Risk of breaches of freedom of expression and information in the Union, particularly in Italy (art. 11,2 Charter of FR)

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The committee adopted the own-initiative report by Johanna BOOGERD-QUAAK (ELDR, NL) entitled "the risks of violation, in the EU and especially in Italy, of freedom of expression and information". The report stressed that a free and pluralist media was essential to freedom of expression and information, and went on to argue that, where Member States failed to take adequate measures, the EU had a political, moral and legal obligation to ensure within its competence that media pluralism was respected. MEPs took the view that there were sufficient concerns to warrant a detailed examination of the situation by the Commission, which should be followed by appropriate legislative proposals. A preliminary study carried out by the European Institute for the Media (EIM) showed that in each of the eight countries examined (France, Germany, Ireland, Italy, Netherlands, Poland, Sweden and UK) there were issues which required further investigation. The committee noted that in Spain government pressure on the public service broadcaster TVE resulted in ignoring the facts regarding responsibility for the terrorist attacks of 11 March 2004. And it said that there was a clear risk of serious and persistent breaches of the right to freedom of expression and information in Italy, where the level of concentration of the audiovisual market was the highest in Europe. One of the sectors in Italy in which the conflict of interest was most obvious was advertising. The committee therefore noted that the Italian system constituted an anomaly, owing to a unique combination of economic, political and media power in the hands of the Prime Minister, Silvio Berlusconi. MEPs stated that Mr Berlusconi had not resolved his conflict of interest, as he had explicitly pledged to do, but on the contrary had increased his controlling shareholding in Mediaset. The committee voiced concern that a similar situation could arise in other Member States if a media magnate such as Rupert Murdoch chose to enter politics. The committee made a number of recommendations. It wanted the Commission to draw up a directive to safeguard media pluralism in Europe. It believed protection of media diversity should become the priority of EU competition law and that the dominant position of a media company should be considered as an obstacle to media pluralism in the EU. Legislation should be adopted at EU level to prohibit political figures from having major economic interests in the media. In addition, an annual report on pluralism should be drawn up. The EU Constitution should contain a provision on the need to ensure pluralism in the media. Member States should incorporate in their constitutions an active duty to promote respect for freedom and diversity of the media. The Italian Parliament should speed up the reform of the audiovisual sector and find a genuine solution to the problem of the Prime Minister's conflict of interest as well as taking measures to ensure the independence of the public service broadcaster.