

Strasbourg, 11 April 2011

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**COMMITTEE OF EXPERTS ON NEW MEDIA**

**(MC-NM)**

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**4th meeting  
28 – 29 March 2011  
Agora Building  
Room G 01**

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**Meeting report**

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**Executive summary:**

The MC-NM:

- re-elected Thomas Schneider (Switzerland) as its Chair and Mr Liutauras Ulevicius (Lithuania) as its vice-chair;
- finalised the revised draft recommendation on a new notion of media and agreed to submit it to the CDMC for approval;
- agreed to finalise the appendix to the draft recommendation by written procedure;
- considered the outcome of the consultations on the draft recommendation and guidelines on the protection of human rights with regard to search engines and on the draft recommendation and guidelines on social networking services, noting that some comments were still outstanding;
- agreed to update and finalise the draft recommendations by written procedure and to submit them to the CDMC for approval.

The gender distribution of the 29 attendants in the meeting was as follows: 14 women (48%) and 15 men (52%).

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## **1. Opening of the meeting and adoption of the agenda**

The MC-NM had its fourth meeting under the Chairmanship of Mr Thomas Schneider (Switzerland).

The Committee adopted the draft agenda as set out in Appendix 1 to this report. The list of participants appears in Appendix 2.

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

The Committee was informed about the ongoing reform process in the Council of Europe. The Secretary General's proposals on priority areas of work, including work on information society and media, had been endorsed by the Committee of Ministers. Consideration was then to be given to new intergovernmental cooperation structures, in particular Steering Committees.

The responsibilities of the division providing support to the Steering Committee on Media and New Communication Services (CDMC) and bodies reporting to it (including the MC-NM) have been broadened to include data protection and provide secretariat to the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD). As a consequence, the division is now designated Information Society, Media and Data Protection Division.

The Committee noted with regret that its Secretary, Ms Anita van de Kar would soon leave the division. The Committee members thanked her for her support and excellent cooperation to date and wished her all the best for her future tasks.

## **3. Election of the Chair and the Vice-Chair**

Further to the renewal of its terms of reference, the Committee re-elected Mr Thomas Schneider as its chair and elected Mr Liutauras Ulevicius (Lithuania) as its vice-chair.

## **4. Examination of the Draft Recommendation on the new notion of media and its appendices**

The MC-NM examined the proposals for the draft Recommendation on the new notion of media (MC-NM(2011)010) and its appendix MC-NM(2011)011 following proposals by the Chair in consultation with Bissera Zankova (Bulgaria) and Maja Rakovic (Serbia).

The MC-NM discussed in detail the text of the draft recommendation and agreed, further to some amendments, to submit it to the CDMC for approval.

Concerning the appendix, the Committee agreed on its structure and asked the Secretariat to update Part 1, setting out criteria and indicators to identify media, and to further elaborate Part 2, addressing the application of media standards, on the basis of the discussions held.

Taking into account the short timeline before the meeting of the Bureau of the CDMC, planned for 9 to 11 May 2011, the MC-NM agreed to finalise the draft appendix by written procedure, using the shared office space.

## **5. Examination of the comments received on the Draft Recommendation and proposal for guidelines on the protection of human rights with regard to search engines**

The comments under item 6 cover this item as well.

**6. Examination of the comments received on the Draft Recommendation and proposal for guidelines on social networking services**

The Committee discussed the comments received in reply to the open consultation on the above draft texts and noted that further comments had been announced, and in particular the opinion of the T-PD, but had not yet been received by the secretariat.

Given the lack of secretariat resources and the short time left to finalise the drafts, the MC-NM agreed not to pursue consultation with the industry on the draft self-regulatory guidelines. It decided instead to attach the draft guidelines, as a possible source of inspiration for self-regulation by providers of respectively search engines and social networks, to the corresponding Recommendations.

It was agreed that Ms Sjoera Nas (Netherlands) would propose an update of the texts once the outstanding comments have been received. Amendments to the drafts should in particular concern a strengthening of the position on blocking and filtering of search engines, a clear support for anonymous profiles on social networking services while taking into account the fear of civil society and industry of ex-ante obligations with regard to content. The Secretariat was asked to circulate the updated drafts to the MC-NM for agreement by written procedure, in view of their subsequent submission to the CDMC for approval.

**7. Next meetings**

The MC-NM agreed to hold its next meeting on 22 and 23 September 2011 noting that, as matters stand, its terms of reference expire on 31 December 2011.

**8. Other business**

No issues were raised under this item.

## Appendix 1

### Agenda

1. Opening of the meeting and adoption of the agenda
2. Information of interest to the work of the MC-NM
3. Election of the Chair and the Vice-Chair

#### Document

Terms of Reference of the MC-NM

4. Examination of the Draft Recommendation on a new notion of media and its appendices

#### Documents

MC-NM(2011)010 Draft Recommendation on a new notion of media

MC-NM(2011)011 Appendices to the Recommendation on a new notion of media

#### Background documents:

MC-NM(2010)007 Report of the third meeting

MC-NM(2010)001 Draft for a Recommendation of the Committee of Ministers to member states on a new notion of media and its appendix

MC-NM(2010)001Rev Draft for a Recommendation of the Committee of Ministers to member states on a new notion of media and its appendix

5. Examination of the comments received on the Draft Recommendation and proposal for guidelines on the protection of human rights with regard to search engines

#### Documents

MC-NM (2011)012 Consultation on the Draft Recommendation and proposal for guidelines on the protection of human rights with regard to search engines and social networking services; Comments received

MC-NM(2010)004 Draft Recommendation on the protection of human rights with regard to search engines

MC-NM(2011)009 Proposal for draft guidelines for search engine providers

6. Examination of the comments received on the Draft Recommendation and proposal for guidelines on social networking services

#### Documents

MC-NM (2011)012 Consultation on the Draft Recommendation and proposal for guidelines on the protection of human rights with regard to search engines and social networking services; Comments received

MC-NM (2010)003 Draft Recommendation on measures to protect and promote respect for human rights with regard to social networking services

MC-NM(2011)008 Proposal for draft guidelines for social network providers

7. Next meetings
8. Other business

## Appendix 2

### LIST OF PARTICIPANTS

#### MEMBERS

##### Albania/Albanie

##### Andorre/Andorra

##### Armenia/Arménie

##### Austria/Autriche (Vice-Chair)

Ms Daniela SABETZER , Department for Media Affairs / Information Society, Federal Chancellery – Austria – Legal Service, Ballhausplatz 2, A-1014 Vienna, Austria

##### Azerbaijan

##### Belgium/Belgique

##### Bosnia and Herzegovina / Bosnie-Herzégovine

Ms Lea TAJIC, Chef du département pour la coopération internationale en matière de radio-diffusion

Mr Emir POVLAKIC, Senior Expert for Broadcasting, Communications Regulatory Agency, Mehmeda Spahe 1, 71000 Sarajevo

##### Bulgaria/Bulgarie

Mrs Nelly STOYANOVA, Head of Department Policy and Development of Information Society, Ministry of Transport, IT and Communications, 9 Diakon Ignatii Street, 1000 Sofia, Bulgaria

Mrs Bissera ZANKOVA

Ministry of Transport, IT and Communications of the Republic of Bulgaria, Gourko 5 Street, 1000 Sofia, Bulgaria

##### 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

##### Finland/Finlande

##### France

Ms Sophie VERRIER, 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

### **Georgia/Georgie**

### **Germany/Allemagne**

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Ms Amelie SAHIN, German Länder

### **Greece/Grèce**

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Mme Vasiliki KORDATOU, Attachée de Presse, Representation Permanente de Grèce – Bureau de Presse,  
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### **Hungary/Hongrie**

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### **Iceland/Islande**

### **Ireland/Irlande**

### **Italy / Italie**

### **Latvia/Lettonie**

### **Liechtenstein**

### **Lithuania/Lituanie**

Mr Liutauras ULEVICIUS, PHD Candidate, Research Area – Legal Status of Electronic Media, Mykolas  
Romeris University, Ateities 20, LT-8303, Vilnius, Lithuania

### **Luxembourg**

### **Malta/Malte**

### **Moldova**

### **Monaco**

### **Montenegro**

### **Netherlands/Pays-Bas**

Mrs Andra LEURDIJK, Expert in (new) media Policy & creative industries, TNO, PO Box 5050, 2600 GB Delft,  
the Netherlands

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

**Norway/Novège**

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**Poland/Pologne**

**Portugal**

**Romania/Roumanie**

**Russian Federation/Fédération de Russie**

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**San Marino/Saint-Marin**

**Serbia**

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**Sweden / Suede**

**Switzerland/Suisse (CHAIR)**

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

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**Turkey/Turquie**

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**Ukraine**

Mr Serhii SHABLII, 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

**United Kingdom/Royaume-Uni**

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### **PACE / APCE**

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## **OBSERVERS**

### **Association of Commercial Television in Europe (ACT)**

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

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#### **European Federation of Journalists (EFJ)**

#### **European Newspaper Publishers' Association (ENPA)**

Mr Holger ROSENDAL, Chiefjurist/Head of of Legal Department, Danske Dagblades Forening/Danish Newspaper Publishers' Association, Skinkergade 7, DK 1159 Copenhagen

**European Digital Rights (EDRI)** Mme Meryem MARZOUKI, European Digital Rights c.o IRIS, 40 rue de la Justice, 75020 Paris

### **Community Media Forum Europe**

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

Mr Jan MALINOWSKI, Head of Information Society, Medias and Data Protection Division, Directorate General of Human Rights and Legal Affairs of the Council of Europe

Mrs Anita Van de Kar, Administrator, Information Society, Medias and Data Protection Division, Directorate General of Human Rights and Legal Affairs of the Council of Europe

Ms Sophie Kwasny, Administrator, Information Society, Medias and Data Protection Division, Directorate General of Human Rights and Legal Affairs of the Council of Europe

Ms Corinne GAVRILOVIC, Assistant, Information Society, Medias and Data Protection Division, Directorate General of Human Rights and Legal Affairs of the Council of Europe

### **Interpreters/Interprètes**

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