[PT] Council of Ministers Approves Media Pluralism Bill

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On 19 June 2008, the Council of Ministers of the Portuguese government approved a *Proposta de Lei do pluralismo e da não concentração nos meios de comunicação social* (Draft law on pluralism and non-concentration of the media). The draft law was sent to the national Parliament, where it will be discussed and most probably approved, as the government party has the majority of the votes.

According to the Council of Ministers, this law aims to promote pluralism and independence vis-à-vis political and economic powers and to avoid media concentration. In order to achieve these general goals, the proposed law prohibits the majority of public entities from owning media assets. With the exception of public service media (radio, TV, news agencies, scientific institutions) public entities such as regional and local governments are not allowed to get involved in the media.

The proposed law on pluralism also details the nature and scope of the *Entidade Reguladora para a Comunicação Social* (Regulatory Entity for the Media – ERC) intervention in matters of pluralism and concentration. The draft clarifies the relationship between the ERC and the *Autoridade da Concorrência* (Competition regulatory body) and states the new pluralism parameters (distinct state media, ownership diversity, editorial diversity, accessibility to distribution networks and accessibility to media professional markets), which should be monitored by regulatory bodies.

Furthermore, the proposed legislation determines when the ERC should act in order to ensure the safeguard of pluralism and independence regarding political and economic powers whenever new limits are not respected. The bill establishes that horizontal limits to concentration are exceeded when one company has more than 50% audience share in a given relevant market. In case of cross ownership, which is for the first time addressed by a legal text (since the 1976 Constitution), this proposal establishes limits (to one third of the audience) in the second relevant market. The proposal also addresses vertical integration, guaranteeing the access of producers to distribution networks exploited by operators with more than 50% of the market.

If the proposed bill is approved by Parliament and ratified by the President of the Republic, this will be the very first Pluralism Law in the country, despite the relevance given to the issue by all Constitutional texts since the establishment of

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the democratic regime in the mid-1970s. Up to this day, pluralism and concentration matters have been vaguely referred to in sectorial media laws.

Proposta de Lei do pluralismo e da não concentração nos meios de comunicação social

http://www.ics.pt/index.php?op=cont&cid=79&sid=989

Law proposal on pluralism and non-concentration of the media

Comunicado do Conselho de Ministros de 19 de Junho de 2008, Proposta de Lei do pluralismo e da não concentração nos meios de comunicação social

http://www.portugal.gov.pt/Portal/PT/Governos/Governos_Constitucionais/GC17/Conselho_de_Ministros/Comunicados_e_Conferencias_de_Imprensa/20080619.htm

Council of Ministers' public statement on the approval of the Law proposal on Media Pluralism, 19 June 2008

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