



Strasbourg, 26 October 2006

MC-S-PSB(2006)006

[PDF](#)

**GROUP OF SPECIALISTS ON PUBLIC SERVICE
BROADCASTING IN THE INFORMATION SOCIETY**

(MC-S-PSB)

**4th meeting
17 and 18 October 2006
Human Rights Building, Strasbourg
Room 20 RC Jardin**

REPORT

Items 1 & 2 of the agenda: Opening of the meeting and adoption of the agenda

1. The agenda was adopted without amendment (see document MC-S-PSB (2006) OJ 4 notes). The list of participants is reproduced in Appendix I. The agenda as adopted is reproduced in Appendix II, which also lists the working documents.

Item 3 of the agenda: Examination of how the public service remit should be developed and adapted to suit the new digital environment

2. The Secretariat presented the draft Recommendation on the remit of the public service media in the information society as amended by the Secretariat after the previous meeting in the light of the suggestions of an *ad hoc* working group and proposed amendments from the Chair of the CDMC. It also presented the comments and proposed amendments submitted by delegations to the CDMC and by a number of units of the Secretariat of DG-II and DG-III of the Council of Europe.

3. The Group noted that most of the comments and proposed amendments were of an editorial nature. The suggestions prompted little discussion as the Group considered most of them acceptable. Further to a proposal from the French delegation to the CDMC, the Group decided to change the title of the document, for the sake of clarity, to draft Recommendation *on the remit of the public service media* in the information society.

4. At the same time, it was noted that in the comments submitted by the EBU members, the latter were proposing a number of substantive amendments, especially in sections II and III of the draft Recommendation

5. During the ensuing discussions, the members of the MC-S-PSB agreed to the EBU's suggestion to expand on the ideas concerning the social and cultural dimensions of the public service media set out in Section II of the draft Recommendation.

6. In sub-section (b) it was decided to highlight the fact that public service media should be adapted to the new digital environment to enable them to fulfil their remit in promoting social cohesion at local, regional, national and international levels, and to foster a sense of co-responsibility of the public for the achievement of this objective. It was also decided to stress that the public service media should act as a trusted guide of the society, bringing concretely useful knowledge for the life of the individuals and of the different communities. In the same sub-section, the Group decided to emphasise that at this time of globalisation, migration and integration at European and international levels, the public service media should promote better understanding among peoples and contribute to intercultural and inter-religious dialogue.

7. In sub-section (e) the Group expanded on the idea of the role of the public service media in promoting cultural diversity: they should continue to invest in new, original content production, also in formats suitable for new communication services, and support the creation and production of domestic audiovisual works reflecting as well local and regional characteristics. The MC-S-PSB decided to spotlight the idea that the public service media should stimulate creativity and reflect the diversity of cultural activities, through their cultural

programmes, in fields such as music, arts and theatre. They have a central role to play in education, media literacy and life-long learning, and should actively contribute to the formation of knowledge-based society. Furthermore, the public service media should play a particular role in preservation of cultural heritage.

8. The EBU members had expressed doubts about the usefulness of Section III, wondering whether the draft Recommendation should really deal with the organisation and funding of public service media. The MC-S-PSB members concluded that it was very important to retain this section, although it might be revised with an eye to greater clarity and consistency. A number of experts considered that the recommendation that member States should broaden the remit of the public service media was liable to remain hypothetical if this section on the preconditions for fulfilling the public service remit was deleted.

9. The Group proceeded to revise this section, concentrating mainly on the financial and organisational aspects, which were the most difficult and sensitive. The members of the MC-S-PSB agreed that these matters had to be addressed in a clear, balanced manner in order to prevent any misinterpretations that might destabilise existing financial and organisational systems. It was therefore decided to reaffirm, at the beginning of Section III, the value of the current legal, financial and organisational systems, while stressing that member States should tailor these systems to the rapidly changing technological and social realities, and remaining faithful to the fundamental principles of public service. The document should encourage member States to explore additional models to improve the ability of the public service media to fulfil their remit by adapting to the information society.

10. In connection with complementary funding solutions, it was decided to stress that none of these solutions should endanger the principle of universality of public service media or lead to discrimination between different groups of society: when developing new funding systems, member States should pay due attention to the nature of the content provided to the benefit of the public and in the common interest.

11. Where organisational aspects were concerned, it was decided that the text should be future-oriented, encouraging member States to ensure that the public service media could, as necessary, engage in co-operation with other economic actors, such as commercial media, rights holders, producers of audiovisual content, platform operators and distributors of audiovisual content.

12. The members of the MC-S-PSB asked the Secretariat to prepare a new version of the draft Recommendation as revised in the light of the Group's discussions, in consultation with the Chair of the MC-S-PSB and the Chair of the CDMC (see Appendix III for the revised version of the draft Recommendation).

Item 7 of the agenda:

Pointers to the possible future work of the MC-S-PSB

13. The Secretariat presented the Group with draft terms of reference for 2007 and 2008. It suggested that the Group change its name (MC-S-PSB) to make clear that its work concentrated on the public service media rather than only public service broadcasting. The four paragraphs

setting out the proposed activities for the MC-S-PSB in 2007 and 2008 derived from specific points set out in paragraphs 13, 15, 21 and 22 of the Kyiv Action Plan.

14. When discussing the draft terms of reference, the Group approved the overall text, with a number of minor amendments. These included deleting the reference to promoting access to public documents, which the Group felt had little to do with the main functions of the public service media (see Appendix IV for the revised version of the draft terms of reference of the MC-S-PSM).

Item 6 of the agenda: **Decisions of the Steering Committee on the Media and New Information Services (CDMC) relevant to the work of the MC-S-PSB**

15. The Chair and the Secretariat outlined the discussion in the CDMC and its Bureau, including those on the work of the MC-S-PSB, and in particular the fact that the Bureau had backed the Group's work on the aforementioned draft Recommendation and the draft terms of reference of the MC-S-PSM for 2007 and 2008.

Item 4 of the agenda: **Monitoring of the implementation by member States of Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting**

Item 5 of the agenda: **Examination of the role of public service broadcasters in promoting wider democratic participation by individuals with the help of new interactive technologies**

16. Given that the Group had devoted most of the time available to the priority work on the draft Recommendation on the remit of the public service media in the information society, they were unable to discuss items 4 and 5.

17. Where item 4 was concerned, the Secretariat informed the Group that the draft Declaration on the guarantee of the independence of public service broadcasting in the member States had been adopted by the Committee of Ministers on 27 September 2006. In connection with item 5, the Secretariat pointed out that beyond the aforementioned draft Recommendation, a sub-section of which dealt with the role of public service broadcasters in promoting broader democratic participation by individuals, the Group should continue the work on this matter in 2007, subject to the CDMC renewing its terms of reference, by preparing a compendium of best practices in this area.

Item 8 of the agenda: **Other business**

18. None.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBERS STATES

Armenia/Arménie

Ms Nouneh SARKISSIAN, Managing Director, Internews, Media Support NGO, YEREVAN

Azerbaijan/Azerbaïdjan

[Apologised/excusé(e)]

Mr Tahir MAMMADOV, Head of the Division for Public Relations, Public Television and Radio Broadcasting Company, BAKU

Belgium/Belgique

Flemish community

[Apologised/excusé(e)]

Mr Marc CHATELET, Deputy Director, afdeling Media en Film, Ministerie van de Vlaamse cGemeenschap, BRUSSELS

[Apologised/excusé(e)]

Mr Johan BOUCIQUÉ, Media Advisor, afdeling Media en Film, Ministerie van de Vlaamse cGemeenschap, BRUSSELS

[Apologised/excusé(e)]

Ms Saskia DIERICKX, Deputy Director, Ministerie van de Vlaamse cGemeenschap, BRUSSELS

French community

Mr Thibault MULATIN, Chargé de mission, Service Général de l'Audiovisuel et des Multimédias, Ministère de la Communauté française de Belgique, BRUXELLES

Bulgaria/Bulgarie

Mrs Albena MILANOVA, Director of International Department, Bulgarian National Radio, SOFIA

Ms Bissera ZANKOVA, Media expert, Consultant, State Agency of Information Technology and Communications, SOFIA

Cyprus/Chypre

Mr Neophytos EPAMINONDAS, Director, Cyprus Radio-Television Authority, NICOSIA

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Czech Republic/République Tchèque

[Apologised/excusé(e)]

Mr Artus REJENT, media lawyer, Media Department, Ministry of Culture, PRAGUE

Denmark/Danemark

Ms Pernille RAHBEK, Danish Ministry of Culture, COPENHAGEN

Estonia/Estonie

[Apologised/excusé(e)]

Mr Hagi SHEIN, Dean of the Media School, Tallinn University, Member of the Estonian Broadcasting Council, TALLINN

Germany/Allemagne

Mr Patrick SEGALLA, Legal expert, Division for International Cooperation in Media Affairs, Federal Government Commissioner for Culture and the Media, BERLIN

Hungary/Hongrie

Mr Márk LENGYEL, Managing Director, Körmendy-Ékes & Lengyel Consulting, BUDAPEST

Iceland/Islande

Ms Elfa Yr GYLFADOTTIR, Head of Division of Media, Department of Cultural Affairs, Ministry of Education, Science and Culture, REYKJAVIK

Ireland/Irlande

Mr Kevin O'BRIEN, Head of Broadcasting, Broadcasting Policy Division, Department of Communications Marine and Natural Resources, DUBLIN

Portugal

Mr Elisio OLIVEIRA, Vice-President, ERC, Entidade Reguladora para a Comunicação Social, LISBON

Russian Federation/Fédération de Russie

[Apologised/excusé(e)]

Mr Armen OGANESYAN, Chairman, "Voice of Russia", National Radio Company, MOSCOW

Slovakia/Slovaquie

Ms Slavomira SALAJOVA, Media and Audiovisual Department, Media and Copyright Division,
The Ministry of Culture of the Slovak Republic, BRATISLAVA

Slovenia/Slovénie

Mr Peter SOTOSEK STULAR, Legal consultant at the Media Directorate, Ministry of Culture of
Republic of Slovenia, LJUBLJANA

Switzerland/Suisse

Mr Gian-Luca MARSELLA, Juriste des médias, Office fédéral de la communication OFCOM,
BIENNE

Turkey/Turquie

Mr Irfan Dündar ERENTURK, Radio and Television Supreme Council, BILKENT

United Kingdom/Royaume-Uni

[Apologised/excusé(e)]

Mr Chris BONE, Broadcasting Policy Division, Department for Culture, Media and Sport,
LONDON

OBSERVERS/OBSERVATEURS

European Commission/Commission Européenne

[Apologised/excusé(e)]

Mr Anthony O'DONNELL, Chef d'Unité Adjoint du Service audiovisuel, Direction Générale de
la Communication, BRUXELLES

[Apologised/excusé(e)]

Ms Anna HEROLD, European Commission, Directorate General for Information Society and
Media, BRUXELLES

European Broadcasting Union (EBU)/Union européenne de radio-télévision (UER)

Mr Michael WAGNER, Directeur adjoint, Département des Affaires juridiques, UER - GRAND-
SACONNEX GENEVE

**Association of Commercial Television in Europe (ACT) / Association des Télévisions
Commerciales Européennes (ACT)**

[Apologised/excusé(e)]

Mr Ross BIGGAM, Director General, BRUSSELS

[Apologised/excusé(e)]

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Ms Julie RUFF, European Affairs and Communication, BRUSSELS

The European Association for Viewers Interests (EAVI)

[Apologised/excusé(e)]

Mr Paolo CELOT

[Apologised/excusé(e)]

Mr Uwe HASEBRINK

European Federation of Journalists / Fédération européenne des Journalistes

[Apologised/excusé(e)]

Mr Aidan WHITE, General Secretary, BRUSSELS

Article 19

[Apologised/excusé(e)]

Holy See/Saint-Siège

[Apologised/excusé(e)]

Mr Louis Ter STEEG

Parliamentary Assembly / Assemblée Parlementaire

[Apologised/excusé(e)]

European Audiovisual Observatory / Observatoire européen de l'audiovisuel

Mrs Susanne NIKOLTCHEV, Head of the Department for Legal Information

Japan/Japon

[Apologised/excusé(e)]

Mr Naoyuki IWAI, Consul (Attorney), Consulate General of Japan, STRASBOURG

SECRETARIAT

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

Interpreters/Interprètes

Mr Nicolas GUITTONNEAU

Mr Olivier OBRECHT

Mr Robert SZYMANSKI

APPENDIX II

NOTES ON THE DRAFT AGENDA

1. Opening of the meeting

2. Adoption of the agenda

1. The draft agenda is set out in document MC-S-PSB(2006)OJ2notes.

3. Examination of how the public service remit should be developed and adapted to suit the new digital environment

2. The Group will proceed to an examination of the draft Recommendation on the public service remit in the information society, prepared by the Secretariat on the basis of certain elements of Mr Christian Nissen's report on "Public service media in the information society", contributions by members of the MC-S-PSB and CDMC, as well as other documents concerning public service remit. In preparing the draft, account was also taken of Parliamentary Assembly Recommendation 1641 to the Committee of Ministers on public service broadcasting and with the MC-S-PSB's terms of reference.

3. The Group is invited to discuss the content and the structure of the draft Recommendation, and to propose possible amendments able to improve the document, in order to obtain by the end of the meeting an acceptable text to be submitted, for examination and possible approval, to the Steering Committee on the Media and New Communication Services (CDMC) at its next meeting on 28 November – 1st December 2006.

Working documents

- Draft Recommendation on the public service remit in the information society
MC-S-PSB (2006)007
- Draft Council of Europe Recommendation on the public service remit in the Information Society - comments of a general nature by the EBU members
- Draft Council of Europe Recommendation on the public service remit in the Information Society – editorial suggestions by the EBU
- Final version of the report "Public Service Media in the Information Society" by C. Nissen
H/Inf (2006)003
- Study on the definition of the remit of public service broadcasting in Europe (EBU)

MC-S-PSB(2006)006

- Contribution by the delegation of Bulgaria on the adjustment of the public service remit to the new digital environment
- Recommendation 1641 (2004) of the PACE on public service broadcasting
- Report of the 3rd meeting of the MC-S-PSB (27 - 28 March 2006)
MC-S-PSB(2006)004
- Compendium of the terms of reference of the CDMC and its subordinate bodies
CDMC(2006)003
- Extracts of the report of the 3rd meeting of the CDMC (30 May - 2 June 2006) relevant to the work of the MC-S-PSB
MC-S-PSB(2006)008
- Topics for further discussion
MC-S-PSB (2005) Misc1
- Public service remit in different member states
MC-S-PSB(2005)Misc2

4. Monitoring of the implementation by member states of Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting

4. The Secretariat informs the Group on the discussions within the CDMC and approval by the latter of the draft Declaration of the Committee of Ministers on the guarantee of the independence of public service broadcasting [as well as on its adoption by the Committee of Ministers].

5. The Group is also invited to continue the discussion on the need to provide further guidance to Council of Europe member states on how to secure the independence of public service broadcasters.

Working documents

- Declaration of the Committee of Ministers on the guarantee of the independence of public service broadcasting
- Compilation of responses to the questionnaire
MC-S-PSB (2005)008 rev
- Contribution by the delegation of Bulgaria on the independence of public service media
- OSI contribution to the discussion on public service broadcasting independence

- Compendium of the terms of reference of the CDMC and its subordinate bodies
CDMC(2006)003
 - Extracts of the report of the 3rd meeting of the CDMC (30 May - 2 June 2006) relevant to the work of the MC-S-PSB
MC-S-PSB(2006)008
 - Report of the 3rd meeting of the MC-S-PSB (27 - 28 March 2006)
MC-S-PSB(2006)004
 - Television across Europe: Regulation, Policy and Independence (2005) – Reports
http://www.eumap.org/topics/media/television_europe
 - "Public service Broadcasting: A best practices sourcebook", report by UNESCO (2005)
- 5. Examination of the role of public service broadcasters in promoting wider democratic participation by individuals with the help of new interactive technologies**

6. The Group is invited to resume the discussion on the role of public service broadcasters in promoting a wider democratic participation of individuals, with the help of new interactive technologies. At this stage, the idea has been integrated into the draft Recommendation on the public service remit in the information society.

7. The alternative idea to prepare a document setting out public service broadcasters' initiatives with a view to promoting a wider democratic participation of individuals, with the help of new interactive technologies, constitutes a perspective for the possible work of the Group in 2007, provided the extension of its terms of reference by the CDMC and depending on available elements and the work in this respect of the members of the Group.

Working documents

- Draft Recommendation on the public service remit in the information society
MC-S-PSB (2006)007
- Compendium of the terms of reference of the CDMC and its subordinate bodies
CDMC(2006)003
- Report of the 3rd meeting of the MC-S-PSB (27 - 28 March 2006)
MC-S-PSB(2006)004
- Topics for further discussion
MC-S-PSB (2005)Misc1
- Research by European Association for Viewers Interests (EAVI) on viewers' rights
<http://www.eavi.org/reports.htm>

6. Decisions of the Steering Committee on the Media and New Communication Services (CDMC) relevant to the work of the MC-S-PSB

8. The Secretariat will briefly present decisions of the CDMC at its 3rd meeting (30 May - 2 June 2006) relevant to the work the MC-S-PSB.

Working documents

- Extracts of the report of the 3rd meeting of the CDMC (30 May - 2 June 2006) relevant to the work of the MC-S-PSB
MC-S-PSB(2006)008
- Report of the 3rd meeting of the MC-S-PSB (27 - 28 March 2006)
MC-S-PSB(2006)004
- Compendium of the terms of reference of the CDMC and its subordinate bodies
CDMC(2006)003

7. Orientation for possible future work of the MC-S-PSB

9. The Group is invited to discuss about its possible future work beyond 2006, provided the extension of its terms of reference by the CDMC. In this respect, it would be useful to examine documents CDMC(2005)006 and CDMC(2005)019 including elements from Kyiv Action Plan not covered by the terms of reference of the Groups of Specialists, as well as draft revised terms of reference of the MC-S-PSB.

Working documents

- Compendium of the terms of reference of the CDMC and its subordinate bodies
CDMC(2006)003
- Work plan in respect of the Kyiv Action Plan
CDMC(2005)019rev
- Elements of the Action Plan not covered by the terms of reference of the four Groups of Specialists
CDMC(2005)006
- Draft terms of reference of the MC-S-PSEM
MC-S-PSB(2006)009
- Report of the 3rd meeting of the MC-S-PSB (27 - 28 March 2006)
MC-S-PSB(2006)004

- Topics for further discussion
MC-S-PSB (2005) Misc1

8. Other business

Information documents relevant for the work of the MC-S-PSB :

- [Legal observations](#) of the European Audiovisual Observatory: Cultural and Regional Remits in Broadcasting
- Research by European Association for Viewers Interests (EAVI) on viewers' rights in a number of European countries & on the instruments European citizens have at their disposal to safeguard their rights and interests as TV viewers
<http://www.eavi.org/reports.htm>
- [Resolution on public service broadcasting](#) adopted at the 4th European Ministerial Conference on Mass Media Policy (Prague, December 1994)
- [Recommendation No. R \(96\) 10](#) of the Committee of Ministers on the guarantee of the independence of public service broadcasting
- [Recommendation Rec \(2003\) 9](#) of the Committee of Ministers on measures to promote the democratic and social contribution of digital broadcasting
- [Recommendation 1641 \(2004\)](#) of the PACE on public service broadcasting
- [Reply from the Committee of Ministers](#) (30 September 2004) to the Recommendation 1641 (2004) of the PACE on public service broadcasting
- [Report on public service broadcasting](#) prepared by the Committee on Culture, Science and Education of the Parliamentary Assembly of the Council of Europe (PACE) (12 January 2004)
- [Addendum to the Report on public service broadcasting](#) prepared by the Committee on Culture, Science and Education of the PACE
- [Protocol to the Amsterdam Treaty](#) on the system of public broadcasting in the member States
- [Resolution of the Council and of the Representatives of the Governments of the EU Member States](#), meeting within the Council of 25 January 1999 concerning public service broadcasting
- [Communication from the European Commission](#) on the application of State aid rules to public service broadcasting (2001/C 320/04)

- [Clarification by the European Commission](#) concerning application of State aid rules to Public Service Broadcasting (IP/01/1429, 17/10/01)
- [State aid](#): Commission requests Germany, Ireland and The Netherlands to clarify role and financing of public service broadcasters (IP/05/250, 03/03/05)
- [Press release](#) of the European Audiovisual Observatory on the financial situation of public radio-television companies in Europe (9/04/02)
- “The key role of the public service broadcasting in European society in the 21st century” – [the EBU contribution to the Conference on public service broadcasting](#) (Amsterdam, 1-3 September 2004)
- Chapters to be published in the book “Media between culture and commerce”, part B [“The Future and Challenges of Public Service Broadcasting”](#) (ed. Karol Jakubowicz)
- [“Keep the essence, change \(almost\) everything else: redefining PSB for the 21st century”](#), by Karol Jakubowicz
- [“If not us, then who? PSB and culture in the 21st century”](#), by Karol Jakubowicz
- [“Public service Broadcasting: A best practices sourcebook”](#), report by UNESCO (2005)

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APPENDIX III**DRAFT RECOMMENDATION ON THE REMIT OF PUBLIC SERVICE MEDIA
IN THE INFORMATION SOCIETY**

**as revised by the MC-S-PSB at its 4th meeting on 17 and 18 October 2006
and in the light of additional comments by different delegations**

DRAFT**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS****RECOMMENDATION REC (2006) ...
OF THE COMMITTEE OF MINISTERS TO MEMBER STATES****ON THE REMIT OF PUBLIC SERVICE MEDIA IN THE INFORMATION SOCIETY**

*(adopted by the Committee of Ministers on ... 2006,
at the ... meeting of the Ministers' Deputies)*

1. The Committee of Ministers of the Council of Europe,
2. Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles that are their common heritage;
3. Recalling the commitment of Member States to the fundamental right to freedom of expression and information, as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms;
4. Recalling the importance for democratic societies of a wide variety of independent and autonomous media, able to reflect the diversity of ideas and opinions, and that new information and communication techniques and services must be effectively used to broaden the scope of freedom of expression, as stated in its Declaration on the freedom of expression and information (April 1982);
5. Bearing in mind Resolution No. 1 on the future of public service broadcasting adopted at the 4th European Ministerial Conference on Mass Media Policy (Prague, December 1994);
6. Recalling its Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting and its Recommendation Rec(2003)9 on measures to promote the democratic and social contribution of digital broadcasting, as well as its Declaration on the guarantee of the independence of public service broadcasting in the Member States (September 2006);

7. Recalling Recommendation 1641 (2004) of the Parliamentary Assembly of the Council of Europe on public service broadcasting, calling for the adoption of a new major policy document on public service broadcasting taking stock of recent technological developments, as well as the Report on public service broadcasting by the Parliamentary Assembly's Committee on Culture, Science and Education, noting the need for the evolution and modernisation of this sector, and the positive reply of the Committee of Ministers to this Recommendation;
8. Bearing in mind the political documents adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, March 2005) and, more particularly, the objective set out in the Action Plan to examine how the public service remit should, as appropriate, be developed and adapted by Member States to suit the new digital environment;
9. Recalling the UNESCO Convention on the protection and promotion of the diversity of cultural expressions (October 2005), which attaches considerable importance *inter alia* to the creation of conditions conducive to diversity of the media including through public service broadcasting;
10. Conscious of the need to safeguard the fundamental objectives of the public interest in the information society, including freedom of expression and access to information, media pluralism, cultural diversity, and the protection of minors and human dignity, in conformity with the Council of Europe standards and norms;
11. Underlining the specific role of public service broadcasting, which is to promote the values of democratic societies, in particular respect for human rights, cultures and political pluralism; and with regard to its goal of offering a wide choice of programmes and services to all sectors of the public, promoting social cohesion, cultural diversity and pluralist communication accessible to everyone;
12. Mindful of the fact that growing competition in broadcasting makes it more difficult for many commercial broadcasters to maintain the public value of their programming, especially in their free-to-air services;
13. Conscious of the fact that globalisation and international integration, as well as the growing horizontal and vertical concentration of privately-owned media at the national and international levels, have far-reaching effects for states and their media systems;
14. Noting that in the information society, the public, and especially the younger generations, more and more often turn to the new communication services for content and for the satisfaction of their communication needs, at the expense of traditional media;
15. Convinced therefore that the public service remit is all the more relevant in the information society and that it can be discharged by public service organisations via diverse platforms and an offer of various services, resulting in the emergence of public service media;

16. Recognising the continued full legitimacy and the specific objectives of public service media in the information society;
17. Persuaded that, while paying attention to market and competition questions, the common interest requires that public service media be provided adequate funds for the fulfilment of the public service remit as conferred on them,
18. Recommends that the governments of Member States:
 - i. guarantee the fundamental role of the public service media in the new digital environment, setting a clear remit for public service media, and enabling them to use new technical means to better fulfil this remit and adapt to rapid changes in the current media and technological landscape, and to changes in the viewing and listening patterns and expectations of the audience;
 - ii. include, where they have not already done so, provisions in their legislation/regulations specific to the remit of public service media, covering in particular the new communication services, thereby enabling public service media to make full use of their potential and especially to promote broader democratic, social and cultural participation, inter alia with the help of new interactive technologies;
 - iii. guarantee, via a secure and appropriate financing and organisational framework, public service media the conditions required to carry out the function entrusted to them by Member States in the new digital environment, in a transparent and accountable manner;
 - iv. enable public service media to respond fully and effectively to the challenges of the information society, respecting the public/private dual structure of the European electronic media landscape and paying attention to market and competition questions;
 - v. offer universal access to public service media for all individuals and social groups, including minority and disadvantaged groups, through a range of technological means;
 - vi. disseminate widely this Recommendation and, in particular, bring to the attention of public authorities, public service media, professional groups and the public at large, the guiding principles set out below, and ensure that the necessary conditions are in place for these principles to be put into practice.

***Guiding principles concerning the remit of public service media
in the information society***

I. THE PUBLIC SERVICE REMIT: MAINTAINING THE KEY ELEMENTS

1. Member States have the competence to define and assign a public service remit to one or more media organisations, in the public and/or private sector, maintaining the key elements underpinning the traditional public service remit, while adjusting it to new circumstances. These elements have been referred to on several occasions in Council of Europe documents, which have defined public service broadcasting as, amongst other things:
 - a) a reference point for all members of the public, with universal access offered;
 - b) a factor for social cohesion and integration of all individuals, groups and communities;
 - c) a source of impartial and independent information and comment, and of innovatory and varied content which complies with high ethical and quality standards;
 - d) a forum for pluralistic public discussion and a means of promoting broader democratic participation of individuals;
 - e) an active contributor to audiovisual creation and production and greater appreciation and dissemination of the diversity of national and European cultural heritage.
2. In the information society, relying heavily on digital technologies, where the means of content distribution have diversified beyond traditional broadcasting, Member States should ensure that the public service remit is extended to cover provision of appropriate content also via new communication platforms.

II. ADAPTING THE PUBLIC SERVICE REMIT TO THE INFORMATION SOCIETY

a. A reference point for all members of the public, with universal access offered

3. Public service media should offer news, information, educational, cultural, sports and entertainment programmes and content aimed at the various categories of the public and which, taken as a whole, constitute an added public value compared to those of other broadcasters and content providers.
4. The principle of universality, which is fundamental to public service media, should be addressed having regard to technical, social and content aspects. Member States should, in particular, ensure that public service media can be present on significant platforms and have the necessary resources for this purpose.
5. In view of changing user habits, public service media should be able to offer both generalist and specialised contents and services, as well as personalised interactive and on-demand services. They should address all generations, but especially involve the younger generation in active forms of communication, encouraging the provision of user-generated content and establishing other participatory schemes.

6. Member States should see to it that goals and means for achievement of these goals by public service media are clearly defined, in particular regarding the use of thematic services and new communication services. This may include regular evaluation and review of such activities by the relevant bodies, so as to ensure that all groups in the audience are adequately served.

b. A factor for social cohesion and integration of all individuals, groups and communities

7. Public service media should be adapted to the new digital environment to enable them to fulfil their remit in promoting social cohesion at local, regional, national and international levels, and to foster a sense of co-responsibility of the public for the achievement of this objective.
8. Public service media should integrate all communities, social groups and generations, including minority groups, young people, old persons, underprivileged and disadvantaged social categories, persons with disabilities, while respecting their different identities and needs. In this context, attention should be paid to the content created by and for such groups, and to their access to, and presence and portrayal in, public service media. Due attention should be also paid to gender equality issues.
9. Public service media should act as a trusted guide of the society, bringing concretely useful knowledge for the life of the individuals and of the different communities. In this context, they should pay particular attention to the needs of minority groups and underprivileged and disadvantaged social categories. This role of filling a gap in the market, which is an important part of the traditional public service media remit, should be maintained in the new digital environment.
10. In an era of globalisation, migration and integration at European and international levels, the public service media should promote better understanding among peoples and contribute to intercultural and inter-religious dialogue.
11. Public service media should promote digital inclusion and efforts to bridge the digital divide, *inter alia* by enhancing the accessibility of programmes and services on new platforms.

c. A source of impartial and independent information and comment, and of innovatory and varied content which complies with high ethical and quality standards

12. Member States should ensure that public service media constitute a space of credibility and reliability among a profusion of digital media, fulfilling their role as an impartial and independent source of information and comment, and of a wide range of programming and services, satisfying high ethical and quality standards.
13. When assigning the public service remit, Member States should take account of public service media's role in bridging fragmentation, reducing social and political alienation and

promoting the development of civil society. A requirement for this is the independent and impartial news and current affairs content, which should be provided on both traditional programmes and new communication services.

d. A forum for public discussion and a means of promoting broader democratic participation of individuals

14. Public service media should play an important role in promoting broader democratic debate and participation, with the assistance, among other things, of new interactive technologies, offering the public greater involvement in the democratic process. Public service media should fulfil a vital role in educating active and responsible citizens, providing not only quality content but also a forum for public debate, open to diverse ideas and convictions in society, and a platform for disseminating democratic values.
15. Public service media should provide adequate information about the democratic system and democratic procedures, and should encourage participation not only in elections but also in decision-making processes and public life in general. Accordingly, one of public service media's roles should be to foster citizens' interest in public affairs and encourage them to play a more active part.
16. Public service media should actively promote a culture of tolerance and mutual understanding also by using new digital and online technologies.
17. Public service media should play a leading role in public scrutiny of national governments and international governmental organisations, enhancing their transparency, accountability and legitimacy, helping eliminate any democratic deficit, and contributing to the development of a European public sphere.
18. Public service media should enhance their dialogue with, and accountability to, the general public, also with the help of new interactive services.

e. An active contributor to audiovisual creation and production and to a greater appreciation and dissemination of the diversity of national and European cultural heritage

19. Public service media should play a particular role in the promotion of cultural diversity and identity, including through new communication services and platforms. To this end, public service media should continue to invest in new, original content production, also in formats suitable for new communication services. They should support the creation and production of domestic audiovisual works reflecting as well local and regional characteristics.
20. Public service media should stimulate creativity and reflect the diversity of cultural activities, through their cultural programmes, in fields such as music, arts and theatre, and they should, where appropriate, support cultural events and performances.
21. Public service media should continue to play a central role in education, media literacy and life-long learning, and should actively contribute to the formation of knowledge-based

society. Public service media should pursue this task, taking full advantage of the new opportunities and including all social groups and generations.

22. Public service media should play a particular role in preservation of cultural heritage. They should rely on and develop their archives, which should be digitised thus being preserved for future generations. In order to be accessible to a broader audience, the audiovisual archives should, where appropriate and feasible, be accessible on-line. Member States should consider possible options to facilitate the accomplishment of such projects.
23. In their programming and content, public service media should reflect the increasingly multi-ethnic and multicultural societies in which they operate, protecting the cultural heritage of different minorities and communities, providing possibilities for cultural expression and exchange, and promoting closer integration, without obliterating cultural diversity at the national level.
24. Public service media should promote respect for the cultural diversity, while at the same time introducing the audience to the cultures of other peoples around the world.

III. THE APPROPRIATE CONDITIONS REQUIRED TO FULFIL THE PUBLIC SERVICE REMIT IN THE INFORMATION SOCIETY

25. Member States should ensure that the specific legal, technical, financial and organisational conditions required to fulfil the public service remit continue to apply in, and are adapted to, the new digital environment. Taking into account the challenges of the information society, Member States should be free to organise their own national systems of public service media, suited to the rapidly changing technological and social realities, while at the same time remaining faithful to the fundamental principles of public service.

a. Legal conditions

26. Member States should establish a clear legal framework for the development of public service media and the fulfilment of their remit. They should incorporate into their legislation provisions enabling public service media to exercise as effectively as possible their specific function in the information society and, in particular, allowing them to develop new communication services.
27. To reconcile the need for a clear definition of the remit with the need to respect editorial independence and programme autonomy and to allow for flexibility to adapt public service activities rapidly to new developments, Member States should find appropriate solutions, in line with their legal traditions. Such solutions may include co-regulatory mechanisms, where the public service media and their supervisory bodies are involved in the fine-tuning and continuous adaptation of the remit.

b. Technical conditions

28. Member States should ensure that public service media have the necessary technical resources to fulfil their function in the information society. Developing a range of new services would enable them to reach more households, to produce more quality contents, responding to the expectations of the public, and to keep pace with developments in the digital environment. Public service media should play an active role in the technological innovation of the electronic media, as well as in the digital switchover.

c. Financial conditions

29. Member States should secure adequate financing for public service media, enabling them to fulfil their role in the information society, as defined in their remit. Traditional funding models relying on sources such as licence fee, the state budget and advertising remain valid under the new conditions.
30. Taking into account the developments of the new digital technology Member States may consider complementary funding solutions paying due attention to market and competition questions. In particular, in the case of new personalised services, Member States may consider allowing public service media to collect remunerations. Member States may also take advantage of public initiatives and community-financing of new types of public service media. However, none of these solutions should endanger the principle of universality of public service media or lead to discrimination between different groups of society. When developing new funding systems, Member States should pay due attention to the nature of the content provided to the benefit of the public and in the common interest.

d. Organisational conditions

31. Member States should establish the organisational conditions for public service media that provide the most appropriate background for the delivery of the public service remit in the digital environment. In doing so they should pay due attention to the guarantee of the editorial independence and institutional autonomy of public service media and the particularities of their national media systems, as well as organisational changes needed to take advantage of new production and distribution methods in the digital environment.
32. Member States should ensure that public service media organisations have the capacity and critical mass to operate successfully in the new digital environment, fulfil an extended public service remit and maintain their position on a highly concentrated market.
33. In organising the delivery of the public service remit, Member States should make sure that public service media can, as necessary, engage in co-operation with other economic actors, such as commercial media, rights holders, producers of audiovisual content, platform operators and distributors of audiovisual content.

APPENDIX IV

DRAFT TERMS OF REFERENCE OF THE GROUP OF SPECIALISTS ON PUBLIC SERVICE MEDIA IN THE INFORMATION SOCIETY (MC-S-PSM) FOR 2007-2008

as revised by the MC-S-PSB at its 4th meeting on 17 and 18 October 2006

Specific terms of reference

1. Name of Committee: Group of specialists on public service media in the information society (MC-S-PSM)
2. Type of Committee: Group of specialists
3. Source of terms of reference: Steering Committee on the Media and New Communication Services (CDMC)

4. Terms of reference:

Under the authority of the CDMC, and following the Political Declaration and Resolution on cultural diversity and media pluralism in times of globalisation adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, March 2005), the MC-S-PSM will:

- [In the light of the Committee of Ministers Recommendation on public service remit in the information society] collect information on how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge public service remit in the best possible manner (cf. item 15 of the Kyiv Plan); prepare a compendium of best practices identified throughout Europe [via for example questionnaires, on-line consultations, hearings/seminars], offering useful advice to both member states and public service media [2007];
- prepare a compendium of best practices of public service media in order to examine strategies aiming at encouraging public service media to assume an increased role in promoting a wider democratic participation of individuals, *inter alia* with the help of new interactive technologies (cf. item 21 of the Kyiv Plan) [2007];
- prepare a report that would help examine the contribution of public service media in increasing the transparency of public authorities and facilitating public scrutiny of them in the information society, having regard to Recommendation Rec (2002) 2 on access to official documents and to on-going discussions concerning a binding Council of Europe instrument in the field, (cf. item 22 of the Kyiv Plan); the policy document should examine *inter alia* the issue of transparency and accountability of public service media themselves [2008];

- prepare a case study regarding the contribution of public service media to the implementation of the Recommendation No (97)21 on media and the promotion of a culture of tolerance, in order to examine how public service media can play a part in promoting social cohesion and integrating all communities and generations (cf. item 13 of the Kyiv Plan), offering useful advice to both member states and public service media on the approach to be adopted [2008],

with a view to proposing appropriate action by the CDMC.

In doing so, the MC-S-PSM will take into account the existing Council of Europe texts regarding public service media and the results of the work of the MM-S-DB relating to public service broadcasting in a digital environment, as well as work under way on the same issues in other international forums.

Upon request by the CDMC, the MC-S-PSM shall provide advice and assistance to the CDMC and/or its subordinate bodies on the issues related to the regulation and practices in the field of public service media in the information society and carry out any ad hoc assignments given to it by the CDMC.

The work of the MC-S-PSM will focus on completing the implementation of the elements contained in the Warsaw and Kyiv action plans regarding the role to be played by public service media in the information society, and their contribution to social cohesion and integration of all individuals, to the mutual understanding and tolerance, to the promotion of broader and more active democratic participation of individuals, to the entrenchment of democratic principles and values such as transparency and access to diverse public information, and to a greater appreciation and dissemination of the diversity of national and European cultural heritage.

Within the context of the Warsaw and Kyiv action plans and the documents adopted by the Committee of Ministers and the Parliamentary Assembly, the Group of specialists on public service media in the information society (MC-S-PSM) will [continue to] deal with important aspects of the role and functions of public service media in the new digital environment. The further examination of the structural and functional characteristics of public service media is of crucial importance for building a viable public service under the new dynamic conditions of the information society, as a driving force of a pluralist and inclusive democratic system. The interdisciplinary and analytical work, which will be carried out by the Group, represents a unique effort and attaches particular added value to the activity of the CDMC.

5. Membership:

The MC-S-PSM shall be composed as follows:

Azerbaijan, Cyprus, Czech Republic, Denmark, Estonia, Germany, Hungary, Iceland, Ireland, Italy, Slovenia, United Kingdom.

- a. The Council of Europe will bear the travel and subsistence expenses of one specialist from each of the above countries for attendance at meetings of the Group of specialists.

Other member states expressing an interest in the work of the Group may designate, at their own expense, specialists to participate in meetings of the Group.

- b. The Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe may send representatives to meetings of the Group without the right to vote or defrayal of expenses.
- c. The European Audiovisual Observatory may send a representative to meetings of the Group without the right to vote or defrayal of expenses.
- d. The European Commission may send representatives to meetings of the Group without the right to vote or defrayal of expenses.
- e. The following observers with the Council of Europe may send a representative without the right to vote or defrayal of expenses to meetings of the Group:

Canada
Holy See
Japan
Mexico
United States of America

- f. The following observers with the MC-S-PSM may send representatives, without the right to vote or defrayal of expenses to meetings of the Group:

European Broadcasting Union
Association of Commercial Television in Europe
European Federation of Journalists
European Association for the Viewers Interests
Article 19

6. Qualification expected from the experts:

The members of the MC-S-PSM shall be appointed on the basis of their expertise in the field of public service media, in particular on the above-mentioned issues.

7. Working structures and methods:

The MC-S-PSM shall undertake the necessary research and consultations with relevant parties. Where necessary, the MC-S-PSM may organise hearings and/or colloquies.

8. Duration:

These terms of reference shall be reviewed before 31 December 2008.