



Strasbourg, 25 October 2007

MC-S-PSM(2007)009

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

(MC-S-PSM)

**6th meeting
11 and 12 October 2007
Palais des Droits de l'Homme, Strasbourg
Room 20 RC Jardin**

REPORT

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Item 1 of the agenda:**Opening of the meeting and adoption of the agenda**

1. The meeting was opened by Mr Patrick Segalla (Austria), Chair of the MC-S-PSM, who welcomed the participants. The Secretariat presented the agenda and provided some general information on the aims of the meeting.
2. The agenda was adopted unchanged. The list of participants is set out in Appendix I. The agenda, as adopted, is reproduced in Appendix II, which also lists the working papers.

Item 4 of the agenda:**Examination of how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit**

3. The Secretariat presented the compilation of replies to the questionnaire on the legal, financial, technical and other conditions required for public service media to fulfil their remit (cf. document MC-S-PSM(2007)005). The compilation would be published on the Internet and updated regularly.
4. The Chair said that, under its terms of reference, the Group was to prepare a compendium of good practices in this area. The document should be a practical complement to Recommendation Rec(2006)3 on the remit of public service media. The Chair said that the Group should prepare a draft report on the conditions required for the public service media to fulfil their remit for the next meeting of the MC-S-PSM in March 2008, drawing on the Recommendation (particularly section 3) and in the light of the questionnaire replies. He proposed that the Group define the structure and content of the compendium of good practices.
5. The EBU representative said that his organisation had a number of studies on this subject which could be passed on to the Group if necessary. The EBU could also provide assistance with contacting various public service media (PSM) with a view to gathering information. Finally, where the method was concerned, he suggested that the Group prepare "case studies", making it possible to analyse, in addition to "good practices", any negative experiences and their respective causes.
6. Concerning the report's content, the Group agreed on a number of questions to be tackled, such as: legal aspects (including the redefinition of public service remits); practical aspects (focusing above all on the fulfilment by PSM of their remits); financial aspects; technical aspects (including digital terrestrial television (DTT), in view of the swift development of digital platforms).
7. One expert proposed that the must-carry question also be dealt with. Another expert thought that this question did not lie within the competence of the Group. Furthermore, examining an area where sweeping changes were under way in a document on good practices might well result in the document quickly becoming obsolete. The EBU representative proposed that the question should at least be mentioned, given its importance. The EBU was to publish a report in March 2008 on the distribution of frequencies and the must-carry rule.
8. One expert pointed out that the must-carry question might seem purely technical but it was a key issue. The new services provided by PSM were likely to have a direct impact on

the must-carry rule. Examining the question could be useful for countries such as his own, which was currently preparing legislation on public service media.

9. The Chair thought that it would be useful to examine this question in the report, describing good practices. The EBU representative proposed that good practices also be examined in the field of digital radio. The Group agreed that the aforementioned questions were of interest and should be dealt with, at least briefly, in the report.

10. It was decided that an *ad hoc* working group (Germany, Switzerland, EBU) would prepare a preliminary draft report for the next meeting of the MC-S-PSM. This would require additional information on a small number of countries. The EBU representative volunteered to suggest a list of countries "of interest" in terms of the problem. For certain questions, such as digital television, the EBU had reports that might be of use. The Group agreed to ask a consultant to carry out the additional information-gathering work.

Item 5 of the agenda: Examination of strategies of public service media in view of promoting a wider democratic participation of individuals

Exchange of views with Greg Lowe, consultant asked by the Council of Europe to prepare a report on the subject

11. Mr Greg Lowe said that preparing a compendium of good practices in this area was a very ambitious project that might even run into difficulties in certain respects. A number of specialists with expertise in this field believed it difficult at this point in time to speak of developed strategies for democratic participation. Consequently, it might be too soon to draw up a comprehensive guide of good practices for public service media. Few organisations would be willing to reveal their strategies, which was perfectly normal since considerable sums of money were at stake.

12. Mr Lowe also mentioned the problem of access to legal and other documents owing to the language barrier. There were sometimes very marked differences in social, political and cultural contexts that would further complicate the work, which, in principle, would need more time and human resources. Obviously, it would be possible to describe some good practices regarding the remit of public service media, in the knowledge that the analysis would remain on a general level.

13. In this context, Mr Lowe thought that it would be interesting to carry out public value tests to gauge the impact of a service/channel on the public. Unfortunately, save for a few exceptions such as the BBC, this type of test has not yet been carried out on a European scale.

14. The consultant then presented a conceptual model for a compendium of good practices. Mr Lowe's document covered several aspects regarding PSM and democratic participation, such as: the ecology of PSM, the strengths and weaknesses, opportunities and threats; the paradoxes of PSM; the interdependencies between PSM and democratic practice; the aspects of "participation" and "interactivity"; the document also included a number of concrete examples of services/programmes aimed at generating stronger public involvement in democratic debate.

15. The members of the Group were pleased with the document and appreciated its overall approach. In the ensuing discussion, they made practical suggestions for the preparation of

the final report. One expert particularly appreciated the fact that a distinction was drawn between the notions of "participation" and "interactivity", and suggested that the consultant place the emphasis on "participation" in his analysis. She also suggested looking at the new services developed by PSM to involve the public more and not restricting the report to the interactivity mentioned in the Group's terms of reference. Another expert welcomed the concrete examples of good practices featured in the document and suggested extending the section concerned.

16. The Group agreed that the final document, which was to be prepared for mid-November 2007, should be forwarded to the members of the Group and would provide a good basis for preparing the compendium of good practices in 2008.

Item 6 of the agenda: Examination of (a) the role of public service media in increasing the transparency of public authorities and facilitating their scrutiny; (b) the issue of transparency and accountability of public service media themselves

17. Opening the debate, the Chair pointed out that work on this "dual" subject relating to point (iii) of the terms of reference of the MC-S-PSM could entail certain risks, in view of the draft Convention on access to public documents currently under preparation within the Council of Europe. He added that there was a lack of clarity on this point: part (a) of the subject (role of public service media in increasing the transparency of public authorities) should refer to all media, which had a "watchdog" function of closely monitoring the actions/statements of public authorities. At the same time, Recommendation Rec (2002)2 on access to official documents was aimed at the Governments of the member states. As for part (b) of the subject (transparency of public service media themselves), this hinged on the respective legal frameworks or remits of those media.

18. One expert thought that the question was rather complicated: where the transparency of public authorities was concerned, the CoE's standards (Rec (2002)2) stipulated only access to official documents; for the transparency of PSM, there were precise rules determining its extent. The PSM in her country were allowed to keep certain information confidential. She considered this normal as, like other companies, the PSM were not obliged to reveal their strategies.

19. The European Commission representative pointed out that the Group's terms of reference (part (a) of point iii) gave the impression that the PSM had the task of facilitating transparency of public authorities. However, this approach might jeopardise the independence of PSM, which were not state organisations but, on the contrary, should enjoy clear independence from the State. Regarding the transparency of PSM themselves (part (b) of point iii), the terms of reference implied that there was a special requirement applying solely to PSM. However, the European Commission preferred not to discriminate in this respect. Under commercial law, the burden of transparency should not weigh (solely) on PSM.

20. The Chair said that PSM should maintain a certain distance and objectivity: they should not be excessively aggressive or complimentary towards governments. Hence the difficulty of implementing part (a) of point iii of the terms of reference. Fulfilling part (b) of point iii was feasible in principle if efforts were confined to gathering good practices.

21. The Chair said that he would notify the CDMC of this lack of clarity at its next meeting and propose that it amend the Group's terms of reference on this specific point.

Item 7 of the agenda: Examination of the contribution of public service media in promoting social cohesion and integrating all communities and generations

22. The Secretariat presented the compilation of replies to the questionnaire on the contribution of PSM in promoting social cohesion and a culture of tolerance (cf. document MC-S-PSM(2007)006). Like the aforementioned compilation of replies (MC-S-PSM(2007)005), it would be published on the Internet and updated regularly.

23. The EBU representative said that his organisation was preparing a document on diversity of public service media, which would be presented at the conference on the role of the media in migration and integration in Europe, to be held in Paris on 22-23 November. This document could be of use to the Group for preparing the report on the contribution of PSM in promoting social cohesion. Another EBU document - a report on the media and migration - might be useful. This document provided some interesting examples of PSM initiatives with regard to minorities. One of the document's conclusions was that media were capable of shaping public perceptions; in this respect, the PSM had a crucial role to play.

24. One expert thought that the Group's report, in addition to good practices, should also mention any problems in this area. Another expert agreed that this type of information could be useful but would be difficult to obtain from public authorities. It might prove useful to consult NGOs in this connection.

25. The Chair said that, at this stage, to prepare its report, the Group needed more information concerning a number of PSM which had not replied to the questionnaire. He proposed that a consultant carry out this additional information-gathering work. In this respect, the EBU might suggest a list of countries "of interest". In the light of the consultant's conclusions, the *ad hoc* working group on this question (Hungary, Armenia, United Kingdom and Iceland) would prepare a draft report for the next meeting in March 2008. The MC-S-PSM approved of this approach.

26. The EBU representative proposed that the draft report include aspects such as: a) recruitment policy (contribution to integration of all generations, etc.); b) good practices in this area (the examples mentioned in the EBU report on the media and migration could serve as a source of inspiration); services for disabled persons. The suggestion met with the Group's approval.

Item 8 of the agenda: MC-S-PSM work in 2008 - fulfilling the tasks under the terms of reference of the group of specialists

27. After discussing the main agenda items, the Group noted that, in principle, the work programme would not be subject to any major changes except for point iii of the terms of reference of the MC-S-PSM, which would have to be clarified at the next CDMC meeting.

Items 2 and 3 of the agenda: **Decisions of the Steering Committee on the Media and New Communication Services (CDMC) and other information of interest to the work of the MC-S-PSM**

28. The Chair reported briefly on the meeting of the *ad hoc* Committee on e-democracy (CAHDE) held in Sofia, on 2 and 3 July 2007, where he had *inter alia* presented the activities of the MC-S-PSM. One of the many subjects dealt with by the CAHDE was the media. Since the MC-S-PSM was working on PSM strategies aimed at promoting wider democratic participation, the Group would in principle have an interest in the outcome of the CAHDE's activities and vice-versa. However, as the CAHDE and the MC-S-PSM were carrying out their activities virtually in parallel, with the results due in the second half of next year, opportunities were few and far between for developing any synergies between the two bodies.

29. In addition to general information on the CDMC's proceedings at its meeting last June, the Secretariat presented a new initiative proposed by the coordinator of the MC-S-IC, MC-S-MD and MC-S-PSM groups. The idea, backed by the CDMC, entailed identifying synergies and complementary aspects of the work of the three groups in an area that might be called "Living together". This could include subjects such as the role of the media in promoting social cohesion, harmonious relations, tolerance, dialogue and democratic participation. To this end, the Secretariat envisaged organising a meeting of the chairs of the aforementioned groups, contact persons within the CDMC Bureau and invited experts. The aim of the meeting would be to explore the possibility of preparing a book on "Living together", compiling and explaining the relevant Council of Europe standards, including the texts to be prepared by the groups of specialists in 2008. The experts backed the idea and the Chair agreed in principle to participate in the meeting in question.

Item 9 of the agenda: **Other business**

30. None.

Item 10 of the agenda: **Date of next meeting**

31. The next meeting of the MC-S-PSM is scheduled for 27 and 28 March 2008 in Strasbourg.

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Appendix I

List of participants

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* * *

Appendix II

Agenda

1. Opening of the meeting and adoption of the agenda

Document:

- Draft agenda (MC-S-PSM (2007)OJ2)

2. Decisions of the Steering Committee on the Media and New Communication Services (CDMC) of interest to the work of the MC-S-PSM

Document:

- Report of the 5th meeting of the CDMC (CDMC(2007)009)

3. Other information of interest to the work of the MC-S-PSM

4. Examination of how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit (item 15 of the Kyiv Plan) - *preparation of a compilation of good practices in the matter*

Documents:

- Compilation of responses to the questionnaire on the appropriate conditions required for public service media to fulfill their remit (MC-S-PSM(2007)005)
- Summary of responses to the questionnaire on the appropriate conditions required for public service media to fulfill their remit (MC-S-PSM(2007)007)
- Recommendation Rec(2007)3 on the remit of public service media in the information society
- Kyiv Action Plan
- Terms of reference of the MC-S-PSM
- Report of the 5th meeting of the MC-S-PSM (MC-S-PSM(2007)003)

5. Examination of strategies of public service media in view of promoting a wider democratic participation of individuals (item 21 of the Kyiv Plan) - *preparation of a compilation of good practices in the field*

- *Exchange of views with Greg Lowe*, consultant invited by the Council of Europe to prepare a report on the matter

Documents:

- Conceptual model for a possible compilation of good practices (document prepared by Greg Lowe)
- Research by European Association for Viewers Interests (EAVI) on viewers' rights <http://www.eavi.org/reports.htm>

- Texts of the speakers invited to the hearing on the role of public service broadcasters in promoting wider democratic participation of individuals (3 November 2005)
- Kyiv Action Plan
- Terms of reference of the MC-S-PSM
- Report of the 5th meeting of the MC-S-PSM (MC-S-PSM(2007)003)

6. Examination of (a) the role of public service media in increasing the transparency of public authorities and facilitating their scrutiny; (b) the issue of transparency and accountability of public service media themselves (item 22 of the Kyiv Plan) - *preparation of a report in the matter and proposals for any further action in this respect*

Documents:

- Recommendation Rec(2002)2 of the Committee of Ministers to the member states on access to official documents
- Recommendation Rec(81)19 on access to information held by public authorities
- Kyiv Action Plan
- Terms of reference of the MC-S-PSM
- Report of the 5th meeting of the MC-S-PSM (MC-S-PSM(2007)003)

7. Examination of the contribution of public service media in promoting social cohesion and integrating all communities and generations; implementation of the Committee of Ministers Recommendation Rec(97)21 on media and the promotion of a culture of tolerance (item 13 of the Kyiv Plan) - *preparation of a report in the matter and proposals for any further action in this respect*

Documents:

- Compilation of responses to the questionnaire on the contribution of public service media to the promotion of a culture of tolerance (MC-S-PSM(2007)006)
- Summary of responses to the questionnaire on the contribution of public service media to the promotion of a culture of tolerance (MC-S-PSM(2007)008)
- Kyiv Action Plan
- Terms of reference of the MC-S-PSM
- Report of the 5th meeting of the MC-S-PSM (MC-S-PSM(2007)003)
- Recommendation No (97)21 on media and the promotion of a culture of tolerance
- Recommendation Rec(2007)3 on the remit of public service media in the information society
- Recommendation 1773 (2006) of the Parliamentary Assembly on the 2003 guidelines on the use of minority languages in the broadcast media

8. MC-S-PSM work in 2008 - fulfilling the tasks under the terms of reference of the group of specialists

Documents:

- Work plan for 2007-2008 (MC-S-PSM(2007)004)

- Kyiv Action Plan
- Terms of reference of the MC-S-PSM
- Report of the 5th meeting of the MC-S-PSM (MC-S-PSM(2007)003)

9. Other business

10. Date of next meeting

The next meeting of the MC-S-PSM is planned to take place in Strasbourg in March or April 2008. The precise dates will be specified at a later stage.