

# NEWS MEDIA EUROPE

## Contribution on the Media Freedom Act (March 2022)

### *News Media Europe recommends*

1. Maintaining the media largely self-regulated to preserve a free and independent press.
2. Protecting newsrooms from political pressure. Ensure strict separation between governmental agenda and editorial decisions, and political accountability to all journalists, not just pro-government media.
3. Tackling state interference by making state advertising subject to transparency and fair state aid distribution rules. Clarifying that state advertising is illegal if allocated in a discriminatory manner.
4. Enforcing AVMSD rules on the legal and operational independence of regulators with the support of ERGA and the Commission.
5. Recognising the benefits of industry consolidation on media pluralism and financial viability. Prohibit restrictive concentration rules and facilitate cross-border mergers.
6. Protecting editorial independence from platforms' moderation practices and establishing fair competition with big tech to preserve press publishers' sources of revenues (copyright, advertising).
7. Enforcing existing AVMSD rules on ownership transparency. Preserve Member States' discretion on how to make information genuinely accessible.
8. Fighting intimidation suits, consistent with efforts under the upcoming anti-SLAPP Directive. Promoting non-judicial remedies available to citizens via self-regulatory bodies.
9. Tracking Member States' efforts in applying the EU Recommendations on the Safety of Journalists through indicators and progress reports. Providing remedies to journalists denied accreditation or access to public documents.
10. Promoting the financial viability and independence of private media through coordinated European investments (Media Action Plan) and regulatory strategies (DSA, DMA, Copyright, zero-VAT rate).

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## Introduction

[News Media Europe](#) is the voice of the progressive news media industry in Europe, representing over 2,500 news brands in print, online, radio and TV, through national associations from sixteen countries. Together, we defend key principles which are vital to us: protecting the freedom of the press, championing the digital future of our industry, and ensuring that the value of content is properly protected.

News Media Europe is advised by its media freedom task force dedicated to the exchange of best practice and promotion of adequate policies related to the freedom of the press. This group serves as a vector for raising awareness and bringing media freedom violations to the attention of the media, citizens and decision-makers<sup>1</sup>. Its expertise feeds directly into our response to the Media Freedom Act (MFA) public consultation.

The European news media wholeheartedly supports the European Commission's democratic vision during this mandate – a vision to which we wish to contribute the best we can. Our association welcomes the opportunity to share evidence before the publication of the MFA expected in Q3 2022.

Our submission includes elements previously shared with the study teams on “Media Plurality and Diversity Online”<sup>2</sup> and on “Supporting the preparation of an impact assessment on the European Media Freedom Act”<sup>3</sup>. We also contributed to the call for evidence published by the European Commission.

## General position

In light of the pandemic and the war in Ukraine, our fight for media freedom has become even more relevant. News Media Europe sees benefit in the introduction of a Media Freedom Act, provided that the proposed measures genuinely contribute to enhancing a free and pluralistic media environment, recognize existing well-functioning models and remain limited to the core problems media markets face.

The Media Freedom Act should not be a media content regulation (this falls under the AVMS Directive), nor should it be a rulebook for online content moderation (this is covered by the Digital Services Act).

The MFA should focus on promoting single market freedoms, based on the Article 114 TFEU legal basis, as proposed by the European Commission. To support healthy media markets, companies need

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<sup>1</sup> [“News Media Europe condemns police raid at Europa Press and Diario de Mallorca”](#), Press release, 12 December 2018

<sup>2</sup> [Study on Media Plurality and Diversity Online](#), (CNECT/2020/OP/0099)

<sup>3</sup> “Study supporting the preparation of an impact assessment on the European Media Freedom Act” (VIGIE 2021-644), PwC, Intellera Consulting srl and Open Evidence S.L

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first and foremost **editorial freedom, financial independence and fair competition**. We defined these concepts in our contribution to the European Democratic Action Plan<sup>4</sup>.

Failure to meet these conditions means that the quality of the media environment suffers, with severe consequences for media freedom and ultimately for the ability of the news media to serve its democratic mandate. Keeping media markets healthy, free and viable is of utmost social importance for the lives of European citizens and for our democratic future.

## I. Scope of the MFA

First, we wish to point out that the EU has limited competence for cultural policies. This is an area where Member States retain discretion under the principle of subsidiarity ([Article 6 TFEU](#)).

We therefore question whether the EU has sufficient legal competence to regulate “impartial and balanced media coverage” which the European Commission incorporated in its consultation. While we understand the Commission’s interest in supporting content of general interest, creating such strict categories risks excluding specialised publications or those that cater to specific audiences or segments of the population. As such publications contribute positively to pluralism and a free information landscape, we strongly caution against the harmonisation of national cultural policies and more specifically:

- a) **The temptation to make the MFA a content regulation instrument.** Media content is already subject to a myriad of EU and national rules as well as effective self-regulation. The MFA, on the contrary, should remain a market-level instrument and should refrain from creating additional content regulation.
- b) **The inappropriate harmonisation of media and cultural services in markets where audiences remain national or regional.** A regulation, with little interpretation margin for Member States, and harmonised rules for media markets that largely operate on a territorial and local language basis, seems inappropriate. Such an approach would undermine cultural market specificities and existing quality media environments.

### **Underlying problems**

Ensuring impartial and balanced media coverage is undeniably more challenging in some Member States than others, where state interference or the over-representation of oligarch-owned media outlets hamper access to free, independent and critical information. We propose solutions further down in the “limiting state interference” section.

When it comes to disinformation, journalist and Nobel Peace Prize winner Maria Ressa, addressing the European Parliament’s INGE Committee early this year, said: *“The minute you start looking at content, you’re already looking at the wrong thing. We should be looking at algorithms and models.*

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<sup>4</sup> <http://www.newsmediaeurope.eu/news/the-european-democracy-actions-plan-perspectives-from-the-news-media-sector/>

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*Because that is what has transformed our information ecosystem<sup>5</sup>”, a principle recalled in her Nobel Prize [lecture](#)<sup>6</sup>. We could not agree more.*

The European Commission is already aware of issues related to algorithmic transparency and has proposed two complementary instruments, including:

- **The Digital Services Act:** to make online platforms more responsible and transparent about content moderation decisions. Here, our sector has been clear and vocal about the risks associated with platforms’ arbitrary terms and conditions on media pluralism and on content availability. We suggest that media freedom and pluralism safeguards are retained in the final text to ensure that platforms better communicate with media companies and respect media laws<sup>7</sup>.
- **The reviewed Code of Practice on Disinformation:** to make platforms genuinely accountable to citizens and independent researchers about measures taken to limit the spread of disinformation, particularly via recommender systems and algorithmic decisions. We look forward to an ambitious Code at the end of March 2022, with appropriate media freedom safeguards, as recommended by a coalition of media organisations<sup>8</sup>.

## II. Priority recommendations

### a) Preserving effective self-regulation

The experience with self-regulatory bodies and the impact of self-regulation on journalism and ethical advertising practices is positive. In a democracy, the press must remain free from mandatory registration to any trade body or press council. Affiliation to any of these organisations must be on a voluntary basis to preserve freedom of expression and keep the media market as inclusive as possible especially for innovative formats or emerging businesses.

Adherence to ethical codes takes place very differently across countries. In **Denmark**, all general and political information publications must sign up to the Press Council’s (free) [registry](#). However, in **Sweden, Finland and Norway** press publishers do not need to formally register to press councils, although they would be bound by the Council for the Mass Media’s or the Press Ombudsman’s decisions, or even ethical rules agreed within their trade associations. For example, in Finland, the great majority of the Finnish media have signed the Council’s Basic Agreement. Hence, self-regulation is polyform, in substance and in format, depending on countries’ traditions. Please find some examples in Annex.

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<sup>5</sup> [Access to platform data key to DSA, says Nobel Peace Prize Winner](#), Euractiv, February 2022

<sup>6</sup> *“So while the public debate is focused downstream on content moderation, the real sleight of hand, happens further upstream, where algorithms of distribution have been programmed by humans with their coded bias.”*, Maria Ressa, Nobel [lecture](#), 10 December 2021

<sup>7</sup> [The Digital Services Act must safeguard freedom of expression online](#), News Media Europe, 18 January 2022

<sup>8</sup> [10 Confidence building measures for platforms to deliver verifiable and tangible actions to tackle disinformation online](#), News Media Europe website, 10 April 2021

**Given the diversity of industry codes and traditions, self-regulation should not be harmonised at European level.** Self-regulation functions very differently from one country to another, yet works towards the same objective of preserving the freedom of the press and promoting responsible industry practices. Furthermore, self-regulatory bodies already coordinate effectively at European level, where necessary. To preserve such effort and the independence of the press, **the functioning of press councils which emanate from cultural market specificities, should not be harmonised.**

Yet, we agree that self-regulation only works to the extent that citizens make full use of the non-judiciary system that is available to them. In some countries, recourse to the courts and intimidation lawsuits remain too frequent, a practice that threatens press publishers economically and editorially. **News Media Europe has high expectations for the publication of the EU Directive against SLAPPs** (expected in 2022) to encourage individuals to solve conflicts through non-judicial routes that are faster, more effective and more respectful of media freedom than legal action.

## b) Preventing state interference

Combatting state interference is one of the most business-critical issues for our membership and must be the MFA's priority. We are alarmed by the situation in several Member States, in particular in Central and Eastern Europe, not least in **Hungary** where the violation of the rule of law and basic democratic principles is making it impossible for opposition media to operate, leading to a steady decline of independent media. Please see the full case-studies in Annex. We recommend:

- **Strict separation between the government's agenda and editorial decisions.** Whenever public funding supports media outlets, whether entirely or partially, safeguards must be put in place to ensure full independence of the editorial team from governmental decisions. An independent media regulator should scrutinise the implementation of such safeguards.
- **Political accountability to all journalists, not only from pro-government outlets.** Based on the EU Safety of Journalists recommendations<sup>9</sup>, the MFA should require Member States to put in place concrete measures to ensure i) unrestricted accreditation and access to events by journalists, ii) access to public documents iii) replies to journalists' requests within a reasonable time.
- **Measures should prevent the risks of authoritarian abuses.** The deterioration of the media is often symptomatic of a broader political issue. The MFA alone cannot fix dysfunctional institutions and the violations of constitutional laws. However, the measures we propose should prevent the risks of authoritarian abuses. Additionally, policies in the field of justice provide complementing measures, such as i) the annual publication of the rule of law report ii) making EU funding conditional upon application of the rule of law and iii) making use of the Article 7 TFEU procedure for violations of EU core values (Article 2). The aim is to increase accountability to citizens and to allow for democratic check and balances.
- **Making state advertising subject to fair state aid distribution rules.** Ill-intentioned governments use state advertising to selectively support certain media companies to the

<sup>9</sup> <https://digital-strategy.ec.europa.eu/en/library/recommendation-protection-safety-and-empowerment-journalists>

detriment of others. As a solution, we suggest considering state advertising as state aid, to better assess its legality. State aid should be considered illegal if it is selective and allocated on arbitrary criteria.

- **By extension, bringing full transparency over the allocation of state advertising** to inform citizens about the public sources of the news they consume. While state advertising can be a useful policy tool and notably necessary to keep titles afloat in times of crisis (eg. public health campaigns during the pandemic), such financial support should not turn into anti-competitive, selective state aid meant to crowd out certain private media actors from the market.
- **Measures to ensure that postal delivery of printed news works equally for public and private media.** In many regions, printed news remains citizens' favourite or most accessible news product. Hence it is important to ensure the mandatory continuity of the postal service for all newspapers.

## c) Strengthening the independence of media regulators

The reviewed [AVMS Directive](#) provides that Member States shall ensure that audiovisual regulators are “legally distinct” and “functionally independent” from the government and any other public or private bodies (Article 30). These requirements are not met in some Member States.

In **Hungary** for instance, the lack of independence of the National Media and Infocommunications Authority, established under the Media Laws 2010, contributes to the dysfunctional political and media landscape. The Authority is composed of five members appointed by the government for a nine-year period. The president's mandate, which was supposed to expire in June 2022, has been shortened by the Fidesz government. In other words, the government anticipated the president's nomination two months before the April 2022 elections to keep control over the media regulator during the next term.

In the **Czech Republic**, a new law is being drafted to reduce the government's influence over the media regulator, a problem that became particularly acute over the past years. The reform should allow the Senate to take part in the nomination process of the TV and Radio Councils' members, avoid politicisation of both entities and maintain the independence of public service media. The upcoming Czech presidency to the European Union announced its intention to make media freedom a priority for the EU Council<sup>10</sup>, an agenda we hope will bring concrete results in terms of regulators' independence.

**The AVMSD should be properly enforced across Member States** under the scrutiny of ERGA and the European Commission. Peer pressure within ERGA and enforcement action by the Commission for non-application of European law should contribute to the legal and operational independence of media regulators and more certainty in the market.

<sup>10</sup> [“Media freedom to be focus of Czech EU Council presidency”](#), Euractiv, 28 January 2022

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## d) Consolidation in the interest of innovation and media pluralism

Over the past decades, the news industry has experienced prolonged, disruptive and structural changes arising from digitisation and the conduct of big tech that largely dominate advertising markets. This has exerted unprecedented pressure on European media and left the ecosystem in a fragile state, with serious consequences for media freedom and pluralism.

It is in that specific context that concentration in news media markets accelerated over recent years. In many cases this has not been a luxury but a necessity to build the scale necessary to compete. Concretely, media companies are increasingly competing with platforms for viewers' time, for their budgets in securing subscription revenues, and in advertising markets.

As such, concentration in the media sector has played an important role in securing the financial independence of the press and, by extension, the variety of editorial offerings in Europe. This has been particularly important in smaller media markets which offer limited opportunities to build scale and where concentration has inevitably increased faster. In that sense, facilitating cross-border mergers is arguably even more important for media operating in such markets.

### Benefits of consolidation

It is interesting to observe that countries that rank the highest in the World Press Freedom Index 2021 are also fairly concentrated media markets. This includes Norway (1), Finland (2), Sweden (3), Denmark (4), the Netherlands (6), Belgium (11) and Ireland (12)<sup>11</sup>. It would therefore be erroneous to conclude that concentration automatically puts media freedom and pluralism at risk. Given the war in Ukraine, it is also crucial not to weaken free models in border countries with Russia, such as Finland. The need for robust and free media in these countries is becoming even more relevant.

The examples we provide in Annex show that concentration allows for:

- Creating economies of scale and efficiencies, diversification of activities, support for innovation and uptake of new technologies (e.g use of artificial intelligence);
- Providing a safety net for news media that cannot digitally transition on their own;
- Readers to keep sources of information that are relevant and close to them;
- Providing a strong alternative to publicly owned media and ensuring a competitive market;
- Helping press publishers to stay competitive against tech giants and resist international market pressure.

The assumption that consolidation threatens media pluralism is misleading. For instance, the largest **Danish** publishing house, [JP|Politikens Hus A/S](#), publishes various daily newspapers covering a large political spectrum (liberal, conservative, etc) as well as tabloids. The diversity of publications within the same media group is uncontested. In fact, JP|Politiken Hus sees an economic upside in having titles with different editors, editorial lines and audiences – to the extent that diversity and pluralism are not seen as constraints, but rather as economic assets which help to build resilience.

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<sup>11</sup> [World Press Freedom Index 2021](#), Reporters Without Borders

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In **The Netherlands**, media pluralism was core to the adoption of the Temporary Media Concentration Act. It allowed Mediahuis to acquire NDC Mediagroep in 2020, a regional press publisher which needed investments in new technologies and digital skills to survive on the market. Consequently, consolidation offered small publications financial stability and a positive future that were key to upholding media pluralism.

## **Increasing publishers' bargaining power in copyright negotiations**

The largest press publishers in **Denmark** and in **the Netherlands** have been able to launch a collective management organization (CMO) for the administration of the press publisher right (Article 15 of the [Copyright Directive 2019/790/EU](#)). The significant initial investments required to establish CMOs would not have been possible without the resources made available by the largest publishers to contribute to creating the new legal entities, drafting the statutes, elaborating business models and redistribution plans, preparing licensing proposals and more. Depending on the terms of their mandates, CMOs can represent small press publishers who often lack legal resources and expertise to negotiate remuneration agreements with large tech players, and redistribute fees.

We also observe in ongoing copyright negotiations that especially smaller media titles are not approached by Google or Facebook unlike their larger counterparts. It is therefore clear that when it comes to remuneration agreements with tech giants, size and concentration clearly matter.

Larger media companies are also better resourced to undertake the legal costs associated with launching proceedings to enforce their neighbouring right (e.g. competition cases against Google before the *Autorité de la Concurrence*<sup>12</sup> and the *Bundeskartellamt*<sup>13</sup>). It is hoped that these procedures will eventually benefit smaller media companies that fall in the scope of the decisions.

It is also relevant to observe that an increasing number of national transposition laws include the possibility for press publishers to join forces through Extended Collective Licensing (ECL). The DSM Directive (Article 12)<sup>14</sup>, based on the framework of the Collective Management Directive<sup>15</sup>, allows press publishers to collectively negotiate with online platforms for remuneration agreements. Hence, lawmakers have already factored in a relaxed competition framework to respond to the specific needs of the press sector.

**Consolidation has brought many benefits to media markets in terms of innovation and media pluralism**, particularly in light of the increasing pressures on the market through the ruthless and anti-competitive conduct of tech giants. The need for a flexible competition framework for the media

<sup>12</sup> <https://www.autoritedelaconcurrence.fr/fr/decision/relative-des-demandes-de-mesures-conservatoires-presentees-par-le-syndicat-des-editeurs-de>

<sup>13</sup> [https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Meldungen%20News%20Karussell/2021/04\\_06\\_2021\\_Google\\_Showcase.html](https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Meldungen%20News%20Karussell/2021/04_06_2021_Google_Showcase.html)

<sup>14</sup> <https://eur-lex.europa.eu/eli/dir/2019/790/oj>

<sup>15</sup> [Directive 2014/26/EU](#) on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market



sector was also recognised as part of the new Copyright regime. **The MFA should preserve the competition acquis for the industry to stay competitive and deliver better and diverse editorial offerings.**

## e) Protecting editorial independence

News Media Europe has been clear and vocal about the risks of interference by social networks, news aggregators and search engines in the Digital Services Act, where we expect clear media freedom safeguards<sup>16</sup>. Yet, the concern that online platforms exert power over press publishers through their moderation practices remains.

When it comes to self-regulation, important safeguards exist in national Constitutions, statutory laws and at company level with the shared objective of preserving freedom of expression from internal and external pressure. Editorial independence is, after all, part of private media's credibility towards readers and advertisers. See some comparative examples in Annex.

Some jurisdictions rely purely on effective self-regulation and industry collective agreements to protect editorial independence. In **Ireland**, media organisations rely on their own editorial codes of conduct and the Press Council's Code of Practice. In the **Netherlands**, editorial independence is guaranteed by both editorial statutes and company statutes and further anchored in sectoral collective agreements.

In other jurisdictions like the **Czech Republic**, the greatest threat to editorial independence is perceived to be the financial pressure on small and independent press publishers, which means that editorial decisions largely depend on the commercial department. Due to lack of sufficient resources, newsrooms run the risk of merely reprinting press releases or news shared by public authorities. So the priority for private media remains to get sufficient (advertising) revenues to invest in quality journalism.

To conclude, **the harmonization of self-regulation is not desirable but industry solutions can serve as an example in an EU recommendation.** Editorial independence is protected through very different sets of rules, depending on the jurisdiction and practices. We should therefore preserve the well-functioning articulation between legal safeguards and self-regulation in these jurisdictions. **Efforts should rather focus on the Digital Services Act to protect European press publishers from platforms' arbitrary decisions.**

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<sup>16</sup> ["Digital Services Act must establish the right relationship between platforms, the media and their users"](#), News Media Europe, 15 February 2022

## f) Restoring fair competition with tech giants and public media

### Relation with tech giants

It is surprising that the public consultation does not inquire about the relationship between tech giants and press publishers, a problem of direct relevance to media freedom. News publishers across the European Union remain very concerned about the unfair and anti-competitive strategies of big tech, in particular in content, data and advertising markets.

**As a matter of priority, we ask the Commission to consider the economic pressure suffered by private media due to competition distortions with online platforms and bring solutions.** The MFA should complement efforts under the Digital Services Act and the Digital Markets Act and impose clear transparency requirements and data-sharing obligations on the main ad-tech players (Google, Meta).

### Relation with public service media

Europe's model of combining public and private media is beneficial for citizens and generally well-functioning. This unique dual market structure approach recognises the need to inclusively cater for all audiences and recognises that certain pro-competitive and pro-pluralistic effects can be created in media markets.

However, the funding of public media inherently carries risks of creating competition restrictions. Such anti-competitive effects can in certain cases outweigh the benefits that are generated through public media services if their activities are not exercised with due consideration for private media actors and within a limited mandate.

For instance, problems arise when public service broadcasters directly compete with private media for people's time - and in some Member States advertising revenues - while exclusively benefitting from public subsidies. This has been the case in **the Netherlands** where the Dutch Public Service Broadcaster (NPO)'s subsidised podcast discourages innovation efforts from private players on the audio streaming market. In **Finland**, stemming from a complaint by Finnmedia to the European Commission in June 2017, the Finnish government proposed to limit the scope of text-based content activities of the public service broadcaster Yleisradio and restore fair competition with private newspapers<sup>17</sup>. Similar complaints arose in Estonia, Lithuania and Denmark.

**The MFA should promote the transparent allocation of state aid in public service media and ensure that government funding is used responsibly without risks of crowding out private media.** Concretely, public service media should not overstep its mandate at the expense of market opportunities for private actors. This would ensure that media companies, public and private, can compete on the merits of the services they offer.

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<sup>17</sup> ["Parliament set to vote on Yle text content restrictions"](#), Yle, 23 February 2022.

## III. Complementary recommendations

### a) **Enforcing existing rules on transparency of media ownership and beneficiaries**

Transparency requirements over ownership structures already exist in the [Audiovisual Media Services \(AVMS\) Directive](#), Article 5(1) and (2). Before considering new provisions as part of the MFA, existing measures should be properly implemented and enforced at national level.

There are already national legislations in place to promote the transparency of financial information. Media companies, by signing up to their national business registry, will disclose all necessary information such as financial information and beneficiaries. Publicly listed companies are in addition required to disclose financials through annual reports, as detailed in Annex.

**Meaningful ownership transparency and reporting obligations measures are already in place at national level, through general and media specific laws, which also draw on the EU acquis. We would start with applying these rules in practice.** We recognise that practical enforcement can be improved in some Member States, for instance through the ability for company registries to proactively check the veracity of the data or for citizens to access information for free or against a nominal fee. We also hope that equally significant ownership transparency rules are applicable to tech giants which directly compete with media companies.

### b) **Safeguarding Single Market freedoms**

The MFA intends to safeguard the free movement of services and capital and the freedom of establishment. We support this objective to allow for more cross-border investment in media.

Expanding operations into another European market is a business decision based on market potential. It is therefore expected that a flourishing national news media market will attract investments from across borders. At the same time, news and current affairs mostly cater to national, regional or local audiences. For instance, Belgian (Flanders) publishers can in principle establish across borders but in practice only own titles in the Netherlands, Denmark, Ireland, Luxembourg and Germany. This calls for two sets of conclusions:

- 1) The centralisation of media policies at EU level would be clearly inappropriate and even risky for cultural services like news.
- 2) Media companies that have the potential to operate cross border must be able to do so based on unhindered Single Market freedoms. **Therefore, our recommendation is to uphold the functioning general market rules for the media sector.**

### c) **Promoting a free and transparent market for audience measurement**

Audience measurement should be as transparent and objective as possible and conducted in an independent manner by media companies themselves, their contractors or entities they mandate (e.g.

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trade association, joint industry body, etc). Moreover, press publishers should be able to access their audience data generated via platforms, apps and the Internet of Things. Here, News Media Europe made concrete proposals for data-sharing obligations under the Digital Markets Act.

Our members are generally satisfied with the audience measurement services available to them on the market. Their main concerns, detailed in Annex, relate to:

- a) **Maintaining a genuinely competitive market for audience measurement** while tackling the market dominance and unfair practices of larger platforms (eg. Google Analytics).
- b) **Promoting an inclusive market, with affordable services for small and medium-size publishers.** One key challenge for publishers remains the cost of measuring multi-platform audiences in an effective and representative manner.

Hence, there must be a competitive market for audience measurement which respects standards of trustworthiness, independence and transparency. **Such conditions are best achieved through industry self-regulation and many initiatives already go in this direction (see Annex).** Ultimately, the aim should be to make audience measurement an accurate, useful and affordable tool for all media companies, and to provide advertisers with reliable information. We recommend:

- **Steering away from EU harmonisation** in this area since calculation methods apply to the characteristics of each market;
- **Fostering a competitive market** for audience measurement which acknowledges greater standardisation efforts led by the industry;
- **Aiming for self-regulatory, independent and transparent audience measurement methods.** Promote industry criteria that are representative of market realities and benefit companies and advertisers;
- **Ensuring that big tech is more transparent** and adhere to data sharing obligations for publishers to understand their own audiences.

## c) **Creating a favourable environment for media innovation**

The level of attention given to innovation, data-driven solutions and new sources of investment for news media in the Media Action Plan is very positive. We would welcome complementary efforts in the MFA for a European media strategy, under the form of recommendations, including:

- **Ensuring that EU laws do not restrict media companies' sources of revenues** e.g. in the future ePrivacy, Digital Services Act and Political Advertising proposals. Based on the GDPR experience, national regulators must be provided with the means to enforce EU rules for media companies to compete on fair terms with tech giants.
- **Enforcing the Copyright Directive** to give press publishers greater bargaining power in their relations with online distributors. The Commission should continue to apply pressure on Member States to swiftly transpose the Directive through infringement proceedings. Strict compliance is crucial so that revenues derived from copyright support press publishers' investments in innovative and quality journalism.

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- **Keeping competition rules flexible enough to boost innovation:** Consolidation is still perceived as one of the most effective ways to innovate, based on back-office technologies and the transfer of knowledge and new skills. A recent Helsinki University report points to the benefits of consolidation on local media markets, on the ability to “renew business models” and “to aggregate audiences and know-how” and eventually to grow less dependent from Silicon Valley companies<sup>18</sup>.
- **Open public funding to private players in full respect of editorial independence.** In Denmark, some highly successful digital players emerged from publicly funded initiatives, such as [Zetland](#), an online media outlet specialised in story-telling and audio. Making sure that Member States make use of European funding available for private news media (Creative Europe, Digital Europe, Recovery Fund, etc) with as little red tape as possible and with high standards of transparency and objectivity is essential. Concrete support to applicants should be made available to overcome administrative challenges.
- **Encouraging governments to put in place dedicated teams for media innovation.** It appears in certain Member States, such as the Czech Republic, that there has historically not been any public advisory body dedicated to the media, nor any media policy priority in the government’s agenda. As a result, Czech media are not able to receive any financial support from the EU Recovery Fund, nor any other grant. As independent media continues to suffer from the Covid-19 crisis, financial support should not be conditional on cross-border cooperation, and be urgently facilitated by lighter administrative processes.

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<sup>18</sup> Final report “[Road to Freedom: How media and advertisers can reduce dependency on Silicon Valley tech companies](#)”, University of Helsinki, 9 February 2022 – see page 38.