

Strasbourg, 29 April 2011

MC-S-PG(2011)002rev4  
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**AD HOC ADVISORY GROUP ON PUBLIC SERVICE MEDIA GOVERNANCE**

**(MC-S-PG)**

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**Meeting of  
21 and 22 March 2011  
Council of Europe, Agora building, Strasbourg  
(Room G05)**

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**Draft declaration of the Committee of Ministers  
on public service media governance**

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1. Freedom of expression, and a free and pluralist media, as enshrined by article 10 of the European Convention on Human Rights and Fundamental Freedoms (ECHR), are indispensable to genuine democracy. The media guide public opinion through the dissemination of information, and promote public debate on topics of general concern. The Committee of Ministers recalls that all member states have undertaken to secure the fundamental right to freedom of expression and information, in accordance with article 10 of the ECHR.
2. In a democratic society, people should be able to understand, contribute to and participate in the decision-making processes which concern them. Public service media plays a fundamental part in sustaining this right, through its mandate to ensure universal access via relevant modes of delivery to impartial news and a diverse range of high-quality content which meets the needs of the widest variety of audiences. New interactive content and platforms give public service media the opportunity to create vibrant public spaces for the exchange of views. Editorially independent public service media enhances media diversity and helps counterbalance the risk of misuse of power in a situation of excessive concentration of media, services and platforms. In order to perform its duty to promote the values of democracy and to entrench pluralism, impartiality, innovation and creativity, public service media needs to be independent, accountable, transparent, adequately staffed and equipped.
3. The Committee of Ministers has provided unfaltering support for public service media calling on member states to secure the necessary legal, political and organisational conditions for its independence and to provide adequate means for its functioning. In this respect the Committee of Ministers has adopted Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting and Recommendation No. R (2007) 3 on the remit of public service media in the information society, as well as the Declaration on protecting the role of the media in democracy in the context of media concentration (31 January 2007) and a Reply to the Parliamentary Assembly Recommendation 1878 (2009) on “The funding of public service broadcasting” (21 April 2010).
4. The development of new communication and informational technologies affords public service media an unrivalled opportunity to fulfil its remit in new and more effective ways, allowing it to offer better-targeted and more interactive content and services. The development of new technologies and platforms allows public service media to enter into a more immediate and meaningful dialogue with its audience, engaging them as citizens and stakeholders, participants and co-creators, rather than only as passive audiences and recipients. This is particularly relevant to services aimed at the youth audience, whose use of internet delivered, mobile and participatory media is particularly significant. Successful adaptation to and adoption of new platforms assists public service media to fulfil additional purposes, for example to contribute to sustainable development and a knowledge-based economy, the empowerment of educated citizens, a fair society, social cohesion, inclusion and representation, including steps to ensure gender and generational mainstreaming.

5. However, Public Service Media also faces significant challenges in migrating to the new digital media environment.

6. Wider financial pressures across Europe have contributed to an increasing challenge for public service media in securing access to stable and sufficient levels of public funding in a constantly evolving and competitive market. Public service media also faces intensified necessity to provide proof of its “public value” in order to justify its public funding. In many cases, this has led to an increase in external oversight and additional regulatory requirements which put increasing strain on editorial independence.

7. Furthermore, even where its independence and autonomy is guaranteed by law, public service media’s specific relationship with the state is nevertheless regularly called into question and renegotiated and, in some cases, its editorial independence and institutional autonomy may be challenged. The Committee of Ministers expressed concern about these developments in its 2006 Declaration on the guarantee of the independence of public service broadcasting in member states.

8. Finally, the challenge of adapting to new audience and participant demands and expectations while operating within its remit requires not only redirection of investment and resource within public service media, but also a strong requirement for new skills and new management approaches.

9. An appropriate system of governance is a decisive factor in the ability of both member states and the public service media they support to meet these and future challenges, and take full advantage of the new opportunities offered by digital technologies and platforms. The effective governance of public service media to the benefit of the public is an important element and a specific example of the larger concept of good governance in the democratic society. In order to fulfil its role, governance should go beyond the narrow understanding of the concept as related to the appointment procedures and the composition of management and supervisory bodies of public service media. Governance should therefore be broadly defined so as to include:

- the legal frameworks through which the state ensures an appropriate balance between the independence and accountability of public service media;
- the regulations and practices through which public service media ensures that its processes and culture are the most appropriate to fulfil its remit and best serve the public interest;
- an active and meaningful dialogue with its wider stakeholders including new levels of interaction, engagement and participation.

The Committee of Ministers,

- Declares that public service media’s duty to promote the values of democracy and diversity within and through its content and services remains of utmost importance in the new dynamic media environment. Fundamental changes in the media reinforce public service media’s vital role in supporting such non-commercial objectives as social progress, public interest and ability to engage with democratic processes, intercultural understanding and societal integration. This can be achieved through a varied and

high-quality mix of content and services adhering to the highest professional standards which public service media has offered and will continue to deliver;

- Recalls member states' commitment to firmly support the remit, funding, editorial and organisational independence of public service media operating on any relevant platform, and underlines the importance of this support which has been neither uniformly thorough nor sufficiently timely;

- Invites all member states to address public service media governance and undertake the necessary legal framework and organisational structure reforms guided by Recommendation No. (2011) ... on public service media governance to ensure that public service media can overcome present and future challenges;

- Encourages the establishment of a dialogue at different levels with all stakeholders, including the civil society and the public at large.