

Speech by Madeleine de Cock Buning

Chairperson of ERGA

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Ladies and gentlemen,

It's my great honour and pleasure to speak at this workshop today. Largely because I feel strongly about today's topic. But also because our backdrop is so stunning. For 350 years, the Villa Medici has been at the centre of European culture, making it an inspiring venue for this event.

My talk today connects two topics that concern all of us: safeguarding free and pluralist media in Europe, and the relevance of independent media regulators and ERGA. Because when we talk about the directive, I want you to keep in mind that it essentially protects the values that lie at the heart of Europe. Values like freedom of expression and information. And freedom of thought, conscience and religion. Values that are worth living by and worth protecting.

Free and pluralist media are indispensable to this. They inspire, entertain and educate us. But they also allow us to make well-informed

decisions and hold our governments accountable. Which makes it essential that our media are free, not controlled by commercial or governmental interests. Then we run the risk of having a small group of people dictate what we know and what we say, or risk critical media being silenced or censoring themselves.

Which is why we need excellent media regulators. Regulators are the watchdogs that safeguard the integrity of our media landscape. They not only ensure that media abide by the rules of each country, but also that the media themselves are protected, and through that, the values at the foundation of our culture.

This, however, presupposes, that media regulators have teeth, that they are – and remain - independent and empowered. And let me tell you, that is not a given. The current directive, for example, lacks a formal obligation for member states to create an independent regulatory body. This leaves regulators vulnerable.

Mind you, this is not theory, regulatory independence is challenged as we speak in Poland, Croatia, Greece, Cyprus, Bulgaria, and Romania. Some regulators have had their powers reduced by the state, while others are confronted with the politically-motivated dismissal of board

members. Quite a number simply do not have the financial resources to adequately perform their tasks. This has a chilling effect on their functioning.

We should not allow this to happen. Rather, we should do the opposite, we should make regulators stronger and more independent. We need to give them better powers of enforcement, manpower as well as financial independence, and more transparent governance and decision-making.

Thankfully, the proposed directive takes steps in this direction. It defines the independence, competences and powers of national regulators, and stipulates that they shall have adequate enforcement powers. The proposal also introduces rules for the dismissal of board members. Exactly what is needed.

Many of these changes were inspired by a report on the independence of regulators published by ERGA earlier this year. A perfect example of the work we do and the value we add as the Group of EU Media Regulators. The development of this report was led by AGCOM, which also organized this workshop. I am very grateful to my colleagues for their hard work and dedication. *Mille grazie!*

Now, unfortunately, in the discussions about the new directive, some seem to want to curtail the institutional independence of national regulators. One amendment proposes the deletion of the condition that a head or a member of a regulator can only be dismissed if he or she is no longer able to perform their duties. Another amendment seeks to diminish the role of ERGA itself.

This worries me and it should worry you. Because these amendments, suggested by two co-rapporteurs of the CULT Committee of the European Parliament, undermine the independence and functioning of regulators, and by extension the health of Europe' s media.

Like I said, we need to do the opposite instead and find ways to strengthen regulators even more. For example, the directive should guarantee that national regulators are legally distinct from the state and functionally independent from any public or private body.

I am hopeful the European Parliament will do the right thing and safeguard the current proposal, and possible even strengthen it. Traditionally, the European Parliament has been a guardian of national regulators. In the process leading up to the first directive in 2007, the

European Parliament proposed several amendments that would strengthen the independence of Europe's regulators.

Now, almost a decade later, the need for strong and independent regulators has become even more urgent. Regulators' independence is weakened and undermined. Which means our European core values will be affected, and our ability to enjoy free and critical media.

This is also why ERGA must be an integral part of the new directive, just as the original revision envisioned. ERGA plays a vital role in the functioning of Europe's regulators. Because we neither make nor implement audiovisual media policies, we can faithfully serve our purpose: to pragmatically and independently share experiences and expertise among all European regulators.

This collecting and redistributing of knowledge, while respecting national differences, is valuable. It ensures that individual regulators can deliver optimal results, which in turn strengthens their independence. It also results in more alignment in the way the directive is applied across Europe.

To this end, our working program focuses on three areas. First, we advise the European Commission on the practical application of the proposed revision of the directive. We pool the day-to-day experiences of our members to flag practical issues that may occur when regulators apply the proposed provisions.

Second, we focus on the future proof protection of minors against harmful content and the practical issues surrounding the accessibility of audiovisual media services to people with a disability. In Europe' s fast-changing and converging media landscape, this work safeguards the health and well-being of all people.

The third and final area is the most important one: the Digital European Toolkit. By collecting existing tools, best practices and experiences from our members, we free them from the need to reinvent the wheel.

Ladies and gentlemen,

Europe' s media are indispensable to the future of the European Union. Which is why ERGA and the European regulators we serve should be adequately enshrined in the new directive. ERGA is committed to

supporting all national regulators and, through that, protect Europe' s values and the media through which they come to life.

Thank you.