

***Steering Committee on Media
and Information Society -
CDMSI***



Strasbourg, 4 December 2015

CDMSI(2015)022

TERMS OF REFERENCE 2016-2017

Steering Committee on Media and Information Society (CDMSI)

**Committee of experts on Media Pluralism and Transparency of Media
Ownership (MSI-MED)**

Committee of experts on Internet Intermediaries (MSI-NET)

Steering Committee on Media and Information Society (CDMSI)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Steering Committee

Terms of reference valid from: **1 January 2016 until 31 December 2017**

Main tasks

Under the authority of the Committee of Ministers, the CDMSI steers the Council of Europe's work in the fields of freedom of expression, media, Internet governance and other information society issues and it oversees the work on personal data protection. The CDMSI advises the Committee of Ministers on all questions within its area of expertise, including freedom, independence, pluralism and diversity of media, safety of journalists, support for professional journalism, protection and promotion of human rights in the information society, in particular freedom of expression on the Internet. The CDMSI facilitates and promotes co-operation among Council of Europe member States by developing common policies, reviewing their implementation and fulfilling any other activity which might be assigned to it by the Committee of Ministers. The CDMSI takes due account of relevant transversal perspectives. In particular, the CDMSI is instructed to:

- (i) identify emerging challenges to member States in areas within its expertise, carry out substantive legal analysis of human rights questions and make proposals to the Committee of Ministers;
- (ii) evaluate, plan and carry out standard-setting activities, including review and consolidation of existing instruments;
- (iii) promote and facilitate awareness raising on and the implementation of Council of Europe standards by member States;
- (iv) ensure follow-up to Committee of Ministers decisions taken subsequent to the Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, Serbia, 7 and 8 November 2013) and reflect on topics for possible discussion in future Ministerial Conferences;
- (v) oversee the implementation of a Council of Europe Internet Governance Strategy 2016-2019, focusing on the right to freedom of expression on the Internet;
- (vi) co-ordinate standard-setting work in respect of the protection of personal data and the right to private life, in close association with other relevant Council of Europe bodies such as the T-PD and the CDCJ;
- (vii) follow and, as appropriate, contribute to the substantive aspects of co-operation programmes with Council of Europe member States and support activities to national initiatives in this field;
- (viii) take due account of a gender perspective and to building

<p>cohesive societies in the performance of its tasks;</p> <p>(ix) take the pertinent aspects of the European Convention on Human Rights into consideration in its thematic work;</p> <p>(x) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;</p> <p>(xi) without prejudice to the mandates of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies or convention mechanisms;</p> <p>(xii) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility¹⁵, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</p>
<p>Pillar/Sector/Programme</p>
<p>Pillar: Rule of Law</p> <p>Sector: Strengthening the Rule of Law</p> <p>Programme: Information society and Internet governance</p>
<p>Specific tasks</p>
<p>Standard-setting activities</p> <p>(i) Prepare a draft recommendation by the Committee of Ministers to member States on media pluralism and transparency of media ownership;</p> <p>(ii) Carry out a feasibility study on a possible standard-setting instrument on media coverage of elections, with particular regard to gender equality and the use of the Internet in elections, and, if appropriate, submit proposals to the Committee of Ministers;</p> <p>(iii) Prepare a draft recommendation by the Committee of Ministers to member States on Internet intermediaries (Internet service providers and Internet platforms);</p> <p>(iv) Undertake work to study the human rights dimensions of automated data processing techniques (in particular algorithms) and their possible regulatory implications.</p>
<p>Best practices on the implementation of Council of Europe freedom of expression standards</p> <p>Share of best practices through exchanges of experiences among CDMSI members and preparing compilations on:</p> <p>(i) protection of journalists' sources;</p>

- (ii) decriminalisation of defamation;
- (iii) institutional and financial independence of public service media;
- (iv) State advertising and media independence;
- (v) implementation of the Guide to human rights for Internet users;
- (vi) Internet freedom reports based on Council of Europe standards.

Reflection and dialogue on freedom of expression in the age of digital convergence

Raise awareness on emerging technological issues through hearings with experts and preparing thematic reports, including feasibility studies on common policies, on the following themes:

- (i) the future of journalism, news-making and media organisations;
- (ii) fear, self-censorship and ethics in journalism;
- (iii) the development of connected TV and challenges for pluralism and diversity of content and human rights;
- (iv) balancing the right to freedom of expression with the right to privacy in the context of removal of search results by search engines.

Composition

Members:

Governments of member States are invited to designate one or more representatives of the highest possible rank in the relevant fields (freedom of expression, media policy, Internet policy and data protection).

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the state whose representative has been elected Chair).

Member States may send other representatives without the right to vote and without defrayal of expenses.

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send representatives, without the right to vote and at

the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Committee of experts on Terrorism (CODEXTER);
- European Committee on Legal Co-operation (CDCJ);
- Consultative Committee of the Convention for the Protection of Individuals with regard to automatic processing of personal data (T-PD);
- Cybercrime Convention Committee (T-CY);
- Steering Committee for Human Rights (CDDH);
- other Council of Europe intergovernmental committees as appropriate;
- European Audiovisual Observatory.

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights – FRA);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Organisation for Security and Co-operation in Europe (OSCE);
- Organisation for Economic Co-operation and Development (OECD);
- Organization of American States (OAS);
- UN agencies (United Nations Educational, Scientific and Cultural Organisation - UNESCO);
- International Telecommunication Union (ITU);

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities;
- Civil society and representatives of business, technical, professional and academic communities.

Working methods

Plenary Meetings:

48 members, 2 meetings in 2016, 3 days

48 members, 2 meetings in 2017, 3 days

Bureau Meetings

7 members, 2 meetings in 2016, 2 days

<p>7 members, 2 meetings in 2017, 2 days</p> <p>The Committee will appoint a Gender Equality Rapporteur from amongst its members.</p> <p>The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.</p>
Subordinate structure(s)
<p>The CDMSI provides a co-ordinating, supervising and monitoring role in the functioning of its subordinate body:</p> <ul style="list-style-type: none"> - Committee of experts on Media Pluralism and Transparency of Media Ownership (MSI-MED) ; - Committee of experts on Internet Intermediaries (MSI-NET).

Budgetary information***2016**

Meetings per year	Number of days	Members	Plenary €	Bureau €	Subordinate structures / Working groups	Secretariat (A, B)
2	3	48	141 500	19 900	-	3 A ; 3 B

2017

Meetings per year	Number of days	Members	Plenary €	Bureau €	Subordinate structures / Working groups	Secretariat (A, B)
2	3	48	141 500	19 900	-	3 A ; 3 B

*The costs presented above take into consideration the per diem, travel, interpretation, translation and document printing. Costs calculated on the basis of the per diem and recharged services costs at their 2016 level.

Appendix 1 - Relevant decision of the Committee of Ministers and list of Conventions**[CM/Del/Dec\(2013\)1168/10.2](#) (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each

committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

CDMSI	
27	European Agreement concerning Programme Exchanges by means of Television Films
34	European Agreement on the Protection of Television Broadcasts
53	European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories
108	Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
131	Third Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts
132	European Convention on Transfrontier Television
153	European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite
178	European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access
181	Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data,

	regarding supervisory authorities and transborder data flows
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Committee of experts on Media Pluralism and Transparency of Media Ownership (MSI-MED)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2016 until 31 December 2017**

Main tasks
Under the supervision of the CDMSI, the MSI-MED will analyse best practices in Council of Europe member States with regard to policies and other measures ensuring a pluralist media landscape, transparency of media ownership, diversity of media content, inclusiveness in public service media, gender equality in media coverage of election campaigns. Drawing upon the existing Council of Europe standards and the relevant jurisprudence of the European Court of Human Rights, the MSI-MED will prepare standard-setting proposals on media pluralism and transparency of media ownership. MSI-MED will also study the gender equality dimensions of media coverage of elections, principles and rules regarding media coverage of elections and the use of Internet in elections.
Pillar/Sector/Programme
<p>Pillar: Rule of Law</p> <p>Sector: Strengthening the Rule of Law</p> <p>Programme: Information society and Internet governance</p>
Specific tasks
<p>(i) Prepare a draft recommendation by the Committee of Ministers on media pluralism and transparency of media ownership;</p> <p>(ii) Prepare a feasibility study on a possible standard-setting instrument on media coverage of elections and the use of the Internet in elections.</p>
Composition
<p>Members:</p> <p>The Committee shall be composed of 13 experts, comprising seven government or member States' representatives, designated by the CDMSI, and six independent experts, appointed by the Secretary General with recognised expertise in the fields of freedom of expression and media policy.</p> <p>The Council of Europe will bear the travel and subsistence expenses of all</p>

13 members.

The composition of the Expert Committee will reflect an equitable geographic distribution amongst the member States and will take account of the gender equality dimension.

Other member States may designate representatives without defrayal of expenses.

Participants:

The following may send representatives, without the right to vote and without defrayal of expenses:

- the European Union (including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- the European Audiovisual Observatory;
- the Organisation for Security and Co-operation in Europe (OSCE);
- UN Agencies (United Nations Educational, Scientific and Cultural Organisation – UNESCO)
- representatives of civil society, academic communities and media organisations.

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities.

Working methods

Meetings:

13 members, 2 meetings in 2016, 2 days

13 members, 2 meetings in 2017, 2 days

The Committee will appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Budgetary information*

2016

Meetings	Number	Members	Plenary	Bureau	Subordinate structures /	Secretariat

per year	of days		€	€	Working groups	(A, B)
2	2	13	-	-	34 500	0.5 A ; 0.5 B

2017

Meetings per year	Number of days	Members	Plenary €	Bureau €	Subordinate structures / Working groups	Secretariat (A, B)
2	2	13	-	-	34 500	0.5 A ; 0.5 B

*The costs presented above take into consideration the per diem, travel, interpretation, translation and document printing. Costs calculated on the basis of the per diem and recharged services costs at their 2016 level.

Committee of experts on Internet Intermediaries (MSI-NET)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2016 until 31 December 2017**

Main tasks
Under the supervision of the CDMSI, drawing upon the existing Council of Europe standards, the relevant jurisprudence of the European Court of Human Rights and the results of the Council of Europe comparative study on blocking, filtering and removal of content the MSI-NET will prepare standard setting proposals on the roles and responsibilities of Internet intermediaries.
Pillar/Sector/Programme
<p>Pillar: Rule of Law</p> <p>Sector: Strengthening the Rule of Law</p> <p>Programme: Information society and Internet governance</p>
Specific tasks
<p>(i) Prepare a draft recommendation by the Committee of Ministers on Internet intermediaries;</p> <p>(ii) Prepare a study on human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications.</p>
Composition
<p>Members:</p> <p>The Committee shall be composed of 13 experts, comprising seven government or member States' representatives, designated by the CDMSI, and six independent experts, appointed by the Secretary General with recognised expertise in the fields of freedom of expression, privacy and Internet policy.</p> <p>The Council of Europe will bear the travel and subsistence expenses of all 13 members.</p> <p>The composition of the Expert Committee will reflect an equitable geographic distribution amongst the member States and will take account of the gender equality dimension.</p> <p>Other member States may designate representatives without defrayal of</p>

expenses.

Participants:

The following may send representatives without the right to vote and without defrayal of expenses:

- the European Union (including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- the European Audiovisual Observatory;
- the Organisation for Security and Co-operation in Europe (OSCE);
- UN Agencies (United Nations Educational, Scientific and Cultural Organisation – UNESCO)
- representatives of civil society, academic communities and the private sector.

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities.

Working methods

Meetings:

13 members, 2 meetings in 2016, 2 days

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