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Freedom of information in Italy

Greens/EFA motion for resolution

Tabled by **Daniel Cohn-Bendit, Rebecca Harms, Judith Sargentini, Raül Romeva, Indrek Tarand** on behalf of the Green/Efa Group

The European Parliament,

- having regard to the Treaty on the European Union and notably its provisions on the respect, promotion and protection of fundamental rights,

- having regard to article 11 of the Charter of Fundamental rights of the EU and article 10 of the European Convention of human rights concerning freedom of expression and information as well as pluralism of media,

- having regard to Directive 2007/65/CE of the European parliament and the Council of 11 December 2007 modifying the Directive 89/552/CEE of the Council concerning the coordination of certain legislative and administrative provisions of the Member States on carrying television broadcasting activities,[1]

- having regard to the working document of the Commission on pluralism of the information media in the EU Member States (SEC(2007)032),

- having regard to the preliminary report of the independent study on the indicators of media pluralism drafted by UCL-ICRI for the European Commission in April 2009,

- having regard to the resolution of 25 September 2008 on media concentration and pluralism in the European Union,

- having regard to the resolution of 22 April 2004 on the risks of violation of freedom of expression and information in the European Union and especially in Italy[2],

- having regard to article 110 of its rules,

A. Whereas the European Union defends and promotes freedom of expression and information laid down. by article 11 of the Charter of Fundamental rights of the EU and article 10 of the European Convention of

human righs where media freedom and pluralism are considered being an essential aspect;

B. Whereas such a right includes freedom of opinion and to receive and communicate information without interference nor pressure from the authorities;

C. Whereas in Italy have appeared in the past months worries concerning the respect of such a right especially concerning pressure and legal action undertaken by the Prime Minister towards some of the main Italian newspaper and towards some European newspaper further to the publication of information on the Italian Prime Minister;

D. Whereas interference and pressure by the Italian authorities has been equally noticed towards Italian state television broadcasting and especially concerning programming;

E. Whereas after Mr Berlusconi having encouraged companies not to advertise in newspapers hostile to his positions, many of them have in the past years transferred much of their advertising from the print media and from the public television to Mediaset;

F. Whereas the Prime Minister is accused of having heavily influenced in Spring 2009 the appointments of key posts in State television RAI;

G. Whereas during last summer, the political turmoil surrounding Berlusconi's private life was hardly reported on RAI channels and whereas Berlusconi went on air in two occasions alone and without any contradictory;

H. Whereas in September 2009, the Italian Government denied legal coverage to the most important investigative news (Report); whereas the government indicated the will to open a procedure against various Rai programmes, accused of diffamation;

I. Whereas the public broadcaster Rai started to encrypt its broadcasting on Italian pay-TV satellite which leads to serious financial cuts at Rai and gives Mediaset an advantage in advertisement income;

J. Whereas such pressure and conditioning caused protest in Italy and Europe from parts of the culture, the press and media without talking about the political world which expressed through public appeals against bullying of the media among which of the association "Articolo 21" and the one published by three prominent Italian constitutionalists which already received 445,000 signatures in Italy and Europe including those of well-known European political and cultural personalities;

K. Whereas concerning the request for clarification by the European Commission on the asylum policy of the Italian government, the President of the Italian Council declared having proposed during the European Council meeting that the Commission President be the only one responsible for the spreading of information on the institutions activities and threatened to block the works of the European Council otherwise, which provoked an official statement of the International Press Association;

L. Whereas the representative of the OSCE for the freedom of media, Miklos Haraszti, sent a letter to the President of the Italian Council on 20 September inviting him to withdraw the requests for damages of 3m Euro addressed to Italian newspapers;

M. Whereas the most recent Italian legislation did not solve the core of the conflict of interests, as already pointed out in other resolutions, which was determined by the fact that the Prime Minister still holds. the control of the company Mediaset together with the political control of the public service sector in a situation where the level of concentration on the television market is the highest in Europe and the duopol Rai-Mediaset covers almost 90 % of all tv spectators collecting thereby 96.8 % of the advertisement

resources;

N. Whereas Italy turns out to rank 73 in the report on press freedom established by Freedom House and is designated for the first time as being a country where the press is only "partially free";

O. whereas the Council has a tool to whereby a Member State can be warned of and punished for breaches of human rightsMember States and ensure that Member States adhere to the common rules op the Union, namely the article 7 procedure;

P. Whereas the European Commission, despite the repeated calls of the European parliament, did not include protection of information pluralism in the framework of the revision of the directive "TV without borders" committing itself to define a specific three-step-procedure in this field composed by drafting a working document (established in 2007), drafting indicators to define the state of pluralism (as established by an independent study finished in July 2009) and by a draft communication concerning these indicators (scheduled only for 2010);

Q. Whereas the repeated calls of the European parliament to the EU Commission expressed in various resolutions on taking action in favour of the protection of pluralism, to table an urgent communication on the safeguard of media pluralism in the Member States and to complete urgently the regulatory framework by submitting a proposal for a directive on this issue;

1. Regrets the pressure and intimidations received by Italian and European newspapers from Italian authorities, endorses the request of the OSCE representative to the Italian authorities in order to make stop these actions immediately and considers any interference in the freedom of information aiming at manipulating state broadcasting as an abuse;

2. Considers necessary to address the anomaly represented by the specific conflict of interests between political power, economic and media power, concentration of control, whether direct or indirect, of state and private information media and underscores the need to make sure that in all Member States the public broadcaster be independent and not submitted to interferences;

3. Considers that the divergences between national laws with regard to media concentration may harm the operation of internal market, particularly the free movement of services and freedom of establishement and expresses its approval of any initiative designate to promote the convergence of such national rules;

4. Considers that the Italian example has consequences far beyond Italy and that a lack of a European response would threaten one of the fundaments of democracy and put in jeopardy progress made in former Eastern bloc countries being part of the EU and weaken any European condemnation of censorship or press intimidation in external relations;

5. Considers that the freedom to receive and communicate information without interference of the state authorities is a fundamental principle on which the European Union has been founded and an essential element of democracy as well as pluralism of information media, both laid down in article 11 of the Charter of Fundamental rights, and stresses that in cases where the Member States do not take the necessary measures, the EU has the political and legal obligation, within its competences, to guarantee to their citizens the respect of these rights;

6. Reconfirms in this context that the normative framework of the European Union in the field of information media still remains fragmented and that is therefore urgent that the EU use its competences in audiovisual media, competition, telecommunication, state aid, obligations of the public service, fundamental rights of the citizens in order to define the key minimum standards which the Member States are invited to respect with the aim of making sure, safeguarding and promoting freedom of information as

well as an appropriate level of pluralism;

7. invites the Council to initiation the procedure of article 7 of the Treaty on European Union, whereby a Member State can be warned of and punished for breaches of human rights;

8. Urges especially the Commission to draft urgently a proposal of directive on media concentration and on the protection of pluralism after having defined without delay the appropriate indicators on how to define the level of information pluralism to be done in the framework of a Communication on the issue and to as requested several times by the European parliament and as announced by the Commission itself;

9.. Charges its competent committee to follow up this issue;

10. Instructs its President to forward this resolution to the Council, the Commission and the Council of Europe as well as to the governments and national parliaments of the Member States.

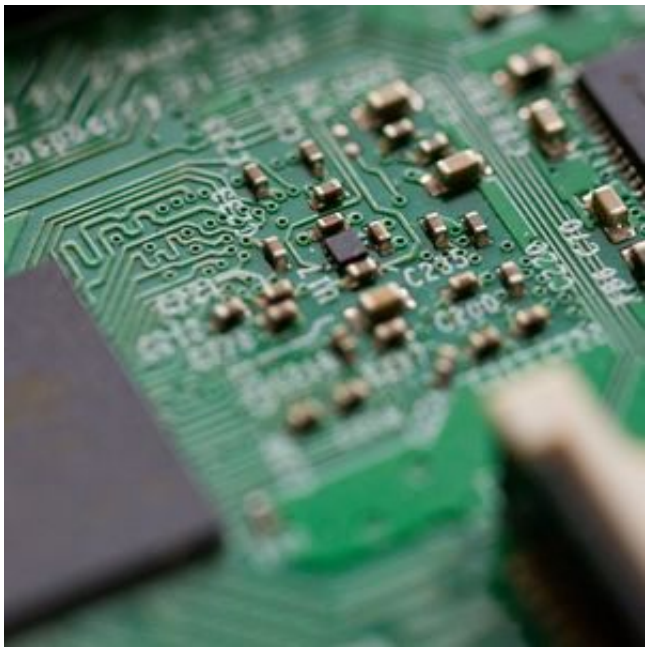
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[1] GU C....
[2] GU C 104 E of 20-4-2004, page 1026

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