

The State of Media Pluralism and the Initiative of the EU Commission

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I. State of Media Pluralism in Europe

- Annual Media Pluralism Monitor by the Centre for Media Pluralism and Media Freedom of the European University Institute in Florence since 2013/2014
- 200 indicators to identify and assess threats to media pluralism in the respective countries
 - Fundamental Protection
 - Market Plurality
 - Political Independence
 - Social Inclusiveness

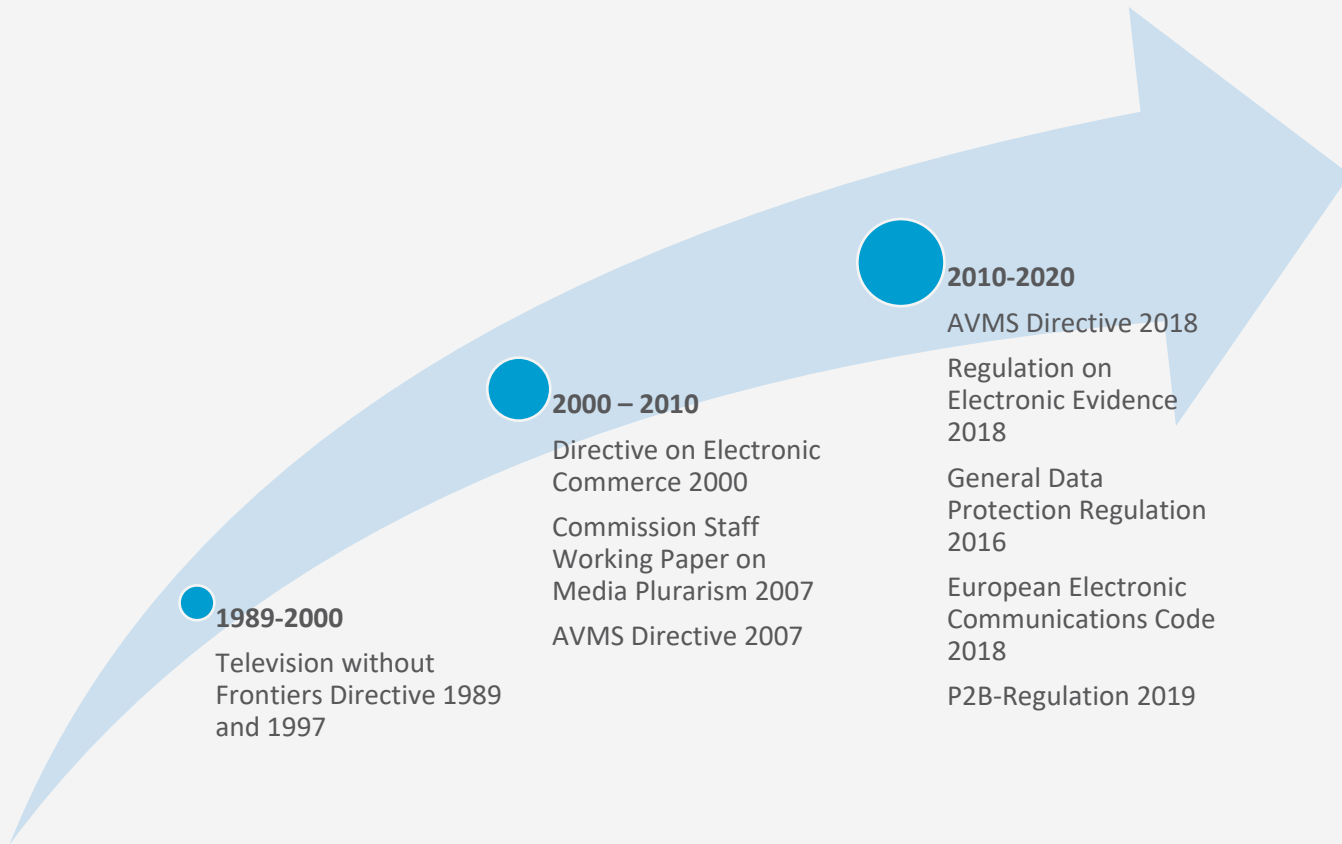
I. State of Media Pluralism in Europe

- Executive Summary Monitor 2021:
 - risk assessment for the basic protection of media diversity for 2021 is in the medium risk range across Europe at 35 %,
 - High results: market plurality 66 % and political independence 49 %,
 - Political independence: score has slightly deteriorated in recent years.

I. State of Media Pluralism in Europe

- Media Pluralism at Risk – The Situation in Hungary:
 - The Hungarian media market consists of a mix of public and private media and an increasing number of local owners influenced by the government.
 - The market used to be characterised by a high degree of political parallelism, party colonisation and instrumentalisation in line with the duopolistic political economy of the right and the left.
 - In recent years, one can rather speak of most market actors, even the private, formally independent outlets, being largely under the influence of the government.
 - Media pluralism in Hungary has been degrading since 2010.

II. European Countermeasures – Overview



Since 2020

- Recommendation on Protection of Journalists
- Disinformation
- Rule of Law Reports
- Democracy Action Plan
- Media and Audiovisual Action Plan
- Strategy to strengthen the application of the Charter of Fundamental Rights
- Anti-SLAPP Directive

Since 2020 – Regulations

- Regulation on Political Advertising
- Regulation on Terrorist Content Online
- Regulation to Prevent and Combat Child Sexual Abuse
- Digital Services Act (DSA)
- Digital Markets Act (DMA)
- European Media Freedom Act (EMFA)

II. European Countermeasures – Media Freedom Act

1. Scope of application

A service [...] where the principal purpose of the service, or a separable part of the service, is to provide, under the editorial responsibility of a media service provider, broadcasts for information, entertainment or education to the general public, by whatever means.

→ Television, on-demand services, radio, audio podcast and press

→ User-generated content only if professional and in return for payment

II. European Countermeasures – Media Freedom Act

2. Protection of media users

- Right to access a wide range of news and content on current information
 - Transparency obligations concerning:
 - Ownership structures
 - Government advertisement
- Right to customisation of audiovisual media offer

II. European Countermeasures – Media Freedom Act

3. Independence of the media

- Prohibition of state interference
- Safeguarding sources of journalistic information
- Safeguarding individual editorial decisions against commercial interests
- Media privilege in the case of removal of content by major platforms
- Independent funding and selection of management staff for public service media

II. European Countermeasures – Media Freedom Act

4. Strengthening the European control of media markets

- Requirements for national measures restricting the internal market: transparent, objective and non-discriminatory
- Requirements for the evaluation of the legitimacy of mergers in national media markets
 - Evaluation refers to the impact on media pluralism, it takes its place alongside the evaluation of the merger in terms of competition law
 - Commission issues guidelines on this, which the national authorities must take into account

II. European Countermeasures – Media Freedom Act

5. Improvement of the cooperation of the national regulatory authorities

- Establishment of a European Board for Media Services (1 representative from each Member State)
- Duties
 - Promoting the uniform application of the MFA and the AVMS-D
 - Advising the Commission and issuing opinions, e.g. on its guidelines
 - Conducting a structured dialogue with online platforms
 - Taking measures against foreign offerings if there are serious risks to safety

III. Conclusions

1. MFA sets minimum standard for media pluralism in member states.
2. Some member states fear that this will shift competencies to the EU level in an inappropriate manner. The ECJ is called upon to clarify these issues.
3. Others criticise that the powers of intervention under the MFA are too weak to bring about changes in the critical member states. Implementation will show.
4. The MFA proposal has triggered a Europe-wide debate on media pluralism and the necessary safeguards. This is a positive development.

Thank you for your attention!



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