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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a recommendation of the European Parliament and of the Council on protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and online information services industry
(95771/2006 – C6-0313/2006 – 2004/0117(COD))

Committee on Culture and Education

Rapporteur: Marielle De Sarnez

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a recommendation of the European Parliament and of the Council on protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and online information services industry (95771/2006 – C6-0313/2006 – 2004/0117(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (95771/2006 – C6-0313/2006),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2004)0341)²,
 - having regard to the amended Commission proposal (COM(2006)0031)³,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Culture and Education (A6-0433/2006),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 5. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 193 E, 17.8.2006, p. 217.

² Not yet published in OJ.

³ Not yet published in OJ.

EXPLANATORY STATEMENT

Report on second reading

The Commission's proposal for a recommendation has been improved and complemented by the European Parliament on the basis of almost unanimous agreement in committee. It was then adopted at first reading in plenary on 7 September 2005. It sets out a number of detailed measures which could be taken by the Member States and online audiovisual service industries to ensure better protection for minors and for human dignity, together with measures to guarantee a right of reply on the online media.

Numerous negotiations have been conducted with the Council and Commission in an effort to secure a right of reply. The proposal for a common position could be considered as a step forward since, to date, the right of reply has not been recognised at European level by the online media.

Internet has become the most popular means of communication, particularly among young people able to access it at school, in cybercafés and on third-generation mobile telephones. It is therefore a matter of urgency for the European Union to propose a comprehensive set of measures at European level seeking to provide at least a minimum degree of protection for the most vulnerable and for minors, who are more and more frequently exposed to harmful (violent or pornographic) images.

The common position is satisfactory insofar as it takes on board the principal concerns expressed by the political groups as a whole:

Better information and guidance: The proposal for a recommendation advises Member States to launch information campaigns to increase public awareness of the potential dangers of Internet and distribute information packs containing tips on 'safe surfing', protective filter systems and the use of hotlines to be introduced in each Member State for registering complaints or reporting harmful content. They should also provide ongoing training for teachers and educators concerning the use of Internet and the dangers of online discussion groups such as forums and chatlines.

The information thus provided should enable Internet users (parents, teachers, minors, etc.) to determine the content and services which are totally safe to access.

A more responsible approach: The text also stresses the need to instil a greater sense of responsibility into those working in this sector, who should do everything possible to avoid any form of discrimination, prevent the circulation of illegal or harmful content, ensuring that it can be reported where it occurs and introduce a quality label for service providers. For this purpose, they are called upon to facilitate Internet access while avoiding harmful content, for example by means of filters, common designations and warning banners (all these measures being detailed by way of example in the two annexes to the recommendation).

Right of reply in the online media: Finally, the proposal for a recommendation seeks to facilitate exercise of a right of reply in all online media. This already works satisfactorily in

the written press and audiovisual services in all the Member States. Minimum guidelines should therefore be established at European level concerning exercise of the right of reply in respect of all new electronic communications media (Internet, mobile phones). This proposal seeks to ensure a right of reply adapted to technological progress.

Monitoring by the Commission: The Commission proposal also envisages the possibility of introducing a European freephone number providing the public with better information regarding complaint procedures or filter systems and the possible establishment of a domain name such as KID.eu. It is also gratifying to learn that the Commission intends to submit a report on the implementation and effectiveness of the measures provided for in this recommendation and to re-examine it if necessary.

This recommendation should ensure that Internet remains an attractive means of communication which is, at the same time, safer for the younger and more vulnerable members of society. In a world of constantly developing technology and a completely open communications landscape, it is necessary to protect the fundamental freedoms of users, in particular minors, by ensuring that the relevant measures and standards are constantly updated, implemented on a mutual basis and very regularly evaluated. This is the condition which must be met if the people of the European Union are to feel safe using these new technologies and, is therefore necessary for their regulated and ongoing development.

PROCEDURE

Title	Council common position for adopting a recommendation of the European Parliament and of the Council on protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and online information services industry
References	9577/1/2006 – C6-0313/2006 – 2004/0117(COD)
Date of Parliament's first reading – P number	7.9.2005 P6_TA(2005)0330
Commission proposal	COM(2004)0341 – C6-0029/2004
Amended Commission proposal	COM(2006)0031
Date receipt of common position announced in plenary	28.9.2006
Committee responsible Date announced in plenary	CULT 28.9.2006
Rapporteur(s) Date appointed	Marielle De Sarnez 20.9.2006
Previous rapporteur(s)	
Discussed in committee	9.10.2006 28.11.2006
Date adopted	28.11.2006
Result of final vote	+ : 19 - : 1 0 : 0
Members present for the final vote	Christopher Beazley, Guy Bono, Marie-Hélène Descamps, Věra Flasarová, Hanna Foltyn-Kubicka, Milan Gaľa, Vasco Graça Moura, Lissy Gröner, Ruth Hieronymi, Manolis Mavrommatis, Marianne Mikko, Ljudmila Novak, Miguel Portas, Karin Resetarits, Nikolaos Sifunakis, Hannu Takkula, Helga Trüpel, Thomas Wise, Tomáš Zatloukal
Substitute(s) present for the final vote	Erna Hennicot-Schoepges
Substitute(s) under Rule 178(2) present for the final vote	
Date tabled	29.11.2006
Comments (available in one language only)	...