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Delegations will find in the Annex the Presidency non-paper for discussion at the General Affairs Council on 17 October 2017.



**General Affairs Council, 17 October 2017**

**Rule of Law Dialogue**

**Non-paper of the Estonian Presidency**

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

### **Introduction**

The conclusions of the Council and the Member States of December 2014 on ensuring respect for the rule of law **establish an annual rule of law dialogue** in the Council (General Affairs).

The **first** dialogue took place during the Luxembourg Presidency on 17 November 2015, and the **second** on 24 May 2016 during the Netherlands Presidency in the Council (General Affairs).

The **evaluation of the experience**, carried out by the Slovak Presidency, in the Council (General Affairs) on 15 November 2016, confirmed that the Member States wish to continue and strengthen the dialogue.





### **Third rule of law dialogue**

**Media freedom and pluralism** are pre-requisites and essential safeguards for properly functioning democracies. Freedom of expression, media freedom and pluralism are enshrined in the EU Charter of Fundamental Rights and are among the core basic democratic values on which the European Union is founded.

Following up and building on the 2016 annual fundamental rights colloquium of the European Commission on media pluralism and democracy, the Presidency would like to invite the Ministers to explore the **specific challenges to media pluralism and the rule of law brought about by the digital age**.





**The openness of digital platforms and the internet** facilitate participatory, transparent and effective democracy. Yet simultaneously, in the new converged media environment, the digital age has also amplified **challenges to fundamental rights, democracy and the rule of law**, as the proliferation of inaccurate and untruthful news stories through social media and the internet can negatively affect trust in the media and the quality of political debate on issues crucial for democratic societies. Digital disinformation at massive scale can undermine the foundation of democracies: the political engagement of well-informed citizens. Loss of trust in the media also undermines the ability of the media to fulfil its role in holding states, the EU and private actors accountable and thus contributing to upholding the rule of law. In times where many, and especially younger citizens, **increasingly** use the **internet and social networks** as their primary source of news, it is crucial to ensure pluralistic, independent and quality information as preconditions for maintaining trust in the media, while it is equally important to be able to distinguish between what information is and is not accurate and reliable.

In order to discuss this challenge, on 12 July 2017 the Estonian 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, civil society and academia. The summary of the seminar is available in document 12112/17.





**During the seminar**, the participants discussed what different actors – such as the Member States, the EU institutions, NGOs and media companies – could do to ensure the credibility of information, trust in the media and accurately informed political debate in the digital age. The importance of a **pluralistic, independent and trustworthy media** as a guardian and watchdog of democracy and the rule of law cannot be underestimated. If confidence in the media is lost, the media's ability to fulfil this vital role may be undermined. The seminar highlighted that while challenges are manifold and require new approaches, censorship is a clear red line. The participants emphasised the shared responsibility of lawmakers, journalists, publishers and internet intermediaries, but also of citizens as consumers of information. A number of speakers noted that not everything can be regulated by law or self-regulation. Media literacy from a young age but also among adults is vital for consumers of information to be able to identify false or misleading information, and also understand the motivation and sources behind fake news.







The Presidency wishes to discuss these issues further during the third rule of law dialogue on the basis of the following questions:

- Question 1:** What do you see as the most serious challenges to the rule of law, democracy and fundamental rights in the digital age and in the new media environment? Please share your experience how these challenges could be addressed.
- Question 2:** What can Member States do to support journalists, publishers and internet intermediaries in ensuring the quality of journalism and reliability of information published? Please share any challenges and best practices from national level.
- Question 3:** Media literacy plays a decisive role in maintaining trust in the media by enabling readers, listeners and viewers to distinguish reliable and non-reliable sources of information. What is the role of Member States in ensuring that EU citizens of all ages have sufficient media literacy skills?

### **Organisation of the dialogue**

After an introduction by the Presidency and the Director of the EU Agency for Fundamental Rights, the Commission and the Member States will be invited to share their thoughts on the basis of the three questions. Following the discussion, the Presidency will draw up **Presidency conclusions**.





The Presidency in cooperation with its trio partners will forward the 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.

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