



PROMOTING AN INNOVATIVE AND SUSTAINABLE NEWSPAPER SECTOR

ELECTIONS

ENPA appoints new President and Vice President

The Norwegian publisher, Ivar Rusdal, was appointed President of the European Newspaper Publishers' Association during the ENPA General Assembly in Budapest on 12 November. The General Assembly meeting, which included a topical seminar on "Challenges to Freedom of the Press in the EU Member States", was organised with the assistance of the Hungarian Publishers' Association, Magyar Lapkiadóók Egyesülete (MLE).



ENPA President, Ivar Rusdal, co-owner and CEO of Jæren Avis AS

Since 1994, Rusdal has been the co-owner and CEO of Jæren Avis AS, a regional newspaper group consisting of six titles. Between 1995 and 2008, Rusdal was Chief Editor of Jærbildet.

Ivar Rusdal said: *"At one of the most challenging and transformational times in our industry's history, I am honoured to lead the European industry's representation to the EU institutions and internationally. The essential role that newspapers play in driving democratic debate and holding to account those in positions of power will only increase as the industry develops news and information*

services across all platforms."

Rusdal succeeds the German publisher, Valdo Lehari jr., Editor in Chief and CEO of the Reutlinger General Anzeiger, who had just completed a successful four-year term, the maximum term allowed under the organisation's statutes.

Valdo Lehari jr. who was appointed as a new Vice-President of ENPA said: *"I look forward to working with Ivar Rusdal and continuing this important lobbying work on behalf of the newspaper industry."*

Resolution on Freedom of Press adopted

As a wide-ranging package of media legislation continued its progress through the Hungarian legislature, ENPA adopted a Resolution on "Freedom of the Press" during its General Assembly meeting in Budapest on 11 November.

The Resolution noted that recent legislative proposals in several EU Member

States, as well as the interpretation and enforcement of existing media laws, have raised serious concerns about possible encroachments on press freedom.

Among other issues highlighted, the Resolution called on the Hungarian Government to ensure that the current package of legislation "serves its proper function of enhancing Hungarian democracy."

DECEMBER/JANUARY 2010-11



HEADLINES

ADVERTISING	2
MEPs vote on the "Impact of advertising on consumer behaviour"	
DATA PROTECTION	3
Commission sets out strategy to revise data protection rules	
PUBLIC SERVICE BROADCASTERS	4
The expanding online activities of the Public Service Broadcasters	
MEDIA DIGITISATION	3
Belgian publishers debate with EU representatives	
PRESS FREEDOM	3
New media law in Estonia threatens press freedom	
Topical Debate on Challenges to Freedom of the Press	
ENPA NEWS	4
New ENPA EU Legal Advisor	



ONLINE

The ENPA Monthly Review is also available online in English and French on our website www.enpa.be.

NEWS BYTES

ENPA highlights personality rights and 'forum shopping' issues

ENPA raised concerns in relation to legislation affecting personality rights and 'forum shopping' with seven key commissioners at the start of December.

We addressed the Commissioners concerning the Review of Brussels I Regulation, which is currently under discussion in the Commission. We contacted Commissioners Reding, Kroes, Tajani, Barnier, Hedegaard, Malmström and Vassiliou in order to ask them to support two main elements that are particularly important for the newspaper publishing sector: the importance of the *exequatur* as an indispensable instrument to safeguard press freedom and *article 5§3* of the Brussels I Regulation, which regulates the applicable law in terms of violation of privacy and rights related to the personality, including defamation. We urged the Commissioners to take our concerns into account when they decide on this proposal on 14 December.

Making media literacy part of the Digital Agenda

On December 2 and 3, at the time of going to press, the Belgian Presidency was organising under the Higher Council for Media Education (CSEM) a Conference "Media Literacy for all" under the Belgian Presidency of the European Union, to contribute to an inclusive approach to media literacy. This programme is aimed at producing a: "Brussels Declaration for lifelong during Media Literacy".

European Parliament debates media pluralism

On 10 November 2010, European Parliament's Media Intergroup, chaired by MEP Jean-Marie Cavada, organised a hearing on the topic of "Media pluralism: Protection of pluralism and independent media: towards a European solution?" Ebbe Dal, Director of Danish Association of Newspaper Publishers (DDF), and chair of ENPA's Directors' Roundtable, took part in the panel discussion.

At the hearing, Dr Peggy Valcke from the Institute for Broadband Technology (IBBT) presented a "draft media pluralism monitor study". Ebbe Dal noted that this study was highly theoretical. Dal said: "If the 'draft media pluralism monitor study' were to be used as a basis for a European-wide survey and its results included in the legislative work, the free European media would soon face life-threatening difficulties. In a culturally diversified continent like Europe, mutual legislation on media pluralism based on a pan-European model will not be able to fit all 27 states."



ADVERTISING

MEPs vote on the "Impact of advertising on consumer behaviour"

On 8 November 2010 the Internal Market and Consumer Protection committee of the European Parliament adopted an own-initiative report by MEP Philippe Juvin (French, EPP) on the "Impact of advertising on consumer behavior".

The report recognises that advertising constitutes an important and often crucial source of funding for a dynamic and competitive media landscape and actively contributes to a diverse, independent press in Europe. Furthermore, it considers the practice of advertising self-regulation as a dynamic, flexible and responsible adjunct to the existing legislative framework.

The report calls on Member States and the Commission to ensure that marketing and advertising guarantee respect for human dignity, without any discrimination based on gender, religion, convictions, disability, age or sexual orientation. This unfortunately fails while to take into account the fact that discrimination is already prohibited in national self-regulatory codes.

M Juvin's report also considers new advertising techniques such as the development of targeted (contextual, personalised and behavioural) advertising, tailored to internet users' interests. It suggests that such techniques constitute a serious attack on the protection of privacy when it involves tracking individuals (e.g. through cookies and profiling) and where consumers have not first freely and explicitly given their consent. According to the report, consumers must receive clear, accessible and comprehensive information about how their data are collected, processed and used and urges advertisers to work towards a standard use of the consumer-friendly opt-in format.

DATA PROTECTION

Commission sets out strategy to revise data protection rules

The European Commission published on 4 November 2010 a Communication setting out its strategy on "A comprehensive approach on personal data protection in the European Union". This policy review will serve as a basis for further discussion and assessment about the revision of the Data Protection Directive 95/46/EC. The Commission intends to propose new legislation in 2011.

The strategy, set out in the Communication, outlines proposals on how to modernise the EU framework for data protection rules through a series of key goals. The Commission is of the opinion that rapid technological developments and globalisation have profoundly changed the world around us resulting in new challenges for the protection of personal data. In order to address the question whether existing EU data protection legislation can still fully and effectively cope with these challenges, the Commission launched a review of the current legal framework

The Committee very importantly rejected calls for tighter restrictions to alcohol advertising on the internet. The rapporteur had originally suggested to restrict alcohol advertising online to certain websites – those of industry professionals, local authorities and tourist offices.

European print and online newspaper publishers were concerned about the approach of the rapporteur in his draft report regarding advertising and certain new online advertising techniques. Advertising revenues play a crucial role in providing independent sources of finance for newspapers and magazines in print and online. This revenue stream guarantees that the press can continue to foster democratic debate and inform citizens.

Advertising revenues are and will remain an indispensable source of financing for the press in Europe. Revenues from advertising constitute about 50% of the income of the printed press and even up to 100% of the income of the online press.

The vast majority of the online press generates no relevant sales revenues yet. Without online advertising and the tools that ensure its effectiveness, publishers simply would not be able to provide consumers with so much attractive, informative and useful editorial content.

The own-initiative report was adopted in committee with a majority of 30 votes in favour, 1 against and 2 abstentions. ENPA will continue to raise the concerns of newspaper publishers in the run-up to the final vote in the plenary session of the European Parliament from 13 to 16 December in Strasbourg.

with a high level conference in May 2009, followed by a public consultation at the end of 2009.

The findings confirmed that the core principles of the Directive are still valid and that its technologically neutral character should be preserved. However, the Commission identified several issues as being problematic by posing specific challenges. The Communication outlines several key goals including:

- Strengthening individuals' rights
- Enhancing the Single Market dimension
- Enhancing data controllers' responsibility, encouraging self-regulatory initiatives and exploring EU certification schemes
- Revising data protection rules in the area of police and criminal justice
- Ensuring high levels of protection for data transferred outside the EU
- More effective enforcement of the rules

ENPA will respond to the Commission consultation ahead of the deadline of 15 January 2010.

PUBLIC SERVICE BROADCASTING

The expanding online activities of the Public Service Broadcasters

The European Parliament voted on a report by MEP Ivo Belet on public service broadcasting in the digital era, on 25 November 2010.

European newspaper publishers urged the EU institutions to ensure that the online activities of public service broadcasters do not compete unfairly with the online services offered by newspapers. ENPA raised a number of key issues with MEPs, some of which are reflected in this report. Most importantly, ENPA called for the remit of broadcasters benefiting from state aid to be strictly enforced.

The Belet report recognises that newspapers are essential in a pluralistic and diverse media landscape. Newspaper publishers, however, stressed that more should be done to ensure that the huge investment of publishers in developing online services is not undermined by the digital activities of public service broadcasters.

MEDIA DIGITISATION

Belgian publishers debate with EU representatives

Belgian newspaper publishers had the opportunity to debate the future of the industry with EU decision makers at a lively press seminar in Brussels on 29 October, organised by JFB and VDP, the francophone and Flemish associations in Belgium which are members of ENPA.

MEP Ivo Belet and Adam Watson-Brown from the European Commission were among

Ivar Rusdal, President of ENPA, said: *“At a time when newspapers are investing heavily in new online business models, the rapidly expanding online offers of public service broadcasters are distorting the digital market. The online activities of public service broadcasters too often go far beyond their public service remit.”*

ENPA is concerned that Public Service Broadcasters:

- unfairly compete for advertising by offering multi-media advertising packages and using privileged position to win advertising online.
- go beyond public service remit in digital space by creating new press activities online, free mobile services, apps etc.

To further investigate this subject, ENPA is going to carry out a survey amongst its Members on activities and finances of Public Service Broadcasters in their countries in order to gather data and help to communicate our messages on Public Service Broadcasters.

the EU representatives who took part on panels discussing the journey the many changes and innovations the industry has embraced, “From Guttenberg to the iPad”.



PRESS FREEDOM

New media law in Estonia threatens press freedom

In 25 November 2010, the Estonian Parliament passed a media law that could expose journalists to jail and publishers to fines should they refuse to disclose their sources.

The Estonian Newspapers' Union (EALL), a member of ENPA, had expressed its concern that the amendments proposed by the publishing sector were not taken into account by the lawmakers. ENPA had therefore sent letters to the President and the Speaker of the Parliament of Estonia on 24 November, asking them to inquire about the proposed draft law in its current form to insure that these concerns are adequately addressed.

ENPA asked for additional information and assurances that the current package of draft legislation would serve its proper function of enhancing Estonian democracy. We asked both the President and the Speaker to give an assessment of the effects of the proposed draft law on the fundamental freedoms in Estonian society. The President, Mr Toomas

Hendrik Ilves, is yet to sign the adopted legislation.

The law, in its present form, enables courts to impose fines on newspapers that are convicted in libel cases. In addition to compensation in case of infringement, the courts can impose preventive damages for potential infringements in the future. The amount of the damages may be determined by the wealth of the defendant. Newspaper publishers are concerned that the law could be used for political reasons with an aim of inflicting financial damage on newspapers.

18 March 2010, six leading newspapers published blank pages to protest against the draft law, which aimed to significantly reduce the protection afforded to journalists' sources. ENPA, with its members, was deeply concerned that this law poses a serious threat to freedom of the press and will, in particular, have a significant negative impact on investigative journalism. We shall continue to monitor developments and work with EALL on this issue.

PRESIDENTS COLUMN



Beyond the crossroads

At any presentation of media news these days, you are likely to be told that *the media business is at a decisive crossroads*: The markets in which we operate are changing beyond recognition because of new technologies, new products and new competitors. We have to fight the googles of this world, and we see politicians going on with their business of legislating - which in our eyes often looks more like constraining than promoting free speech and the free flow of information.

I have read quite a lot of media history lately, as my own national association MBL just celebrated its centenary. And I have good news for you: the one recurrent factor in the development of modern media businesses seems to be that *we have always regarded ourselves as standing at «decisive crossroads»*.

When the first trans-Atlantic telegraph cable was laid in the 1860's, the imminent death of newspapers was forecast. Today, ENPA represents over 5,200 media businesses in 25 European countries. To me, this is sufficient proof that creativity prevails, as long as we maintain a strong belief in our own future.

This is my background for accepting to serve as ENPA President: representing the four Nordic countries, I come from a European region where newspapers and news media are integrated into people's daily lives, and where the transition to new products and publication platforms is a fact, not a fiction.

No President of ENPA can achieve anything on his own. Without the support and contributions from all 25 ENPA member countries and our competent staff in Brussels, my role has little significance. I therefore look forward to cooperating with all of you. Additionally, I am extremely grateful that our past President, Mr Valdo Lehari jr, has generously accepted to continue serving ENPA as Vice President. In this way, his extensive high level network will continue to be active, for the benefit of all members.

Ivar Rusdal
President

PRESS FREEDOM

Topical Debate on Challenges to Freedom of the Press

Publishers and representatives from four different Member States described current threats to freedom of the press in their country, in a topical seminar on Freedom of the Press, organised by ENPA at the Ringier Publishing House in Budapest on 11 November. The seminar was chaired by Charles Kovacs, chairman of Hid Radio Zrt in Hungary and included a speech by Delia Mucica on behalf of the Council of Europe.

Gerard Grünberger, Managing Director of the Austrian press association VÖZ described the legal difficulties of reporting across borders, referring to a case of Austrian

financial reporting on a German bank. Kees Spaan, former President of the Dutch media association, NDP, give an overview of the recent European Court of Human Rights ruling on the protection of sources (Sanoma w. the Netherlands).

From the new Member States, Michal Musil, deputy director of the Czech newspaper Mf DNES, talked about the on-going impact of the 2009 "Muzzle law" in the Czech Republic. Meanwhile, György Fehér, a partner at the PRK Partners law firm in Budapest, gave an update on the progress of a Hungarian package of legislation on media and telecommunications which has raised concerns for fundamental rights.

ENPA NEWS

New ENPA EU Legal Advisor

Martin Kala has joined the ENPA secretariat to cover the currently topical issues of Copyright law and Consumer Rights as well as other issues.

Martin is an Estonian national who has held positions at the European Parliament since 2004, where he originally served as advisor to Mr. Toomas Hendrik Ilves, currently President of Estonia. He holds a PhD from Université Paris XI du Sud, Faculté Jean Monnet (2003) and has written his dissertation on Industrial Property Rights.

Martin is initially working on the Consumer Rights proposal and on issues related to Copyright and Public Service Broadcasters. He will also cover the issues of our colleague Sophie Scrive, while she is on maternity leave. We are very happy to have him on board and look forward to working with him in the next months.

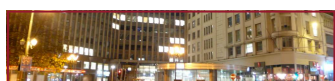


BUDAPEST GENERAL ASSEMBLY



The ENPA General Assembly held in Budapest on 11 and 12 November, was organised with the assistance of the Hungarian Publishers' Association, Magyar Lapkiadók Egyesülete (MLE).

1: ENPA members at the general Assembly in Budapest. 2: Kees Spaan, former President of Dutch association Vereniging De Nederlandse Dagbladers, Alvin Sold, Publisher of Tageblatt, Francine Cunningham, ENPA Executive Director. 3: Ivar Rusdal, ENPA new President, Valdo Lehari jr., former ENPA President and Mrs Judit Kázmér, President of the Hungarian Publishers' Association MLE.



p.1 and 3 Martin Kala

p.2 Febemag, 2010

European Newspaper Publishers' Association
 Square du Bastion 1A Bte 3, Brussels 1050, BE
 +32 2 551 0190 +32 2 551 0199
 enpa@enpa.be www.enpa.be

Editor: Francine Cunningham

Francine Cunningham, Executive Director
 francine.cunningham@enpa.be

Sophie Scrive, Deputy Executive Director
 sophie.scrive@enpa.be

Caroline Quintero P., Communications Officer
 caroline.quintero@enpa.be

Andrea Schlabertz, Office Administrator
 andrea.schlabertz@enpa.be

ENPA MEMBERS



ATHENS DAILY NEWSPAPER PUBLISHERS ASSOCIATION



MAGYAR LAPKIADÓK EGYESÜLETE

ZVPT

Zdruzenie vydavatelov periodickej tlače



Cyprus Newspapers & Magazines Publishers Association



FEDERAZIONE ITALIANA EDITORI GIORNALI



MEDIEBEDRIFTENES LANDSFORENING



Nederlands Uitgeversverbond



ASOCIATIA PATRONALA A EDITORILOR LOCALI



SCHWEIZER MEDIEN
 MÉDIAS SUISSES | MEDIA SVIZZERI | SWISS MEDIA



IZBA WYDAWCÓW PRASY



TidningsUtgivarna

Association luxembourgeoise des éditeurs de journaux

A.L.E.J.

DAGBLADENE
 PRESSIONS HUS



NS the voice of local media

ASSOCIAÇÃO PORTUGUESA DE IMPRENSA



DISTRIPRESS