

Terms of reference of the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)

1.	Name of Committee:	Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)
2.	Type of Committee:	Ad Hoc Advisory Group Res(2005)47
3.	Source of terms of reference:	Steering Committee on the Media and New Communication Services
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 on “Internet governance and critical Internet resources” adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, 28-29 May 2009);
-		Recommendation CM/Rec(2007)16 of the Committee of Ministers to member states on measures to promote the public service value of the Internet, adopted on 7 November 2007;
-		the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS 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 Project 2008/DGHL/1415 “Standard-setting and policy assistance on topical issues concerning the media and new communication services”, the Group is instructed to:
i.		examine the shared or mutual responsibilities of states in ensuring that critical Internet resources are managed in the public interest and as a public asset, ensuring delivery of the public service value to which all persons under their jurisdiction are entitled. Make proposals, in particular, relating to the prevention and management of events, including malicious acts, falling within member states’ jurisdictions or territories, which could block or significantly impede Internet access to or within fellow members of the international community with the objective of guaranteeing the ongoing functioning and universal nature and integrity of the Internet;

ii.	explore the feasibility of drafting an instrument designed to preserve or reinforce the protection of cross-border flow of Internet traffic openness and neutrality.
5.	Composition of the Committee:
5.A	Members
	The Group shall be composed of five specialists in international law and internet governance, to be appointed by the Secretary General. The Council of Europe budget will bear their travel and subsistence expenses incurred in connection with their participation in meetings of the Group.
5.B	Observers
	European Digital Rights (EDRI).
6.	Working methods and structures
	<p>In order to carry out its tasks, the Group may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant governmental and/or non-governmental organisations and other members of civil society, as well as other pertinent bodies.</p> <p>The MC-S-CI is entitled to invite other participants and/or observers to meetings of the Group, without the right to vote or defrayal of expenses. Member states may be able to designate representatives to attend and present their position at meetings, without the right to vote or defrayal of expenses. The MC-S-CI will have to request the necessary authorisation from the CDMC for the admission of observers.</p>
7.	Duration:
	These terms of reference will expire on 31/12/2010.