

European Commission
The Directorate-General Justice and Consumers (DG JUST)

Contribution to the public consultation on the European Democracy Shield

The Finnish Media Federation (Finnmedia) (EU Transparency Register ID: 910162617573-84) position paper focuses on certain, important themes highlighted in the the public consultation on the European Democracy Shield (EUDS).

The themes are presented under the following headlines:

- Media and digital literacy and critical thinking;
- Citizens' access to trustworthy and diverse information;
- Increase support to free, plural and independent media and quality journalism;
- Tackling threats, pressure and attacks against media and journalists;
- Integrity in the media; and
- What main EU actions would you suggest in view of safeguarding and strengthening democracy in the EU?

In this contribution we provide among other things case examples and best practices from Finland, and also from some other EU countries. Please feel be welcome to be in touch with us, should you need more detailed information of our proposals.

Media and digital literacy and critical thinking

In recent years, disinformation - the deliberate production and dissemination of false information - has become an increasingly widespread social threat around the world, including Europe. It is regarded as a part of the "playbook" of authoritarian leaders: to manipulate opinion, to increase instability and polarisation in societies and to exacerbate public debate.

One counterforce is journalism, the method used by the news media to produce reliable information. Other related counterforces are literacy in general, media education and digital information literacy.

While disinformation is free to users and well available especially through social networks, journalism is partly behind paywalls. To remain independent, journalists and publishers employing them must be able to finance their activities themselves.

Schools around the EU Members States are key players in media education. Not all media content can be lumped together in education, but in these golden times of disinformation, it is important to distinguish the journalistic editorial media bound by ethical guidelines under editorial self-regulation from other online media and to emphasize the importance of trustworthy professional journalistic media for democracy. It is therefore important that an understanding of the value and principles of journalism and the recognition of journalism must be included in future curricula around the EU.

As in our best practices -case example of Finland, in the information overload of the internet, member media of the Council for Mass Media in Finland are the only content providers that are committed to the Journalist Guidelines. They are committed to disseminating truthful, verified information. Their mission is to guarantee the public's right to information and thus protect democracy. Journalistic editorial media have a duty to correct any inaccurate claims, and their publishing activities are the responsibility of a designated editor-in-chief, unlike social media platforms, where anyone can publish almost anything without any real responsibility for the consequences.

Europeans need to better understand how to differentiate content published by the press or other professional editorial media operating under editorial responsibility and subject to editorial self-regulation from other messages, such as social networks' content.

Educating citizens of all ages about the value of trustworthy, professional journalism is essential to reduce the influence of disinformation and to tackle hybrid threats. Media education and information literacy activities should target not just pupils but all ages and segments of the population including adults, immigrants and elderly people.

News Media Finland (a Finnmedia member news media association, in Finnish Uutismedian liitto) is currently producing an information package about importance of journalism and also openness in administration to democracy, participation and trust. The information package will be distributed to all members of local municipal councils and wellbeing services counties – important local political decision-makers – and municipalities' key public officers in Finland. (There are currently 308 municipalities in Finland.) The information package will be finalized and distributed after summer, by

September. We believe that this information package could serve as one example on how to provide media and democracy education to adults.

Finnmedia suggests the EU -- operated by the European Commission -- to make recommendations under the EUDS to the EU Member States and launch widespread media education and information literacy initiatives with the aim to:

- Highlight the contrast between trustworthy professional journalism and other information such as disinformation on social networks. This initiative should include support and guidance to establish editorial self-regulatory bodies in those Member States that do not have one by now;
- Understand the value and principles of journalism and including the recognition of journalism in future curricula in the Member States;
- Promote and incentivize programs that encourage and support literacy as Europe cannot compete with other continents without high-literate professional work force who are able to read, comprehend and learn continuously. Reading and literacy skills enhance critical thinking and create a strong basis for the life-long learning;
- Equip citizens with the skills to critically evaluate information sources and see and appreciate difference between professional journalism and information by unknown sources, for example, on social networks; and
- Provide information to adults and especially decision-makers, people in power, about importance of journalism and openness in administration to democracy, participation and trust.

Finnmedia points out that the Committees in the Finnish Parliament acknowledge and underline importance of both media literacy and robust media. Culture Committee has taken the following standpoint in its position (SiVL 2/2024): Information influence based on dis- and misinformation can undermine the trust that holds society together. The Committee has repeatedly emphasized that media literacy is a key means to strengthen societal security and functioning democracy, and that promoting media literacy lays the foundation for the entire society's resilience. The Committee considers it important that the *significance of media literacy and media education* is also highlighted at the EU level as part of the objectives of security of supply. Committee for the Future has reminded about the *importance of information resilience, operational conditions of the media and media literacy* and their *important role in security of supply and in comprehensive security* (TuVL 1/2024).

The Finnish security of supply model is based on both material and immaterial security of supply and public-private cooperation in a form of pooling operations. Information resilience is an essential part of immaterial security of supply. The Finnish Government Decision on the security of supply objectives (October 2024) acknowledges the crucial role of free, independent editorial media and underlines importance to secure the operating conditions of editorial media in all circumstances as a security priority. The

Ministry of Interior's guide to instruct people how to prepare for incidents and crises in Finland (November 2024) acknowledges and underlines importance of editorial media. The Ministry of Interior's guide among other things informs how to identify journalistic communication subject to well-established journalistic self-regulation in Finland.

Citizens' access to trustworthy and diverse information

Safeguarding sustainable operational conditions for the press, privately owned radio and television operations, production of learning materials and book publishing is essential for Europeans' access to professional journalistic information, professional content and learning materials. It requires active media policies.

Finnmedia emphasizes the importance of EU level media policy that recognizes the unique role of the press and professional media in safeguarding the critical societal functions when considering any new EU legislation. The EU should protect, not regulate editorial media content.

The EU level media policy could be established through a "media impact assessment" with an aim to raise awareness within the European Commission about the impact of new initiatives on the media sector, especially on the editorial media and its publishers. This assessment should ensure that any future EU proposals, amendments, or adopted laws affecting media service providers and editorial media are justified, proportionate, transparent, objective, and non-discriminatory. The assessment should not be limited to media-specific legislation, but it should also extend to broader policy areas, such as for example competition law, consumer law, data protection, and platform regulation, that could indirectly affect the media sector. Embedding this test into the EU's existing competitiveness checks would ensure that future legislation strengthens the media sector, fosters fair competition, and contributes to a vibrant internal market.

In practice, recognizing the unique role of the press and other professional media means for example better focus on tech giants and actors where the problems lie. The EU should not regulate everyone, including professional media, to solve problems with the tech giants.

European digital rules should work in the interest of accessibility and visibility of professional media content, for example by the press publishers. The Commission and the Board of media services should resolutely enforce Article 18 of the European Media Freedom Act (EMFA) to prevent the arbitrary take-down of professional media content posted by the media companies. In addition, there is merit in considering a stronger approach to better surface European professional media content. As a matter of fact, trustworthy, professional journalistic content competes for users' attention and time with user-generated content or disinformation that is algorithmically pushed for its

sensationalist potential and capacity to attract more viewers especially on social networks and therefore more advertising revenues. Algorithmic choices should instead integrate media freedom and pluralism and work in the interest of credibility and trustworthiness.

Finnmedia suggests the EU -- operated by the European Commission -- to make recommendations under the EUDS

- for algorithmic plurality. Viability of the press and other professional media depends on the ability to secure audiences without over-relying on unpredictable algorithmic decisions. In addition to algorithmic transparency (under DSA), the EUDS should promote media plurality by design in recommender systems, algorithms and AI models, to generate results that reflect a free and diverse media distribution. Interpretation of the DSA (Article 27) and the EMFA (Article 18) can accommodate these principles. In addition, it is necessary to empower users of digital services to determine algorithmic parameters on social networks, platforms and chatbots, to choose by themselves what type of sources they want to see in priority, for instance via consumer law (under future Digital Fairness Act). Such approach would allow for a greater diversity and visibility of journalistic media content, without falling into a substance examination or any form of content regulation;
- for national and EU level media policies that recognize the unique role of the press and other professional media in safeguarding the critical societal functions when considering any new legislation or authorities' guidelines and alike documentation that could influence on freedom of speech, press freedom or media companies' operational conditions; and
- for an EU level a "media impact assessment" with an aim to raise awareness within the European Commission to ensure that any future EU proposals, amendments, or adopted laws affecting directly or in-directly publishers, media service providers and editorial rooms are justified, proportionate, transparent, objective, and non-discriminatory.

Increase support to free, plural and independent media and quality journalism

One cannot regulate freedom in democracies. Instead, democracies must invest in trust.

Challenging and mistrust of the press and other professional media is symptomatic of a current broader confrontation with democratic institutions. It seems clear that it cannot solely be solved through statutory and legal means or on ad hoc basis. Therefore,

restoring confidence and trust in society is a long-term investment and more of a matter of soft law recommendations and guidance and incentives.

Finnmedia suggests the EU -- operated by the European Commission -- to make recommendations to the EU Member States for concrete actions and incentives under the EUDS

- on the reduction of VAT rates to render reading products and learning (press, books and learning materials) more accessible to the population and schools and to protect viable publishing businesses, including through the use of zero-VAT rates in the Member States. This stems from the conviction that there is a need in the EU to expose citizens of all backgrounds including various wealth levels and ages to trustworthy, professional journalism reading and empower them to form their own opinions and make independent, informed decisions. Reasonable priced press publication subscriptions, books and learning materials play extremely important role;
- on effective editorial self-regulation. The EU should actively pursue efforts started under the previous European Commission to promote self-regulation in the media sector, either through EU-funded projects (for example [Media Councils in the Digital Age](#)) or industry projects. News Media Finland (a Finnmedia member news media association, in Finnish Uutismedian liitto) is currently conducting a [project](#) to promote editorial self-regulation in partnership with the Association of Independent Regional Publishers of Ukraine. The European Commission could incentivize and advertise industry initiatives and foster discussions around the creation and uptake of industry codes of conduct for professional journalism;
- on standing up for competitiveness of editorial and other professional media. Finnmedia understands the EU has the right intentions for the journalistic media and other professional media, but it seems unfortunately the EU fails to address the critical underlying economic issues for professional media businesses that are necessary to fairly compete with the big technology including AI companies and public service broadcasters. The publishers and other privately owned media companies are squeezed between big technology companies that disregard EU regulations (considered as “trade barriers”) and public service broadcasters (PSBs) that for example want to operate as state-owned newspapers or “public all-inclusive media service providers”. PSBs continuously try to extend their statutory PSB remits in a manner that risk infringing the EU state-aid rules and influence negatively to the press publishers’ continuous hard efforts to the subscribers i.e. consumers who pay for digital or printed newspapers;
- on considering state subsidies for the professional editorial media such as news media (publishers) to avoid news deserts and to keep citizens engaged with local politics and local themes in general; and

- on support to fair market conditions through i) the immediate enforcement of the Digital Services Act (DSA), the Digital Markets Act (DMA) and AI Act against big technology including AI companies; and ii) of existing EU state-aid rules against public service broadcasters that tend to actively go beyond their statutory remit.

Tackling threats, pressure and attacks against media and journalists

Finnmedia suggests the EU -- operated by the European Commission -- to make recommendations to the EU Member States for concrete actions and incentives under the EUDS

- to raise awareness about journalism as a cornerstone of democracy amongst the judicial community. Recommendations towards criminal process actors, such as the police, police's preliminary investigators, prosecutors and judges as well as court systems are necessary to ensure awareness of journalism's importance to democratic society among other things. The criminal system should protect mal-treated, online targeted and online shamed journalists, and not to protect their offenders. The Dutch model to do this, Persveilig, is a good best practice case example. Please find more information: the <https://persveilig.nl/about-us>;
- on priority of journalists' requests to the police to start investigations about the potentially criminal deeds against journalists;
- on considering attacks and offences against journalists as severe criminal deeds when deciding on sentences in the courts;
- on respecting the protection of journalistic sources and recognising the chilling effect that threats and interference with journalists' work has on media freedom; and
- on openness and transparency and the possibility for journalists to report about police investigations with relevance of public discussion -- the journalists' audience -- the people -- have the right to information as a key part of their freedom of speech.

Integrity in the media

Finnmedia underlines the fact that independence of editorial media is fundamental: it has to have strong legal and self-regulatory protection -- in all circumstances including also states of emergency.

Independence of editorial media has a strong protection in European and international treaties and regulations. Please see the Charter of Fundamental Rights of the European Union (Art. 11), the European Convention on Human Rights (Art. 10) and European Media Freedom Act (Art. 3 — Right of recipients of media services), and on national level in Finland the Constitution of Finland (Art. 12), Act on the Exercise of Freedom of Expression in Mass Media in Finland (Section 4 — Responsible editor) and editorial self-regulation, the Council of Mass Media in Finland – Journalist’s guidelines (Sections 1-2 — Professional status).

It is important to notice and acknowledge that transparency and openness advocated by professional journalists working for the press, radio and television is a key in a free, democratic society, also under exceptional circumstances or times. This is highly relevant when it comes to citizens’ freedom of speech, a right to know what is going on in society especially by those in power.

Finnmedia underlines importance to leave editorial self-regulation to press publishers and journalists instead of having a media or other state authorities involved in editorial self-regulation.

Finnmedia suggests that the EUDS should integrate “editorial responsibility” as the main factor in the information sphere. The concept of editorial responsibility, which already exists in EU law (AVMSD, EMFA), allows a clear distinction between professional (self-) regulated media players, such as for example press publishers, and other actors. Taking down or regulating “harmful” content is both dangerous and almost impossible. This notion can be misused by authoritarian regimes (in a form of adoption of “hate speech laws”) or public figures who consider investigative journalism “harmful” to their reputation when the aim is actually to expose malpractice.

Finnmedia underlines that platforms or big technology companies should never decide what constitutes “trustworthy” information. Europe should firmly and clearly depart from the American approach, where public authorities trust big technology companies’ governance to directly influence what users see online (for example Meta’s Oversight Board). As illustrated recently for example by the role of X in the US presidential elections, technology company-owner oligarchs can arbitrarily decide on the parameters of free speech and design algorithms selectively, or censor dissenting opinions. The result is that social networks’ users get locked in bubbles of misleading and polarised content. This type of development creates concrete risks on social cohesion, participation in society and public debate and finally on democracy.

Finnmedia suggests the EU -- operated by the European Commission -- to make recommendations to the EU Member States under the EUDS

- about editorial responsibility based on national laws and editorial self-regulation as trustworthiness guarantees to guide European audiences;

- not to use the EUDS as an instrument of media regulation. Instead, it should support a free and independent editorial media by using the existing tools at its disposal. These tools include the EU gatekeeper and antitrust rules, protections for media service providers, such as press publishers, the fight against illegal content online, mitigating platforms' systemic risks, algorithmic transparency, disclosure of deep fakes, and maintaining trustworthy information systems, just to mention some examples; and
- on investing in the necessary resources to enforce the full toolbox at their disposal on both on the European Commission and national regulators level.

What main EU actions would you suggest in view of safeguarding and strengthening democracy in the EU?

Defending European free media and safeguarding the operational conditions of editorial and other professional media is more important than ever. Robust, free press and other professional media secures and promotes:

- Democracy;
- Freedom of speech;
- Education, culture, and skills; and
- Information resilience.

A nationwide press safeguards democracy and builds information resilience against disinformation and hybrid threats. Local news media safeguards local politics as there is no politics without publicity made by local journalism. Journalism and press keep the citizens aware of and interested in politics and democratic processes in general.

Democracy is about trust and participation. Key pillars of trust and press freedom are robust press and other publishers and other professional media companies and their constant development of direct relationship between readers and subscribers and editorial media publications, media education & information literacy and well-established editorial media self-regulation.

Trust arises from the direct relationship between press publishers and their subscribers. The Reuters Institute's Digital News Report 2024 revealed that readers' trust is significantly higher in countries where media companies succeeded in developing close and direct relationships with their readers¹ (i.e. accessing original content directly on the news media title's mobile application and online press publication instead of using social networks, search services or genAI services). Curated environments by the news media publications establish confidence. An intermediation and lack of transparency about

¹ Nordic countries, followed by Switzerland, Ireland, Belgium, the Netherlands.

original sources create confusion and defiance as typically happens in social network, search service or genAI service environments.

Finnmedia suggests the EU -- operated by the European Commission -- to make recommendations to the EU Member States under the EUDS

- on promoting under the EUDS and consumer protection laws (Digital Fairness Act) direct and valuable relationships between news media publishers and their readers to restore trust in professional information. This is a very important theme that should be taken into account throughout the European Commission's work during its mandate;
- on underlining that the editorial media do not need any additional EU-level or other obligations or restrictions (for example under Network Infrastructure Security or other security legislation);
- on acknowledging and supporting European editorial media in a form of sustainable media policies and levelled playing field with the global big technology companies;
- on encouraging, supporting and incentivizing media and digital information literacy initiatives;
- on acknowledging the importance of educating pupils at schools with professionally produced independent, quality learning materials and ensuring availability of professional learning materials for the pupils by the Member States' curricula requirements, like it has been ensured in Sweden;
- on recommending and incentivizing programs that encourage and support literacy;
- on promoting robust press, privately owned radio and television and other professional media operating under editorial responsibility and subject to editorial self-regulation through advancing and incentivizing editorial self-regulation programs by media industries and journalists; and
- on acknowledging the Finnish security of supply model to be promoted as a good example for EU-level preparedness measures including strong information resilience.

In addition, we ask the European Commission kindly to pay careful attention to other Finnmedia suggestions as presented in this contribution.

There is no one single solution to maintain democracy, to increase trust and participation in our European societies. Instead, the EU and the European Commission should pay attention to various highly relevant themes introduced in this position paper.

We remain at your disposal should you need additional information and contacts in Finland relating to the themes discussed in this contribution.

The Finnish Media Federation (Finnmedia) (EU Transparency Register ID: 910162617573-84)

Jukka Holmberg
CEO

Ismo Huhtanen
Sector Director of News Media

Please find information about The Finnish Media Federation (Finnmedia) on
<https://www.medialiitto.fi/finnmedia/>