

Steering Committee on Media and Information Society

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDMSI-BU(2013)003

**4th Meeting - 19 to 20 September 2013
(Warsaw, Hotel Okecie Airport)**

Meeting report

(14/10/2013)

1 & 2. Opening of the meeting – adoption of the agenda

1. The meeting was opened by the Chairperson, Andris Mellakauls. He welcomed Silvia Grundmann, newly appointed Head of the Media Division and Secretary of the CDMSI. The Bureau adopted the agenda (Appendix I). The list of participants appears as Appendix II.

3. Information by the Secretariat

3.1 Draft terms of reference of the Steering Committee on Media and Information Society 2014-2015

2. The Bureau welcomed progress on the preparation of the terms of reference for the CDMSI for 2014-15 and the changes introduced into theme by the Committee of Ministers Rapporteur Group on Human Rights (GR-H) on 17 September 2013. I also noted that expected results reflect key priorities expressed during earlier CDMSI discussions and, to some extent, the expected Ministerial Conference Resolutions. The proposals further reflect budgetary constraints, with only two subordinate bodies, a Committee of Experts on protection of journalism and safety of journalists (MSI-JO) and a Committee of experts on cross-border flow of Internet traffic and Internet freedom (MSI-INT). The Bureau noted that the Committee of Ministers may entrust the CDMSI with additional expected results in light of the upcoming thematic debate (see paragraph 9 below) and the texts which will be adopted at the Belgrade Ministerial Conference.

3. The Bureau asked the Secretariat to inform the CDMSI of the state of play and the next steps until adoption of the terms of reference by the Committee of Ministers.

4. It supported that the duration of CDMSI plenary meetings in 2014-2015 be reduced to three days, but emphasized the need to be focussed and productive during meetings and for flexibility as regards working methods with a better and increased use of electronic exchanges between meetings.

3.2 Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies

In view of recent events, the Bureau took note of the timely adoption of the Declaration by the Committee of Ministers on 12 June 2013. The issue covered by the Declaration was not necessarily at the forefront of events at the time of its preparation but it turned out to be most opportune at the time of adoption.

5. The Bureau also took note of the motion for a resolution of the Parliamentary Assembly of the Council of Europe on "Massive eavesdropping in Europe" tabled on 6 August 2013 and asked the Secretariat to keep the CDMSI informed about developments .

3.3 Recommendation of gender and media

The Bureau took note of and welcomed the adoption of the Recommendation on gender and media by the Committee of Ministers on 10 July 2013.

6. It also took note of the information given by Bissera Zankova and by the Secretariat on a Council of Europe Conference on "Media and the Image of Women" (Amsterdam, 4 and 5 July) where there were calls for a Committee of Ministers text on the subject.

3.4 Committee of Ministers thematic debate, December 2013

The Bureau welcomed information about the Committee of Ministers thematic debate in December 2013. It suggested as a theme the safety of journalists but agreed to seek the views of the CDMSI by 27 September, ahead of the 30 September deadline to submit proposals to the Committee of Ministers Secretariat.

4. The Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, Serbia, 2013)

7. The representative of Serbia informed the Bureau of the appointment of a new Minister of Culture, Mr Ivan Tasovac, and of preparations for the Ministerial Conference. This information was supplemented by the Secretariat.

Draft Political Declaration and Resolutions

8. The Bureau took note that the draft texts were examined by the GR-H with a few delegations making suggestions or comments. The Chair of the GR-H invited member States to forward their observations, in writing, to the Secretariat in time for them to be considered by the CDMSI during the 6 November 2013 meeting.

9. The Bureau agreed on drafting proposals to be submitted to the CDMSI in response to the comments received and event that occurred after the last CDMSI meeting (April 2013). As regards the latter events, the Bureau examined closely the implications for the Ministerial Conference of the reports about the gathering of vast amounts of personal data by security services and the related risk of mass surveillance. It concluded that, while it would not be opportune to propose radical changes to the Conference programme and texts, the matter should be reflected in the draft texts for adoption. Once finalised, the revised drafts will be sent to the CDMSI for comments within two weeks. The draft will be reviewed and finalised by the CDMSI at its meeting in Belgrade on 6 November.

Draft programme for the conference

10. The Bureau took note of work done by the Secretariat to secure the participation of various persons in the Conference sessions in light of CDMSI and Bureau discussions and

decisions. It was particularly pleased to note that Mr Fadi Chehadé, President and Chief Executive Officer of ICANN, has agreed to deliver the keynote speech.

11. The Secretariat was asked to continue its contacts with CDMSI delegations and member States and gather information about the Ministers or Heads of Delegation who will participate in the Conference, as well as the themes under which they would like to address their peers.

12. The Bureau expressed the desirability that the CDMSI work on the draft texts be concluded in the morning of 6 November 2013, thus allowing all members to participate in the meeting organised by the Committee on Culture, Science, Education and Media of the Parliamentary Assembly of the Council of Europe on the afternoon of 6 November. It is expected that the themes for this meeting or reflect those of the Ministerial Conference.

5. Media

Standard setting activities

5.1 Initiatives to strengthen the protection of journalists, other media professionals and bloggers, both as regards preventive measures and effective investigation, taking into account the work conducted by other international organisations, and to foster ethical journalism

13. The Bureau took note of the work by the informal working group on safety of journalists, in particular following its meeting on 17 September.

14. It discussed the draft declaration on the protection of journalism and safety of journalists and other media actors. It considered the changes that were introduced to the first draft following comments formulated by some delegations and the outcome of the last meeting of the informal working group.

15. The Bureau made some changes to the draft. It should be examined by the CDMSI during its December meeting, with a view to its submission to the Committee of Ministers for adoption.

5.2 Transparency of media ownership

16. The Chairperson provided information about a conference organised by the civil society organisations Access Info and Open Society Foundation in Brussels on the topic where 10 principles will be presented. He will attend the conference and will report to the CDMSI in December.

17. The Bureau also took note of a Parliamentary Assembly motion on "Increasing transparency of media ownership", tabled on 30 January 2013. In this connection, it recalled the Committee of Ministers Recommendation R(94)13 and related references in subsequent CM texts, and agreed on the desirability to provide an intergovernmental update into the matter, for example in the form of a Committee of Ministers declaration on the degree of take up by member states of the earlier 1994 Recommendation, and alerting to the risks which lack of transparency entail for democracy and for media pluralism and diversity. However, the Bureau noted that the Secretariat is already overstretched.

Cooperation activities

5.3 On-going and future activities

18. The item will be considered by the CDMSI at its meeting in December when an up-date of activities and projects will be presented.

5.4 Implementation of Committee of Ministers Declaration of 13 January 2010

19. The Bureau took note of the Secretary General's report to the Committee of Ministers on the implementation of the Declaration and of the CM decisions that followed. The Committee of Ministers will pursue examination of this matter in due course.

6. Information Society and Internet Governance

Standard setting activities

6.1 Compilation of existing rights of Internet users (MSI-DUI)

20. The Vice-Chairperson informed of progress in the work of the Committee of Experts on rights of Internet users.

21. The Bureau noted in particular that background papers and drafts were discussed by the CDMSI and also at the EuroDIG in Lisbon, in June 2013. It is expected that, following the upcoming MSI-DUI meeting on 1 and 2 October, there will be multi-stakeholder consultations both electronically and during the IGF in Indonesia (22 -25 October). The MSI-DUI proposals, in the form of a "guide" for internet users, should be examined by the CDMSI at its December meeting with a view to its submission to the Committee of Ministers for adoption.

22. The Bureau congratulated the Expert Committee on its excellent work. It strongly supports the user-friendly format adopted in the last version of the Compendium.

6.2 Follow-up to specific instruments on the Internet adopted by the Committee of Ministers

23. The Bureau took note of the information provided by the Secretariat on a multi-stakeholder conference that will be held in Strasbourg on 24-25 September 2013 on "*Protecting Internet freedom: a shared commitment*" and in particular it noted its format, content and expected outcome. A report will be presented to the CDMSI at its December meeting.

6.3 Drafting of an instrument on cross-border flow of Internet traffic

24. The Bureau took note of the information by the Secretariat on preliminary work on this subject. An expert report with proposals for possible further action is in preparation and should be available for CDMSI consideration at the December meeting.

Cooperation and outreach activities

6.4 European Dialogue on Internet Governance (EuroDIG - Lisbon, 20-21 June 2013)

25. The Bureau took note of information provided by the Secretariat and the members who attended the meeting. It expressed its appreciation of the organisation and the work carried out. It emphasized the importance of the Council of Europe commitment to EuroDIG which plays a key role in ensuring the quality of debates.

6.5 Internet Governance Forum (IGF, Indonesia, 21-25 October 2013)

26. The Bureau took note of intended Council of Europe participation and contribution to the up-coming IGF. While welcoming its active participation, in view of the amount of work to be done, it regretted the very limited representation of the Secretariat and Council of Europe experts.

6.6 Council of Europe Internet Governance Strategy 2012-2015

27. The Bureau took note of the information given by the Secretariat. A mid-term review of the implementation of the Strategy is being prepared and will be communicated to the CDMSI for its December meeting.

7. Data protection

Standard setting activities

7.1 Information concerning the instruments currently under review by the T-PD: Convention 108

28. The Secretariat informed the Bureau on the last developments.

The Ad hoc Committee on Data Protection (CAHDATA) was given terms of reference until end 2013, enabling it to advance its work. New terms of reference are being prepared for next year, while some delegations expressed the opinion that there is a need for longer meetings.

29. The Bureau took note of the developments. It is aware of proposals to consider a convention in other fora and expressed concerns about consistency and duplication.

7.2 Other relevant work of the T-PD

Recommendation on the protection of privacy in the media coverage (Ukraine project)

30. During its 3rd meeting, the CDMSI “agreed to submit feedback as to the usefulness of this document” by 1 June 2013. Only one set of comments were received (Bulgaria), which the Bulgarian representative detailed.

31. The Bureau took note of Bulgarian comments and active involvement; it also noted that there has not been sufficient feedback to assess whether there is interest in pursuing more work on the topic.

8. CDMSI exchanges of views with other organisations

Report by the EC High Level Group on Media Freedom and Pluralism

32. The Bureau took note of reactions in some member States.

On 2 October, an informal meeting of the European ministers will be held in Vilnius to discuss the report in the light of the European Commission Green Paper – Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values. The Bureau took note of this information and would welcome a report to the CDMSI in December on the Vilnius meeting.

CMFE Conference on Media Diversity for Democracy 4-6 October, 2013, Brno

33. Bissera Zankova was invited to participate in the Conference and will report to the CDMSI in December.

9. Other questions

Exchange of letters between the Chairperson of Eurimages, Mr Jobst Plog and the Council of Europe Secretary General

The Bureau took note of the exchange of letters. In the light of the event in Greece, it expressed concerns about the risks of shutting down public service broadcasters and suggested that this issue be considered by the CDMSI.

Appendix I

Meeting Agenda

4th meeting – 19 September (2.30 pm) to 20 September 2013 (6.30 pm)
Airport Hotel Okęcie, 17 Stycznia Street no. 24 02-146 Warsaw

CDMSI-BU(2013)OJ2Rev
(16/09/2013)

- 1. Opening of the meeting**
- 2. Adoption of the agenda**
- 3. Information by the Chair and the Secretariat**

| | |
|------------------|---|
| <i>Documents</i> | <i>Draft Terms of Reference for the Steering Committee on Media and Information Society – CDMSI for 2014-2015</i> |
|------------------|---|

Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies

| | |
|------------------|---|
| <i>Documents</i> | <i>Committee of Ministers declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies – adopted 12/6/2013</i> |
|------------------|---|

Recommendation on gender equality and media

| | |
|------------------|---|
| <i>Documents</i> | <i>Recommendation on gender equality and the media “Media and the image of Women” – Conference of the Council of Europe Gender Equality Commission organised in partnership with the Ministry of Education, Culture and Science of the Netherlands – Amsterdam, 4-5 July 2013</i> |
|------------------|---|

Parliamentary Assembly of the Council of Europe

| | |
|------------------|--|
| <i>Documents</i> | <i>“Massive eavesdropping in Europe” Motion for a resolution tabled by Mr Pieter OMTZIGT and other members of the Assembly</i> |
|------------------|--|

- 4. Council of Europe Conference of Ministers responsible for Media and Information Society (Serbia, 2013)**

| | |
|------------------|--|
| <i>Documents</i> | <i>Background documents:</i> <i>CDMSI(2012)Misc1 - Discussion paper on possible modifications of the “public watchdog” term in the new media environment (M.Traimer – Austria)</i> <i>CDMSI(2012)Misc2 - “I don’t speak on behalf of...” - Agile Movements, Fluid Politics and the new Democratic Bargain (Ren Reynolds)</i> |
|------------------|--|

| | |
|--|--|
| | <p><i>CDMSI(2012)Misc3 - Access to the Internet – a human right? (A.Mellakauls Latvia)</i></p> <p><i>CDMSI(2012)Misc5 - Background paper on connected television (France)</i></p> <p><i>CDMSI(2012)Misc6 - Regulating freedom of expression and association online – regulating democracy? (Switzerland)</i></p> <p><i>CDMSI(2012)Misc8 – The power of the screens</i></p> <p><i>CDMSI(2012)Misc9 - The Future of Regulation – non paper I</i></p> <p><i>CDMSI(2012)Misc10 - Notes on the possible issues to be discussed during the Belgrade conference on media and information society (prepared by Bissera Zankova)</i></p> <p><i>CDMSI(2012)Misc12- Proposal by Andris Mellakauls for an outline programme</i></p> <p><i>CDMSI(2012)Misc14 – Proposal by Community Media Forum Europe</i></p> <p><i>CDMSI(2012)Misc15Rev – “Concept paper” prepared by the Secretariat</i></p> <p><u>New documents</u></p> <ul style="list-style-type: none"> - Draft programme (Conference Home page www.coe.int/confmedia2013) - -Draft political declaration and Resolution – MCM(2013)01Rev7 (not on line) |
|--|--|

5. Media

Standard setting activities

5.1 Initiatives to strengthen the protection of journalists, other media professionals and bloggers, both as regards preventive measures and effective investigation, taking into account the work conducted by other international organisations, and to foster ethical journalism

| | |
|-----------|---|
| Documents | <p>-“Thematic debate: Media Freedom” CM decision – SG/Inf(2011)27</p> <p>-“Thematic debate on the safety of journalists” - Discussion paper presented by the Secretary General - SG/Inf(2012)6</p> <p>- UN plan of action on the safety of journalists and the issue of impunity</p> <p>- Resolution on Safety of Journalists – Human Rights Council, 21st session</p> <p>-ECHR report on positive obligations under Article 10</p> <p>Draft report on defamation, CDMSI (2012)Misc11Rev2</p> <p>- Secretariat paper on the Protection of Journalists /Journalism, agreed by the CDMSI – CDMSI(2012)011Rev2</p> <p>- The activities of organisations in Europe working for the protection & safety of journalists and to combat impunity, by W.Horsley – CDMSI(2013)Misc1</p> <p>- Expertise by Dovydas Vitkauskas: the principles extracted from ECHR case-law on the protection of journalism and the safety of journalists- CDMSI(2013)Misc2</p> <p>- Expertise by Philip Leach: The principles which can be drawn from the case-law of the European Court of Human Rights relating to the protection and safety of journalists and journalism- CDMSI(2013)Misc3</p> |
|-----------|---|

| | |
|--|---|
| | - Draft Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors – CDMSI(2013)007 |
|--|---|

5.2 Transparency of media ownership

| | |
|-----------|---|
| Documents | -Presentation by Fiona Harrison CM Recommendation No. R(94)13 on measures to promote media transparency -CM Declaration (2007) on protecting the role of the media in democracy in the context of media concentration -PACE motion of 30/01/2013 on “Increasing transparency of media ownership” |
|-----------|---|

Cooperation and outreach (capacity building, best practice in the field)

5.3 On-going and future activities

| | |
|-----------|--|
| Documents | -Presentation of on-going and planned activities MEDIA.COOP(2012)001 -General information sheet |
|-----------|--|

5.4 Implementation of CM Declaration of 13 January 2010

| | |
|-----------|--|
| Documents | -Declaration on measures to promote the respect of Article 10 of the European Convention on Human Rights -Secretary General’s report to the Committee of Ministers -Committee of Ministers decisions |
|-----------|--|

6. Information Society and Internet Governance

Standard setting activities

6.1 Compilation of existing rights of Internet users (MSI-DUI)

| | |
|-----------|---|
| Documents | -Draft Recommendation on human rights for Internet users -Terms of reference of the Committee of Experts on Rights of Internet Users (MSI-DUI) adopted on 6 July 2012 -Report of the 3rd meeting of the MSI-DUI (20-21/03/2013) – MSI-DUI(2013)05 |
|-----------|---|

6.2 Follow-up to specific instruments on the Internet adopted by the Committee of Ministers

| | |
|-----------|---|
| Documents | -Declaration on Internet Governance principles -Recommendation on the protection and promotion of the universality, integrity and openness of the Internet -Declaration on network neutrality |
|-----------|---|

| | |
|--|--|
| | <ul style="list-style-type: none"> -Proposed action agreed by CDMSI -Outcome paper (+ background input paper) from the Council of Europe Multi-Stakeholder Dialogue on Network Neutrality and Human Rights (Strasbourg, 29-30 May 2013) – CDMSI(2013)Misc18 -Conference “Internet freedom – a shared commitment” Strasbourg, 24-25 September 2013 |
|--|--|

6.3 Drafting of an instrument on cross-border flow of Internet traffic

| | |
|-----------|--|
| Documents | <ul style="list-style-type: none"> -Experts findings report on interferences with cross-border flow of Internet traffic -Preliminary report on scenarios of interference with Internet traffic which may have an impact on access to information across borders - CDMSI(2012)015 |
|-----------|--|

Cooperation and outreach activities (capacity building, best practice in the field)

6.4 European Dialogue on Internet Governance (EuroDIG – Lisbon 20-21 June 2013)

| | |
|-----------|--------------|
| Documents | EuroDIG 2013 |
|-----------|--------------|

6.5 Internet Governance Forum (IGF, Indonesia, 22-25 October 2013)

| | |
|---------------------------|--------------------------------|
| Notes and expected action | Information by the Secretariat |
|---------------------------|--------------------------------|

6.6 Council of Europe Internet Governance Strategy 2012-2015

| | |
|-----------|--|
| Documents | Follow-up chart to the Council of Europe Internet Governance Strategy 2012-2015 – up-date by the Secretariat |
|-----------|--|

7. Data protection

Standard setting activities

7.1 Information concerning the instruments currently under review by the T-PD: Convention 108

| | |
|-----------|--|
| Documents | <ul style="list-style-type: none"> -Abridged Report of the 29th Plenary meeting of the T-PD (27-30 November 2012) -Abridged Report of the 29th meeting of the Bureau of the T-PD (5-7 February 2013) -Abridged Report of the 30th meeting of the Bureau (28-30 May 2013) -Terms of reference of the ad hoc Committee on data protection (CAHDATA) |
|-----------|--|

7.2 Other relevant work of the T-PD

| | |
|-----------|--|
| Documents | -Recommendation on the protection of privacy in media coverage (Ukraine project) |
|-----------|--|

| | |
|--|---|
| | <i>-Information note by the Secretariat</i> |
|--|---|

8. CDMSI exchanges of views with other organisations

| | |
|------------------|---|
| <i>Documents</i> | <i>Report by the EC High Level Group on Media Freedom and Pluralism</i> |
|------------------|---|

9. Other questions

| | |
|------------------|--|
| <i>Documents</i> | <i>-Mr. Jobst Plog's (Chairman of Eurimages) letter to CoE Secretary General -CoE Secretary General's answer to Jobst Plog</i> |
|------------------|--|

General reference documents:

- *CDMSI terms of reference 2012-2013*
- *Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods*
- *Resolution CM/Res(2011)7 on Council of Europe conferences of specialised ministers*

Recent meeting reports:

- *CDMSI(2012)019rev – abridged report of the 3rd meeting of the CDMSI*
- *CDMSI(2012)021- report of the 3rd meeting of the CDMSI*
- *Follow-up chart to the 1st meeting of the CDMSI – up-date as of 13/02/2013*
- *CDMSI(2012)009rev6 – Calendar of meetings and events in 2013 – up date as of 06 August 2013*

Appendix II

LIST OF PARTICIPANTS

**2ND MEETING OF THE BUREAU OF THE
STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY
(CDMSI-BU), 19-20 MARCH 2013
Hotel Okecie Airport, Warsaw**

Mr Andris Mellakauls (Chair/Président), Information Space Integration, Ministry of Culture, Latvia/Lettonie

Ms Maja Rakovic (Vice Chair/ Vice Président) , Counsellor, Ministry of Foreign Affairs, Serbia /Serbie

Mr Mark Carvell, Media Team, Department for Culture, Media and Sport, United Kingdom /Royaume- Uni

Mr Garegin Chugaszyan, Executive Director, IT Foundation, Armenia/Armenie

Mr Emir Powlakic, Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory, Bosnia and Herzegovina/Bosnie-Herzegovine

Thomas Schneider, International Affairs, Federal Office of Communication, Federal Department for the Environment, Transport, Energy and Communication, Switzerland/Suisse

Ms Bissera Zankova, Media Expert / Consultant, Ministry of Transport, IT and Communications, Bulgaria/Bulgarie

SECRETARIAT

Mr Jan Malinowski, Head of Information Society Department, Directorate General of Human Rights and Rule of Law

Ms Silvia Grundmann, Secretary of the CDMSI, Appointed Head of Media Division, Directorate General of Human Rights and Rule of Law (DGI)

Ms Onur Andreotti, Administrator, Media Division, DG I

Ms Anne Boyer-Donnard, Principal Administrative Assistant, Media Division, DG I

Ms Elvana Thaci, Administrator, Internet Governance Unit, DGI

(Gender distribution of the 6 Bureau members attending the meeting: 2 women (33%), 4 men (67%))