Committee of Ministers: Recommendation on media pluralism and transparency of media ownership

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On 7 March 2018, the Committee of Ministers of the Council of Europe adopted a new Recommendation on media pluralism and transparency of media ownership, and follows the Committee of Ministers' previous Recommendation in 2007 on media pluralism and diversity of media content (see IRIS 2007-3/5). The new Recommendation opens with a preamble setting out the importance of media pluralism in a democratic society and of transparency of media ownership for safeguarding public debate. In particular, the Recommendation notes that fresh appraisals of existing approaches to media pluralism are needed in the light of a number of developments, including the acquisition by Internet intermediaries of increasing control over the flow, availability, "findability" and accessibility of information and other content online.

The Committee of Ministers make a number of recommendations to member states, including that member states should fully implement the new Guidelines on media pluralism and transparency of media ownership, which are annexed to the Recommendation. Moreover, member states should remain vigilant and assess and address threats to media freedom and pluralism - such as that posed by a lack of transparency of media ownership - by regularly monitoring the state of media pluralism in their national media markets, and by adopting appropriate regulatory responses, including by paying systematic attention to such matters in the ongoing reviews of their national laws and practices. Furthermore, member states should promote the goals of the Recommendation at national and international levels, and review regularly the measures taken to implement this Recommendation with a view to enhancing their effectiveness.

As mentioned above, the Recommendation's annex sets out new Guidelines on media pluralism and transparency of media ownership, and is divided into five sections. The first section concerns the positive obligation on member states to foster a favourable environment for freedom of expression and media freedom, including that national legislative and policy frameworks should safeguard the editorial independence and operational autonomy of all media to ensure that they can carry out their key tasks in a democratic society. The second section concerns media pluralism and the diversity of media content, and contains guidelines on the general and specific requirements of pluralism, including diversity of content. Notably, as media content is not only distributed, but also increasingly managed, edited, curated and/or created by Internet intermediaries, member states should

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recognise the variety of their roles in content production and dissemination and the varying degrees of their impact on media pluralism. The third section moves on to the regulation of media ownership, and includes guidelines on ownership and control, and media concentration. Notably, the Guidelines state that relevant regulation of the media should take full account of the impact of online media on public debate, including by ensuring that the producers of media content distributed through online distribution channels and users are protected from possible anti-competitive behaviour on the part of online gatekeepers which adversely affects media pluralism. The fourth section of the Guidelines addresses transparency of media ownership, organisation and financing. The Guidelines contain the specification that member states should promote a regime of transparency of media ownership that ensures the public availability and accessibility of accurate, up-to-date data concerning direct and beneficial ownership of the media, as well as other interests that influence the strategic decision-making of the media in question or its editorial line. Lastly, section five addresses media literacy and education, and includes the specification that member states should introduce legislative provisions, or strengthen existing ones, that promote media literacy with a view to enabling individuals to access, understand, critically analyse, evaluate, use and create content through a range of legacy and digital (including social) media. This should encompass appropriate digital (technological) skills for accessing and managing digital media.

Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership, 7 March 2018

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