

*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;
- 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 2007/65EC 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 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 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 in Article 10 of the European Convention for Human Rights, of which media freedom and pluralism are an essential pre-requisite;

B. Whereas these rights include the freedom to express opinions and the freedom to receive and communicate information without interference or pressure by public authorities;

C. Whereas in Italy in the last few month concerns have grown in relation to the respect of these rights, particularly concerning pressures and lawsuits enacted by the Prime Minister towards some of the main Italian and European newspapers, following the publication of information regarding the Italian Prime Minister;

D. Whereas interferences and interventions have been enacted by the government on the public television broadcasting service, particularly in relation to the definition of programmes;

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

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

(D bis. whereas public broadcasting newscasts do not guarantee pluralism, as denounced by the main media monitoring institute in Italy, the Pavia Observatory, that shows for instance that the percentage dedicated to the second main opposition party in the period 25 July-4 September on public networks newscasts varies between 0.1% and 0.7%);

E. Whereas these pressures and interferences have caused protests in Italy and in Europe by relevant actors of the cultural, journalistic and media sectors as well as from the political world, leading to public appeals against threats to the media like the one promoted by the Association "Articolo 21" and the one launched by three eminent Italian constitutionalists, that gathered more than 445 thousand signatures in Italy and Europe, including prominent European cultural and political personalities;

F. Whereas, in relation to the request for clarifications by the European Commission on the return of migrants to Libya conducted by the Italian government, the Italian Prime Minister affirmed that he would have proposed - during the European Council - that only the Commission President be responsible for the spreading of information for the institution, threatening to block the works of the European Council in case this was not accepted and giving raise to an official note of protest by the International Press Association;

(F bis. whereas the so-called "Lodo Alfano" law on the suspension of criminal proceedings for high offices of the State grants an ad hoc immunity in relation to the criminal proceedings to the Prime Minister, while journalists are and can be object of lawsuits from the latter;)

G. Whereas the High Representative of OSCE for media freedom, Miklós Haraszti, sent a letter to the Italian Prime Minister on 20 September, inviting him to withdraw the lawsuits and request for compensation for 3 million Euros filed against Italian newspapers;

H. Whereas, as already affirmed in other resolutions, recent Italian legislation has not solved the issue of the conflict of interests determined by the fact that the Prime Minister has still - directly or indirectly - the control over the Mediaset Group together with the political control of the public service, in a situation in which the concentration rate of the TV market is the highest in Europe and the duopoly RAI Mediaset detains almost the 90% of the total share of public, gathering the 96,8% of advertising resources;

I. whereas Italy was placed at the 73rd place in the Report on Freedom of the Press issued by the Freedom House and is being defined there, for the first time, as a country where the press is only partially free;

J. Whereas the European Commission, in spite of the repeated calls by the European Parliament, did not include the protection of information pluralism in the scope of the revision of the "TV without Frontiers" Directive, committing 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 study, issued in July 2009) and by a proposal for a communication on these indicators (foreseen only for 2010);

K. Whereas the European Parliament has repeatedly invited the Commission, through several resolutions, to promote actions to guarantee pluralism, to issue an urgent communication on the protection of pluralism of the media in Member States and to urgently complete the regulatory framework with a proposal for a directive on the same issue;

1. Deplores the pressures and lawsuits directed at Italian and European newspapers from Italian public authorities, joins the request of the OSCE representative to Italian authorities to have these actions withdrawn without delay and considers as undue any interference with freedom of information aimed at manipulating the public TV broadcasting service;
2. Deems it necessary to address the anomaly represented by the special conflict of interests between political, economic and mediatic 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 the public operators are independent and not subject to interferences;
3. 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 - where Member states don't take the adequate measures - the Union has the political and legal obligation to ensure to its citizens - in the areas of its competence - the respect of these rights;
4. Reaffirms, in this respect, that the EU legislative framework on media 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 audiovisual, competition, telecommunications, State subsidies, obligations of the public service, fundamental rights of citizens, in order to define 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;
5. Invites, in particular, the European Commission to define without delay the adequate indicators to assess the level of media pluralism - in the framework of a communication on this issue - and to define with urgency a proposal for a directive on the protection of pluralism, as requested several times by the European Parliament and as announced by the Commission itself;
5. Instructs its President to forward the present Resolution to the Council, the Commission, the Council of Europe, and to the governments and national parliaments of Member States.