

Audiovisual and information industries, competitiveness: protection of minors and human dignity and right of reply

2004/0117(COD) - 30/04/2004 - Legislative proposal

PURPOSE : to present proposal for a Recommendation concerning 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.

PROPOSED ACT : Recommendation of the European Parliament and of the Council.

CONTENT : 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. In section III of the Recommendation, it is called for the Commission to present an evaluation report on its application in the Member States, two years after its adoption, to the European Parliament and the Council.

The implementation of the Recommendation was evaluated for the first time in 2000, and the first report was published in 2001. The report indicated that the implementation of the Recommendation was already quite satisfactory in overall terms. The Council meeting (Culture) adopted its conclusions concerning the evaluation report on 21 June 2001, and Parliament adopted a resolution on the report on 11 April 2002, in which it called on the Commission to draw up a further report, at an appropriate time, and preferably before 31 December 2002. On 12 December 2003, the European Commission has adopted a new evaluation report on the September 1998 Council Recommendation concerning the protection of minors and human dignity in audiovisual and information services. The report analyses the measures adopted in the Member States and at EU level since the year 2000.

In order to be able to keep up with the challenges which technological developments bring, the Commission now follows up on the Second evaluation report by proposing this additional Recommendation.

This Recommendation calls on the Member States, industry and interested parties, as well as the Commission, to take steps to enhance the protection of minors and human dignity in the broadcasting and internet sectors. Illegal, harmful and undesirable content and conduct on the Internet continues to be a concern for law-makers,

industry and parents. There will be new challenges both in quantitative (more "illegal" content) and qualitative terms (new platforms, new products). Taking into account the ever-increasing processing power and storage capacity of computers, and the fact that broadband technologies allow distribution of content such as video on 3G mobile telephones, the need for a safe environment is greater than ever.

The Recommendation focuses on the content of audiovisual and information services covering all forms of delivery, from broadcasting to the Internet. Given that the harmonisation of laws of the Member States is excluded from industrial and cultural policies, the Community is bound to use non-binding instruments, such as recommendations, to fulfil the tasks and obligations enshrined in the Treaty. The Commission considers that a Recommendation from the European Parliament and the Council has to be preferred to a

Recommendation from the Commission on this matter. This Recommendation should complement Recommendation 98/560/EC in order to take account of technological developments.

The proposed recommendation sets out that the Member States should foster a climate of confidence which will promote the development of the audiovisual and information services industry by:

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;

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 :

- 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 facilitate, where appropriate and necessary, identification of, and access to, quality content and services for minors, including through the provision of means of access in educational establishments and public places.

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.

Lastly, it is recommended that the industries and parties concerned :

- 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;

- 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.