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COMMITTEE OF EXPERTS ON NEW MEDIA

(MC-NM)

**2nd meeting
25 – 26 March 2010
Agora Building
Room G 05**

Meeting report

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1. Opening of the meeting and adoption of the agenda

1. The MC-NM adopted the draft agenda ([MC-NM\(2010\)OJ1](#))

2. Information of interest to the work of the MC-NM

2. The Secretariat briefly introduced Recommendation 1897 of the Parliamentary Assembly of the Council of Europe on Respect for media freedom.

3. The MC-NM was informed about the Fourth Internet Governance Forum (IGF) (Sharm El Sheikh, Egypt, 15 to 18 November 2009) and the upcoming Fifth IGF (Vilnius, Lithuania on 14 to 17 September) as well as the discussion about the continuation of the IGF. More information on the content of the meeting and discussions about its future can be found on the IGF website (<http://www.intgovforum.org>).

4. The Third European Dialogue on Internet Governance will take place in Madrid, Spain, 29 and 30 April 2010 (for a draft programme, please see www.eurodig.org). Discussions will include topics such as online content policies, network neutrality, jurisdiction and privacy.

5. The Committee was also informed about the outcome of the Council of Europe Octopus conference on cybercrime (Strasbourg, 23 to 25 March 2010). Two members of the MC-NM (the delegates from Serbia and Switzerland) had taken part in this meeting. It was pointed out that states need to ensure that the application of international cybercrime instruments should be proportionate and actually fulfil their intended purpose.

3. Examination of the understanding of media and mass communication services in the new information and communications environment.

6. The Committee examined a draft Recommendation on the new notion of media and its Appendix ([MC-NM\(2010\)001](#)) prepared by a working group (including experts from Austria, Estonia, Germany, Lithuania, Serbia, Community Media Forum Europe).

7. There was general agreement on the overall approach taken in the draft document which focuses on a description of the functions of media in a democracy and its impact on human rights and democratic processes. Several members underlined that the functions of media should be the central component of the document.

8. The members of the MC-NM agreed that the overall aim of a future Council of Europe policy instrument should be to provide a conceptual basis to understand which mass communication are to be considered as 'media' and how they should be dealt with in public policy.

9. To this end, they decided that the body of the Recommendation should be very short and focus on the need to adopt the new notion of media in member states' media policy.

10. The Appendix should feature a more detailed description of the role of media and media actors in a democratic society, including their impact on human rights. The functions of media should be laid out in a more nuanced way. This should allow for a clearer justification of why media have particular rights and responsibilities as opposed to other forms of communication.

These rights and responsibilities should be based on existing Council of Europe standards on media freedom.

4. Examination of the challenges to individuals' (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.

11. At its last meeting, the MC-NM decided to look into the human rights aspects of social networking services, search engines and network neutrality. A working group (experts from Austria, Germany, the Netherlands, Poland, Russian Federation, Turkey, European Broadcasting Union and European Digital Rights) prepared the following proposals which were examined by the MC-NM.

4.1. Social networking services

12. The MC-NM examined a draft Recommendation to member states on protecting and promoting human rights on social networking services ([MC-NM\(2010\)003](#)). The working group had also developed a proposal for guidelines for social network providers ([MC-NM\(2010\) Misc001](#)), which could complement the draft Recommendation.

13. The MC-NM supported the proposal of the working group to prepare simultaneously a draft Recommendation for member states and work together with the private sector on self-regulatory guidelines for social network providers. The members agreed with the general approach of the draft Recommendation and made several drafting proposals. The updated text will be circulated amongst MC-NM members and observers as well as other relevant stakeholders for comments to reach the Secretariat by 30 June 2010.

14. The MC-NM also asked the Secretariat to pursue discussions with the private sector on the proposal for self-regulatory guidelines for social network providers.

4.2 Search engines

15. The MC-NM examined a draft Recommendation to member states on protecting and promoting human rights on search engines ([MC-NM\(2010\)004](#)). The working group had also developed draft guidelines for search engine providers ([MC-NM\(2010\)Misc002](#)), which could complement the draft Recommendation.

16. The MC-NM supported the proposal of the working group to prepare simultaneously a draft Recommendation for member states and work together with the private sector on self-regulatory guidelines for search engine providers.

17. The members agreed with the general structure and main messages of the text and made several drafting proposals. The updated text will be circulated amongst MC-NM members and observers as well as other relevant stakeholders for comments to reach the Secretariat by 30 June 2010.

18. The MC-NM also asked the Secretariat to pursue discussions with the private sector on the proposal for self-regulatory guidelines for search engine providers.

4.3 Network neutrality

19. The Austrian representative presented his report on network neutrality ([MC-NM\(2010\)002](#)). The report underlined the importance of transparency and the principle of non-discrimination as regards network management. Both principles have already been addressed at national or international level (Norwegian network neutrality, self-regulatory guidelines, European Union 'telecom's package'). The report also underlined the need for a human rights based, end-user centred instrument on network neutrality considering procedural safeguards in addition to the principles of transparency and non-discrimination.

20. The presentation of the report was followed by a workshop session (programme document [MC-NM\(2010\)Misc003](#)) on key principles of network neutrality animated by Mr Vladimir Radunovic, Diplo Foundation. (The [presentation](#) is available on the restricted website).

21. The Committee decided to develop a draft Declaration on network neutrality reflecting the need to protect basic rights and the public interest when making decisions on limiting network neutrality. The Committee examined a first draft and made several amendments to the text. An updated draft will be circulated for further comments. It was decided that, should there be agreement on this final draft by email it could then be passed on to the CDMC for their meeting in June allowing a possible adoption of the Declaration by the Committee of Ministers before the Internet Governance Forum in September.

4.4 Other issues

22. The Committee responded favourably to the idea of holding an expert meeting on concrete proposals for the implementation of the Declaration on protecting the dignity, security and privacy of children on the internet, adopted on 20 February 2008 and Recommendation [CM/Rec\(2009\)5](#) of the Committee of Ministers to member states on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment, adopted on 8 July 2009. A one day meeting, with half a day devoted to each subject, should be organised back-to-back with the next MC-NM meeting. A draft programme will be circulated in due course and the MC-NM members are invited to comment on its content and suggest experts to speak at the meeting.

5. Draft texts prepared by the Ad-hoc Advisory Groups reporting to the CDMC

23. The Secretariat informed the MC-NM that the Ad-hoc Advisory Group on Public Service Media Governance (MC-S-PG) will hold its first meeting on 27 and 28 May 2010.

24. A consultation meeting on neighbouring rights of broadcasting organisations was organised in Strasbourg on 28 and 29 January (see [MC-S-NR\(2010\)Misc1](#) for more details) but the date of the first meeting of the Ad-hoc Advisory Group on Neighbouring Rights for Broadcasters (MC-S-NR) still has to be confirmed.

25. The Ad-hoc Advisory Group on Cross Border Internet (MC-S-CI) held its first meeting on 1 and 2 March (MC-S-CI(2010)005). Preliminary proposals for policy documents are expected at the Group's following meetings.

6. Other business

26. There was no other business.

7. Date and place of next meeting

27. The MC-NM asked the Secretariat to explore possibilities of postponing the second meeting which was scheduled to take place in Strasbourg on 9 and 10 September. It was suggested that the meeting takes place after the Fourth IGF (14 and 17 September) to allow MC-NM-members taking part in the IGF meeting to adequately prepare and schedule their participation in both meetings and to feed the results of the IGF into the next MC-NM meeting.

**COMMITTEE OF EXPERTS ON NEW MEDIA
(MC-NM)**

**2nd meeting, 25-26 march
(Room G.05)**

LIST OF PARTICIPANTS

The gender distribution of the 25 participants in the meeting was as follows: 11 women (44%) and 14 men (56%).

MEMBERS

Albania/Albanie

**Andorre/Andorra
Armenia/Arménie**

Austria/Autriche (Vice-Chair)

Mr Michael TRUPPE, Legal Advisor, Department for Media Affairs / Information Society, Federal Chancellery – Austria – Legal Service, Ballhausplatz 2, A-1014 Vienna, Austria
Tel: + 43 1 531 15 2815 Fax: + 43 1 531 09 2815 E-mail: michael.truppe@bka.gv.at

Azerbaijan

Belgium/Belgique

Bosnia and Herzegovina / Bosnie-Herzégovine

Bulgaria/Bulgarie

Mrs Bissera Zankova
Ministry of Transport, IT and Communications of the Republic of Bulgaria, Gourko 5 Street, 1000 Sofia, Bulgaria
Tel: +359 29 49 22 29 e-mail: bisseraz@yahoo.co.uk

Croatia/Croatie

Cyprus/Chypre

Czech Republic/République Tchèque

Denmark/Danemark

Estonia/Estonie

Mr Andres JÕESAAR, Head of Corporate and Content Services, Tele2 Eesti AS + Chairman of the Council, Estonian Public Broadcasting Council, Jõe 2a, 10151, Tallinn, Estonia
Tel: + 372 55 05713 E-mail: andres.joesaar@tele2.com

Finland/Finlande

France

Ms Juliette MANT, Chargée d'études juridiques au Bureau des affaires européennes et internationales, Direction générale des Médias et des industries culturelles, Ministère de la Culture et de la Communication, 69 rue de Varenne, 75007 Paris

Tel: + 33 1 42 75 56 12

Fax : + 33 1 42 75 56 73

E-mail: juliette.mant@pm.gouv.fr

Georgia/Georgie

Germany/Allemagne

Mr Wolfgang WOHNHAS, Head of Division K31, International Media Cooperation, Federal Government of Germany (BKM), Stresemannstrasse 94 – 10963, Berlin, Germany

Tel: + 49 30 18 681 4967 Fax: + 49 30 18 681 54 967

E-mail: wolfgang.wohnhas@bkm.bmi.bund.de

Ms Annick KUHL

Representation of the Free State of Bavaria to the EU, rue Wiertz 77, 1000 Brussels, Belgium

Tel: + 32 2 2374 854

Fax: + 32 2 2374 954

E-mail: annick.kuhl@stk.bayern.de

Greece/Grèce

Hungary/Hongrie

Iceland/Islande

Ireland/Irlande

Mr Paul MULQUEEN, Broadcasting Policy Division, Department of Communications Marine and Natural Resources, 29-31 Adelaide Road, Dublin 2

Tel: +353 1 6783092

Fax: +353 1 6783099

e-mail: Paul.Mulqueen@dcenr.gov.ie

Italy / Italie

Latvia/Lettonie

Liechtenstein

Lithuania/Lituanie

Luxembourg

Malta/Malte

Moldova

Monaco

Montenegro

Netherlands/Pays-Bas

Mrs Sjoera NAS, Internet and Telecom Expert, Dutch Data Protection Authority (CBP), PO Box 93374, 2509 AJ DEN HAAG ,the Netherlands

Tel: + 31 70 888 8500

Fax + 31 (0) 888 8501

E-mail: sna@CBPweb.nl

Norway/Novège

Ms Kristine DAHL, Adviser (Legal), Royal Ministry of Culture and Church Affairs, P.O. Box 8030 Dep – No. 0030 Oslo

Tel: + 47 22 24 8024

Fax: + 47 22 24 8039

E-mail: krd@kkd.dep.no

Poland/Pologne

Mr Pawel STEPKA, Expert, Department of European Policy and International Relations, National Broadcasting of Poland, ul Skwer Wyszynskiego 5, Warsaw

Tel: + 48 22 597 31 57

Fax: + 48 22 597 31 64

E-mail: stepka@krrit.gov.pl

Portugal**Romania/Roumanie****Russian Federation/Fédération de Russie**

Mr Alexander BORISOV, Professor, Moscow State Institute of International Relations, Foreign Ministry of Russia, 76 Vernadskogo Prospekt, 117 454 MOSCOW

Tel: + 7 985 763 70 65

Fax: + 7 985 157 32 23

E-mail: albor@rambler.ru

San Marino/Saint-Marin

Serbia Ms Maja RAKOVIĆ, Adviser, Media Department, Ministry of Culture, Republic of Serbia, 3 Vljakovićeva St, 11 000 Belgrade, Serbia

Tel: + 381 (11) 3398 025

Fax: + 381 (11) 3398 899

E-mail: Maja.rakovic@kultura.gov.rs

Slovak Republic/République Slovaque**Slovenia/Slovenie****Spain/Espagne**

Ms Teresa Kuchkovsky Jimenez, Adviser-Telecommunications and Information Society's Secretary of State, Ministry of Industry, Tourism and Commerce, Capitan Haya 41, 28071 Madrid

Tel: + 34 91 346 1538

Fax: + 34 91 346 2917

E-mail: tkuchkovsky@mityc.es

Sweden / Suede**Switzerland/Suisse (CHAIR)**

Mr Thomas SCHNEIDER, Federal Office of Communications, Rue de l'Avenir 44, Case postale, CH-2501 Bienne, Suisse

Tél: + 41 32 327 56 35 Fax: + 41 32 327 54 66

E-mail: Thomas.Schneider@bakom.admin.ch

The former Yugoslav Republic of Macedonia/L'Ex-République Yougoslave de Macédoine

Ms Vesna POPOSKA, Head of International PR Department, Government of "the former Yugoslav Republic of Macedonia", Secretariat General, Ilindenska Str BB Skopje

Tel: +389 2 3118-022

e-mail : vesna.poposka@gs.gov.mk

Turkey/Turquie

Mr Irfan DÜNDAR, Expert of international relations, Radio and Television Supreme Council, Bilkent Plaza, B-2 Blok, 06530 Bilkent, Turkey

Tel: + 90 312 297 53 21

Fax: + 90 312 266 19 64

E-mail: irfanerenturk@rtuk.org.tr

Mr Hasan Ali Erdem, Assistant Expert of international relations, Radio and Television Supreme Council,
Bilkent Plaza, B-2 Blok, 06530 Bilkent, Turkey
Tel: + 90 312 297 53 40 Fax: + 90 312 266 19 64 E-mail: hasanalierdem@rtuk.org.tr

Ukraine

Mr Serhii SHABLIU, Ministry of Foreign Affairs of Ukraine, Directorate General for the UN and other
international organizations, Counselor of the CoE Division, 1 Mykhailivska sq., 01018 Kyiv
Tel: 0380 44 238 17 70 E-mail: s.shabliu@gmail.com

United Kingdom/Royaume-Uni

Mr Karl JAGDIS, Project Manager, International Broadcasting and Media, Department for Culture, Media and
Sport, 2-4 Cockspur Street, London SW1Y 5DH
Tel: + 44 207 211 6447 Fax: + 44 207 211 6339 E-mail: karl.jagdis@culture.gsi.gov.uk

* * *

PARTICIPANTS

European Commission/Commission européenne (only 25/3)

Mr Harald E. TRETENBREIN, Deputy Head of Unit, Audiovisual and Media Policies Unit, European
Commission, Directorate General for Information Society and Media, 200 rue de la Loi, Brussels B-1040
Tel: + 32 2 298 4955 Fax: + 32 2 296 5298 E-mail: harald.trettenbrein@ec.europa.eu

Conference of International Non-Governmental Organisations of the Council of Europe

Mr Gabriel NISSIM, Conférence des OING du Conseil de l'Europe, 41 Boulevard de la Victoire, 67000
Strasbourg
Tel: + 33 388 21 24 05 Fax: + 33 388 21 24 00 E-mail: gabriel.nissim@wanadoo.fr

PACE / APCE

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OBSERVERS

Association of Commercial Television in Europe (ACT)

European Broadcasting Union / Union Européenne de Radio-Télévision (EBU)

Mme Anne-Catherine BERG, Legal Adviser, Legal and Public Affairs Department, EBU-UER, L'Ancienne-Route
17A, Case postale 45, CH-1218 Grand-Saconnex GE, Switzerland
Tel: + 41 717 25 16 Fax: + 41 717 24 70 E-mail: daj@ebu.ch

European Federation of Journalists (EFJ)

European Newspaper Publishers' Association (ENPA)

European Digital Rights (EDRI) Mme Meryem Marzouki, European Digital Rights c.o IRIS, 40 rue de la
Justice, 75020 Paris
Tel: + 33 6 07 02 02 35 E-mail: meryem.marzouki@lip6.fr

Community Media Forum Europe

Ms Nadia Bellardi, Vice-President, Community Media Forum Europe (CMFE) c/o Radio LoRa, Militärstr.
85a/PF 1036, 8026 Zürich, Switzerland
Tel: + 41 79 306 1648 E-mail: pr@lora.ch

GUESTS

Mr Vladimir Radunovic,

E-mail: vladar@diplomacy.edu

Secretariat of the Council of Europe / Secrétariat du Conseil de l'Europe

Mr Jan MALINOWSKI, Head of Media and Information Society Division

Mr Lee HIBBARD, Administrator, Media and Information Society Division

Ms Franziska KLOPFER, Media and Information Society Division

Elvana THACI, Administrator, Media and Information Society Division

Interpreters/Interprètes

Mrs Barbara Grut

Mr Robert Szymanski

Mrs Remy Jain