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COVER NOTE

From:	The Parliament of Denmark
date of receipt:	9 December 2022
To:	Mr Jiří GEORGIEV, President of the Council of the European Union
Subject:	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 [12413/22 - COM (2022) 457 final] • Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find enclosed the opinion¹ of the Danish Parliament on the above.

Please note that the Commission reply will be available at the following address:

https://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npo/denmark/2021_en.htm

¹ The translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange website (IPEX) at the following address: <http://www.ipex.eu/IPEXL-WEB/search.do>



FOLKETINGET

Næstformand Maroš Šefčovič
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Begrundet udtalelse vedrørende Kommissionens forslag til en forordning om mediefrihed - KOM (2022) 457

Folketinget har behandlet Kommissionens forslag til Europa-Parlamentets og Rådets forordning om mediefrihed (KOM (2022) 457), og vurderet om det overholder nærhedsprincippet.

Et flertal i Folketinget bestående af Socialdemokratiet, Venstre, Moderaterne, Socialistisk Folkeparti, Danmarksdemokraterne, Liberal Alliance, Konservative Folkeparti, Enhedslisten, Det Radikale Venstre, Nye Borgerlige og Dansk Folkeparti finder, at forslaget strider mod nærhedsprincippet. Folketinget støtter op om mediefrihed, men finder, at Kommissionen med forslaget regulerer på et område med delt kompetence, hvor medlemsstaterne bedre selv kan regulere. Fra Folketingets side finder man generelt, at Kommissionen bør være tilbageholdende med at foreslå regulering af nyhedsmedier, der bedst reguleres nationalt og i overensstemmelse med nationale traditioner på området. Det gælder særligt fordi nyhedsmedier sprogligt, kulturelt og emnemæssigt i høj grad er rettet mod en specifik medlemsstat, og der derfor ikke ses noget væsentligt grænseoverskridende element, der nødvendiggør harmonisering via TEUF art. 114.

Konkret finder Folketinget, at forslaget er i strid med nærhedsprincippet på to områder:

- I forslagets artikel 5 reguleres forholdet mellem medlemsstaterne og public service-medier. På linje med protokol nr. 29 ("Amsterdamprotokollen") om offentlig radio- og TV-virksomhed i medlemsstaterne finder Folketinget, at det er op til medlemsstaterne at regulere og finansiere public service-medier nationalt.
- I forslagets artikel 6 pålægges medietjenesteudbydere, herunder særligt udbydere af nyheds- og aktualitetsindhold, en række forpligtelser, der skal sikre den redaktionelle uafhængighed. Folketinget finder, at nyheds- og aktualitetsindhold i høj grad er rettet mod en natio-

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Det Internationale
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nal kontekst (kulturel, sproglig, m.v.), der betyder, at det grænseoverskridende elementer er yderst begrænset. Der ses derfor ikke behov for at harmonisere regler på dette område

Med venlig hilsen

Kim Valentin

Formand for Folketingets Europaudvalg



Vice President Maroš Šefčovič
European Commission
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Reasoned opinion concerning the Commission proposal concerning a media freedom act – COM (2022) 457

The Danish Parliament, Folketinget, has examined the European Commission's proposal for a regulation establishing the European Media Freedom Act (COM (2022) 457), and considered whether the proposal complies with the principle of subsidiarity.

A majority in Folketinget encompassing the Social Democratic Party, the Liberal Party, the Moderates, the Denmark Democrats, the Green Left, the Liberal Alliance, the Conservative Party, the Red-Green Alliance, the Social Liberal Alliance, the New Right and the Danish People's Party finds that the proposal does not comply with the principle of subsidiarity. Folketinget supports media freedom, but finds that the European Commission with its proposal for a regulation seeks to regulate in an area with shared competence, where member states could regulate better themselves. Generally, Folketinget finds that the Commission should show restraint when it comes to proposing regulation of news media as they are best regulated nationally and in accordance with national traditions. This is in particular true because news media – as far as language, culture and choice of topics are concerned – is largely targeted at each individual member state. Because of this, there is no significant cross border element that necessitates harmonisation using article 114 TFEU.

More specifically Folketinget finds that the proposal violates the principle of subsidiarity on two accounts:

- In article 5 of the proposal the relationship between member states and public service media is regulated. In line with protocol no. 29 ("the Amsterdam Protocol") on the system of public broadcasting in the Member States, Folketinget finds that it is up to the member states to regulate and finance public service media nationally.
- Article 6 of the proposal instructs media service providers, and more specifically providers of news and current affairs content, to take action to ensure editorial independence. Folketinget finds that news

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and current affairs content largely is directed at a national context (culture, language, etc.). This implies that the cross border elements are very limited and that there is therefore no need to harmonise rules in this area.

Sincerely yours

Kim Valentin
Chair of the European Affairs Committee of Folketinget

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