

DATAHARVEST

The European Investigative
Journalism Conference

Media Freedom at Risk – will the EU protect us?

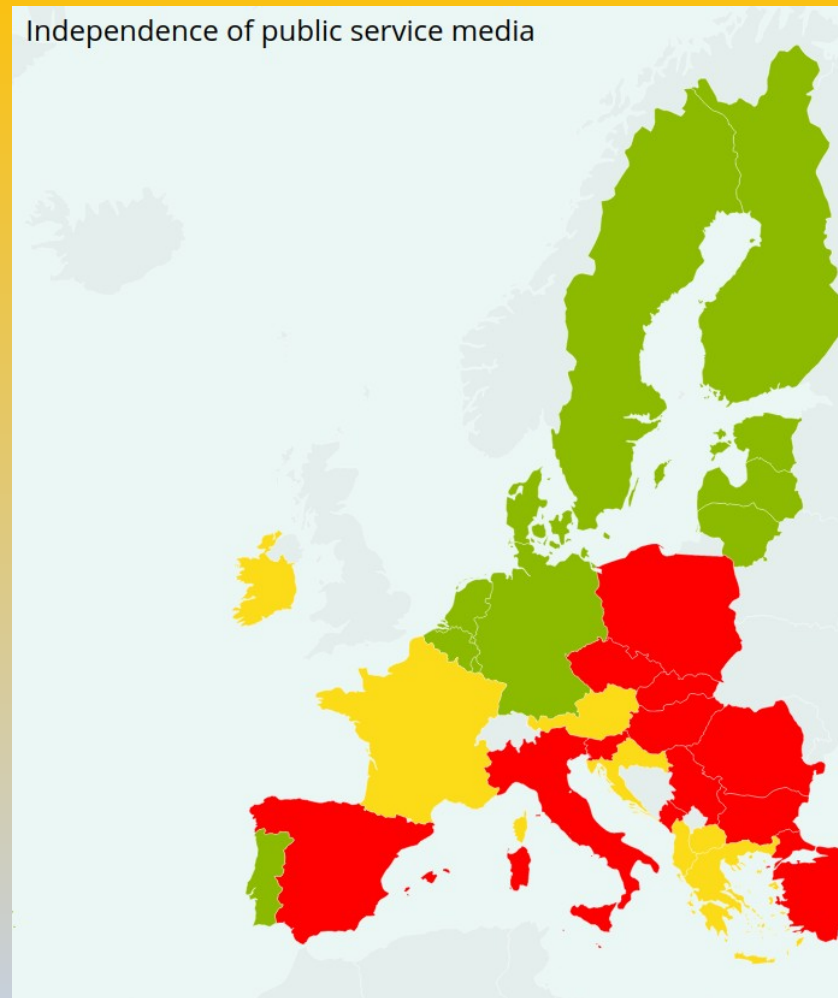
Lucie Sykorova, ECPMF

Maciek Styczeń, EU Commission



**"an alarming level of risk
to media pluralism in all
European countries"**

Independence of public service media



“Media are the ones who keep politicians under control. If we want the media to fulfill its important role in democracy, we have to introduce a European safety net.”



Vera Jourová,
Vice-President
EU Commission

Article 3:

"Member States shall respect the right of recipients of media services to have access to a plurality of editorially independent media content and ensure that framework conditions are in place ...to safeguard that right, to the benefit of free and democratic discourse"

Article 6

____s Duties of the Media Providers

...shall take measures that they deem appropriate with a view to guaranteeing the independence of editorial decisions. In particular, such measures shall aim to:

(a) guarantee that **editorial decisions can be taken freely within the established editorial line** of the media service provider concerned; and

(b) ensure that any actual or potential conflicts of interest that might affect the provision of news and current affairs content are disclosed.

Article 22

Assessment of Media market concentrations

Member States shall lay down, in national law, substantive and procedural rules which allow for an assessment of media market concentrations that could have a significant impact on media pluralism and editorial independence. Those rules shall:

....

set out in advance objective, non-discriminatory and proportionate criteria for notifying such media market concentrations and for assessing the impact on media pluralism and editorial independence.

Article 25

Allocation of public funds for state advertising and supply or service contracts

...shall be awarded in accordance with **transparent, objective, proportionate and non-discriminatory criteria**, made publicly available in advance by electronic and user-friendly means, and by means of open, proportionate and non-discriminatory procedures.

Member States shall seek to ensure that the overall yearly public expenditure **allocated for state advertising is distributed to a wide plurality of media service providers** represented on the market, taking into account the national and local specificities of the media markets concerned.

This Article shall not affect the awarding of public contracts and concession contracts under Union public procurement rules or the application of Union State aid rules.

Article 5

Safeguards for the independent functioning of public service media providers

1. Member States shall ensure that public service media providers are editorially and functionally independent and provide in an impartial manner a plurality of information and opinions to their audiences.

2. Member States shall ensure that the procedures for the appointment and the dismissal of the head of management or the members of the management board of public service media providers aim to guarantee the independence of public service media providers

Article 4

Rights of media service providers

Member States shall **ensure that journalistic sources and confidential communications are effectively protected.** Member States **shall not...**

...oblige media service providers or their editorial staff to disclose information related to or capable of identifying journalistic sources or confidential communications...

...detain, sanction, intercept or inspect media service providers or their editorial staff

...deploy intrusive surveillance software on any material, digital device, machine or tool used by media service providers

By way of derogation... Member States may take a measure referred to therein, provided that it..

...is justified on a case-by-case basis by an overriding reason of public interest and is subject to prior authorisation by a judicial authority

Article 18

Content of media ...on very large online platforms

...Where a provider of a very large online platform intends to take a **decision to suspend the provision of ... content** provided by a media service provider...it shall:

- communicate to the media service provider .. a statement of reasons ..for its envisaged decision to suspend or restrict visibility; and
- give the media service provider the opportunity to reply to the statement of reasons .. within 24 hours .. or, in the case of a crisis .. within a shorter timeframe which allows the media service provider sufficient time to reply in a meaningful manner.