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Subject: Presidency conclusions after the annual rule of law dialogue on the topic  
“Media pluralism and the rule of law in the digital age”

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Delegations will find in Annex the Presidency conclusions following the annual rule of law dialogue on the topic “Media Pluralism and the Rule of Law in the Digital Age”, based on discussions in the Council (General Affairs) on 17 October 2017.

## PRESIDENCY CONCLUSIONS

following the annual rule of law dialogue on the topic

“Media Pluralism and the Rule of Law in the Digital Age”

On 16 December 2014, the Council of the European Union and the Member States meeting within the Council adopted conclusions<sup>1</sup> on ensuring respect for the rule of law establishing an **annual political dialogue among all Member States within the Council to promote and safeguard the rule of law** in the framework of the Treaties. Following the first two rounds organised by the Luxembourg<sup>2</sup> and the Netherlands<sup>3</sup> Presidencies and the evaluation of the dialogue conducted by the Slovak Presidency in 2016<sup>4</sup>, the Estonian Presidency organised on 17 October 2017 the third annual rule of law dialogue in the Council (General Affairs) on the topic “Media Pluralism and the Rule of Law in the Digital Age”.

On 12 July 2017 the Presidency organised **an informal expert seminar** in Brussels on the subject of media pluralism and the rule of law in the digital age. The seminar brought together representatives from the EU Member States, EU institutions, the EU Agency for Fundamental Rights, the Council of Europe, journalists and media companies and civil society and academia.<sup>5</sup> The seminar highlighted the role of a pluralistic, independent and trustworthy media as a watchdog and guardian of democracy and the rule of law, and provided input for the dialogue.

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1 17014/14  
2 13744/15  
3 8774/16  
4 14565/16  
5 12112/17

**The Director of the EU Agency for Fundamental Rights (FRA)**, who was invited to address the Council on 17 October, stressed that media pluralism is a pre-requisite for democracy and fundamental rights. The digital age provides new opportunities but also new challenges to the rule of law and human rights as they relate to the media, for example with regard to equality, since access to the digital world is distributed unequally. Furthermore, journalists and other media actors are facing threats such as censorship, political and economic pressure, intimidation, job insecurity, abusive use of defamation laws as well as physical attacks in many European countries. Increased levels of disinformation are another core challenge, including for democracy and the rule of law. This challenge has to be counterbalanced by increased levels of media literacy. The Director emphasised that FRA is ready, in particular through surveys and collection of best practices, to support EU institutions and EU Member States in addressing this and other challenges.

**The Ministers** agreed that free, reliable and pluralistic media underpin effective democracy, while digital disinformation on a massive scale has the potential to undermine it. The digital age has brought about new challenges that need to be addressed in cooperation between the Member States, EU institutions, EU agencies and international organisations, such as the Council of Europe, the United Nations and the Organisation for Security and Cooperation in Europe. It was suggested that the challenges arising from the continuous development of the digital **environment must be monitored** and addressed if the Member States and the EU are to maximise benefits while fulfilling their duty to uphold fundamental rights, democracy and the rule of law.

The Ministers also exchanged **best practices** on how to support journalists, publishers and internet intermediaries in guaranteeing the quality of journalism and reliability of information, and on what Member States can do to ensure that EU citizens of all ages have sufficient media literacy skills. It was noted that:

- Current legislation is deemed to be sufficient in broad terms but it must be better applied and supported by flanking measures such as fact-checking websites, voluntary codes of conduct and intensified cooperation with service providers, which is already in place in several countries as well as at EU level.
- School curricula should support digital skills, media literacy and critical thinking. This applies especially to children and young people, but sufficient attention should also be devoted to lifelong learning as well as to training teachers.
- Member States have a role to play in ensuring that the media landscape remains pluralistic, in supporting quality journalism and in securing a safe working environment for journalists.
- Cooperation with non-governmental organisations, including in the field of media, could be helpful in tackling these issues.
- Massive disinformation by foreign actors in order to intervene with democratic processes is a separate issue that needs a strategic response.

**In conclusion, the Presidency noted** that in cooperation with trio partners it would forward these Presidency conclusions to the relevant Council preparatory bodies for further consideration. Further follow-up may be considered when the Council re-evaluates the rule of law dialogue by the end of 2019. The Commission was encouraged to continue to monitor these new challenges of the digital age, and FRA was invited to facilitate the exchange of related good practices, tools and methods.

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