

Information dissemination as part of the Digital Single Market

In the beginning, European media legislation has covered television only. Still, there are no regulations of radio and press at the pan-European level, although these media may also have transfrontier distribution. We can expect that there will be no such regulations and that restrictions on the dissemination of information by traditional media and similar online resources will remain within the framework of civil and criminal law, i.e. general prohibitions such as defamation, incitement to violence, discriminatory speech, child pornography and the like.

Firstly, the regulation of radio and the press in mature democracies has been and still is much more lenient than that of television. This is probably why requirements for these types of media have never been harmonised at a pan-European level. Secondly, radio in general broadcasts safer content than television; in addition, the video content creates a greater impact on the audience's perception of information. Thirdly, it is much easier for any authority to control a few large-scale players in the video-sharing platform market than dozens or even hundreds of thousands of text editions; the control efficiency i.e. cost of implementation to outcome ratio is much higher. Finally, the proposed content control mechanisms place the expenses on the industry, so an agreement with large international companies is feasible, but small-scale editions will wrangle over it.

By contrast, in Ukraine, both media types were regulated almost equally since the first steps of broadcasting legislation development i.e. from the first edition of the Law of Ukraine "On Television and Radio Broadcasting" of 1994.

Since 2006, the law has been extended to programme service providers. At that moment, they were telecommunications operators providing cable television access services.

In addition, providers of electronic communication services for broadcasting who use the radio frequency resource are considered separately.

The press is now included in the scope of the draft Media Law. However, there is an ongoing debate about this, and it cannot be excluded that printed media will be governed by a separate law.

Note that the expansion of the draft Media Law does not contradict current trends of broadening the scope of the Directive to video-sharing platform services. When drafting the Media Law, Ukraine conducted consultations with European experts who confirmed that the broader scope of the law, i.e. extension to radio, press, programme service providers, etc., is in line with Ukraine's obligations to the European Union regarding the implementation of

the Directive. They also confirmed that the inclusion of radio, press, programme service providers, etc., does not contradict Ukraine's commitments to the EU regarding the implementation of the Directive and EU legislation in general.

It is evident, therefore, that the draft Media Law impacts quite a few media actor categories (TV companies, radio, press, online media, telecom operators, etc.) and, in fact, every citizen, being concurrently a social media contributor or video blogger, a consumer of media information and political processes participant (politician, public activist, etc.), the media influence on which remains extremely high. Thus, every citizen of Ukraine has his/her own (sometimes contradictory) interests affected by the draft Media Law; e.g., as a video blogger, he wants less regulation but as a father of a young child, on the contrary, he wants the safest online media possible.

Whenever it goes about resolving media problems, the most challenging task is to represent in full all stakeholders and to have their interests balanced. Depending on the importance and essence of the topics considered by a multi-stakeholder body, the representation from media actors may be more or less broad. In the case of a major cross-sectoral law/regulation, it is likely to be sufficient to delegate representatives of television, radio, and press to the workgroup who can also represent the interests of the respective online versions. It should be taken into account though, that even within the same type of media there is not only competition but also a significant difference of interests between large, small, and medium-sized businesses. Thus, representatives of local broadcasters and regional press publishers' associations should be also included in multi-stakeholder bodies. The issue of representation of online media not associated with any type of traditional media is complicated due to the lack of a tradition of cooperation, the absence of mature organisations uniting a significant part of such media, and the lack of generally recognised authorities. At present, this problem can be resolved by having their interests represented by organisations protecting freedom of expression.