

## **The European Media Freedom Act: a last chance to recentre fundamental rights in media and platform regulation?**

Governance of digital media and platforms: regulation and the public interest

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## (Plot) outline

### The Act

- *Ceci n'est pas un* European Media Freedom Act
- What is the 'European Media Freedom Act' proposal?

### The Scene

- Positioning within the EU
- Broader positioning beyond the EU

## A favourable environment for European Media Freedom

- Safety and security
- Pluralism and transparency
- Quality journalism
- Institutional and individual rights and freedoms



# The Act



# Overview of chapters

- I – General provisions
- II – Rights and duties of media service providers and recipients
- III – Framework for regulatory cooperation and a well-functioning internal market for media services
  - 1. Independent media authorities
  - 2. European Board for Media Services
  - 3. Regulatory cooperation and convergence
  - 4. Provision of media services in a digital environment
  - 5. Requirements for well-functioning media market measures and procedures
- IV – Final provisions



# The Scene

## Positioning within the EU

- European Treaties & Charter
- Audiovisual Media Services Directive
- Digital Markets Act
- Digital Services Act
- Proposal for an anti-SLAPP directive
  
- Commission Recommendations on:
  - Safety and protection of journalists
  - Anti-SLAPP
  - Internal safeguards for editorial independence and ownership transparency in the media sector

## Council of Europe: a trilogy of Committee of Ministers' recommendations

- CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors
- CM/Rec(2018)1 on media pluralism and transparency of media ownership
- CM/Rec(2022)4 on promoting a favourable environment for quality journalism in the digital age
- ...



# A favourable environment for media freedom

## A favourable environment...

“States are obliged to put in place an effective system of protection for authors and journalists as part of their broader obligation to create a favourable environment for participation in public debate by everyone and to enable the expression of opinions and ideas without fear, even when they are contrary to those held by the authorities or by a significant section of public opinion and even if they are annoying or shocking for the latter.”

- *Dink v. Turkey*, para. 137

## Structure of CM/Rec(2016)4



**Recommendation CM/Rec(2016)4 comprises a Preamble, an operative part (para. 7), a set of Guidelines and an explanation of the principles from the case-law of the European Court of Human Rights, on which the Guidelines are based.**

**The Guidelines have four pillars:**

- Prevention**
- Protection**
- Prosecution (general focus and specific focus on impunity)**
- Promotion of information, education and awareness-raising**

## CM/Rec(2018)1 on media pluralism and transparency of media ownership

- 1) A favourable environment for freedom of expression and media freedom
- 2) Media pluralism and diversity of media content
- 3) Regulation of media ownership: ownership, control and concentration
- 4) Transparency of media ownership, organisation and financing
- 5) Media literacy and education

# CM/Rec(2022)4 on promoting a favourable environment for quality journalism in the digital age

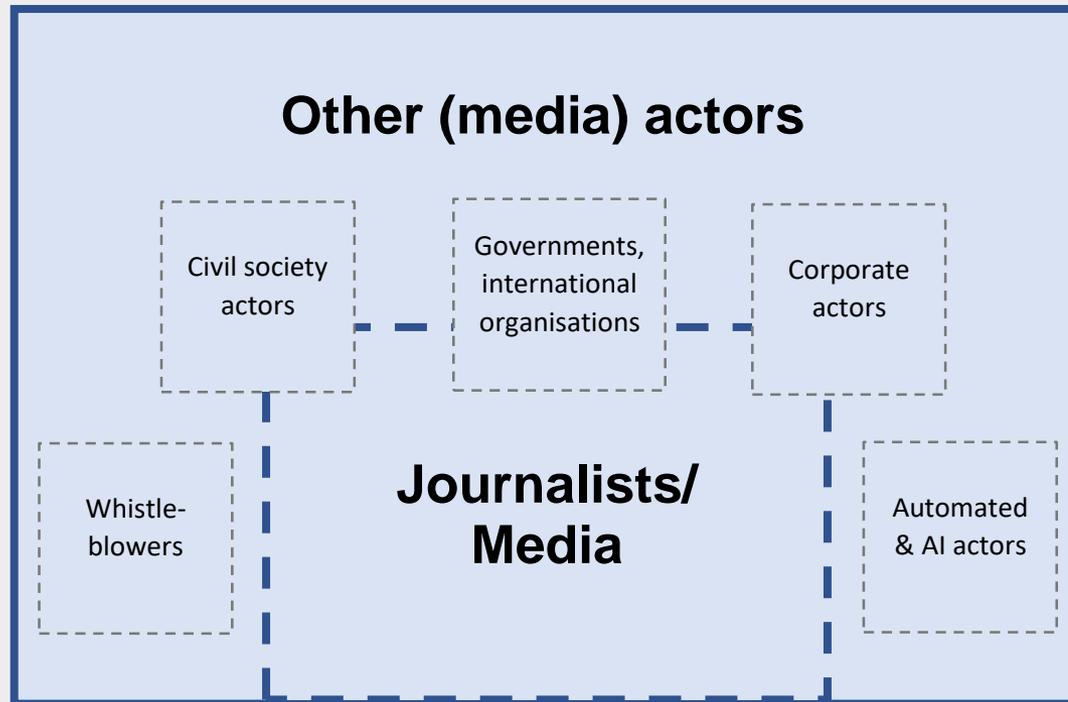
- 1) Funding: promoting quality journalism as a public good
- 2) Ethics and quality: rebuilding and maintaining trust
- 3) Education and training

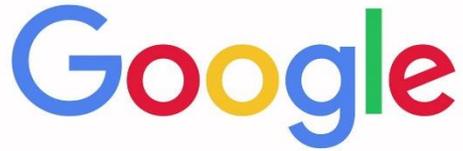
# Time to rethink?



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# The reconfiguration of public debate





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# A last chance to recentre human rights...?



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