

## **EFJ, EMMA, ENPA and EPC statement following European Parliament vote on the EU draft General Data Protection Regulation which weakens press freedom in Europe**

### **Call by journalists and publishers across Europe to safeguard press freedom and journalism under Article 80**

**12 March 2014**

EFJ, the European Federation of Journalists, ENPA, the European Newspaper Publishers' Association, EMMA, the European Magazine Media Association, and EPC, the European Publishers' Council are extremely concerned that amendments to the proposed EU Data Protection Regulation, approved today by the European Parliament, seriously undermine press freedom and journalism in Europe.

We **categorically refute the statement made yesterday by Jan Philipp Albrecht MEP, author of the Parliament's report on data protection, that "nothing will change for journalists"**. On the contrary, the Parliament's text – which fails to specifically protect "journalistic" activities from interference by authorities – certainly weakens the status quo. It opens up the way for difficult discussions in Member States and opportunities for governments to curtail press and media freedom.

**A directly binding exemption in the draft Regulation for journalistic data processing – as proposed by two Parliamentary committees providing Opinions<sup>1</sup> - is essential to ensure that journalists and publishers can continue fulfilling their democratic mission** as regards investigating, reporting, writing and publishing editorial content without any obstacle, and to guarantee that sources are adequately protected.

It is vital that with the change to a Regulation, the **current exemptions for data processing for journalistic purposes set out in the 1995 Data Protection Directive are at the very least maintained**. Unfortunately the Parliament has ignored its own Resolution from 2011<sup>2</sup>, in which it *"calls on the Commission to ensure that these exemptions are maintained and that every effort is made to evaluate the need for developing these exceptions further in the light of any new provisions in order to protect freedom of the press"*.

The approach of the Parliament to Article 80 **represents a significant weakening of the protection for press and journalistic freedom compared to the current Directive and the Commission proposal**, as all references to press and journalistic activities have been removed. Furthermore, the application of the exemption for journalistic data processing has been made optional at national level by using the wording "whenever this is necessary" and "to reconcile" data protection with freedom of expression.

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<sup>1</sup> See opinions of the Legal Affairs (**JURI**) Committee and Industry (**ITRE**) Committee

<sup>2</sup> 6 July 2011: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0323+0+DOC+XML+V0//EN>

As set out in our **recent petition<sup>3</sup> concerning Article 80 launched last week**, which already has the support of several hundred journalists, publishers and citizens across Europe, without the explicit exemption for journalists and publishers to process data there is a risk that:

- Journalists will not be able to process certain data for use in their reports or investigations, even though the data are integral to the report and concern an issue of public interest.
- Publishers will not be able to publish articles including such data, even though it is in the public interest to do so, and will face huge fines for a breach of the rules.
- An EU Citizen's right to be informed about important issues of public interest will be undermined, as will democracy in Europe.

It is therefore of fundamental importance that any future European Data Protection Regulation clearly safeguards press freedom by:

1. Guaranteeing that the exemption is **directly applicable and legally binding** and not for Member States to apply on an optional basis, whenever they deem to be necessary.
2. Ensuring an **explicit exemption for data processing for journalistic purposes**, rather than simply referring to "reconciling" data protection with freedom of expression;
3. Having a **clear reference to "journalistic" purposes** in order to ensure that journalism is explicitly covered by such exemptions;
4. Ensuring that, as a minimum, **all articles and chapters from the Commission's proposal are exempted**, including the provisions on sanctions.

These **concerns have been adequately reflected in the amendments adopted by the Parliament Committees** for Legal Affairs and for Industry, Research and Energy as part of the opinions on the draft Regulation, and tabled in the Committee for Civil Liberties, Justice and Home Affairs<sup>4</sup>.

Journalists and publishers in Europe, represented by EFJ, EMMA, ENPA and EPC would like to reiterate our calls to Member States in the Council, together with those MEPs in the newly-elected Parliament, who will be charged with negotiating the final agreement on the Data Protection Regulation, to ensure that the final text is sufficiently robust – as described above - and that the press and journalists are able to properly fulfil their democratic mission.

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<sup>3</sup> Petition by journalists and publishers associations: <https://www.change.org/petitions/art80>

<sup>4</sup> See opinions of the Legal Affairs ([JURI](#)) Committee and Industry ([ITRE](#)) Committee