



Resolution 2065 (2015)¹

Increasing transparency of media ownership

Parliamentary Assembly

1. The Parliamentary Assembly, emphasising the fundamental importance of freedom of information through the media in a democracy, recalls that media ownership transparency is necessary to enable members of the public to form an opinion on the value of the information, ideas and opinions disseminated by the media.
2. In this respect, the jurisprudence of the European Court of Human Rights requires pluralism and hence transparency of media outlets and obliges the Parties to the European Convention on Human Rights (ETS No. 5) to take positive measures to this end.
3. The Assembly recalls Article 6.2 of the European Convention on Transfrontier Television (ETS No. 132), which requires that the Parties to this convention ensure that information about the broadcaster is made available, upon request, by the competent authority of the transmitting Party, including the composition of the capital and the nature, purpose and mode of financing of the programme service the broadcaster provides or intends to provide.
4. In addition, Recommendation CM/Rec(2007)2 of the Committee of Ministers on media pluralism and diversity of media content requires that member States ensure that the public have access to specific information about the ownership, management and editorial structures of media, as well as their financing.
5. However, the Assembly notes with concern that media outlets are frequently owned and controlled in a non-transparent manner, either because of a lack of transparency obligations under domestic law in member States or through non-transparent legal constructions of indirect or hidden ownership, which is often linked to political affiliations or economic or religious interests, or to the foreign political propaganda interests of the true owner of a media outlet.
6. Moreover, because of the increased economic pressure and competition through digital media, pluralism of media outlets is particularly challenged. Media outlets have been taken over by larger media companies or wealthy individuals, whose interests are less focused on independent journalism or profitability, but rather on the possibility of leading the opinion of a sector of the public at large. Through media concentration, such opinion-leadership may have become dominant in some regional or national markets.
7. While some member States have legislation which ensures transparency of media ownership in compliance with the above standards, such legislation is lacking in a large number of member States and the laws of a few member States permit hidden or indirect media ownership, thus attracting a delocalisation of media companies into their national territory.
8. The Assembly therefore recommends that parliaments of the member States review their legislation to ensure adequate transparency of the ownership of, and influence over, media outlets (print media, film, radio, television and Internet-based media), including the disclosure of hidden ownership. In accordance with Article 10 of the European Convention on Human Rights, such reporting obligations should not be used to discriminate against foreign ownership of media or to restrict the international dissemination of media products and services. The recent challenges posed in several Council of Europe member States, by media which are

1. *Assembly debate* on 24 June 2015 (24th Sitting) (see [Doc. 13747](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Gülsün Bilgehan). *Text adopted by the Assembly* on 24 June 2015 (24th Sitting). See also [Recommendation 2074 \(2015\)](#).



owned by the Government of the Russian Federation and which are being used for foreign political propaganda purposes, are a separate political issue which necessitates further reflection by the relevant bodies of the Council of Europe.

9. The information to be disclosed about media outlets should include the following:
 - 9.1. their legal names, legal seats and contact details, as well as the profit or non-profit purpose or State ownership;
 - 9.2. the names of the persons holding editorial responsibility or the authors of the editorial content;
 - 9.3. the names of the authors of third-party content, unless the protection of journalistic sources requires that it be kept secret or the right to freedom of expression of the author is likely to be threatened beyond the limits of Article 10 of the European Convention on Human Rights;
 - 9.4. the names and legal seats of their owners; where these are third companies or other legal entities, their legal names and legal seats, as well as the size of shareholding, unless such ownership concerns an insignificant part of the media outlet;
 - 9.5. the existence of co-operation contracts with other companies or co-operation predominantly with a single advertising company;
 - 9.6. information about the placement of advertisements or any other contracts with State and local government institutions, as well as with companies owned by them.
10. The above information and any relevant subsequent change in its respect should be submitted by the media outlets concerned to an independent national media authority. The public should have free access to this information, presented in a meaningful way, in electronic format, through the media's websites and/or a centralised online database published by the national media authority. The national media authority (or other relevant public body) should be entitled to monitor the respect of reporting obligations and failure to comply with these obligations should be effectively ascertained and sanctioned.
11. In view of the complexity of media landscapes in Europe and the complexity of the ownership structures of many media outlets, member States should ensure compliance with transparency standards through their regulatory authorities or other competent authorities. It should be possible to bring complaints of non-compliance with transparency standards before the competent authorities.