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(Final version)

Increasing transparency of media ownership

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A. Draft Resolution

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 from the Parties to this convention that information about the broadcaster shall be 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 intends to provide.
4. In addition, Recommendation (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 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 to lead 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 along 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 to their national territory.

Amendment 1

Tabled by Ms Chiora TAKTAKISHVILI, Ms Inese LĪBIŅA-EGNERE, Mr Oleksii GONCHARENKO, Mr Andres HERKEL, Mr Pierre-Yves LE BORGNIER, Ms Liliana PALIHOVICI, Mr Giorgi KANDELAKI

In the draft resolution, paragraph 5, after the words "or religious interests", insert the following words: "or foreign political propaganda interests".

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 shall not be used in order to discriminate foreign ownership of media or to restrict the international dissemination of media products and services.

Amendment 3

Tabled by Ms Chiora TAKTAKISHVILI, Ms Inese LĪBIŅA-EGNERE, Mr Oleksii GONCHARENKO, Mr Andres HERKEL, Ms Liliana PALIHOVICI, Mr Giorgi KANDELAKI

In the draft resolution, at the end of paragraph 8, insert the following words: "The recent challenge posed in several Council of Europe member States by media owned by the Russian Federation government that is being used for foreign political propaganda purposes is a separate political issue which necessitates further reflection by the relevant bodies of the Council of Europe."

Amendment 2

Tabled by Ms Chiora TAKTAKISHVILI, Ms Inese LĪBIŅA-EGNERE, Mr Oleksii GONCHARENKO, Mr Andres HERKEL, Mr Giorgi KANDELAKI

In the draft resolution, after paragraph 8, insert the following paragraph:

"The use for foreign political propaganda purposes of media owned by the Russian Federation government poses a new threat to the freedom of the media and the functioning of the media market in several Council of Europe member States and needs to be combated through the introduction of new guidelines and regulations taking into account existing Council of Europe standards in the field of freedom of the media."

9. The information to be disclosed about media outlets shall include the following:
- 9.1. their legal name, legal seat and contact details, as well as the profit or non-profit purpose or State ownership;
- 9.2. the name of the persons holding editorial responsibility or the authors of the editorial content;
- 9.3. 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 seat of their owners; where these are third companies or other legal entities, the latter's 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.

Amendment 4

Tabled by Ms Chiora TAKTAKISHVILI, Ms Inese LĪBIŅA-EGNERE, Mr Andres HERKEL,

Mr Pierre-Yves LE BORGNIER, Ms Liliana PALIHOVICI, Mr Giorgi KANDELAKI

In the draft resolution, after paragraph 9.5, insert the following paragraph:

"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 shall be submitted by the media outlets concerned to an independent national media authority. The public shall have access at no cost to this information, presented in a meaningful way, in electronic format, through the media's websites and/or an online centralised database published by the national media authority. The national media authority (or other relevant public body) should be entitled to monitor the respect of the reporting obligations and failure to comply with them 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. Complaints against non-compliance with transparency standards should be possible before the competent authorities.

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution (2015) "Increasing transparency of media ownership" and draws the attention of member States to a growing lack of transparency of the ownership structures of media outlets disseminating their mass media in Europe. This tendency is alarming in view of the transparency and pluralism requirements for media under Article 10 of the European Convention on Human Rights (ETS No. 5) and other Council of Europe standards.
2. The Assembly therefore recommends that the Committee of Ministers:
 - 2.1. review and further develop Council of Europe standards in this field, in particular its Recommendation No. R (94) 13 on measures to promote media transparency and Recommendation CM/Rec(2007)2 on media pluralism and diversity of media content;
 - 2.2. invite the European Audiovisual Observatory of the Council of Europe to consider extending its action in line with the technological convergence of digital media and report, for instance in the framework of its MAVISE database (database on TV and on-demand audiovisual services and companies in Europe), about media ownership;
 - 2.3. co-operate with the European Platform of Regulatory Authorities (EPRA), in order to:
 - 2.3.1. increase compliance with transparency standards in all member States;
 - 2.3.2. co-ordinate common action by regulatory authorities, with a view to avoiding geographic lacunae in Europe;
 - 2.3.3. provide targeted support to enhance the implementation of transparency standards at national level;
 - 2.4. invite associations of media outlets, such as the European Newspaper Publishers Association (ENPA), the International Federation of the Periodical Press (FIPP), the World Association of Community Radio Broadcasters (AMARC Europe), the Association of Commercial Television in Europe, the European Broadcasting Union and the European Internet Service Providers Association (EuroISPA), to set-up, in a co-ordinated way, ethical standards on transparency of media ownership.