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MC-S-PSM(2008)003

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

(MC-S-PSM)

**7th meeting
27 and 28 March 2008
New General Building (G Building), Strasbourg
Room G04**

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 the secretariat, who welcomed the participants and provided some general information on the draft agenda and the purpose of the meeting.
2. The list of participants is set out in Appendix I. The agenda, as adopted, is set out in Appendix II; the working papers are listed in the annotated agenda (cf. document MC-S-PSM(2008)OJ1Notes_rev).

Item 2 of the agenda:**Election of a Chairperson and a Vice-Chairperson for 2008**

3. The secretariat pointed out that the terms of office of the Chairperson and Vice-Chairperson of the MC-S-PSM had expired at the end of 2007 and that consequently, the Group must elect its Chairperson and Vice-Chairperson for 2008.
4. A number of members proposed that the Group re-elect Mr Patrick Segalla (Austria) as Chairperson of the MC-S-PSM and Mr Márk Lengyel (Hungary) as Vice-Chairperson. Both candidates were elected unanimously.

Items 3 and 4 of the agenda:**Decisions of the Steering Committee on the Media and New Communication Services (CDMC) of relevance to the work of the MC-S-PSM; other information of relevance to the work of the MC-S-PSM**

5. The secretariat reported briefly on both items. Among other things, it briefed the Group on:
 - progress on the “Living together” project (on-line and paper publication concerning the media’s contribution to inter-cultural and inter-religious dialogue, understanding, tolerance and social cohesion);
 - the adoption by the Committee of Ministers of the Declaration on the allocation and management of the digital dividend and the general interest (20 February 2008);
 - the secretariat’s contribution to the draft Recommendation on e-democracy, prepared by the Ad Hoc Committee on e-democracy (CAHDE).
6. The Chairperson reported on the discussion held by the CDMC which had welcomed the progress made in the work of the MC-S-PSM in 2007. He also told the Group that the CDMC had agreed with the proposal that the different elements of item (iii) of the group’s terms of reference be dealt with within the framework of its other objectives (namely, “contribution of public service media [...] in increasing the transparency of public authorities and facilitating their scrutiny” to be dealt with together with item (ii), and “transparency and accountability of public service media themselves” with item (i)).

Item 5 of the agenda:**MC-S-PSM work in 2008**

7. The secretariat gave a brief overview of the group’s tasks and goals up to the end of 2008, under its current terms of reference.

Item 6 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**

8. The secretariat told the group that the compilation of responses to the questionnaire on how member states ensured the legal, financial technical and other appropriate conditions required to enable public service media to discharge their remit (cf. document MC-S-PSM(2007)005rev) had been updated: since the previous meeting of the MC-S-PSM in October 2007, a number of contributions from member states had been added.

9. A draft compendium of best practices on this subject was presented by the members of an ad hoc working group (Austria, Switzerland, EBU) who had drawn up the document. The draft compendium consisted of four chapters: an initial chapter on the legal definition of the remit of public service media, a second chapter on the practical implementation of this remit, a third on the financial conditions and a fourth on the technical aspects. The Chairperson said that in the light of the CDMC's discussions on the different elements of item (iii) of the MC-S-PSM terms of reference, the group would have to prepare a fifth chapter on transparency and accountability of public service media.

10. Following a general discussion on the draft document, the MC-S-PSM examined the text in detail, chapter by chapter, and agreed on an appropriate structure.

Chapter 1. Legal definition of the remit of public service media

11. The Chairperson said that when preparing this chapter, the authors had drawn mainly on the compilation of responses to the above-mentioned questionnaire. MC-S-PSM members agreed that they would check the accuracy of the information/examples concerning their respective countries. One delegation undertook to provide examples from their country. Another said they would contact their national public broadcasting organisation to request further information. A third drew attention to the fact that, in their country, the public service media landscape was extremely varied and that examples other than the national public service broadcaster would need to be included; the expert in question undertook to furnish these. The secretariat would contact other delegations to request further information. All this information was to be collected by 30 April. The Chairperson, assisted by the secretariat, would prepare a revised version of this chapter by the end of May.

Chapter 2. Practical implementation of the remit of public service media

12. The Chairperson urged MC-S-PSM members to contribute to this chapter by providing short examples of best practice in this area. Two delegations undertook to provide additional examples by 30 May; by the same date, the EBU would gather comments and possible further examples from its members. The Chairperson, assisted by the secretariat, would prepare a revised version of this chapter by the end of June.

13. The EBU representative proposed that this chapter be placed at the end of the compendium, as best practice was often the result of a combination of conditions: legal, financial and technical. The group agreed to change the structure of the compilation if necessary, once all the chapters had been prepared.

Chapter 3. Financial conditions

14. The Swiss delegation which had produced this chapter explained that as yet, the information related solely to the French-speaking part of Switzerland; examples from the German-speaking part would be included later. Members of the MC-S-PSM agreed to submit comments and contributions concerning their respective countries by 30 April. The Swiss delegation, in conjunction with the EBU, would gather further information and produce a revised version of this chapter by the end of June.

15. The Chairperson called for a factual as opposed to an evaluative approach to the examples of best practice regarding financing, and cautioned against making recommendations on such a sensitive issue, particularly in view of the current rules for EU member states.

Chapter 4. Technical aspects

16. One expert said that, in his view, there was something missing from this chapter, namely: the capacity of public service media to reach a wide audience. At present, this capacity seemed to be declining. The EBU representative said that declining audience figures were more of a problem for traditional broadcasters and that the new media and communication services were making it possible to reach a growing number of young people.

17. The Chairperson said that the document should, *inter alia*, answer the question as to the kind of resources that public service media required in order to discharge their remit, while at the same time reaching a wide audience. In his opinion, mention should be made of this matter in the introduction to Chapter 4, and also in the draft report on democratic participation (see item 7 below). It could also be discussed at the ministerial conference in Reykjavik in 2009.

18. The Chairperson reminded members that issues relating to *must-carry* and digital radio should also be mentioned in this chapter, in the light of the MC-S-PSM's discussions at its 6th meeting.

19. MC-S-PSM members agreed to submit their comments and contributions concerning their respective countries by 30 April. The EBU delegation, in conjunction with the German delegation, would gather additional information and prepare a revised version of this chapter by the end of June.

Chapter 5. Transparency and accountability of public service media

20. The Chairperson reminded members that this chapter was to be prepared in the light of a CDMC decision on this subject. The group agreed that in order to prepare this chapter, it was necessary to gather information from member states. Accordingly, a short questionnaire on this subject would be promptly sent out to CDMC members (see Appendix III). On the basis of member states' replies, the Chairperson, assisted by the secretariat, would prepare a draft chapter on this subject by the end of June.

Item 7 of the agenda:**Examination of strategies of public service media for promoting wider democratic participation by individuals**

21. The Chairperson presented a draft report on the role of public service media in promoting wider democratic participation by individuals (compendium of best practices). This document was being prepared on the basis of the report on this subject by Mr Greg Lowe, the Council of Europe consultant with whom the MC-S-PSM had held a hearing at its previous meeting in October 2007. Another potential source for the draft report was the research carried out in this area by the European Association for Viewers Interests (EAVI, <http://www.eavi.org/reports.htm>) and by the European Institute of Media Law (EMR) in Saarbrücken.

22. With regard to Mr Lowe's report, the group agreed that, in view of a number of somewhat debatable passages to which the group could not wholly subscribe, it should perhaps be published on the website separately, rather than as an appendix to the MC-P-PSM document. To avoid any 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 views of its author. It was agreed that a final decision on this subject would be taken at the next meeting of the group, when a more detailed version of the draft document would be available.

23. The Chairperson pointed out that the draft report must also include a section on "transparency" (see also item 6). He proposed that reference be made in the introduction to the issue of public service media's contribution to transparency in public authorities and that the appendix be expanded to include specific examples, if any. He referred here to the example of France's "Parliamentary channel".

24. The group agreed to ask the European Institute of Media Law (EMR) to produce, by mid-May, a document containing examples of best practice concerning the strategies used by public service media to encourage wider democratic participation by individuals, including with regard to "the transparency of public authorities". The German and Danish delegations offered to submit contributions on issues related to "the remit" and "transparency" respectively. The Chairperson would prepare a draft document by the end of June.

Item 8 of the agenda:**Examination of the contribution of public service media in promoting social cohesion and a culture of tolerance**

25. The Vice-Chairperson presented an outline for a report on the contribution of public service media in promoting social cohesion and a culture of tolerance. As well as an introduction, the report should contain a core chapter on key developments in this area, a section outlining a number of best practices and a section containing conclusions and recommendations.

26. One expert proposed that the chapter on key developments be split into three sub-chapters, namely: 1. staff diversity; 2. requirements concerning public service media; 3. content and services. This proposal was approved by the group. It was also agreed that the examples of best practice would appear at the end of the report, in an appendix.

27. Some potential sources for the draft report were: (a) the compilation of responses to the questionnaire on the contribution of public service media in promoting a culture of tolerance (cf.

document MC-S-PSM(2007)006rev); (b) the report on the contribution of public service media in promoting social cohesion and a culture of tolerance, prepared by the aforementioned European Institute of Media Law (EMR).

28. In the light of the aforementioned documents, the Vice-Chairperson, assisted by the secretariat, would prepare various sections for on-line discussion and would produce a draft report on this subject by 20 September.

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29. More broadly, the group considered whether or not the compilations of responses to the questionnaires prepared by the group to date (cf. documents MC-S-PSM(2007)005rev and MC-S-PSM(2007)006rev) should be published on the website. Some experts felt that these documents were useful sources of information for the general public and even specialist researchers. Others were afraid that the information contained in the replies might quickly become obsolete and hence useless/unusable. One expert suggested that the compilations be published as appendices to the documents that were to be produced by the group.

30. The secretariat pointed out that in 2005, the CDMC had decided that documents produced by a group of specialists should normally be posted on the Division's website, unless the group decided otherwise. Some group members, however, felt this was a matter that concerned the general policy on questionnaires, requiring clarification by the CDMC. It was proposed that the group's Chairperson refer the matter to the CDMC Bureau when it meets on 28 and 29 April in Paris.

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)

31. The secretariat presented a preliminary draft programme for the ministerial conference to be held in 2009 in Reykjavik. After discussing matters relating to the substance and organisation of the event, members went on to make a series of suggestions concerning the preliminary draft programme (cf. document MC-S-PSM(2008)2).

Item 10 of the agenda:

Other business

32. None.

Item 11 of the agenda:

Date of next meeting

33. The next meeting of the MC-S-PSM was to be held on 25 and 26 September in Strasbourg.

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

Mr Patrick SEGALLA, Austrian Federal Chancellery, Legal Expert, Department for Media Affairs, Coordination Information Society, VIENNA

Azerbaijan/Azerbaïdjan

Mr Tahir MAMMADOV, Head of Public Relations and Monitoring Department, Public Television and Radio Broadcasting Compagny, BAKU

Belgium/Belgique***Flemish community***

Mr Koen DESMARETZ, Adjunct to the Director, Department of Culture, Youth, Sport and Media, BRUSSELS

French community

<Apologised/Excusé>

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 Relations Department, Bulgarian National Radio, SOFIA

Cyprus/Chypre

Mr Andreas CHRISTODOULOU, Head of Media Section, Ministry of Interior, Demosthenes Severis, NICOSIA

Czech Republic/République Tchèque

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

Denmark/Danemark

Ms Pernille RAHBEEK, Danish Ministry of Culture, COPENHAGEN

Estonia/Estonie

<Apologised/Excusé>

Mr Hagi SHEIN, Professor, Head of Academic Affairs, Deputy Director, Tallinn University, Baltic Film and Media School, TALLINN

Germany/Allemagne

Mr Martin BUDSINOWKI, Legal expert, Federal Government, Commission for Culture and the Media, BERLIN

<Apologised/Excusé>

Dr Philipp STIEL, Vertretung des Freistaats Bayern bei der Europäischen Union, BRÜSSEL

Greece/Grèce

<Apologised/Excusé>

Mr Demetrios IATRIDES, Advisor, ERT S.A. Hellenic Public Broadcasting Corporation, ATHENS

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

Hungary/Hongrie

Mr Márk LENGYEL, External advisor, Prime Minister's office, Attorney of law

Iceland/Islande

<Apologised/Excusé>

Mr Bjarni GUDMUNDSSON, the Icelandic National Broadcasting Service, REYKJAVIK

Ireland/Irlande

<Apologised/Excusé>

Mr Paul MULQUEEN, Broadcasting Policy Division, Department of Communications Marine & Natural Resources, DUBLIN

Mr Joe MELEADY, Broadcasting Policy Division, Department of Communications Energy and Natural Resources, DUBLIN

Italy/Italie

<Apologised/Excusé>

Ms Mirella LEFOSSE, Autorità per le garanzie nelle comunicazioni, Directorate of audiovisual and multimedia content, ROMA

Ms Daniela VEZZOLER, Responsible for the Audiovisual - International Relations Office, l'Autorità per le garanzie nelle comunicazioni, ROMA

<Apologised/Excusé>

Ms Marina VERNA, Ministero delle Comunicazioni, Direzione Generale Servizi di Comunicazione Elettronica e Radiodiffusione, ROMA

<Apologised/Excusé>

Mr Riccardo GIORDANO, Presidenza del Consiglio dei Ministri, Dipartimento per l'informazione e l'editoria, ROME

Poland

Mr Wojciech KOŁODZIEJCZYK, Chief Specialist in the Legal Department, Office of the National Broadcasting Council, WARSAW

Portugal

Mrs Marta CARVALHO, Legal adviser, ERC, Entidade Reguladora para a Comunicação Social, LISBOA

Russian Federation/Fédération de Russie

<Apologised/Excusé>

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

Slovakia/Slovaquie**Slovenia/Slovénie**

Mr Skender ADEM, Under-Secretary, Ministry of Culture of Republic of Slovenia, Media Directorate, LJUBLJANA

Switzerland/Suisse

M. Gian-Luca MARSELLA, Juriste des médias, Office fédéral de la communication OFCOM, Bienne

Turkey/Turquie

Mr Irfan Dünder ERENTURK, Regulatory body, Radio and Television Supreme Council, BILKENT

<Apologised/Excusé>

Mr Nurettin TURAN, Radio and Television Supreme Council, BILKENT

Ms Nihan UNAY, Deputy Secretary General, Turkish Radio and Television Corporation, ANKARA

United Kingdom/Royaume-Uni

Mr Karl JAGDIS, Project Manager, International Broadcasting Policy, Department for Culture, Media and Sport, LONDON

OBSERVERS/OBSERVATEURS**Bureau of the CDMC**

<Apologised/Excusé>

Ms Delia MUCICA, Senior Advisor to the President of Romanian Public Television, Bucharest

European Commission/Commission Européenne

M. Oliver SCHENK, Directorate General for Information Society and Media, Unit A1 Audiovisual & Media Policies, BRUSSELS

<Apologised/Excusé>

Mr Pierre-Yves ANDRAU, Directorate General for Information Society and Media, Unit A1 Audiovisual & Media Policies, BRUSSELS

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

Mr Michael WAGNER, Deputy Director of the Legal and Public Affairs Department, Grand-Saconnex GENEVE, Switzerland

M. Jacques BRIQUEMONT, Responsable des affaires publiques, BRUXELLES, Belgique

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

M. Maxim HAUK, Conseiller juridique, BRUSSELS, Belgium

The European Association for Viewers Interests (EAVI)

Ms Laura LANDONI, Sponsored by the European Commission, BRUSSELS, Belgium

European Federation of Journalists / Fédération européenne des Journalistes

Article 19

Holy See/Saint-Siège

Mr Michael LUKAS, Spokesman, Bischöfliche Pressestelle, HILDESHEIM

Parliamentary Assembly / Assemblée Parlementaire

European Audiovisual Observatory / Observatoire européen de l'audiovisuel

Mrs Susanne NIKOLTCHEV, Head of Department for Legal Information, STRASBOURG

Canada

<Apologised/Excusé>

Japan/Japon

**DIRECTORATE GENERAL OF HUMAN RIGHTS AND LEGAL AFFAIRS DG-HL /
DIRECTION GENERALE DES DROITS DE L'HOMME ET DES AFFAIRES JURIDIQUES -
DG-HL
SECRETARIAT**

Mr Ivan NIKOLTCHEV, Administrator, Media Division / *Administrateur, Division Médias*

Mr Eugen CIBOTARU, Administrator, Media Division / *Administrateur, Division Médias*

Mrs Victoria LEE, Assistant, Media Division / *Assistante, Division Médias*

INTERPRETERS/INTEPRETES

Mme Martina CARALY

Mme Nadine KIEFFER

M. Didier JUNGLING

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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-PSM**
4. **Other information of interest to the work of the MC-S-PSM**
5. **MC-S-PSM work in 2008 - *fulfilling the tasks under the terms of reference of the group of specialists***
6. **Examination of how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit - *examination of progress made in the preparation of a text on this matter***
7. **Examination of strategies of public service media in view of promoting a wider democratic participation of individuals - *continue the preparation of a compilation of good practices in the field***
8. **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) - *continue the preparation of a report on the matter and proposals for any further action in this respect***
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 next meeting**

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Appendix / Annexe III**Questionnaire on transparency and accountability of public service media**

*prepared by the group of specialists on public service media (MC-S-PSM)
at its 7th meeting on 27 and 28 March 2008*

1. Please indicate the regulations/obligations your national legislations impose on public service media (PSM) regarding transparency towards the public (e.g. reports, on-line information, etc.). Please also include measures taken by PSM organisations as a result of other regulatory factors or self-regulatory action.
2. Please describe the mechanisms your national legislation foresees for insuring that PSM remain accountable to viewers/listeners/users as well as the general public (e.g. users/representation councils, consultative structures, etc.), and in what sense the public are able to influence the policies and output of the PSM. Please also include measures taken by PSM organisations as a result of other regulatory or self-regulatory action.
3. Please describe how the impact of the PSM on the public and their public service value is measured (quantitatively and qualitatively) by your national PSM organisation, especially concerning new media communication services (e.g. surveys of audience/users number, qualitative surveys, etc.). In this context, a special emphasis should be placed on measures that acknowledge the impact of specific PSM offers, such as online or mobile offers, on the respective target groups, as well as ways to measure the degree to which the expectations of viewers/listeners/users are met by PSM offers.

Please provide examples that are as concrete as possible.

The deadline proposed for responses: **16 May 2008**