

No.1, 2017 (March)

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## *Publishing/Journalism*

### **Copyright reform: Publishers Dismayed By Leaked Parliament Report**

Ever since it was published in September 2016 there has been a heated debate about the EU Commission's [proposal for a Directive on copyright in the Digital Single Market](#), not least about the proposed new publishers' right. In early March the draft report of the Parliament's Legal Affairs Committee (JURI) was leaked before final publication. Publishers were not very happy about what they learnt.

If the proposal by the Rapporteur, MEP Therese Comodini Cachia, is made into law, traditional media publishers will be able to sue internet platforms that showcase their work without permission. But it would not allow them to charge companies like Google and Yahoo when they display parts of their articles as they had hoped for, [explains the news service Politico](#) which has read the report.

Instead, the Parliament's draft concluded that linking to news articles on internet platforms is "not necessarily disproportionately harmful to the financial interests of press publishers."

"In some cases, it is these linking or referencing systems (such as hyperlinks) that facilitate the finding by users of news online portals," the report reads. "Non-commercial sharing of such news or opinions is also important in modern democratic societies."

The press publishers' association News Media Europe reacted with dismay to the Legal Affairs Committee's stance. The report "threatens the sustainability of European news media industry", [writes the association](#).

The EU Commission's proposal would grant press publishers the same rights as other rightsholders in the creative industries, like music and film producers. Comodini's report "takes this publishers' right out, replacing it by a presumption right which arguably leads to more litigation" and "fails to address the current imbalance between internet platforms on the one hand and publishers on the other".

Artists are probably happier. The proposals in the report would grant stronger powers to artists whose work appears on internet platforms like YouTube. The report calls for measures that would allow musicians, performers and other artists to ask internet platforms for more money and challenge abuses in court, [writes Politico](#).

The draft will be debated by Parliament's Legal Affairs Committee on March 22 and 23 and amendments are due by the end of the month. The committee will vote on the proposal in June and the full Parliament will approve or reject it before the end of the year.

The final legislation will be the result of negotiations between the Parliament, the Commission and the Council. [Read more](#)

Look out for Cachia's draft report on Copyright in the Digital Single Market [here](#)

## More Protection of Whistleblowers in the Making

Policymakers are beginning to stand up for the rights of whistleblowers. But “snitchers” are not regarded as heroes in all quarters.

In November last year the National Assembly in France voted to strengthen legal protection for whistleblowers. In Sweden [a new law](#) – intended to protect employees who sound the alarm in private companies providing public services – will come into force on 1 July this year.

In February this year the European Parliament [called for](#) an “effective and comprehensive European whistle-blower protection programme” to be proposed immediately by the EU Commission. The programme should include whistle-blower protection mechanisms for companies, public bodies and non-profit organisations, says the text.

Only two weeks later the EU Commission launched a consultation on whistleblower protection. “We have to weigh carefully what is the best way forward and on which level we should act to better protect them”, said Vera Jourová, the Commissioner in charge of the dossier.

The consultation is available [here](#) and will be open until **29 May 2017**.

If this would lead to a proposal for EU legislation Brussels may have reason to be pleased about Brexit. Recently the British government received recommendations from the UK Law Commission for a new Espionage Act that would put leaking and whistleblowing into the same category as spying for foreign powers. Sentences would apply even if the leaker was not British, or in Britain, or was intent on acting in the public interest.

This threatens leakers and journalists with the same extended jail sentences as foreign agents, explains [The Register](#).

## Publishers Wary of Proposed New e-Privacy Rules

In January the EU Commission proposed new legislation to ensure stronger privacy in electronic communications and align these rules with the EU's new [General Data Protection Regulation](#). A heated debate on the proposals seems to be in the making.

92% of Europeans [say](#) it is important that their emails and online messages remain confidential, but the current [ePrivacy Directive](#) only applies to traditional telecom operators. The proposed new rules will also cover new providers of electronic communications services, such as WhatsApp, Facebook Messenger, Skype and Gmail.

The rules will also become stronger. By updating the current Directive with a directly applicable Regulation, all people in the EU will have the same level of protection for their electronic communications. Businesses will also benefit from one single set of rules across the EU, says the Commission. [Read more](#)

Associations representing magazine and newspaper publishers, however, seem worried about the new rules, especially their effect on advertising.

The proposal – which introduces strict opt-in requirements – makes cooperation between press publishers and third parties more difficult when it comes to audience measurement and delivering relevant data-driven advertising. “This seriously undermines the publishers’ ability to maintain the advertising revenue they need to finance journalistic content,” [they say](#).

The European Consumer Organisation (BEUC), on the other hand, seems pleased: “This reform is the opportunity to confront the widespread problem of online tracking,” [said](#) the Director General Monique Goyens.

Now the European Parliament and Council will discuss the proposals. The Commission urges them to reach a decision no later than 25 May 2018 when the General Data Protection Regulation will enter into force. That may be optimistic considering the time and huge number of amendments that piece of legislation required.

## **UNESCO Colloquium To Discuss Crisis of Journalism**

Today the media are facing many economic challenges and a decline in audience trust. Such issues will be discussed on **23 March** at a [colloquium organized by UNESCO](#) in Paris.

Here media leaders, journalists, experts and Member States will have an opportunity to analyze the extent to which there is a “crisis of journalism”, and discuss the main driving forces involved.

The morning discussion will examine, for example, the reasons why some audiences reject “quality journalism”, choosing “unreliable sources” instead. Also discussed will be why some media fall short of professional standards and themselves promote unverified information.

The afternoon discussion will focus on how new players, including active audiences, impact on global and national media and news agendas. It will address issues such as audience fragmentation and information bubbles and how algorithms affect news on social networks.

## ***Fake News/Hate Speech***

### **Russia Launches Own Tracker of Fake News**

Probably tired of all the accusations of spreading disinformation the Russian government has launched its own official tracker of fake news grouping together unfavorable Western reports and discrediting them as inaccurate.

The Russian Ministry of Foreign Affairs launched the page from its official website at the end of February. At the time the page featured material from *The New York Times*, *Bloomberg*, NBC, Britain's *Daily Telegraph* and the U.S. local *Santa Monica Observer*, [reports the American magazine Newsweek](#).

The publications were dramatically shown on the site, stamped with red text, reading “Fake,” above the Russian language disclaimer, reading “This material contains data not corresponding to the truth.”

The ministry did not make clear what part of the information it considers inaccurate in any of the articles, nor did it provide any clarification details.

## **Media Literacy To Counter Disinformation**

The outrage in recent months over fake news, disinformation and highly biased media coverage seems to have turned media literacy into a trendy topic. Now even Facebook is touting the merits of the subject and may even dole out some money for it.

At the [2016 Annual Colloquium on Fundamental Rights](#) in Brussels in November many participants deplored the effects of the internet's filter bubbles, malign use of social media and the "failure of ethical behaviour and of a healthy political debate based on facts, dissent and respect".

Two routes were identified for addressing these challenges: commitment to ethical standards among those producing media, and media literacy among those using it. The latter should, in particular, increase understanding and transparency of algorithms, echo chambers and the 'filter-bubble' effect.

The EU Commission will support research on similar issues and has launched [a 'Media Literacy for All' pilot project](#) to promote critical thinking. The projects selected should target citizens of all age groups and some of the actions should focus on minorities, low-skilled people and people at risk of being socially marginalized (who evidently must be especially gullible).

Even Facebook seems willing to part with a tiny bit of its colossal profits to promote media literacy. Probably feeling a need to improve its lackluster image after all the criticism about fake stories appearing on its site, [Facebook said in January](#) that it hoped to train audiences with "news literacy" programs to better spot false news, as well as by producing public-service announcements about how to determine which news sources to trust.

## **Growing Concern about Hate Speech**

There is much concern about the growing tide of insults and threats against journalists but also about the media's role in spreading hate speech against other groups.

How to protect journalists from hate speech was much discussed in Brussels in November at the [Annual Colloquium on Fundamental Rights 2016](#). Participants said that national law enforcement must be given the means to ensure that individual journalists faced with threats receive appropriate protection.

Publishers and journalists' associations together with the IT industry can also play a key role by ensuring that content moderation systems and effective reporting mechanisms are put in place. [Read more](#)

In December the Commission presented [follow-up actions](#) to the Colloquium, including plans to support projects tackling hate speech against journalists. And in February this year the EU Council [promised](#) that the Union will be a strong advocate for the implementation of various UN Resolutions on the safety of journalists, focusing especially on fighting impunity.

The media's own role in disseminating hate speech has been much discussed too. In December 2016 the European Federation of Journalists (EFJ) and a coalition of civil society organisations launched [#MediaAgainstHate](#), a Europe-wide campaign which aims to counter hate speech and discrimination in the media, both on and offline, by promoting ethical standards, while maintaining respect for freedom of expression.

"As hate speech and stereotypes targeting migrants proliferate across Europe, balanced and fair media reporting is needed more than ever." says the EFJ.

Social media are often blamed for youth radicalization, but it seems more complicated than that. At the Internet Governance Forum in Mexico last December Guy Berger, UNESCO Director for Freedom of Expression and Media Development, [presented](#) some initial findings from UNESCO's ongoing research on social media and radicalization.

He noted the lack of scientific evidence of clear causal connections between what happens on social media and the radicalization process, and emphasized that in that process the role of the internet is more that of a facilitator than a driver.

## **Stopping Russian-Language Channel Complies with EU Rules**

The EU Commission [has concluded](#) that a decision by the Lithuanian regulator to suspend, for three months, the retransmission of the Russian language channel "RTR Planeta" broadcasting to Lithuania from Sweden is compatible with EU law as the channel contains incitement to hatred.

The Commission assessed the measures taken by Lithuania on the basis of the [Audiovisual Media Services Directive](#) (AVMSD), which prohibits hate speech. Lithuania has demonstrated that there have been manifest, serious and grave infringements of the prohibition of incitement to hatred. Therefore the Commission decided that the temporary suspension of the broadcast by Lithuania is proportionate and justified.

The decision highlights the importance of the fight against hate speech, says the EU Commission and points to its [proposal for the revision of the AVMSD](#) which widens the definition of hate speech by referring to 'incitement to violence or hatred' and including ethnic origin, belief, disability, age or sexual orientation as grounds of such prohibited speech.

The proposal also foresees a requirement for video-sharing platforms (e.g. YouTube) to take measures to protect citizens from incitement to violence or hatred, explains the Commission. [Read more](#)

## **Council of Europe: All Forms of Online Hate Speech Must Be Prosecuted**

The Council of Europe – in which all the EU member states and 19 other countries, including Russia and Turkey, are members – seems much concerned about hate speech too. In January the Council's Parliamentary Assembly proposed a set of measures to prevent and combat online hate.

The resolution says that Member States should strengthen their national legislation, so that it “allows for the effective prosecution of online hate speech, while fully respecting freedom of expression” and “covers all forms of online incitement to violence, bullying, harassment, threats and stalking”.

These laws must take into account a whole range of characteristics, including “sex, colour, ethnicity, nationality, religion, sexual orientation, gender identity, political or other opinion, and disability”, as grounds of protection.

The Assembly invites member States to strengthen both the content and the application of their national legislation, and as regards prevention, to raise awareness in society about the extent and impact of online hate.

The parliamentarians also call on internet intermediaries to work harder to prevent and remove online hate, and, as a matter of urgency, to invest in promoting the responsible use of online technology and forums. [Read more](#)

Let’s hope that all the member states of the Council live up to their own recommendations.

## *Media - general*

### **Will Trump-like Media Strategy Make Le Pen French President?**

Far-right leader Marine Le Pen, who is aiming to become French president in May, seems to have learnt many lessons from Donald Trump. Their media use and relationship to the press have many similarities.

Domination of social media was a key weapon in Trump's rise to the U.S. presidency. Le Pen has more than a million followers on both Twitter and Facebook, giving her a bigger social media platform than any other candidate for the French presidency, [reports the news agency AFP](#).

Her party, the National Front (FN), is trying to use the digital world to bypass the traditional media, “to speak directly to the public.” As election time looms, commentators expect its supporters to mount a crescendo of tweets and hashtags, creating “trending topics” to lure other users.

Le Pen also seems inspired by Trump’s war on the mainstream media, which in recent months has escalated from insulting individual journalists and attacking “fake news” to excluding selected news organisations, like The New York Times, from press briefings and labeling major media outlets as “the enemy of the American people”.

Marine Le Pen has her scraps with the press too. Relations between the media and the French National Front [have grown increasingly fraught](#) over the past six months as France’s presidential election draws near.

Recently Le Pen launched an attack on the media that recalled Donald Trump’s confrontation with journalists. Alluding to Emmanuel Macron, her centrist rival for the presidency, [she said](#): “The media have chosen their candidate. They are campaigning hysterically for their darling. They take the moral high ground,

pretend to only analyse the facts and then shout about the freedom of the press as soon as you criticise them".

Like Trump, Marine Le Pen also seems to lean on a media-savvy Rasputin-like figure. Trump's campaign manager – now chief strategist and senior counselor at the White House – Steve Bannon is a former film director/producer and was recently chairman of the controversial, alt-right news network Breitbart News.

Le Pen's Bannon is called Philippe Vardon. Not long ago, he was an anti-immigrant activist best known for carrying out shock propaganda operations, like occupying mosques. Today, he is a top general in the sophisticated social media campaign working to get Marine Le Pen elected as president of France. Described by his colleagues as the party's "king of agitprop," Vardon is a key member of the 'Ideas and Images' unit in Le Pen's presidential campaign, [reports Politico](#).

The day after Donald Trump's election victory, a top editor at Breitbart – Bannon's old stomping ground – [put Europe on notice](#): The provocative website that galvanized support for Trump would soon launch in France and Germany, aiming to get populists elected there too.

So far, however, not much seems to have come of this. People involved in the expansion effort [told Politico](#) in February that difficulties in recruiting journalists, language problems and other obstacles have slowed down efforts to establish French and German editions. In France, Breitbart would also have to build a following in the face of strong competition in the same ideological space.

## **Euronews Now Far From European**

Created in 1993 as a "European response" to CNN the TV Channel Euronews was founded to cover world news from a European perspective. Now that foreign investors own major stakes in the channel it can hardly be called European any more.

In February the American media conglomerate NBC Universal [bought a 25 percent stake](#) in Euronews for \$30 million. When integrated with NBC News, the channel will be renamed Euronews NBC.

"By joining forces with Euronews and their nearly 500 journalists... we will reach 277 million new households in thirteen languages across Europe, Africa and the Middle East", wrote Andy Lack, the chairman of the NBC News Group, in a memo to the staff.

The EU Commission does not own any shares in Euronews but has supported the channel since its start, providing finance for its production of programmes on European affairs and five of its language services (Greek, Hungarian, Portuguese, Farsi and Arabic). In 2016 the EU Commission granted Euronews €25 million in support.

The day of NBC's acquisition the Commission signed [a four-year agreement](#) to continue funding Euronews from 2018 until 2022. The Commission has yet to decide how much funding it will provide and could reduce funding if Euronews cuts any staff, languages or if any EU coverage is compromised.

The channel has other, more influential, backers, which seems to have caused problems lately. In 2015, Egyptian billionaire Naguib Sawiris bought a majority

stake of 53% in Euronews, following a visit by Vladimir Putin to his country. The deal raised a number of questions over Euronews' future editorial posture and its independence.

In December 2016 Euronews journalists passed [a no-confidence vote](#) on the broadcasters' management and adopted a statement saying that their channel could no longer be seen as an independent and balanced voice. A journalist explained that they were no longer allowed to criticise Turkey following the failed 15 July coup and Russia's assertive policy vis-à-vis neighbours and EU member states.

## **Soon See Your Netflix Films Anywhere in EU**

Given all the misgivings about the EU these days the European Commission must have been delighted in February when it could announce not only a deal paving the way for the abolition of mobile roaming fees in June this year but a similar agreement regarding online content services as well.

Europeans will soon be able to fully use their online subscriptions to films, sports events, e-books, video games or music services when travelling within the EU, explained the Commission following an agreement between the European Parliament, the Member States and the European Commission.

Aimed at people temporarily in another EU country for holidays, a business trip or studies the future regulation will enable consumers to access their online content services when they travel in the EU in the same way they access them at home.

Online content service providers like Netflix or Spotify will verify the subscriber's country of residence by using payment details, the existence of an internet contract or by checking the IP address. They must, however, inform customers of the verification methods used and take appropriate security measures to protect their data.

The rules will apply only to online fee-based services. Free-of-charge services – like those provided by public broadcasters – will not be subject to the rules, but their providers will have the option of making them portable EU-wide as long as they verify the country of residence of their subscribers.

Once formally adopted, the rules will become applicable in all EU Member States by the beginning of 2018 (the Regulation grants providers and right holders a 9 month period to prepare for the application of the new rules). [More info and links to documents](#)

## **Report on Growing Media Concentration**

The Italian media are currently fending off a so-called "French invasion". A total of 177 takeovers of Italian companies by the French took place between 2012 and 2016. This is one example of the increasing media concentration cited in a report on *Media Ownership, Market Realities and Regulatory Responses* recently published by the European Audiovisual Observatory at the Council of Europe in Strasbourg.

The report cites a "major process of consolidation" and shows that the big pan-

European media groups are increasingly present in audiovisual markets. The authors then examine European legislation aimed at ensuring media diversity. One of the greatest challenges for EU media law at present is the increasing “amalgamation of previously separated media sectors”, they say.

The authors conclude that European legislators must remain vigilant both at national and pan-European levels. Measures such as ensuring transparency of ownership and efficient monitoring procedures remain vital safeguards to ensure that many voices can be expressed and heard. [Read more](#)

## *Internet/Tech Industry*

### **Erosion of U.S. Net Neutrality Rules To Spread to Europe?**

Given the global nature of the internet and the importance of the American tech industry, policy changes in the United States are likely to have repercussions in Europe and other parts of the world.

Ajit Pai, President Trump’s pick to lead the regulatory agency [Federal Communications Commission](#) (FCC) seems determined to dismantle, or at least much weaken, the rules on net neutrality adopted two years ago which were warmly welcomed by civil society groups in many countries.

Soon after his appointment Ajit Pai – a former lawyer for the American telecom giant Verizon – noted that his FCC predecessor, Tom Wheeler, had rammed through a series of actions right after the previous presidential election. Many of those efforts would be revoked, [he said](#).

The biggest target will be net neutrality, a rule created in 2015 that prevents internet service providers from blocking or discriminating against internet traffic. The rule, which was created alongside a decision to categorize broadband like a utility, was the tech centerpiece of the Obama administration, [writes the New York Times](#).

In early February the FCC took its first steps to pull back those rules when Pai closed an investigation into zero-rating practices of the wireless providers T-Mobile, AT&T and (Pai’s old employer) Verizon. Zero-rating is the much criticized preferential offering of free streaming of certain services (like Facebook) that do not count against limits on the amount of data a consumer can download.

Democrats in Congress have said they would fight legislation that waters down net neutrality rules, but they face great opposition from Republicans who have promised to prioritize the overturning of these rules.

Policymakers in the European Parliament seem concerned about a dismantling of the American rules. “Erosion of norms in the United States can lead to pressure to erode net neutrality in the EU too, warned MEP Marietje Schaake at the [International Conference on Computers, Privacy & Data Protection \(CPDP\)](#) .

## **Danish Foreign Minister: Tech Giants Have More Influence Than Many Countries**

Denmark will become the first nation in the world to appoint a 'digital ambassador', [reports the news network The Local](#).

Foreign Minister Anders Samuelsen revealed the plans in [an interview with the Danish newspaper Politiken](#) in January, saying that companies like Google, Apple and Microsoft "affect Denmark just as much as entire countries".

"These companies have become a type of new nations and we need to confront that," stressed Samuelson.

The Foreign Minister said that through the ambassadorship Denmark will work toward better relationships with the American tech firms that have amassed fortunes much larger than some of the countries with which Denmark practises traditional diplomacy.

## ***Artificial Intelligence/Big Data***

### **Artificial Intelligence – Next Big Policy Issue?**

Today uses of artificial intelligence (AI) are developing at lightening speed in many parts of the economy, including the media. In recent months policymakers seem to have awakened to this fact and begun discussing its possible implications.

The tech giants are leading the way into the brave new world of AI. The chief executive of Google, Sundar Pichai, has said on several occasions that the Google of the future was going to be "AI first" and has reorganized the company accordingly. Facebook, too, is now involved in an arms race for AI talent, [reports the New York Times](#).

What will AI mean for journalism? Francesco Marconi, Strategy Manager for Associated Press, seems quite optimistic. News automation – where artificial intelligence systems generate written stories and alerts directly from data – will free up journalists' time from labor-intensive tasks so they can do higher-order journalism. They will also get smart tools to augment their writing and be able to do more investigative work by analyzing massive sets of data, [he writes](#).

But Marconi warns that "we still know very little about the ethical implications of news augmented by machine learning " and says that "it will be crucial in 2017 for the industry to consider the trade-offs that will come from increased efficiency and productivity."

At this year's World Economic Forum in Davos in January artificial intelligence was buzzword number one. Many concerns were raised, for example about machine learning algorithms developing their own biases leading to various forms of discrimination. Massive job losses were another worry. [IMF Managing Director Christine Lagarde said](#) that the ongoing 'fourth' industrial revolution will disrupt societies in a greater manner than globalisation. Robots and artificial intelligence will make hundreds of thousands of jobs redundant.

Recently Professor of Law Eric Hilgendorf [warned](#) that displacement in the labour market will also be the case for “demanding professions like banking consultants, teachers and journalists.”

In February the European Parliament asked the EU Commission to propose rules on robotics and artificial intelligence. MEPs focused on liability rules and the impact of robots on the workforce, and stressed that the growing use of robotics also raises ethical issues, for example to do with privacy and safety. [Read more](#)

Soon thereafter the Parliament’s Legal Affairs Committee decided to launch a [public consultation](#) on the topic to encourage citizen and stakeholders alike to have a say on the future political thinking and legislation in the fields of robotics and artificial intelligence. The consultation will be open until **30 April 2017**.

## Privacy in the Age of Intelligent Machines

The yearly international Conference on Computers, Privacy & Data Protection (CPDP) – a multidisciplinary forum discussing legal, regulatory, academic and technological development in privacy and data protection – attracts many policymakers and others working with or interested in these issues.

This year [CPDP 2017](#), which took place in Brussels on 25-27 January, had the theme The Age of the Intelligent Machines. Among the numerous subjects discussed were:

- Algorithmic decision-making, artificial intelligence and fundamental rights
- Connecting everything everywhere – privacy and security trade-offs in the Internet of Things
- Online advertising, data protection and privacy concerns of users, industry and regulators

Videos of these and all other [panel discussions are online now](#).

## How To Protect Personal Data in a World of Big Data

How can one protect the rights of people whose data is used in the rapidly growing number of applications of Big Data? In January, the Committee of the Council of Europe’s Data Protection Convention, also known as “[Convention 108](#)”, adopted [Guidelines](#) aiming to help policymakers and organisations processing personal data to do just that.

The Guidelines on Big Data contribute to the protection of data subjects by spelling out the applicable data protection principles and corresponding practices, with a view to limiting the risks for data subjects’ rights.

These risks mainly concern the potential bias of data analysis, the underestimation of the legal, social and ethical implications of the use of big data for decision-making processes, and the “marginalisation of an effective and informed involvement by individuals in these processes.”

Among the recommendations: Data controllers and processors should assess the likely impact on human rights of big data processing, for example, by establishing

ethical committees. These should carry out risk assessments, and develop solutions by-design and by-default to mitigate the risks.

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## ***European Media Policy***

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The Newsletter provides an up-date on policy developments at the European level. We concentrate on news from the European Union – current issues and trends in media policy, new proposals for legislation, debates in the European Parliament, recently taken or impending policy decisions and reactions among those concerned, new support programmes, EU studies in the field etc. There will also be some coverage of policy developments in the Council of Europe and at the international level. The newsletter is published three times a year.