

Kulturdepartementet  
[postmottak@kkd.dep.no](mailto:postmottak@kkd.dep.no)

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## Høring: Revisjon av EUs TV-direktiv "Television without Frontiers".

Norsk Journalistlag deler bekymringen til andre europeiske journalistorganisasjoner når det gjelder kommisjonens forslag om åpning for produktplassering og for ytterligere liberalisering av reguleringen av fjernsynsreklame.

NJ frykter at utvidelse av grensene for tillatt daglig mengde reklame i fjernsyn og liberalisering av adgang til plassering av fjernsynsreklame, utelukkende vil bidra til ytterligere kommersialisering av europeisk fjernsyn. En utvikling vi frykter bare bidrar til å undergrave eierens vilje til å satse på utvikling av uavhengig, kritisk journalistikk og smalere programmer.

NJ mener det må åpnes for generell nasjonal adgang til å forby produktplassering i fjernsynsprogrammer. Det er ikke tilstrekkelig å beskytte rene nyhetssendinger, barneprogrammer og religiøse programmer. Det er i tillegg behov for en vid definisjon av begrepet nyhetsprogram. Her bør inngå både rene nyhetssendinger, aktualitetsprogrammer, magasinprogrammer om politikk, vitenskap, forskning, kultur og sosiale spørsmål, samt debattprogrammer om aktuelle samfunnsproblemer.

NJ mener det er behov for å sikre – og ikke undergrave – målsettinger om pluralisme i europeiske medier. Regulering av europeisk fjernsynsindustri må støtte opp under et uavhengige, "public service" oppdrag innenfor europeisk kringkastingsvirksomhet.

NJ viser til Europarådets rapport fra desember 2002 om mediemangfold i Europa, hvor blant annet følgende tre forhold understrekes:

"The development of digital technology poses new challenges to pluralism which results from, among others, the use of proprietary systems by operators. The trend towards media concentration is strengthened with digital convergence. Liberalisation and globalisation of markets increase the pressures for concentration on the national scale.

States need to strengthen national regulators and authorities responsible for ensuring and protecting media pluralism. Constant monitoring and proactive policy-making by States are required.”

Europaparlamentet uttrykte under sin behandling av artiklene 4 og 5 i det foreslåtte TWF-direktivet i fjor stor uro over utviklingen mot både vertikal og horisontal eierkonsentrasjon i europeiske medier.

Parlamentet uttalte at det var ”alarmed at the tendency towards (vertical and horizontal) concentration of media in Europe, which poses a threat to democracy and a risk to cultural diversity and could accentuate tendencies towards the extreme commercialisation of the audiovisual sector and the hegemony of certain national products over those with narrower linguistic areas and smaller production.”

(Report A6-0202/2005 Final, by Henri Weber, MEP)

– Den Europeiske Journalistfederasjonen, EFJ, kommenterer i sin høringsuttalelse til TWF-direktivet kommersialiseringen i europeisk fjernsynsindustri:

”Increased commercialization has already had a damaging impact on quality in many sectors of industry, as a result of cuts in editorial budgets and increasing use of freelance journalism. The EFJ notes that the trend over the past years has been towards less investment in professional training, less focus on investigative journalism and a general reduction in scope of editorial coverage, particularly foreign affairs. Increasingly there is pressure to integrate advertising and commercial objectives into editorial work .”

Norsk Journalistlag viser for øvrig til vedlagte forslag til endringer i direktivet, framsatt av den europeiske journalistfederasjonen, EFJ.

Med vennlig hilsen

Ann-Magrit Austenå  
Leder



**European  
Federation  
of Journalists**

**ARNE KÖNIG**  
Chair

**AIDAN WHITE**  
General Secretary

**March 2006**

**EFJ Position on the  
Commission Proposal for a Directive of the European Parliament and of the  
Council amending Council Directive 89/552/EEC**

**“Television without Frontiers”**

On 13 December, the Commission adopted the proposal of the revision of the “Television without Frontiers” Directive (COM 2005/2060) on the Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

This directive is currently under discussion at the European Parliament for a first reading. It sets the European framework for a series of aspects concerning broadcasting, both analogical and digital audiovisual services.

The European Federation of Journalists, the regional group of the International Federation of Journalists, representing more than 250.000 journalists across Europe, would like to express the following views to the draft presented by the Commission to the Parliament.

This document contains comments to the proposed revised directive and also puts forward proposals for amendments. Of course Members of the Parliament will take their own decisions, however we hope that they will take account of the comments of professional organisations such as the European Federation of Journalists. We are more than willing to further develop our position and if further information is needed our contact details are enclosed.

**rue de la Loi 155, B-1040 Brussels, Belgium  
Tel.: +32 (0)2 235 22 00; Fax: +32 (0)2 235 22 19**

Website: <http://www.ifj-europe.org>; E-Mail: [efj@ifj.org](mailto:efj@ifj.org)

## **Comments:**

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### Scope of the Directive:

On the scope of the directive, the EFJ welcomes the fact that the directive also includes set of rules for non-linear (on demand) audiovisual services. Indeed it is important for media workers that rules similar to those in the current Directive should be applied to all linear television services provided to the public by electronic networks, irrespective of the technology or distribution platform used.

### I/ Advertising and product placement

The European Federation of Journalists has already outlined its concerns over this issue in issue papers prepared for the Broadcasting conference in Liverpool last year. We are deeply concerned over the introduction of product placement (PP) and over relaxing of some of the quantitative rules for advertising.

Journalists and media professionals fear immediately that PP can lead to a form of censorship by commerce in favour of contemporary rather than historical themes for programming, and for populist programmes rather than for specialised themes which appeal to minority opinion. Moreover, the widespread development of product placement in the audiovisual sector may see increased pressure on print media, which would see their income decrease.

The relaxing of rules of daily limits for commercial communication, together with the relaxing of the rules of insertion, will lead to further commercialisation of European broadcasting and increased pressure on space and time available for editorial work.

Increased commercialization has already had a damaging impact on quality in many sectors of the industry, as a result of cuts in editorial budgets and increasing use of freelance journalism. The EFJ notes that the trend over the past years has been towards less investment in professional training, less focus on investigative journalism and a general reduction in scope of editorial coverage, particularly foreign affairs. Increasingly, there is pressure to integrate advertising and commercial objectives into editorial work.

Protecting news, children's programmes and religious programmes from PP is not enough. We suggest that member states should be allowed to forbid PP if they wish, and that programmes other than fiction, which have a social and informative value such as talk-shows, should also be protected from PP.

### II/ Quality and pluralism

The EFJ welcomes the reference to editorial responsibility (Preamble 16), and we would also like to recall that the broadcasting, as all media across Europe, should be subject to self-regulation without any interference by public or political authorities.

However, we believe the proposal fails to address in an adequate manner the defence of pluralism, and the need to enhance independence and public service values, which are key issues of the European broadcasting media.

In its report on the application of articles 4 and 5 of the TWF Directive<sup>1</sup>, the European Parliament agreed last year that it was "alarmed at the tendency towards (vertical and horizontal) concentration of the media in Europe, which poses a threat to democracy and a risk to cultural diversity and could accentuate tendencies towards the extreme commercialisation of the audiovisual sector and the hegemony of certain national products over those with narrower linguistic areas and smaller production".

It also added that "competition and competition law are not enough to ensure media pluralism. Pluralism is based on respect for and promotion of diversity of points of view across all media, through the recognition of editorial independence, both in the public and the commercial sectors".

The EFJ believes that in the current context of transition to digital broadcasting and with the development of non-linear media, it is essential to safeguard the European dual system of public and private broadcasting and to defend pluralism and public service values in the European broadcasting sector.

Moreover, since it is also the role of the European Union to guarantee pluralism, the EFJ estimates that "Editorial statutes", as they already exist in some member States, are a good tool for consultation and involvement of the editorial staff. Such a legal disposition provides the staff with a structure that allows them to be consulted on capital decisions related to their media, such as change in the capital, modification of the editorial policy, appointment/dismissal of the editor-in-chief and advertising policy.

### III/ Employment in the audiovisual sector

The increasing use of new technologies and digitalization in the audiovisual sector over Europe, as well as the concentration of ownership in the media sector and the increasing number of atypical workers (freelance, short term or temporary work) have a significant impact on employment in the audiovisual sector. The European Federation of Journalists, as a union federation involved in the European Social Dialogue in the Audiovisual Sector, estimates that the Directive should assess the impact of EU policies on employment in the sector.

### **Proposal for amendments:**

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#### I/ Advertising and Product placement

To secure a free and independent journalistic service on contemporary themes, we propose to add a paragraph to Article 1 of the Commission proposal stating a definition of "news" and "news programmes" since in the opinion of the EFJ it is unclear what kind of content shall be covered by these terms when used in the Commission proposal.

Such a clear definition of the terms "news" and "news programmes" is especially needed to keep programmes with contemporary content free of product placement as stated in Article 3.h) 4 of the Commission proposal.

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<sup>1</sup> Report A6-0202/2005 Final, by Mr. Henri Weber, MEP.

We propose to amend article 1 by adding a paragraph (L) :

*L. “News” or “news programmes” means daily news, newscasts, political and contemporary programmes, magazines and current affairs, including in the fields of science, culture, social matters (“soft news”).*

Secondly, we propose to add a subparagraph 5 to Article 3 (h) of the Commission proposal stating that

*5. Notwithstanding other provisions of this Directive Member States shall remain free to prohibit any kind of product placement.*

### II/ Quality and pluralism

We propose to an additional paragraph stating that :

*Since the cultural diversity, freedom and pluralism of the media remain the most important elements of the European audiovisual model, these three values are essential prerequisites for cultural exchange and democracy. The European Union and Member States should safeguard and protect freedom of expression and the pluralism of the media through,*

- a) effective regulation to avoid excessive media concentration;*
- b) the definition of an unambiguous obligation to respect public service values also in the transition from analogical to digital broadcasting;*
- c) setting-up an independent agency with the mandate of monitoring media markets and media concentration in the EU and in global markets.*

And we also propose to add an additional paragraph stating that :

*Broadcast media services companies should be encouraged to adopt "editorial statutes" which give the editorial staff the democratic influence on major issues such as change in the capital, modification of the editorial policy, appointment/dismissal of the editor-in-chief and advertising policy.*

### III/ Employment in the audiovisual sector

We propose a new article as follows:

*Not later than [...], and every two years thereafter, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a report on the state of play of employment in the sector covered by the present Directive in order to facilitate the activities of the European Social Dialogue in the Audiovisual Sector in assessing the competitiveness of the sector.”*

**For further information please contact +32 2 235 22 00**

*The EFJ represents over 260,000 journalists in 34 countries*