

DISCIPLINE DESCRIPTION

1. Information about the program

1.1 Higher education institution	Babeş-Bolyai University
1.2 Faculty	Faculty of Political, Administration and Communication Sciences
1.3 Department	Journalism department
1.4 Field of study	Communication sciences
1.5 Level of study	Bachelor
1.6 Study program / Qualification	Journalism

2. Information about the discipline

2.1 Discipline title	European media law						
2.2 Course lecturer	PhD Lecturer Sînziana Jurău						
2.3 Seminar assistant	PhD candidate Mădălina Hodorog						
2.4 Year of study	II	2.5 Semester	II	2.6. Evaluation type	C.	2.7 Discipline type	Compulsory

3. Total estimated time (hours of didactic activities per semester)

3.1 Number of hours per week	3	of which: 3.2 course	2	3.3 seminar/laboratory	1
3.4 Total hours in the study plan	42	of which: 3.5 course	28	3.6 seminar/laboratory	14
Time distribution:					Hrs
Studying the manual, course reader, bibliography and notes:					1
Supplementary documentation in the library, on electronic platforms and in the field:					2
Preparing seminars/laboratories, homework, syntheses, portfolios and essays:					1
Tutorials					
Examinations					1
Other activities: written paper for seminar activities					1
3.7 Total hours of individual study	42				
3.8 Total hours per semester	84				
3.9 Number of credits	4				

4. Prerequisites (where applicable)

4.1 based on the curriculum	•
4.2 based on competences	•

5. Conditions (where applicable)

5.1 for the course	• Access to internet and a computer
5.2 for the seminar/laboratory	• Access to internet and a computer

6. Accumulated specific competencies

Professional competencies	<ul style="list-style-type: none"> Capacity to formulate arguments and engage in debates about the EU and national regulations relating to freedom of information, public security interests, minority rights, protection of minors, personality rights, audiovisual regulations, intellectual property rights. (C4, C5, C6) Capacity to accurately identify the legal options available for practitioners (Labor contract/Author's rights contract / Other hybrid contracts) in order to develop the students capacity of taking informed decisions, based on an accurate cost/benefit evaluation (C4, C6)
Transversal competencies	<ul style="list-style-type: none"> Capacity to analyze the characteristics of national and European legal framework related to media practice Capacity to reflect critically on EU and national media law policy proposals and the consequences of their implementation Capacity to analyze, interpret and evaluate the case law of the ECHR regarding media regulation and to compare it with the national jurisprudence

7. Discipline objectives

7.1 General objective	Introducing the students to the most important national and European media law provisions, the rights and responsibilities of the profession, and their sources. Encouraging students to engage in debates relating to the most frequent problematic legal provisions, in order to help them identify viable legal solutions
7.2 Specific objectives	<ul style="list-style-type: none"> The students will analyze the relevant national and European legislation applicable to media practice The students will acquire the capacity to use their acquired knowledge to analyze professional legal issues The students will fundament decisions favoring specific legal options on the assessment of legal arguments

8. Contents

8.1 Course	Teaching methods	Observations
1. Introduction to European Media Law. Overview.	Oral and multimedia presentations	Handzhiyska Lyudmila, Cheyenne Mackay, <i>Introduction to Media Law</i> , Verein Freies Radio Wien, Austria, Wien, 2017 Chapters 1, 2, 3
2. Freedom of expression under article 10.1 ECHR		Fottrell Deirdre, Knorr Michelle, <i>Freedom of expression under the European Convention of Human Rights</i> , Interights, Lancaster House, UK, 2009, Pg 1-15

		<p>Bychawska-Siniarska Dominika, <i>PROTECTING THE RIGHT TO FREEDOM OF EXPRESSION UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS</i>, Council of Europe, 2017, pg 7-22</p>
<p>3. Freedom of expression under article 10.2 ECHR</p>		<p>Fottrell Deirdre, Knorr Michelle, <i>Freedom of expression under the European Convention of Human Rights</i>, Interights, Lancaster House, UK, 2009, pg 15-42</p> <p>Bychawska-Siniarska Dominika, <i>PROTECTING THE RIGHT TO FREEDOM OF EXPRESSION UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS</i>, Council of Europe, 2017, pg 31 - 46</p>
<p>4. Free access to public interest information. Regulatory framework of selected EU countries. (Romanian, German, Italian, Spanish, Polish)</p>		<p>Helen Darbishire, Lydia Medland, Victoria Anderica, Pamela Bartlett , <i>LegalLeaks Toolkit</i>, Access Info and N-ost , 2018, pg 30-46 and 54-85 available at Legal Leaks Helping journalists get access to information</p>
<p>5. Free access to public interest information and the ECtHR jurisprudence</p>		<p>Leander vs Sweden, Guerra and others vs Italy, MAGYAR HELSINKI BIZOTTSÁG v. HUNGARY, YOUTH INITIATIVE FOR HUMAN RIGHTS v. SERBIA, ROCHE v. THE UNITED KINGDOM, GASKIN v. THE UNITED KINGDOM, MAGYAR JETI ZRT v. HUNGARY, STUDIO MONITORI AND OTHERS v. GEORGIA,</p>
<p>6. National and EU legislation related to classified information. Protection of individuals relating to the processing of personal data.</p>		<p>Ádám Földes, <i>Classified Information</i> <i>A review of current legislation across 15 countries & the EU</i>, Transparency International UK, London, 2016, available at 140911-Classified-Information.pdf (ti-defence.org)</p>

		GÎRLEANU v. ROMANIA
7. Right to privacy and public image. A comparative analysis of the national and EU legislation.		Guide on Article 8 - Right to respect for private and family life, home and correspondence (coe.int) FS Own image ENG (coe.int) FS Reputation ENG (coe.int)
8. Comparative analysis of ECHR case law relating to the rights to privacy and public image.		Guide on Article 8 - Right to respect for private and family life, home and correspondence (coe.int) FS Own image ENG (coe.int) FS Reputation ENG (coe.int)
9. Minority rights in the national and European legal provisions. ECHR jurisprudence relating to minority rights		Darbishire Helen , MINORITIES AND MEDIA FREEDOM UNDER INTERNATIONAL LAW (further jurisprudence may be indicated during classes)
10. Restricted freedom of speech. Racism, fascism and xenophobia. ECHR case law related to the restriction of freedom of speech		Jersild vs Denmark (further jurisprudence may be indicated during classes)
11. National and European provisions relating to the audiovisual media. Protection of minors. Diversity by design. European works. The European legal framework		Consolidated text: Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (codified version) (Text with EEA relevance)Text with EEA relevance , EUR-Lex - 02010L0013-20181218 - EN - EUR-Lex (europa.eu) Case C-347/14, REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria), made by decision of 26 June 2014, received at the Court on 18 July 2014, in the proceedings New Media Online GmbH v. Bundeskommunikationssenat, available at CURIA - Documents (europa.eu)

		<p>Case C-132/17, Reference for a preliminary ruling — Freedom to provide services — Directive 2010/13/EU — Definitions — Concept of ‘audiovisual media service’ — Scope — Channel available on YouTube for videos promoting new passenger cars), available at CURIA - Documents (europa.eu)</p>
<p>12. Labour law regulations for the media industry</p>		<p>Brédart Hélène , Mike Holderness, <i>Rights and Jobs in Journalism</i>, European Federations of Journalists, Brussels, Belgium, 2016 available at EFJ handbook web cor.pdf (europeanjournalists.org)</p> <p>EFJ <i>Charter on Journalists Working Conditions</i> available at The Charter on journalists working conditions (full document) – European Federation of Journalists (europeanjournalists.org)</p>
<p>13. Intellectual property rights for Journalists</p>		<p>Holderness Mike, Benno H. Pöppelmann and Michael Klehm, <i>The right thing. An Author’s Rights Handbook for Journalists</i>, International Federation of Journalists, Brussels, Belgium, 2011</p> <p>Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.), available at EUR-Lex - 32019L0790 - EN - EUR-Lex (europa.eu)</p>
<p>14. Revision.</p>		
<p>Bibliography</p> <p>Brédart Hélène , Mike Holderness, <i>Rights and Jobs in Journalism</i>, European Federations of Journalists, Brussels, Belgium, 2016 available at EFJ handbook web cor.pdf (europeanjournalists.org)</p> <p>Bychawska-Siniarska Dominika, <i>PROTECTING THE RIGHT TO FREEDOM OF EXPRESSION UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS</i>, Council of Europe, 2017</p>		

CASTENDYK O., E. DOMMERING and A. SCHEUER, *European Media Law*, The Netherlands, Wolters Kluwer, Law & Business, 2008.

Council of Europe / ECtHR, *Guide on Article 8 of the Convention – Right to respect for private and family life*, 2021, [Guide on Article 8 - Right to respect for private and family life, home and correspondence \(coe.int\)](#)

Darbishire Helen, Lydia Medland, Victoria Anderica, Pamela Bartlett , *LegalLeaks Toolkit*, Access Info and N-ost , 2018, available at [Legal Leaks | Helping journalists get access to information](#)

ECtHR, Factsheet Protection of Own Image, 2020, available [FS Own image ENG \(coe.int\)](#)

ECtHR, Factsheet Protection of Reputation, 2021, available at [FS Reputation ENG \(coe.int\)](#)

EFJ *Charter on Journalists Working Conditions, Serbia, 2019* available at [The Charter on journalists working conditions \(full document\) – European Federation of Journalists \(europeanjournalists.org\)](#)

Földes Ádám, *Classified Information A review of current legislation across 15 countries & the EU*, Transparency International UK, London, 2016, available at [140911-Classified-Information.pdf \(ti-defence.org\)](#)

Fottrell Deirdre, Knorr Michelle, *Freedom of expression under the European Convention of Human Rights*, Interights, Lancaster House, UK, 2009

Handzhiyska Lyudmila, Cheyenne Mackay, *Introduction to Media Law*, Verein Freies Radio Wien, Austria, Wien, 2017

Holderness Mike, Benno H. Pöppelmann and Michael Klehm, *The right thing. An Author's Rights Handbook for Journalists*, International Federation of Journalists, Brussels, Belgium, 2011

Holderness Mike, Pöppelmann Benno H., Klehm Michael, *The right thing. An authors' rights handbook for journalists*, International Federation of Journalists, Belgium, 2011

Macovei Monica, *Freedom of expression. A guide to the implementation of article 10 of the European Court of Human Rights*, Directorate General of Human Rights Council of Europe, Strasbourg, 2004

Relevant documents on www.coe.int/media and www.echr.coe.int

Articles indicated during the course.

Selective legislation:

Access to information:

[Federal Act Governing Access to Information held by the Federal Government \(Freedom of Information Act\) \(gesetze-im-internet.de\)](#)

[Ley 19/2013, de 9 de diciembre, de transparencia, acceso a la información pública y buen gobierno \(legislationline.org\)](#)

<http://www.legislationline...> (rti-rating.org)

Intellectual property

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.), available at [EUR-Lex - 32019L0790 - EN - EUR-Lex \(europa.eu\)](#)

Audiovisual media

Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (codified version) (Text with EEA relevance)Text with EEA relevance , [EUR-Lex - 02010L0013-20181218 - EN - EUR-Lex \(europa.eu\)](#)

Selective ECtHR Jurisprudence:

Leander vs Sweden, <http://hudoc.echr.coe.int/eng?i=001-57519>
 Guerra and others vs Italy, <http://hudoc.echr.coe.int/eng?i=001-58135>
 MAGYAR HELSINKI BIZOTTSÁG v. HUNGARY, <http://hudoc.echr.coe.int/eng?i=001-167828>
 YOUTH INITIATIVE FOR HUMAN RIGHTS v. SERBIA, <http://hudoc.echr.coe.int/eng?i=001-120955>
 ROCHE v. THE UNITED KINGDOM, <http://hudoc.echr.coe.int/eng?i=001-70662>
 GASKIN v. THE UNITED KINGDOM, <http://hudoc.echr.coe.int/eng?i=001-57491>
 MAGYAR JETI ZRT v. HUNGARY, <http://hudoc.echr.coe.int/eng?i=001-187930>
 STUDIO MONITORI AND OTHERS v. GEORGIA, <http://hudoc.echr.coe.int/eng?i=001-200435>
 GÎRLEANU v. ROMANIA, <http://hudoc.echr.coe.int/eng?i=001-184064>
 Further ECHR jurisprudence indicated during class.

8.2 Seminar / laboratory	Teaching methods	Observations
1. Introduction. Comparative constitutionalism and freedom of expression	Case-studies Debates	
2. Researching the ECtHR jurisprudence. HUDOC database		
3. Access to information and classified information.		
4. Right to privacy and public image		
5. Audiovisual		
6. Intellectual property rights		
7. Paper-submissions. Revision.		

Bibliography

Bredart Hélène , Mike Holderness, *Rights and Jobs in Journalism*, European Federations of Journalists, Brussels, Belgium, 2016 available at [EFJ handbook web cor.pdf \(europeanjournalists.org\)](#)

Bychawska-Siniarska Dominika, *PROTECTING THE RIGHT TO FREEDOM OF EXPRESSION UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS*, Council of Europe, 2017

CASTENDYK O., E. DOMMERING and A. SCHEUER, *European Media Law*, The Netherlands, Wolters Kluwer, Law & Business, 2008.

Council of Europe / ECtHR, *Guide on Article 8 of the Convention – Right to respect for private and family life*, 2021, [Guide on Article 8 - Right to respect for private and family life, home and correspondence \(coe.int\)](#)

Darbishire Helen, Lydia Medland, Victoria Anderica, Pamela Bartlett , *LegalLeaks Toolkit*, Access Info and N-ost , 2018, available at [Legal Leaks | Helping journalists get access to information](#)

ECtHr, Factsheet Protection of Own Image, 2020, available [FS Own image ENG \(coe.int\)](#)

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Handzhiyska Lyudmila, Cheyenne Mackay, *Introduction to Media Law*, Verein Freies Radio Wien, Austria, Wien, 2017

Holderness Mike, Benno H. Pöppelmann and Michael Klehm, *The right thing. An Author's Rights Handbook for Journalists*, International Federation of Journalists, Brussels, Belgium, 2011

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Guerra and others vs Italy, <http://hudoc.echr.coe.int/eng?i=001-58135>

MAGYAR HELSINKI BIZOTTSÁG v. HUNGARY, <http://hudoc.echr.coe.int/eng?i=001-167828>

YOUTH INITIATIVE FOR HUMAN RIGHTS v. SERBIA, <http://hudoc.echr.coe.int/eng?i=001-120955>

ROCHE v. THE UNITED KINGDOM, <http://hudoc.echr.coe.int/eng?i=001-70662>

GASKIN v. THE UNITED KINGDOM, <http://hudoc.echr.coe.int/eng?i=001-57491>

MAGYAR JETI ZRT v. HUNGARY, <http://hudoc.echr.coe.int/eng?i=001-187930>

STUDIO MONITORI AND OTHERS v. GEORGIA, <http://hudoc.echr.coe.int/eng?i=001-200435>

GÎRLEANU v. ROMANIA, <http://hudoc.echr.coe.int/eng?i=001-184064>

9. The corroboration of discipline contents with the expectations of epistemic community representatives, professional associations and representative employers in the study program's corresponding field

The capacity to take legally reasoned professional decisions will enable the students to successfully integrate within the profession and in the society and to contribute as responsible actors while fulfilling their role in society.

10. Evaluation

Type of activity	10.1 Evaluation criteria	10.2 Evaluation methods	10.3 Weight in final mark
10.4 Course	1. Capacity to accurately identify the relevant legal provisions in order to	Written examination uploaded on Moodle, answering written	4 points

	propose a solution for a specific case 2. Capacity to evaluate the impact of the use of the relevant legal provisions	examination questions (open book, with access to the class bibliography and any resources available online and offline that the students may consider useful)	
	3. Capacity to evaluate the impact of the use of the relevant legal provisions, capacity to suggest legal solutions and to present them with relevant arguments, capacity to answer direct questions regarding relevant jurisprudence and legal provisions	Oral exam on Teams (open book, with access to the class bibliography and any resources available online and offline that the students may consider useful)	2 points
10.5 Seminar/laboratory	1. Capacity to develop relevant arguments during the seminar debates 2. Case-study analysis	Oral examination and written examination 1. scores obtained during 3 short pop-quizzes out of the bibliography	1 point
		2. Submitted paper	2 points
			1 extra point

10.6 Minimum performance standard

1. In order to attend the exam during the first examination session students have to attend the seminar at least 4 times out of 7.
2. The minimum performance standard reflects students' capability to accurately identify the relevant legal provisions and jurisprudence in order to suggest a potential viable legal solution for a specific case.

Date

Course lecturer signature

Seminar assistant signature

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Date of approval in the Department

Head of department's signature

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