



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 14 September 2004

ECCA(2004)004

**EUROPEAN CONVENTION ON THE LEGAL PROTECTION OF SERVICES
BASED ON, OR CONSISTING OF, CONDITIONAL ACCESS**

**MULTILATERAL CONSULTATION MEETING
ON THE IMPLEMENTATION OF THE CONVENTION**

**1st meeting
13 September 2004
Human Rights Building, Strasbourg**

REPORT

Introduction

1. The first multilateral consultation meeting on the implementation of the convention took place in Strasbourg on 13 September 2004, with Mr Constantinos HADJIPAVLOU (Cyprus) in the Chair.
2. The list of participants is set out in Appendix I. The agenda, as adopted, is shown in Appendix II; it also refers to the working documents. The Rules of Procedure are set out in Appendix III.

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

3. The Secretariat opened the meeting, welcomed the Delegates and Observers and went through the agenda, which was then unanimously adopted.

Item 3 on the agenda: Signatures and ratifications of the Convention

4. The Delegates briefly described the situation regarding the implementation of the Convention in their respective countries. The Observers informed the meeting of the prospects for their countries' accession and of the state of progress of ratification procedures, where these were under way. Switzerland, France and Turkey intended to ratify the Convention within the next two years. The European Commission's observer indicated that the ratification of the Convention by the European Union was not on the Commission's work programme for 2005. Ratification could nonetheless be envisaged in 2006.

Item 4 on the agenda: Consideration and adoption of the Rules of Procedure for the multilateral consultation meetings

5. The Delegates discussed the draft Rules of Procedure prepared by the Secretariat and adopted them after having made some amendments.

Item 5 on the agenda: Election of the Chairperson and Vice-Chairperson

6. Mr HADJIPAVLOU, Delegate of Cyprus, was elected Chairperson, and Ms GALCOVSKI, Delegate of Moldova, was elected Vice-Chairperson. In accordance with Article 7 § 1 of the Rules of Procedure, their term of office would be four years.

Item 6 on the agenda: Exchange of views on the application of the Convention in States Parties**a. National measures and their implementation**

7. The Delegates cited examples of the measures implemented in parallel with or following the ratification of the Convention. In most countries, specific rules on the protection of services based on, or consisting of, conditional access had been introduced by legislation. The nature of the penalties laid down for breaking these rules varied from one country to another. In that connection, the Chairperson asked the Secretariat to prepare, for the next multilateral consultation meeting, a list of the penalties provided for in the various countries, including European Union member States, which were covered by Directive 98/84/EC.

b. Areas of concern and good practices

8. The Delegates voiced concerns about the difficulties encountered in taking measures against those who violate the provisions implementing the Convention. These were primarily due to the inadequate training of the staff required to conduct administrative or police investigations. The Delegates also drew attention to the need to heighten public awareness of the fact that producing and distributing illicit devices was against the law.

Item 7 on the agenda:**Information on the implementation of Directive 98/84/EC**

9. The Observer of the European Commission presented the Commission's report of 20 November 2003 on the implementation of Directive 98/84/EC. A new report was scheduled in 2006. There were no plans to revise the directive before the adoption of this next report.

Item 8 on the agenda:**Other business**

10. Following the discussion held under item 6, the Delegates asked the Secretariat to look into the possibility of organising training sessions, possibly in cooperation with the European Commission, for law-enforcement officers responsible for combating illicit access to conditional access services. The Chairperson proposed that the Secretariat draw up a questionnaire for States Parties on the state of implementation of the Convention and keep in contact with the Chairperson and the Delegates on an annual basis.

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Appendix I**List of participants****MEMBER STATES / ETATS MEMBRES****Bulgaria/Bulgarie**

Mme Julia TSANOVA, Expert d'Etat, Ministère des Transports et des Communications, SOFIA

Cyprus/Chypre

Mr Constantinos HADJIPAVLOU, Administrative Officer, Ministry of Justice and Public Order, NICOSIA

Greece/Grèce

M. Dimitris I. KOUSTAS, Conseiller de Presse, Représentation Permanente de la Grèce auprès du Conseil de l'Europe, STRASBOURG

Mme Maria LOUCA, Attachée de presse, Représentation Permanente de la Grèce auprès du Conseil de l'Europe, STRASBOURG

Iceland/Islande

Mr Valur ARNASON, Director of Legal and Public Affairs, Ministry of Education, Science and Culture, REYKJAVIK

Moldova

Ms Vera GALCOVSKI, Head of Division for International Relations and European Integration, Council for Coordination of Audiovisual (CCA), CHISINAU

Romania/Roumanie

M. Eugen CADARU, Counsellor, Ministry of Culture and Religious Affairs, BUCHAREST

Switzerland/Suisse

M. Daniel KÖHLER, Division radio et télévision, Office fédéral de la communication, Département fédéral de l'environnement, des transports, de l'énergie et de la communication, BIENNE

Turkey/Turquie

Mr Nuran YARDIMCI, Radio and Television Supreme Council, Bilkent, ANKARA

European Commission/Commission européenne

Mme Caroline LOUP, General Direction Internal Market, Unit E2 - Service II

SECRETARIAT

Mr Christophe POIREL, Head of Media Division, Directorate General of Human Rights - DG II/ Chef de la Division Media, Direction Générale des Droits de l'Homme - DG II (Secretary to the Committee/Secrétaire du Comité)

Ms Alessia SONAGLIONI, Administrator, Media Division, Directorate General of Human Rights – DG II/Administratrice Division Media, Direction Générale des Droits de l'Homme - DG II

INTERPRETERS/INTERPRETES

Mme Monique PALMIER

Mme Katia DI STEFANO

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Appendix II

Agenda

1. Opening of the meeting

2. Adoption of the agenda

Working documents

- Draft agenda (Document ECCA (2004) OJ 1)
- Annotations on the draft agenda (Document ECCA (2004) 2)

3. Signatures and ratifications of the Convention

Working document

- Secretariat Memorandum (Document ECCA (2004) 3)

4. Consideration and adoption of the Rules of Procedure for the multilateral consultation meetings

Working document

Draft Rules of Procedure prepared by the Secretariat (Document ECCA (2004) 1)

5. Election of the Chairperson and Vice-Chairperson

6. Exchange of views on the application of the Convention in States Parties

a. National measures and their implementation

b. Areas of concern and good practices

Working documents

- European Convention on the Legal Protection of Services Based on, or Consisting of, Conditional Access and its Explanatory Report

7. Information on the implementation of Directive 98/84/EC

Working document

- Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the implementation of Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, and consisting of, conditional access
COM(2003) 198 final

8. Other business

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Appendix III**RULES OF PROCEDURES OF MULTILATERAL CONSULTATIONS**

Adopted by the Multilateral Consultation on 13 September 2004

The Parties to the European Convention on the Legal Protection of Services Based on, or Consisting of, Conditional Access

Having regard to Article 9, paragraph 5 of the Convention

Adopt these Rules of Procedure of Multilateral Consultations

Article 1

For the purpose of these Rules of Procedures, the following definitions are used:

- “Convention” means the European Convention on the Legal Protection of Services Based on, or Consisting of, Conditional Access;
- “Multilateral Consultation” means the Multilateral Consultation of the Parties to the Convention;
- “Delegate” means any representative of a Party appointed in accordance with the provisions of Article 9 paragraph 2 of the Convention;
- “Observer” means any observer of a member State of the Council of Europe, of other States Party to the European Cultural Convention and the European Community, which is not a Party to the Convention.

Article 2

Delegates

Each Party shall communicate to the Secretary General of the Council of Europe the name, address and functions of its delegate(s).

Article 3

Observers

Any member State of the Council of Europe, any State party to the European Cultural Convention and the European Community, which is not a Party to the Convention shall communicate to the Secretary General of the Council of Europe the name, address and functions of its observer(s).

Article 4

Venue

The Multilateral Consultations shall be held at the Council of Europe headquarters, unless a majority of the Parties decides otherwise.

Article 5
Convocation

1. The Multilateral Consultations shall be convened every two years, and, in any event, whenever a Party so requests, by letter of the Secretary General sent to the governments and the European Commission.
2. The letter of convocation, accompanied by the draft agenda, shall be sent at least six weeks before the date fixed for the opening of the Multilateral Consultation.

Article 6
Quorum

A majority of Delegates shall constitute a quorum for holding a Multilateral Consultation.

Article 7
Chairperson and Vice-Chairperson

1. The Chairperson and the Vice-Chairperson shall be elected for four years from among the Delegates at the majority of the votes cast.
2. The Chairperson and Vice-Chairperson may be re-elected for a second consecutive term.
3. The Chairperson shall direct the work and sum up the conclusions of the discussions. During the period between meetings, he/she shall maintain contacts with the Secretariat for the preparation of the meetings and any other issues arising in connection with the application of the Convention.
4. The Chairperson shall retain the right to participate in the discussions of the Multilateral Consultation and to vote.
5. Whenever the Chairperson is absent or stands down, he/she shall be replaced by the Vice-Chairperson.

Article 8
Secretariat

1. The Secretary General of the Council of Europe shall provide the Multilateral Consultation with the necessary staff and facilities.
2. The Secretary General or his Representative may at any time make an oral or written statement on any matter under discussion.
3. The Secretariat shall be responsible for the preparation and distribution of all documents to be examined by the Multilateral Consultation.

Article 9
Agenda

The agenda is adopted at the beginning of the Multilateral Consultation on the basis of the draft prepared by the Secretariat and appended to the convocation.

Article 10

Languages

1. The official languages of the Multilateral Consultations shall be those of the Council of Europe.
2. Any delegate or observer may, however, use a language other than an official language provided that he shall himself provide for interpretation into one of the official languages.
3. Any document submitted in a language other than one of the official languages shall be accompanied by a translation into one of the official languages.

Article 11

Communications to the press

1. Unless otherwise decided by the Delegates, Multilateral Consultations shall be held in private.
2. By unanimous agreement, the Parties may decide, at the end of a Multilateral Consultation, to make appropriate press statements on the decisions taken during the Multilateral Consultation.

Article 12

Voting

Subject to the provision of Article 10, paragraph 3 of the Convention and Article 11 of these Rules of Procedure, the Multilateral Consultation shall take its decisions at the majority of the votes cast, including the adoption of recommendations to the Committee of Ministers.

Article 13

Report

1. Before the end of the meeting, the Multilateral Consultation shall adopt a list of conclusions which will serve as the basis for the report to the Committee of Ministers provided for in Article 9, paragraph 4 of the Convention.
2. The Secretariat shall prepare as soon as possible after the Multilateral Consultation a report on the works in consultation with the Chairperson and the Vice-Chairperson and forward it to the Committee of Ministers.

Article 14

Amendments of the Rules of procedure

These Rules of Procedure may be amended at any time.

Article 15

Entry into force of the Rules of Procedures

The present Rules of Procedure shall enter into force immediately after their adoption.