



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat of the Council
to: Delegations
Subject : Summary of the European Parliament Plenary meeting on 13 March 2012
Discriminatory Internet sites and government reactions

Mr Wammen, on behalf of the Council, delivered the speech set out in [Annex I](#).

Ms Reding, on behalf of the Commission, delivered the speech set out in [Annex II](#).

For the political groups, the following speakers took the floor:

- Mr Daul (EPP, FR) regretted in particular that the Dutch Prime Minister (PM) had not condemned the violent and racist website of the PVV (Partij voor de Vrijheid) party and urged him to do so immediately. Given the allegations by the PVV that Central and Eastern European workers did not contribute to the Dutch economy, he underlined that Dutch companies were benefiting from the single market, as well as from access to Central and Eastern European markets.
- Mr Swoboda (S&D, AT) considered that both the website and the lack of reaction by the Dutch PM were unacceptable. He called on the PM to take a clear stance and distance himself from the website, in spite of the relationship between the government and the PVV. He stressed that the website should be shut down and that the EP should act jointly against discrimination.

- Mr Verhofstadt (ALDE, NL) said that the website had been launched because of loss of support for the PVV in the opinion polls. He agreed with previous speakers that the silence of the Dutch government is unacceptable. Nevertheless, he considered that populism was not unique to the Netherlands, mentioning in particular the stigmatisation of Muslims, the attacks on the Schengen agreement by President Sarkozy, and the case of Hungary. He concluded by calling for equal denunciation of all discriminatory practices.
- Ms Cornelissen (Greens/EFA, NL) echoed her colleagues in saying that the Dutch PM was shirking his responsibilities. She reiterated that he should strongly condemn the website and defend fundamental rights for all EU citizens. Referring to the motion for a resolution to be adopted on Thursday, she stated that the a failure to condemn would be damaging to the Dutch reputation.
- Mr van Dalen (ECR, NL) stated that the plenary debate would not have been necessary had the Dutch PM properly distanced himself and condemned the website.
- Ms Vergiat (GUE/NGL, FR) considered that the website constituted open incitement to racial hatred and xenophobia towards Central and Eastern European workers. She expressed concern that comparable practices were also emerging in other Member States (e.g. Poland, Latvia, Luxembourg, Hungary, France) and said it was time to move from words to action to tackle these practices.
- Mr Kurski (EFD, PL) considered that the lack of reaction by the Dutch government was scandalous and that the coalition was being held hostage by the PVV. He said that EU fundamental rights should not be sacrificed and called on the EP to condemn the website and put pressure on the Netherlands to shut it down.
- Mr Zijlstra (NI, NL) believed that immigrants from new Member States were causing major problems in the Netherlands and were responsible for increased criminality. He considered that it would be more helpful to discuss these problems rather than the website.

A number of blue cards were raised, leading to several animated exchanges on the advantages and disadvantages of the free movement of citizens from new Member States into the Netherlands.

Mr Wammen repeated that the Council had had no opportunity to discuss government reactions to the websites. However, he reiterated that the Council fully defended the principle that no EU citizen should be discriminated against on the basis of national origin and that he expected all Member States to take the necessary measures to ensure that the fundamental rights of all EU citizens were respected. This applied both in relation to discrimination and freedom of expression.

Ms Reding called on the Netherlands authorities to take all appropriate measures to fully assess the lawfulness of this website and to draw the necessary consequences in the context of the framework decision on combating racism and xenophobia, national laws on hate speech on the Internet and national laws implementing the 1995 Data Protection Directive. She believed that the debate was essentially about EU fundamental values and urged political leaders to join forces to condemn this unacceptable behaviour.

The vote on the resolution on the Discriminatory Internet sites and government reactions would take place on 15 March 2012.

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Speech of Mr Wammen on discriminatory Internet sites and government reactions, Plenary session of the European Parliament, 13 March 2012

Mr President, honourable Members, Commissioner, in a world where the Internet has become a basic tool in almost all parts of our lives, including political life, the way it is used and its impact on societies and individuals is of increasing interest to us all. Frankly it is hard to imagine a world without the Internet and the Internet constitutes a vital tool when it comes to exchange of information.

Today's debate is very important, touching upon two of the most fundamental principles of the European Union: freedom of expression and non-discrimination in an open and secure Europe. As the Presidency, we are very much aware of the concerns of this Parliament when it comes to the possible misuse of Internet sites and of the specific reasons which have led this debate to be placed on your agenda this week.

I believe that while discussing this issue we must distinguish between law and politics, and legally speaking it goes without saying that there is freedom of expression in Europe. It is a cornerstone in our democracy and must be cherished. It is clearly stated in the Charter and the Council of Europe's Convention on Human Rights that everyone has the right to freedom of expression, including the right to hold opinions and receive and impart information and ideas.

I need not remind you that, according to Article 6 of the Treaty on European Union, the Union shall accede to the Convention on Human Rights. This debate also relates to the principle of free movement of workers, which is a pillar of the European Union. However, freedom of expression is not equivalent to the right to express anything about everyone. Freedom of expression should be exercised within a certain framework in order to protect other fundamental rights. So establishing this framework can be brought about by legal remedies in national legal orders and to some extent also at EU level.

Politically speaking however, I want to make it quite clear that I and the Danish Presidency condemn any form of discrimination. The Council also cherishes the principle of non-discrimination and all activities of the Councils are carried out in respect of this fundamental principle.

I hope you will understand that my comments this afternoon are necessarily brief and limited in scope. That is because the Council has neither discussed nor adopted a position on the issue of government reactions to Internet sites which raise questions concerning discrimination. As far as any specific comments this Parliament has in relation to reactions from any particular Member State, it is not for me representing the Council as a whole to take a view on this issue.

However, finding the right balance between freedom of expression and non discrimination is a very important task and I very much look forward to hearing your views on this issue.

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Speech of Ms Reding on discriminatory Internet sites and government reactions, Plenary session of the European Parliament, 13 March 2012

Madam President, the Commission has serious concerns about the website launched by the Dutch PVV Party and, as you know, I have personally condemned this website because it is an open call for intolerance and intolerance has no place in Europe.

I called on all citizens of the Netherlands not to follow the intolerance of the PVV website and I commend the very strong reaction that they have shown. The Dutch complaints bureau for discrimination on the Internet has received well over 6 000 complaints from citizens and in addition many political parties in the Netherlands, including those from the majority, have dissociated themselves from this website.

The response by Dutch business leaders is particularly welcome. They have condemned the xenophobic nature of the website and warned about its damaging effects on intra-EU trade for the Dutch economy.

I also applaud the fact that the European parties have raised their voice. I cannot quote all those who have been very outspoken on this, but the President of the EPP has said 'I am angered'; ALDE has said that the website goes against all European values of dignity and liberty. President Martin Schulz has given his analysis that the website shows completely unacceptable behaviour. I would like to recall that ten ambassadors have written an open letter in which they express their concerns about the discriminatory and stigmatising nature of the website, saying it was a deplorable initiative. I would like to quote the Council of Europe's Secretary-General, who wrote that he is concerned because the website is hosted by a political party which is linked to the governing coalition, and so on and so forth.

Let me add to this that it is unacceptable that EU citizens should become the target of xenophobic and intolerant attitudes because they have exercised their fundamental freedom to move from one Member State to another. The citizens of the 27 Member States have the right to move, work and study wherever they like and they should feel at home no matter where they decide to move. All governments have the duty to ensure that EU citizens from other Member States feel welcome. They must explain to their citizens the important benefits the free movement of citizens has for the economy and for our societies.

The Framework Decision on combating Racism and Xenophobia obliges Member States to make intentional public incitement to hatred against persons punishable. Incitement to xenophobic hate is an offence in Europe, so it is for the Dutch authorities to investigate fully the lawfulness of this website under Dutch law and under Union law. I applaud the joint motion for a resolution by the PPE, the Socialist Group, the Liberals, the Greens and the Communists. That is the right way to proceed: to say altogether, 'no, there is a limit to what one can do'.

The European Union is founded on the values of democracy, non-discrimination and the rule of law. These have to be respected by all, including by national politicians.

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