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MC-S-MD(2008)003

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**GROUP OF SPECIALISTS ON MEDIA DIVERSITY
(MC-S-MD)**

**7th meeting
13 and 14 March 2008
New General Building (G Building), Strasbourg
Room G04**

REPORT

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impact on media diversity; under its terms of reference, the group was required to consider the possibility of preparing a proposal on this subject.

8. The Croatian delegate reported on a meeting held in mid-October 2007 in Hilversum by the Dutch media regulatory authority (Commissariaat voor de Media), which she had attended as Chairperson of the MC-S-MD. Representatives of the German, Norwegian and Polish regulatory authorities had also taken part. According to the conclusions of the meeting, unfortunately, very few countries in Europe had developed a media concentration monitoring system and a widening of this system to include several countries, ideally at European level, would be most welcome. In this context, the Croatian delegate told the MC-S-MD that the ad hoc group on methodology for the monitoring of media concentration (Croatia, Switzerland, Russia and Bulgaria) would be meeting in May to prepare a draft report on this subject.

9. One expert called for a change of approach to the issue of concentration, as the current one was rather negative, employing terms such as “permissible thresholds” and “limits prescribed by law”, “market shares”, etc. In his opinion, the group should adopt a positive approach, exploring the possibilities for encouraging a larger number of players and greater diversity in the media market.

10. The representative of the European Commission outlined the European Union’s policies on media pluralism and freedom of expression, and reported on progress made in the Commission-sponsored study on media pluralism in the EU Member States. Using three sets of indicators, this study should provide a better insight into the various methods employed by the 27 countries to protect media pluralism. The main purpose of the study was to identify typical risks to media pluralism. Apart from media concentration, the study was to examine issues related to sociology, the ability of the public to access a range of media, etc.

11. The European Commission representative said that an initial draft study was planned for September/October 2008 and that a hearing with experts involved in the project could be held if the draft study were ready in time for the next meeting of the MC-S-MD in mid-September.

Item 7 of the agenda:

Implementation of Recommendation (2003) 9 on measures to promote the democratic and social contribution of digital broadcasting

12. The secretariat reminded members that, at the group’s previous meeting, the Austrian delegation had offered to prepare a draft report on this subject. The EBU delegation had expressed a desire to contribute to the document once a certain stage had been reached in the drafting process. Since the Austrian expert was, unfortunately, unable to attend the meeting, the secretariat gave a brief outline of the draft report which was based mainly on the compilation of responses to the questionnaire on the implementation of Recommendation R (2003) 9 (cf. document MC-S-MD(2007)004rev). As well as an overview of the situation in member states, the document provided a compendium of good practices in this area.

13. Broadly speaking, the document was well received by members of the group. One expert suggested that the introduction be expanded to include a number of issues which were important for the future development of digital broadcasting. The CMFE representative thought that some mention should also be made of “third-sector media” when dealing with the transition to digital. Another expert seconded this proposal and suggested mentioning in the

introduction and/or conclusions that Recommendation R (2003) 9 covered a relatively limited field, and that it was important now to widen the debate on digital broadcasting to cover not only public service media and commercial media but also “third-sector media”, internet television, new communication services, blogs, etc.

14. It was agreed that on the basis of these general suggestions, more detailed comments would be supplied, via the secretariat, to the Austrian delegation and the EBU delegation after the meeting. The secretariat points out that the draft report should serve as a basis for the compendium of good practices in the field, which the MC-S-MD is expected to prepare by the end of the year, according to its current terms of reference.

Item 8 of the agenda: Examination of the role of the media in promoting social cohesion and the integration of different communities

(a) the role that can be played by community, local, minority and social media

15. The secretariat cited as a possible source of inspiration for the group’s work on this subject the report on the role of the media in promoting social cohesion, with particular reference to community, local, minority and social media, prepared by Mr Peter Lewis, Council of Europe consultant, with whom the MC-S-MD had held a hearing at its previous meeting in September 2007. The secretariat explained that, under its terms of reference, the group was required to produce a draft standard-setting instrument on possible measures which could be taken in support of these types of media or their contribution. Group members held an exchange of views on Mr Lewis’s report and on the further work to be conducted on this subject.

16. Representatives of the Community Media Forum Europe (CMFE) welcomed this report, saying it was extremely useful and full of information on the “third-sector media”. At the same time, some experts observed that the report focused on radio and disregarded the written press, television or internet, even though the latter, for example, was increasingly popular with ethnic and cultural minorities. Nor did the report provide definitive clarification of what was meant by “third-sector media”. Defining such media continued to pose a challenge, as different countries had different understandings of the concept. Other experts felt that despite some flaws, the report could nevertheless provide the group with a sound framework and/or good source of information in its work.

17. On the issue of whether or not to publish Mr Lewis’s report on the Division’s website, the group agreed that it could be useful for the public and should therefore be published. To avoid confusion, a note should make it clear that the report in question was not an adopted text of the Council of Europe and that it reflected only the opinions of its author. It was pointed out by the Portuguese delegation that the report contained information on their country (which Mr Lewis used, citing a European Parliament document) which was no longer valid. The group agreed that when the report was published, a note should be inserted, pointing out that the information on Portugal needed updating.

18. When discussing the role of “third-sector media”, MC-S-MD members looked again at the part played by ethnic and religious community media in social cohesion. According to various experts, the issue was a complex one as in some cases, such media actively hampered social cohesion, by exacerbating sectarianism and linguistic and/or cultural isolation, or by promoting traditions that were unacceptable to the majority of society. There still remained

the question of whether local media, broadcast in minority languages, could really help non-indigenous minorities or recent immigrants, with little knowledge of the language and culture of the host country, to integrate. The European Commission representative observed that social cohesion could also be undermined by the mainstream media, when they peddled stereotypes about ethnic origin, specific cultural features, sexual orientation, etc.

19. In order to explore this issue, an ad hoc working group was set up (CMFE, Bulgaria, Greece, Poland, Turkey, Slovakia, OLMCM). It was agreed that this group should take on board the comments made by the MC-S-MD during the discussion and, with the help of the secretariat, prepare a draft document in time for the next meeting.

(b) ways in which the public, in all its diversity, can be involved in consultative programming structures

20. The secretariat reminded members that at the previous meeting of the MC-S-MD in September 2007, the representatives of “Online/More Colour in the Media” (OLMCM), Switzerland and UNESCO had offered to form an ad hoc working group to prepare a draft document for the March 2008 meeting. The OLMCM representative presented the MC-S-MD with a draft document on the subject and explained that there was still a great deal of work to be done in terms of both style and content. For example, due emphasis had yet to be given in the document to the position of viewers/listeners/users. Also, the structure of the text needed changing, one possible source of inspiration being a UNESCO document on relationships between media, schools and the general public, published in 2006.

21. One expert thought that the MC-S-MD’s draft report should address, *inter alia*, the question of co-regulation, as in her view, co-regulation by civil society and the active involvement of the public in creating media content had become very important issues. The expert further believed that the report should deal with the relationship between media professionals and the public. She said that in her country, media-related subjects were taught in school. This was useful not only for developing young people’s capacity for critical thinking in relation to the media, but also for encouraging them to be creative and to contribute new content. Another expert thought that the media themselves should teach young people aspects of civic responsibility and democratic participation. The ENPA representative, however, said that the report must not conflate public participation in advisory bodies or public complaints mechanisms (something that the group was supposed to address under its terms of reference) with media education.

22. The MC-S-MD agreed that the question of co-regulation would be included in the report; a number of participants, in particular the ENPA and the EBU representatives, would send the OLMCM representative any further suggestions they might have. The ad hoc working group would prepare a revised draft text at the earliest opportunity and would submit it to all members of the MC-S-MD by September for comments/suggestions/proposed amendments. The secretariat reminds that the task of the group under this item is to prepare by the end of the year a document or a standard-setting instrument on the matter.

(c) the importance of independent productions for media pluralism and social cohesion

23. The Romanian delegation presented a draft report on the role of independent productions in promoting cultural diversity, as revised in the light of suggestions made by

MC-S-MD members at their 6th meeting in September 2007. The group gave the document a warm reception and held an exchange of views on the subject.

24. Among other things, one expert felt that in the conclusions, the report should include a series of suggestions about ways of supporting independent productions. The European Commission representative undertook to come back with more detailed proposals, after conferring with his colleagues at the Commission. He also thought that it might be worth seeking the opinion of the secretariat of the Standing Committee on Transfrontier Television, as the revised version of the Convention in question covered, *inter alia*, the notion of “independent productions”. The Spanish delegation likewise undertook to get back to the Romanian delegation with more specific suggestions.

25. To conclude, the Chairperson asked the Romanian delegation to continue their work on the draft report and to prepare a revised version of the document in time for the next meeting of the MC-S-MD in September 2008. He reminded that the objective of the group was to prepare by the end of 2008 a final version of the report.

Item 9 of the agenda:

Ministerial conference on the media and new communication services of member states of the Council of Europe (28 and 29 May 2009, Reykjavik)

26. The secretariat presented a preliminary draft programme for the ministerial conference to be held in 2009 in Reykjavik. Members of the group discussed matters relating to the substance and organisation of the event. They then made a series of suggestions concerning the preliminary draft (cf. document MC-S-MD(2008)2).

Item 10 of the agenda:

Other business

27. None.

Item 11 of the agenda:

Date of the next meeting

28. The next meeting of the MC-S-PSM was to be held on 15 and 16 September 2008 in Strasbourg.

Appendix / Annexe I**List of participants /Liste des participants****I. MEMBER STATES/ETATS MEMBRES****Austria/Autriche**

<Apologised/Excusé>

Mag. Stefan STANTEJSKY,, WIEN

<Apologised/Excusé>

Mag Marina HIRSCH, Bundeskanzleramt-Verfassungsdienst, Abt/ V/3 und V/4, Wien

Belgium/Belgique

<Apologised/Excusé>

Mme Muriel COLOT, Attachée, Service général de l'audiovisuel et des multimédias, Communauté française, BRUXELLES

Bulgaria/Bulgarie

Mme Nina VENOVA, Bulgarian News Agency, Rédacteur LIK, SOFIA

Mr Svetlozar KIRILOV, Associated Professor, Faculty of Journalism and Mass Communication, Sofia University, SOFIA

Croatia/Croatie

Ms Zrinjka PERUŠKO, Associate Professor, Department of Journalism, Faculty of Political Science, University of Zagreb, Chair, Centre for media and communication research, ZAGREB

France

<Apologised/Excusé>

M. Xavier INGLEBERT, Adjoint au Chef du Bureau des affaires européennes et internationales, Direction du Développement des Médias, Services du Premier Ministre, PARIS

Greece/Grèce

Mme Maria GIANNAKAKI, Attachée de Presse, Représentation Permanente de la Grèce auprès du Conseil de l'Europe, Bureau de Presse et de Communication, STRASBOURG

Latvia/Lettonie

Mr Kirsts LEIŠKALNS, Public Relations Adviser, Prime Minister, State Chancellery, RĪGA

Lithuania/Lituanie

<Apologised/Excusé>

M s Audrone NUGARAITE, Associate Professor, Institute of Journalism, Vilnius University, VILNIUS

Norway/Norvège

<Apologised/Excusé>

Mr Lars BRUSTAD, Assistant Director General, Department of Media and Copyright, Ministry of Culture and Church Affairs, OSLO

Poland/Pologne

Mr Pawel STEPKA, Senior Inspector, National Broadcasting Council, WARSAW

Portugal

M. Agostinho PISSARREIRA, Expert, Cabinet para os meios de comunicacao social, Palacio Foz, Praça dos Restauradores, LISBOA

Romania/Roumanie

Mme Elly-Ana TARNACOP-MOGA, Conseillère pour les affaires européennes, Ministère de la Culture et des Cultes, BUCAREST

Russian Federation/Fédération de Russie

Mrs Elena VARTANOVA, Acting Dean, Professor, Faculty Of Journalism, Moscow State University, MOSCOW

Slovak Republic/République slovaque

M. Igor CHOVAN, Head of licencing Department, Council for broadcasting and retransmission, BRATISLAVA

Spain/Espagne

Ms Carmen CILLER TENREIRO, Vice-Dean, Lecturer, Journalism and Audiovisual Communication University Carlos III de Madrid, c/o Madrid, MADRID

Switzerland/Suisse

M. Jacques FAVRE, Expert médias, Chargé de cours à l'Université de Fribourg, VALLORBE

“The former Yugoslav Republic of Macedonia”/ « L'ex-République yougoslave de Macédoine »

<Apologised/Excusé>

Mr Janko NIKOLOVSKI, President of the Commission, Commission for protecting the right on free access to information of public character, SKOPJE

Turkey/Turquie

Mr Nihat ÇAYLAK, Expert, International Relations Department, Radio and Television Supreme Council (of Turkey), Bilkent, ANKARA

Dr Hamit ERSOY, Head of International Relations Department, Radio and Television Supreme Council (of Turkey), Bilkent, ANKARA

United Kingdom/Royaume-Uni

<Apologised/Excusé>

Mr Mark FERRERO, Department of Culture, Media and Sport, LONDON

I. OTHER PARTICIPANTS/AUTRES PARTICIPANTS

Parliamentary Assembly of the Council of Europe/Assemblée Parlementaire du Conseil de l'Europe

Congress of Local and Regional Authorities of the Council of Europe/Congrès des Pouvoirs Locaux et Régionaux du Conseil de l'Europe

European Audiovisual Observatory/Observatoire européen de l'Audiovisuel

European Commission/Commission européenne

Mr Pierre-Yves ANDRAU, Policy and legal officer - Member of the Media Task Force, DG Information Society Media, European Commission, BRUSSELS

II. OSERVERS WITH THE COUNCIL OF EUROPE/OBSERVATEURS AUPRES DU CONSEIL DE L'EUROPE

Canada

Holy See/Saint-Siège

M. Christian Gouyau, Mission Permanente du Saint-Siège auprès du Conseil de l'Europe, Strasbourg

III. OSERVERS WITH THE MC-S-MD/OBSERVATEURS AU SEIN DU MC-S-MD

UNESCO

<Apologised/Excusé>

Ms Mirta LOURENÇO, Chief of Section, Media Capacity-Building, Communication development, UNESCO, Paris

**Organisation for Security and Co-operation in Europe (OSCE)/
Organisation pour la Sécurité et la Coopération en Europe (OSCE)**

<Apologised/Excusé>

Mr Roland BLESS, Director, OSCE Office of the Representative on Freedom of the Media, VIENNA

European Broadcasting Union/Union Européenne de Radio-Télévision

Mme Cecile ODELLO, Legal Adviser, Legal and Public Affairs Department, EBU-UER, GRAND-SACONNEX GE

<Apologised/Excusé>

M. Jacques BRIQUEMONT, Responsable des affaires publiques, Union Européenne de Radio-Télévision, BRUXELLES

Association of Commercial Television in Europe/Association des Télévisions commerciales européennes

<Apologised/Excusé>

Ms Monika MAGYAR, Legal Advisor, Association of Commercial Television in Europe, BRUXELLES

European Federation of Journalists/Fédération européenne des Journalistes

Mr Marc GRUBER, FEJ - European Director, BRUXELLES

European Newspaper Publishers' Association/Association européenne des Editeurs de Journaux

Mme Margaret BORIBON, Association Européenne des Editeurs de Journaux, BRUXELLES

Foundation 'Online/More Colour in the Media

Mr Ed KLUTE, President, OLMCM, BE UTRECHT, Netherlands

European Internet Services Providers Association (EuroISPA)

<Apologised/Excusé>

M. Richard NASH, Secretary General, EuroISPA, BRUSSELS

Community Media Forum Europe (CMFE)

Mr Pieter de WIT, President, CMFE, Director OLON, AK NIJMEGEN, Netherlands

Ms Nadia BELLARDI, Vice-President, CMFE, c/o Radio Lora, ZURICH

IV. INVITED

V. SECRETARIAT

Mr Ivan NIKOLTCHEV, Administrator, Media Division, Directorate General of Human Rights /
Administrateur, Division Médias, Direction Générale des Droits de l'Homme

Mr Eugen CIBOTARU, Administrator, Media Division, Directorate General of Human Rights /
Administrateur, Division Médias, Direction Générale des Droits de l'Homme

Mrs Victoria LEE, Assistant, Media Division, Directorate General of Human rights / Assistante,
Division Médias, Direction Générale des Droits de l'Homme

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Appendix / Annexe II

Agenda / Ordre du jour

1. **Opening of the meeting and adoption of the agenda**
2. **Election of a Chairperson and a Vice-Chairperson for 2008**
3. **Decisions of the Steering Committee on the Media and New Communication Services (CDMC) of interest to the work of the MC-S-MD**
4. **Other information of interest to the work of the MC-S-MD**
5. **MC-S-MD work in 2008** – *fulfilling the tasks under the terms of reference of the group of specialists*
6. **Methodology for the monitoring of media concentration** – *examination of progress made in the preparation of a text on this matter*
7. **Implementation of Recommendation R (2003) 9 on measures to promote the democratic and social contribution of digital broadcasting** – *examination of progress made in the preparation of a text on this matter*
8. **Examination of the role of the media in promoting social cohesion and the integration of different communities:**
 - (a) **the role that can be played by community, local, minority and social media** – *examination of progress made in the preparation of a text on this matter*
 - (b) **the ways in which the public, in all its diversity, can be involved in consultative programming structures** – *consideration of an outline document on the matter*
 - (c) **the importance of independent productions for media pluralism and social cohesion** – *examination of a revised report on possible support measures for independent productions*
9. **Ministerial Conference on the Media and New Communication Services of member states of the Council of Europe, 28 and 29 May 2009, Reykjavik (Iceland)** – *possible contribution of the group to the agenda of the Conference*
10. **Other business**
11. **Date of the next meeting**