



AS/Cult/Inf (2017) 13

10 August 2017

COMMITTEE ON CULTURE, SCIENCE, EDUCATION AND MEDIA

The status of journalists in Europe

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Information document

This information document refers to the definition and access to the profession of journalist, as well as to the self-regulation by the media in some Council of Europe member states, such as Belgium, France, Georgia, Germany, Turkey and Ukraine. This information was partially gathered by the expert Mr Gruber whom I am grateful for his help. I would also like to thank Ms Gogvadze for providing me with information on Georgia, as well as Ms Bilgehan and Mr Arieu for verifying texts prepared by the Secretariat regarding Turkey and Ukraine respectively.

1. Belgium

1.1. The title of “professional journalist”

1. The Belgian law of 30 December 1963 does not define what journalism is but it defines what a professional journalist is: a person who has made journalism “*his or her main professional occupation for at least two years and who performs such work on behalf of a general news media*”. The Belgian status makes a distinction between generalist professional journalists and those who work for specialist media. The latter have the title of “journalist for the periodical press”.

2. In the case of freelance journalists who do not have a permanent contract of employment, their official declaration of income serves to determine the nature of their work. Although the financial criteria are less stringent than in France, journalists are required to have worked for a relatively high number of hours, which does not facilitate matters for freelance, occasional or precarious journalists or those who are starting out in the profession. For that reason, there is also the title of “trainee journalist”, which applies to any person who can provide proof of professional activity lasting more than three months. After two years working as a journalist, trainees may apply to be certified as professional journalists.

3. The title of “professional journalist” is granted by an official Certification Commission¹, made up of an equal number of professional journalists² and media executives, and which, as one would expect, comprises a French-speaking section and Dutch-speaking section. If both full members and their substitutes are taken into account, a total of 70 persons, all voluntary, are involved in the Certification Commission after being officially appointed by royal decree. It should be noted that there is a commission of 1st instance and an appeals commission, with whom appeals may be lodged in the event of an initial refusal. Finally the case of foreign journalists, of whom there are many in Brussels, is examined by an “advisory section”, set up for that purpose and whose members are, quite rightly, foreign journalists.

4. Journalists are not required to hold an official press card in order to have the right to work. The title serves to identify those who are professional journalists and to give them a specific social status, in particular where their pension rights are concerned. The press card includes a car windscreen “sticker”, making it easy to identify professional journalists and give them access to certain institutions or events.

¹ <http://www.ajp.be/commissions-agreation/>

² The journalists are representatives of the Association of Professional Journalists of Belgium, which also acts as a trade union.

1.2. The Journalists Ethics Council

5. Although the criteria for the allocation of a press card and the status of journalist in Belgium is similar to those in France (with the noteworthy exception of the status of freelancer), in 2009 Belgium set up a Journalists Ethics Council (CDJ). This body is composed of 20 full members and 20 substitutes representing journalists, chief editors, publishers and civil society experts. The purpose of the CDJ is to issue opinions, express own-initiative opinions, as requested or in response to complaints, on the way in which news is dealt with in all of the media. It therefore operates along the same lines as the Press Councils which exist in other countries. In 2016 the CDJ issued 40 opinions. The media concerned by complaints are obliged to publish the text addressed to them by the CDJ without any modifications and accompanied by a hyperlink to the opinion on the CDJ website.

6. Apart from complaints and “requests to mediate without a complaint”, the CDJ also replies to requests for information on widely varying subjects: the use of photos found on Facebook, limits to “immersion journalism”, return to journalism after holding political office, the privacy of children of celebrities, advertising a company belonging to the same media group, etc.

2. France

7. In France, there is a legal definition of the profession of journalist. The profession is therefore subject to state regulation. Article L7111-3 of the Labour Code states that a professional journalist can be “*anyone whose main, regular and paid occupation is the exercise of their profession in one or several media outlets, daily or periodical publications, or press agencies and who earns most of their income in this way*”³. In 1982⁴ this definition was extended to include the employees of audio-visual communications companies (until 1982 the audio-visual sector was exclusively public and had a specific legal status). Furthermore, Article L 7111-4 states that the profession of journalist is incompatible with that of “advertising agents”, i.e. persons who, even occasionally, receive advertising commissions, and a decree issued by the Minister of Information in 1968 declared that the positions of public relations officer and press officer, even if occupied on a subsidiary basis, were completely incompatible with the status of professional journalist. In May 1986, a decree issued by the State Council also prohibited all public officials or temporary public employees from holding this status.

2.1. National Press Card Commission and press cards

8. Press cards are issued by the “Press Card Commission”⁵, made up of sixteen full members (eight representing the trade unions and eight the employers, including press agencies and the public audio-visual sector), who are elected or appointed for three years. The representatives of the trade unions are elected from among the six trade unions representing the profession (*see below*). In addition to these full members, there are 38 regional correspondents representing the 19 regions outside Paris.

9. One particular feature of the French system is the Cressard Law of 4 July 1974, which grants the full status of journalist⁶ to not only employees but also freelancers. For this reason, the status of a French freelance journalist differs substantially from that of freelancers in other countries, who are generally excluded from collective agreements and from the system of social protection for employees (sick or parental leave, unemployment insurance, pension system, etc.).

10. Online journalists can secure a press card by proving that they are covered by the collective agreement (it is therefore the employment contract which determines their journalistic status) and that their employer’s mission is to provide the public with news. Freelancers must have an average monthly income of at least 50% above the minimum wage (SMIC). In addition to the case of persons who work in other sectors at the same time, most questions concern the audio-visual sector where the situation of companies producing talk-shows or entertainment programmes is ambiguous. Exactly 35 238 press cards were issued in 2016⁷, which is the lowest number in the past 10 years (the highest was 37 390 in 2009).

³ Occasional contributors are not entitled to the status of journalist: “*only those who make a permanent academic contribution to a periodical publication with a view to informing its readers shall be considered to be journalists*” (Cass. soc. 28 May 1986, No.1306; Cass. soc. 1 April 1992).

⁴ Law of 29 July 1982 (No. 82-652)

⁵ <http://www.ccijp.net/>

⁶ “Any agreement by which a media outlet secures the paid services of a professional journalist” is considered to be a contract of employment.

⁷ <http://www.ccijp.net/article-33-cartes-attribuees-en.html>

11. In concrete terms, the Commission verifies:
 - whether journalism is in fact the main, regular occupation (3 consecutive months in the case of the first application) of the person concerned,
 - whether journalism provides the applicant with the majority of his or her income (over 50%; if the person's income from journalism is higher than 75%, a press card is automatically issued),
 - whether the applicant's activities are clearly carried out in the context of the profession (activity, media outlet)
12. Three things should be noted with regard to France:
 - Just as the law defines what constitutes a journalist, it also penalises forgery or abuse⁸;
 - These rules raised the question of freelancers in precarious positions, who may be irregularly employed with the result that they do not earn the minimum income or work the minimum hours required by law;
 - The press card is not compulsory as people can work as journalists without such a card: it is the employment contract which testifies to the fact that the person is a journalist and the fact of holding a press card does not change the contractual relationship between journalists and their employers. However, the collective agreement prohibits that press enterprises which have signed the agreement employ journalists who have no press card for more than three months. Nor is it a press card which determines the allocation of "employment expenses" provided for in French tax returns.

3. Georgia

13. The activities undertaken by journalists in Georgia are protected under the right to freedom of speech and expression. The Georgian Constitution stipulates that "Everyone has the right to freely receive and impart information, to express and impart his/her opinions orally, in writing or by any other means. [...] Mass media shall be free. [...] The censorship shall be prohibited."

14. The Georgian legislation does not give a definition of the status of journalists, but it establishes high standards regarding protection of freedom of expression and opinion. According to the Georgian legislation, all persons employed in a media company and those who systematically collect and impart information for the public are considered journalists. The Georgian Law on Freedom of Speech and Expression stipulates that "The media constitute print or electronic means of mass communication, including Internet". Accordingly, every person employed in any kind of media outlets is considered a journalist and his/her activities are protected by law.

15. Media outlets must create appropriate conditions to support the rights of journalists. According to the "Code of Conduct of the Broadcasters", media are responsible for "guaranteeing the rights of journalists to freedom of speech and expression and to editorial decisions based on their personal conscience and acknowledged professional standards. [...] [Media] must protect journalists' right to be guided by their conscience and professional ethical standards when performing their professional duties".

16. The Georgian Law on Freedom of Speech and Expression defines the context in which this right is protected by the Constitution, and states that freedom of expression supposes "the prohibition of censorship, the editorial independence and pluralism of the media, the right of journalists to keep secret their sources of information and take editorial decisions in accordance with their own conscience."

17. The Georgian legislation does not recognise criminal responsibility for defamation. Disputes related to defamation may be considered in civil courts. In this case, the Georgian legislation imposes high security guarantees for the journalist's activities and stipulates that "the media owner is responsible before the court when it comes to the journalist's libel". This rule aims at avoiding direct civil disputes against journalists in order to circumvent any influence on his/her professional activities.

18. Under the Georgian legislation, any interference with the journalist's activities imply a criminal liability. For example, the Law on Assembly and Manifestations stipulates that "the law enforcement bodies shall not interfere with journalists wearing identification signs while the latter perform their duties in covering

⁸ Article L7114-1 of the Labour Code: "The following offences are punishable by two years' imprisonment and a 3 750 euro fine: 1) knowingly misrepresenting a fact with a view to securing a journalist's identity card or the identity card of an honorary professional journalist; 2) using a card which was fraudulently obtained with a view to benefiting from the advantages offered by such cards; and 3) knowingly providing false certificates with a view to obtaining such a card. The same penalties are applicable to those who make, distribute or use a card which resembles one of these cards or the documents issued to journalists by the administrative authorities in such a manner as to be misleading".

assemblies or manifestations". According to Article 154-2 of the Criminal Code, any interference with journalists' activities is illegal and punishable by law.

19. The Georgian legislation encourages self-regulation of media companies and journalists' activities. The self-regulation regarding professional standards and professional behaviour is largely a privilege of the media outlets.

20. According to the Georgian Law on Broadcasting, media outlets must create effective self-regulatory mechanisms. This means that if a media company or a journalist violates professional ethical standards, any person may address a specific body of the media outlet in question, charged with dispute resolution, in order to protect his/her rights. This mechanism enables media companies to correct violations of the Code of Professional Standards / Code of Conduct at their own level and thus facilitates keeping higher professional standards in the journalistic activity.

21. Also, the role of unions created by journalists to regulate their professional activities is quite relevant:

- The Association of Independent Journalists was created in 2000 and is composed of more than 150 members. One of the main goals of the Association is to ensure the security of journalists, their freedom of speech and professional standards. Journalists themselves have developed a professional code of ethics, a kind of guide for the journalists' work that aims inter alia to introduce international journalistic standards in the Georgian media.
- The Charter of Journalistic Ethics was created by the journalists in 2009. Although the adherence to the Charter is voluntary, 137 journalists from various media outlets have signed it. The aim of the Charter is to "raise public liability of the media through the protection of professional and ethical standards and self-regulatory mechanisms".

22. Taking into consideration the above-mentioned issues, it is clear that under the Georgian legislation the procedure of granting the status of journalist is fully linked to the journalistic activities of a person. Vocational education, work experience or any other specific criteria are not required to put a person under the protection of such a status. This system works efficiently in Georgia and guarantees the independence of journalists' activities.

4. Germany

23. In Germany there is no legal definition of the status of journalist. The profession of journalist derives directly from Article 5 of the Constitution, which safeguards freedom of thought, of expression and of the press and prohibits censorship⁹. Unlike countries where the profession is defined by law, journalists do not have to meet any specific requirements. The profession is open to everyone, with no training or selection requirements.

24. German journalists and their professional organisations have always been opposed to a restrictive or binding legal definition out of fear that parliament or the political authorities in general would restrict their freedoms.

25. A press card, *Presseausweis*¹⁰, does, of course, exist. It is issued by the professional organisations representing journalists. There is also a self-regulation body, the *Presserat*.

4.1. *Presseausweis*

26. The absence of state regulation leaves the way open for self-regulation in accordance with criteria that are acknowledged by the profession. For example, on its membership form, the German Association of Journalists (Deutscher Journalisten-Verband, DJV), which acts both as a trade union and as a professional organisation, defines a journalist as a person "*whose main occupation is journalism or who is involved in journalism for most of his or her working time. Voluntary work as a journalist is not enough*". The activity as such is defined as: "*being involved in the development and dissemination of news, opinions and entertainment via the media by means of written articles and reports, pictures, or sounds or a combination of these means of production*".¹¹

⁹ "Every person shall have the right freely to express and disseminate his opinions in speech, writing, and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship".

¹⁰ <http://www.presseausweis.org>

¹¹ <https://www.djv.de/startseite/profil/mitglied-werden/aufnahmerichtlinien.html?type=500>

27. The vast majority of German journalists have a *Presseausweis*, issued by one of the five professional organisations representing journalists¹², i.e. three journalists' organisations and two employers' associations. For several years now, commercial organisations have been selling forged or "alternative" press cards without verifying the professional qualifications of the buyers, which is a cause for concern for the "legitimate" organisations. The official press card is currently issued on a regional basis in each "Land" but as from 2018 it will be issued on a federal basis, without any change to the criteria for its attribution. Those who claim to be working as journalists are required to present their employment contract, if they are employees, or invoices or other proof of income, if they are freelancers.

28. The press card is therefore not compulsory but it is a useful means of identification and recognised as such, particularly by the police or judicial authorities and by the organisers of public events. Given that in Germany people who are not active journalists (students, retired persons, press officers, and so on) may also be members of a journalists' trade union and the fact that the statistics of the national employment agency take journalists, publishers and "publicists" (those responsible for commercial communications) into account, the available figures concerning the profession vary, but the DJV estimates the total number of professional journalists in Germany at some 73 000¹³.

4.2. *Presserat*

29. The German Press Council (*Presserat*), a self-regulating body which receives and assesses complaints concerning the content published by journalists in the press and online, is responsible for ensuring compliance with the rules of professional conduct. The GPC, which is modelled on the *British Press Council*, was set up in 1956 by the professional organisations themselves following the rejection of a draft law submitted in 1952, proposing the creation of a public law body. The *Presserat* has a Bureau (*Gremium*) comprising two representatives of each of its constituent organisations, i.e. two journalists' organisations and two publishers' organisations¹⁴, in other words 8 persons who head the Council. Complaints are dealt with by a more wide-ranging body (*Plenum*,) which examines complaints in accordance with the "*Pressekodex*"¹⁵, the first version of which dates back to 1973. It should be noted that over the past few years the Kodex has taken account of the consequences of media digitalisation. The penalties issued by the *Presserat* are: admissibility without consequences, the warning (*Hinweise*), the official disapproval (*Missbilligung*) and finally the reprimand (*Rüge*) published by the media concerned. For example, in 2016, 728 complaints were received, 297 of which were admissible and resulted in 151 warnings, 64 official disapprovals and 33 published reprimands¹⁶.

5. Turkey

30. In Turkey, the press in general and the status of journalists in particular are strictly regulated by laws and regulations. Therefore, there is a legal definition of the journalist.

31. Article 1 of the Law No. 5953 on labour relations in the press sector defines the journalist as a person who works on a newspaper, a periodical, a news agency or a photography agency and performs intellectual or artistic work in return for remuneration. According to the precedent of the Turkish Court of Cassation (E. 2006/33909 K. 2007/11104 17.4.2007), this definition also includes online journalists.

32. It should be mentioned that people employed in companies where the majority of the capital is controlled by the State, local authorities or public enterprises are not subject to the above-mentioned law.

33. The Law on labour relations in the press sector makes mandatory the contract of employment between the employee and the employer. This contract is one of the conditions for the issuance of a press card (see below).

34. There are specific provisions concerning journalists, such as the right to promotion after 2 years of work, the right to severance from the fifth year since the entry into the profession, and the system of paid leave.

¹² DJV, DJU in ver.di Verband Deutscher Sportjournalisten (VDS, sports journalists) for the trade unions, and the Verband Deutscher Zeitungsverleger (BDZV), Verband Deutscher Zeitschriftenverleger (VDZ) for employers.

¹³ <https://www.djv.de/startseite/info/themen-wissen/aus-und-weiterbildung/arbeitsmarkt-und-berufschancen.html>

¹⁴ <http://www.presserat.de/presserat/aufgaben-organisation/>

¹⁵ <http://www.presserat.de/pressekodex/pressekodex/>

¹⁶ See <http://www.presserat.de/beschwerde/statistiken/> for all of the statistics

35. In addition, Article 35 of Law No. 6112 on the establishment of radio and television enterprises and their media services (Audio-visual Media Law) provides that employees of the audio-visual sector are subjected to the regulations applying to the journalists, and that they can have access to a press card. The minimum number of employees receiving a press card is determined by the Supreme Council of Radio and Television (RTUK).¹⁷ It is an institution responsible for the regulation and control of the audio-visual sector, which is composed of 9 members elected by the National Assembly for 6 years, renewed by thirds every 2 years. A number of seats are reserved to each political party in the Assembly proportionally to the number of deputies in the parliament. Each party designates twice as many candidates and the vote takes place without a preliminary debate.

5.1. The Press card

36. The press card is not compulsory, but it is useful to be identified as a journalist, in particular by the police and judicial authorities during political, cultural or sports events. Holders of a press card can also benefit from reduced transportation fees and free access to public places including museums, galleries, exhibitions and stadiums.

5.2. Directorate General of Press and Information

37. The press card is issued by the Directorate General of Press and Information, an institution under the authority and direction of the Prime Minister (Article 5 of KHK No. 231). Thus, the Prime Minister has a discretionary power of substitution to the General Director when he/she deems necessary (Article 1 of KHK No. 231).¹⁸

5.3. The Press Card Commission

38. The decision to grant press cards is taken by the Press Card Commission which is composed of 15 members (2 representatives of the Directorate General of Press and Information, 1 holder of a permanent press card appointed by the Directorate General, 1 journalist press cardholder appointed by the Directorate General, 1 dean of a communication faculty designated by the Directorate General, 3 representatives of owners of "Anatolian"¹⁹ newspaper designated by Press Publication Institution (see below for the composition and organization of the Institution), 2 representatives of the professional press association with the most members holding a press card and 1 representative for the second association, 1 representative of the largest professional audio-visual media association, 1 representative of the professional association of national television channels and 2 representatives designated by the two largest trade unions representing the profession).²⁰

39. The press card regulations set out a restrictive list of titles which are eligible to acquiring a press card, as well as quotas for different types of media and news agencies.

40. According to the official figures, there were 15,276 press cardholders in Turkey by the end of 2015.²¹ For comparison, in France, only in 2016, 35,238 press cards were issued.

41. The Commission meets three times a year on convocation by the Directorate General of Press and Information. Article 20.9 of the rules governing press cards states that decisions taken by the Commission shall become final only after their validation by the Director General.

42. One can question the extent of the Director General's powers: a legitimate question can arise whether it is about a mere formality or a right to veto.

5.4. Conditions for the allocation of press cards

43. Applications are made online on the website of Directorate General of Press and Information. To obtain a press card:

- One must be at least 18 years old and have at least a high school degree;

¹⁷ <https://kms.kayis.gov.tr/Home/Goster/34819>

¹⁸ <http://www.mevzuat.gov.tr/Metin.Aspix?MevzuatKod=4.5.231&MevzuatIlistiki=0&sourceXmlSearch=>

¹⁹ Owners outside Istanbul, Izmir and Ankara

²⁰ <http://www.mevzuat.gov.tr/Metin.Aspix?MevzuatKod=7.5.21089&MevzuatIlistiki=0&sourceXmlSearch=bas%C4%B1n%20kart%C4%B1>

²¹ <http://aa.com.tr/tr/turkiye/basbakan-yardimcisi-kurtulmus-15-bin-276-sari-basin-karti-ve-surekli-basin-karti-sahibi-bulunuyor-510957>

- A contract of employment as set out in Law No. 5953 on labour relations in the press sector between the journalist and the media or press service provider must be established;
- The applicant must not be engaged in any other professional activity with the exception of employees of Anadolu Agency (a Turkish news agency with a special status), employees of the Turkish Radio and Television TRT (national public broadcaster), members of parliament, members of local or municipal councils, academics in the field of journalism and some officials representing the profession of journalism.

5.5. Different types of press cards

44. There are four types of press cards, namely:
- the “standard” press card issued for 3 years and renewable;
 - the permanent press card issued to holders of a press card, for a period of at least 18 years;
 - the temporary/freelance press card issued to journalists who are temporarily unemployed, for a period of: 9 months up to 5 years of a press card, 12 months for press cardholders from 5 to 10 years, and finally 18 months for the press cardholders for a duration more than 10 years. One cannot truly speak of a freelance press card because the person concerned must have previously worked in a newspaper or a media service for a period of at least one year. The person concerned must also inform the Director General within one month from the date on which the journalist left office;
 - the traffic / circulation press card which is an auxiliary card issued to cardholders of above-mentioned press cards and which offers advantages in terms of road traffic.
45. The waiting times specified in the press card regulation are as follows:
- 12 months for people with a degree in communication or other related subject;
 - 18 months for people with a degree from another faculty;
 - 24 months for people with an associate degree;
 - 28 months for people with only high school degree.

5.6. Revocation of press cards

46. The regulation on press cards provides the possibility for the Directorate General of Press and Information to cancel or request the cancellation of a press card under certain conditions.
47. Regarding “standard” press cards, the Director General is the only one who has the power to cancel the card when events arising from the regulation of press cards occur (Article 29).
48. As concerns permanent press cards, if the journalist has infringed the dignity of the journalistic profession by his/her acts, behaviour or habits, the card may be cancelled on the proposal of the Director General and following the decision of the Press Card Commission. This decision shall only become final after the validation by the Director General.
49. According to figures from the General Directorate of Press and Information, 330 press cards were cancelled within 15 days after the failed coup.²² At the beginning of September 2016, the number of cancelled press cards was 620, out of which 115 were permanent press cards.²³ In the end, 778 press cards were cancelled in 2016.²⁴ It should be mentioned that, under the decrees of state of emergency (KHK No. 668, KHK No. 675 and KHK No. 677), 178 media service providers were dissolved, and most of the press card cancellations concerned the employees of these media service providers.

5.7. Press Publication Institution

50. Law No. 195 establishing the Press Publication Institution provides that the Institution has the power to impose administrative sanctions in case of violation of the law and of Resolution No. 129 on press ethics (Basın Ahlâk Esasları) adopted by the Institution. An appeal against the decisions of the Institution is possible.
51. The Press Publication Institution is a public entity whose main objective is not self-regulation of the profession but the organisation of legal announcements, pensions and social assistance to persons employed in the press sector and media in general.

²² <http://www.cnnturk.com/turkiye/330-basin-karti-iptal-edildi>

²³ <http://aa.com.tr/tr/turkiye/115-kisinin-surekli-basin-karti-iptal-edildi-/639824>

²⁴ <http://bianet.org/bianet/medya/183487-2016-gazeteciligin-ohal-kiskacina-alindigi-yil>

52. The General Council of the Institution is composed of 36 members elected for 2 years renewable.²⁵

53. Furthermore, there are several associations and federations of journalists with various codes of conduct that concern only their members.

6. Ukraine

54. In Ukraine, unlike some other European countries such as Germany, there is no single press self-regulation body. The Journalists' Ethics Council barely functions and journalists' unions lack cohesion and influence. Both journalists and the media in general operate in compliance with the law. As in France, regulation is carried out by the state, although there is no single law governing the legal status of the media and journalists, as opposed to specific areas such as newspapers or radio and television.

55. According to the law on "State support for mass media and the social protection of journalists", journalists are "creative employees who collect, receive, create and prepare information in a professional manner for the media and who perform professional functions in the media (as regular employees or freelancers), in accordance with the journalists' professional titles appearing in the state's list of professions".²⁶ Put more simply, the notion of "journalist" covers regular employees, stringers and freelancers working on the basis of a civil law contract, for all the types of media which fall within the scope of this law.

56. As regards accreditation, in accordance with the law, government bodies can accredit journalists to facilitate the exercise of their professional activities, but lack of accreditation does not preclude a journalist from carrying out his/her work.

6.1. Journalists' certificate and the national press card

57. The main condition for obtaining a journalists' certificate is to be employed in collecting, processing and creating information for the media. As with accreditation, a journalist can work without a certificate; according to the law, there is no link between possessing a certificate and the status of journalist. The "status of journalist does not depend on formal characteristics or certain documents (certificate), but on the type of activity exercised by the person."²⁷

58. However, the certificate facilitates the identification of journalists and hence access by them to certain events or institutions. According to the law on print media, the documents which prove journalists' status are the editorial certificate or any other equivalent document issued by the editorial staff of the media outlet concerned and the certificate issued by professional associations of journalists, namely "the National Union of Journalists of Ukraine" and "the Independent Media Trade Union of Ukraine". Bloggers and freelance journalists who are unable to obtain an editorial certificate from one or other media outlet can turn to the trade unions.

59. The legislation on the national press card²⁸ is still being drawn up. The idea to introduce it dates back to 2012. The draft regulation provides that the card must be issued by the Journalists' Ethics Council at the request of the National Union of Journalists of Ukraine, the Independent Media Trade Union of Ukraine or editorial boards such as those of print media, television and radio broadcasters and news agencies. This card will be used to confirm journalists' professional affiliation, as well as their status.

²⁵ <http://www.bik.gov.tr/mevzuat/>

²⁶ <http://zakon2.rada.gov.ua/laws/show/540/97-%D0%B2%D1%80/>

The status of professional journalists covers the following categories: regular employees working in the editing, creation, collection and dissemination of information for major newspapers and other mass media whose products are exclusively distributed within a single business (association), organisation or institution; freelancers or correspondents who carry out editorial assignments.

²⁷ This approach is in conformity with the Council of Europe's outlook on the subject: see, for example, [Recommendation No. R \(2000\)7 of the Committee of Ministers to member states](#).

²⁸ <http://nsju.org/page/231>

6.2. Journalists' ethics and self-regulation

60. In Ukraine, there are plans to set up a media self-regulatory body. The first step has been the setting up of a Journalists' Ethics Council²⁹ and thereafter of its regional branches. The Council is a Ukrainian NGO dealing with ethical conflicts at the request of journalists, other persons or entities interested in the ethical evaluation of the professional activities of a journalist or the editor-in-chief, founder or owner of a media group or the competent public authority in the media field.

61. The Council, which operates on a voluntary basis, currently comprises 15 members elected during the Congress of the signatories of the Ukrainian Journalists' Code of Ethics. It applies this Code in some of its decisions. The members of the Council are replaced or their mandate is renewed at least once every two years. The Council may issue warnings, make decisions or impose public penalties. In the last few years, the Council has not engaged in any specific activity nor has it taken any decisions on potential violations of ethical norms.

²⁹ <http://nsju.org/page/205>