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A new European Convention on Freedom of the Media

Motion for a resolution
tabled by the Committee on Culture, Science, Education and Media

This motion has not been discussed in the Assembly and commits only those who have signed it

The 1989 European Convention on Transfrontier Television (ETS No. 132, "ECTT"), which regulates the cross-border broadcasting of television programmes in Europe, was initially negotiated in parallel with the European Union Directive on "Television without Frontiers". While this directive (renamed "Audiovisual Media Services Directive" – AVMSD) was revised in 2007 and 2018, the ECTT has not been revised since 2002 and has become obsolete. Moreover, it lacks a body to oversee its implementation.

In 2014, the Parliamentary Assembly called upon the European Union and the Committee of Ministers of the Council of Europe to resume talks on the revision of the ECTT, or alternatively, consider drafting a new convention focusing on freedom of expression aspects of media regulation. At that time, the Committee of Ministers rejected these proposals.

Today new regulatory responses and increased support for media freedom, pluralism and independence of the media are required more than ever. Online media has become the main source of information for certain audiences, threatening the business model of broadcasters, media companies and the press. Disinformation and hate speech are proliferating on social media platforms. Qualitative information and independent journalism are under threat.

The European Union has already provided its own answers through the revised AVMSD, the Digital Services Act (DSA) and the European Media Freedom Act (EMFA). While these regulatory instruments are heavily indebted to the soft law of the Council of Europe, they do not apply to its non-EU member States, leaving them without international tools in the fight against illegal content and disinformation.

The Committee of Ministers should initiate the adoption process for a European Convention on Freedom of the Media. This convention would ensure a comprehensive hard law regulation of media freedom for all the member States of the Council of Europe and, eventually, other acceding Parties.