<http://media.ofcom.org.uk/files/2012/04/Ofcom-Submission-to-the-Leveson-Inquiry-April-2012.pdf>) and set out in these slides:

<http://media.ofcom.org.uk/files/2012/02/Teach-in-presentation-by-Ed-Richards-05-10-11.pdf>

All publications referenced can also be found in the bibliography at the end of our submission.

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

There are two broad areas of competences fundamental to a regulatory body.



1) To be politically independent and independent of market forces, to ensure safeguards against undue influence. This is an essential part of the credibility of the organisation and can be assured through:

- Independent governance and decision making, ensuring that decisions are taken free from industry or political interference, consistent with principles of good corporate governance.
- Clear public accountability, to ensure that the regulator is held to account in delivering against its public purposes.
- Clear regulatory objectives set out in Statute which allows industry and the public to see the nature and scope of the regulation.
- Clear and transparent processes, to ensure that it is clear how regulatory investigations are conducted and that relevant parties can appropriately engage with those processes, for example through rights of appeal.

2) To be operationally independent, build public credibility and trust, through capabilities such as:

- Workable membership incentives/obligations, ensuring the regulator has all relevant parties within its scope in order to produce a fair and consistent regulatory framework across the industry.
- Independent funding and budget control, to ensure the regulator can deliver its public purposes with sufficient resources and without fear of interference from industry or Government. Typically this should mean budgets are agreed for a significant period, such as four years.
- Conducting consultations with civil society and industry to ensure that any decisions are made on the basis of a solid evidence base and with opportunities for input by interested and affected parties.
- Genuine powers of investigation, to ensure that regulated parties cannot prevent effective investigation where wrongdoing is alleged.
- Effective powers of enforcement and sanction, ensuring that regulatory action is a genuine deterrent both to the party being punished and as a warning to other regulated parties.

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

Public service broadcasting brings significant benefits to society in a number of ways. It ensures diversity in the media, plurality in news, and creates programming which reflects and examines wider society.

Public service broadcasters play an important role in maintaining media pluralism; they were established to support civil society, education, and as a means for strengthening national cohesion. Traditionally, public service broadcasters have constituted a critical component of pluralism by providing a range of opinions, including reflecting and catering to minority interests, and encouraging high standards among the wider industry. They are particularly important in smaller markets where it may not be possible for several private broadcasters to be commercially viable. There is a balance to be struck, however, as public service broadcasters can also restrict pluralism if their privileged position restricts market access for private operators and reduces the number of commercially viable providers.



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

The UK Public Service Broadcasting (PSB) system originated from the values, originally set out by BBC Director General Lord Reith, to inform, educate and entertain, by using a powerful social medium, to fulfil a range of functions beneficial to society, including the provision of news and culture. The UK PSB system continues to bring significant benefits to society in a number of ways, including most recently through a variety of platforms (terrestrial and satellite broadcasting, radio, on-demand and online). It ensures diversity in the media and plurality in news, and creates programming which reflects and examines wider society.

PSB is currently provided across the UK by a number of key institutions: the BBC, Channel 4 Corporation (C4C), the Channel 3 licensees – ITV, STV and UTV – and Channel 5. BBC Alba and S4C provide Gaelic and Welsh-language channels. All BBC services are PSB, only the main channels (Channel 4, ITV1, Channel 5) of the others are designated as PSBs.

The PSB channels have a duty to deliver public value through a range of services in particular focusing on the areas in which the wider market typically under-delivers. In the UK, the PSB system therefore places obligations on PSB channels to deliver on specific genres, such as the news, programmes for children, and current affairs. In return for providing these PSB services, the institutions receive certain benefits, predominantly access to terrestrial spectrum (the valuable radiowaves that support wireless communication) to broadcast their services; prominence on electronic programme guides on television (EPGs); and in the BBC's case, the licence fee.

It is also important for PSB services to ensure they continue to reach a wide range of audiences. In the UK, viewing to PSB services remains high. Despite continued growth in the range of channels and internet services on offer, the main five PSB channels still account for half of total TV viewing. When PSBs' other portfolio channels are taken into account, their total share of viewing was 71% (in 2015); consequently, these institutions remain a powerful force in society. Ultimately, diverse and appealing PSB services rely on adequate funding, which can be achieved through a licence fee model, or via commercial funding (advertising).

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

Ofcom has, at the request of the UK government, developed a framework for measuring media plurality (http://stakeholders.ofcom.org.uk/binaries/consultations/media-plurality-framework/summary/Media_plurality_measurement_framework.pdf). The framework has the following key features:

- **Availability:** The number of different news sources available on each media platform and across all media is a relevant aspect of media plurality. However, although understanding the number of providers or titles gives a sense of the amount of news sources that people can use, it does not indicate the extent to which those sources are being used. As such availability metrics offer limited insight in isolation.
- **Consumption:** Quantifying the consumption of news sources forms the most useful starting point for a plurality assessment. Measuring the use of different news sources across all media platforms is of particular importance. Ofcom has developed the share of references metric,



using consumer research, as an appropriate means of measuring cross-media consumption. Unlike existing industry measures, this uses a consistent methodology and definition of news across platforms. In addition to this cross-media metric, sector specific metrics should also be used, both to provide an important sense check and to provide more detailed information on each platform.

- **Impact:** While measuring the impact and influence of news sources on consumers is complex, proxies for impact should play a part in any plurality assessment. As there is no single proxy that fully reflects impact, it is important to assess a range, which can be sourced from consumer research. The proxy of personal importance supported by the proxies of impartiality, reliability, trust and the extent to which a news source helps people make their minds up about issues in the use can all play a part.

It is not possible to measure plurality with a single metric, and so measures should be used in combination to get the best possible quantitative assessment. In addition to the metrics, there are aspects of the market that cannot be measured in a quantitative manner at all – such as the differences between news sources and the organisations that produce them. Any assessment of plurality should therefore include a consideration of relevant contextual factors as an integral part of the framework.

There are also a number of rules in the UK that relate to who can own certain types of media services to help ensure the plurality of media ownership and preventing undue influence by any one media owner. These rules are:

- **The national cross-media ownership rule:** which prohibits a newspaper operator with a market share of 20% or more of newspaper circulation from holding a Channel 3 licence or a stake in a Channel 3 licensee that is greater than 20%.
- **The Channel 3 appointed news provider rule:** which acts so as to require regional Channel 3 licensees to appoint a single news provider among them. Individuals or organisations disqualified from holding a Channel 3 licence are also disqualified from being the Channel 3 appointed news provider.
- **The Media Public Interest Test:** which allows the Secretary of State to intervene in a merger involving a broadcaster and/or a newspaper enterprise if certain conditions are met. The Secretary of State may decide to issue an intervention notice which triggers a review of whether the merger might result in harm to the public interest.
- **The Disqualified Persons Restrictions:** which prevent certain bodies or persons from holding any broadcast licences, others from holding certain kinds of broadcast licences, and still others from holding broadcast licences unless Ofcom has determined that it is appropriate for them to do so. Ofcom shall not grant a licence to any person unless it is satisfied that the person is a fit and proper person to hold it. 'Fit and proper' tests are carried out for new and amended licences, asking for a range of relevant ownership information, including any matters which may influence Ofcom's judgement of the applicant's fitness. For further detail on this see Question 15 below.

Under the Communications Act 2003 Ofcom is required to review the operation of these rules at regular intervals (every three years) and report its review to the Secretary of State (including any recommendation for changes). These reports set out how the context in which the rules operate have changed over time and considers whether they remain necessary and effective in the interests of citizens and consumers.



To allow Ofcom to carry out these duties effectively, it is vital that media firms are transparent about their ownership. To ensure an appropriate level of transparency media firms must comply with the general transparency requirements of company law, under which the Companies Act 2006 places a range of reporting requirements.

One additional aspect in relation to transparency of ownership information (for broadcasting) is Ofcom's framework for issuing licences to broadcasters established in the UK. All broadcasters (TV and radio) must hold an Ofcom licence in order to legally provide their service. As part of their application for an Ofcom licence, broadcasters must provide accurate ownership information on a regular basis. This information is checked via a process called 'annual validation', which gives the licensee opportunity to confirm if there have been any changes in the last calendar year. We send a copy of the information held to the licensee, so that they can confirm if this is still accurate or if it has changed in any way.

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.

Media plurality makes an important contribution to a well-functioning democratic society through:

- informed citizens who are able to access and consume a wide range of viewpoints across TV, radio, online and print media from a variety of media organisations; and
- preventing too much influence over the political process or public opinion being exercised by any one media owner.

We therefore consider plurality as: ensuring that there is diversity in the viewpoints that are available and consumed, across and within media enterprises; and preventing any one media owner, or voice, having too much influence over public opinion and the political agenda.

If there were insufficient plurality – for example on the basis of an assessment under our measurement framework – we have identified five broad potential remedies, which are:

- structural remedies that raise levels of external plurality such as divestment, market exit;
- behavioural rules that may help to increase levels of internal plurality, for example internal governance processes;
- behavioural and content rules that impose standards on providers of news;
- behavioural remedies that improve access by citizens to providers of news, for example, must-offer obligations could be used to ensure that news providers distribute their content via any platform meeting specified criteria; and
- positive interventions to encourage more news provision, for example, direct funding for news provision, or news and current affairs obligations.

Under the Communications Act Ofcom's regulatory framework includes a duty to govern media mergers in order to protect plurality. One example of Ofcom exercising this duty was when News Corporation proposed the acquisition of BskyB in 2010, and Ofcom referred the merger to the Competition Commission. In giving this advice, Ofcom also identified a risk that market developments unrelated to a merger may give rise to plurality concerns, and suggested that a more fundamental review and possible reform of the current statutory framework.



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.

So Ofcom can maintain sufficient plurality of providers there are two main approaches:

1. Defensive measures which prevent actions taking place that would reduce media plurality, which include the existing regulatory framework governing media mergers;
1. Positive mechanisms to promote media plurality – such as the public service broadcasting obligations in return for implicit benefits like access to spectrum. These are particularly important in circumstances where the desired level of media plurality is not commercially sustainable and includes the provision of news by public service broadcasters.

As noted in our response to Q (13), Ofcom identified five possible remedies to be employed in the event that a review concluded there were insufficient plurality in the UK,

And as we note in our response to Q (12), freedom of speech and media plurality are a necessity to maintain a healthy democracy and respect. Therefore Ofcom also has rules in place to prevent any undue influence. Firstly, these relate to ownership: the Disqualified Persons Restrictions place the following restrictions on the following services from holding a broadcasting licence:

- Advertising agencies and political bodies, such as political parties or issue-groups, are prohibited from any holding broadcast licences.
- Local authorities are disqualified from holding broadcast licences except to operate a broadcast service solely to provide information on their functions and services within their area.
- Bodies which receive more than 50% of their funding from UK public funds, such as some universities or museums, are disqualified from holding most radio licences but are permitted to hold all types of TV licences.
- Religious bodies are prohibited outright from holding licences for Channel 3, Channel 5, sound broadcasting and 42 For other licence types, such as digital television programme services, community radio, digital sound programme services or digital additional sound services, Ofcom is given discretion to determine if it is appropriate for that body to hold a licence.
- The BBC, Channel 4 Corporation and S4C are prohibited from holding Channel 3 and Channel 5 licences.

The bodies restricted are generally those which might be expected to have a singular aim or point-of-view on matters of public policy or public controversy, such as political bodies, local authorities and religious bodies. Such bodies are viewed as either more likely to fail to comply with the expected standards than others or more able to exert undue influence over programming content. The restrictions on the BBC, Channel 4 Corporation and S4C are intended to secure plurality in PSB ownership.

In addition, Ofcom has a set of remedies aimed at ensuring due impartiality and accuracy in broadcasting content.



All services which hold an Ofcom licence are required to comply with all relevant Ofcom Codes. Of particular relevance here is the Ofcom Broadcasting Code, which reflects requirements to ensure due impartiality, accurate news reporting and provide protection from harmful material. **Section Five of the Broadcasting Code** sets out detailed rules regarding accuracy in news programmes and the preservation of due impartiality in matters of political or industrial controversy and matters relating to current public policy. (http://stakeholders.ofcom.org.uk/binaries/broadcast/code-july-15/BC2015-07-Section_5_Due_Impartiality.pdf)

When applying the requirement to preserve due impartiality, Ofcom must take into account Article 10 of the European Convention on Human Rights (which provides for the broadcaster's and audience's right to freedom of expression, encompassing the right to hold opinions and to receive and impart information and ideas without interference by public authority, but which is not absolute). In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand against the requirement in the Code to preserve "due impartiality" on matters relating to political or industrial controversy or matters relating to current public policy.

Ofcom recognises that Section Five of the Code, which sets out how due impartiality must be preserved, acts to limit, to some extent, freedom of expression. This is because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. However, Section Five of the Code does not dictate precisely what can and cannot be included in a programme, but enables the broadcaster to decide how it wishes to preserve due impartiality when required to do so. Depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure that Section Five is complied with.

Ofcom underlines that the broadcasting of highly critical comments concerning the policies and actions of any government or state agency (or indeed any other relevant body or person) is not, in itself, a breach of due impartiality. Any broadcaster may do this provided it complies with the Code.

C. Journalists and new media players

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

Although we cannot offer a measure of the quality of journalistic content, it might be helpful here to reflect on the availability of news sources and how citizens access news.

In the UK, print newspaper reach has dropped from 73% in the twelve months to April 2004 to 45% in 2015. It is estimated that 51% of people with online access now use social media as a news source. This is taken from the Reuters Institute for the Study of Journalism research which is based on a YouGov survey of about 50,000 people across 26 countries, including 2,000 Britons. These results also showed that television remains to be the most important news source for older groups. This finding is supported by Ofcom's news consumption in the UK research (2015) which showed that television is by far the most used platform for news, with 67% of UK adults using TV as a source for news. 41% of UK adults use the internet or apps for news; 31% newspapers; and, 32% radio.

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?

As mentioned above, Ofcom's duties in relation to the regulation of media content relate to broadcasting and on-demand media services.

Ofcom has a duty to prohibit the broadcast of material that is likely to incite crime or disorder. As detailed in Section Three of the Broadcasting Code (found [here](#)) Ofcom has a set of rules covering material containing hatred, abusive and derogatory treatment, and portrayals of crime and criminal proceedings.

The aim of these rules is to ensure that material likely to encourage or incite the commission of crime, or to lead to disorder, is not included in television or radio services. The rules apply on a case by case basis either through direct incitement or portrayals of crime and criminal proceedings.

The rules are intended to reflect broadcasters' right to freedom of expression and audiences' right to receive information and ideas. For example, broadcasters may wish to report on or interview people or organisations with extreme or challenging views in news and current affairs coverage, which is clearly in the public interest. There are various editorial approaches broadcasters can take to provide context when featuring extreme and/or offensive views in broadcast material.

Ofcom also has specific guidance on the statutory requirements for the providers of on-demand programme services (found [here](#)) with a specific rule that they must not contain any material likely to incite hatred based on race, sex, religion or nationality.

For online services self-regulation and industry codes of best practice have a crucial role to play. Ofcom doesn't have formal powers in this area, and in our view the rapid rate of innovation of online services means that a wider range of remedies – beyond the type of regulation we have for more 'traditional' services like television – are crucial to achieve public policy goals in this area. Instead we see the regulator's role as working collaboratively with stakeholders to develop best practice guides, codes and self-regulatory approaches.

The kind of industry initiatives that we have seen in the UK have tended to focus on child protection rather than hate speech, but show what can be done in the online sphere to achieve public policy goals. One example is the *Child Safety Online: A Practical Guide for Providers of Social Media and Interactive Services* (found [here](#)). This guide is a European industry initiative that sets out a safety framework in which members self-declare how they meet the guiding principles. Another initiative has been the development of a Statement of Practice for Video-on-Demand by members of the Commercial Broadcasters Association (COBA) in the UK (an industry body for digital, cable and satellite broadcasters and on-demand services). This Statement (<http://coba.org.uk/our-sector/our-sector/vod>) makes a clear set of commitments to providing child protection in line with broadcasting standards by the most popular on-demand services in the UK, and also covers hate speech.

Media literacy is also critical for consumers and citizens, so they can understand and navigate freedom of speech online safely, as explained in further detail in our response to question 32 below.



In summary we consider that an effective approach to securing public policy outcomes in the online environment would feature a combination of self-regulation, information provision and critical understanding on the part of citizens.

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.

Ofcom considers media literacy to be critical in enabling people to have the skills, knowledge and understanding they need to make full use of the opportunities presented both by traditional and by new communications services. Media literacy also helps people to manage content and communications, and protect themselves and their families from the potential risks associated with using these services. In particular, the development of cognitive skills, or critical understanding, is a useful means by which children and adults can learn to identify the relative trustworthiness of different forms of content and information. This in turn can lead to an awareness of the range of possible messages and points of view about any given topic.

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

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

Plurality is not a goal in itself but a means to an end. Plurality in media contributes to a well-functioning democratic society through the means of:

- **Informed citizens** – who are able to access and consume a wide range of viewpoints across a variety of platforms and media owners.
- **Preventing too much influence over the political process** – exercised by any one media owner.

We define plurality with reference to the following desired outcomes of a plural market:

- Ensuring that there is a diversity of viewpoints available and consumed across and within media enterprises. Across these, there should be a diverse range of independent news media voices across all platforms, a high overall consumption across demographics and consumers actively using a range of different news sources.
- Preventing any one media owner, or voice, having too much influence over public opinion and the political agenda, with no organisation or news source having a share of consumption that is so high that there is a risk that consumers are exposed to a narrow set of viewpoints

It is widely accepted that a free press is at the heart of a healthy democracy. It is able to hold politicians, public bodies, public figures and others who hold power and influence to account for their actions. In discharging this role the press holds a powerful position within our democracy.

34. Who do you think is the most suited to help increase media literacy? Please rank and explain why. There is a grid that needs to be filled

All of our answers to be at "2" apart from dedicated learning systems at 5 (these are hard to pinpoint and keep current?)

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



Ofcom has a statutory duty to promote media literacy which we fulfil through the provision of research. We disseminate the results of this research widely across a range of stakeholders, to help them make informed judgments about which types of activity to focus on for their initiatives and campaigns.

We think that it is important to emphasise *engagement* and *discussion* to help build media literacy. There is no single best path to take; rather, active and continual communication is necessary, across a range of related areas: safety and security, critical understanding, and creativity online.

Children – It’s important to engage with children either through their school or their parents, as well as directly. Both parents and teachers need to be less apprehensive about children being online, as convergence between the digital and real world is increasing. Children have little distinction between the two arenas and therefore parents need to acknowledge that their wider parenting skills can and should be deployed. Our research shows that the use of parental controls is only one part of the mix – regular communication with the child is very important. There are various initiatives which provide teaching materials to schools about a range of ML areas: advertising, critical awareness, being safe online, etc (URLs for MediaSmart, Childnet; etc).

Adults – It is more challenging to promote media literacy among adults, although the need is still strong, particularly in relation to online awareness of how information is gathered on search engines, security and privacy behaviour online, and understanding the distinction between editorial and advertising in the online environment. Here, suggestions could include encouraging activity from content or service providers – for example making editorial distinctions clearer on websites and apps, or creating particular storylines in regular dramas that weave in elements of these issues.

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

The principles of freedom of reception, of unrestricted transmission and of Country of Origin are the cornerstones of the Audiovisual Media Services Directive, and of the European single market for audiovisual content.

These principles have broadly enabled regulators to pursue their duties and policy objectives in the EU at the same time as – most crucially – protecting and enabling the plurality of voices and views necessary for a democratic society in Europe, and supporting the principle of Freedom of Expression.

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

(our answer would not be “yes” or “no”)

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



As explained in the High Level Group on Media Freedom and Pluralism report: “Concentration of ownership needs to be considered not only with respect to specific media sources (such as press), but across different media and in relation to distribution channels, whether for traditional media (for example, newspaper kiosks) or for new media (for example, broadband connectivity). Digital intermediaries, such as search engines, news aggregators, social networks and app stores should be included in the monitoring of the sector. The increasingly important role they play in either improving or restricting media pluralism should be considered, especially as they start producing content. However, care must be taken to distinguish between media that publish original work directly, and services that allow users to republish or link to other peoples’ work.”

Ofcom’s research indicates that alongside the increased use of the internet, social media and other platforms can act as intermediaries filtering and exercising editorial control, influencing engagement and media plurality. At an aggregate level, the internet has become the second-most popular platform used for news in the UK. In 2015 it was used by 41%, compared to 31% for print newspapers, 32% for radio and 67% for TV. By contrast, only two years before, in 2013, online news was used by 32%, compared to 40% for printed newspapers and 78% for TV.

As such, Ofcom came to the conclusion in the *Media ownership and plurality consultation report* that online content should be in the scope of any media plurality measurement framework.

We noted that there are three types of online news source:

- content originators – which produce original content;
- content aggregators – which do not produce their own original content, but present content from a variety of sources as part of a news service (e.g. Google News); and
- online intermediaries – which do not produce original content of their own, or aggregate news, but are used as an intermediary between the consumer and the news source (e.g. Facebook, Google search).

In the *Measurement Framework for Media Plurality* Ofcom proposed that any online news source that originates content, or has an influence over the selection of news content displayed, should be measured by our framework. In the latter case, this influence may be through the curation of content, the selection of titles, or by adjusting the prominence of titles or stories. Therefore, our proposed scope for plurality measurement includes online content originators, online aggregators and digital intermediaries.

The UK’s Department for Culture, Media & Sport also concluded that the scope of the measurement framework should include all organisations which influence the news and current affairs that UK consumers’ access. This conclusion means that a wide variety of online enterprises are likely to be relevant to the consideration of plurality. This scope would include organisations which generate, gather and aggregate news, services which affect discoverability and accessibility, and services which provide professional and non-professional commentary, such as blogs and social media.

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