

# EUROPEAN PARLIAMENT

2004



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*Committee on Civil Liberties, Justice and Home Affairs*

**2004/0117(COD)**

15.4.2005

## OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Culture and Education

on the proposal for a recommendation of the European Parliament and of the Council on the protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and information services industry  
(COM(2004)0341 – C6-0029/2004 – 2004/0117(COD))

Draftsman: Roberta Angelilli

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## SHORT JUSTIFICATION

### I - INTRODUCTION

On 3 October 1989 the Council adopted Directive 89/552/EEC<sup>1</sup> on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

This directive is commonly known as the ‘Television without Frontiers’ Directive. The legal basis chosen was Article 57(2) of the former EC Treaty (now Article 47 in the consolidated version of the Treaties), which concerns facilitating access to self-employed activities, on the basis that television broadcasting constitutes a service.

This directive is of crucial importance not only from the point of view of its economic repercussions on the sectors concerned but chiefly, in my view, because of its pioneering role at Community level: (a) in Chapter V, on the protection of minors against harmful content in programmes and against advertising which might be prejudicial to their integral development; (b) in Chapter VI, which recognises the right of reply for people whose rights have been harmed by an incorrect assertion in a television programme.

Directive 89/552/EEC was amended by Directive 97/36/EC of 30 June 1997<sup>2</sup> with the aim of taking account of both technological and market developments, and it was rounded off by Directive 2000/31/EC of 8 June 2000<sup>3</sup> on electronic commerce in the internal market.

Nevertheless, the first text to deal with matters linked to the protection of minors and human dignity in audiovisual and information services offered to the public at Community level, whatever form of delivery is involved, was Council Recommendation 98/560/EC of 24 September 1998<sup>4</sup> on the development of the competitiveness of the European audiovisual and information services industry, pursuant to Article 157 of the EC Treaty.

The application of Recommendation 98/560/EC in the Member States was evaluated by the Commission first in 2000 and subsequently in 2003 in two evaluation reports<sup>5</sup>.

In view of the results and suggestions outlined in these evaluation reports and in public consultation on Directive 97/36/EC of 30 June 1997 amending Directive 89/552/EEC (‘Television Without Frontiers’ Directive), the Commission has submitted the present proposal for a recommendation with the aim of complementing Recommendation 98/560/EC and updating it to take account of the huge technological progress made since then and the great proliferation of illicit and harmful content distributed every day through all the media, particularly radio, television and the Internet.

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<sup>1</sup> OJ L 298, 17.10.1989, p. 23.

<sup>2</sup> OJ L 202, 30.7.1997, p. 60

<sup>3</sup> OJ L 178, 17.7.2000, p. 1.

<sup>4</sup> OJ L 270, 7.10.1998, p. 48.

<sup>5</sup> COM(2001)106 of 27.2.2001 and COM(2003)776 of 12.12.2003.

## II - ASSESSMENT OF THE PROPOSAL FOR A RECOMMENDATION

On initial consideration, your draftsman takes the view that this proposal for a recommendation represents a step forward by comparison with Recommendation 98/560/EC and provides a complement to it in that it recommends that the Member States, audiovisual and information services industries and other parties concerned:

- (a) guarantee that any person has the right of reply to inaccurate information disseminated through any type of medium which might harm their legitimate interests;
- (b) promote information media education programmes designed to enable parents, teachers and trainers to teach minors to make proper use of the information media;
- (c) avoid any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and combat such discrimination.

Your draftsman proposes the following amendments in these areas: Amendments 8, 20 and 26 to develop a legal tool against discrimination; Amendments 9, 10, 11, 19 and 21 to develop media education and information programmes; Amendments 12, 17 and 22 to improve the possibilities of a right of reply or equivalent remedy for people who feel they have been harmed by inaccurate information; Amendments 13, 14, 15, 16, 18, 20 and 24 to provide a precise demarcation of the scope of the recommendation, and Amendment 25 to create filters with a view to shielding minors from child pornography and other types of material which constitute an assault on human dignity.

Nevertheless, your draftsman takes the view that the protection of minors and respect for the principle of human dignity in the media and information services suffer from serious shortcomings at Community level, essentially for two reasons:

- (a) first, because it is paradoxical that the legal basis chosen in the EC Treaty to protect minors and guarantee respect for human dignity should be Article 157, which is geared to ensuring the competitiveness of European industry;
- (b) secondly, because the legal form chosen is a 'recommendation' whose mandatory content legally enforceable before the courts is practically zero.

For this reason your draftsman has inserted Amendments 1 to 6 and considers Article 153 of the EC Treaty, which refers to protecting the interests of consumers, to be more than sufficient as a legal basis for the Community to adopt a directive harmonising legislation in relation to all the media and electronic information services on protection for minors, respect for the principle of human dignity and a guaranteed right of reply or equivalent remedy against any inaccurate information disseminated through these media.

## AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1  
Recital -1 (new)

***(-1) The EU Charter of Fundamental Rights, incorporated into Part II of the Treaty establishing a Constitution for Europe, recognises under Article 1 the inviolability of human dignity, stating that it must be respected and protected. Article 24 of the Charter establishes that children have the right to such protection and care as is necessary for their well-being and that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.***

*Justification*

*The legal basis used does not mention either dignity or the right to freedom of expression. Other existing provisions that refer to these two fundamental rights should be mentioned.*

Amendment 2  
Recital -1 a (new)

***(-1a) Article I-2 of the Treaty establishing a Constitution for Europe, signed on 29 October 2004, lays down that one of the values on which the European Union is founded is respect for human dignity; Article II-61 of the same Treaty lays down that human dignity is inviolable and must be respected and protected.***

*Justification*

*The principle of preserving human dignity is the origin of all national and international instruments for the protection of fundamental rights. This principle is given as the objective sought through respect for those rights.*

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<sup>1</sup> COM (2004)341, 30.4.2004 .

Amendment 3  
Recital -1 b (new)

***(-1b) Human dignity is inalienable, it does not admit any exclusion or limitation and it constitutes the foundation and origin of all legal instruments drawn up at national and international level to protect human rights. The European Union should gear its political action to protecting the principle of respect for human dignity from any attack.***

*Justification*

*Now more than ever, the principle of human dignity is in serious danger of being breached through the audiovisual and information media, which take advantage of the enormous scale of technological and economic development to reach hundreds of millions of European citizens, especially minors.*

Amendment 4  
Recital -1 c (new)

***(-1c) Article I-3 of the Treaty establishing a Constitution for Europe lays down that one of the European Union's objectives is to protect the rights of the child; Article II-84 of the same Treaty lays down that children have the right to the protection and care necessary for their well-being.***

*Justification*

*The Treaty states for the first time that one of the European Union's objectives is to protect the rights of the child, which are enshrined as a fundamental right in Article II-84.*

Amendment 5  
Recital -1 d (new)

***(-1d) Legislative measures need to be laid down at European Union level on the protection of the physical, mental and moral development of minors in relation to the content of all audiovisual and information services, adopting measures against the circulation of illegal content***

***and protecting access by minors to adult programmes or services.***

*Justification*

*The audiovisual and information media have brought information of all kinds within the reach of minors, and the content of and access to this information must be in keeping with their physical, mental and moral development.*

Amendment 6  
Recital -1 e (new)

***(-1e) The application of some of the provisions laid down in the Treaty establishing a Constitution for Europe needs to be brought forward in order to ensure a common level of protection for fundamental rights in the European Union.***

*Justification*

*Even though the Treaty has not yet been ratified or entered into force, it nevertheless sets out the European Union's concerns and ambitions for the future and it should consequently inspire measures which need to be taken urgently, without awaiting its entry into force at a distant date. This is particularly true of measures relating to the protection of minors.*

Amendment 7  
Recital -1 f (new)

***(-1f) The unstoppable development of new information and communication technologies makes it urgent for the European Community to guarantee full and adequate protection for consumers' interests in this field by adopting a directive which will guarantee throughout its territory the free delivery and provision of information services on the one hand, and on the other hand will guarantee that their content is licit, respects the principle of human dignity and does not impair the integral development of minors.***

### *Justification*

*The European Community has the power to intervene in the sector of the media and information services by adopting a binding act in the legal form of a directive. Firstly, these services fall under the concept of the free provision of services, as established in the case law of the Court of Justice.*

*The same directive should also lay down appropriate measures providing adequate protection for the physical, mental and moral development of minors when using any of the information media now available on the market.*

### Amendment 8

#### Recital 1

(1) Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity is the first legal instrument at Community level **concerning** the content of audiovisual and information services **covering all forms** of delivery, from broadcasting to the Internet.

(1) Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity is the first legal instrument at Community level **which concerns questions linked to the protection of minors and human dignity in relation to** the content of **all** audiovisual and information services **offered to the public, in whatever form** of delivery, from broadcasting to the Internet.

### *Justification*

*Council Recommendation 98/560/EC is indeed the first legal instrument at Community level in terms of both the content of all information and audiovisual services, and of questions linked to the protection of minors and respect for human dignity in relation to this content.*

*Nevertheless, it should not be forgotten that the first legal instrument adopted in the field of audiovisual services was the 1989 'Television without Frontiers' Directive, subsequently revised in 1997.*

### Amendment 9

#### Recital 1 a (new)

***(1a) The European Community has already intervened in the field of audiovisual and information services in order to create the necessary conditions to ensure the free***



***movement of television broadcasts and other information services, respecting the principles of free competition and freedom of expression and information, but it should intervene with greater determination in this area with the aim of laying down a set of legal provisions, also adopting measures to combat and protect consumers from incitement to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.***

*Justification*

*It is necessary to prevent the possibility of the information and communication media being used to incite discrimination, hatred or violence.*

Amendment 10  
Recital 5

(5) The changing media landscape, resulting from new technologies and media innovation, makes it necessary to teach children, and also parents, to use the media effectively.

(5) The changing media landscape, resulting from new technologies and media innovation, makes it necessary to teach children, and also parents, ***teachers and trainers***, to use ***all*** the media effectively, ***in particular audiovisual and information services, whatever their form of delivery.***

*Justification*

*The exponential pace of technological progress means that there is an urgent need to teach not only children and parents but especially - given their formative role in society - teachers and trainers to make proper use of the media, and in particular audiovisual and information services.*

*It should also be taken into account that the scope of the recommendation covers audiovisual and information services in general, whatever the form or technical medium used for their delivery.*

Amendment 11  
Recital 5 a (new)

***(5a) Given that the arrival of terrestrial digital television will make parental monitoring possible, which is essential if children are to be prevented from gaining***

*access to televised content against their parents' wishes, the European Union should guide the process of transition to terrestrial digital television under the aim of shortening the deadline for 'analog blackout' as much as possible.*

*Justification*

*One of the many benefits terrestrial digital television will bring is the possibility for parents to monitor the programmes their children watch. We should avoid the uneven development of this technology across the EU, as this could widen the existing digital gap among the 25 Member States.*

Amendment 12

Recital 6

(6) In the public consultation concerning Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, it was suggested that media **literacy** be included among the subjects covered by Recommendation 98/560/EC.

(6) In the public consultation concerning Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (**'Television without Frontiers' Directive**), it was suggested that **the need to adopt educational measures in relation to the** media be included among the subjects covered by Recommendation 98/560/EC.

*Justification*

*It is appropriate to indicate that this directive is better known under this name.*

*It is also vital to adopt educational measures that will guarantee the correct, rational and effective use of the media.*

Amendment 13

Recital 7

(7) The Commission encourages cooperation and the sharing of experience and good practices between (self)regulatory bodies, which deal with the rating or classification

(7) The Commission encourages cooperation and the sharing of experience and good practices between (self)regulatory bodies, which deal with the rating or classification

of audiovisual content, with a view to enable all **viewers**, but especially parents **and** teachers, to assess the content of **programmes**.

of audiovisual content, with a view to enable all **users**, but especially parents, teachers **and trainers**, to assess the content of **audiovisual and information services**.

#### *Justification*

*People who make active use of the possibilities offered by audiovisual and information services in general cannot properly be termed 'viewers'.*

*Furthermore, it is not only the content of programmes in particular which should be assessed but the content of all the services provided through the audiovisual and information media in general.*

#### Amendment 14 Recital 8

(8) *As suggested during the public consultation concerning Directive 97/36/EC, it is appropriate for the right of reply to apply to all electronic media.*

(8) *It is necessary for any natural or legal person whose legitimate rights, in particular in relation to reputation and good name, have been affected by an incorrect assertion made using any of the media to have an effective right of reply or equivalent remedies, as shown by the results of the public consultation concerning Directive 97/36/EC.*

#### *Justification*

*Regardless of the name which might be given in each Member State to the right of reply and the practical arrangements for its application depending on which media are concerned, the important thing is to ensure that people whose reputation or good name have been affected by a broadcast or transmission can defend themselves with adequate and effective means within a reasonable time.*

Amendment 15  
Recital 9

(9) The Council resolution of 5 October 1995 on the image of women and men portrayed in advertising and the media **which** invites the Member States and the Commission to take adequate measures to promote a diversified and realistic picture of the skills and potential of women and men in society.

(9) The Council resolution of 5 October 1995 on the image of women and men portrayed in advertising and the media invites the Member States and the Commission to take adequate measures to promote a diversified and realistic picture of the skills and potential of women and men in society.

*Justification*

*Improved wording.*

Amendment 16  
Recital 10

(10) When tabling its proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services<sup>1</sup>, the Commission noted that the portrayal of the sexes in the media and in advertising raises important questions about the protection of the dignity of men and women, **but concluded that it would not be appropriate to address these questions in that proposal.**

(10) When tabling its proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services<sup>2</sup>, the Commission noted that the portrayal of the sexes in the media and in advertising raises important questions about the protection of the dignity of men and women.

*Justification*

*Discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media should not be addressed in the present text but in a separate recommendation.*

Amendment 17  
Recital 11

(11) It is appropriate to seek conciliation between the principle of protection of human dignity and free speech through the adoption by the Members States of a cross-media

(11) It is appropriate to seek conciliation between the principle of protection of human dignity and free speech through the adoption by the Members States of a cross-media

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<sup>1</sup> COM(2003) 657.

<sup>2</sup> COM(2003) 657.

approach explicitly aimed at encouraging the industry to avoid and to combat any type of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation ***in all media***.

approach explicitly aimed at encouraging the ***audiovisual and information services*** industry ***in general*** to avoid and to combat any type of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

*Justification*

*The scope of the recommendation covers audiovisual and information services whatever the form of delivery.*

Amendment 18  
Recital 12

(12) This Recommendation ***should complement*** Recommendation 98/560/EC in order to take account of technological developments,

(12) This Recommendation ***complements*** Recommendation 98/560/EC in order to take account of technological developments ***and applies to audiovisual services and information services in general, including, in particular, on-line information services available to the public through electronic networks, inter alia, such as newspapers, magazines, libraries, databases and search engines,***

*Justification*

*It is very important to define the scope of the recommendation in general, but it is also important to make particular mention of some of the specific services to which it should apply.*

Amendment 19  
Recommendation I, introductory sentence

I. RECOMMEND that the Member States foster a climate of confidence which will promote the development of the audiovisual and information services industry by:

I. RECOMMEND that the Member States foster a climate of confidence which will promote the development of the audiovisual and information services industry ***in general*** by:

*Justification*

*The scope of the recommendation includes the audiovisual services industry and the information services industry in general.*

Amendment 20  
Recommendation I, point 1

(1) considering the introduction of measures into their domestic law or practice in order to ensure the right of reply ***across*** all media, without prejudice to the possibility of adapting the manner in which it is exercised to take into account the particularities of each type of medium;

(1) considering the introduction of measures into their domestic law or practice in order to ensure the right of reply ***or the right to seek equivalent remedies in relation to*** all media, without prejudice to the possibility of adapting the manner in which it is exercised to take into account the particularities of each type of medium;

*Justification*

*See amendment to recital 8.*

Amendment 21  
Recommendation I, point 2, introductory sentence

(2) promoting, in order to encourage the take-up of technological developments and ***in addition*** to and consistent with existing legal and other measures regarding broadcasting services, and in close cooperation with the parties concerned:

(2) promoting, in order to encourage the take-up of technological developments ***as a complement to*** and consistent with existing legal and other measures regarding broadcasting services, and in close cooperation with the parties concerned:

*Justification*

*More specific.*

Amendment 22  
Chapter I, point 2, indent -1 (new)

***- action to allow one of the most serious forms of attack on children's dignity, Internet child pornography, to be combated effectively.***

*Justification*

*It is important and necessary to prevent children from gaining unauthorised access to material of a pornographic nature, but much more so to prevent these children from forming part of this content themselves.*

Amendment 23  
Recommendation I, point 2, indent 1

- action to enable minors to make responsible use of on-line audiovisual and information services, notably by improving the level of awareness among parents, **educators and** teachers of the potential of the new services and of the means whereby they may be made safe for minors, in particular through **media literacy or** media education programmes.

- action to enable minors to make responsible use of on-line audiovisual and information services **in particular and information services in general**, notably by improving the level of awareness among parents, teachers **and trainers** of the potential of the new services and of the means whereby they may be made safe for minors, in particular through media education programmes.

*Justification*

*It is very important to expand the scope of the recommendation to cover all information services and not exclusively those provided on-line.*

*The text has also been corrected and made more specific in order to prevent possible misinterpretation.*

Amendment 24  
Recommendation I, point 2, indent 2 a (new)

**- publicity campaigns designed to censure violence against minors and to help victims by offering psychological, moral and practical support;**

*Justification*

*It is important that people (in particular minors) should be made aware of violence and be informed of the types of assistance available.*

Amendment 25  
Recommendation I, point 3

(3) encouraging industry to avoid discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media, and to combat such discrimination.

(3) encouraging **the audiovisual and information services industry in general** to avoid discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media, and to combat such discrimination.

*Justification*

*To specify the scope of the recommendation as before.*

Amendment 26  
Chapter I, point 3 a (new)

***(3a) promoting measures to combat all kinds of criminal activity on the Internet and to make it a much safer medium. The adoption of the following measures, inter alia, could be considered:***

- making it compulsory, on the one hand, for Internet providers to keep log archives (connection data archives) for what is considered to be a reasonable amount of time and identifying ways to reduce the financial burden this requirement would create for the sector, on the other;***
- adopting a seal of quality for providers, so that all users can easily identify whether or not a particular provider is regulated by a code of conduct;***
- looking at the introduction into their legal systems of a system of mutual or multiple responsibility with regard to Internet crime;***
- setting up a single telephone helpline for information about illegal or suspicious activities on the Internet.***

*Justification*

*Log archives (a list of all connections from an IP address) kept by Internet providers are the most important form of judicial evidence used for following up any illegal activity on the Internet.*

*The adoption of a seal of quality for providers would help make the Internet a much safer place than it is now.*

Amendment 27  
Recommendation II, introductory sentence

II. RECOMMEND that the ***industries*** and parties concerned:

II. RECOMMEND that ***the audiovisual services industry and the information services industry in general*** and the parties



concerned:

*Justification*

*To specify the scope of the recommendation as before.*

Amendment 28  
Recommendation II, point 1

(1) develop positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and information services, while avoiding potentially harmful content, ***including a ‘bottom-up’ harmonisation through cooperation between self-regulatory and coregulatory bodies in the Member States, and through the exchange of best practices concerning such issues as a system of common, descriptive symbols which would help viewers to assess the content of programmes;***

(1) develop positive measures for the benefit of minors, including initiatives to facilitate their wider access to audiovisual and information services, while avoiding potentially harmful content; ***carry out harmonisation through cooperation between regulatory bodies and self-regulatory and coregulatory bodies in the Member States, and through the exchange of best practices concerning such issues as a system of common, descriptive symbols which indicate the age range or aspects of the content which have led to a particular age being recommended, which would help users to assess the content of audiovisual and information services on the Internet.***

*Justification*

*To define more precisely the specific measures which need to be adopted to protect minors and assess the content of services and information.*

Amendment 29  
Recommendation II, point 1 a (new)

***(1a) consider the possibility of creating filters which will prevent child pornography and other material which constitutes an assault on human dignity from being carried on the Internet;***

*Justification*

*Creating filters which would prevent minors from gaining access to child pornography and to*

*any other kind of material which constitutes an assault on human dignity would be a valuable step.*

Amendment 30  
Chapter II, point 1a (new)

***(1a) develop measures to foster the use of a labelling system for material distributed on the Internet, using protocols such as PICS (Platform for Internet Content Selection) and systems to filter information passing among users.***

*Justification*

*The PICS (Platform for Internet Content Selection) protocol is a system that labels the material distributed on the Internet. Responsibility for labelling the content belongs to those who make the information available in the first place. The use of labelling systems is more or less a prerequisite for effective filters, which, in turn, are one of the best ways of protecting children.*

Amendment 31  
Recommendation II, point 2

(2) develop effective measures ***to*** avoid discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media, ***and to combat such discrimination*** and promote a diversified and realistic picture of the skills and potential of women and men in society.

(2) develop ***and study*** effective measures ***and instruments which*** avoid ***and combat incitement to hatred, violence or*** discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all media ***in general, and audiovisual and information services in particular,*** and ***which*** promote a diversified and realistic picture of the skills and potential of women and men in society.

*Justification*

*To insert a specific reference to the media most likely to incite hatred, violence or discrimination among consumers.*

Amendment 32  
Annex

***This annex has been deleted.***

*Justification*

*The annex is to be deleted and included in the main body of the proposal for a recommendation.*

## PROCEDURE

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| <b>Title</b>  | Proposal for a recommendation of the European Parliament and of the Council on the protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and information services industry  |
| <b>References</b>   | COM(2004)0341 – C6-0029/2004– 2004/0117(COD)   |
| <b>Committee responsible</b>  | CULT   |
| <b>Committee asked for its opinion</b><br>Date announced in plenary | LIBE<br>15.9.2004  |
| <b>Enhanced cooperation</b>   |  |
| <b>Draftsman</b><br>Date appointed                                  | Roberta Angelilli<br>5.10.2004   |
| <b>Discussed in committee</b>                                       | 21.2.2005      12.4.2005   |
| <b>Date amendments adopted</b>                                      | 22.3.2005  |
| <b>Result of final vote</b>   | for:                          35<br>against:                    2<br>abstentions:               0  |
| <b>Members present for the final vote</b>                           | Alexander Nuno Alvaro, Johannes Blokland, Mario Borghezio, Mihael Brejc, Maria Carlshamre, Michael Cashman, Giusto Catania, Charlotte Cederschiöld, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Rosa Díez González, Antoine Duquesne, Patrick Gaubert, Lilli Gruber, Adeline Hazan, Timothy Kirkhope, Ewa Klamt, Ole Krarup, Wolfgang Kreissl-Dörfler, Stavros Lambrinidis, Romano Maria La Russa, Henrik Lax, Edith Mastenbroek, Lapo Pistelli, Martine Roure, Inger Segelström, Ioannis Varvitsiotis, Stefano Zappalà, Tatjana Ždanoka |
| <b>Substitutes present for the final vote</b>                       | Ignasi Guardans Cambó, Luis Francisco Herrero-Tejedor, Herbert Reul, Marie-Line Reynaud, Agnes Schierhuber, Bogusław Sonik, Kyriacos Triantaphyllides, Johannes Voggenhuber  |
| <b>Substitutes under Rule 178(2) present for the final vote</b>     | Sergio Berlato   |