

Internal media plurality report

IRIS 2019-3:1/4

*Michal Hradický
Office of the Council for Broadcasting and Retransmission, Bratislava*

A major report by the European Regulators Group for Audiovisual Media Services (ERGA) has been published. The report looks at internal media plurality from the perspective of all the EU national regulatory authorities (NRAs) in the audiovisual area. Firstly, the report provides a comprehensive analysis of the framework and application of the rules on news and current affairs programmes and electoral media campaigns available to independent audiovisual media regulators in the EU. The report thereby offers a rare opportunity to look into the internal functioning and thinking of NRAs in this area. Secondly, the report contrasts this overview with the current challenges posed by shifts in the media and information landscape. The analysis includes, for the first time, the observations of NRAs regarding these challenges - notably in respect of disinformation.

ERGA, as an advisory body of the European Commission regarding the implementation of the EU's Audiovisual Media Services Directive ("AVMS Directive"), brings together the representatives of all of the EU national audiovisual regulatory bodies. ERGA has, since its establishment more than five years ago, produced many reports on various topics. As part of its different avenues of work, in 2018 ERGA concentrated also on the issue of internal media plurality. The final report, which was approved by ERGA and then published this January, is divided into four major areas. The first sets out the conceptual framework. The second considers the current state of regulation of internal media plurality during (and also outside of) election periods, providing not only a full catalogue of available measures, but also looking closer at their application (this includes an overview of the cases in this area). The third part considers changes in the media landscape (both general challenges stemming from the evolving media landscape and disinformation - including an overview of the existing and planned initiatives at the EU, Council of Europe and national level) and their impact on the existing rules. The final part offers a look at media plurality from a cross-border perspective.

The extensive report comprises 112 pages and offers findings based on internal ERGA data gathered from the NRAs covering the whole EU. Among the main findings of the report are the following. All NRAs implement some general measures aimed at protecting internal media plurality outside of an election period. Of course, not all categories of measures are available in all countries. A similar situation has been observed in respect of measures undertaken during

election periods, when almost all countries have specific regulations, aimed at traditional broadcasters, regarding electoral campaigns. Moreover, most countries have additional measures aimed at preserving internal plurality that are applied to public service broadcasters. In half of the countries concerned, existing measures aimed at supporting media plurality only apply to specific genres of programmes - mainly news, political, and current affairs programmes as specific genres.

From the extensive part of the report looking at the current challenges, it is clear that most NRAs agree that there is not enough evidence to properly assess the need for regulatory intervention to secure internal plurality in the face of changes to the media landscape; accordingly, they call for more research in respect of this phenomenon. It also seems that there have been discussions and calls for changes at the national level - indeed concrete proposals are already being made in this regard in some countries. Several general trends in the changing media landscape are observed in the report, whose analysis of the issue of disinformation shows that the question of regulatory intervention is a sensitive topic. The responses that were gathered by this report suggest that “NRAs have not identified radical changes that relate to disinformation but that the regulators and the public are fully aware of this phenomenon; NRAs have recently been expanding research in this field ... Disinformation can have important consequences on political debate and on decision-making processes; most countries have no measures in place tackling the issue of disinformation per se, and those that do almost never employ legislative measures ... The vast majority of NRAs consider that there is not enough evidence to assess the need for regulatory intervention in this field. However, the number of proposals to tackle the problem of disinformation is growing; The vast majority of member states and NRAs favour self-regulation to address this issue; more and more actors (states, NRAs, market players, etc.) are working to address this phenomenon. There is recognition that achieving plurality depends on a series of measures. There are some published and other planned initiatives at the national, European and international level.” The last challenge that was analysed was the cross-border dimensions. Cross-border cases involving traditional audiovisual media services and media plurality seem to be rare and, when they arise, cooperation between NRAs seems to offer solutions. A question has also been raised regarding the possible challenges posed by new services (for example, video sharing platforms and social media) in the context of internal plurality.

Building on this work ERGA has already decided to continue the work of the subgroup that prepared the 2018 report and include in its 2019 work schedule an additional special taskforce complementing the subgroup to concentrate on case studies - focusing on disinformation in the context of the forthcoming EU elections. In connection with this, it is worth noting that ERGA will play a role in the EU Action Plan against Disinformation published on December 5th 2018. Pillar 3 of the Action Plan identifies a role for ERGA in assisting the Commission to

monitor the implementation of the commitments given by signatories to the EU Code of Practice on Disinformation and to assess the overall effectiveness of the Code.

Internal Media Plurality in Audiovisual Media Services in the EU: Rules & Practices (ERGA Report)

[http://documents.rvr.sk/ file system/ERGA-2018-07 - SG1 - Report on internal plurality.pdf](http://documents.rvr.sk/ file_system/ERGA-2018-07 - SG1 - Report on internal plurality.pdf)

