

27 September 2023

Open letter to Members of the European Parliament calling for the absolute prohibition of spyware against journalists

Dear Members of the European Parliament,

On 3 October, you will vote on the draft report on the European Media Freedom Act (EMFA). This regulation will in part create the first European legal framework to protect journalists and media service providers from intrusive surveillance technologies. **Media, journalists and human and digital rights organisations are calling for an unconditional prohibition of the use of spyware against journalists in Article 4.**

Journalism in Europe is under attack: chilling effects resulting from surveillance and other intimidation tactics threaten to limit journalistic reporting and restrict the public's access to a plurality of trustworthy and independent reporting. The PEGA Committee demonstrated how Member States have bypassed established legal safeguards to put journalists under intrusive surveillance. **Current protections in the law are de facto completely ineffective.**

Although it included stronger safeguards in its opinion, the Civil Liberties, Justice and Home Affairs (LIBE) Committee still allows the use of spyware in certain circumstances. Unfortunately, this opinion does not go far enough and could still lead to abuse. The European Parliament must close them.

Spyware is a powerful tool that puts journalistic work, freedom of expression and ultimately, democratic values in danger. Its capacity to access all data and take full control of a device cannot be technically restricted. Once a journalist's device is infected, nothing can prevent authorities "from retrieving data related to professional activity" (Article 4.2a, draft report).

The European Parliament has a unique opportunity to protect journalists and safeguard core EU democratic values. **We, therefore, urge you to delete Amendment 115 (paragraph 2 c (new)) and delete references to point (ca) in Amendment 116 (paragraph 2 d (new)) to ban the use of spyware against journalists.**

Sincerely,

Signatures:

1. Access Now
2. ActiveWatch (AW), Romania
3. Agrupación de Periodistas de UGT (FESMC-UGT), Spain
4. Agrupación de Periodistas FSC-CCOO, Spain
5. Asociația pentru Tehnologie și Internet, Romania (ApTI)
6. Association des Journalistes Professionnels (AJP), Belgium

7. Article 19
8. Association Luxembourgeoise des Journalistes Professionnels (ALJP), Luxemburg
9. CFDT-Journalistes, France
10. Chaos Computer Club (CCC), Germany
11. Committee to Protect Journalists (CPJ)
12. Croatian Journalists' Association (HND), Croatia
13. Danish Union of Journalists (DJ), Denmark
14. Deutsche Journalistinnen- und Journalisten- Union, (dju) in ver.di, Germany
15. Deutscher Journalisten-Verband (DJV), Germany
16. Digitale Gesellschaft, Germany
17. Državljan D / Cltizen D, Croatia
18. Dutch Association of Journalists (NVJ), The Netherlands
19. Electronic Frontier Finland, Finland
20. Electronic Frontier Foundation (EFF)
21. Epicenter.works, Austria
22. Estonian Association of Journalist (EAL), Estonia
23. Eurocadres
24. European Broadcasting Union (EBU)
25. European Center for Not-for-Profit Law (ECNL)
26. European Centre for Press and Media Freedom (ECPMF)
27. European Digital Rights (EDRi)
28. European Federation of Food, Agriculture and Tourism Unions (EFFAT)
29. European Federation of Journalists (EFJ)
30. European Federation of Public Services Union (EPSU)
31. European Partnership for Democracy (EPD)
32. European Publishers Council (EPC)
33. European Transport Workers' Federation (ETF)
34. Federación española de Sindicatos de Periodistas (FeSP), Spain
35. Federazione Nazionale Stampa Italiana (FNSI), Italy
36. Free Press Unlimited (FPU)
37. Global Forum for Media Development (GFMD)
38. Homo Digitalis, Greece
39. Hungarian Press Union (HPU), Hungary
40. IFEX
41. Index on Censorship
42. IndustriAll European Trade Union
43. International Federation of Journalists (IFJ)
44. International Press Institute (IPI)
45. Journalists and Media Workers United (JMWU), France
46. Journalists' Union of Athens Daily Newspapers (JUADN), Greece
47. Journalists' Union of Macedonia and Thrace (ESIEMTH), Greece
48. Justice for Journalists Foundation, UK
49. Latvian Association of Journalists (LZA), Latvia
50. Lithuanian Journalists Union (LZS), Lithuania
51. Mnemonic, Germany
52. National Union of Journalists (NUJ), UK & Ireland
53. OBC Transeuropa (OBCT)
54. Ossigeno.info, Italy
55. Periodical and Electronic Press Union (PEPU - ESPIT), Greece
56. Politiscope, Croatia
57. Rory Peck Trust, UK

58. Sindicato de Periodistas de Andalucía (SPA), Spain
59. Sindicato dos Jornalistas (SINJOR), Portugal
60. Slovak Syndicate of Journalists, Slovakia
61. Slovenian Association of Journalists (DNS), Slovenia
62. Society of Journalists, Poland
63. South East Europe Media Organisation (SEEMO)
64. Swedish Union of Journalists (SJ), Sweden
65. Syndicate of Journalists of the Czech Republic (SNCR), Czechia
66. Syndicat National des Journalistes (SNJ), France
67. Syndicat national des journalistes CGT (SNJ-CGT), France
68. The Civil Liberties for Europe (Liberties)
69. The Electronic Privacy Information Center (EPIC)
70. The Federation for Culture and Mass-Media FAIR-MediaSind, Romania
71. Trade Union of Croatian journalists (TUCJ), Croatia
72. UNI Europa, the European Services Workers Union
73. UNI Media, Entertainment & Arts (UNI-MEI)
74. Union of Armenian Journalists (UAJ), Armenia
75. Union of Bulgarian Journalists (UBJ), Bulgaria
76. Union of Cyprus Journalists (ESK), Cyprus
77. Union of Journalists in Finland (SJ), Finland
78. Union of Slovenian Journalists (SNS), Slovenia
79. Vlaamse Vereniging van Journalisten (VVJ), Belgium
80. Wikimedia Europe