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COVER NOTE

From:	Oireachtas
date of receipt:	8 December 2022
To:	Ms Thérèse BLANCHET, Secretary-General 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] – Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality
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Delegations will find attached the opinion of the Oireachtas 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/ireland/2021_en.htm

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**Tithe an
Oireachtais**
**Houses of the
Oireachtas**

TITHE AN OIREACHTAIS

AN COMHCHOISTE UM THURASÓIREACHT, CULTÚR, EALAÍONA, SPÓRT AGUS MEÁIN

Cion Polaitiúil maidir le

RIALACHÁN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE creat
comhchoiteann a bhunú le haghaidh seirbhísí meán sa mhargadh inmheánach (An
tAcht Eorpach um Shaoirse na Meán) agus lena leasaítear Treoir 2010/13/AE

December 2022

HOUSES OF THE OIREACHTAS

JOINT COMMITTEE ON

TOURISM, CULTURE, ARTS, SPORT AND MEDIA

Political Contribution on

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

December 2022

TCASM/22/08

INTRODUCTION

1. The Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media considers *COM(2022)457 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* to be of major significance to Ireland and to the European Union.

COMMITTEE SCRUTINY

2. The Committee considered the European Media Freedom Act (EMFA) proposal at its meeting of 27th October 2022, and agreed that it would be further scrutinised.
3. The Committee held a public oral hearing on 9th November 2022 with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, the National Union of Journalists, and the Dublin City University Institute for Future Media, Democracy and Society.
4. Following its hearing with these stakeholders, the Committee reconvened to consider the EMFA proposal on 23rd November 2022. It was then agreed by the Committee that a political contribution on the proposal would be prepared for issue to the European Union institutions.

DECISION OF THE COMMITTEE

5. On 7th December 2022, the Committee agreed to forward a copy of this political contribution to Catherine Martin T.D., as Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, to Ursula von der Leyen, as President of the European Commission, to Roberta Metsola, as President of the European Parliament, and to the President of the Council of the European Union.
6. The Committee further agreed that, in the interests of interparliamentary cooperation on European Union matters, a copy of this political contribution

would be forwarded to the appropriate body in the national parliament of each European Union Member State and to Ireland's Members of the European Parliament.

OPINION OF THE JOINT COMMITTEE

7. The Joint Committee on Tourism, Culture, Arts, Sport and Media welcomes the proposal for the European Media Freedom Act. In the context of widespread danger to media diversity, media plurality, and freedom of expression, in addition to the risks inherent in the dissemination of mis- and disinformation, the Committee is in favour of action at European Union level to protect media and the democracies that media support.
8. The Committee notes that many of the provisions contained within the proposal for the European Media Freedom Act reflect a great deal of the current protections already granted by the Irish state to the media sector; these include the Broadcasting Act 2009, the Competition Act 2002, the Competition and Consumer Protection Act 2014, and the upcoming Online Safety and Media Regulation Bill 2022. Indeed, the Committee observes that Ireland scored as “low risk” in terms of its fundamental protections for media pluralism and in terms of the political independence of Irish media, as assessed by the European University Institute's 2022 Media Pluralism Monitor.
9. The Committee is highly favourable to those provisions of the European Media Freedom Act that will bolster the Irish regulatory framework, such as Article 6 in relation to the publication and general availability of media ownership details, Article 23 in relation to regulating audience measurement systems and methodologies, and Article 24 in relation to rules on the allocation of State advertising to media service providers.
10. As recipients of media services within the European Union have a right to receive and impart information pursuant to Article 11 of the Charter of Fundamental Rights of the European Union, it is the opinion of the Committee

that this right, and the ability to access free and pluralistic media services in the European Union, cannot be enjoyed by all unless it is accompanied by sufficient media literacy education. The Committee notes that the revised Audiovisual Media Services Directive (Directive (EU) 2018/1808) particularly emphasises the role of media literacy, defining media literacy as “[referring] to skills, knowledge and understanding that allow citizens to use media effectively and safely. In order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills. Media literacy should not be limited to learning about tools and technologies, but should aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact.”

11. Furthermore, as recognised by the European Media Freedom Act, challenges to the right to receive and impart information and to the ability to access free and pluralistic media services are compounded by challenges to media pluralism and media freedom as a result of the predominance of online platforms. The Committee therefore recommends that consideration be given to imposing a levy on “tech giants” established within the European Union, from which funding could be sourced for the establishment and strengthening of media literacy initiatives across Member States.
12. The Committee welcomes the contents of the accompanying recommendation to the European Media Freedom Act, which provides a catalogue of internal safeguards that can be adopted within media companies with a view to guaranteeing the independence of individual editorial decisions. However, the Committee is strongly opposed to such mechanisms taking a voluntary or self-regulatory form; it has long been the Committee’s view that self-regulation is equivalent to no regulation, and urges in the firmest possible terms that the European institutions consider elaborating rules for media companies that are fully binding in respect of safeguarding the independence of individual editorial decisions.

APPENDIX 1: RELEVANT PUBLIC ORAL HEARINGS

The Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media held one public oral hearing to consider the 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, which took place on **9th November 2022**.

The following witnesses were in attendance:

- **Adam Larragy**, Principal Officer | *Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media*
 - Adam Larragy's opening statement is linked [here](#)
- **Luke Devoy**, Assistant Principal Officer | *Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media*
- **Séamus Dooley**, Irish Secretary | *National Union of Journalists*
 - Séamus Dooley's opening statement is linked [here](#)
- **Dr Roderick Flynn**, Principal Investigator of the Media Pluralism Monitor project and the EuroMedia Ownership Monitor project for Ireland | *Dublin City University Institute for Future Media, Democracy and Society*
 - Roderick Flynn's opening statement is linked [here](#)