



ADOPTED TEXT N° 62
Provisional Act

NATIONAL ASSEMBLY

CONSTITUTION OF 4 OCTOBER 1958

SIXTEENTH LEGISLATURE

17 January 2023

EUROPEAN RESOLUTION

on the proposal for a European Media Freedom Act

The National Assembly adopted the resolution which reads as follows:

See numbers: **601** and **614**.

.....

The National Assembly,

Having regard to Article 88-4 of the Constitution,

Having regard to Article 151-5 of the Rules of Procedure of the National Assembly,

Having regard to Article 2 of the Treaty on European Union (TEU),

Having regard to Article 114 of the Treaty on the Functioning of the European Union (TFEU),

Having regard to the Charter of Fundamental Rights of the European Union,

Having regard to the Amsterdam Protocol on the system of public broadcasting in the Member States,

Having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive),

Having regard to Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Regulation),

Having regard to the Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (COM[2022] 457 final),

Having regard to the proposal for a Directive of the European Parliament and of the Council on the protection of persons participating in the public debate against clearly unfounded or abusive legal proceedings (“strategic lawsuits against public participation”) (COM[2022] 177 final),

Having regard to Opinion 24/2022 of the European Data Protection Supervisor of 11 November 2022,

Having regard to the position of the European Regulators Group for Audiovisual Media Services (ERGA) of 25 November 2022 on the proposed European legislation for media freedom,

Considering that media freedom and pluralism are fundamental rights within the meaning of Article 11 of the Charter of Fundamental Rights of the European Union;

Considering the final report of the Conference on the Future of Europe (proposal 27(1) and proposal 37(4)), in which citizens call for the further promotion of media independence and pluralism, including the introduction of legislation to combat threats to media independence by means of prior minimum standards throughout the Union;

Considering that the European Union is entitled to guarantee and protect the independence of the media, which is one of the great European values;

Considering that the defence of media freedom and pluralism is an essential element of the rule of law;

Considering that these principles of freedom and pluralism, but also of media independence, are undermined by an increasingly concentrated audiovisual media and press landscape;

Considering that the European Union has shared competences with the Member States in respect to the area of freedom, security and justice, as laid down in Article 4 TFEU;

Considering that the free flow of reliable information is essential for the proper functioning of the internal market for media services;

Considering that the practices and legislation of the Member States must make it possible to protect the independence and pluralism of the media;

Considering the need for the proposed legislation to take into account and respect the diversity of national legal frameworks regulating public and private media;

Considering that media companies are increasingly dependent on digital platforms for access to their content;

Considering that the written press is not regulated by the Regulatory Authority for Audiovisual and Digital Communication (ARCOM), unlike the audiovisual media;

Considering the need to guarantee the independence of journalists and their protection against the threats, attacks and interference they are subject to;

Considering the increase in strategic lawsuits against public participation against journalists;

Considering the need to adapt anti-concentration devices according to the reality of current media and usage;

1. Insists on the need to include freelance journalists in the provisions protecting sources and related to censorship of content on major digital platforms;

2. Welcomes the European Commission's initiative to propose a legislative act establishing a common framework for media services in the internal market;

3. Considers, however, that an in-depth analysis of the most appropriate binding legal instrument in this case would likely reassure Member States concerned about the European Commission's intervention in the media sector;

4. Regrets the attacks on the independence and pluralism of the media and the threats and pressure exerted on journalists in several EU Member States;

5. Welcomes the fact that the above-mentioned Proposal for a Regulation COM(2022) 457 final of the European Parliament and of the

Council aims to strengthen and further organise the European information area, the preservation and integrity of which are essential in our democracies;

6. Calls on the European institutions to pay particular attention to the linkage of the proposed legislation on media freedom with the above-mentioned Directive 2010/13/EU and the above-mentioned Regulation (EU) 2022/2065, so as not to weaken the pre-existing arrangements;

7. Welcomes the provisions of the proposed legislation to ensure source protection;

8. Hopes that the guarantees set out in Article 5 of the abovementioned Proposal for a Regulation COM(2022) 457 final for the independent operation of public service media will not undermine the prerogatives of the Member States with regard to the financing and appointment of public service media managers;

9. Requests that the obligations of media service providers producing news and current affairs content, as set out in Article 6 of the proposed legislation, should not call into question either the French system of editorial responsibility or the possibility for the publication director of a print media to intervene occasionally in the content of publications;

10. Calls for a limitation of the competences of the European Board for Media Services to audiovisual media only, so that the specificities of the written press are fully preserved;

11. Insists on the inclusion of effective safeguards to ensure the full independence of the European Board for Media Services, through the creation of its own secretariat, disconnected from the Commission services;

12. Proposes to define the ways and means for a follow-up of the activity of the European Board for Media Services by the European Parliament;

13. Hopes that the provisions laid down in Article 20 of the abovementioned Proposal for a Regulation COM(2022) 457 final do not call

into question recitals 6 and 7 of the abovementioned Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010;

14. Welcomes the provisions of Article 21 on the assessment of mergers in the media market taking into account the digital environment and the global nature of the media, but calls for clarification of the assessment criteria, in particular with regard to governance and share of attention, in order to avoid differing interpretations;

15. Calls for the strengthening of Member States' obligations regarding transparency of media ownership;

16. Welcomes the provisions of Article 23 on audience measurement and calls for them to be strengthened, as regards digital platforms, by entrusting the production of audience measurement methodologies on platforms to independent third parties, in order to guarantee the quality and reliability of the data, or, failing that, by imposing on platforms the compulsory certification of their methods by an audit body, based on the French model;

17. Calls for the provisions of Article 16 to be strengthened in order to provide regulators with the means to effectively combat media service providers from outside the EU where such media cause serious harm in terms of disinformation, state propaganda, incitement to hatred and violence, and destabilisation of European democracies;

18. Calls for the provisions of Article 17 applicable to providers of very large online platforms to be strengthened, so as to oblige such platforms to make public the reasons for the removal of content and to prohibit content posted online from being blocked without prior verification by a human being;

19. Calls for guarantees of pluralism of supply and referencing on connected devices, such as speakers and televisions, and on remote controls, with the possibility for everyone to customise the media offer on the devices and on the interfaces.

Deliberated in plenary sitting, in Paris, on 17 January 2023.

The President,

Signed: YAËL BRAUN-PIVET

