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

16 March 2016

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

• 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
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


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 online 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"

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
- “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)
- 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