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APPENDIX 7  
(item 38)

RESOLUTION (92)70

**ESTABLISHING A EUROPEAN AUDIOVISUAL OBSERVATORY**

(adopted by the Committee of Ministers on 15 December 1992  
at the 485th meeting of the Ministers' Deputies)

The representatives on the Committee of Ministers of Austria, Belgium, Bulgaria, Cyprus, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Turkey and United Kingdom,

Convinced that the establishment of a European Audiovisual Observatory would make a significant contribution to meeting the information needs of audiovisual professionals and also to promoting transparency of the market;

Having regard to the Joint Declaration adopted by the Ministers and Representatives of twenty-six countries and the President of the Commission of the European Communities in Paris, on 2 October 1989;

Considering that, in the said Declaration, the Audiovisual EUREKA Co-ordinators' Committee was instructed to examine questions relating to the institution, role and organisation of a European Audiovisual Observatory, as well as the modalities of its establishment and functioning, in co-operation with the professionals of this sector and utilising in the best way the existing resources of participating States and European Institutions;

Noting, moreover, that, according to the said Declaration, the tasks of the Observatory would be to collect and process existing information and statistics as well as to define possible further needs, such data being placed at the disposal of the professionals;

Considering also that the Council of Europe was asked in this connection to examine what measures could be taken to support the activities of this Observatory;

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Noting that, in the Declaration adopted at the Audiovisual EUREKA Ministerial Conference (Helsinki, 12 June 1992), it was decided to establish a European Audiovisual Observatory - with a maximum annual budget of 2 million ecus during the pilot phase - according to the modalities specified in the said Declaration;

Having regard to the conclusions of the Audiovisual EUREKA Co-ordinators' Committee concerning the conditions under which the Observatory should be established and should function;

Having regard to the Arrangement between the Council of Europe and the European Community, concluded on 16 June 1987;

Having regard to Resolution (51)62 of the Committee of Ministers on Partial Agreements;

Having regard to the decision taken by the Committee of Ministers at the 485th meeting of the Ministers' Deputies on 15 December 1992 authorising those member States which so wish to pursue certain objectives on the basis of an agreement extended to include members of Audiovisual EUREKA,

Decide as follows:

1. A European Audiovisual Observatory is hereby established in accordance with the provisions of the appended Statute, which forms an integral part of this Resolution;
2. The European Audiovisual Observatory is established for an initial period of three years, at the end of which the Audiovisual EUREKA Co-ordinators' Committee will decide on the continuation of the Observatory's activities on the basis of a report evaluating such activities. The report will be referred to the Committee of Ministers.

Note that, during the aforementioned initial period of three years, the maximum annual budget of the Observatory will be 2 million ecus.

Appendix to Resolution (92)70

**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, comparability and compatibility 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 the Audiovisual EUREKA Co-ordinators' Committee.

1.3. To perform this task, the Observatory shall:

- bring about co-operation between public and private suppliers of information and 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, based 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.

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 headquarters shall be in Strasbourg.

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3. Members of the Observatory

3.1. A participating member of Audiovisual EUREKA is ex officio a member of the Observatory.

3.2. The loss of capacity as a participating member of Audiovisual EUREKA shall entail loss of capacity as a member of the Observatory.

3.3. The Chairman of the Audiovisual EUREKA Co-ordinators' Committee shall notify the Secretary General of the Council of Europe of any acquisition or loss of capacity as a participating member of Audiovisual EUREKA.

4. The Observatory's constituent bodies

4.1. The Observatory's constituent bodies shall be:

- the Executive Council;
- the Advisory Committee.

5. Executive Council

5.1. The Executive Council shall consist of one representative for each member of the Observatory, that representative being, in principle, the representative appointed to the Audiovisual EUREKA Co-ordinators' Committee.

5.2. 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.

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

- i. adopt the Observatory's annual budget;
- 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;
- v. choose the Observatory's Executive Director;
- vi. determine the working languages of the Observatory in accordance with the decision taken in this regard by the Audiovisual EUREKA Co-ordinators' Committee on 18 September 1992.

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5.4. The Executive Council shall take the decisions foreseen in Articles 5.3.i, 8.1 and 9.2 by a 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.

5.5. 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.

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

5.7. The Executive Council shall adopt its Financial Regulations in accordance with the provisions of Article 8.

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

6. Advisory Committee

6.1. 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.

6.2. 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.

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

6.4. 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.

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

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6.6. 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.

7. The Observatory's financial resources

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

- a. the annual compulsory contributions of members of the Observatory;
- b. additional voluntary contributions of members of the Observatory;
- c. payments for services provided by the Observatory;
- d. any other payments, gifts or legacies, subject to paragraph 7.3 below;
- e. the credit balance of the last closed and approved financial exercise.

7.2. Members' compulsory contributions to the Observatory shall be determined every year on the basis of the scale of shared expenses applicable within Audiovisual EUREKA, as determined by the Audiovisual EUREKA Co-ordinators' Committee.

7.3. Allocation to the Observatory's budget of payments, gifts or legacies covered by paragraph 7.1.d above in excess of the amount determined by the Executive Council shall be subject to the latter's agreement.

7.4. 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. The Observatory's assets may not be amalgamated with other Council of Europe assets.

8. Financial regime

8.1. In derogation of the Financial Regulations of the Council of Europe, the Observatory's own Financial Regulations shall be adopted by the Executive Council and approved by the Committee of Ministers.

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

9. Secretariat

9.1. The Observatory's Secretariat shall be led by an Executive Director, chosen by the Executive Council.

9.2. The Executive Council shall determine the Observatory's staffing level.

9.3. The Executive Director shall be accountable to the Executive Council for the financial and budgetary management, as well as the implementation of the programme of activities of the Observatory. He/she shall be accountable to the Secretary General of the Council of Europe as regards the application of the Staff Regulations. Staff shall be appointed in agreement with the Executive Director.