European Commission: Broadcasting Regulators Fight Incitement to Hatred

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In March, a high-level group comprising the presidents of European national broadcasting regulatory authorities affirmed its commitment to combating incitement to hatred in broadcasts originating outside the European Union. The Group described the issue as “absolutely and urgently” requiring closer cooperation between relevant regulatory authorities throughout the EU, in candidate countries and in the European Economic Area.

There has recently been growing concern about the difficulties in regulating content that incites to racial and religious hatred which is broadcast from non-EU countries, as exemplified by the cases in which the French authorities banned the channels, Al Manar (see IRIS 2004-9: 11, IRIS 2005-1: 12 and IRIS 2005-2: 12) and Sahar 1 (see IRIS 2005-3: 11). Article 22a of the “Television without Frontiers” Directive prohibits the broadcasting of material containing “any incitement to hatred on grounds of race, sex, religion or nationality”. As emphasised in the Conclusions of the Group's meeting, this requirement also applies to third-country broadcasters if they use: a frequency granted by a Member State; a satellite transmission capacity belonging to a Member State, or a satellite up-link located in a Member State.

In a bid to address this growing concern, the Group - along with the European Commissioner for Information Society and Media, whose initiative had led to the meeting - pledged to implement a number of measures for improving relevant information-sharing mechanisms between national authorities. As a first step, each national regulatory authority is to establish an in-house “contact point” charged with providing other authorities and the European Commission with “the necessary information” about channels and satellite capacities within its jurisdiction.

It is envisaged that such cooperation will be strengthened over time and involve the European Platform of Regulatory Authorities in various initiatives, with the support of the European Commission. The “interconnection of Member States' channel authorisation databases” has been contemplated in this regard. More generally, the information exchanged would not be limited to the mere notification of decisions to withdraw authorisations or to ban channels, but would include the reasoning behind such decisions. A restricted-access Internet site for

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regulators and the Commission will also be set up as a forum for furthering the exchange of pertinent information.

The follow-up to this initial meeting is to take several forms, including the convening of additional expert meetings and the prioritisation of cooperation with relevant authorities in third countries (eg. via the Mediterranean Regulators' Group). The European Commissioner has also undertaken to ensure that the issue is considered in the context of "all relevant European policies, notably external relations, in particular pre-adhesion policy, neighbourhood policy and the Barcelona process", and has invited the regulators to make apposite contributions to the ongoing review of the "Television without Frontiers" Directive.

Conclusions of the High-level Group of Regulatory Authorities in the Field of Broadcasting - Incitement to hatred in broadcasts coming from outside of the European Union : European Broadcasting Regulators coordinate procedures to combat hate broadcasts in Europe, 17 March 2005

http://ec.europa.eu/avpolicy/docs/library/legal/conclusions_regulateurs/concl_reg_fin_en.pdf

"European Broadcasting Regulators coordinate procedures to combat hate broadcasts in Europe", Press Release of 17 March 2005, IP/05/325

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/05/325&format=HTML&aged=1&language=EN&guiLanguage=en

"EU Rules and Principles on Hate Broadcasts: Frequently Asked Questions", 17 March 2005, MEMO/05/98, available at:

http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/05/98&format=HTML&aged=1&language=EN&guiLanguage=en

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