European Media Policy

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Media - general

Reduced VAT on e-Publications:
No Decision Yet

Many must have cheered in June when the European Parliament endorsed an EU Commission proposal to grant member states the possibility to charge a reduced VAT rate on electronic publications, bringing them into line with VAT levied on printed matter. But that's not the end of the story.

In tax matters the EU Parliament is only consulted and not a co-legislator. Once it has accepted a Commission proposal it is up to the Council of Ministers to make the decision; and in such matters unanimity among the member states is required. That is now the problem.

EU Finance Ministers have discussed the issue at several Council meetings in the past months. Almost all member states have been positive to the Commission's proposals but for a while there were differing views on a few items.

At the Council (ECOFIN) meeting on 16 June differences seemed to have been overcome, but the Czech Republic said it was still reluctant to support the proposal not seeing why the matter could not wait until the Commission presents its more general VAT proposal this autumn. So much for unanimity.

Now it's up to the Estonian EU Council Presidency to pursue this dossier, which it will probably do with much energy having placed digital policy at the heart of its Presidency programme.

"VAT for cross-border e-commerce as well as VAT rates for e-books and e-publications need to be modernized", said Estonia's Prime Minister Jüri Ratas in a speech about the priorities of his country's EU Presidency.

Some news on this issue may come after an informal ECOFIN Council meeting on 15-16 September. On the agenda is a discussion of "Tax Challenges of the Digital Economy". Check here

Copyright Reform:
New Lead MEP Restores Original Publishers' Right?

Since MEP Axel Voss recently took over the controversial dossier on EU copyright reform there seems to have been a turnaround in the European Parliament on some of the hot topics in the review.

Voss's position seems quite close to that of the initial Commission proposal. This will surely please publishers but internet service providers and digital rights groups are alarmed. A number of Voss's collegues in the EU Parliament are not very happy either.

In July Voss's party group, the centre-right EPP, published its position on the copyright directive. The party supports the EU Commission's proposal to add a publisher's right that would require online search engines to pay news outlets when they share parts of their copyrighted work. Voss backs that move.

The earlier lead MEP of this dossier, Comodini Cachia had softened that part of the Commission's proposal. Her draft gives publishers the right to sue when their outlet's work is wrongly used, but it does not include a special right to charge for use, [explains](#) the news service Euractiv.

At a hearing in the EU Parliament in July Voss also declared: "We support the Commission's proposal that platforms should in a broad sense be responsible for what users upload …".

This could involve filtering and monitoring of content, something much opposed by internet service providers, digital rights groups and some MEPs, not least the copyright–savvy MEP Julia Reda from the German Pirate Party. She is also one of 70 MEPs who signed an amendment asking to get rid of the measure creating a so-called neighbouring right for publishers.

Now Voss has to try to find compromises on the nearly 1,000 amendments proposed by MEPs before the planned 10 October vote in the lead Legal Affairs Committee (JURI). Not surprisingly, Voss thinks that date might be too early for a vote. The EU Parliament's plenary vote is scheduled to take place in December.

Protection of Whistleblowers:
EU Commission Proposal Under Way

Journalists' organizations and the European Parliament have long called for EU rules to protect whistleblowers. Now a Commission proposal seems to be under way.

In May EU Commission President Jean-Claude Juncker promised that a European directive protecting whistleblowers would be presented "in the coming months".

The Council of Europe in Strasbourg, too, wants whistleblowers to be protected. In June the Council's Parliamentary Assembly adopted a [resolution](#) followed by a [recommendation](#) encouraging the Member States to provide "adequate protection to whistleblowers" in order to better fight corruption.

The resolution calls on national parliaments to recognise a "right to blow the whistle" in all cases where information is disclosed in good faith and is clearly in the public interest, and define the "right to blow the whistle" as an objective criterion for exemption from criminal liability.

Let's hope all the 47 member states of the Council of Europe – among them Hungary, Poland, Russia and Turkey – live up to these demands.

In any case the European Federation of Journalists (EFJ) [welcomes](#) the declaration which recognises investigative journalism as a "public asset".

EU Policy for Freelancers?

All the ongoing changes in the media industry – not least publishers' loss of advertising revenue - have produced a growing horde of laid-off journalists trying to make ends meet as freelancers.

One third of the members of journalists' trade unions in Europe is now working on a freelance basis, isolated and pitted in competition against each other, shows a recent analysis of the state of journalism in Europe.

They are not alone. In the new digital economy the number of independent workers is increasing rapidly within the European labour market. Concerned about the social and political effects this may have, EU policymakers have begun to contemplate if measures need to be taken. But first they want to learn more about the poor devils.

Who are the freelancers of Europe, how do they live and work in the different countries of the EU, what are their needs, expectations and how do they deal with the uncertain, precarious nature of freelance work? i-WIRE, a Europe-wide survey sponsored by the EU Commission, will try to answer some of those questions.

The main goal of the survey is to provide an overview of the world of freelancers, to guide the policies of the EU as effectively as possible, explains the European Federation of Journalists (EFJ).

On 13-14 September Estonia will hold a High-Level EU Presidency Conference on The Future of Work in Tallinn. Here participants are invited to discuss how to manage work in the digital era. The conference will focus on challenges related to working conditions, social security and skills.

AI-powered Media Forgeries Soon to Transform Truth?

Before long our present worries about what's true and what's "fake news" may well seem trivial.

"Audio and video forgery capabilities are making astounding progress, thanks to a boost from AI. In the future, realistic-looking and -sounding fakes will constantly confront people. Awash in audio, video, images, and documents, many real but some fake, people will struggle to know whom and what to trust," writes Greg Allen from the Center for a New American Security in Wired.

" The growth in this technology will transform the meaning of evidence and truth in domains across journalism, government communications, testimony in criminal justice, and, of course, national security," says Allen

Some of the possible solutions will be technological in nature, he believes. Other will be regulatory and procedural.

Twitter Posts To Become Public Records?

In June US Representative Mike Quigley introduced legislation to classify presidential social media posts — including President Trump's notorious tweets — as presidential records, reports Washington-based The Hill.

The Act would amend the Presidential Records Act to include "social media." Presidential records must be preserved, according to the Presidential Records Act, which would make it potentially illegal for the president to delete tweets.

"If the President is going to take to social media to make sudden public policy proclamations, we must ensure that these statements are documented and

preserved for future reference. Tweets are powerful, and the President must be held accountable for every post," said Quigley in a statement.

Donald Trump is not the only president who is fond of Twitter. Since becoming president France's Emmanuel Macron has restricted access for the press while the use of Twitter to spread official videos and messages has been amplified, reports the Financial Times.

European Media Literacy Projects Mapped and Analysed

In the debate about fake news the need to increase knowledge about the media is often stressed. Those interested in pursuing such efforts could find inspiration in a new study mapping media literacy practices and actions in the EU member states.

The study – conducted by the European Audiovisual Observatory and financed by the EU Commission - is the first major mapping of this field in Europe, providing a detailed analysis of the main trends based on a selection of 547 projects.

The study is accompanied by a great deal of media literacy research, detailed national summaries, descriptions of the featured projects etc. Read more

Freedom of Expression/Media Pluralism

Fighting Fake News Tricky Policy Issue

What to do about the proliferation of fake news has been the topic of much discussion in recent months.

In a recent resolution regarding online platforms the EU Parliament stressed the importance of taking action against the dissemination of fake news and calls on the platforms to provide users with tools to flag fake news, so that other users will know that it is false. The EU Commission, for its part, should analyse if further legislation is needed to limit the dissemination and spreading of fake content.

However the MEPs also point out that "the free exchange of opinions is fundamental to democracy" and during an earlier debate in the Parliament on the subject there were explicit warnings against censorship and public control of media outlets.

This is something that journalists' and civil society organisations worry about too. In an article with the telling title "Deciding who decides which news is fake", the Committee to Protect Journalism (CPJ) says that addressing the problem without infringing on the right to free expression and the free flow of information is "extremely thorny".

"A look at abuse of media laws by authoritarian countries around the world is a clear warning against government regulation of information… any official steps by Western governments to counter misinformation would set a dangerous template for countries without democratic safeguards."

But relying on internet platforms to filter or verify information could result in the privatization of censorship. "Any self-regulation by tech companies must be transparent, subject to independent oversight, and include some sort of path to remedy for those affected", stresses the CPJ.

Similar warnings were given in March in a joint declaration on freedom of expression and "fake news" issued by the UN Special Rapporteur on Freedom of Opinion and Expression, David Kaye, along with his counterparts in other international organisations.

The declaration underlines the responsibility of intermediaries to respect human rights, pointing out that some measures taken by such companies to limit access to or the dissemination of misinformation "fail to respect minimum due process standards".

But it also reminds us that the human right to impart information and ideas is not limited to "correct" statements; the right also protects information and "ideas that may shock, offend and disturb".

Measures currently discussed to control fake news may however be fake solutions, says Advox, a global anti-censorship network: " Notably, these approaches all focus on mitigating effects rather than confronting the underlying economic or technical incentives in the structure of media, or the broader social, economic and political incentives that motivate speech."

EU Parliament Urges Turkey To Release Journalists

In July the European Parliament adopted a Resolution calling on the EU Commission and Member States to formally suspend the accession negotiations with Turkey if the constitutional reform package – which would further expand President Erdogan's powers - is implemented.

The MEPs are much concerned about the media situation in Turkey and urge the Turkish government to release all unlawfully arrested journalists immediately.

The Parliament "condemns strongly the serious backsliding and violations of freedom of expression and the serious infringements of media freedom", including the disproportionate bannings of media sites and social media, and "notes with concern the closure of around 170 media outlets and the jailing of more than 150 journalists".

The MEPs also say that Turkey's decision to block access to Wikipedia constitutes a grave attack on the freedom of information, recalling that "a free and pluralistic press, including a free and open internet, is an essential component of any democracy".

Media Pluralism Under Threat in Europe

In May the Centre for Media Pluralism and Media Freedom of the European University Institute released the results of the 2016 the Media Pluralism Monitor. It does not make very happy reading.

None of the 28 EU Member States and two candidate countries monitored is free from risks to media freedom and pluralism, show the results, which are analyzed by country as well as risk area. Some of the key findings:

- Media ownership is highly concentrated and this constitutes a significant risk to diversity of information and viewpoints represented in media content
- The lack of transparency of media ownership is a reality in many countries, which makes it difficult for the public to identify the potential biases in media content
- Many of the media authorities across Europe face strong political pressures, in particular when it comes to appointment procedures and composition of authorities

These issues are close to the heart of the EU Parliament's Civil Liberties Committee (LIBE), which in July held a public hearing on 'Media Pluralism and Freedom in the EU'.

"Since our last report in 2013, plurality has just gotten worse," stressed MEP Barbara Spinelli, the main rapporteur for an upcoming Parliament report on media freedom which is supposed to be published after the summer break.

The Council of Europe in Strasbourg is concerned about this issue too. In June the Council's Parliamentary Assembly adopted a resolution on political influence over media, in which it points out that the deep changes in the media industry has had the effect of making media outlets more vulnerable to political influence, especially those dependent on public funding.

The Assembly calls for greater transparency of who owns media companies, a series of safeguards to preserve the independence of public service media, and urges the Member States to reinforce pluralism.

Hate Speech

EU Legislators:
Social Media Must Tackle Hate Videos

The wave of terrorist attacks in Europe this spring and the public outcry against hate speech in social media has put much pressure on policymakers to do something about it.

In May - the day after a suicide bomber killed 22 people at a concert in Manchester - the EU Council of Ministers approved proposals to make social media companies such as Facebook, Twitter and Google's YouTube tackle videos with hate speech on their platforms.

The proposals – part of the modernisation of the EU Audiovisual Media Services Directive - would be the first legislation at EU level on this matter. Just a a few days earlier the Council's co-legislator, the European Parliament, had made similar demands in its report on the audiovisual directive.

 "Video sharing platforms will now have a duty to take appropriate action when users flag up any content inciting violence or hatred. They will also have to make it easy for users to do so" explains the Parliament

The European Commission has taken a softer approach so far. In May 2016 it brokered a non-binding agreement with online platforms including Youtube, Facebook and Twitter to encourage them to respond to alerts about hate speech and remove posts.

In June this year, the EU Commission published the results of a survey showing how online companies are living up to the code of conduct.

The efficiency and speed of removing hate content have improved considerably compared to the first assessment in December 2016, says the Commission, which will continue to monitor the implementation of the code of conduct and wants further improvements, in particular on transparency of the criteria for analysing flagged content and feedback to users.

As for the content of hate messages, the survey shows that the most important role is currently played by the migration crisis. Refugees, migrants and Muslims are the targets of 40% of hate content online.

Tackling Hate Speech Not An Easy Task

Policymakers and outraged users are not the only ones demanding that online platforms clean up their act and tackle the hate speech on their networks. Many of their advertisers are fed up too. Now the platforms are scrambling to contain the damage. Not an easy task, it seems.

In March the giant French advertising and PR agency Havas joined the British government in pulling its digital advertising spending from Google and its subsidiary YouTube in the UK after it was revealed that government and corporate advertisements were appearing next to videos advocating extremism

Not long thereafter Facebook announced that it would hire 3000 more moderators to take down inappropriate and extreme content. And in June Facebook, Google's YouTube, Twitter and Microsoft announced that they were forming a Global Internet Forum to Counter Terrorism to combine their efforts to remove terrorist content from their platforms.

To moderate hate speech is however not that easy, shows a Guardian investigation of Facebook's secret rules and guidelines used to moderate issues such as violence, hate speech, terrorism, pornography and racism.

Facebook has more than 2 billion users and its moderators are overwhelmed by the volume of work, which means they often have "just 10 seconds" to make a decision. And it isn't always easy.

"We have a really diverse global community and people are going to have very different ideas about what is OK to share. No matter where you draw the line there are always going to be some grey areas. For instance, the line between satire and humour and inappropriate content is sometimes very grey. It is very difficult to decide whether some things belong on the site or not," explains Monika Bickert, Facebook's head of global policy management.

Facebook's guidelines for moderators may alarm free speech advocates concerned about the company's de facto role as the world's largest censor, comments The Guardian.

Persistent Threats Against Journalists

The ongoing threats against journalists across the world are exposed in a report issued by the International Federation of Journalists (IFJ) in May. The survey shows that journalism remains in the grip of violence and that threats, both physical and increasingly in the form of online trolling where journalists are relentlessly persecuted, are widespread.

Even in a seemingly peaceful democracy like Sweden threats to journalists are rampant, shows the latest Media Pluralism Monitor report . The problem ihas been much discussed in Swedish media circles and in July the Swedish government published an action plan against hate and threats against journalists and other targeted groups which details various educational and criminal justice measures to be taken.

Audiovisual

Review of Audiovisual Directive:
Many Demands on Online Platforms

EU legislators have not only embraced the Commission's proposed extension of audiovisual rules to online platforms but also introduced more stringent demands on them.

In May the Parliament and the EU Council adopted their respective negotiating positions on the reform of the EU Audiovisual Media Services Directive (AVMSD) proposed by the Commission last year. Both call for a 30% quota of European works on video-om-demand platforms; the Commission's proposed 20%.

Both legislative institutions also want to grant the EU member states the possibility to require on-demand platforms to contribute financially to the development of European audiovisual productions.

Furthermore, the Council as well as the Parliament seem determined to make social media companies like Facebook, Twitter and Google's YouTube tackle videos with hate speech on their platforms. (More on this under Hate Speech)

For additional details on these and other proposed amendments to the draft directive, see summary of Parliament's report and Council press release. The agreement at the EU Council meeting on 23 May paved the way for starting negotiations with the European Parliament.

The Estonian Council Presidency, which will have a key role in the negotiations, has declared:

"Estonia will continue to stand against excessive regulation, so that the development of new services would not be threatened by norms that are too narrow or rigid". But the Presidency also wants "a balance between a favourable environment for content services development and a safer environment for the consumers – especially children."

Much Criticism of Proposed Amendments

That companies like Netflix, YouTube, Facebook and Twitter would oppose the EU Council's and Parliament's amendments of the proposed update of the Audiovisual Media Services Directive (AVMSD) could be expected. But civil society groups are critical too and and even within the EU Council and the Parliament views seem to differ.

According to the organization European Digital Rights (EDRi) seven EU Member States (the Czech Republic, Denmark, Finland, Ireland, Luxembourg, the Netherlands, and Sweden) expressed serious concerns regarding the proposals to further extend the scope of the AVMSD. In particular, they pointed out the problem of requiring video-sharing platforms to "police" non-illegal content over which they do not have editorial control.

Aside from worries about freedom of speech these concerns are probably related to the much-debated issue of the liability of online platforms. Many argue that, according to the EU e-Commerce directive, online platforms cannot be liable for what their users upload.

Sabine Verheyen, one of the two rapporteurs of this dossier in the EU Parliament, however explained that the proposed audiovisual rules do not conflict with the eCommerce directive because they do not require platforms to filter out what their users upload or hold them responsible for content unless it is flagged as dangerous.

EDRi points out that there is clearly a lack of support for the current text, given the criticism by numerous member states and the fact that only 41% of the MEPs voted in favor of the final negotiations being started.

Now it remains to be seen whether the Estonian Presidency can help broker an agreement reflecting the "balance" it says it strives for.

Online Platforms/Social Media

EU Hits Facebook and Google With Huge Fines

Since she slapped both Facebook and Google with huge fines for anti-competitive behaviour the Danish EU Competition Commissioner Margrethe Vestager must be a superstar in the eyes of all those itching to rein in the ever growing power of the tech giants.

In May the EU strongwoman hit Facebook with a fine of €110 million after concluding that the company had misled officials investigating its deal to acquire the messaging service WhatsApp in 2014.

"Today's decision sends a clear signal to companies that they must comply with all aspects of EU merger rules, including the obligation to provide correct information, said Vestager.

When Facebook notified the acquisition of WhatsApp in 2014, it informed the Commission that it would be unable to establish matching between Facebook users' accounts and WhatsApp users' accounts.

Two years later WhatsApp said it would now share certain user data with Facebook. Then the Commission found out that this was possible already in 2014, and that Facebook staff were aware of it at the time.

Less than two months after the Facebook decision Commissioner Vestager fined Google €2.42 billion for abusing its dominant position as a search engine by giving advantage to its own comparison shopping service.

" What Google has done is illegal under EU antitrust rules. It denied other companies the chance to compete on the merits and to innovate. And most importantly, it denied European consumers a genuine choice of services and the full benefits of innovation," explained the Commissioner.

Increased Tech Industry Lobbying in Brussels

The tech industry seems to have awakened to the potential threat of EU regulators. Silicon Valley companies are fast becoming the largest, most influential and most transformative lobbyists in town, reports Transparency International.

The organisation's research shows that Silicon Valley companies taken together have increased their EU lobby spending by 278% since 2014 and now spend 15.3 million euros per year.

Online platforms ingratiate themselves with policymakers in other ways too. Facebook, for example, hosted the Future of Business Summit and Exhibit in Brussels in June which aimed to " consider how the EU's digital policy agenda can support companies to make this leap". Invited as speakers were several MEPs and high-level EU Commission officials .

"Their mere presence (in Brussels) is a sign of how much importance they (the tech companies) are placing on the EU's regulatory capital", comments the news service Politico.

No General Regulation of Online Platforms?

EU policymakers seem intent on taking specific measures to make online platforms more accountable for their activities, but a more general regulation of this type of companies looks unlikely, partly for economic reasons.

Under possible new EU legislation announced in May by the Commission in a Communication on the Digital Single Market, Internet platforms like Google, Facebook and Amazon Marketplace could face regulation over their contracts with other businesses by the end of the year.

 "...there is widespread concern that some platforms may favour their own products or services, otherwise discriminate between different suppliers and sellers and restrict access to, and the use of, personal and non-personal data...", explains the EU Commission.

The Commission will also introduce measures to better coordinate how online platforms remove users' posts that contain illegal content once they receive notice about it. This seems to amount to some kind of non-binding guidelines for removing illegal content.

That is not enough, said a group of 24 MEPs, led by Dutch Liberal Marietje Schaake, who wrote to Commission Vice President for Digital Policy Ansip asking him to propose hard legislation – a notice-and action directive – instead.

At a plenary meeting in June the EU Parliament adopted a [resolution about online platforms](#) in which it asks the Commission to "investigate the possible errors and abuse of algorithms which can lead to discrimination, unfair practice or breaches of privacy" and to analyse if further legislation is needed to limit the dissemination and spreading of fake content.

But the Parliament also stresses the need to promote the growth of online platforms in Europe and strengthen the ability of European platforms to compete globally. " We have to have European leaders capable of taking on the American and Asian giants, said one of the Rapporteurs, MEP Philippe Juvin.

Privacy/Data Protection

EU Privacy Regulators Condemn Facebook's Tracking

A number of national data protection authorities in Europe seem to be on a crusade against Facebook.

In May the French privacy regulator [CNIL presented Facebook with a fine](#) of 150,000 euros, having found that the Facebook group "does not have a legal basis to combine of all the information it has on account holders to display targeted advertising". It also finds that the group engages in unlawful tracking, via the *datr* cookie, of internet users.

At the same time Belgian, Dutch, German and Spanish regulators published the results of their own investigations of how Facebook handles users' personal data. They don't seem very pleased either.

The Dutch Data Protection Authority, for example, declared that the Facebook Group violates Dutch data protection law by giving users insufficient information about the use of their personal data. The regulator also found that Facebook uses sensitive personal data from users without their explicit consent.

Google Vows To Stop Scanning Gmail Contents

Having been criticised for abusing users' personal data Google now appears to want to make amends, of a sort.

In June the company said it would stop scanning the contents of Gmail users' inboxes for ad targeting, moving to end a practice that has fueled privacy concerns since the free email service was launched, [reports AFP](#).

A Google statement said Gmail users would still see "personalized" ads and marketing messages but these would be based on other data, which may include search queries or browsing habits.

Danny Sullivan, founding editor of the blog Search Engine Land, called Google's announcement a "big change" for Gmail, but wrote on Twitter: "On the other hand, does it reassure consumers to know that Google has better info now about how to target them than by reading their emails?"

e-Privacy:
Much Debate About New Regulation

In January this year, the European Commission proposed a legal change to the EU ePrivacy directive, turning it into a regulation - which requires the same rules in every country - and extending its scope to digital communication services like Facetime, WhatsApp, Skype and Gmail.

Predictably, reactions have been mixed; those concerned about privacy are more positive than commercial entities – like publishers – which tailor their products and advertising to the profiles of the consumers.

In April the Article 29 Working Party - representing the data protection authority of each EU Member State – and the European Data Protection Supervisor (EDPS) presented their Opinions on the bill. These have many similarities with the EU Parliament's draft report on the issue published by the Civil Liberties Committee (LIBE) in June.

These institutions are in general positive to the Commission proposal, especially turning the directive into a regulation and extending its scope to new types of communication services. But they are concerned that the level of privacy protection in certain cases would not be on par with that of the recently adopted General Data Protection Regulation (GDPR) which the new e-Privacy rules were supposed to align to.

The institutions, for example, are negative to "tracking walls", which deny users access to the websites they want to use because they do not consent to being tracked by other companies. (The Parliament wants an outright ban on these "walls".) They also regret that privacy by design and by default are not efficiently integrated in the ePrivacy proposal.

Privacy advocates like the European Digital Rights organsation (EDRi) seem pleased with the amendments proposed in the Parliament draft report. But the media industry has concerns.

In May an alliance of news publishers called on European regulators to rethink proposed changes to online privacy laws. The publishers argue that new regulations relating to "cookies" could cut off their ability to build digital revenue, reports The Guardian

Publishers argue that creating a single "switch" for users to accept/reject cookies will most likely result in consumers taking the simplest route of opting out of all cookies, leaving them with scant information to support their targeted advertising models. In turn, this would leave the few digital giants used by most consumers to access the web in control.

The EU Council might be more sympathetic to such concerns. According to a report in May on the progress of national governments' negotiations on the ePrivacy proposal the member states are divided, with some countries calling for looser rules on when they (companies) can use consumers' personal data".

Much can still happen. The Council report said that the 25 May 2018 deadline for the rules to go into effect is unrealistic. This must have been a blow to the Commission which wants the law to be in place at the same time as the new data protection regulation GDPR goes into effect.

The Parliament's lead LIBE Committee expects the vote on its final report - and the mandate to start negotiations with the Council - to take place in October 2017.

Soon Data To Move More Freely Within EU?

Many tech companies – and policymakers – were probably happy in May when the European Commission promised to propose legislation to remove national restrictions that prevent data from moving between EU countries.

Shortly before this announcement ministers from 15 Members States – among them the Nordic countries – called for legislation to get rid of so-called data localisation in a letter to Commission President Jean-Claude Juncker.

Data localisation becomes a problem when more and more companies rely on data analysis as a major source of their revenue. Data may make up 4% of the EU's GDP by 2020, or €739 billion, believes the Commission. Much of this is non-personal data, i.e. data that cannot be traced to a specific person.

"We have already agreed on strong EU rules for personal data protection; we now need to make sure that non-personal data can flow freely to assist connected cars and eHealth services", explained Andrus Ansip, EU Vice-President for the Digital Single Market.

Germany and France have opposed the free flow of data, but Germany seems to have warmed up to the plans for legislation. France, however, is still skeptical. This worries tech companies fearing it could put pressure on the executive to weaken the rules.

And, in fact, at the end of June Ansip said that the proposal will be "more balanced" than earlier planned. "I hope we will get to the point where all member states support this proposal to allow free data flows ".

A few weeks later he outlined some more concrete ideas underpinning the forthcoming proposal, such as "the principle of availability of data, even when it is stored in other EU countries, when public authorities need it…"

The Commission proposal is expected this autumn, maybe already in September.

The Estonian EU Presidency will no doubt try to push through the bill. The free movement of data is one of the priorities of the Estonian Presidency, declared Prime Minister Juri Ratas in May. "We have dubbed it the fifth fundamental freedom", he said.

Encryption:
Possible to Marry Privacy and Security?

Encryption is a vital tool for journalists to protect their confidential sources from reprisals and offers protection for dissidents trying to communicate under repressive regimes. But it also protects communication between terrorists and other criminals from the prying eyes of security and law enforcement agencies. Which of these aspects policymakers will focus on when fears of terrorist attacks are rife is not hard to guess.

In February the UN Human Rights Council said in resolution that it was "deeply concerned" about at the negative impact of surveillance and/or interception of communications but that there are technical solutions, "including measures for encryption and anonymity", to ensure the rights to privacy and freedom of expression.

The Council encouraged businesses to work towards enabling such technical solutions and called upon states not to interfere with the use of them.

That was before the wave of terrorist attacks in Europe this spring. When the EU heads of government met on 22-23 June, they strongly condemned the attacks and said they would stand together and fight the spread of radicalisation online.

The EU leaders stressed the need to address "the challenges posed by systems that allow terrorists to communicate in ways that competent authorities cannot access, including end-to-end encryption". But to safeguard "the benefits these systems bring for the protection of privacy, data and communication" is also important, they said.

A week later the EU Commission outlined measures taken at EU level to counter radicalisation and fight terrorism and said it is "looking into possible legislative action to improve cross border access to electronic evidence". It is also examining "the challenges posed by the use of encryption " and will report on its findings by October 2017.

Artificial Intelligence / Robotics

AI Policy in the Making

Aware of the increasing importance of artificial intelligence (AI) and robotics in the economy, EU policymakers are eager to jump on the bandwagon and make sure that Europe will have a leading role in the AI revolution. But there are also concerns that need to be tackled and policy discussions are beginning to emerge.

Artificial Intelligence and robotics are key drivers of future economic and productivity growth and the EU has already started to make substantial investments in this development, said Roberto Viola, the Commission's Director-General of Communications Networks, Content & Technology, in June.

But Viola also pointed out that there are increasing concerns about AI, in particular about the transparency of algorithms and decision-making processes. "It is critical to investigate solutions capable of explaining these decisions".

The EU Parliament, for its part, has stressed the importance of liability rules and

the impact of robots on the workforce, and said that the growing use of robotics also raises ethical issues, for example to do with privacy and safety.

EU citizens' attitudes to robots and artificial intelligence are generally positive, shows a recent Eurobarometer. However, respondents express widespread concerns that the use of robots and artificial intelligence leads to job losses and consider that these technologies need careful management.

Various stakeholders groups are also discussing AI policy matters, for example the partnership on AI to benefit people and society, led by companies such as Apple, Amazon and Google.

Journalists, too, are talking about these issues, for instance at a conference arranged by Columbia University's School of Journalism in June. How far to push the use of AI in journalism considering ethical risks, was one of the topics. There is a lot of bias in data sets that journalists can use, so it's important to know how the data was collected, by whom and for what purposes, it was stressed.

European Media Policy

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The Newsletter provides an up-date on policy developments at the European level. We concentrate on news from the European Union – current issues and trends in media policy, new proposals for legislation, debates in the European Parliament, recently taken or impending policy decisions and reactions among those concerned, new support programmes, EU studies in the field etc. There will also be some coverage of policy developments in the Council of Europe and at the international level. The newsletter is published three times a year.