

COMMISSIONE

Viviane Reding, Member of the Commission. ~ Mr President, freedom of expression and freedom of information represent a foundation of a free, democratic and pluralistic society. That is my firm belief as a former journalist and it is also the firm belief of the European Union. That is why all the EU institutions – Parliament, the Council and the Commission – have signed up to the EU Charter of Fundamental Rights, Article 11 of which states that: 'Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The freedom and pluralism of the media shall be respected'.

I would like to recall that the EU Charter also states, in Article 51(1), where and when those fundamental rights apply. I quote again: 'The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States', but 'only when they are implementing Union law'.

Within the EU's sphere of competence, which we have to respect, the European Commission has always stood up for freedom of the media, freedom of expression, freedom of information and freedom of the press, whether within the EU or in our external relations with third countries. I recall in particular the important role played by the EU's 'Television without Frontiers' Directive, which since 1989 has made sure that citizens in all EU Member States are free to receive, without restrictions, broadcasts from other EU countries; an EU directive which has substantially contributed to the free flow of information across borders and to a more pluralistic media landscape in all Member States. In this context I would like to thank the European Parliament for having helped the Commission to get a modernised version of this directive which extends the freedom of information across borders beyond broadcasting to other audiovisual services, and in particular to those transmitted by Internet.

This directive needs to be implemented by all EU Member States by the end of the year, and will make important contributions to a pluralistic landscape when it comes to the online environment also. Let me also recall three other very important elements of this directive.

Firstly, the promotion of independent TV productions. There is a rule in the directive that broadcasters need to reserve at least 10% of their transmission time or 10% of their programming budget to European works created by producers who are independent from the broadcasters.

Secondly, the directive foresees in its modernised version the right of journalists and news organisations to access short extracts across the EU for the purpose of short reporting.

Thirdly, and this is of utmost importance, there is a reference in the new directive to the need to have independent media authorities at national level. This is a reference which was proposed by the Commission and which could only be adopted in the end thanks to strong support by the European Parliament. Thus, for the broadcasting sector, the modernised Television Without Frontiers Directive can be seen as a charter for freedom of cross border information in the EU.

Now let me recall another important aspect in the EU's field of competence where this Institution can act and has acted for the benefit of media pluralism. I mean radio spectrum policy. You all know that there cannot be broadcasting without access to radio spectrum, and it is the EU policy to ensure that all players on the market get non discriminatory access to radio spectrum. National authorities are thus not entitled to freeze, by means of spectrum allocation, the competitive situation on the media market for the benefit of the operators already active on that market. The European Court of Justice, by the way, has confirmed this important principle, which directly results from the freedom to provide services, in its *Centro Europa* judgment. The Commission welcomed that ruling as a contribution to fair competition and as an important foundation for strengthening media pluralism. On that basis, the Commission has repeatedly acted against Member States where the system of spectrum management has appeared to be in contradiction with this principle.

By way of example, I would like to recall the 2006 infringement proceedings which my colleague, Nelly Cruz, and I opened on radio spectrum allocation in Italy. Under the pressure of this procedure, the Italian authorities are now changing their approach. The result of this will be a substantial market opening and a win for media pluralism. Spectrum policy is therefore a clear example of an area where the EU can act within its field of competencies in order to enhance competition for the resources on which broadcasters depend, and thereby strengthen media pluralism.

Concerning the written press, the competences of the EU are substantially more limited. The written press is one of those prime examples of national, or even regional, competences and its situation very often reflects the varying cultural traditions in our different Member States. There is thus no EU legislation specifically on the written press, nor can there be legislation under the Treaties as they stand. Nevertheless, in the EU institutions, and in particular the European Commission, we have always flanked the development of the written press across the EU. I recall the numerous meetings I had in my capacity as EU Media Commissioner with editors-in-chief from all around Europe, to discuss the current issues relating to media freedom and media pluralism.

In June 2009, this led to the European Charter on Freedom of the Press, drafted by the journalists across Europe. I fully endorsed that Charter when the final outcome of this work was handed over to me. The Charter on the Freedom of the Press initiated by the European journalist community is an important reaffirmation of the basic values enshrined in fundamental legal texts such as the EU Charter of Fundamental Rights. It is also a reminder for all policymakers in their field of competence that in order to have effective freedom of the press, public authorities do indeed have a role to play: they must be ready to protect freedom of expression and foster its development. The Charter is therefore an important step towards reinforcing these basic values and rights, allowing journalists to invoke them against governments or against political public authorities whenever they feel that the freedom of their work is unjustifiably threatened.

The honourable Members will see that strong political commitment is being shown by the EU's institutions, and particularly by the Commission, to fundamental rights and freedom of information, of expression and of the media. We are using our competences to uphold those rights and freedoms in our work, on the basis of the Treaties, and will continue to do so.

However, let me also touch on another important aspect, namely that the fact fundamental rights apply to EU policies does not make the EU competent for all matters relating to fundamental rights in one Member State or another. Let us not

forget that the Member States have constitutions, many of them with long traditions, and that in all Member States there are courts, appeal courts and constitutional courts which ensure that fundamental rights are respected and enforced whenever national authorities act. We had an example of this as recently as yesterday in Italy.

This is the result of the fact that we have a division of labour, because Europe is not a superstate, but is comprised of 27 sovereign Member States and will continue to operate like this under the new Lisbon Treaty too.

I would therefore call on you not to make use of the EU institutions to solve problems which should, under our Treaties, be solved at national level. We should not claim a role that we do not have, and we will not have it either under the Lisbon Treaty. Let us concentrate here on applying effectively the rules, principles, rights and freedoms in areas where the EU is competent. This can lead to very important progress, and I have mentioned several concrete examples of this in my speech.

Let me add another example of where we could act. Paul Rübig, a Member of this House, recently proposed in a budgetary amendment a new EU programme called Erasmus for Journalists. Such a programme would, in difficult times for the written press, allow journalists to work for a limited time with editorial staff in other Member States, and it would also allow journalists to discover the political, economic and social situation in other Member States and to write about it. It would allow journalists to compare the situation across Europe and to present that to the readers, including the situation with regard to freedom of the press. That is why I encourage the European Parliament to look very favourably on these proposals, which certainly have the support of the EU Media Commissioner.

REPLICA

Mr President, I think that this debate was very important because it made very clear that there is a strong agreement in this House, a strong agreement that the freedom of the press does not have an if or a when, it is the basis of our European Union. We have to defend it, it is a fundamental value, we have to speak up when it is not honoured and we have to act if there is a problem to be solved.

(The President requested silence in the Chamber)

There is also an agreement in this House that the freedom of the media is a problem to be looked at in all Member States. Many of you have not been in this House before so I will just recall the action of the European journalists to set up a European charter of the freedom on the press. That was drawn up in order to help mainly the journalists in the new Member States and they had asked for his help from the journalistic community.

I just want to recall this, because it has been said in this House that there are problems with public television in many of our Member States. I recall having gone to one of those Member States – it was Hungary – to put my foot down in order to save the TV, and I think that that should be done in all Member States when there is a problem.

It is for this reason that we have voted in the new Television Without Frontiers Directive, with the help of the Parliament, for the establishment of independent media authorities in all of our Member States. I can assure this House that whenever there

is a problem in establishing these independent media authorities the Commission will act.

Now where there is a disagreement in this House is on how to bring together EU competences with media policies. I think that many Members did not hear my introductory statements where I quoted from the Charter of Fundamental Rights which is very clear. I also quoted Article 51, paragraph 1 of this Charter of Fundamental Rights which also states very clearly when this Charter is to be implemented and what are the rules for this Charter to be implemented. So I think that everybody can read this and recall it.

Unfortunately nobody is listening now, although this is very important. There have ...

(The President again requested silence)

In my introductory speech I also underlined the very clear actions, the concrete examples of where the EU can act and has acted, and I underlined the problems which have to be solved at national level, and the constitutional court of Italy, which acted yesterday, has clearly shown what that means.

Now there have been several clear demands by this House and I would like to answer to these if the House would permit and listen.

(The President once more requested silence)

...demand by this House to go for the media pluralism approach which has been promised. Now I must say that the work on media pluralism has gone very far already and we have published the second step with the risk indicators on media pluralism. Maybe many parliamentarians have not seen these; they are on the Internet and they can be looked ...

(Speech interrupted)