

**Committee of experts on Media Pluralism and
Transparency of Media Ownership
(MSI-MED)**



16 March 2016

MSI-MED (2016)03

MSI-MED 1ST MEETING

22-23 March 2016 (9:30-17:30)

Strasbourg, AGORA Building (Room G05)

**Draft Recommendation on media pluralism
and transparency of media ownership**

Issue mapping non-paper prepared by the Secretariat

This non-paper has been prepared by the Secretariat to facilitate discussions of the MSI-MED at its first meeting. The issues identified here on media pluralism and transparency of media ownership are not exclusive and are open to further elaboration during meeting discussions. Together with references to documents and reading materials they are aimed at guiding reflections and preparing discussions.

Preamble

- Panorama of relevant European (in particular Council of Europe and EU) standards and initiatives on media pluralism and transparency of media ownership

I. Media Pluralism and Transparency of media ownership

Principles

- Media pluralism and diversity of media content as essential components for freedom of expression and information, as guaranteed by Article 10 of the European Convention on Human Rights;

-[Recommendation CM/Rec\(2007\)2](#) of the Committee of Ministers to member states on media pluralism and diversity of media content

-Commissioner for Human Rights, "[Media Pluralism and Human Rights](#)", Issue Discussion Paper {CommDH (2011) 43}, Strasbourg, 2011

- Transparency of media ownership as essential prerequisite for promoting and protecting media pluralism;

Relevant documents

-[Declaration of the Committee of Ministers on protecting the role of the media in democracy in the context of media concentration](#), adopted on 31 January 2007

- Emerging issues: how to integrate the principles of pluralism and transparency of media ownership to the current concentration of powers in the hands of platforms and social media companies?

I.1 Media Pluralism

I. 1. 1. Essential features

- Positive obligations by member States to put in place an appropriate legislative and administrative framework to guarantee effective pluralism

Selection of ECtHR case-law:

Informationsverein Lentia and Others v. Austria <http://hudoc.echr.coe.int/fre?i=001-57854>
Animal Defenders International v. the United Kingdom [GC] <http://hudoc.echr.coe.int/fre?i=001-119244>

VgT Verein gegen Tierfabriken v. Switzerland n° 2 <http://hudoc.echr.coe.int/fre?i=001-93265>

Manole and Others v. Moldova <http://hudoc.echr.coe.int/fre?i=001-94075>

Centro Europa 7 S.r.l. and Di Stefano v. Italy [GC] <http://hudoc.echr.coe.int/fre?i=001-111399>

Társaság a Szabadságjogokért v. Hungary <http://hudoc.echr.coe.int/fre?i=001-92171>

- The role of public service media, media professionals and regulatory authorities on promoting media pluralism in the new media landscape

-["Public service media remit in 40 European countries"](#), IRIS bonus 2015-3, European Audiovisual Observatory, Strasbourg, 2015

-[Declaration of the Committee of Ministers on Public Service Media Governance](#), adopted on 15 February 2012

-[Recommendation CM/Rec\(2012\)1](#) of the Committee of Ministers to member States on public service media governance

-[Recommendation CM/Rec\(2011\)7](#) of the Committee of Ministers to member states on a new notion of media

-[Recommendation CM/Rec\(2007\)3](#) of the Committee of Ministers to member states on the remit of public service media in the information society

- [Declaration of the Committee of Ministers on the guarantee of the independence of public service broadcasting in the member states](#), adopted on 27 September 2006
- ["Public Service Media: Money for Content"](#), IRIS plus 2010-4, European Audiovisual Observatory, Strasbourg, 2010
- [DIRECTIVE 2010/13/EU](#) OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)
- [European Convention on Transfrontier Television](#), Strasbourg, 5-5-1989
- M. Ridinger, ["The Public Service Remit and the New Media"](#), IRIS plus 2009-4, European Audiovisual Observatory, Strasbourg, 2009
- [PACE, Recommendation 1878 \(2009\)](#), "The funding of public service broadcasting" 2009
- [Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector](#), adopted on 26 March 2008

I.1.2. How to increase pluralism in Europe?

- The importance of a properly founded and independent public service media in supporting, or acting as a corner-stone for media plurality.
- Measures by regulatory authorities, civil society etc. on promoting media pluralism at national level, under the new legal, political, economic, technological and social developments

-European University Institute, Robert Schuman Centre for Advanced Studies, THE CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM (CMPF), ["Monitoring Media Pluralism in Europe - Testing and Implementation of the Media Pluralism Monitor 2014"](#), Policy report, December 2014

-European University Institute, Robert Schuman Centre for Advanced Studies, THE CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM (CMPF), ["European Union Competencies in Respect of Media Pluralism and Media Freedom"](#), Policy Paper, Italy, 2013

-[Report of the High Level Group on Media Freedom and Pluralism: A free and pluralistic media to sustain European democracy](#), January 2013

-FABRIZIO BARZANTI, ["Governing the European Audiovisual Space: What Modes of Governance Can Facilitate a European Approach to Media Pluralism?"](#), EUROPEAN UNIVERSITY INSTITUTE, FLORENCE, ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES, THE CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM, Italy, 2012

-["Independent Study on Indicators for Media Pluralism in the Member States – Towards a Risk Based Approach"](#), prepared for the European Commission by K.U.Leuven – ICRI (lead contractor), Jönköping International Business School – MMTTC, Central European University – CMCS, Ernst & Young Consultancy Belgium, Leuven, July 2009

I.2 Transparency of media ownership

I.2.1. Essential features

- Allowing identification of the beneficial and ultimate owners of media outlets (broadcast, print and on line media)
 - clear and precise legal framework;
 - transparency of media ownership through disclosure of ultimate owners and essential ownership information to a national media authority and to the public;
 - co-ordination of a common action by regulatory authorities, or other relevant independent bodies, with a view to increasing compliance with transparency of media ownership international standards at all member States;
 - The role of associations of media outlets for setting-up ethical standards on transparency of media ownership;
- Concerted effort of different international and national stakeholders (EU, Council of Europe, OSCE, national parliaments etc) to enhance media ownership transparency in Europe;
- Development of a Europe-wide database on media ownership

I.2.2. How to increase transparency of media ownership in Europe?

Aspects to develop a clear and concise framework for ownership transparency:

- Which media organisations are subject to disclosure of ownership information?
 - To whom must disclosure be made?
 - What is required to be disclosed?
 - How accessible is the information to the public?
 - How effective is the disclosure regime?

Relevant documents

-PACE, Report ([doc. 13747](#)) of the Committee on Culture, Science, Education and Media on "Increasing transparency of media ownership", Rapporteur: Ms Gülsün BİLGEHAN, 9 April 2015

-PACE, [Resolution 2065 \(2015\)](#), "Increasing transparency of media ownership"

-PACE, [Recommendation 2074 \(2015\)](#), "Increasing transparency of media ownership"

-Steering Committee on Media and Information Society, CDMSI(2015)013REV/18-09-2015, "[Comments of the Steering Committee on Media and Information Society on the Parliamentary Assembly Recommendation 2074\(2015\) "Increasing transparency of media ownership"](#)"

-Comité directeur sur les médias et la société de l'information, CDMSI(2015)013REV/18-09-2015, "[Observations du Comité directeur sur les médias et la société de l'information](#)"

[concernant la Recommandation 2074\(2015\) de l'Assemblée parlementaire «Accroître la transparence de la propriété des médias»](#)

-Analysis and comments on the draft Law of Ukraine on "[Amendments to the Laws of Ukraine on providing measures to ensure the transparency of the media ownership and implementation of the state policy principles in the field of television and radio broadcasting](#)" by Mathias Huter, June 2015

-"[Suggestions for Effective Media Ownership Transparency Provisions in Ukraine](#)", Mathias Huter, May 18, 2015

-PACE, Restricted AS/Cult/Inf (2014) 04, Background report, "[The Unbearable Lightness of Media Ownership Transparency](#)", Peggy Valcke, 24 September 2014

-Rachael Craufurd Smith and Yolande Stolte, "[The transparency of Media Ownership in the European Union and neighbouring states](#)", Report on a project by Access Info Europe and the Open Society Program on Independent journalism, September 2014

-Access Info, "[Ten Recommendations on transparency of media ownership](#)", November 2013

-"[ACCESS TO INFORMATION IN A CONVERGED MEDIA ENVIRONMENT](#)" {MCM (2013) 010}, EBU Contribution to the Council of Europe Conference of Ministers Responsible for Media and Information Society (Belgrade, 7 and 8 November 2013)

-Helen Darbshire – Fiona Harrison, "[Transparency of media ownership in Europe](#)", a Report for the High-Level Group on Media Freedom and Pluralism, Access Info, October 2012

-Council of Europe Conference of Ministers responsible for Media and Information Society, "Freedom of Expression and democracy in the digital age: opportunities, rights, responsibilities", [Resolution No 2 "Preserving the essential role of media in the digital age"](#), Belgrade, 7-8 November 2013

-[Methodology for monitoring media concentration and media content diversity, Directorate General of Human Rights and Legal Affairs](#), Council of Europe, Strasbourg, June 2009

II. (Concrete) Recommendations to the member States on media pluralism and transparency of media ownership

Appendix

- Compilation of best practices on transparency of media ownership in member States of the CoE