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## JOINT MOTION FOR RESOLUTION

on freedom of information in Italy and in the European Union

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The European Parliament,

- Having regard to the Treaty on the European Union and notably its articles related to the respect, the promotion and the protection of fundamental rights, as well as to Articles 6, 22, 43, 49, 83, 87, 95 and 151 of the EC Treaty,
- Having regard to Article 11 of the Charter of fundamental Rights of the European Union and to Article 10 of the European Convention on Human Rights, concerning the freedom of expression and information and the right to media pluralism;
- Having regard to Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007, modifying Directive 89/552/EEC of the Council concerning the coordination of certain legislative, regulatory and administrative measures concerning the exercise of television broadcasting activities;
- Having regard to the European Commission's working document on media pluralism in EU member States (SEC(2007)0032),
- Having regard to the three step approach to media pluralism defined by the European Commission and to the independent study carried out by Katholieke Universiteit Leuven – ICRI, Central European University – CMCS and Jönköping International Business School – MMTC, together with a consultancy firm, Ernst & Young Belgium, on behalf of the Commission and finalized in 2009;
- Having regard to its resolution of 25 September 2008 on media concentration and pluralism in the European Union<sup>1</sup>,
- Having regard to its resolution of 22 April 2004 on the risks of violation in the European Union and particularly in Italy of freedom of expression and information<sup>2</sup>,
- Having regard to the statements by the Commission and the debate held in the European Parliament on the 8 October 2009,
- Having regard to article 110 of its Rules of Procedure,

A. whereas the European Union guarantees and promotes freedom of expression and of information as enshrined in Article 11 of the Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights, for which media freedom and pluralism are an essential prerequisite, and whereas these rights include freedom to express opinions and freedom to receive and communicate information without interference or pressure from the public authorities,

B. Whereas the European Commission, in spite of the repeated calls by the European Parliament for a directive on information pluralism and media concentration, did not include these issues in the scope of the revision of the "TV without Frontiers" Directive, but committed itself to define a specific three step roadmap on this issue, composed by the elaboration of a working document (issued in 2007), the definition of indicators on the level of pluralism (contained in an independent

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<sup>1</sup> GU C ....

<sup>2</sup> GU C 104 E del 30.4.2004, pag. 1026

study, issued in July 2009) and by a proposal for a communication on these indicators (foreseen only for 2010);

C. Whereas the European Parliament has repeatedly invited the Commission, through several resolutions, to promote actions to guarantee pluralism and address the problem of media concentration, to issue an urgent communication on the protection of pluralism of the media and media concentration in Member States and to urgently complete the regulatory framework with a proposal for a directive on the same issues based on the legal basis that the Treaties clearly provide;

D. Whereas there are signals that in several Member States media pluralism is under attack and whereas The Freedom House has placed Italy at the 73<sup>rd</sup> place, and also mentioned Romania and Bulgaria for their critical situation, in its annual Report on the Freedom of the press; whereas the High Representative of OSCE for media freedom also expressed concern on the situation in Italy in a letter addressed to Italian authorities on 20 September, as well as the National Federation of the Italian Press;

E. Whereas in Italy in the last few months concerns have grown due to the lasting conflict of interests referred to the Prime Minister's media ownership and political control both on main private and public media, including the control of the allocation of advertising resources; whereas the government has been heavily interfering in the public television broadcasting service, particularly in relation to the definition of programmes, the appointment of directors, editors and journalists, with an impact on media pluralism, as stated by the main media monitoring institute in Italy, the Monitoring Centre of Pavia; whereas, the Italian Prime Minister has been filing lawsuits against Italian and European newspaper and recently requested that the European Commission spokespersons refrain from giving any information;

1. Is convinced that the freedom to receive and communicate information without interference from public authorities is a fundamental principle upon which the European Union is based and an essential element of democracy, as well as the pluralism of media, both enshrined in Article 11 of the Charter of Fundamental Rights and reiterates that the Union has the political and legal obligation to ensure to its citizens - in the areas of its competence - the respect of these rights;

2. Deems it necessary to address any anomaly represented by the conflicts of interests between political, economic and media power and by the concentration of direct or indirect control over public and private media and underlines the necessity to ensure in all Member States that public operators are independent and not subject to interference by Governmental authorities;

3. Is particularly concerned in relation to the situation in Italy and considers that it could have consequences for Europe as a whole and that a lack of action of the EU would weaken its credibility in setting fundamental rights benchmarks in external relations as well as in the accession process;

4. Deplores the pressures and intimidations directed at Italian and European newspapers by Italian Governmental authorities, endorses the requests of the OSCE Representative to the Italian authorities to cease these pressures and considers undue any interference by public authorities in the freedom of information aimed at controlling the public TV broadcasting service;

5. Reaffirms, in this respect, that the EU legislative framework on media pluralism and media concentration remains still inadequate and that it is therefore urgent that the Union make use of its competences referred to policies in the field of the internal market, audiovisual policy, competition, telecommunications, State subsidies, obligations of the public service, fundamental rights of citizens, in order to define at least the minimum essential conditions that all Member states are obliged to respect to ensure, guarantee and promote the freedom of information and an adequate

level of media pluralism; in this context, asks the Commission to investigate on risk of media trusts and concentrations in the EU

6. Urges the Commission, as a matter of urgency, to issue a proposal for a directive on media concentration and on the protection of pluralism, with the full involvement of the future Commissioner in charge of fundamental rights, after having previously defined in a communication a set of appropriate indicators for determining levels of information pluralism and independence of public service media - as requested several times by the EP and as announced by the Commission itself;

7. Charges its competent committees and the Fundamental Rights Agency to follow up the matter and report back to plenary on freedom of information, media concentration and media pluralism in the EU;

8. Instructs its President to forward the present Resolution to the Council, the Commission, the Council of Europe, the governments and national parliaments of Member States, the Fundamental Rights Agency and OSCE.