
Resolution CM/Res(2020)49 concerning amendments to the Statute of the European Audiovisual Observatory

*(Adopted by the Committee of Ministers on 8 December 2020
at the 1391st meeting of the Ministers' Deputies)*

The Committee of Ministers, in its composition limited to the representatives of the member States of the European Audiovisual Observatory,¹

Having regard to Committee of Ministers' Resolution Res(2000)7 concerning amendments to the Statute of the European Audiovisual Observatory;

Having regard to Committee of Ministers' Resolution Res(93)28 on Partial and Enlarged Agreements and to Resolution Res(96)36 establishing Criteria for Partial and Enlarged Agreements of the Council of Europe;

Having regard to Resolution Res(92)70 establishing a European Audiovisual Observatory and to Resolution Res(97)4 confirming the continuation of the European Audiovisual Observatory and to the Statute of the Observatory annexed to it;

Having regard to the Legal Opinion 058e.2020 of the Legal Advice and Litigation Department concerning associate membership;

Having regard to the decision of the Executive Council of the European Audiovisual Observatory, taken on 16 July 2020, requesting the revision of the Statute of the European Audiovisual Observatory in order to introduce associate membership and remove all references to Audiovisual EUREKA;

DECIDES that the European Audiovisual Observatory shall be governed by the provisions of the appended revised Statute, which shall enter into force upon adoption of the present resolution.

Appendix to Resolution CM/Res(2020)49

Statute of the European Audiovisual Observatory

1. Aim and functions of the Observatory

1.1. The aim of the European Audiovisual Observatory – hereinafter “the Observatory” – shall be to improve the transfer of information within the audiovisual industry, to promote a clearer view of the market and a greater transparency. In doing so, the Observatory shall pay particular attention to ensuring reliability, compatibility and comparability of information.

1.2. Specifically, the task of the Observatory shall be to collect and process information and statistics on the audiovisual sector (namely, legal, economic and programme information) – excluding any standard-setting or regulatory activities – and to place these at the disposal of professionals and of the representatives of the members to the Executive Council of the Observatory.

1.3. To perform this task, the Observatory shall:

¹ States concerned: Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and United Kingdom.

- bring about co-operation between public and private suppliers of information and to elaborate a policy for the negotiated use of their database so as to foster wide distribution, whilst at the same time respecting the independence and confidentiality of information provided by professionals;
- constitute a network consisting of a central unit and co-operating institutions and partners, resting on the principles of flexibility and decentralisation and relying, as far as possible, on existing centres and institutes, in relation to which the Observatory will play not only a role of co-ordination but also of harmonisation;
- have an appropriate staff.

1.4. As a general rule, the services thus provided by the Observatory shall be charged to users on the basis of criteria determined by the Executive Council. However, members of the Executive Council shall, in principle, have free access to information held by the Observatory, according to modalities determined by the said Council.

2. Headquarters

2.1. The Observatory's premises shall be in Strasbourg, the seat of the Council of Europe.

3. Members of the Observatory

3.1. A member of the Observatory that is member on 21 September 2000 shall remain a member of the Observatory.

3.2. Any other member State of the Council of Europe may join the Observatory at any time by making a notification to this effect to the Secretary General of the Council of Europe.

3.3. The European Union may join the Observatory at any time by making a notification to this effect to the Secretary General of the Council of Europe.

3.4. The Committee of Ministers may, after consultation with the Executive Council, invite any State which is not a member of the Council of Europe to join the Observatory as a member or associate member. The requirements for associate membership shall reflect its reduced scope.

4. Procedure and criteria for admission to full membership by non-member States of the Council of Europe

4.1. Full membership may be awarded according to the procedure for accession to partial and enlarged agreements as agreed upon by the Committee of Ministers.

4.2. The Executive Council shall agree on objective guidelines concerning accession for its recommendations to the Committee of Ministers.

5. Scope, procedure and criteria for admission to associate membership of non-member States of the Council of Europe

5.1. Associate membership may be awarded according to the procedure for accession to partial and enlarged agreements agreed upon by the Committee of Ministers, which shall apply *mutatis mutandis*.

5.2. The Executive Council shall agree on objective guidelines concerning accession for its recommendations to the Committee of Ministers.

5.3. An associate member may keep this status or apply for full membership once four years have elapsed since its accession as associate member to the Observatory. In this case, associate member status is retained throughout the application procedure and in the event that the application is not successful.

5.4. An associate member:

- may participate in meetings of the Executive Council as an observer, except for agenda items dealing with its application for full membership; an observer has no voting rights;
- is entitled to join the Observatory networks, access Observatory services, and participate in Observatory events;
- is entitled to be systematically included in the Observatory's data and information collection for subject matter areas that are linked to the audiovisual sector in Europe;
- may enjoy additional rights concerning other subject matter areas as agreed upon before or

after its accession.

5.5. In the Observatory Financial Regulations, those provisions which apply to the financial contribution of a member also apply to the financial contribution of an associate member. Therefore, the term 'members' includes associate members as far as these provisions concern financial contributions.

5.6. Associate members are not represented in the Financial Committee of the Observatory.

6. The Observatory's constituent bodies

6.1. The Observatory's constituent bodies shall be:

- the Executive Council,
- the Advisory Committee.

6.2. In addition, there shall be a Financial Committee which will only exercise the functions laid down in Articles 9.2 and 9.4. This organ shall be composed of the representatives on the Committee of Ministers of the member States of the Council of Europe which are also members of the Observatory, and of representatives of any other members of the Observatory.

7. Executive Council

7.1. The Executive Council shall consist of one representative for each member of the Observatory.

7.2. The Executive Council shall elect a Bureau, composed of the Chairperson of the Executive Council and a maximum of eight members thereof, to perform those functions which the Council shall entrust to it.

7.3. The Executive Council shall take the decisions necessary for the operation and management of the Observatory. In particular, it shall:

- i. approve the Observatory's draft annual budget, before transmitting it to the Financial Committee;
- ii. determine the Observatory's programme of activities in accordance with the budgetary resources available, having received the opinion of the Advisory Committee on the matter;
- iii. approve the Observatory's accounts;
- iv. approve the Observatory's activity report before transmitting it to the Committee of Ministers;
- v. choose the Observatory's Executive Director, with a view to his/her appointment by the Secretary General of the Council of Europe in accordance with the provisions of Article 11;
- vi. determine the working languages of the Observatory.

7.4. The Executive Council shall take the decisions foreseen in Articles 7.3(i), 7.3 (iv), 10.1 and 11.2 by unanimous vote. Other decisions shall be taken by a two-thirds majority of the votes cast. However, procedural decisions shall be taken by a majority of the votes cast.

7.5. Each member of the Observatory is entitled to cast one vote. However, unless decided otherwise by the Executive Council, a member which has not paid its compulsory contribution for the last financial exercise shall no longer take part in the decision making until such time as the said contribution has been paid.

7.6. The Executive Council shall adopt its Rules of Procedure.

7.7. The Executive Council shall adopt Financial Regulations in accordance with the provisions of Article 10.

7.8. The Executive Council shall hold at least one meeting a year, as a general rule in conjunction with a meeting of the Advisory Committee.

8. Advisory Committee

8.1. The Observatory's partner institutions and the representative European organisations of audiovisual professionals shall each appoint a representative to the Advisory Committee. The list of partner institutions and of organisations entitled to appoint representatives shall be determined by the Executive Council. This list shall be up-dated at least every two years.

8.2. The Executive Council, if it deems it appropriate, may invite any person or representative of an institution or organisation which is not on the aforementioned list to take part in all or part of a meeting of the Advisory Committee.

8.3. The Advisory Committee shall be consulted on the Observatory's draft programme of activities and on any other matter which the Executive Council deems it useful to refer to it. In formulating its opinions, the Advisory Committee may adopt recommendations to the Executive Council.

8.4. The Advisory Committee shall adopt its opinions and recommendations by a two-thirds majority of the votes cast, each member casting one vote. However, procedural decisions shall be taken by a majority of the votes cast.

8.5. The Advisory Committee shall adopt its Rules of Procedure.

8.6. The Advisory Committee shall hold one meeting a year. Further meetings may be convened by the Executive Council, either on its own initiative, or at the request of the Advisory Committee or of one or more partner institutions or professional organisations represented on it.

9. The Observatory's financial resources

9.1. The Observatory's financial resources shall consist of:

- a. the annual compulsory contributions of members and associate members of the Observatory;
- b. additional voluntary contributions of members and associate members of the Observatory;
- c. payments for services provided by the Observatory;
- d. any other payments, gifts or legacies, subject to paragraph 9.2 below;
- e. the credit balance of the last closed and approved financial exercise.

9.2. Allocation to the Observatory's budget of payments, gifts or legacies covered by paragraph 9.1.d above in excess of the amount determined by the Executive Council and by the Financial Committee shall be subject to the agreement of these two organs.

9.3. The Observatory's assets shall be acquired and held on behalf of the Council of Europe and shall benefit as such from the privileges and immunities applicable to the Council's assets under existing agreements.

9.4. The Observatory's budget shall be adopted annually by the Financial Committee, by a unanimous decision.

10. Financial regime

10.1. The Observatory's own Financial Regulations which shall respect the general principles of the Financial Regulations of the Council of Europe shall be adopted by the Executive Council and approved by the Committee of Ministers.

10.2. The Financial Regulations shall provide appropriate arrangements for the control of the operation of the budget.

11. Secretariat

11.1. The Secretariat of the Observatory shall be headed by an Executive Director who shall be chosen by the Executive Council and appointed by the Secretary General of the Council of Europe.

11.2. The Executive Council shall determine the number of staff of the Observatory. Staff shall be appointed by the Secretary General of the Council of Europe with the agreement of the Executive Director.

11.3. The Executive Director shall manage the Observatory's finances in conformity with the Observatory's Financial Regulations. He/she shall be accountable to the Secretary General of the Council of Europe, in particular as regards the application of the Staff Regulations.