

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 - Öffentliche Konsultation (auf deutsch) / Important -
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DE

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FR

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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

[Privacy statement_2016ac_public_consultation.pdf](#)

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.

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

Eva Keldenich, VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH

Is your organisation included in the Transparency Register?

- Yes
- No

If yes, please indicate your Register ID-number

956860819001-30

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

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?

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

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

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

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

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.

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.

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

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.

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.

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.

C. Journalists and new media players

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

The media landscape is currently on the move - the digitization of technologies and business models puts traditional media in a challenging position. On the one hand, media companies such as television broadcasters, news publishers and radio stations want to position themselves at the edge of innovative competition. On the other hand they want to satisfy their readers' and viewers' needs and provide them with high quality journalism.

In a digitized world people are flooded with information which makes it difficult to differentiate between substantiated and light-minded information. Against this background, profound and highly qualitative journalism becomes more important than it has ever been before in order to provide individuals with solid information and orientation. Journalists should have the possibility to dive deeply into a certain subject and complete profound research without the pressure of keeping up with the speed of information flows. Media companies play a very important role in that regard. As employers, they create a stable environment for profound and creative work and valuable journalistic content.

Press publishers, in detail, are delivering news on the local, regional, national and international level. Their products serve all sorts of special interests and offer information, orientation and entertainment. Above, they make their content not only available in print but also on many digital platforms and different formats. Digitization indeed has changed the way how readers find content, and this again has profound consequences for the future sustainability of professionally produced, independent quality journalism. With regards to the shift from print to digital, providing an independently edited press becomes more challenging for press publishers. Press publishers that formerly financed their business through the sale of print products, have to struggle with declining revenues and at the same time invest heavily in order to keep pace with the digitization of content. The way of producing and distributing press content is very different from the pre-digital era. In the digital world, press publishers especially face free-riding on publishers' services as a huge problem which endangers their financial situation even more.

In order to fulfill their important function in the democratic system, media companies need to ensure and sustain their economic situation. They need a stable and reliable legal framework which allows them to invest in new and innovative business models and keeping up with media convergence while at the same time have their investments protected. In Germany, press publishers and private broadcasters profit from the fact that their efforts and their investments are protected by law.

The European Commission is currently discussing the introduction of a publisher's right. Especially with regards to media convergence, the ability for publishers to invest in news business models has become even more important. This is why it will be crucial for publishers to have their investments protected by law, in order to be able to offer quality journalism also in the digital environment.

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?

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.

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.

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

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.

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?

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

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?

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.

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

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

Media diversity and freedom of speech are core values of the European Union's Charter of Fundamental Rights. They are manifest in our multi-faceted media landscape, which encompasses news media organs from 28 member states. As such, media diversity is a basic condition for well-functioning democracies and has to be preserved. Media play an important role in democracies because they reflect social and political circumstances, shape opinions and contribute to public discourse.

News media also provide a perceptible counterweight to economic and governmental power by exposing wrongdoing and corruption and by holding public officials accountable. They are able to break down global issues to a local level and thereby help to communicate them comprehensibly to individuals. Thus they preserve regional and local identities and support consensus-building.

The role of news media remains inextricably linked to the important contribution that a free and independent media plays in democratic societies. The digital revolution has brought an infinite amount of information - but also misinformation and rumours. Correspondingly, professional high quality journalism and editing is needed more than ever before - be it print, broadcasting or digital news products.

VG Media contributes considerably to media freedom and pluralism by providing stable financing of media companies based on the collective management of copyright and ancillary rights on behalf of 97% of private German radio and television stations:

For 2015, VG Media received EUR 44 million in revenues from cable retransmission and other rights in favour of the 163 television and radio broadcasting companies it represents. These amounts, which are passed on in full to its covered members after the deduction of administrative costs, represent a significant refinancing source for the broadcasting companies. For regional and local broadcasting companies in particular, these revenues represent an indispensable part of their annual budget, which they use to refinance and make investments, to pay their staff and plan innovations. In terms of the enforcement of ancillary copyright for press publishers, VG Media is not yet able to provide comparable data due to the ongoing enforcement efforts towards the largest user of digital press products, which is Google.

Over the past years, the largest user of digital press products, Google, has started a remarkable campaign allying publishers, mostly even national publishers associations by creating funds. In France, Google set up a 60 million Euro fund, in Italy 40 Million as well as a 150 million Euro pan-European "digital news initiative". It is obvious that instead of acknowledging existing copyright, Google prefers to subsidize the publishers by a one-off payment.

Professor Udo Di Fabio, former judge at the German Federal Constitutional Court, conducted a study stating that fundamental rights such as data protection and freedom of speech are endangered in the digital environment. The study explicitly calls on the legislator to fulfil his obligation to ensure fundamental rights also in digital systems. It is the European legislator's turn now to close the existing value gap in the online world: the imbalance of responsibility between online intermediaries and media companies (see question 40).

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

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

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)?

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)?

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

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.

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.

In recent years, online platforms have more and more taken over the role of media channels that provide high quality content. Platforms such as Facebook, Youtube or iTunes gradually appear as equivalents to traditional media companies - publishers, broadcasters and producers. Nonetheless, responsibilities are not equally divided: whilst online platforms in the meantime are highly relevant to public opinion making they do not commit to the related responsibilities. Traditional media companies, in contrast, are subject to several regulations or at least do respect many different rules regarding youth protection or human dignity. Consequently, media regulation has to be adapted to new online market players in order to create a level playing field and to close this 'value gap'.

With regards to online platforms, there are various problems that have to be tackled by regulatory measures concerning transparency, lock-in effects and the filter bubble: users only get to see the content they are most interested in and are not able to get an inside into the conditions under which information is categorised and displayed. On most platforms it is rather obscure for users to figure out why they get to see which content and which data is being used. Due to lock-in effects, users tend to participate actively on only a few platforms. As a consequence, platforms are able to dominate the platform market and shape opinions.

It is therefore highly important for media, users and society as a whole to create a level playing field which guarantees that platforms are subject to corresponding regulations and accept applicable law.

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