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## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on freedom of information in Italy

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on behalf of the ALDE Group

**European Parliament resolution on freedom of information in Italy**

*The European Parliament,*

- having regard to the Treaty on the European Union, particularly Articles 6 and 7 thereof regarding the respect, promotion and protection of fundamental rights, as well as to Articles 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 Article 10 of the European Convention on Human Rights, concerning the right to 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 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action concerning the pursuit of television broadcasting activities<sup>1</sup>,
  - having regard to the European Commission's working document on media pluralism in the Member States of the European Union<sup>2</sup>,
  - having regard to the three-step approach to media pluralism defined by the Commission, and to the independent study carried out by the Katholieke Universiteit Leuven – ICRI, Central European University –, CMCS and the MMTC at Jönköping International Business School, together with the consultancy firm Ernst & Young Belgium, on behalf of the Commission and finalised in 2009,
  - having regard to its resolution of 25 September 2008 on concentration and pluralism in the media in the European Union<sup>3</sup>,
  - having regard to its resolution of 22 April 2004 on the risks of violation, in the EU and especially in Italy, of freedom of expression and information<sup>4</sup>,
  - having regard to the statements by the Commission and the debate held in Parliament on 8 October 2009,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas 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, include the freedom to express opinions and the freedom to receive and communicate information without interference or pressure by public authorities,

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<sup>1</sup> OJ L 332, 18.12.2007, p. 27.

<sup>2</sup> SEC(2007) 32.

<sup>3</sup> Text adopted of that date, P6\_TA(2008)0459.

<sup>4</sup> Text adopted of that date, P5\_TA(2004)0373.

- B. whereas the Commission, despite the repeated calls by Parliament for a directive on information pluralism and media concentration, did not consider these issues when revising the 'TV without Frontiers' Directive, but committed itself to defining a specific three-step roadmap on these issues, based on a working document (issued in 2007), the definition of indicators on the level of pluralism (contained in an independent study issued in July 2009) and a proposal for a communication on these indicators (not planned until 2010),
  - C. whereas Parliament has repeatedly invited the Commission, in several resolutions, to promote actions guaranteeing pluralism and addressing the problem of media concentration, to issue an urgent communication on the protection of pluralism within the media and media concentration in Member States, and to supplement the regulatory framework as a matter of urgency with a proposal for a directive on the same issues, using the legal basis that the Treaties clearly provide,
  - D. whereas there are signs that media pluralism is under attack in several Member States; whereas Freedom House has placed Italy in 73rd place and has also mentioned the critical situation in Romania and Bulgaria, as reported in its report on Freedom of the Press; whereas the OSCE High Representative for Media Freedom has also expressed concern at the situation in Italy,
  - E. whereas the situation in Italy is particularly alarming, owing to the enduring conflict of interest between media ownership and political control of both private and public media, and control over how advertising resources are allocated; whereas the government also interferes heavily in the public television broadcasting service, particularly as regards the planning of programmes, the appointment of directors and editors, and journalists' contracts, which also leads to a lack of pluralism, as stated by Italy's main media monitoring institute, which showed that the second main opposition party was allocated between 0.1% and 0.7% of time in public newscasts between July and September; whereas, the Italian Prime Minister has also requested that European Commission spokespersons refrain from giving any information,
  - F. whereas a law prohibiting media reporting of public information related to judicial proceedings is being discussed, which lays down heavy penalties for journalists and editors,
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 is media pluralism, both being enshrined in Article 11 of the Charter of Fundamental Rights; reiterates that the European Union has a political and legal obligation to its citizens to ensure - in the areas of its competence - that these rights are respected; is particularly concerned about the situation in Italy;
  2. Reaffirms, in this respect, that the EU's legislative framework on media pluralism and media concentration is still inadequate and that there is, therefore, an urgent need for the European Union to make use of its competences in the fields of the internal market, audiovisual policy, competition, telecommunications, State subsidies, public service obligations and fundamental rights of citizens in order to define the minimum essential

conditions that all Member States must respect if they are to ensure, guarantee and promote freedom of information and an adequate level of media pluralism; in this context, asks the Commission to investigate the risk of media trusts in Italy;

3. Urges the Commission to issue, with the full involvement of the future Commissioner responsible for fundamental rights, a communication on the protection of pluralism and on media concentration with a view to a directive being approved without delay, as requested several times by Parliament;
4. Charges its competent committee and the Fundamental Rights Agency to follow up the matter and report back to the plenary on freedom of information, media concentration and media pluralism;
5. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe, and to the governments and parliaments of the Member States.