

Speak-up!2. Conclusions

Freedom of expression is a key indicator of a country's readiness to become part of the EU. This is part of its commitment to democracy, good governance and political accountability. Freedom of expression is a fundamental right.

Ensuring freedom of expression and of the media is one of the main challenges facing enlargement countries. Political interference in the media, economic concerns such as media concentration and various forms of harassment, including threats and violence against journalists, are issues of concern in the Western Balkans and Turkey. Improving the situation calls for behavioural and cultural change in politics, the judiciary and the media itself. The European Commission organised the *Speak-up!2* conference with this in mind.

The discussions at the conference showed that there is a need for the Western Balkan countries and Turkey to step up efforts to tackle freedom of expression issues. The European Commission is committed to supporting their work, both politically and technically.

The principal policy instruments at the Commission's disposal are the annual Enlargement Strategy Paper and Progress Reports. They will be fully used to systematically highlight issues of concern and the progress made with regard to freedom of expression and to help steer work in the enlargement countries to address these issues in a comprehensive way. Particular attention during reporting will be paid to **the eradication of violence and intimidation** used against journalists (including full investigation of all cases), **counteracting the use of informal economic influence** against free reporting, and the development of **the judiciary as a guarantor** of fundamental rights, including of freedom of expression.

I. The candidate countries and potential candidates need to address the following issues:

- **Freedom of Expression to be consistently reflected in the action plans produced under the new approach (notably Chapter 23) in accession negotiations. The implementation of the action plans forms conditionality in the accession process and contributes to its credibility. Issues related to media are raised as well during the negotiations on Chapter 10 (*Information Society and Media*).**

For the countries **already negotiating**, the comprehensive action plans as required within the new approach to Chapters 23/24, need to consistently address freedom of expression issues and propose credible and concrete solutions. Under the positive agenda with Turkey, work on Chapter 23 needs to continue, notably through the involvement of civil society in the meetings of the working group.

The countries **not yet negotiating** Chapters 23/24 will identify a comprehensive list of priorities and concrete actions in the area freedom of expression, completing the existing arrangements with the EU where appropriate. The implementation will be assessed in their regular dialogues with the EU.

- **Investigation of violence and threats against journalists as conditionality in the accession process**

Stepping up the governments' efforts to investigate earlier and recent cases of violence and threats against media will have to become a part of the above action plans and should also be addressed in the framework of the positive agenda with Turkey.

- **Development of the judiciary as a guarantor of the right to free expression**

By amending the legislative framework (e.g. defamation, anti-terror laws), legislators have taken a major step towards protecting free and critical journalism (though further steps are necessary in some countries). The central task now is implementation, i.e. ensuring once and for all that judges do not use state power against the freedom of expression. The accession countries are asked to consider training of the judiciary as an effort that is sustained over a longer time period, and develop and put in place training programmes accordingly. The Commission stands ready to assist.

- **Parliaments need to take up their unique role in meeting European standards in media legislation**

Parliaments bear a fundamental role in ensuring link with the civil society when assessing implementation of the media laws or considering the adoption of new legislation touching upon freedom of expression. By having adopted its recent resolutions on media freedom within the EU and wider world,¹ the European Parliament has set a good example of a comprehensive parliamentary vigilance in the media freedom matters.

- **Creating platforms for better competition in the media sector**

Fighting against informal economic pressure on media. The use of informal economic means to silence critical media and spread self-censorship is unacceptable. The Enlargement countries should put in place rules to ensure transparency of media ownership, to inhibiting its excessive concentration and to ensure free and fair competition in the media sector.

Transparent and unbiased use of public money in the media sector. Government publicity campaigns and advertisement are sometimes considered to be directed towards those media that are supportive of the government. Transparent and non-discriminatory rules compatible with the principles of public procurement need to be put in place to govern procuring and dispatching of so-called government advertisements.

- **Need for mature professional organisations of journalists**

Professional journalist organisations are a key driver for much needed progress in terms of self-regulation and improving labour conditions. Their capacities to raise and discuss with the governments the issues of interest to the media community or to conduct a social dialogue with employers are essential.

¹ European Parliament resolution of 13 June 2013 on the freedom of press and media in the world (2011/2081(INI)) and European Parliament resolution of 21 May 2013 on the EU Charter: standard settings for media freedom across the EU (2011/2246(INI))

- **Media outlets need to properly implement labour laws**

Economic pressure on the media market has further increased and it continues to affect the already precarious labour conditions of journalists and the quality of their product. A high number of journalists work without formal employment contracts, which has a direct impact on self-censorship. The responsible authorities need to monitor the implementation of the laws.

- **Media outlets need to improve their internal governance**

Those media outlets aspiring to impartial and critical reporting in fair market competition need to adhere to the rules of good governance. Adopting editorial codes, establishing procedures for dealing with readers'/viewers' complaints, investing in professional training of journalists and publishing the finance sheets would be an important step towards protecting themselves from informal economic and political pressures and winning the confidence of media consumers.

- **Renewing the reform commitment of Public Service Broadcasters**

The partnership established between the European Commission and European Broadcasting Union (in 2012) in an attempt to help Public Media in the Enlargement region should be supported by a strong national commitment to the needed reform of Public Service Broadcasters. Achieving their political independence, financial autonomy and sustainability, as well as defining the tasks under the public service remit, should be orientations of this reform.

- **Protecting the right to free expression in “new media”**

“New media”, including “social media”, are on the rise in the enlargement countries. They contribute to increased pluralism of media and at the same time provide essential checks on power. That in turn might trigger attempts to restrict them. The right to free expression should be equally guaranteed and protected offline and online.

II. To support the above actions, the European Commission will use all instruments at its disposal to implement the conference conclusions. In particular, it will:

- **Use the Enlargement Strategy Paper and the Progress Reports as the principal policy instrument to assess and guide the implementation of the conference conclusions.**
- **Continue to consistently raise the issue of freedom of expression and stress its importance for EU membership in the context of the regular dialogues with the Western Balkans and Turkey.**
- **Ensure that media freedom is consistently covered in accession negotiations (notably, under the new approach to Ch.23/24 and the related action plans).**
- **Arrange in the case of the countries not yet negotiating for a similar mechanism as used under Chapters 23/24 to cover media freedom issues.**
- **Continue and strengthen cooperation on this issue with the Council of Europe and the OSCE – both in headquarters and on the ground. This cooperation and the support from the European Parliament is a condition to address the persisting issues in a comprehensive way.**

For the period 2014-2020, the European Commission will develop a long term policy approach for EU financial assistance on freedom of expression issues in the Enlargement countries. The approach will take into account that addressing these issues is a process which requires engagement over a longer time period. In particular, the Commission will:

- **Support professional organisations of journalists and media to develop their capacities by using the Civil Society Facility.**
- **Work together with partners (e.g. Council of Europe, OSCE) to support long-term judiciary training as initiated by the countries in the region.**
- **Promote and financially support contacts between journalist communities in the Enlargement countries and the EU. Acceleration of the visa liberalisation process with Turkey is of utmost importance in the given context.**
- **Implement the European Commission award for excellence in investigative journalism as of 2014.**
- **Continue dialogue with media communities and their organisations in the Enlargement region.**