

Brussels, 12 January 2024

EBU's Contribution to the 2024 Rule of Law Report -Targeted Consultation

The European Broadcasting Union (EBU) is the world's leading alliance of public service media (PSM). The EBU purposes include safeguarding and promoting freedom of information, media freedom, the free flow of information and ideas and the free formation of opinions.

In recent years, the European Commission has adopted non-binding acts and proposed several regulatory initiatives that will become legally binding acts (the upcoming EMFA Regulation and anti-SLAPPs Directive) aimed at defending media freedom and pluralism. As an association that believes that freedom of expression and information is one of the fundamental conditions for the progress of a democratic society, we support and encourage the objectives pursued by the Commission. Due to the rapid evolution of the media sector and the necessity to prevent circumvention of EU legislative texts, we underline the need for regular ex-post evaluation, based on evidence-based assessment, to ensure that the provisions of the binding acts remain in line with the original objectives pursued by the Commission in its legislative initiatives.

Given the erosion of the rule of law across the EU, we believe that the Commission's role in ensuring that EU laws are properly implemented is crucial. The Rule of Law Report is a complementary preventive tool that enables the Commission to engage with EU Member States to identify emerging challenges and prevent further deterioration. In the media freedom and pluralism pillar, we welcome more systematic cooperation with the Council of Europe and the Organization for Security and Co-operation in Europe. Against this backdrop, we would like to reiterate our support for bilateral dialogues between the European Commission and Member States to address the challenges to the independence of public service media and the importance of involving relevant stakeholders to develop tailored country-specific recommendations to accompany the Country Chapters.

Regarding the framework for the protection of journalists, we support the Commission to engage with EU Member States on the measures they have adopted following the Recommendation on the protection, safety and empowerment of journalists. Since the Recommendation adoption in 2021, there has been increased awareness of the use of spyware by some EU Member States. These intrusive technologies are also being used to target journalists and other media professionals, posing a serious threat to their fundamental rights, including but not limited to their right to privacy and freedom of expression, and undermining the principle of confidentiality of sources. We therefore call on the Commission to consider including a section in the 2024 Rule of Law Report monitoring Member States' use of spyware that violates human rights standards and the EU regulatory framework, and to accompany this monitoring with specific recommendations.

Finally, some foreign authorities attack and harass EU-based journalists, their families and acquaintances. These threats, of which the EBU is deeply concerned, are aimed at censoring independent reporting and constitute direct violations of international human rights by authoritarian regimes¹. We call on the Commission to include questions on these violations in future consultations related to the annual Rule of Law Report. The answers can document and help coordinate the EU specific requests in EU's external action engagements with these authoritarian regimes.

¹ See: <https://corporate.dw.com/en/dw-and-bbc-appeal-for-protection-of-journalists-reporting-on-iran-at-un-rights-council-in-geneva/a-65051971>