



Strasbourg, 17 November 2005

T-TT(2005)018

EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION

STANDING COMMITTEE ON TRANSFRONTIER TELEVISION

(T-TT)

**39th meeting
3-4 October 2005
Human Rights Building, Strasbourg
Room of the Directorate General**

Report

Items 1 and 2 of the agenda: **Opening of the meeting and adoption of the agenda**

1. The meeting was opened by the Chairperson of the Standing Committee, Mr Boris BERGANT (Slovenia), who welcomed Delegates and Observer Delegates. The list of participants is set out in Appendix I.
2. The Standing Committee adopted the report of the 38th meeting (see Document T-TT (2005) 002).

Convention. He suggested postponing the setting up of this working group to the subsequent meeting.

16. The Committee decided to come back to the question of the working group's membership at its subsequent meeting.

c. Questions concerning the aim of the Convention, jurisdiction, freedom of reception and retransmission, the commitments of the Parties to the Convention, advertising directed at a single party and allegations of abuse of rights granted under the Convention

17. The Polish Delegate presented the revised version of his document (see Document T-TT (2005) 10). He stressed that the Committee should not passively await the outcome of the process of reviewing the Directive on Transfrontier Television, but should attempt to influence the debate. He drew attention to the proposed amendments set out in paragraph 4, page 9 of his document, and invited Delegates to express their views on outstanding issues, such as the drafting of a provision relaxing the principle of the jurisdiction of the country of origin in cases of abuse of this principle, and the definitions of the expressions used in the Convention (see § 4.2.2 of Document T-TT (2005) 10).

18. A discussion ensued on the working strategy to be adopted in the light of the ongoing process in the European Union, as well as on some of the proposals set out in Document T-TT (2005) 10.

The Polish Delegate pointed out that a consensus had now emerged on the fact that the Convention should remain technologically neutral. The questions that had not yet been settled were the definition of non-linear services and relaxing the principle of the jurisdiction of the country of origin in order to combat the abuse of this principle and to encourage co-operation and information exchange among member States.

One delegation observed that Article 10 of the European Convention on Human Rights could be seen as applying to non-linear services.

19. Following the discussions it was decided that at the subsequent meeting, the Polish Delegate would table a two- to four-page abridged version of his document setting out proposed wordings for provisions of the future Convention.

d. Questions concerning the protection of minors and respect for human dignity

20. The German Delegate presented her discussion paper (see Document T-TT (2005) 13), which she had revised in the light of the remarks made by the Committee at its previous meeting and the written observations which she had received from a number of Delegations.

The Bulgarian Delegate explained that her contribution included some translation (from Bulgarian to English) mistakes at crucial points in the text, and that she would be forwarding a different translation correcting these mistakes in the near future.

21. The Hungarian Delegate said that the provisions on protection of human dignity should set the requisite limits in all the relevant fields, and that great importance should also be attached to public health issues.

A discussion ensued on the issue of protecting minors, especially the use of pictograms suited to the culture of each individual State, and the respective role of media literacy and parents responsibility, where protection of minors was concerned. Following this discussion, one Delegate said that protection was not enough, and that what was needed was a proactive attitude, which should also embrace TV programmes specifically targeting children.

22. The Committee decided to resume discussions at the subsequent meeting on the basis of the German Delegate's document, which would be revised in the light of the discussions at the present meeting and up-to-date information on recent work in the European Union.

(ii) Information from the Observer Delegate of the European Commission on progress in the work concerning the review of the "Television Without Frontiers" Directive

23. The Observer Delegate of the European Commission outlined the results of the consultations that had been held prior to and during the Liverpool Conference on the following subjects:

- **Scope of the Directive:** technological neutrality was an important principle to all the parties involved. Some basic regulation should therefore apply to all services having an audiovisual content. However, a horizontal approach can work only if linear and non-linear services are subject to a different type of regulation;
- **Advertising:**
 - the most hotly debated issue had been whether product placement was a legitimate advertising method;
 - qualitative rules on advertising would remain unchanged, while more flexibility in quantitative rules could be introduced.- Co and self-regulation were considered useful and progress done in that respect in many EU states was noted;
- **Protection of minors:** these values should remain valid for non-linear services;
- **Cultural diversity:** there would be no intention to introduce quotas for European works for non-linear services;
- **Media pluralism:** although this subject was not included in the Directive, it was nevertheless discussed, and the question arose of the European Union's role in this context. The result of the consultation was that it is the Member States who are responsible for ensuring effective media pluralism. However, the Commission was interested, *e.g.*, in setting up a European observatory on the topic;
- the Observer Delegate of the European Commission said that **the right of reply and the right to short reports** had been discussed in depth and that a consensus had emerged on the fact that these issues should be further considered.

24. In conclusion, the Observer Delegate of the European Commission stated that the Commission would be working now on a draft to be adopted by the end of the year.

Item 9 of the agenda:

**Access by the public to events of major importance:
Information on progress in the work on a draft
Recommendation on the right to short reporting on
major events where exclusive rights have been
acquired**

30. The Secretariat informed the Committee that although the Ad hoc Working Group on Exclusive Rights and the Right of the Public to Information (MM-WG-EX) had completed its work, it had been unable to produce a final draft recommendation because many of the Delegations had been unable to consult their authorities on various controversial aspects. The CDMC had therefore decided to include the draft Recommendation on the agenda of its second meeting.

Item 10 of the agenda:

Other business

(i) Dates of forthcoming meetings

31. Drawing on the proposals from the CDMC Bureau, taking account of all the meetings to be held in 2006, the Standing Committee would shortly be consulted on the dates of the 2006 meetings.

(ii) Timetable for future work

Pro memoria.

(iii) Other questions***Request for an informal discussion with the Ministers' Deputies***

32. The Moldovan Delegate asked the Committee to hold an informal discussion on extreme violence in news programmes in Moldova and proposed approaches by the CCA (Coordinating Council for the Audiovisual Sector) to settle the problem.

33. The Delegates unanimously declared that a regulating authority could not interfere with the content of news reports, and, on the more general question of protecting minors from violence, referred back to the discussions held under item 6 d) of the agenda.

Accession of new States to the Convention

34. The Chairperson invited Delegates and the Secretariat to consider how new States could be encouraged to accede to the Convention.

35. Several ideas were put forward:

- contacting the Permanent Conference of Mediterranean Audiovisual Operators (COPEAM) in order to explore the possibility of the Secretariat or a Standing Committee Delegate attending a COPEAM meeting, thus providing an opportunity to present the Convention on Transfrontier Television to all participants;

- sending a letter to all Council of Europe member States which had not signed and/or ratified the Convention, inviting them to do so;
- contacting the authorities of countries with cable TV channels to invite them to one or more Standing Committee meeting(s); contacting the regional broadcasters' unions worldwide.

36. In conclusion, the Chairperson invited the Secretariat to contact the Permanent Conference of Mediterranean Audiovisual Operators and to continue discussions with Council of Europe member States that had not signed and/or ratified the Convention.

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APPENDIX II**Agenda**

- 1. Opening of the meeting**
- 2. Adoption of the agenda**
- 3. Signatures and ratifications of the revised Convention**
- 4. Information on the discussions and decisions taken by the CDMC concerning the T-TT**
- 5. Request for interpretation of the Convention by Bosnia and Herzegovina**
- 6. The impact of technological and market changes in the broadcasting sector on the European Convention on Transfrontier Television**
 - (i) Continuation of the review of the provisions of the Convention**
 - a. Questions concerning the right to information and cultural objectives: access to major events, short reports, cultural objectives, media pluralism, right of reply (Articles 8, 9, 9a, 10 and 10a)**
 - b. Questions concerning advertising, sponsorship and teleshopping**
 - c. Questions concerning the scope of the Convention, jurisdiction, freedom of reception and retransmission, the duties of the Parties to the Convention, advertising directed at a single Party and the abuse of rights granted by the Convention**
 - d. Questions concerning the protection of minors and respect for human dignity**
 - e. New issues to be incorporated to the Convention**
 - (ii) Information by the Observer Delegate of the European Commission on progress of work concerning the review of the “Television Without Frontiers” Directive**
- 7. Examination of the proposal of Latvia to amend Article 19 of the Convention**
- 8. Examination of the report on possible measures to implement the recommendation on the protection of minors from pornographic programmes**
- 9. Access by the public to events of major importance: Information on progress concerning the work on a draft Recommendation on the right to short reporting on major events where exclusive rights have been acquired**
- 10. Other business**
 - (i) Dates of forthcoming meetings**
 - (ii) Planning of future work**