

1. Introduction

The already strong evidence of the need for independent and functional public service media (PSM) in democratic societies was confirmed by their performance and renewed interest of the public in their reporting during the Covid-19 pandemic and, most recently, in relation to the ongoing war in Ukraine.

PSM key contribution to democracy and freedom of expression has long been recognised by the Council of Europe¹ and supported by a set of standards covering their remit, governance and funding. Case law of the European Court of Human Rights (the Court) makes it clear that where a state decides to create a PSM system, the domestic law and practice must guarantee that it provides a pluralistic service, particularly where private stations are still too weak to offer a genuine alternative and the public or state organisation is therefore the sole or the dominant broadcaster within a country or region.²

Despite the recognised importance of PSM, their sustainability and independence are challenged in an increasing number of countries.³ The media sector is affected by polarisation, politicisation and interference in the work of editors and journalists. At the same time, it faces difficulties because of insufficient public funding to support the PSM's independence and limited ability to monetise content in the digital communication environment.

In light of these challenges, the European Broadcasting Union (EBU), the world's leading association of PSM, has on a number of occasions called for better implementation of the Council of Europe's standards, including the Court's case-law, and underlined the importance of the European Commission for Democracy through Law (Venice Commission).⁴ The EBU has also alerted to the findings included in the (annual) assessments, in particular those in the Secretary General's annual reports and the reports of the Commissioner for Human Rights.

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1. Resolution 1636 (2008) on Indicators for media in a democracy, § 1. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=17684&lang=en>
 2. *Manole and others v. Moldova*. <https://hudoc.echr.coe.int/eng?i=001-94075>
 3. Safety of journalists platform, <https://fom.coe.int/en/accueil>
 4. International conference on Public Service Media and Democracy Prague 2016: Conclusions and recommendations by the conference participants, <https://www.ebu.ch/files/live/sites/ebu/files/News/2016/11/Final%20conclusions%20Prague%2014112016%2017.43.pdf>

This document presents a non-exhaustive selection of the Council of Europe standards, as enshrined in the relevant case law of the Court, Committee of Ministers' recommendations and declarations, and Parliamentary Assembly's resolutions. The selected standards define the scope of PSM protection afforded by Article 10 of the European Convention on Human Rights (the Convention). The Digest also includes several other relevant documents in the field of PSM, all of them underpinned by the right to freedom of expression and media freedom. Its aim is to improve the awareness of these standards and practical tools, so they can be more effectively integrated in the national policymaking on PSM and in different levels of media governance.

The Digest is not a legal document and should not be treated or used as such.