



**Press Council of Ireland’s submission in response to the High Level Group Report entitled “*A Free and Pluralistic Media to Sustain European Democracy*”**

The Press Council of Ireland (PCI) regards itself as being well placed to comment on the High Level Group Report, not least because the system of press regulation that the PCI oversees is one of the more recently instituted systems in Europe, having being devised and brought into being only within the last six years. Because of its recent establishment, the originators of the PCI were in a position to review and examine best practice in regulation and to capitalise on that knowledge. The PCI was created with the full and active cooperation of governmental agencies as well as all the media players in Ireland. Moreover its establishment was unprompted by media scandals. It also accommodated a sizeable media presence from outside the Irish state (Irish editions of British newspapers) which it was able to bring within its regulatory control. It has a wide level of acceptability both within the industry and amongst the general public. It has dealt with over 2,000 complaints since its inception in 2008, a significant proportion of which have been resolved through conciliation. With the benefit of this experience, the PCI would like to respectfully respond to the Media Freedom report.

Two principal concerns emerged during the course of the formulation of the PCI system of regulation. The first was the need to provide strong protection for freedom of expression and the second was the concern that any self-regulatory regime that was being introduced would be plainly seen to be independent and beyond reproach. The Irish press was determined to ensure that no government or agency would be able to tell journalists what they might or might not publish. With the sole exception of the World War II period, that right has always been adequately protected in the Irish State, and the new regulatory regime

had to be seen as underpinning that right. These principles are, in the opinion of the PCI, crucial to the smooth operation of any system of press regulation.

The PCI takes the view that two of the recommendations of the Higher Level Group Report pose unacceptable risks to these principles.

Recommendation 1 seeks ‘more extensive competence’ for the EU in respect of media freedom and pluralism. The PCI view is that while such an expansion of competence could be extremely beneficial and progressive in the case of some Member States, it might be viewed as unacceptable in Member States where the history and cultural importance of press freedom is well established. The PCI argues that there is no one system of media regulation that is appropriate to all the Member States of the EU. The media freedom and plurality challenges vary significantly across the Union and what might constitute enlightened media supervision in one place might well be construed as unacceptable interference elsewhere. While the PCI strongly endorses the High Level group’s recommendations in relation to the monitoring of press freedom across the Member States of the EU, it cautions that the greatest possible care must be taken in devising any pan-EU scheme to supervise the media. It warns that overt media control could seriously endanger the independence of press regulation and freedom of expression more generally in the Member States.

Recommendation 24 endorses the need for a politically and culturally balanced media council with enforcement powers and the ability to impose fines and even the power to remove journalistic status. The PCI would anticipate significant difficulties in relation to the enforcement elements of this recommendation. The PCI, which was constituted to provide a balance between the public interest and the press’s right to publish, has no such powers at its disposal, and its work has not been impaired in any way by the absence of such powers. It is the view of the PCI that this recommendation, like Recommendation 1, would be strenuously opposed in the Member States such as Ireland where the culture of press freedom is entrenched. Such enforcement powers would be viewed as imposing an unnecessarily heavy regulatory hand and as endangering the right to freedom of expression.

The PCI is happy to endorse many of the other recommendations in the Report:

- Recommendation 3 would have extremely beneficial effects in terms of challenging the dominant position of network access providers or internet information providers and in terms of making the system more democratic by lowering prices.
- The PCI happily supports the encouragement of media literacy in schools. Indeed the Council in the past advocated the addition of media literacy to the school curriculum in Ireland. This, alas, was unsuccessful because it was felt that in the straitened economic circumstances the cost of an addition to the curriculum was unsupportable. If however funds were available for a pan-European drive on media literacy the PCI would warmly endorse such a move and renew its campaign in Ireland.
- Recommendation 7 which suggests that a free media environment should be a pre-condition for EU membership should be implemented immediately.
- The High Level Group's series of recommendations relating to the establishment of a monitoring agency for the assessment of appropriate levels of freedom and pluralism in the media and the funding of academic research into the subject are both policing initiatives that have, with the arrival of the newer technologies, become even more urgent.
- Recommendation 16 on the funding of quality investigative journalism along with Recommendation 19 on the provision of fellowship for working journalists are, in the view of the PCI, key recommendations given the financial plight of the press sector all over Europe. The fact that newspapers across the continent are failing in unprecedented numbers and those that survive have seen profitability collapse (while online media that had been expected to replace the disappearing newspaper titles have yet to find appropriate revenue streams) means that the traditional investment in quality journalism have fallen dangerously low. In the opinion of the PCI this is a vital issue that could have been more strongly emphasised in the High Level Group's Report. The two recommendations are a welcome start in terms of addressing the issue.
- The PCI warmly endorses Recommendation 28, stressing that the importance of transparency of public sector information in facilitating the work of journalists. It is internationally accepted that such transparency is an essential element in the right to

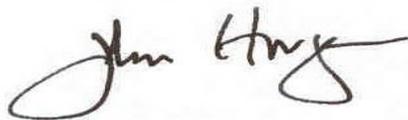
freedom of expression. However, repeated efforts in even the more liberal democracies to roll back the provision of access to public sector information demands continued vigilance and the High Level Group is to be commended for the emphasis it places on this area.

In summary, the Press Council of Ireland endorses much of the Report: *A Free and Pluralistic Media to Sustain European Democracy*. In particular, the High Level Group is to be commended for highlighting many of the challenges arising from the rapidly changing media landscape and for recommending appropriate responses to these challenges. The PCI would caution however that a system of regulation that would cover all 27 Member States is an impractical proposal. States that have well-established and working systems of regulation in place will almost certainly reject the imposition of restrictions on their media space emanating from Europe.



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