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Tackling the Threat to High-Quality Journalism in the UK NMA Response to Cairncross Review Call for Evidence

1. The [News Media Association](#) is the voice of UK national, regional and local newspapers in all their print and digital forms. Our members publish around 1,000 news media titles – from The Sun, The Guardian, the Daily Mail and the Daily Mirror to the Yorkshire Post, Kent Messenger, Monmouthshire Beacon and the Manchester Evening News. Collectively these publishers are by far the biggest investors in news, accounting for 58 per cent of the total spend on news provision in the UK¹.
2. This review is about sustaining high-quality journalism; it is not about sustaining traditional newspapers and their associated news sites. But financially strong news media companies, independent of the state and able to fund the expensive business of journalism, are recognised as the backbone of the UK news media sector and they remain best placed to serve the public interest by holding those in power to account.
3. The current UK media landscape has been shaped by government policy and intervention. Media ownership regulation and competition law have meant that, for many years, newspaper publishers were not permitted to own radio or TV stations. Regional publishers were prevented from buying neighbouring newspaper titles, creating an irrational pattern of local newspaper ownership in terms of geography, channels and platforms. Some weekly newspapers have had to be closed down because their publishers were blocked by the competition regulators from selling them to a willing buyer. Meanwhile, the BBC has been able to extend and cross-promote its content across all media platforms, funded by the licence fee payer, leading to an imbalance between tax-funded news provision and commercially-funded news provision.
4. The primary focus of concern today is the loss of advertising revenues which have previously sustained quality national and local journalism and are now flowing to the global search engines and social media companies who make no meaningful contribution to the cost of producing the original content from which they so richly benefit. UK law and public policy have made it difficult for news publishers even to discuss joining forces to compete effectively or to seek to rationalise their media businesses.

¹Estimate by Mediatique Ltd for the BBC

http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/mediatique_online_news_report_dec_2014.pdf; Mediatique Ltd also referenced by O&O at [http://www.newsmediauk.org/write/MediaUploads/PDF%20Docs/OandO_NMA - UK news provision at the crossroads.pdf](http://www.newsmediauk.org/write/MediaUploads/PDF%20Docs/OandO_NMA_-_UK_news_provision_at_the_crossroads.pdf)

5. UK government support for commercial news provision has been uncoordinated. Media merger laws have focused on protecting local advertisers rather than serving citizen voters. VAT zero rating has been the most consistent form of support and this covers all books, newspapers and magazines along with other items of public benefit. Government fiscal intervention in other content creation areas – such as tax credits for the film and video industries, local orchestras and theatres - has not been extended to news provision.
6. The government’s settlement with the BBC, including the BBC/NMA local democracy reporters scheme, was helpful but could have been more radical in redressing the balance. However, it is a model which could be developed for the local news media sector. The ‘indie quota’ system, requiring the BBC to outsource a percentage of film and TV production to independent production companies, is a model which could have been applied to the news creation scheme. Some of the largest regional publishers – Newsquest, Reach and Archant - are submitting a proposal to the Cairncross Review to build on the success of the local democracy reporters scheme. It identifies a need for third party investment, whether from the BBC or elsewhere, to fund an additional 1,750 local reporters to cover local public institutions across the UK.
7. The only recent small-scale experiment from the government was the business rates relief scheme for local newspapers. Another potential model which the DCMS has explored is the levy imposed on the horse racing betting industry to underpin the infrastructure of local race courses across the UK.
8. Other western democracies have fiscal support measures for news provision that range from direct state subsidy to facilitate the employment of journalists, to postal and distribution subsidies, to technological and innovation funds, to favourable tax and expense treatment of journalists. These interventions are in some cases fundamental to the viability and structure of news provision.
9. Meanwhile, despite the severe challenges they face, publishers everywhere have embraced digital opportunities and are exploring new and different ways to bring high quality editorial content to their audiences and to monetise that content in a digital age so they can ensure its continued provision. NMA members publish some digital-only titles, others print-only, but most publish across multiple platforms. A few have broadcast channels alongside their newspapers and others have diversified into other unrelated areas in order to provide the income to sustain their core news media business. Local publishers are evolving into trusted marketing and digital media advisers to small local business owners in their areas.
10. News media content fuels the social media machine. According to Ofcom research, social media is the most popular type of online news, used by 44 per cent of UK adults, with 76 per cent of those using Facebook, even though it employs no journalists and produces no news content. Indeed, Facebook is the third most popular source of news overall, used by 33 per cent of UK adults, with many regarding it as their single most important news source. However, many struggle to recall the original source of the news story.² Nearly half of all engagements with UK websites on social media source content from UK newspapers.³ Publishers are investing heavily in investigative and campaigning journalism which is

² Ofcom: News Consumption in the UK (2018) Report:

https://www.ofcom.org.uk/_data/assets/pdf_file/0024/116529/news-consumption-2018.pdf

³ Forty-seven per cent of all engagements with UK websites on social media in 2017 sourced content from UK news brands. (NMA analysis of NewsWhip’s 100 top-performing UK websites)

<http://www.newsmediauk.org/News/uk-news-media-journalism-powers-social-networks/181674>

followed up by other media channels, but the tech companies are extracting most of the value from that investment. This is not sustainable in the long term.

11. News media publishers have a history and a clear vision about the importance of holding those in authority to account and serving the interests of the public. They have invested in technological innovation, partnered with tech companies, nurtured dramatic audience growth, and continue to lead the way in terms of ground-breaking investigative journalism, campaigning on behalf of their communities and fighting on behalf of their readers. (A small selection of recent stories and campaigns originated by news media publishers and followed up by broadcast and other media channels is shown in Annex A.)
12. Journalism is a costly business and no publisher has been immune from the effects of a halving of the revenues that have sustained their editorial cost base. The local press, more dependent on advertising revenue than the nationals with their stronger cover price revenues, has been hardest hit. Although all publishers have sought to protect front-line journalist jobs wherever possible, there has been an inevitable and concerning reduction in editorial numbers. One national print title has switched to online-only. Some long-established local newspapers, such as the Oldham Chronicle, have closed down altogether, while other smaller, family-owned businesses like CN Group have sold to larger groups with the scale and resources to keep the titles in publication and even launch new titles.
13. We have set out in Annex B a list of 42 potential solutions which the review can draw on but the key areas to highlight are:
 - Launch a competition inquiry into the dominance of the tech companies and the role of intermediaries in the digital advertising supply chain and their impact on consumers, advertisers and other media players, leading to effective remedies;
 - Introduce a fair, open and equitable content licence fee agreement, supported by a UK Publishers Right, enabling the tech companies to demonstrate the value they extract and to pay for the content from which they benefit without discrimination between news publishers;
 - Give the tech companies the same legal responsibility as publishers for the content they carry, unless this is from a bona fide news source, and introduce independent regulatory oversight of their activities. This is intended to incentivise them to promote verified news content over fake news and other harmful content. It must not impose any new restrictions or additional regulation on news media publishers nor allow the tech companies to obstruct access to news media sites, discriminate against their content, or seek to shift liability, costs and regulatory burdens onto news media publishers.
 - Ensure greater openness and transparency from the tech companies over data processing and algorithmic decision-making affecting businesses which rely on them. Tech companies must be required to give reasonable notice of any changes to terms of business or to algorithms which impact news publishers to explain the purpose of the changes and to set out the assumptions and editorial judgments which lie behind the automation.

Cairncross Review - Questions under Consideration:

The review's objective is to establish how far and by what means we can secure a sustainable future for high-quality journalism, particularly for news. Looking ahead to 2028, how will we know if we have been successful, in relation to:

- a) publishers
- b) consumers

14. High-quality journalism is critical to the functioning of any healthy democracy but it requires the infrastructure, resources and skills to monitor and investigate those in authority and to sift, analyse and interpret a plethora of information. Consumers are best served by a diverse range of trusted, verified news sources to help them make sense of a chaotic world. That means a strong cross-section of news media brands covering national and international issues and professional, well-funded newsrooms covering every town and city in the UK.
15. Measures of success for the review in 10 years' time would see a vibrant and well-funded independent news media sector marked by an increase in number of news media journalists, regular launches of new local titles by dedicated commercial news media companies, and a rebalancing of the advertising market so that revenues follow audiences and advertisers can once again be confident that their brand messages are seen by real people viewing real content in a brand-safe environment.
16. Successful solutions would result in search engines and social media companies recognising that genuine news is the vital component of engagement with their platforms and that it is in their long-term interests actively to promote it over fake news and other harmful content.

Do you consider that the future of high-quality journalism in the UK is at risk - at national, regional and/or local levels?

- a) What are the main sources of evidence that support your view?
- b) What are the main sources of evidence which support an alternative perspective?

17. News media companies – newspapers in print and online - are by far the biggest investors in original news content, accounting for 58 per cent of the total spent on news provision in the UK⁴, with the rest spent largely by broadcast channels including the BBC.
18. They are the key providers of high-quality journalism in the UK but the advertising and cover price revenues which have traditionally funded that journalism have plummeted by half over the past decade, with the steeper 59 per cent decline in ad revenues⁵ hitting local newspapers the hardest.
19. The threat to local journalism is now acute. Many smaller titles are struggling to breakeven and are in danger of closure. Without significant market intervention, the outlook for Britain's regional and local press is bleak. National newspapers face similar difficulties over time.
20. Bloggers and hyper-local news sites are important outlets for self-expression but tend to be run on a voluntary, part-time basis with limited resources to support journalism in the longer term. They provide a valuable service to their communities but can be ephemeral and do not offer a realistic alternative to professional news media companies, nationally or locally.

⁴ Estimate by Mediatique Ltd

⁵ Overview of recent dynamics in the UK press market, Mediatique, p.4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720400/180621_Mediatique_-_Overview_of_recent_dynamics_in_the_UK_press_market_-_Report_for_DCMS.pdf

21. The challenges facing the news media sector are not unique to the UK and they are impacting on all independent news channels, including commercial broadcasters and newer digital entrants to the market such as BuzzFeed and Vice Media.
22. But there are some reasons for optimism. According to the 2018 Edelman Trust Barometer, public trust in traditional news media has rebounded sharply over the past year, reaching its highest level in six years, while trust in social media platforms and search engines has dropped.⁶ The global report found that trust in publishers and broadcasters in the UK had increased 13 points to 61 per cent while trust in social media dropped to just 24 per cent.⁷
23. While regulators may have been slow to act, the public may be starting to demand change. Some 70 per cent of people think social media companies do not do enough to prevent illegal or unethical behaviours on their platforms while 63 per cent think they lack transparency and 62 per cent think they're selling people's data without their knowledge.⁸
24. Nearly two-thirds, 64 per cent, of people in the UK back tougher regulation of social media companies⁹ while 53 per cent worry about being exposed to fake news on social media.¹⁰ Worryingly, 64 per cent can't distinguish between proper journalism and fake news.¹¹

What can the review learn from successful business models in other sectors or other countries, including those which work at scale? We are particularly interested in any organisational or business models which might promote or advance the future of high-quality journalism at the local and regional levels:

- a) **Where new and viable business models are emerging for high-quality journalism, what does this tell us about changing consumer behaviour and preferences?**
 - b) **Are different approaches needed for different parts of the market (e.g national and local; general and special interest news)?**
 - c) **To what extent do new and emerging business models such as online-only, hyperlocals and cooperative models work or mitigate issues felt by traditional players?**
 - d) **What alternative income streams (other than advertising) are most likely to sustain high-quality journalism in the digital age? Are there barriers to their effective exploitation and if so, how could these be addressed?**
25. A range of fiscal measures has been introduced by other countries to support news journalism. These include direct state subsidies to facilitate the employment of journalists, to postal and distribution subsidies, technological and innovation funds, to favourable tax and expense treatment of journalists. Some interventions, such as Denmark's editorial production subsidy and innovation pool, are fundamental to the viability and structure of news provision. The Dutch have a state fund for innovation in journalism. There is state aid in Portugal for regional and local newspapers. France has developed a complex system of press subsidies covering distribution, innovation, research and development and local media.

⁶ Edelman Trust Barometer 2018, Full Report, p.19

<https://www.edelman.co.uk/magazine/posts/edelman-trust-barometer-2018/>

⁷ Edelman Trust Barometer 2018, UK Findings slideshow, slide 6

https://www.slideshare.net/Edelman_UK/edelman-trust-barometer-2018-uk-results/1

⁸ Edelman Trust Barometer 2018, UK Findings, slide 9

⁹ Edelman Trust Barometer 2018, UK Findings, slide 9

¹⁰ Edelman Trust Barometer 2018, UK Findings, slide 11

¹¹ Edelman Trust Barometer 2018, UK Findings, slide 11

Sweden's Press Subsidies Council has responsibility for awarding grants for paid-for daily or weekly publications and distributed SEK 487 million (£42 million) in 2015.

26. The Australian government has recently launched a \$48 million (£27 million) fund for regional publishers. The Regional and Small Publishers Innovation Fund will reportedly allow incorporated companies with an annual turnover of less than \$30 million to apply for grants of up to \$1 million. The total funds for the scheme will be made available over three years. The Canadian government has pledged to create a \$50 million (£30 million) fund to support local journalism.
27. See Appendix D (News Media Europe paper) and Appendix C (Suggested criteria for UK news media businesses to be eligible for a licensing scheme or other intervention.)

What has been the impact of the operation of the digital advertising market on the sustainability of high-quality journalism in the UK?

- a) **Can digital advertising revenues support high-quality journalism in the future, as print advertising has done in the past?**
 - b) **How does the digital advertising market affect the ability of news publishers to monetise content?**
 - c) **Does the digital advertising market influence what news people see and if so, in what ways?**
 - d) **What changes might be made to the operation of the digital advertising market to help support and sustain high-quality journalism?**
28. Sixty-nine per cent of the UK population accesses newspapers online every month.¹² According to an analysis of Newswhip data, nearly half (47 per cent) of all engagements with UK websites on social media source content from UK news brands and eight of the top 10 most shared UK websites on social media are UK news media sites.¹³ Publishers invest £97 million in digital services¹⁴ and drive 920 million social media interactions a year.¹⁵
 29. The problems facing the newspaper industry are fundamentally about revenue decline rather than audience decline. There has been a gradual reduction in print circulation as reading habits shift online but this has been more than compensated by huge growth in digital audiences. The established national and local news brands report that they are reaching bigger audiences overall than they have for decades as people's appetite for news grows and they are able to consume it on the platform or device of their choice.
 30. But people expect to get their news for free online – not least because of the BBC licence-fee funded website which competes head to head for audiences with commercial news sites - and as a result very few news brands have been able successfully to introduce paywalls or other subscription models.

¹² PAMCo newsbrand audience figures 2017 https://pamco.co.uk/wp-content/uploads/2018/06/pamco_tmr_newsbrands-apr-17-mar-18.pptx

¹³ NMA 2017 analysis of NewsWhip's 100 top-performing UK websites <http://www.newsmediauk.org/News/uk-news-media-journalism-powers-social-networks/181674>

¹⁴ UK News Media: an engine of original news content and democracy (Deloitte 2016) p.6 http://www.newsmediauk.org/write/MediaUploads/In%20the%20Spotlight/NMA%20Economic%20Report/Final_Report_News_Media_Economic_Impact_Study.pdf

¹⁵ NewsWhip May 2017 – April 2018, Newsworks https://www.newsworks.org.uk/write/MediaUploads/1%20Facts%20Figures/Market%20overview/2018/Jun/Social_Media_-_6.6.18.pptx

31. Total newspaper print and online revenues from advertising and circulation have halved over the past decade, from £6.8 billion in 2007 to £3.6 billion in 2017.¹⁶ But it is the loss of advertising revenue, previously contributing more than two-thirds of publishers' total revenues, which has hit newspapers - and particularly the local press - the hardest. Circulation revenues have declined by 23 per cent but ad revenues are down by 59 per cent over the 10-year period.¹⁷
32. The digital advertising supply chain does not recognise the growth in audiences for news media content. It supports the aggregators of that content rather than its creators. The dominance of the digital eco-system by the global tech giants means that Google and Facebook have been able to extract over 60 per cent of UK digital advertising expenditure¹⁸ and nearly 100 per cent of growth.¹⁹ Those two companies alone are estimated to take over £6 billion a year in digital ad revenues,²⁰ while the news media companies producing the content from which the duopoly benefits earn just £487 million in digital ad revenues.²¹
33. This matters because the advertising eco-system which has traditionally supported high-quality journalism is being destroyed, leading to reduced journalist numbers and increasing title closures, particularly among local weeklies. Unless the ad revenue declines are reversed, the damage will inevitably extend to larger regional and even some national titles.
34. Fake news sites and other harmful content online are fuelled by digital advertising, to the benefit of tech platforms, agencies and other intermediaries, but to the detriment of society, advertisers and the publishers of genuine news. It has been reported that even government advertising has unknowingly been served up on highly inappropriate content as a result of blind programmatic ad buying practices. A coherent and thorough review of the digital advertising supply chain is long overdue.

Many consumers access news through digital search engines, social media platforms and other digital content aggregation platforms. What changes might be made to the operation of the online platforms and/or the relationship between the platforms and news publishers, which would help to sustain high-quality journalism?

- a) **Do the news publishers receive a fair proportion of revenues for their content when it is accessed through digital platforms? If not, what would be a fair proportion or solution and how could it best be achieved?**
 - b) **When their content is reached through digital platforms, do the news publishers receive fair and proportionate relevant data from the platforms. If not, what changes should be made and how could they best be achieved?**
35. Major internet and social media companies such as Google and Facebook are now globally dominant businesses with unprecedented reach, resources and power, whose commercial agenda, business operations and the services and products offered can have a major effect on those around them.

¹⁶ Overview of recent dynamics in the UK press market, Mediatique, p.4

¹⁷ Overview of recent dynamics in the UK press market, Mediatique, p.4

¹⁸ eMarketer 2017, <http://digitalmarketingmagazine.co.uk/digital-marketing-advertising/google-and-facebook-dominate-uk-digital-ad-market/4630>

¹⁹ eMarketer 2017

²⁰ eMarketer 2017

²¹ AA Warc Expenditure Report Summary Q1 2018 <http://expenditurereport.warc.com/FreeContent/AA-WARC%20Q1%202018.pdf>

36. Small algorithmic changes can inflict enormous damage on publishers with sudden shifts in traffic and resulting revenues to news media sites. Far greater openness, transparency and accountability is required from the tech companies over the algorithmic decision-making which affects news publishers who are reliant on them for traffic to their own sites. Tech companies must be required to give reasonable notice of any changes to terms of business or to algorithms which impact on news publishers (eg by deprioritising 'news' or promoting some news sites and demoting others), to explain the changes and their purpose, and to set out the assumptions and editorial judgments which lie behind the automation.
37. The protections devised for "mere conduits" to allow the early exploration of the potential of the internet, new technology and development of digital networks and services are no longer appropriate for these powerful global gateways to the internet. Swift and robust measures must be taken by the government in order to safeguard consumers and the role of the independent media and its trusted journalism on which UK citizens depend. It is vital that these do not place new restrictions or liabilities on independent news media publishers.
38. News publishers clearly do not receive a fair proportion of revenues for their content when it is accessed through the digital platforms. A meaningful contribution, in the form of an annual content licence fee, potentially managed by [NLA Media Access](#) (formerly the Newspaper Licensing Agency), could be used specifically to support independent journalism. This should be supported by a UK Publishers Right.
39. A programmatic classification identifying bona fide news media websites as 'brand safe' environments for advertisers could be introduced. The classification would need to be developed and applied by the news media industry itself in conjunction with advertisers and agencies – and, importantly, not by the tech companies themselves - potentially building on initiatives from the DTSG, JICWEBS and TAG.
40. Such a system would automate digital ad serving to known sources of verified news content, driving up advertising yields for brand safe news domains. It would make a clear distinction between brand safety and brand sensitivity, to avoid the problem of editorial content on genuine, fact-checked, professional news sites being blocked by indiscriminate programmatic brand safety and content policing tools.
41. Measures should be brought in to ensure the tech companies adjust their algorithms actively to prioritise brand safe genuine news websites (as independently defined, see 39 above) and to demote programmatic serving of digital advertising to 'fake news' sites and other harmful content such as terrorist websites and child pornography.

High-quality journalism plays a critical role in our democratic system, in particular through holding power to account, and its independence must be safeguarded. In light of this, what do you consider to be the most effective and efficient policy levers to deliver a sustainable future for high quality journalism?

- a) **Where, if at all, should any intervention be targeted and why (for example, at the local level, or at specific types of journalism)?**
- b) **What do you think are or should be the respective responsibilities of industry, individuals and government, in addressing the issues we have identified?**
- c) **If there is a case for subsidising high-quality journalism, where should any funding support come from?**
 - i. **What form should it take?**
 - ii. **How or where should it be targeted?**

42. The following is a range of options which the NMA and a wide cross-section of news publishers are developing and exploring with the government and other agencies:

- An Ofcom and Competition and Markets Authority review and investigation into the opaque digital advertising supply chain to examine the dominance of Google, Facebook and other major tech companies, and the role of tech vendors and other intermediaries, and the impact of their activities on consumers, advertisers and other media players. Effective remedies to be introduced.
- A Government-commissioned independent study into the importance of news content to the tech companies and the monetary value it provides to them on an annual basis.
- Give the tech companies the same legal responsibility as publishers for the content they carry, unless this is from a bona fide news source, and introduce independent regulatory oversight of their activities. This is intended to incentivise them to promote verified news content over fake news and other harmful content. It must not impose any new restrictions or additional regulation on news media publishers nor allow the tech companies to obstruct access to news media sites, discriminate against their content, or seek to shift liability, costs and regulatory burdens onto news media publishers. The NMA supports recent calls from Ofcom and UK broadcasters for independent regulation of the tech companies.
- Government to take the lead, as one of the largest UK advertisers, to reject the risks associated with 'blind' programmatic ad buying via open exchanges and instruct their buying agencies instead only to use brand safe programmatic options such as private marketplace or programmatic guaranteed for government digital campaigns.

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Annex A: Selection of news media campaigns and investigations

An essential role of the local and national news media industry is its investment in agenda setting original news content ranging from investigations to campaigns and scoops.

The news media industry is the leading investor in producing original news content- 58 per cent of all news investments in the UK comes from newsbrands.

Local, regional and national newspapers act as the public's watchdog. By scrutinising and holding power to account on behalf of their readers through investigations and campaigns, newspapers help to underpin the democratic process. Furthermore, at a local level charities and community causes are championed with real change being achieved. Below are a selection of recent national and local newspaper campaigns and investigations.

Manchester Evening News - We Stand Together

The Manchester Arena attack rocked both the city and the country. The MEN promptly set up an appeal to help those affected and it quickly hit the £2.5m mark.

The Paper realised an additional issue that needed tackling - the bomber was a Mancunian. #WeStandTogether had a double message – defiance and a call to do something to make the future better. The campaign had three main aims: make sure every pupil in Greater Manchester is taught about peace and how to solve problems without resorting to violence; encourage acts of kindness and acts of love – especially towards people we don't know; and fight each and every crime which is driven by hatred – while also opening up a dialogue across communities to defeat violent extremism.

Glasgow Evening Times- Opt for Life

In October 2011, the Glasgow Evening Times launched Opt for Life, a campaign to try to change Scotland's organ donation laws. Opt for Life's aim was to persuade the Scottish Government to switch to an opt-out system of organ donation, where the default position would be that everyone is considered a donor but the right to say no is respected.

Kidney Research UK was first to support the campaign, giving the Evening Times its full backing and helping to gather more than 20,000 petition signatures. Other charities followed, including the Cystic Fibrosis Trust, the Kidney Federation and the British Medical Association, which has itself led a long campaign for an opt-out system.

The Evening Times submitted a petition to the Scottish parliament calling for the change and were asked to give evidence at the public petitions committee. The petition was praised by the committee and led to a full debate in parliament. A Bill was created, but narrowly defeated. However, after 1706 days and almost 500 articles, a Holyrood petition, and a public petition the campaign achieved its goal.

Express and Star (Wolverhampton)- Investigation into Police Handling of Murder Case

The family of a young man who was killed in a shooting in South Staffordshire praised the Express & Star for its three-year investigation into the police handling of the case.

Kevin Nunes was shot five times in a gangland killing in 2002, the murder investigation led to five men being jailed and then acquitted on appeal.

Working with a police whistle-blower, the Express & Star's investigation included a year-long Freedom of Information drive to get a dossier of failings from the case made public for the first time. The Independent Police Complaints Commission released its investigator's full report into the case nearly three years after its inquiry was completed. The report found that senior Staffordshire police officers had a case to answer for misconduct or gross misconduct, but ultimately no disciplinary proceedings went ahead.

Leanne Williams, who was Kevin's girlfriend when he was killed, said: "The Express & Star has wanted to know how the family feels, how it has affected us. They have shown more interest than the police and IPCC together...We felt like our cause was disappearing, and that in the eyes of the police and the IPCC nobody cared. I definitely believe the Express & Star helped that massively. I totally believe the Express & Star's input put a fire under it and made the authorities stand up and listen and forced them into action."

In May 2018, a formal review into Kevin's murder was launched by Merseyside Police.

The Times-Big Brands Fund Terror

Some of the world's biggest brands were found to be unwittingly funding Islamic extremists, white supremacists and pornographers by advertising on their websites through blind programmatic advertising.

The Times investigation prompted market-leading global brands to pull millions of pounds in ad spend from digital channels as well as an outcry from politicians from all the main parties who called on the tech giants to do more to police inappropriate content being distributed on their platforms.

The Times investigation found that the practice was likely to generate tens of thousands of pounds a month for extremists, and analysis showed that the blacklists designed to prevent digital adverts from appearing next to offensive material were not fit for purpose.

After The Times informed Google, which owns the video streaming platform, it took down some of the videos.

MPs called on Google and other social media platforms to attend an oral evidence session at the Home Affairs Select Committee's inquiry into Hate Crime and its Violent Consequences. Google was criticised by the Select Committee for failing to search for hate videos, relying instead on its users to report suspect content, despite profits of more than \$30 billion last year.

Yellow Advertiser- Child abuse allegations

The Yellow Advertiser submitted a Freedom of Information request for details of compensation payments made by Essex Council in 2014. The request unearthed 10 payments for 'alleged abuse' in the 1970s and 1990s. Essex Council refused to answer questions about the payments, stating that to do so could identify alleged victims.

The Advertiser disagreed, as did the National Association for People Abused in Childhood and the Taxpayers' Alliance, who supported a campaign by the paper calling on Essex Council to be transparent over the allegations.

Inspired by the campaign, a whistleblower contacted the paper to say he had been involved with Essex Council's children's services in the late 1980s and early 1990s, and he and others had suspected that not enough was done by the council or Essex Police to combat child abuse. By working together for several months, reporter Charles Thomson and the whistleblower managed to get Essex Council to admit that it had knowledge of historic allegations of child abuse by its own staff. The paper ran a front-page story about the admission, which prompted two more whistleblowers to come forward.

A series of meetings were held between the whistleblowers and the Essex Police and Crime Commissioner. The Commissioner arranged for the Chief Constable and a senior sex crimes detective to attend one of the meetings, after which a full-scale police operation, with dedicated officers, was set-up to reinvestigate the Shoebury case.

The Guardian – Windrush Scandal

Over the course of six months the Guardian highlighted the Home Office's treatment towards the Windrush generation, describing how retirement-age citizens who had legally lived and paid taxes in the UK for decades had been detained, made homeless, sacked or denied benefits and NHS treatment because they struggled to prove they were British.

Articles documented the cases of people such as Paulette Wilson, 61 (former kitchen worker at the House of Commons, made homeless, detained and threatened with removal to Jamaica, after 50 years in the UK), Michael Braithwaite, 66 (sacked as a special needs teaching assistant after 56 years in the UK), and Hubert Howard, 61 (sacked and unable to visit his dying mother after 49 years in UK).

The only official record of the arrival of many "Windrush" immigrants were landing cards collected as they arrived in UK ports. In 2009, a decision was made to destroy the landing cards and implemented in 2010, months after Theresa May became Home Secretary. New immigration rules also came into force that required employers, landlords and the NHS to demand evidence of legal immigration status.

The Barbados high commissioner revealed that Downing Street had rejected a formal request from all 12 Caribbean high commissioners to meet with Theresa May at the Commonwealth heads of government meeting. Within 24 hours then Home Secretary Amber Rudd was apologising for the "appalling" behaviour of her own department and Theresa May apologised twice that week.

Since the scandal came to light the following actions have taken place:

- The Windrush taskforce was set up with more than 5,000 identified as potential Windrush cases.
- The government committed to launching a compensation scheme for the potentially thousands of people caught up in the scandal.
- Ministers suspended arrangements under which the NHS shared patients' details with the Home Office so it could trace people breaking immigration rules.
- The Home Office will suspend immigration checks on thousands of bank accounts which were another aspect of the government's hostile environment policy.

Amelia Gentleman won the 2018 Paul Foot award for investigative and campaigning journalism for her reporting on the Windrush scandal.

Liverpool Echo - Hillsborough

For 27 years the Liverpool Echo tirelessly campaigned for justice for the 96 Liverpool fans who travelled to Sheffield in April 1989 to watch a football match but never returned.

The Echo quashed the original inquest verdicts and successfully campaigned for the launch of new inquests. Following the publication of the Hillsborough Independent Panel's report in September 2012 and the new inquest verdicts in April 2016, the Echo was proved right.

On 26 April 2016 the jury determined that the 96 Liverpool fans were unlawfully killed and a catalogue of failings by police and the ambulance services had contributed to their deaths.

The Echo, was the only media organisation to attend every day of the hearings. Reporter Eleanor Barlow covered all 267 days of the two year-long inquest. She wrote a blog covering proceedings as well as news stories for the website and print edition which included a longer piece and a shorter snapshot each day.

Evening Standard – Grenfell Tower

The Evening Standard Dispossessed Fund appeal raised a total of £6.2 million from readers and

private donors for Grenfell Tower Residents. Within days of the fire, each family received emergency payments of £1,000 from the fund. In addition to this, £100,000 was been given to community groups working with victims.

By the middle of August 2017, each family had received a further £13,000 from the appeal. In total, the funds raised by the Fund amounted to £5.2 million which was allocated within two months of the tragedy taking place. Of this, £3.9 million has been committed directly to survivors and a further £1.2 million has been allocated to the London Emergencies Trust for payments to next of kin and injured.

The Standard continues to work in partnership with the Charity Commission, Grenfell United and survivors of Grenfell Tower to ensure that the remaining donations raised by the Fund are distributed to meet the needs of those affected.

Portsmouth News - Gosport War Memorial Hospital

The Gosport Independent Panel found that between 1988 and 2000, at least 450 patients at the Gosport War Memorial Hospital had their lives shortened as a result of being prescribed powerful opioids without medical justification.

Panel chair Bishop James Jones singled out and praised The News in Portsmouth which had represented and campaigned on behalf of the families affected since 2001.

He said: "Your advocacy of the families is a great example of what local media means, and I've been a great supporter of local media. Local newspapers and TV stations and radio are absolutely vital for precisely this reason because no-one in national media and national TV was (reporting on it). The paper acted as their channel and champion and that's very commendable."

Daily Mail - Turn The Tide On Plastic

The Daily Mail's Turn The Tide On Plastic campaign has called for measures to stop the vast amount of plastic waste found in the oceans.

The newspaper has previously campaigned for plastic bags to be banished, the introduction of a plastic bottle deposit scheme, and action to be taken on non-recyclable coffee cups.

Following the launch of the campaign in November 2017, Prime Minister Theresa May pledged to dramatically reduce plastic waste over the next 25 years. She also set out plans to extend the 5p levy on plastic carrier bags to smaller shops.

The Mail ran a series of articles written by environmental experts offering readers tips on how to minimise the amount of plastic they use. It also ran a promotion for free reusable cups for readers and pledged to stop the using poly wrapping for magazine supplements in their weekend editions.

At a United Nations summit, the head of the UN's environment programme praised the Mail for campaigning on the issue. Erik Solheim said: "If we continue to allow this to happen, by 2050 there is going to be more plastic in the ocean than fish. To tackle the problem of marine pollution we have to make this a kitchen table conversation.

"This is happening. For example, the Daily Mail, one of the most widely read newspapers in the world, is putting the message out and this is really positive, really fantastic."

Birmingham Mail – Pub Bombing

The Birmingham Mail has long reported on the appalling legacy of the pub bombings on 21 November 1974 which killed 21 people and injured 182.

While trawling legal documents and archive news reports, Birmingham Mail content editor Andy Richards realised that although the inquests were opened, they were never completed. This was because police immediately arrested the Birmingham Six, who were later cleared of the crime.

It was judged that there was then no need for the inquests to continue but, crucially, they were never closed.

Working with lawyers, and the Justice4The21 campaign group Mr Richards first brought the loophole to the attention of the authorities, and then campaigned relentlessly for the inquests to be resumed.

There was fierce opposition from West Midlands Police, whose mishandling of the investigation resulted in the wrong men being convicted. But as more information flowed in as a result of the Mail's campaigning, it emerged that the force appeared to have ignored at least two warnings of the attack. Thanks to the Mail's campaigning, in 2016 Coroner Louise Hunt took the historic decision to re-open inquests into the deaths.

The Observer - Cambridge Analytica Investigation

The Observer exposed how Cambridge Analytica, the data analytics firm that worked with Donald Trump's election team and the Leave Campaign during the EU referendum, harvested millions of Facebook profiles of US voters, and used them to build a software program to predict and influence choices at the ballot box.

A whistleblower revealed to the Observer how Cambridge Analytica used personal information taken without authorisation in early 2014 to build a system that could profile individual US voters, in order to target them with personalised political advertisements.

The data was collected through an app called thisisyourdigitallife and saw hundreds of thousands of users paid to take a personality test and agreed to have their data collected for academic use. However, the app also collected the information of the test-takers' Facebook friends, leading to the collection of a data pool tens of millions-strong.

The 18 month investigation caught international interest with Facebook's Mark Zuckerberg being summoned to testify before Congress and the European parliament, and a series of witnesses asked to appear before the DCMS Select Committee.

Sunday Post- Smyllum Children's Home

The Sunday Post broke the story that up to 400 children were buried in a mass grave near the former Smyllum Children's home in Lanarkshire.

This followed painstaking detective work over a number of months which involved employing a family history specialist to trawl through death certificates and burial records. Eventually, they were able to establish the identities of almost 400 children who had died at Smyllum over a number of decades. Many were killed by natural causes and diseases such as TB and flu.

When the paper cross-referenced the names of those young victims against the records for burials at nearby churchyards, there was no evidence any of those children were buried at those sites. Instead the children had been buried in a mass grave near the orphanage itself.

The Post campaigned for the forgotten children to finally be remembered. They called on the Catholic order that previously ran the now-closed orphanage to remember those lost. The Catholic order agreed and promised to erect a permanent memorial.

The Times- Rotherham Abuse Investigation

The Times chief investigative reporter, Andrew Norfolk's, four-year investigation into child abuse in Rotherham, South Yorkshire, resulted in an independent inquiry that found at least 1,400 girls were sexually exploited over 16 years.

The story led to the resignation of senior figures in public services in the area - Rotherham's council leader; the council chief executive; the director of children's services; the South Yorkshire police and crime commissioner. Additionally, four Rotherham councillors were suspended by the Labour party.

The investigation also triggered two major, ongoing criminal inquiries into allegations of sexual exploitation in Rotherham in the years covered by the articles, featuring a total of 283 victims and 18 suspects.

The report also prompted the formation of a Government task force on child sexual exploitation, new regulations in children's homes, improved training for police, new guidelines for judges and prosecutors plus a sharp rise in criminal investigations into child sexual exploitation across England.

Derby Telegraph – Aston Hall

During the 1960s and 70s vulnerable children, some of whom had been victims of abuse or were runaways, were sent to Aston Hall Hospital, to receive help and care.

Instead they were delivered into the hands of Kenneth Milner, head physician at the hospital. Under Mr Milner's care, children as young as 11 suffered sexual, physical and emotional abuse.

This harrowing evidence would never have emerged had it not been for a long-running and determined investigation by the Derby Telegraph. Now 55 former patients have come forward to share their stories through the newspaper– re-living their nightmares and urging other victims to come forward.

Police and health authorities in Derbyshire have launched a major inquiry into Aston Hall Hospital with the matter also been addressed by the Prime Minister in the House of Commons.

Eastern Daily Press- Kerri's Campaign

Norwich woman Kerri McAuley was murdered by her violent partner in January 2017. Kerri's murder prompted an outpouring of tributes and debate about whether legislation should be changed so that abusive partners are given tougher jail terms to prevent them from reoffending.

Leeway, a local domestic violence charity, needed to raise £10,000 for the kit out of a new women's refuge and the EDP felt this was an ideal way to honour Kerri's memory.

The paper launched the campaign which received fantastic backing from the public, with people organising events and collections to help meet the target. The target was met a day before Christmas Eve 2017 and was one of the quickest campaign successes in the newspaper's history.

Telegraph- Changing Minds

Changing Minds is a Telegraph campaign to raise awareness of mental health issues. It tackles the stigma attached to mental health, offers a platform for support and encourages a spirit of self-help between individuals and communities.

Changing Minds is a dedicated Telegraph microsite hosting advice, articles and a comprehensive list of crisis numbers. A regular contributor is journalist Bryony Gordon who discusses her own past battles with OCD and depression on her podcast. The podcast called Mad World covers interviews with high profile figures including Prince Harry, Frank Bruno, Stephen Fry, and Melanie C discussing issues ranging from depression, OCD, grief and anxiety. The aim of the podcast is to normalise and encourage people to talk about their mental health.

JP Investigation's Unit- Drive For Justice

Johnston Press' investigations Unit, discovered that dozens of people convicted of killing by driving dangerously have walked free.

Since 2010 over 800 lives have been claimed from dangerous driving and no-one has ever received the maximum 14-year sentence for causing death by dangerous driving.

Data released under the Freedom of Information Act showed that in the 12 years since Parliament increased the longest sentence from ten to 14 years in jail, not a single person has been handed the maximum penalty for causing death by dangerous driving in England, Wales or Northern Ireland. Of the 738 people convicted between 2010 and 2015 of the offence, the most serious driving crime on the statute book, just seven were jailed for more than ten years.

The average jail sentence for causing death by dangerous driving is four years and one month, with 46 per cent of all those convicted sentenced to less than four years in prison. A total of 111 people convicted of death by dangerous driving between 2006 and 2015 have walked free from court.

Ben Bradshaw, Labour MP for Exeter welcomed the investigation, he said : “The penalties and sentences passed on people who kill behind the wheel of a car are wholly inadequate and have been so for a number of years. It is time that our law reflected the fact that when you get behind the wheel of a vehicle you are in charge of a lethal weapon. If you kill somebody by misusing that weapon you should receive a punishment that is appropriate to the suffering that you inflict on your victims and their families.”

Annex B: NMA Options for Cairncross Press Sustainability Review

The NMA has drawn up a list of options and initiatives to support Britain's press for consideration by the Cairncross press sustainability review and by government. These proposals include industry/tech company solutions that the government could facilitate, as well as measures that only government action can achieve. They are subject to clearance that the NMA can collectively pursue them and avoid competition law problems.

External funding for journalism

Tech companies

1. **Government to facilitate agreement between publishers and major tech platforms such as Facebook and Google on measures to support a sustainable news media sector.** These would include an annual financial contribution by the tech companies towards the cost of independent high-quality journalism produced by established news media providers in the interests of supporting a diverse news ecosystem.

This could take the form of a licence fee agreement between publishers and the tech platforms, representing a fair commercial return for their users' access to and benefit from publishers' content, traffic and audience. The NMA/BBC Local Democracy Reporters Scheme (See BBC, par 7) is also an example of a successful third party local journalism funding model which could be adapted, developed and expanded.

2. Agreement to be reached with the tech platforms to maximise audiences to 'brand safe' NMA member news sites and demote audiences to 'fake news' sites and other harmful content, thereby reinforcing the importance of real, verifiable journalism and allowing publishers to monetise those audiences.
3. Tech companies such as Facebook to attribute to news publishers a share of their advertising revenues based on number of articles read in news feed, not just those clicked upon, while guaranteeing a minimum number of professional news articles will be maintained in the feed.
4. Facebook Instant articles should have realistic commission rates, no unreasonable increases and no disadvantage of any kind to publishers who are not parties or do not join.
5. Tech companies profit from the newspaper articles which appear in search results and on news feeds. They need to share with publishers meaningful data on the audiences for news media content and acknowledge the benefit they derive from this content rather than exacting technology fees for ad serving/downloading at rates which do not recognise this.
6. Equality of bargaining power requires redress to end tech companies' imposition of terms favouring themselves by virtue of their dominant position. Tech companies must give reasonable notice of any intention to vary their terms of business or activities including changes to algorithms which impact on publishers.

BBC

7. Guarantee funding for the expansion of the BBC **Local Democracy Reporter Scheme**. Increase number of reporters from 150 to 200 as agreed, and explore possible expansion of remit beyond councils, public health and other authorities to other areas, and alternative funding sources for schemes of this nature.

8. Enhanced restrictions on BBC as a multiplatform publisher, whether acting alone or in partnership with PSBs etc, to avoid adverse impact on commercial independent news media.

Regulatory Reviews and Reforms to Create Level Playing Field

9. **The CMA, supported by Ofcom and the ICO, to urgently investigate the digital advertising supply chain, the dominance of the tech platforms and their impact on consumers, advertisers, and other media players and put in place measures to address the problems.**
10. Review and reform of the regulatory regime to ensure fair and sustainable competition to address problems created by such dominant tech companies.
11. Review and reform of the competition and media ownership regime, and the CMA approach and cumbersome process, so as to reduce the costs, time and obstacles to transfer of titles and mergers by news media companies.
12. Give the tech companies the same legal responsibility as publishers for the content they carry, unless this is from a bona fide news source, and introduce independent regulatory oversight of their activities. This is intended to incentivise them to promote verified news content over fake news and other harmful content. It must not impose any new restrictions or additional regulation on news media publishers nor allow the tech companies to obstruct access to news media sites, discriminate against their content, or seek to shift liability, costs and regulatory burdens onto news media publishers. The NMA supports recent calls from Ofcom and UK broadcasters for independent regulation of the tech companies.
13. Investigation and enforcement of the existing criminal and civil law if applicable against tech companies within the jurisdiction.
14. Government must avert exploitation by tech companies or others of e-Privacy legislation in ways that would allow them: to acquire consent to enable control and commercial exploitation of publishers' products, content, audiences and data; to obstruct audience access to publishers' websites through browser controls; to obstruct or limit advertising on publishers' websites; or to prevent publishers from imposing their own terms for conditional access to their own websites.

Data

15. **Government, ICO and competition authorities to ensure EU legislation such as GDPR and e-Privacy is not subverted by tech companies to exploit their dominant position**
16. Stop tech companies from forcing unfair terms on publishers through the new consents regime. Google's consent tool would require publishers to give Google a direct relationship with their own users, allow Google to use all the data which their publishers pass through Google's products for whatever purposes Google wishes, and require publishers to collect the relevant user permissions for Google and bear the liabilities.²²

²² GDPR consent framework: Associations representing more than 4,000 publishers across the globe including the NMA have accused Google of "effectively putting a gun against publishers' heads" with its proposed framework for the new data protection regime. <http://www.newsmediauk.org/News/gdpr-google-accused-of-putting-a-gun-against-publishers-heads/201259>

17. The ePrivacy proposals for users consent to be set through browsers give Google even greater and directional power as gatekeeper to the internet to acquire user data and influence and control users' access to others' sites. Other adverse impact of the proposals upon publishers' audience, advertising access terms and revenues must be avoided. (See Regulatory Reforms, par 15, Press Freedom, par 40)

Intellectual Property Rights

18. Maintenance of a strong Intellectual Property regime. Maintain and enhance UK news publishers' IP rights and remuneration derived from them, without dilution, under UK and overseas IP regimes. This includes promotion of an improved Publisher's Right to benefit UK news publishers and the prevention of a detrimental version. (IP issues are also relevant to external funding and commercial relationships with the tech platforms and others.)
19. Maintenance of the current legal deposit regime that does not permit commercial exploitation of digital material by libraries or anyone other than the publisher.

Advertising Self-Regulation: Tech Platforms to Pay their Fair Share

20. Payment by the major tech companies, internet and social media companies of a proportionate and full contribution to the financing of the advertising self-regulatory system reflecting the size of their advertising revenue and growing share of the advertising market.

Government Advertising

21. Retention of public notices in newspapers: no repeal and continued specification in new legislation of mandatory newspaper publication of statutory public notices to preserve the public's right to know important information affecting them.
22. Government, as one of the biggest UK advertisers, has withdrawn adspend from news media brands in recent years, in favour of the tech platforms. There should be a centralised review of government and public-sector advertising and marketing spend and practices with a thorough re-evaluation of the value, reach and effectiveness of news media brands, and the public's growing trust in them versus social media platforms.²³
23. Scottish Government advertising and marketing spend has also seen a shift away from newsbrands, in particular towards radio, and a separate review should be conducted into Scottish Government and public sector advertising and marketing activity to ensure a fair spread of public spending which properly reflects reach, trust and effectiveness.
24. Government should reject the risks associated with blind programmatic ad buying (open exchanges) in favour of private market place or programmatic guaranteed for its digital advertising campaigns.

²³ Ofcom Report: Public Overwhelmingly Favour Traditional Media as News Source:
<http://www.newsmediauk.org/News/ofcom-report-public-overwhelmingly-favour-traditional-media-as-news-source/198886>

25. Curb council newspapers: Government should use its statutory powers and strictly enforce the curbs on council newspapers imposed by the Local Authority Publicity Code. Independent local newspapers are critical to upholding local democracy, scrutinising the activities and decisions of local authorities and holding them to account on behalf of local taxpayers.²⁴

Newspaper Distribution and Environmental Issues

26. Dominant distribution companies should not target price increases at small companies or exploit sector dependence upon its operation.
27. Government to maintain support for voluntary industry recycling initiatives.
28. Any distribution issues that may be raised with the Review by the NFRN or others must be addressed in ways that benefit news publishers and are not to their detriment.
29. The Review should include an examination of the level of subsidy news publishers are required to make to ensure distribution to geographically remote communities and make recommendations about whether such subsidies should be met by the UK and/or Scottish Governments.

Taxation and Tariffs

30. Digital taxation reforms in respect of tech companies, which do not threaten or impact upon news media publishers but would help to level the playing field.
31. Maintenance and extension of VAT zero rating for newspapers and digital products.
32. **Tax credit relief scheme for news creation:** Tax credits have been crucial in sustaining film, television, video games, theatres, regional orchestras, exhibitions of museums and galleries. For the tax year 2015-2016, film industry tax credits totalled £338.4 million, high-end TV £95.9 million, animation £50.9 million, and video games £45 million in the same period.

Creative industry tax reliefs are currently a group of eight corporation tax reliefs that allow qualifying companies to claim a larger deduction, or in some circumstances claim a payable tax credit when calculating their taxable profits. They could be adapted and extended to news media companies.

Subject to the news media company satisfying a qualifying culture test, a journalism tax credit scheme could increase the amount of allowable tax-free expenditure for its spending on core areas such as investigative journalism, editorial and publishing costs and it could claim a cash rebate on a proportion of those costs.²⁵

²⁴ Financing Dies in Darkness? The Impact of Newspaper Closures on Public Finance. US study finds that the cost of government rises when local newspapers close:
<https://www.theguardian.com/media/2018/jun/10/cost-of-government-rises-when-local-newspaper-closes-study-finds>

²⁵ **News media tax credit scheme:** For example, if a company has £500,000 expenditure and £500,000 profit, if the tax free allowable expenditure was increased by a rate of 25%, £625,000 would qualify as tax free expenditure, £375,000 as profit and corresponding reduction in corporate tax bill.

Alternatively, there could be a payable tax credit model where the news media company would benefit from such an increased tax-free allowable expenditure. If the company made a loss, instead of carrying this forward for up to four years to set against future taxable profits, it may be able to surrender the loss and convert some or all of it into a payable tax credit.

Theatres and orchestras benefit from HMRC pay-outs of 25 per cent of the loss surrendered (eg, a £20,000 loss can be traded in for £5,000 from HMRC, on condition that this loss is not used to reduce taxable profits made within the next four years).

33. Extension, improvement and retention of business rate relief for local newspaper companies.
34. Unimpeded supply of newsprint into the UK, free of tariffs or other duties.

Pensions

35. An open, pragmatic solution seeking industry dialogue with the Pensions Regulator and Pension Protection Fund that would assist the viability of news publishers.

Press Freedom

36. Repeal Section 40 of the Crime and Courts Act 2013 in its entirety without commencement as soon as possible.
37. Prevent and reject all Parliamentary attempts to instigate press controls and new statutory inquiries based on Leveson Part 2 terms of reference and/or intended to recommend new press controls.
38. Extend freedom of information legislation and reject any proposals for tougher laws against disclosure of official data, including official secrets legislative reforms in the terms of Cabinet Office/Law Commission proposals, which would put media organisations, journalists and their sources at greater risk of prosecution and create a chilling effect on the public right to know.
39. Introduce a Freedom of Expression audit. Ministers to certify that all proposed legislation is not only consistent with the European Convention on Human Rights but that it explicitly does not inhibit freedom of expression. Ensure prior consultation.
40. Promote open justice. Ensure full consultation and involvement of local and national publishers, editors and media organisations on the project to transform and modernise courts and tribunals, which currently threatens open justice. Consult the media on legal and practical changes required to maintain and extend open justice through media reporting of the courts. This includes consultation on and implementation of improved extended statutory rights of access to all court and tribunal proceedings, court documentation, court lists, registers of court judgements, updated defences, improved procedures, as well as maintenance of existing joint media protocols. Resume opening up the family courts. Roll out cameras in court and use the opportunities provided by the court reform project to open up beyond sentencing remarks in crown courts. Consult media organisations, and provide training and guidance to judiciary, court and tribunal staff, on open justice, including avoidance of unjustified reporting restrictions. Strengthen the Crown Prosecution Service code directing CPS to safeguard open justice and oppose reporting restrictions. Consult the media on any proposals that would impact upon open justice. Prevent unwarranted statutory restrictions

on reporting the courts and tribunals and those appearing before them, or on reporting investigations, arrests and charges prior to court proceedings and those involved in them.

41. Implement comprehensive and robust freedom of expression exemptions mandated by GDPR. Ensure that EU e-Privacy proposals do not make tech companies the gatekeepers for audience access to publishers' content nor allow its commercial exploitation by them.
42. Stop tech companies from obstructing audience access to content, creating barriers to publishing freedoms and content discovery: tech companies have vast powers over audience access to news publishers' content, controlled by opaque algorithms. They must be required to carefully consider the impact of algorithm changes on news and news publishers. This must include prior detailed consultations with news publishers on any proposed changes and avoidance of adverse impact upon news publishers. (See Data, par 16)

Annex C: Criteria for eligible news media businesses

Potential criteria for eligible news media businesses

These potential criteria are designed to set a fair and non-discriminatory approach and avoid conferring an unfair advantage on a particular publisher or class of news media publisher which could distort the market. To be eligible for a levy or licensor scheme, publishers must have legal responsibility for the content they publish. The following criteria could be applied:

1. Publish direct to the public or any section of the public (subject to payment or other access restriction imposed by the publisher) original journalism of demonstrable quality, which must be under the editorial control of the publisher and which is produced by journalists, including editors, trained to recognised standards with relevant experience who are employed by the publisher, or which has been commissioned and/or selected for publication by such journalists and editors.
2. Publication of such journalism may be in print or electronic transmission, via the internet or similar means. This may therefore include printed newspapers and their supplements, published daily, weekly or at other intervals of not more than 15 days, and other digital news media publications and news media digital services that are supplied electronically to the public such as online newspapers, newspaper websites and associated news services consisting of text, images and which may include some audio visual or audio material, which may be updated continuously or issued at not less than such intervals.
3. A consistent and substantial proportion of the original quality journalism published by any such means and at any such interval and, as appropriate, in each issue of any publication, must consist of news and information about current affairs and current events of local, regional, national or international importance. This may include contemporaneous coverage of all aspects of public institutions, organisations and civic life. It may also include comment or opinion relating to such news and information, range of other journalistic content such as features whether specialised or general, readers/audience contributions, cross words and competitions, weather and advertising content.
4. The publisher must be able to demonstrate the consistent quality of its journalism and that its journalism meets and maintains high journalistic standards. These can be evidenced by the content of its past publications over an appropriate period, detailed proposals for launch of any new publications and services, and by its oversight by an established industry regulator such as IPSO and/or adherence to the Editors' Code of Practice.

Annex D: Support for news media in European states (News Media Europe)

News Media Europe - state aid measures in EU Member States as of 25 July 2018

Member States	Direct	Indirect	VAT
Austria	In 2017 direct press subsidies amounted to EUR 8.5 million based on the Press Subsidies Act 2004. Subsidies are given on the basis of grant applications reviewed by the Austrian Communications Authority (KommAustria) is responsible for federal subsidies. Different subsidies exist for daily and weekly newspapers, for the preservation of diversity in regional daily newspapers, for training new journalists, for hiring foreign correspondants, for delivering publications to schools, and for carrying out research projects. The Austrian Communications Authority (KommAustria) is responsible for federal subsidies.	The Press Subsidies Act of 2004 also provides a number of further measures that aim to promote quality: publishers of daily and weekly newspapers can receive subsidies toward the cost of training new journalists. There are also subsidies for employing foreign correspondents. For the purpose of promoting the reading of daily and weekly newspapers, especially in schools, associations that define this as their sole objective can also receive subsidies.	Newspapers benefit from a lowered VAT rate of 10%. The standard VAT rate of 20% applies to digital publications.
Belgium	Press subsidies are a regional competence. No subsidies exist in Flanders (Dutch). In Wallonia (French), direct subsidies are available to all daily newspaper publishers that meet the requirements set out in the law (eg. number of employed journalists, circulation, circulation revenue, advertising revenue). The aid covers operational costs, development, media innovation, and a specific subsidy exists for training journalists. The launch of newspapers can also be subsidised.	Reduced rates for postal services are granted to all newspapers in Belgium. Finally, journalists benefit from special conditions when using the rail network.	Daily newspapers are exempted from VAT, and a 0% rate is applied to single-copy sales, subscription sales and newsprint, while the standard rate (21%) is applied to advertising. Digital publications are subject to the standard rate.
Bulgaria	None.	National experts note that the government uses state advertising to channel money to certain media outlets on an "arbitrary" basis.	Unlike in most of the EU, where the general trend is to apply a reduced or super-reduced VAT rate to newspapers, a standard VAT rate of 20% is applied.

<p>Croatia</p>	<p>The Fund for the promotion of pluralism and diversity of electronic media (radio-, TV and e-publications) was founded in 2004 for the following: right to public information, culture, education, science, arts, Croatian dialects and minorities, gender and sexual awareness, content for children, contributions of persons with disabilities, authentic representation of the Homeland War, media literacy, environmental protection and the promotion of health. The fund is managed by the Agency for Electronic Media, which operates on the basis of a rulebook, based on the Law on Electronic Media. Funds are awarded through public tenders, and financed through a 3% fee levied on the license fee income of public service broadcasters. The fund is opened to public, commercial and non-profit media. In 2015 there were two calls for funding. In the first call the funds allocated for radio broadcasters amounted to 14.066.001 KN (ca. 1.875.466 EUR), non-profit electronic publications 972.000 KN (ca. 130.000 EUR), and for non-profit radio 59.500 (ca. 7.900 EUR). In the second call the funds allocated for TV broadcasters amounted to 14.966.000 KN (ca. 199.546 EUR), and for radio 1.000.000 KN (ca. 133.333 EUR).</p>	<p>Allocation of state advertising. There is also a scheme of redistribution of revenues from the lottery games awarded by the Ministry of Culture through a Non-Profit Media Committee.</p>	<p>A reduced VAT rate of 5% applies (excluding newspapers with more than 50% advertising). The standard VAT rate of 13% applies to digital publications.</p>
<p>Cyprus</p>	<p>A press support scheme was introduced in 2017, entitling newspapers to grants between EUR 8,000 and EUR 67,000 over a three-year period. The scheme has been created to support print media and aims to support traditional news outlets, digital publications are excluded. Daily and weekly newspapers which “are distributed across the island; registered with the Press and Information Office; have at least five qualified journalists that are members of the Cyprus Journalists’ Union; feature original news reporting; and have</p>	<p>Free distribution of newspapers: distribution agencies, kiosks and other distribution locations must ensure that newspapers are available to the public freely, without restrictions or discriminations, regardless of the newspapers’ political inclinations or views.</p>	<p>Newspapers benefit from a lowered VAT rate of 5%. The standard VAT rate of 19% applies to digital publications.</p>

	<p>invested in expanding their online presence” are eligible for the subsidy. The annual subsidy will be calculated according to the number of days the newspaper is published in a week and newspapers are entitled to “an annual €1,000 for each qualified journalist who is a member of the Cyprus Journalists’ Union, as a remuneration subsidy.</p>		
Czech Republic	<p>None. However, magazines published for national minorities in their own languages ("minority titles") can obtain grants from the Ministry of Culture. The total amount of this aid was about 20.5 million CZK (around EUR 770,000) for all titles of this category in 2016.</p>	None.	<p>The standard VAT rate is 21%, and a reduced 10% rate has applied to newspapers and magazines since March 2017. Between January 2013 and February 2017, the rate was 15%. Newspapers and magazines benefited from a 5% VAT rate until 2007.</p>
Denmark	<p>In Denmark and since the new media laws were passed in 2014, newspapers and digital publications that publish political and cultural content, employing at least three journalists, are entitled to an editorial production subsidy based on the amount they use for producing journalism. Both print and digital publications can qualify, and the total amount granted to newspapers is about EUR 60 million. State aid must not amount to more than 35% of a medium's editorial costs. An innovation pool is also set up for aid to the start-up of new, independent news media and the development of existing media. A transition scheme is foreseen to support a number of news media particularly affected by the wider shift from distribution aid to production aid over the past years. A fund set up in 2004 to support specific types of newspapers (such as humanitarian, cultural, educational, sports, environment, and religious issues) was also increased.</p>	None.	<p>A 0% VAT rate applies to newspapers, but the standard VAT rate (25%) is applied to digital publications.</p>

<p>Estonia</p>	<p>In Estonia, there are two forms of direct, yet limited, subsidies. First, a subsidy for home delivery in rural areas is granted, amounting to EUR 1.94 million. Second, EUR 1.28 million is given to cultural publications. Instead of investing in an independent regional press, most municipalities tend to issue their own gazettes, resembling journalistic newspapers, which often also sell advertising.</p>	<p>None. <i>News media can apply for grants from a 200,000 EUR per anum fund from the Nordic Council to support quality content production in minority languages (eg. Russian) of Baltic countries.</i></p>	<p>Newspapers benefit from a lowered VAT rate of 9%. The standard VAT rate of 20% applies to digital publications.</p>
<p>Finland</p>	<p>A system of direct subsidy exists for minority press, addressed to newspapers in Swedish and other minority languages. In 2016 the amount was 500,000 EUR, and the same amount is expected in the future because it has been the same for the last 10 years. The subsidy is not automatically given, but is granted through application. Finland's Ministry of Transport and Communications also sees public subventions as a means of ensuring press diversity and, in particular, the survival of papers representing different political views. Political parties are therefore granted budget to support party press (2005 Decree on Press Subventions). Another subsidy addressed to reduction of transport and distribution costs exists, it is directed at what are considered to be second rank circulation periodicals which make little profit. Lastly, the Ministry of Education also issues grants for cultural content in periodicals.</p>	<p>There is a specific aid granted for media innovation, though it is not addressed only to news media. This funding was established by the Ministry of Transport and Communications, and is governed by Tekes – the Finnish Funding Agency for Innovation. During its 2015-2018 period program, the total sum granted will be EUR 20 million. Newspapers also benefit from distribution support through the postal service.</p>	<p>The VAT rate for newspaper subscriptions is 10% (it was raised from 0% to 9% in 2012, and to 10% in 2013). For single-copy sales and digital editions, the standard VAT rate (24%) applies.</p>

<p>France</p>	<p>France has probably the most complex system of press subsidies in the EU. The purpose of subsidies is to increase access to information, support media pluralism, and the modernisation of news media. Funds for the written press are widely distributed through a committee (CPPAP) made up of press and government representatives. In direct subsidies, there is a system of subsidies granted to the press as a whole, though mainly assigned to general-information newspapers and publications. This includes press subsidies, a strategic modernisation fund, support for local media, distribution support (storage, transport, selling points), and aid for media pluralism. There is also an innovation fund set up in 2016, supporting new outlets, incubation, the development of new types of media, and research and development). Total subsidies exceed 1 billion EUR annually and are by far the most significant in the EU. For 2017, total direct press subsidies was EUR 262 million as follows: 1) press subsidies EUR 128 million (includes aid for distribution at EUR 53 million, pluralism at EUR 16 million, modernisation at EUR 59 million) 2) support to local media: EUR 1.6 million and 3) National Press Agency (AFP) EUR 133 million.</p>	<p>French law provides for a host of different indirect measures to support the press. Notably, news media can benefit from a range of fiscal benefits when filing tax returns, heavily subsidised postal rates, a supportive framework for taking in donations, significant tax deductions for journalists filing their tax returns, deductibility of certain types of investments in tax returns, and lower social security contributions for journalists employed.</p>	<p>The standard VAT is 20%, but newspapers and digital publications benefit from a lower VAT rate of 2.1%. For advertising, the standard rate applies.</p>
<p>Germany</p>	<p>None.</p>	<p>As for other indirect subsidies granted to newspapers in the form of a tax relief, there is a reduction on postal rates.</p>	<p>A reduced 7% rate is applied to both single-copy and subscription sales, and the 19% standard rate applies to advertising and digital publications.</p>
<p>Greece</p>	<p>None.</p>	<p>Greek media benefit from reduced postal distribution rates and reduced telecommunication rates. National experts note that the government uses state advertising to channel money to certain media outlets on an "arbitrary" basis.</p>	<p>Newspapers benefit from a lowered VAT rate of 56%. The standard VAT rate of 24% applies to digital publications.</p>

Hungary	None.	National experts note that the government uses state advertising to channel money to certain media outlets on an "arbitrary" basis.	A reduced VAT rate of 5% is applied on newspapers. However, the standard VAT rate of 27% is applied to advertising and newsprint.
Iceland (non-EU)	Not found.	Not found.	A reduced VAT rate of 11% applies to both newspapers and digital publications.
Ireland	None.	None.	A lower VAT rate of 9% is applied, instead of the standard rate of 23%. The lower rate was previously 13.5%: a temporary reduction was introduced in 2011, which is still in place but subject to annual budget review.
Italy	A fund for media pluralism and innovation was set up in 2016, rationalising the entire legal framework for direct media subsidy (the fund used to be focused on radio and broadcasting only). The fund for 2018 totals 182 million EUR, of which ca. 50 million EUR is destined to publishers. Subsidies are granted to three categories of newspapers: 1) newspapers representing political parties 2) cooperatives of journalists and 3) newspapers for a minority language or Italians abroad. The subsidy comes in the form of a reimbursement for the previous year accounting for sales, distribution and costs of production. Recently, a new aid, addressed to newspapers investing in e-publications, was introduced, to cover 70% of investment costs, with the possibility to add another 10% if digital copies are sold by subscription. The Italian government has been mandated consider maintaining direct subsidies just for newspapers of political parties, and consequently erase from the beneficiaries those newspapers issued by cooperatives of journalists, and newspapers representing and newspapers addressed to Italians abroad.	Until 2010, newspapers benefited from reduced postal rates for delivering subscriptions. This situation is reviewed annually. Reduced telecom rates are also granted to newspapers.	Newspapers benefit from a reduced VAT rate of 4% (the standard rate is 22%). In 2016, Italy started applying the same reduced VAT rate both to print and digital publications (contrary to the EU VAT Directive).

Latvia	None.	None. <i>News media can apply for grants from a 200,000 EUR per anum fund from the Nordic Council to support quality content production in minority languages (eg. Russian) of Baltic countries.</i>	Newspapers benefit from a lowered VAT rate of 12%. The standard VAT rate of 21% applies to digital publications.
Lithuania	The Press, Radio and Television Support Fund was established by the Law on Public Information, 1996. The major priorities of the Press, Radio and Television Support Fund are financial support for publishing, radio and TV projects, public websites, and dissemination of cultural and educational information. The fund's budget has been unchanged at 2.75 million euros in recent years.	None. <i>News media can apply for grants from a 200,000 EUR per anum fund from the Nordic Council to support quality content production in minority languages (eg. Russian) of Baltic countries.</i>	Newspapers benefit from a lowered VAT rate of 9%. The standard VAT rate of 21% applies to digital publications.
Luxembourg	Direct subsidies for the press are in place. To qualify for direct aid, newspapers must fulfil specific conditions: be a paid newspaper and employ at least five professional journalists, contain general information and be published in one of the three languages used in the country (German, French or Luxembourgish). The total amount of the aid given is EUR 7.4 million. For SMEs, for whom this aid can be quite vital, the direct aid represents about 10% of the general turnover. The aid is composed of two parts: a basic subsidy, which is the same for all newspapers, and a second part, calculated on the basis of published pages. In 2016, the government decided to give direct aid to electronic publications. For this, the maximum amount per publication is EUR 100,000, and there are two conditions: employ at least two journalists, publish “original content of quality,” and have at least EUR 200,000 invested every year by the publisher.	Additionally, there is an indirect aid for distribution. Another indirect aid is the obligation for a commercial company to publish its legal announcements in the press. However, a new commercial law, voted in August 2016, reduces the former obligations by 50%.	Newspapers benefit from a lowered VAT rate of 3%. The standard VAT rate of 17% applies to digital publications.
Malta	None.	National experts note that the government uses state advertising to channel money to certain media outlets. There is no legal framework nor transparency	Newspapers benefit from a lowered VAT rate of 5%. The standard VAT rate of 18% applies to digital publications.

		in the allocation of state advertising.	
Netherlands	There is a state fund for innovation in journalism, with a modest annual budget (Journalism Promotion Fund) since 2010. The fund can support newspapers or news magazines whose existence is under threat by supporting research and other efforts which could lead to a more sustainable business model. It also supports journalistic websites and innovative projects relating to the press and journalism. To prevent journalistic media from becoming dependent on government aid, support from the fund is always temporary. An evaluation of the program in summer 2014 showed that approximately half of the projects are continued by the applicant after the subsidy is spent.	None.	Newspapers benefit from a lowered VAT rate of 6%. The standard VAT rate of 21% applies to digital publications.
Norway (non-EU)	There are direct subsidies granted to newspapers in Norway. The most important subsidy are the production grants, which are awarded in proportion to the newspapers' circulation and market position: every newspaper with a circulation of less than 6,000 receives aid from the government. For newspapers ranked second in their local market (based on circulation), additional aid is granted. Subsidies are also in place to support minority newspapers, and to support distribution as well as research and training activities. In 2018, the total value of subsidies is NOK 362 million (ca. EUR 38 million). Press subsidies in Norway are administered by the Norwegian Media Authority.	None.	Newspapers benefit of VAT exemptions both for printed and digital publications: while the standard VAT rate is 25%, a 0% rate applies to printed and digital publications.

Poland	None. However, a small, limited number of state subsidies exist for minorities, cultural, academic and environmental outlets, which are the result of scattered policy initiatives rather than a coherent framework. Much of these subsidies take place through grants rather than ongoing support. The State does not use a direct subsidy scheme for the media with a small exception of minority press and specialized periodicals.	Indirect subsidies in the form of tax reductions for newspapers exist. The state also injects significant money in newspapers through advertising, although state advertising to media outlets is not monitored and lacks transparency, especially vis-à-vis the general public.	8% rate applies to print (excluding where 76% or more of the surface is covered with advertisement) and 23% standard rate to digital.
Portugal	Aid to the press in Portugal is ensured by the Constitution, which stipulates that the state has an obligation to support the press. Concretely, there is direct and indirect state aid, giving support of EUR 1.5 million to local and regional newspapers, and to local radio stations. National newspapers are exempted from this state aid. To qualify for aid, publications need to employ a certain number of journalists and sell a certain number of copies. Between 120 and 150 newspapers benefit from the aid. Last year the government also gave the possibility to grant aid at a regional level, to increase the amount of aid available to newspapers.	As for indirect state aid, 40% of the costs of postal distribution of local and regional general information newspapers (in the country and for abroad) are paid by the government.	A reduced VAT rate of 6% is applied to print newspapers and magazines (except where newspaper contains mainly advertising), while VAT for digital editions is the standard 23%.
Romania	None.	National experts note that the government uses state advertising to channel money to certain media outlets on an "arbitrary" basis.	Newspapers benefit from a lowered VAT rate of 5%. The standard VAT rate of 24% applies to digital publications.
Slovakia	None. However, local media tend to be financially dependent on municipal governments.	None.	20% standard rate applies to newspapers - no reduced rate applicable.

Slovenia	The state should by law provide funding for media and direct subsidies are mostly given out in the form of public grants and calls. However, in practice, support schemes have failed to facilitate market entry or to enable media organisations to overcome financial difficulties, as the amount of funding has been very small. New media can apply for temporary grants and public calls, which usually receive many applications and where only few are contemplated.	None.	Newspapers benefit from a lowered VAT rate of 9.5%. The standard VAT rate of 22% applies to digital publications.
Spain	None.	None.	There is a reduced VAT rate of 4% for printed publications (if they obtain less than 75% revenue from advertising), while the standard VAT rate of 21% applies to digital publications.
Sweden	Direct subsidies have been in place since the introduction of the Statute of Annual Subventions to the Press of 31 May 1990. The body with responsibility for awarding the subventions is the Press Subsidies Council, part of the Swedish Press and Broadcasting Authority. To benefit from a press subsidy, a publication must 1) be a of daily press character with regular news services or political opinion 2) normally be published at least once a week 3) have a content mainly written in Swedish and be mainly distributed within Sweden 4) and its editorial content must constitute at least 55 percent of the total editorial content 5) the newspaper should have a minimum of 1,500 paying subscribers, unless the newspaper is aimed towards a minority language group. Three types of subsidies exist 1) operational subsidies granted to newspapers that are digitally published based on circulation 2) distribution subsidies for each issue that participates in joint distribution 3) development subsidies given to	None.	Newspapers benefit from a lowered VAT rate of 6%. The standard VAT rate of 25% applies to digital publications.

	printed newspapers for a long-term development of digital offering and services with a high-quality editorial content. In 2015, SEK 487 million (ca. EUR 47 million) were distributed.		
Switzerland (non-EU)	None.	As indirect subsidies, certain newspapers can qualify and benefit from a discount (per day and per copy) to their postal distribution fee. The Swiss Post is granted CHF 50 million (ca. EUR 46 million), which then grants appropriate discounts to qualifying newspapers and magazines. Article 16 of the Post Law (Loi sur la Poste) - the legal basis for this - breaks down the CHF 50 million (30 local and regional press and 20 for magazines and newspapers from associations).	Print newspapers, magazines and digital publications all benefit from a lower VAT rate of 2.5%. The standard rate is at 8%.
United Kingdom	None.	The government introduced in 2017 a temporary GBP 1,500 business-rates discount for office space occupied by local newspapers in England - the local authority is to be reimbursed by government.	The UK has maintained zero-rate VAT, which applies to the printed word, including newspapers and magazines. The standard VAT 20% standard rate applies to digital publications and to advertising.
European Union (EU)	Investigative journalism fund #1J4EU, of up to €450,000 with a maximum of €50,000 per grant. Grants are application-based for cross-border investigative reporting projects in the EU.	N/A	VAT Directive.

Annex E: NMA Letters to Google and Facebook

Letter to Ronan Harris, Google

Dear Ronan,

You will recall the discussions between the NMA and Google back in June 2017 which led to our invitation for you to attend the NMA Board meeting in October last year and the subsequent establishment of three working groups. These were set up to address:

1. The economics of online advertising for publishers
2. The value of premium content and driving traffic to that content
3. GDPR: data protection and data sharing

The purpose of the workshops was primarily to identify what Google could do to help improve the economics for publishers in order to ensure the continuation of rich, verifiable news content online – which we had all agreed was in everyone’s interests. This was seen by our members to be the most important and pressing issue.

We put forward publisher representatives for each of the workstreams and one workshop session was subsequently held for each of these three areas during January 2018. However, the Google team involved said they were still in ‘listening mode’ at that point and there has been no real follow up since then; the workshops have never met again and have effectively fallen by the wayside. We suggested back in February that Google, having heard the views and practical suggestions from publisher CEOs and their representatives, might produce a paper setting out your proposals from each of the three workstreams. We would still welcome such a paper.

Similarly, the GDPR data workshop would have provided a prime opportunity for Google to alert UK publishers to the terms that you planned to impose on them in order for them to continue using Google’s advertising services when GDPR came into force a few months later. Instead, our members, along with other publishers across Europe and worldwide, were understandably alarmed by Google’s last-minute announcement of terms which would have had such a detrimental impact on their businesses. Their concerns were set out in the letter to [Google’s CEO from the four publisher associations including the NMA on 30 April](#)²⁶, to which we have yet to receive any response.

It is unfortunate that nothing has come of our meetings last year despite our agreement at the time on the need to make swift progress in order to help to safeguard the future of high quality news content.

Yours,
David

David Newell
CEO
News Media Association

6 September 2018

²⁶ Joint letter sent to Google in April 2018 from the News Media Association, News Media Alliance, European Publishers Council, and Digital Context Next
http://www.newsmediauk.org/write/MediaUploads/PDF%20Docs/DCN_Letter_to_Google_re_GDPR_Terms.pdf

Letter to Simon Milner, Facebook

Dear Simon,

As you are aware the NMA wrote to Nicola on 26 June 2017 asking for a meeting to discuss the inter-relationship between Facebook and news media companies and the advertising revenues gained by Facebook on the back of news content which is not shared with the content creators and owners. This led to a meeting with yourselves on 22 September 2017.

I just want to record formally that nothing concrete developed as a result of that meeting. We had at the very least hoped that it would have led to Facebook sharing the data which it alone has access to on the relationship between Facebook consumers, news content usage, and the advertising revenues derived from that relationship with specific reference to news content created by NMA members. This would then have led to a fact-based discussion on public policy and commercial options which would help underpin the continued creation of high quality news content.

Yours,

David

David Newell
CEO
News Media Association

6 September 2018

Joint letter sent to Google from the News Media Association, News Media Alliance, European Publishers Council, and Digital Context Next

April 30, 2018

Sundar Pichai
CEO
Google
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Pichai,

We are trade associations whose members include European-based and international news publishers. Our publisher members through longstanding commitment and substantial financial and human investment in gathering and reporting on the news serve a vital role to both their readers and society as a whole. We have no doubt that Google would agree that a vibrant news market is fundamental to and is an underpinning tenet of a healthy democratic society. Our publisher members have always supported their endeavors, wholly or partially, through ¹advertising.

As our members work through their efforts to comply with the European General Data Protection Regulation (GDPR), we read with interest your recent announcement of terms for the continuing use of Google's advertising services in the European Union, Google's plans for complying with the GDPR, and what Google will be imposing on publishers and indeed on the Ad Tech vendors they work with.

We are writing to express concern about your approach and to outline questions for which publishers need answers. As the major provider of digital advertising services to publishers, we find it especially troubling that you would wait until the last-minute before the GDPR comes into force to announce these terms as publishers have now little time to assess the legality or fairness of your proposal and how best to consider its impact on their own GDPR compliance plans which have been underway for a long time. Nor do we believe that this meets the test of creating a fair, transparent and predictable business environment of the kind required by the draft Regulation COM (2018) 238 final published 26 April 2018².

The GDPR is intended to provide consumers with greater transparency and control over how their personal data is collected and used. As publishers with direct, trusted relationships with consumers, our members have a duty to make sure that obligation is met

¹ Even nonprofit members may serve sponsorship messages or underwriting acknowledgments that – although they are not advertisements – are provided through Google's services.

² <https://ec.europa.eu/digital-single-market/en/news/regulation-promoting-fairness-and-transparency-business-users-online-intermediation-services>

by them and their partners, such as Google. We acknowledge that determining a path towards compliance with the new law is something all companies must work out for themselves, and because each company processes personal data in different ways and has different purposes and interests in doing so, there is no one-size-fits-all solution for GDPR compliance. Indeed, our members vis-à-vis Google and others in the ad tech ecosystem have different purposes and interests for participating in that ecosystem -- as publishers, digital advertising provides essential funding to support the gathering and reporting on the news, an activity that has longstanding, undisputed benefits to consumers and society as a whole.

Your proposal severely falls short on many levels and seems to lay out a framework more concerned with protecting your existing business model in a manner that would undermine the fundamental purposes of the GDPR and the efforts of publishers to comply with the letter and spirit of the law.

Under your proposal³, in providing certain digital advertising services to publishers, you assert that Google will be a controller of the personal data it receives from publishers and collects on publisher pages, and that Google will make unilateral decisions about how a publisher's data is used. As a controller, Google will need its own legal basis to process that personal data under the GDPR. Your proposal notes that Google intends to rely on consent for its legal basis and you will require publishers to obtain legally valid consent on behalf of Google for its processing of personal data as a separate and independent controller which you directly benefit from, yet you decide how and when that data may be made available to others and do not provide any details about how the data will be used by Google. By imposing your own standard for regulatory compliance Google effectively prevents publishers from being able to choose which partners to work with.

Further, your proposal notes that Google may stop serving ads on publisher sites if you deem their consent mechanism to be insufficient. If Google then dictates how that mechanism would look and prescribes the number of companies a publisher can work with, this would limit the choice of companies that any one publisher can gather consent for, or integrate with, to a very small number defined by Google. This gives rise to grave concerns in terms of anti-competitive behavior as Google is in effect dictating to the market which companies any publisher can do business with. Finally, your attempt to shift full liability onto publishers for obtaining consent on your behalf as a separate and independent controller is troubling to us. As trade associations representing publishers around the world, we have grave concerns about this approach as follows:

Controller. Your Controller Terms (§ 4.1(a)) spell out that Google will be an independent controller with respect to any personal data that is processed by either party under the Google Controller Terms in connection with its provision or use (as applicable) of the Controller Services ("Controller Personal Data"). The terms further specify that Google will individually determine the purposes and means of its processing of Controller

³ <https://adwords.googleblog.com/2018/03/changes-to-our-ad-policies-to-comply-with-the-GDPR.html>
<https://www.google.com/about/company/consentstaging.html>

Personal Data. While Google may be considered a controller in certain circumstances which have yet to be fully disclosed, it should not be considered a controller over all data that it receives from publishers or collects on publisher pages in connection with advertising services provided to publishers. Your proposal should include full disclosure of the use and purposes of the data received and collected by Google to preserve a true partnership with publishers. Claiming such broad rights over all data in the ecosystem, without full disclosure and without providing publishers the option for Google to act as a processor for certain types of data, appears to be an intentional abuse of your market power.

Consent. Your proposal notes that Google will need affirmative, express consent as its legal basis to process data of European citizens. However, your plan is to require that publishers obtain on Google’s behalf broad and blanket consent for all “collection, sharing, and use of personal data for personalization of ads or other services from its users.” At the same time, you refuse to provide publishers with any specific information about how you will collect, share and use the data. Placing the full burden of obtaining new consent on the publisher is untenable without providing the publisher with the specific information needed to provide sufficient transparency or to obtain the requisite specific, granular, and informed consent under the GDPR. If publishers agree to obtain consent on your behalf, then you must provide the publisher with detailed information for each use of the personal data for which you want publishers to ask for legally valid consent and model language to obtain consent for your activities.

At the same time, Google’s determination that it will rely on consent as its legal basis for the processing of personal data it receives from publishers and collects on publisher pages as an independent controller of that data, should not presuppose any legal basis or interest that our publisher members may have in collecting and using that same data as a controller as well. Some publishers may want to rely upon legitimate interest as a legal basis and since the GDPR calls for balancing several factors, it may be appropriate for publishers to process data under this legal basis for some purposes. Our members, as providers of the news, have different purposes and interests for participating in the digital advertising ecosystem. Yet, Google’s imposition of an essentially self-prescribed one-size-fits-all approach doesn’t seem to take into account or allow for the different purposes and interests publishers have.

Liability. Also, of concern is your attempt to transfer liability for consent to the publisher. Your proposal includes a contractual structure that improperly reallocates responsibility and liability to require the publishers to take the full brunt of a regulatory or private action penalties – penalties that could implicate up to four percent of global turnover for the prior financial year – should the publishers fail to obtain consent on Google’s behalf, despite the fact that the publishers must obtain such consent in the absence of sufficient information regarding Google’s intended practices. Given that your now-changed terms are incorporated by reference into many contracts under which publishers indemnify Google, these terms could result in publishers indemnifying Google for potentially ruinous fines. We strongly encourage you to revise your proposal to include mutual indemnification provisions and limitations on liability. While the exact allocation of liability should be negotiated by individual publishers, your current proposal represents a “take it or leave it” disproportionate approach.

Questions:

In addition to the above concerns, we have identified a number of questions for which publishers require answers. While we expect there will be additional questions going forward and we have seen your most recent [blog post](#), we would appreciate your prompt reply to the following questions.

1. What specific activities does Google undertake that would make it a “controller” under the GDPR? Have you sought guidance from regulators to inform or confirm your decision? The more logical legal position would be as a processor of that data. Have you examined the tenability of this legal position? If so, why has this position been rejected in favour of being designated a controller of the data?
2. Given that you announced just recently a solution for serving “non-personalized” ads, we would appreciate clarification on the following questions:
 - Is this solution meant to serve only contextual ads?
 - Under this solution, will Google serve only in the role of processor?
 - To what extent, will Google rely on legal bases other than consent to collect and use personal data?
 - Is this solution intended for use when a consumer does not grant consent?
3. With regard to any of Google’s services used by publishers, will you be explicit about the purposes for which Google requires consent from end users? The specification of purposes will need to meet the condition specified in GDPR Art.6.1.a (to the level of detailed needed).
4. Your proposal notes that Google will not serve ads on sites with consent mechanisms that do not meet your criteria.
 - In Google’s opinion, what constitutes a valid user experience for gaining consent?
 - Do you envision a one-size-fits-all approach?
 - How will you determine which sites must comply with the GDPR?
 - Would you implement a warning system for publishers you deem out of compliance? Will any such system include human review prior to a decision?
5. Do you envisage making regular changes to the Google terms of use as you do with other services? If so, how will you seek publisher input and provide advance notice?
6. How would a publisher use your services to serve advertising without triggering the need for obtaining consumer consent?
7. If publishers decide to utilize an industry-wide consent management platform, how could Google’s services be integrated? Specifically, will you commit to being listed as a vendor in the IAB Europe’s consent mechanism?

Given the rapidly approaching enforcement date of May 25, we would appreciate your prompt attention to our concerns. If you need any clarification, please feel free to reach out to Chris Pedigo, SVP for Digital Content Next, who can help coordinate a response from all of us.

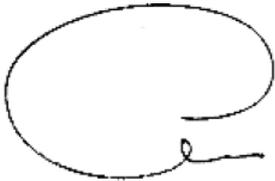
Sincerely,



Jason Kint
CEO
Digital Content Next



Angela Mills Wade
Executive Director
European Publishers Council



David Chavern
President and CEO
News Media Alliance



David Newell
CEO
News Media Association

Annexe F: NMA Submission to Internet Safety Strategy

News Media Association Response to the Internet Safety Strategy Green Paper [December 2017]

Summary

1. The News Media Association is the voice of national, regional and local news media organisations in the UK. Our members' 1000 titles, in print and online, are read by some 48 million adults every month.²⁷ News media companies are the biggest investors in original news content, accounting for 58 per cent of the total spent on news provisions in the UK.²⁸

2. The NMA and our members welcome the Government's initiation of an internet safety strategy that focuses on social media companies, their products and practices that require them to protect their users from abusive behaviour and content online.

3. The Government's commitment to review the existing regulatory framework in relation to social media companies is important. NMA members also support the Government's additional commitment to consider the further steps required to continue to develop and uphold a robust regulatory environment that delivers improved protection to all their users, including a sanctions regime.

4. Major internet and social media companies such as Google and Facebook are now globally dominant businesses with unprecedented reach, resources and power, whose commercial agenda, business operations and the services and products offered have enormous effect on those around them.

5. The protections devised for "mere conduits" to allow the early exploration of the potential of the internet, new technology and development of digital networks and services are no longer appropriate. Robust measures must be taken by government, now, in order to safeguard consumers and the role of the independent media and its trusted journalism on which UK citizens depend. However, these must not place new restrictions or liabilities on independent news media publishers.

6. The NMA has been asked by the DCMS to identify a series of measures which, with government backing, could help the news media sector to continue to perform its vital public service in the face of competition from social media companies and major internet platforms which draw in billions in advertising revenues against the news content which people upload without contributing to the cost of independent verified journalism.

7. It should be stressed that these are complex issues affecting a rapidly developing industry, and NMA members hold a spectrum of views. The following is a range of options which the NMA and a wide cross-section of news publishers are developing and exploring with the government and other agencies:

- An annual content licence fee or levy specifically aimed at supporting independent local journalism.
- A programmatic 'brand safe' classification for bona fide news media publishers.

²⁷ NRS PADD, 2017 <http://www.nrs.co.uk/latest-results/facts-and-figures/newspapers-factsandfigures/>

²⁸ Estimate by Mediatique Ltd

- Tech platforms to prioritise brand safe websites and demote ad serving to ‘fake news’ sites and other harmful content.
- Government to reject risks associated with ‘blind’ programmatic ad buying in favour of private marketplace or programmatic guaranteed for digital campaigns.
- Ofcom and CMA to investigate the digital advertising supply chain, dominance of tech platforms and their impact on consumers, advertisers and other media players.
- Regulatory review of the status of the tech platforms, as to whether they should be categorised and liable as “publisher” not “conduit”, and what additional responsibilities they should bear for the content they publish.

NMA Response

8. News media companies – newspapers in print and online - are by far the biggest investors in original news content, accounting for 58 per cent of the total spent²⁹ on news provisions in the UK, with the rest spent largely by broadcast channels including the BBC.

9. Publishers invest £97 million in digital services³⁰ and drive over 900 million social media interactions a year.³¹ Nearly half (47 per cent)³² of all engagements with UK websites on social media over the past year sourced content from UK news brands and eight of the top 10 most shared UK websites on social media were UK news media sites³³.

10. Fake news sites and other harmful content online are fuelled by digital advertising, to the benefit of tech platforms, agencies and other intermediaries, but to the detriment of society, advertisers and the publishers of genuine news. It has been reported that even government advertising has unknowingly been served up on highly inappropriate content as a result of blind programmatic ad buying practices. A coherent review of the digital advertising supply chain is long overdue.

11. The Government cannot ignore the depth and strength of industry concern about the impact of social media companies and content aggregators on the national and regional news media. The audience and appetite for news media’s independent journalism expands. But the advertising revenues which fund that journalism diminishes, swallowed up by the technology companies who control the means through which online content is accessed and against which advertising appears.

12. The Government has pledged to “ensure content creators are appropriately rewarded for the content that they make available online.” The Government must now take meaningful action that safeguards democratic debate and promotes independent trusted journalism upon which citizens rely.

²⁹ Estimate by Mediatique Ltd

³⁰ NMA Deloitte Report, ‘UK News Media: Engine of Original News Content and Democracy,’ 2016 [http://www.newsmediauk.org/write/MediaUploads/In%20the%20Spotlight/NMA%20Economic%20Report/Final Report News Media Economic Impact Study.pdf](http://www.newsmediauk.org/write/MediaUploads/In%20the%20Spotlight/NMA%20Economic%20Report/Final%20Report%20News%20Media%20Economic%20Impact%20Study.pdf)

³¹ Newswhip Analysis 2016 <http://www.newsworks.org.uk/Opinion/newswhip-data-newsbrands-rack-up-901-million-social-media-interactions-in-2016/161765>

³² NMA Newswhip Research, 2017 <http://www.newsmediauk.org/News/uk-news-media-journalism-powers-social-networks/181674>

³³ NMA Newswhip Research, 2017

13. We welcome the Government's commitment to introduce an industry-wide levy for social media companies to support preventative activity to counter internet harms. As the Government is using this consultation to ask questions about how it could best be implemented, we suggest that it should explore the wider application of such a levy, to address the wider social issues and harms occasioned by social media developments. This would work in conjunction with news media industry initiatives that mark out its independent trusted journalism.

14. The Government continues to point out the pressing need for a sustainable funding model for the news media sector which performs such a vital public service. In response to Government requests, the NMA and its members have identified a number of options which, with government backing, could start to address the economic imbalance between news content creators and those platforms which benefit handsomely from news content without contributing to the costly business of verified journalism.

15. It should be stressed that these are complex issues affecting a rapidly developing industry, and NMA members hold a spectrum of views. The following is a range of options which the NMA and a wide cross-section of news publishers are developing and exploring with the government and other agencies:

- A meaningful contribution, in the form of an annual content licence fee or levy on tech platform advertising revenues, aimed specifically at supporting independent local journalism.
- A programmatic classification identifying bona fide news media websites as 'brand safe' environments for advertisers. The classification would be developed and applied by the news media industry itself in conjunction with advertisers and agencies, potentially building on initiatives from the DTSG, JICWEBS and TAG.³⁴
- Such a system would automate digital ad serving to known sources of verified news content, driving up advertising yields for brand safe news domains. It would make a clear distinction between brand safety and brand sensitivity, to avoid the problem of editorial content on genuine, fact-checked, professional news sites being blocked by indiscriminate programmatic brand safety and content policing tools.
- Measures to ensure the tech platforms adjust their algorithms actively to prioritise brand safe genuine news websites and to demote programmatic serving of digital advertising to 'fake news' sites and other harmful content such as terrorist websites and child pornography.
- Government to take the lead, as one of the largest UK advertisers, to reject the risks associated with 'blind' programmatic ad buying via open exchanges and instruct their buying agencies instead only to use brand safe programmatic options such as private marketplace or programmatic guaranteed for government digital campaigns.
- An Ofcom and Competition and Markets Authority review and investigation into the opaque digital advertising supply chain to examine the dominance of Google, Facebook and other major tech platforms and the impact of their activities on consumers, advertisers and other media players.
- A regulatory review of the status of Google, Facebook and other major tech platforms, whether they should continue to be considered mere conduits or intermediaries, and what additional responsibilities they should bear for the content they publish.

³⁴ Digital Trading Standards Group (DTSG). Joint Industry Committee for Web Standards in the UK and Ireland (JICWEBS). Trustworthy Accountability Group in the US/Global (TAG).

16. Through this review and exploration of the levy, the NMA urges the Government to address directly the range of serious concerns and wider social harms arising from the rise, operation and impact of social media companies.

17. The government's commitment to develop and uphold a robust regulatory environment ought to entail government co-ordination of regulatory and enforcement authorities as to whether action is currently warranted and to ensure that it is undertaken, as well as whether there is any lacuna in the law, oversight and enforcement powers and how this can quickly be addressed, including timescale for review of EU derived legislation.

18. We stress that this should include the powers of the Competition and Markets Authority and the Information Commissioner. We also noted the industrial strategy white paper's proposals to require the CMA to review competition law and to give it additional funding for enforcement action to encourage enterprise. In view of the CMA acknowledged challenges to competition law posed both by the rapid growth of dominant social media companies and their ever-evolving products, the CMA could be asked to carry out a similarly specific review and make recommendations for swift implementation.

19. Ofcom and the Competition and Markets Authority should be asked to conduct a comprehensive review and investigation into the opaque digital advertising supply chain to examine the dominance of Google, Facebook and other major tech platforms and the impact of their activities on consumers, advertisers and other media players. The algorithms designed by social media sites and other major internet platforms prioritise virality over reality, making the platforms the primary beneficiaries of blind programmatic advertising. But fake news sites and other forms of harmful online content – from jihadist terror videos to child pornography - are also being rewarded, doubtless incentivised by reports of children as young as six generating vast sums in ad revenues from their home-grown YouTube sites. The consequential damage to consumers, particularly children, as well as to advertisers and other media players can no longer be ignored by the regulators.

20. Conversely, in seeking to better regulate the technology companies, it is vital that new restrictions and liabilities are not placed on news media publishers, through EU or UK legislative or co-regulatory or voluntary controls. NMA members are already subject to a myriad of legal controls over their editorial and advertising operations. They voluntarily fund and adhere to the independent editorial and advertising industry self-regulatory systems upheld by IPSO and the ASA.

21. It would be very helpful if the DCMS took active steps to ensure that the major internet and social media companies made a full and proportionate contribution, reflecting the size of their advertising revenues and share of the advertising market, to the financing of the advertising self-regulatory system, of which they are a part.

22. The DCMS will be aware of the investigations by *The Times* in respect of Google's YouTube, *The Guardian's* 'Facebook files' and by others such as the BBC over the past few months. These raised concerns about the content carried, the advertising appearing alongside unbeknown to the advertiser and the adequacy of policies and practices (some examples of recent press coverage are attached).

23. The NMA and members have called for government and regulatory action and we hope that the DCMS will address our recommendations.

24. We refer you to the evidence to the Inquiry into Fake News which is being conducted by the House of Commons Select Committee on Digital, Culture, Media and Sport. We attach a copy of the NMA's written evidence to the inquiry. We would like the DCMS to consider the NMA's full submission and its recommendations.

25. We refer you to the evidence submitted by the NMA to the Inquiry into the Advertising Industry which is being conducted by the House of Lords Select Committee on Communications. We attach a copy of the NMA's written evidence to the inquiry and also refer you to the oral evidence given by NMA members on 28 November, both of which we would like the DCMS to consider.

26. The NMA would welcome the opportunity to discuss the development of the DCMS's initiatives in more detail.

Annex G: NMA Submission to Fake News Inquiry

Culture, Media and Sport Select Committee 'Fake News' Inquiry: News Media Association Response 03.03.2017

Link to full NMA submission:

http://www.newsmediauk.org/write/MediaUploads/Fake%20News/NMA_Submission_to_the_CMS_Select_Committee_'Fake_News'_Inquiry.pdf

Annex H: House of Lords Communications Committee report:

NMA News Article:

NMA Welcomes Lords Committee Calls for CMA Investigation Into Digital Ad Market

<http://www.newsmediauk.org/News/lords-communications-committee-calls-for-cma-investigation-into-digital-advertising-market/198005>

Link to full House of Lords Communications Select Committee report: UK Advertising in a Digital Age:

<https://drive.google.com/file/d/0B59chPQfmlt1U0htaUFkWI2WGpqT2pucjNpMXVibDI1Y1VF/view>

Annex I: House of Commons CMS Committee interim report on fake news

NMA News Article:

Fake News Spread By Social Networks Has Created 'Crisis In Our Democracy,' MPs Warn

<http://www.newsmediauk.org/Latest/fake-news-spread-by-social-networks-has-created-crisis-in-our-democracy-committee-says->

Link to full Culture, Media and Sport Select Committee interim report: Disinformation and 'fake news'

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcmums/363/36302.htm>

Annex J: NMA Letter to CMA, August 2018

3 August 2018

Daniel Gordon
Senior Director Markets
Competition and Markets Authority
Victoria House Southampton Row
London WC1B 4AD

Dear Daniel,

The NMA notes that two Select Committees have now formally recommended that the Competition and Markets Authority investigate the digital advertising market.

Last week, the House of Commons Digital Media and Sport Select Committee [5th Report - Disinformation and 'fake news': Interim Report](#) (29 July 2018) recommended:

24. If companies like Facebook and Twitter fail to act against fake accounts, and properly account for the estimated total of fake accounts on their sites at any one time, this could not only damage the user experience, but potentially defraud advertisers who could be buying target audiences on the basis that the user profiles are connected to real people. We ask the Competition and Markets Authority to consider conducting an audit of the operation of the advertising market on social media. (Paragraph 73)

This reinforced the earlier recommendation of the House of Lords Communications Committee [1st Report - UK advertising in a digital age](#) (11 April 2018):

Recommendation 4: The lack of transparency in the digital media advertising market hinders the ability of advertisers to ascertain whether they receive value for money. This is in part caused by the superfluity of ad tech intermediaries, but Google alone has control at all levels of the market. We recommend that the Competition and Markets Authority (CMA) should conduct a market study of digital advertising to investigate whether the market is working fairly for businesses and consumers. (Paragraph 76)

However, the Government's response to the House of Lords Communications Committee's Inquiry, Government Response: UK advertising in the digital age, published 16 July 2018, stressed that this was a matter for CMA decision alone, notwithstanding the Government's own keen interest in the digital advertising market and its central importance to the Cairncross review and the sustainability of the press CMA to respond to the Committee's recommendations on CMA market investigation and audit:

Response to Recommendation 4: 'The Government recognises the highly complex nature of the online advertising industry and as part of the Digital Charter's work programme we are keen to gather more evidence on the business models in the digital media advertising market. This is also of central importance to the Cairncross review into the sustainability of the press, which was launched in March 2018 and will report its findings and recommendations in early 2019. The CMA is the independent competition authority that investigates competition issues across the UK. Ministers do not have statutory powers to direct the CMA to undertake particular investigations, other than in exceptional circumstances.'

The NMA would therefore welcome a clear statement by the CMA as to whether and when it will conduct a market investigation, in response to the recommendations for CMA audit and investigation of the digital advertising market, as set out in the reports of the House of Lords Communications Committee and the House of Commons Digital Media and Sport Committee.

Such an investigation would help achieve the Government's 'key priority for the Digital Charter to ensure digital markets work well for everyone'. It would most certainly assist and complement the work of the Cairncross Review into press sustainability. It would be highly relevant to work of the new Treasury Expert Panel on Competition in Digital Markets, announced by the Chancellor of the Exchequer on 2 August and to the review of competition tools in the context of digital markets and the review of competition law as also recommended by the House of Lords Communications Committee (Paragraph 78) and set out in the BEIS Modernising Consumer Markets Green Paper.

The NMA considers that this review of competition law must address substantive reform of the newspaper merger and transfer of titles regime, including CMA approach and procedures, in order to facilitate such transactions. These are ever more vital to the sustainability of the independent local press.

We look forward to hearing from you.

Yours sincerely

Santha Rasaiah
Legal Policy and Regulatory Affairs Director
News Media Association