

FREEDOM OF EXPRESSION AND DEMOCRACY IN THE DIGITAL AGE OPPORTUNITIES, RIGHTS, RESPONSIBILITIES

MINISTERIAL SESSION III: Pluralism, diversity and quality in the new media ecosystem – opportunities and risks

**Introductory remarks by Ms Ingrid DELTENRE,
Director General of the European Broadcasting Union**

Dear Ladies and Gentlemen

It is great to be here. Thank you for giving me the opportunity to talk about the indispensable role of the media to provide a plurality of views, opinions and voices, to reflect and enrich cultural diversity and to contribute to social cohesion. This fundamental role of the media has not changed in the digital age.

We very much welcome the recognition, in Resolution No 2 of this Conference, to preserve the essential role of the media in the digital age.

We are living in a connected society. Thanks to the Internet, social media platforms, ever faster broadband connectivity and devices such as smartphones and tablets we have easy access to more information than ever before. Many of you are tweeting and sharing your opinions, your likes and dislikes, with your followers. At the same time, public trust in institutions, in politics and in the creative power of free markets has never been so low. The media might have contributed to this situation, but they are also part of the solution, especially in these times of economic crisis.

It is the role and the responsibility of public service media (PSM), to provide pluralistic and diverse content for all parts of the society, young and old, living in urban or rural places, majorities and minorities.

Their remit is to create, select, add context and analysis and sometimes opinion to make sense of the many different views, news and information available. It is their obligation to empower citizens to exercise their freedoms, and to play an active and important role in society.

However, to fulfil this role PSM have not only to be properly funded and resourced, but also to be empowered to live up to high standards, in particular regarding independence from political and economic powers.

The EBU Declaration on the core values of PSM

In 2012, the PSM organisations united in the European Broadcasting Union committed themselves, in a Declaration adopted by the EBU General Assembly, to strive for the highest standards in terms of UNIVERSALITY, INDEPENDENCE, EXCELLENCE, DIVERSITY, ACCOUNTABILITY and INNOVATION.

We have brought copies of the EBU brochure with the core values for your attention [probably outside the meeting room on a table].

The Declaration recognizes that to live out the six core values requires constant efforts in organisations with very different backgrounds, histories and possibilities. It stresses the need to underpin these values with appropriate actions and behaviours.

The EBU is promoting the adoption of these values, editorial principles and guidelines, which should serve as a tool to strengthen editorial freedom, pluralism, independence and responsibility.

The EBU is also promoting the implementation of principles of good PSM governance, in line with the 2012 Recommendation of the Council of Europe on PSM governance.

Last but not least in this field, the multiplication of sources and platforms makes it more indispensable than ever to provide citizens with safe hubs where trustworthy information and ethical journalism can be guaranteed: a role that PSM have the vocation to fulfil under their remits.

The indispensable role of the media in times of crisis

Every organization, every employee in Europe is affected by the impact of the current economic crisis, in some countries more than in others. But even more substantial is the impact of technology on the media ecosystem. Newspapers are transitioning to a new business model, better exploiting digital possibilities. Commercial broadcasters are developing new forms of subscription services. Today it is much easier to launch new TV and radio channels than it was 10 or 20 years ago. As a consequence the number of TV channels in Europe is growing every year.

For the audience, this means an ever increasing choice of channels, although very often they just offer more of the

same. In addition, operators such as Netflix and Spotify are offering easy access to enormous film and music archives.

In this context – unfortunately - PSM are, more and more, taken for granted. Politicians in some countries even behave as though they “own” the PSM. They also seem to believe that they can solve the problems of the commercial media sector by reducing the remit and revenues of PSM. This is wrong.

The fact is, that most national markets are simply too small to generate enough revenues to finance a meaningful television offer that contributes to the cultural diversity and creativity of a country. By reducing the mandate and by reducing the budget of the PSM you might end up eventually with more television companies, but they will be too small and too financially weak to compete with the big international networks. And as a consequence even fewer national programmes will be produced.

This will have a devastating impact on the nation's entire creative industry.

Sustainably funded, independent public service media that is run by professionals, that serves the public and not a particular interest group; this is the best answer in the increasingly competitive environment.

We have all followed the dramatic events in Greece, where the Government under the pretext of making savings and reducing public sector jobs – as requested by the "troika" – abruptly closed down the public broadcaster, ERT.

This antidemocratic action led to a huge public outcry and very nearly broke up the government coalition. Thousands

of people took to the streets to demonstrate against this sudden closer.

The Greek State Court reacted promptly and ordered the Government to ensure the continuity of the public service. Since this decision a new media law has been adopted, an ad interim service has been launched and the public debate about the mission and mandate of the future public service media entity has started.

But the fact that a public broadcaster was shut down just a couple of hours after an emergency decision was taken is extremely worrying.

We are looking ahead, and we support the Greek Government in its endeavour to create a new and hopefully more independent and effective PSM organisation, called NERIT.

Study on PSM and Article 10 ECHR

The events in Greece - and the risk that similar action may be considered by other governments - prompted the EBU to commission a legal study - not on the ERT case - but on a more general question: To what extent are PSM organisations protected by Article 10 of the European Convention on Human Rights (freedom of expression) in cases where a government decides to close it down or drastically diminish it?

The Study, entrusted to Professor Berka (Salzburg) and Professor Tretter (Vienna), is about to be finalized and will soon be published.

But I can tell you that the experts came to the conclusion that existing PSM organisations are protected by Art. 10 against State measures which are arbitrary or disproportionate, relative to legitimate aims a State may pursue.

This result has been confirmed by an international panel of experts, which we invited to a roundtable discussion in Athens last month. (We would naturally be pleased to organize a presentation of the study at a convenient occasion - perhaps the next CDMSI meeting.)

Apart from legal arguments, we are also convinced that there are overriding political reasons for governments to refrain from any action which would significantly weaken PSM in times of crisis.

Responsible, reliable and trustworthy quality media are needed more than ever in such a situation - to help individuals and societies to cope with severe problems and changes; and to make sure that democracy continues to function properly, that it does not leave large parts of society disenfranchised and prone to the influence of extremist propaganda or economic interests.

Opportunities and risks for the media in the new ecosystem

In the new media environment, there are tremendous opportunities for audiences and the audiovisual industry. The capacity of audiences to choose when and where to enjoy a huge range of multimedia content is significantly enhanced. The numerous opportunities created by

convergence open doors for new services and innovative ways of reaching audiences.

The EBU and its members have been early drivers of digital technologies, standards and innovation. PSM embrace the Internet, they have become trusted brands in the online environment. They have introduced a range of online services, from catch-up TV and radio podcasting to applications for smartphones and tablets. And they have been at the forefront of developing new hybrid services for connected TV, with systems such as HbbTV, YouView, MHEG-5 and MHP.

However, this is not only about new technology. It is also about developing a new relationship with the audience, to engage, connect and empower. This might well require the PSM to transform and change its organizational culture. This is why we have launched the project VISION2020, whose objective is to provide broadcasters with recommendations to remain indispensable in the future.

The complete results of this cooperative work will be presented in a couple of weeks, in December 2013, to the EBU General Assembly.

However, one of the VISION2020 findings is that PSM strive to be the most relevant cultural institutions in a country. They cannot act in isolation in the new media ecosystem. In a connected society they need to connect as well. They must play a positive role in the development of the creative industry in each country, and - last but not least - in the setting-up of new, open and innovative platforms for the delivery of content.

This requires PSM to be unconstrained by legal restrictions and procedures that slow innovation and are no longer adequate in the new environment. And this is especially true if these strictures prevent them from entering into partnerships and embedding their services with other players (such as opera houses, museums, quality media, telecom and internet companies) which may be essential for them to reach all parts of their audiences.

However, an active role by PSM in the design and setting up of new platforms for the delivery of content - together with partners - may not be enough to ensure that all citizens will in the future have easy access to content which is of relevance to them and of particular value for society. As rightly mentioned in Resolution No 2, the role of platform operators and new Internet intermediaries, which often enjoy dominant positions or act as "gatekeepers", requires careful attention.

Therefore, we believe that, in the interests of media pluralism, and to serve the democratic, social and cultural needs of society, there is also a need for regulatory safeguards to ensure fair access to new content platforms and the findability of content of public value on user interfaces, portals and programme guides.

Apart from platform regulation with rules on access and "due prominence", there are other important framework conditions that are needed for an open and pluralistic media system, including net neutrality rules for the open Internet and the retention of spectrum for digital terrestrial broadcasting networks (so as to allow synergies between broadcast and broadband) and in general for services that are in the public interest - not just to provide additional income to cash-strapped Treasury ministers.

For more details, I should like to refer here to our written contribution ("Access to Information in a Converged Media Environment"), which has been included in the documents for the Conference.

Conditions for a robust pluralistic media landscape in Europe

As already mentioned, it is not just about PSM - *the key for the future is to ensure a viable and performing media ecosystem as a whole*, in Europe and in each Member State, in the interests of freedom of expression, democracy and other European values such as cultural diversity.

Therefore it is crucial to ensure the right framework conditions for European media in the light of media convergence and the increasing role of global players.

It is about ensuring the necessary revenue to finance European audiovisual production, it is about the viability of the audiovisual value chain, it is about protection from parasitic business practices, about remuneration for creative work and incentives for investment, and about how to deal with competitive advantages of players from outside Europe. This is not only a matter of economies of scale, but also, for example, the result of different legal regimes.

For all these reasons we believe that some regulatory action is needed, and the debate about connected TV could be the starting point for a broader reflection. In this context, the Council of Europe could provide valuable guidance through recommendations and declarations.

This will be a major challenge, not only for European media policy but also for ongoing free trade negotiations, such as those on a Transatlantic Trade and Investment Partnership (TTIP) between the EU and the US.