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POLICY BRIEF

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MEDIA ETHICS BY DESIGN AS ETHICAL MEDIA GOVERNANCE MANAGEMENT SYSTEM

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Who is this aimed at

- Media Organisations, Regulators, Institutions, EU policy makers and planners, stakeholders in the Media Industry

Key messages

- Media organisations are important institutions with the role of promoting public interest and democratic governance.
- For the single market to function effectively, it is crucial that Media Organisations abide by ethical standards and adhere to internal procedures or that they have tools for self-regulation that are based on ethical standards and codes of conduct in the absence of existing common regulatory rules in the EU.
- The return to journalistic roots with high-quality content ensures sustainability despite the changing business model and ever-increasing challenges.
- Adherence to a standard implies specific procedures to defend a media outlet against modern threats (misinformation, hate speech, lack of transparency).
- Standardisation does not impose a bureaucratic burden on the industry but rather secures the media's independence from external influence.

Introduction

The crisis of trustworthiness in fundamental principles and values, institutions and entities also affects the media in Europe and the world. The reduced credibility is related to the economic, social and institutional crises which have caused a serious retreat in values such as human rights, independence, transparency and accountability, and a serious weakening of the obligation to support democracy over self-interest.

Faced with disproportionate challenges, the media are looking for pathways for their business viability and an alternative economic model in the face of global platforms that control advertising revenues. It is a question that needs to be answered whether regaining the moral advantage also enhances the operational capacity to capitalise on digitalisation benefits and address threats from unethical technology use. In this transformation process, the key question is whether standardised processes, which introduce self-regulatory initiatives in the SME industry into the ecosystem, can play a decisive role. Can they really guarantee an improvement in their functioning, healthy competition, business success, public interest and public expectations? In the media, the fundamental standard is the Code of Conduct. Ethics should therefore govern any standardised governance system, both in its design and implementation.

Ethical media governance: the problem context

According to the European Commission, the media industry is part of the ecosystem of the cultural and creative sectors and the services they provide are essential to economic freedoms and fundamental rights. The media, when they achieve a high degree of independence, contribute to shaping public opinion and help citizens and businesses form non-directed opinions and make informed choices. In our time, however, businesses in the sector face obstacles that make it difficult to operate in the internal market due to insufficient regulation (convergence). This condition affects media market players and harms the public interest. In particular, inadequate regulation reduces protection against unreliable media service providers, including those from third countries that may jeopardise public security and defense. As highlighted by the Commission's reports on the rule of law and the Media Pluralism Observatory, European media service providers face increasing interference in their editorial decisions and their ability to provide quality services from political and economic interests. Other problems identified include the dominance of advertising spending by the major technology platforms, the opacity and biases in proprietary audience measurement systems that distort advertising revenue streams, and the unfair distribution of state advertising. Among the increased challenges of inadequate self-regulation, in addition to the problems of misinformation, copyright infringement, discrimination and hate speech, the flood of digital content, unethical and inappropriate technology for responsible journalism, and the unethical use of unregulated technology are prominent.

In the report of the Conference on the Future of Europe, published on 9 May 2022, citizens called on the EU to further promote media independence and pluralism, in particular by introducing legislation to address threats to media independence through minimum standards at EU level. They also asked the EU to defend and support free, pluralistic and independent media, to step up the fight against misinformation and foreign interference and to ensure journalists' protection. The Media Industry is different from any other industrial production as the product is not standardised and the same every time, but depends on the commitment of the management, the mission statement, the principles and values of the organisation, the intrinsic and extrinsic factors affecting its operation, the pressures from stakeholders, the information and events themselves. They are influenced by journalistic competence and ethics. This means that the pressures on media organisations' independence escalate from the start of production and at every stage of editing until the content is released to the public. In these circumstances, defining stable standardisation methods is a difficult mathematical and philosophical exercise. This dual nature of Standards (measurable and qualitative results) is related to the nature of the industry and the nature of the journalism profession, as on the one hand, inspectable and measurable business indicators are considered as evidence, and on the other hand, evidence of quality is sought by monitoring compliance with the ethical values that bind journalism in general, as well as the relevant organisations' ethical standards. With regard to the business governance of the media, the common rules laid down by laws and regulations of the supervisory authorities exhaust their limits without necessarily ensuring that the organisation's purpose includes serving the public interest, or that management has declared its commitment to ethical journalism.

Teleologically, no action by regulators is sufficient, but no regulatory policy is wrong unless it forces corporate management to interfere with content by restricting journalistic independence, or to turn journalistic editing into a harness for the communication flow of information products and business profit from the sale of information. A significant issue facing the media is the ongoing internal conflict between profit-seeking corporate management interfering in the newsroom and journalists' increased self-censorship to align with ownership priority. Exactly this problematic operation demonstrates the need for media governance to recognise the media as a business and journalism as an independent pillar of public interest.

At the same time, regulators take up much of corporate governance routine, to the point of creating strong pressures and influences due to bureaucratic requirements. Especially in public and private media outlets that do not develop self-regulatory initiatives, as they find it challenging to protect even a minimal amount of independence.

Impact and proposals

The digital switchover of traditional media started out of necessity and in many cases due to a significant loss of audience. It continues unplanned by moving content online. At the same time, digital publishers have prioritised economies of scale and a problematic RTB targeted advertising revenue model, controlled by the EU's GDPR 679. However, in this model the lion's share is captured by global platforms, especially those of Social Media. At the same time, state advertising lacks transparency, increasing companies' dependence on politics. A related challenge came from self-censoring journalism that passed harmless passage of investigative reporting from the cases with large financial interests. As for journalism itself, the lack of a strong will to highlight ethical issues by regulators and powerful stakeholders poses serious safety and security problems. In this environment, self-regulation with ethical and quality standards as outlined in European constitutional texts, especially the proposal for the EMFA Regulation and Recommendation REC1634/22, seems to be the solution. It cannot be overlooked that any process of incorporating self-regulatory standards is financially and bureaucratically burdensome when the governance routine has been adjusted to the lowest level of ethics and quality, and when agonising vital issues overlap the public mission for the public interest. But the result of all this is a domino effect where each tile is bigger and heavier. Due to the lack of editorial rules that respect journalists' self-binding codes, the medium is heavily influenced by internal and external factors. The weak support for the independence of the newsroom results in a serious reduction in the quality of content and the absence of ethical safeguards. A significant deterioration in the position of the medium as a vital institutional tool is caused by the lack of a wider than self-determined vital space in balance with regulatory pressures. The loss of moral advantage damages the medium's image in terms of political and social acceptance and claiming a larger share of the advertising market. Finally, the dull strategy of digitalisation and exploiting the advantage of integrating technological advances clashes with the vitality of cybersecurity, protection against malicious content and protection of public data.

Proposals to the media

The following self-regulation and reform policies are proposed for implementation as a European policy direction for the media and national regulatory authorities.

1. The EU should establish a procedure for approval of ethical and quality management standards, certifiable by independent accredited bodies. Ensure subsidy incentives for media companies that incorporate them.
2. Media and possibly Press Councils to develop ethical journalism standards, with fully transparent proclamations of their ownership, mission and self-commitments.
3. Recognise how the technological, external and internal environment affects their operations. Identify threats and opportunities. Be aware of stakeholder needs and expectations.

4. To publish ethical requirements for Quality Management Systems implementation, making them soft law statutes that bind their organisations.
5. Respect journalists' professional code of ethics, their independence and the need to protect them by adopting the consultation model for editorial guidelines.
6. Ensure resources and delegate roles for ethics and quality.
7. Each SME to have clear procedures for dealing with misinformation incidents. Support investigative journalism and protect journalists from online threats and risks with equipment and special "digital shelter" training.
8. The Agency to ensure that it has a reliable, objective system for measuring public satisfaction.
9. The Agency to conduct internal audits for its internal evaluation, and quality assurance reports to be published in the Agency's annual public value report.
10. The Agency to pursue continuous improvement.

Setting the regulatory framework

The EU, which plays a leading regulatory role in the global technology and media landscape, is attempting to respond to the challenges of the media industry by playing its global role with the proposed EMFA Regulation. The EU Regulations, Directives and Recommendations, as well as the Council of Europe's Guidelines, aim to have a decisive impact on both the digital economy and the media market. Europe is setting rules and limits, promoting rights and conditions for healthy business development by designating the European Media Freedom Council, to be set up by independent national authorities, as the supreme body. With what is proposed under the European Media Freedom Act, the European Commission is deepening the ethical governance of the media with a radical proposal for self-regulation through Standard Management Systems, recognising their high degree of autonomy and independence. The legislative initiative is about self-regulation which, through legislator acceptance, becomes co-regulation. The acceptance, through Ethics and Quality Management Systems, of ethical standards in business and journalism is presented as a sufficient and necessary condition for ensuring sustainability, independence, avoiding risks for businesses and journalists and regaining citizens' trust. In essence, the EU promotes moral issues as common law, highlighting the importance for society and the democratic constitution of each dimension of the word ethos as defined by Aristotle and Plato. The European initiative is based on the assumption that, in principle, freedom of the press or freedom of expression are fundamental values of civilisation. Media social responsibility can be demonstrated by standardisation in a conscious and binding manner. Any Management System, accepted by the European Council, for holistic ethical self-regulation, must be agnostic as to its extent and scope. Clear certification specifications, application limits and control points. This allows its adoption and implementation by any media organisation, regardless of its size, orientation and business activity in general. Most importantly, it should not interfere with the overall functioning of the organisation and not restrict the European acquis and free journalism principles.

Conclusion

Ethics self-regulation should not be lost to regain prestige and strengthen the media's social and political role. The European Commission is planning policies to encourage organisations to design their own governance with ethical and quality standards, and to make this a sufficient and necessary condition in the single digital market to meet today's challenges. In effect, the Union's supreme regulatory authority offers the agreement to co-regulate without interfering with the media's statutory self-commitments. The certification standards should be based on international standards of excellence, acceptable in their requirements, approved and subsidised for the organisations concerned by the relevant Community authorities such as the European Media Freedom Council.

EU media are protected against risks, threats and global platforms and their effects on the advertising market and copyright is the adoption of ethical self-commitment. The consequent need for an objective, independent and impartial certification of compliance with ethical self-regulation by the media makes it inevitable that certified operating standards in the philosophy of the well-known International Standards for Management Systems (ISO Management Systems) should be established, designed, implemented, followed and ultimately audited.

References

- Alliance of Independent Press Councils of Europe (AIPCE). (2023). Comparative Data on Media Councils. Ανάκτηση από Alliance of Independent Press Councils of Europe (AIPCE): <https://presscouncils.eu/Comparative-data-on-media-councils>
- Council of Europe. (2020, June). Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors. Ανάκτηση από Council of Europe: <https://rm.coe.int/safety-implementation-guide-en-16-june-2020/16809ebc7c>
- Council of Europe. (2023). Freedom of Expression. Ανάκτηση από Council of Europe: <https://www.coe.int/en/web/freedom-expression/home>
- Council of Europe. (2011). Ethical Journalism and Human Rights. Strasbourg: Thomas Hammarberg, Council of Europe Commissioner for Human Rights. Ανάκτηση από Retrieved from: <https://www.coe.int/t/dg4/cultureheritage/mars/source/resources/references/04%20-%20CM%20ComDH%20Ethical%20Journalism%20and%20Human%20Rights%202011.pdf>
- European Commission. (2021, September 16). Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union. Ανάκτηση από EUR-Lex: EU law: <https://eur-lex.europa.eu/eli/reco/2021/1534/oj>
- European Commission. (2022, June 16). 2022 Strengthened Code of Practice on Disinformation. Ανάκτηση από Shaping Europe's digital future: <https://digital-strategy.ec.europa.eu/en/library/2022-strengthened-code-practice-disinformation>
- European Commission. (2022, September 16). European Media Freedom Act - Proposal for a Regulation and Recommendation. Ανάκτηση από Shaping Europe's digital future: <https://digital-strategy.ec.europa.eu/en/library/european-media-freedom-act-proposal-regulation-and-recommendation>
- European Commission. (2023). Tackling online disinformation. Ανάκτηση από Shaping Europe's digital future: <https://digital-strategy.ec.europa.eu/en/policies/online-disinformation>
- European Parliament. (2022, May 19). Ελευθερία του Τύπου: το Ευρωπαϊκό Κοινοβούλιο στο πλευρό των δημοσιογράφων. Ανάκτηση από European Parliament: <https://www.europarl.europa.eu/news/el/headlines/society/20220513STO29508/eleutheria-tou-typou-to-europaiko-koinovouliao-sto-pleuro-ton-dimosiografon>
- European Parliament and Council of the European Union. (2019, May 17). DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. Ανάκτηση από EUR-Lex: EU law: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0790>
- Global Charter of Ethics for Journalists. (n.d.-c). (χ.χ.). Ανάκτηση από <https://www.ifj.org/who/rules-and-policy/global-charter-of-ethics-for-journalists.html>
- Handzhiyska, L., & Mackay, C. (2017). Introduction to Media Law. Vienna: ORANGE 94.0 – Verein Freies Radio.
- Hoffman, C. P., & Lutz, Ch. (2013). The Impact of Social Media on Stakeholder Engagement. Στο Governance Through Communication: Stakeholder Engagement, Dialogue, and Corporate Social Responsibility. Washington D.C.: ICA International Communication Association. 2013 Annual ICA Preconference.
- Journalism Trust Initiative: JTI. (2023). Journalism Trust Initiative: JTI. Ανάκτηση από Journalism Trust Initiative: JTI: <https://www.journalismtrustinitiative.org/>

- Lameiras, M. (2017). Characteristics of Media Governance. ICEGOV' 17: Proceedings of the 10th International Conference on Theory and Practice of Electronic Governance, pp. 578-579. doi:<https://doi.org/10.1145/3047273.3047351>
- Laws, A., & Utne, T. (2019). Ethics Guidelines for Immersive Journalism. *Frontiers in Robotics and AI*, 6. doi:10.3389/frobt.2019.00028
- Lowe, G. F., & Martin, F. (2014). The value of public service media. Nordicom, University of Gothenburg: RIPE@ 2013.
- Malthouse, E. C., Maslowska, E., & Franks, J. U. (2018). Understanding programmatic TV advertising. *International Journal of Advertising: The Review of Marketing Communications*, 37(5), pp. 769-784. doi:<https://doi.org/10.1080/02650487.2018.1461733>
- ORF Public Value. (2023). ORF quality assurance system. Ανάκτηση από ORF Public Value: https://zukunft.orf.at/show_content.php?hid=40&language=en
- Peters, A., & Pagotto, I. (2006). Soft Law as a new Mode of Governance: A Legal Perspective. *NEWGOV: New Modes of Governance*, p. 26.
- Processing and freedom of expression and information. (2023). Ανάκτηση από General Data Protection Regulation (GDPR) – Official Legal Text: <https://gdpr-info.eu/art-85-gdpr/>
- Puddephatt, A. (2011). The Importance of Self Regulation of the Media in upholding freedom of expression: Communication and Information. Brazil: United Nations. Ανάκτηση από <https://unesdoc.unesco.org/ark:/48223/pf0000191624>
- Sarikakis, K., & Winter, L. (2021). Journalism codes of conduct and ethics as a form of media governance. *The Routledge Companion to Journalism Ethics*, pp.427-434. doi:10.4324/9780429262708-55
- White, A. (2018). Back to Basics: Internet crisis and a golden opportunity for journalism. Στο *In Trust in Ethical Journalism: The Key to Media Futures*, (σσ. 6-8.). London: Ethical Journalism Network. Ανάκτηση από <https://ethicaljournalismnetwork.org/trust-in-ethical-journalism-the-key-to-media-futures>

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– stimulates new forward thinking with regards the role of facts and place of regulation for securing a future democratic Europe

- generates new research and policy-oriented thinking about integration on the basis of informational rights and enabling informational environments across disciplines not traditionally involved in studying Europe:

- develops new agendas for research, policy and teaching across disciplines and across stakeholder communities

- provides an impetus for future oriented thinking, by researching the needs and perceptions of Europe's future autonomous citizens, young people and in particular children for factual information in and about Europe

- mobilises knowledges and competencies of a range of experts and especially aiming to “hear from” stakeholders which have historically been permitted least input to questions of right to accurate and comprehensive information as a civil and human right.

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