

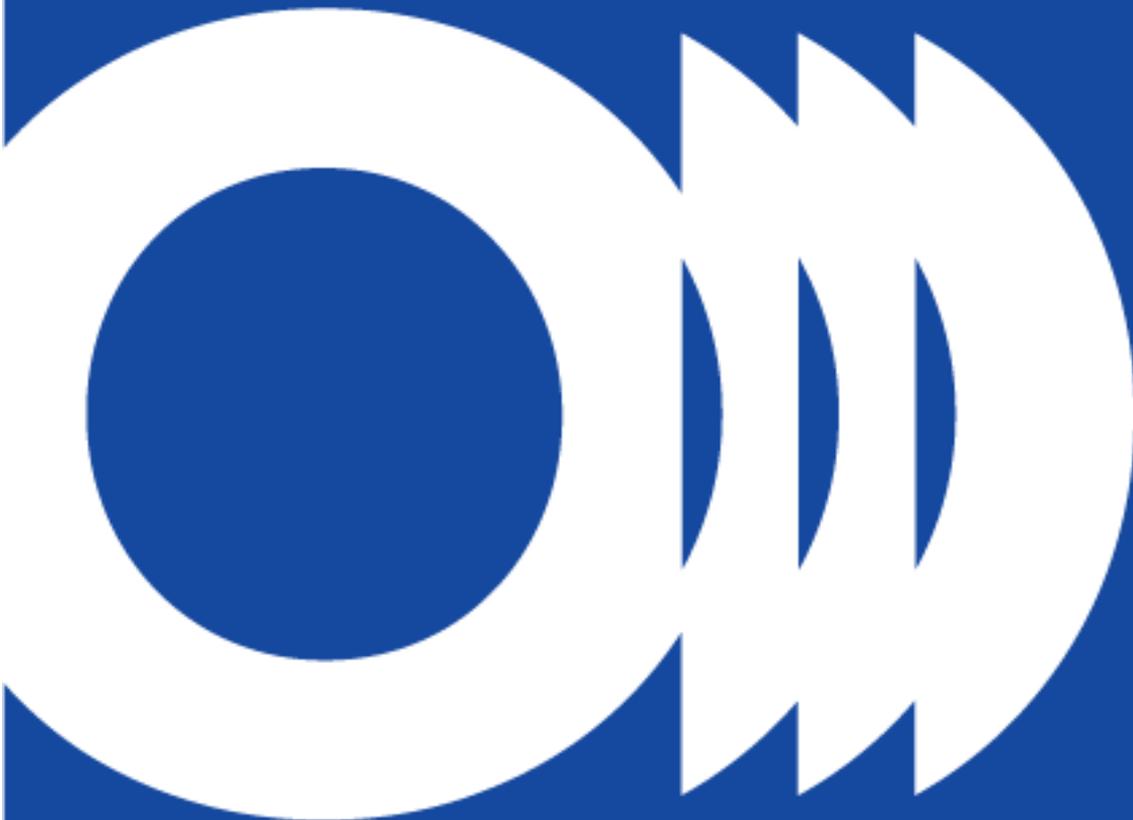
EBU

OPERATING EUROVISION AND EURORADIO

POSITION PAPER

EBU Contribution to the European Commission's Consultation on the 2022 Annual Rule of Law Report

24 JANUARY 2022



EBU Contribution to the Commission's Consultation on The 2022 Annual Rule of Law Report, 24 January 2022

The European Broadcasting Union (EBU) is the world's leading alliance of public service media (PSM). PSM play a crucial democratic role by being a trusted source of objective and impartial information; a guardian of pluralistic and minority views; and a reference point in times of national and global crises.

Democratic institutions underpinned by the rule of law principles are essential to contribute to an enabling environment for media freedom and media pluralism. Public service media are embedded in a country's democratic system, they exist to serve citizens and society, they depend on public funding and they form part of an entire audio-visual ecosystem.

The Amsterdam Protocol on the system of public broadcasting in the Member States confirms it lies within the EU Member States' competence to organise and define a public broadcasting system, including its remit and funding. As a consequence, a wide diversity of national approaches exists concerning the concrete shaping and structuring of national systems, including the governance of PSM. There are different ways of securing independence and pluralism of the media, and the safeguards employed at national level need to be assessed on their concrete effectiveness in a national context.

Concerning the governance of Public Service Media, in 2016, the EBU Legal Department published [a guide reflecting best practice on key governance principles for Public Service Media](#). Taking into account the diversity of European States' constitutional, legal, political, economic and cultural systems, the guide underlines there is no one-size-fits-all governance model for PSM: a governance arrangement that works well in one system may not necessarily be the solution in another.

The EBU News Report 2021-22, "[What's Next? Public Service Journalism in the Age of Distraction, Opinion, and Information Abundance](#)" also addresses examples of political and economic pressures under which public service media are currently operating. This report highlights raising international awareness is paramount when attempting to support public service media in countries where they are compromised. However, each PSM organisation and each country needs to be treated as an individual case¹.

Concerning transparency on media ownership, the Journalism Trust Initiative (JTI) standard-setting process led to the development of standards for online trustworthiness of news and information, which address addresses, among others, the issue of "identity and transparency".

¹ For more information, see pages 32-33:

https://www.ebu.ch/files/live/sites/ebu/files/Publications/strategic/login_only/News_report_2021.pdf

Adopted in December 2019 under the aegis of the European Committee for Standardisation (CEN), the [JTI standards](#)² complement professional norms, ethical codes or self-regulatory structures. JTI, whose implementation phase is co-funded by European Commission's DG CONNECT, recommends Public Service Media display in a transparent manner information concerning:

- public service mission and the legal instrument on which it is based;
- the description of its governance structure, including the role of all relevant governance bodies or organisations (for example, regulator, supervisory board, government/parliament role);
- the way PSM financial income is generated and what proportion of its financial resources are totally or partially provided by public funds;
- both external and internal governance measures guaranteeing its editorial independence.

Besides voluntary commitments, PSM organisations may be subject to differing national transparency rules.

Regarding the Framework for journalists' protection, The [EBU and its Members welcomed the first-ever Commission Recommendation](#) addressed to the Member States to strengthen the safety of journalists and other media professionals.

In the context of the preparation of the annual Rule of Law Report, the European Commission's activities to promote media freedom and pluralism encompass the stepping up of cooperation with the Council of Europe. Against this background and in line with [our contribution to the Commission's Roadmap on the Recommendation on Ensuring Safety of Journalists in the European Union](#), we would like to reiterate that the effective and full implementation by the EU Member States of the 2016 Council of Europe Recommendation on the protection of journalism and safety of journalists and other media actors is particularly important and would further contribute to reinforcing media freedom in Europe.

Our contribution to the Consultation on the EU action against abusive litigation (SLAPP) targeting journalists and rights defenders is available [here](#).

² For more information on transparency-related standards applied to various media outlets, see from page 11: <https://www.cenelec.eu/media/CEN-CENELEC/CWAs/ICT/cwa17493.pdf>