

Terms of reference of the Committee of Experts on New Media (MC-NM)

1.	Name of Committee:	Committee of Experts on New Media (MC-NM)
2.	Type of Committee:	Committee of Experts
3.	Source of terms of reference:	The Committee of Ministers upon the proposal of the Steering Committee on the Media and New Communication Services (CDMC)
4.	Terms of reference:	
	Having regard to:	
-		Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
-		Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005; CM(2005)80 final 17 May 2005), in particular chapter I.3. “Strengthening democracy, good governance and the rule of law in member states”;
-		Resolution “Towards a new notion of media” and the corresponding Action Plan to be adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, 28-29 May 2009);
-		Convention for the Protection of Human Rights and Fundamental Freedoms (1950, CETS No. 5), its additional protocols and the case-law of the European Court of Human Rights.
		Under the authority of the Steering Committee on the Media and New Communication Services (CDMC) and in relation to the implementation of the Programme Good Governance, Internet and Media (<i>Democracy / Promoting Democratic Governance and Stability</i>) of the [draft] Council of Europe Programme and Budget 2011, the Committee is instructed to:
i.		Continue to examine whether the understanding of what are media and mass communication services remains valid in the new information and communications environment. If appropriate, elaborate a policy document reviewing the concept itself to include relevant new media and media-like mass communication services and service providers. Explore whether and, if so, how Council of Europe standards that were developed for traditional forms of mass communication, apply to the new services or service providers. Particular regard should be paid to the need for and the modalities (e.g. self-regulation, co-regulation or regulation) of regulatory activities required to ensure respect for Council of Europe values in the framework of new media and media-like mass communication services.

ii.	<p>Pursue the exploration of the challenges to individual's (in particular, children and young people) rights to freedom of expression and information, privacy and other fundamental rights, as well as to their dignity and security on the Internet. Address in particular, the following issues: possibilities of removal of content children create or place on the Internet, the effect of newer or emerging modes of mass dissemination of, and access to, content, and the associated retention, processing and exploitation of data have on the rights protected under Article 10 of the European Convention on Human Rights;</p> <p>In consultation with relevant stakeholders, develop appropriate guidance, benchmarks and tools to protect users' rights.</p>
iii.	<p>Examine the draft texts prepared by the Ad hoc Advisory Groups reporting to the CDMC with a view to elaborate on them before, if deemed appropriate before submitting them to it.</p>
5.	Composition of the Committee:
5.A.	Members
	<p>Governments of member states are entitled to appoint representatives and/or independent experts in new media and information society, in particular, on rights and responsibilities of new communication services and regulation in new communication environments. As regards meetings of the Committee, the Council of Europe budget will bear the travel and subsistence expenses of the 15 members appointed by the following member states: Austria, Bulgaria, Estonia, France, Germany, Lithuania, Netherlands, Norway, Poland, Spain, Russian Federation, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom.</p> <p>Representatives and/or independent experts appointed by other member states may participate in the meetings of the Committee at the expense of these states.</p> <p>Each member state participating in the meetings of the Committee has the right to vote in procedural matters. If a government designates more than one member, only one of them is entitled to take part in the voting.</p>
5.B	Participants
	<p>The Conference of INGOs of the Council of Europe may send representatives to meetings of the Committee, without the right to vote and at the expense of the body that they represent.</p>
5.C.	Other Participants
	<p>The European Commission may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.</p>
5.D.	Observers

	<p>The following non-governmental organisations may send representatives to meetings of the Group, without the right to vote or defrayal of expenses:</p> <ul style="list-style-type: none"> - Association of Commercial Television in Europe (ACT); - European Broadcasting Union (EBU); - European Federation of Journalists (EFJ); - European Internet Co-Regulatory Network; - European Newspaper Publishers' Association (ENPA). - European Digital Rights (EDRI) - Community Media Forum Europe (CMFE)
6.	Working methods and structures
	<p>In order to carry out its tasks, the Committee may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant non-governmental organisations and other members of civil society, as well as other pertinent bodies.</p> <p>The MC-NM is entitled to invite other participants and/or observers to meetings of the Committee, without the right to vote or defrayal of expenses. The MC-NM will have to request the necessary authorisation from the CDMC for the admission of observers (other than those already identified in the Terms of Reference).</p>
7.	<p>Duration: These terms of reference will expire on 31 December 2011.</p>