Recommendation CM/Rec(2022)11 of the Committee of Ministers to member States on principles for media and communication governance

Summary

Democratic societies are confronted with a structural transformation of the public sphere. Therefore, media and communication governance needs to be modernised. It needs to include both media and online platforms to guarantee a level playing field, an appropriate level of protection from undue interference and to provide States and relevant media stakeholders with a clear indication of their duties and responsibilities, in line with Council of Europe standards and values. To this end, the Recommendation contains fifteen procedural and substantive principles that should inform media and communication governance in the Council of Europe member States.

Procedural principles include "**transparency and accountability**" to enable public scrutiny of State and private sector activities in this field and "**openness and inclusiveness**" to enable various groups and interests in society to be heard in the governance processes. Principles also include "**independence and impartiality**" to avoid undue influence on policymaking or preferential treatment of powerful groups; "**evidence-based and impact-oriented governance choice**" to show the need for intervention and ensure an appropriate response respecting the roles of different media and communication stakeholders, and "**agility and flexibility**" to ensure the effectiveness of governance.

The overarching substantive principle applicable to all stages of the communication process, namely production, dissemination, and use, involves "**promoting human rights and fundamental freedoms in communication**".

Substantive principles regarding production of media and communication include "**securing media freedom**", including editorial independence and operational autonomy of a diversity of media, and "**promoting media pluralism and safeguarding the sustainability of journalism**" through broad market access, regulation of competition and ownership concentration, independent and adequately funded public service media, subsidies for professional journalism, and support for community media. Production related principles also involve "**ensuring transparency of content production**" and "**ensuring compliance with content obligations and professional standards**".

Substantive principles regarding dissemination require "**ensuring functioning markets and protecting personal data in content dissemination**", including by appropriate electronic communication infrastructure, fair market access and safeguards against a negative impact of platforms' market power. They also require "**responding to the risks caused by platforms disseminating illegal content as well as legal but harmful content**", particularly by ensuring human rights compliant content moderation and measures to mitigate the potential negative effects of disinformation, and "**mitigating the risks posed by algorithmic curation, selection and prioritisation**" by enhancing the transparency and explainability of algorithmic systems and the accountability of the actors developing and implementing them, as well as by taking measures to enhance exposure diversity.

Finally, substantive principles regarding use involve "**guaranteeing human rights and fundamental freedoms in media and platform use**", including by ensuring the availability, accessibility, and affordability of content for all groups of the population, as well as protecting users' privacy and personality rights from unjustified interference by both public and private sector actors. They also involve "**empowering users and fostering responsible use**" of media and platforms, through media and information literacy initiatives and additional empowerment measures, such as labelling reliable content, ensuring the transparency of commercial content and political advertising, etc.