

Wednesday, 16 September 1992

## PART II

## Texts adopted by the European Parliament

## 1. Media concentration

## RESOLUTION A3-0153/92/corr.

## Resolution on media concentration and diversity of opinions

*The European Parliament,*

- having regard to its resolution of 15 February 1990 on concentration in the media <sup>(1)</sup>,
- having regard to Rule 121 of its Rules of Procedure,
- having regard to the motions for resolutions by:
  - Mr Fernández Albor on the concentration of information in the hands of pressure groups (B3-0455/90),
  - Mr Kostopoulos on a comprehensive campaign to inform the future citizens of a united Europe on how the application of the Single Act will affect their lives in both formal and practical terms (B3-0503/90),
  - Mr Kostopoulos on measures to protect the lives, the physical integrity and the professional standing of media employees at sports grounds and other public events (B3-0644/90),
  - Mr Ferri on anti-trust legislation for the media (B3-0842/90),
  - Mr Coimbra Martins and others on Europe's heritage of audiovisual records (B3-1528/90),
  - Mrs Banotti on the establishment of a European News Channel (B3-1913/90),
  - Mr Calvo Ortega and others on local television in Europe (B3-0260/91),
  - Mr Kostopoulos on improving and assisting the European press (B3-0721/91),
  - Mr Titley and others on the importance of diversity in the media (B3-0894/91),
  - Mr Titley and others on the tendency towards the concentration of ownership in the media industry (B3-895/91),
- having regard to the report of the Committee on Culture, Youth, Education and the Media (A3-0153/92/corr.),
  - A. noting that freedom of expression and the right to information are basic rights that must be protected by any democratic society,
  - B. noting further that freedom for the media is the essential basis for any free society and that the media bear special responsibility for political and cultural life in the Member States,
  - C. having regard to its previous opinions in this connection <sup>(2)</sup> and, in particular, to its abovementioned resolution of 15 February 1990 on concentration in the media, in which it took the view that unlimited and unchecked concentration in the media threatens the right to information, editorial independence and journalists' freedom, and called on the Commission to put forward 'proposals for establishing a special legislative framework on media mergers and takeovers, together with anti-trust laws to ensure that:

<sup>(1)</sup> OJ No C 68, 19.3.1990, p. 137.

<sup>(2)</sup> OJ No C 87, 5.4.1982, p. 110; OJ No C 288, 11.11.1985, p. 113 and p. 119; OJ No C 322, 15.12.1986, p. 442; OJ No C 13, 18.1.1988, p. 120; OJ No C 49, 22.2.1988, p. 64; OJ No C 158, 26.6.1989, p. 138; OJ No C 12, 16.1.1989, p. 163; OJ No C 69, 20.3.1989, p. 163; OJ No C 38, 19.2.1990, p. 108; OJ No C 48, 25.2.1991, p. 168.

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- minimum professional standards are guaranteed,
  - journalistic ethics are protected,
  - the risk of subordination of small companies is eliminated,
  - freedom of expression for all those working in the media is safeguarded,'
- D. whereas diversity of opinion and pluralism in the media can not be guaranteed by current competition rules alone,
- E. having regard to the Commission communication of 21 February 1990 to the Council and Parliament, in which the Commission stated that it was studying the question of pluralism and freedom of opinion 'with a view to a possible proposal for a Directive, whose aim would be to harmonize certain aspects of national legislation in this field',
- F. having regard in particular also to the public announcement by the Commission on 22 February 1991 that it would submit appropriate proposals by the end of the year,
- G. having regard to the work and reports submitted at the European Press Congress in Luxembourg on 3 and 4 July 1991, in particular to the Commission's preliminary working paper, which states that the Community and the Member States must remain committed to pluralism in the media and freedom of expression,
- H. having regard to many states' efforts to safeguard pluralism in the print and audiovisual media through appropriate legislation,
- I. having regard to the work of the Council of Europe, which is being conducted in the same spirit and with the same objective,
- J. whereas pluralism must be safeguarded both in the public's choice of medium or media and within a medium itself, particularly in the audiovisual sector;
- K. convinced that, provided there is absolute transparency of media companies, pluralism is best guaranteed by an economically viable media sector, permitting the formation and development of a variety of media companies of all sizes and allowing non-commercial media opportunities for development;
- L. whereas media concentration may also have a positive impact on media diversity if it promotes the formation of financially sound companies able to hold their own in international competition and which use their strength to provide independent reporting;
- M. having regard to the need to facilitate the formation and development of media companies at European level so as to promote pluralism by increasing the provision of information,
- N. having regard to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, Regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(1)</sup> (Television Directive), in which it is deemed essential 'for the Member States to ensure the prevention of any acts ... which would lead to restrictions on pluralism and freedom of televised information ... as a whole',
- O. whereas, in view of its European and worldwide dimension, concentration in the media can not simply be regulated at national level,
- P. having regard in particular to the dramatic process of concentration in the media in Central and Eastern Europe,
- Q. having regard to the domination of the worldwide flow of news by a few major press agencies,

(1) OJ No L 298, 17.10.1989, p. 23.

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- R. concerned at increasing concentration in the advertising business and its substantial influence on programming and media content,
  - S. whereas the freedom and responsibility of journalists, publishers and the media are characteristics of democracy;
  - T. having regard to the influence of opinion polls on the media and the need to prevent their misuse,
  - U. whereas control of a large number of media within a particular area by one individual or company jeopardizes pluralism by lessening media autonomy and independence,
  - V. whereas diversity will equally suffer if the European Community continues to equate non-profit-making organizations, i.e. organizations with entirely non-commercial aims, with commercial organizations, in spite of the fact that they are utterly different in nature and in the way they operate,
  - W. whereas differing national laws on media concentration can disadvantage the operation of the Single Market, as this creates the risk of circumvention of the law and distortion of competition between media companies in various Member States as well as different start-up conditions for those embarking on activities in the media,
  - X. whereas any potential EC legislation must respect the provisions on subsidiarity of the Maastricht Treaty on European Union,
1. Takes the view that the Member States and the European Community bear responsibility for safeguarding and developing pluralism in the media and must ensure that the necessary conditions are created for exercising the right to information and freedom of opinion;
  2. Points out that a state monopoly, state control or manipulation of information are also forms of concentration which run counter to freedom and pluralism if not the very nature of democracy itself;
  3. Is concerned at Proposal for a Regulation COM(92)0056 submitted on 26 February 1992, concerning the security measures applicable to classified information produced or transmitted in connection with EEC or Euratom activities, as the proposal in its present form presupposes the principle of secrecy rather than public access to information and therefore conflicts with the Maastricht Declaration on the right of access to information;
  4. Warns against the incipient new form of inequality in terms of the right to information arising from the fact that viewers in the lower income groups can receive only a minute number of channels and sources of information on their ordinary television sets whereas, even in outlying Member States, the better-off can use satellite dishes to choose from several dozen programmes and a range of different news broadcasts;
  5. Calls on the Commission to submit to it the results of its investigations into its application to date of Community law on matters relating to concentration in the media (Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings)<sup>(1)</sup>;
  6. Calls on the Member States and the Commission to safeguard media diversity in the Community in general and avoid differences between the Member States in the level of protection afforded;
  7. Calls again on those Member States in which there is no specific law on concentrations relating to the print and audiovisual media to introduce one as soon as possible;

<sup>(1)</sup> OJ No L 395, 30.12.1989, p. 1.

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8. Calls on the Commission to draft a charter for European-non-profit-making broadcasting organizations which would give them the possibility of making their mark or enhancing their presence on the European media environment;

9. Calls on all the Member States to promote observance of professional ethics in cooperation with the professional organizations;

*With regard to the press*

10. Calls on the Commission and Council to take account of the print media's legitimate demands (e.g. concerning value-added tax) aimed at safeguarding their economic basis, in order to ensure the preservation of a large number of independent titles;

11. Calls on the Member States and the Community — in the light of the relative decline in the print media's advertising revenue compared with that of the audiovisual media — to ensure that advertising continues to provide adequate funding for the press, in particular for small and medium-sized firms;

12. Calls on the Member States and the Community effectively to monitor compliance with existing advertising rules;

13. Calls on the Member States and the Commission to ensure that the press continues to have at its disposal efficient and cost-effective marketing structures, while government aid for newspapers under threat which make a major contribution to cultural diversity, particularly small publishers, must not be ruled out;

14. Calls for absolute transparency in the establishment and running of agencies responsible for the distribution of newspapers and periodicals;

*With regard to audiovisual media*

15. Calls on the Commission to maintain diversity of expression in the audiovisual media by positive action to assist small and medium-sized firms (private and public) and non-commercial firms, for instance by promoting cooperative ventures so that not only the large media groups are in a position to hold their own on the market;

16. Calls on the Commission to secure what is well-established cooperation between national broadcasting organizations in Europe and to make it easier to take that cooperation further, in particular as regards the technical field and planning (programme swapping, coproductions and joint broadcasts);

17. Calls on the Commission to create the legal framework and incentives for the joint use of transmission facilities (e.g. satellite links, ground stations, lines) to enable small broadcasters, in particular, to avail themselves of new technical facilities at a reasonable price by cooperating with bigger operators;

18. Calls on the telecommunications bodies in the Member States to take account of broadcasting stations' interests when scaling transmission line charges and, in addition, to scale them to favour small and medium-sized broadcasters;

19. Considers it vital that all broadcasters should be guaranteed news access to events of general interest (e.g. political, cultural and sporting events) and be entitled to use visual and sound material produced by other sources and refers in this connection to the Council of Europe's Recommendation No R(91)5 of 11 April 1991 on the right to short reporting;

20. Calls on the Commission and the Council to submit a proposal for a Directive restricting the proportion of total output accounted for by bartering (linking programmes to advertising), so that broadcasters' diversity of programme material is not put at risk; an advertiser's products and services must not be referred to for promotional purposes within a programme;

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21. Calls on the Member States to ensure that public broadcasting in the Community is maintained and taken further, so that it can, alongside private broadcasting, continue to play a role in safeguarding Europe's cultural diversity and the Member States' cultural independence;

22. Calls on the Commission and the Member States to give their support to the European news channel project EURONEWS, in order that it may contribute to diversity of information in Europe and worldwide;

*With regard to all media*

23. Calls on the Commission to draw up a proposal for a Directive which

- (a) along the lines of the US Freedom of Information Act, guarantees all journalists access to information from Community and national authorities (ruling out exclusive access to such information),
- (b) entitles all journalists to maintain professional secrecy and to protect the identity of confidential sources, and
- (c) in line with the protection afforded to public-sector employees under the US Employee Health and Safety Whistleblower Protection Act, safeguards reporters' sources of information on criminal or anti-social actions by public- or private-sector enterprises against any form of discrimination;

24. Calls on the Commission to invite representative journalists' and publishers' organizations to draw up a Media Code for publishers, editors and journalists which is likely to maintain professional ethics; should these organizations fail to do this within a specified period, the Commission should, having regard to existing national codes and in collaboration with publishers, editors and journalists, submit its own proposal; the Media Code should, for example, define and proscribe unfair methods of attracting viewers;

25. Calls on the Commission to submit a proposal for a European framework Directive safeguarding journalistic and editorial independence in all media;

26. Calls on the Commission to submit a proposal for a Directive regulating the right to reply in the print media and radio too, since this has already been carried out for the audiovisual media in the television Directive;

27. Calls on the Commission to submit, in consultation with the parties concerned, a proposal for effective measures to combat or restrict concentration in the media, if necessary in the form of an anti-concentration Directive, with a view to:

- (a) harmonizing national provisions on the concentration of media ownership and
- (b) guaranteeing diversity of opinion and pluralism where the proposed concentration is on a European scale; in this connection believes that the proposal should cover:
  - improving conditions for access to media activities,
  - guaranteeing the maximum possible number of media companies in any given distribution area,
  - the activities in third countries, e.g. Central and Eastern Europe, of media companies established in the Community,
  - the development of concentration, with particular reference to press agencies and the advertising market;

28. Calls on the Commission to look in detail at the current media ownership pattern and at existing restrictions in all countries of the Community, consulting in the process with all parties concerned;

29. Calls on the Commission to set up an independent European Media Council which, with the support of the national bodies responsible for the media, would have the following duties and responsibilities:

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- (a) observing the media environment within and outside Europe, including technological, economic and social trends, submission of a two-yearly media report,
- (b) action to ensure complete transparency with regard to the inter-linking of firms (disclosure of all private and public holdings),
- (c) submission of reports and opinions to the Commission on proposed mergers with a Community or European dimension,
- (d) submission of proposals to the Commission on possible deconcentration measures;

30. Calls on the Commission to

- (a) address itself to the vocational furtherance (including professional ethics) of journalists and include them in cross-frontier training programmes as far as possible,
- (b) create all the conditions required to ensure complete freedom of movement for journalists,
- (c) ensure that journalists' organizations introduce a European press card and that national press cards are recognized in all 12 Member States;

31. Calls on the Commission, given a media environment that is changing at an ever increasing pace, to set up its own research programme for communications and media sciences which would also take account of the impact of technical change on the media and the ensuing social changes;

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32. Instructs its President to forward this resolution to the Council, the Commission and governments of the Member States.

## 2. Rights of the mentally handicapped

### RESOLUTION A3-0231/92

#### Resolution on the rights of the mentally handicapped

*The European Parliament,*

- having regard to the United Nations Declaration on the Rights of Mentally Retarded Persons (UN Resolution 2856 (XXVI) of 20 December 1971),
- having regard to the Rome Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950,
- having regard to Council of Europe Resolution AP (84)3 of 17 September 1984 on a coherent policy for the rehabilitation of disabled people,
- having regard to the petitions forwarded to the Committee on Petitions to date concerning the problems of mentally handicapped people,
- having regard to the Resolution of the Council and the representatives of the governments of the Member States within the Council of 21 December 1981 on the first action programme for the social integration of handicapped people <sup>(1)</sup>,

(1) OJ No C 347, 31.12.1981, p. 1.