

## Resolution (97)4 Confirming the Continuation of the European Audiovisual Observatory

(adopted by the Committee of Ministers on 20 March 1997 at the 586th meeting of the Ministers' Deputies)

---

The Representatives on the Committee of Ministers of Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom,

Having taken note of the position of the Commission of the European Communities, following the Arrangement between the Council of Europe and the European Community, concluded on 16 June 1987 and supplemented on 5 November 1996, in favour of the continuation of the Observatory;

Having regard to Committee of Ministers Resolution (93) 28 on Partial and Enlarged Agreements and to Resolution (96) 36 Establishing the criteria for partial and enlarged agreements of the Council of Europe;

Having regard to Resolution (92) 70, adopted by the Committee of Ministers at the Ministers' 485th meeting of the Ministers' Deputies on 15 December 1992, establishing a European Audiovisual Observatory for an initial period of three years, at the end of which its activities were to be evaluated;

Having regard to the conclusions of an external evaluation on the activities and operations of the Observatory undertaken on the initiative of the Coordinators' Committee of Audiovisual EUREKA;

Having regard also to the opinion and recommendations of the Advisory Committee of the Observatory, adopted at its 6th meeting on 21 March 1996, expressing support for the continuation of the Observatory;

Having regard to the decision of the Coordinators' Committee of Audiovisual EUREKA, adopted at its meeting in Cracow on 13 June 1996, to recommend the continuation of the European Audiovisual Observatory in accordance with the new orientations determined at that meeting;

Having regard to the draft revised Statute which was approved by the Observatory's Executive Council at its 15th meeting in Brussels on 5 February 1997;

Noting that this revision clarifies the status of the European Audiovisual Observatory in respect of privileges and immunities, including in particular tax matters;

Convinced that the continuation of the European Audiovisual Observatory's mission to collect and process existing information and statistics will make a significant contribution to meeting the information needs of audiovisual professionals and also to promoting transparency of the market,

DECIDE to confirm the continuation of the European Audiovisual Observatory as an enlarged partial agreement of the Council of Europe. The Observatory shall be governed by the provisions of the appended revised Statute which enters into force upon adoption of the present Resolution. The services and activities of the Observatory shall be submitted to evaluations at regular intervals according to the arrangements and the time-table determined by its Executive Council. These evaluation reports shall be transmitted to the Committee of Ministers.

## Appendix to Resolution (97) 4

### 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 the Audiovisual EUREKA Coordinators' Committee.

1.3 To perform this task, the Observatory shall:

- bring about co-operation between public and private suppliers of information and to elaborate a policy for the negotiated use of their data base 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 participating member of Audiovisual EUREKA is ex officio a member of the Observatory.

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

3.3 The Chairman of the Audiovisual EUREKA Coordinators' Committee shall notify the Secretary General of the Council of Europe of any acquisition or loss of capacity as 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

4.2 In addition, there shall be a Financial Committee which will only exercise the functions laid down in Articles 7.3 and 7.5. 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.

## 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 Coordinators' 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. 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 9;
- vi. determine the working languages of the Observatory in accordance with the decision taken in this regard by the Audiovisual EUREKA Coordinators' Committee on 18 September 1992.

5.4 The Executive Council shall take the decisions foreseen in Articles 5.3(i), 5.3 (iv), 8.1 et 9.2 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.

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 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 appoint each 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 it 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.

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 Coordinators' 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 and by the Financial Committee shall be subject to the agreement of these two organs.

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.

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

## **8. Financial regime**

8.1 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.

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

## **9. Secretariat**

9.1 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.

9.2 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.

9.3 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.