

Strasbourg, 3 September 2010

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Français
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**STEERING COMMITTEE ON THE MEDIA
AND NEW COMMUNICATION SERVICES**

(CDMC)

**12th meeting
from 8 to 11 June 2010
Council of Europe, Agora building, Strasbourg
(Room G02)**

Meeting report

Executive summary

During the meeting, the CDMC:

- finalised a draft declaration on the digital agenda for Europe and submitted it to the Committee of Ministers for adoption;
- finalised a draft declaration on the management on the Internet protocol address resources in the public interest and submitted it to the Committee of Ministers for adoption;
- finalised a draft declaration on network neutrality and submitted it to the Committee of Ministers for adoption;

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- adopted comments on Parliamentary Assembly Recommendation 1906(2010) on Rethinking creative rights for the Internet age;
- agreed on a lists of experts for its ad hoc advisory groups on the protection of neighbouring rights, pending the obtention of a negotiating mandate by the European Commission that will condition the continuation of the work;
- took note of progress made by the Committee of Experts on New Media, the Ad Hoc Advisory Group on Cross-Border Internet and the Ad Hoc Advisory Group on Public Service Media Governance;
- following a presentation on the European Commission's Public value test (Amsterdam test), held an exchange of views with the representative of the EC on the subject;
- decided to set up a small informal working group to explore possible guidance to review their national anti-terrorism legislation and practice and their impact on freedom of expression;
- agreed on proposals made in respect of mainstreaming gender issues in its work.

Item 1. Opening of the meeting

1. The Steering Committee on the Media and New Communication Services (CDMC) held its 12th meeting from 8 to 11 June 2010 at the Council of Europe's Agora Building in Strasbourg.

2. The gender distribution of the 66 participants in the meeting was as follows: 20 women (30.3%) and 46 men (69.7%).

3. The meeting was chaired by Delia Mucică (Romania). The Chairperson welcomed, in particular, those participants attending a CDMC meeting for the first time.

The CDMC thanked very warmly government representatives that were about to discontinue or had recently discontinued participation in the Committee's work due to changes in their responsibilities or retirement. In particular, the CDMC paid tribute to Bernhard Möwes (Germany) who, with a short break, had been an active and productive participant in the Council of Europe's work on media policy matters for a considerable number of years, first with the Steering Committee on Mass Media Policy (CDMM) and then with the CDMC, but also with the Standing Committee on Transfrontier Television (T-TT).

The list of participants is set out in Appendix I.

Item 2. Adoption of the agenda

4. The CDMC adopted the agenda, as set out in Appendix II, and the order of business (document CDMC(2010)OT1) subject to certain changes.

Item 3. Decisions of the Committee of Ministers of interest to the work of the CDMC

Standards and CDMC texts

5. The CDMC noted that, on 13 January 2010, the Committee of Ministers took note of the report of the 11th meeting of the CDMC. During that same meeting, the Committee of Ministers also adopted the *Declaration on measures to promote the respect of Article 10 of*

the European Convention on Human Rights. The Secretariat provided follow up information on this subject. Although the Secretary General attaches great importance to this issue, decisions on follow up measures are still to be taken and are pending on the current on-going reform process in the Council of Europe.

Observer organisations expressed their disappointment about delay in follow-up on this matter and reiterated their concerns about the deterioration of working conditions of journalists in many Council of Europe member states which, in some cases, involve even a threat to journalists' lives. For them, action on this front is a litmus test of the Council of Europe's readiness to take action to effectively uphold freedom of expression and freedom of the media.

6. The CDMC also noted the adoption by the Committee of Ministers on 26 May 2010 of the *Declaration of the Committee of Ministers on enhanced participation in Internet governance matters - Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN)*. This Declaration was prepared by the MC-S-CI and examined by the CDMC by e-mail exchange.

7. In the Declaration, the Committee of Ministers encouraged all Council of Europe member states to participate in GAC actively and invited the Secretary General to make arrangements for the Council of Europe to participate as an observer in GAC's activities and to explore, in consultation with GAC, ICANN and other relevant stakeholder, ways in which the Council of Europe can contribute to arrangements concerning GAC's secretariat, subject to budget neutrality.

On the latter point, the CDMC noted that it may be too late to submit and ensure due consideration of a proposal but, regardless of arrangements for GAC's secretariat, underlined the need for the Council of Europe to contribute actively to the work of GAC, and of ICANN, adding a human rights perspective to policy issues under consideration. The CDMC also highlighted the Reykjavik Ministerial Conference call "to explore further the relevance of Council of Europe values and, if necessary, ways in which to provide advice to the various corporations, agencies and entities that manage critical Internet resources that have a trans-national function in order for decisions to take full account of international law including international human rights law and, if appropriate, to promote international supervision and accountability of the management of those resources".

8. Regarding the procedure followed for the preparation and approval of this Declaration, the CDMC reiterated that accelerated procedures involving only e-mail exchanges should be avoided and strictly limited to exceptional cases.

Texts from the Parliamentary Assembly of the Council of Europe

- CDMC comments on Parliamentary Assembly Recommendation 1897(2010) on respect for media freedom

9. In response to the invitation by the Committee of Ministers of the Council of Europe to provide comments on this Recommendation, a draft was circulated to the CDMC, discussed and adopted by e-mail exchange prior to the meeting (Appendix III). The CDMC noted in particular the support expressed by the Parliamentary Assembly to the above-mentioned

Committee of Ministers Declaration on measures to promote the respect of Article 10 of the European Convention on Human Rights.

- Draft CDMC comments on Parliamentary Assembly Recommendation 1906 (2010) on Rethinking creative rights for the Internet age

10. The CDMC examined draft comments on this Recommendation submitted to it by the Bureau. It agreed on them subject to certain amendments but, due to the need for members to consult relevant authorities, decided to finalise them by e-mail exchange (by 28 June 2010).

Texts from the Congress of Local and Regional Authorities

- CDMC comments on Recommendation 274 (2009) of the Congress on E-democracy: opportunities and risks for local authorities

11. In response to the invitation by the Committee of Ministers to provide comments on this Recommendation, the CDMC considered and adopted a text by e-mail exchange (Appendix IV).

Item 4. Draft instruments or texts for consideration by the CDMC

12. The CDMC recalled its decision that each draft standard-setting text should be accompanied by a paragraph setting out in simple and easy to understand language the background or context and the thrust of the text, and any further steps or follow up measures to be taken. The CDMC asked the secretaries of the committee of experts and ad hoc advisory groups responsible for the texts below to prepare such additional information in consultation with the body concerned. However, the status and how this information would be presented remained unclear.

Draft Declaration on the Digital Agenda for Europe – MC-S-CI(2010)003

13. The CDMC considered the draft Declaration on the digital agenda for Europe prepared by the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI) and agreed on it subject to certain amendments but, due to the need for members to consult relevant authorities, decided to finalise it by e-mail exchange (by 28 June 2010) and submit it to the Committee of Ministers for adoption.

Draft Declaration of the Committee of Ministers on network neutrality (MC-NM(2010)005)Rev2

14. The CDMC considered the draft Declaration on network neutrality prepared by the Committee of Experts on New Media (MC-NM) and agreed on it subject to certain amendments but, due to the need for members to consult relevant authorities, decided to finalise it by e-mail exchange (by 28 June 2010) and to submit it to the Committee of Ministers for adoption. The delegation of Spain made a reservation in respect of this draft declaration.

Draft Declaration of the Committee of Ministers on the management of the Internet protocol address resources in the public interest – MC-S-CI(2010)004

15. The CDMC considered the draft Declaration on the management of the Internet protocol address resources in the public interest prepared by the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI) and agreed on it subject to certain amendments but, due to the need for members to consult relevant authorities, decided to finalise it by e-mail exchange (by 28 June 2010) and to submit it to the Committee of Ministers for adoption.

Item 5. Implementation of Council of Europe standards on media and freedom of expression

Revised and up-dated list of Recommendations and Declarations of the Committee of Ministers in the media field, and work currently being carried out in connection thereto.

16. Following a CDMC request, the Secretariat up-dated the list of standards related to media with the follow up they received.

The CDMC considered the following list and identified issues that might be given attention in terms of follow up: revision of standards from a gender equality perspective (under Elfa Yr Gylfadottir's coordination), cooperation with various steering committees when touching upon media issues, protection of children on the Internet (2008 Declaration), public service media, diversity. It welcomed the proposed emphasis on transversal work on media literacy and on children and the Internet (Recommendation (2009) 5) and requested to be informed of such developments.

17. However, it noted the current and foreseen staff shortages within the Secretariat and its potential impact on follow-up work. Given the CDMC's core responsibility, priority should be given to standard setting and, subject to Committee of Ministers' decisions, to the implementation of the action proposed in the documents adopted at the Reykjavik Ministerial Conference.

Roles and responsibilities of the European ISPs

18. This item was originally placed on the agenda for the 12th meeting of the CDMC at the request of EuroISPA in order to explore difficulties of Internet service providers in respecting Council of Europe standards in their countries and to identify possible standard-setting solutions. At the request of EuroISPA, the CDMC decided to postpone this item to the 13th meeting.

Exchange with the Secretariat of the European Platform of Regulatory Authorities (EPRA) on the situation of merged broadcasting / telecommunications regulators and their independence (with regard to CM Rec(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector and to the CM Declaration on the independence and functions of regulatory authorities for the broadcasting sector)

19. The CDMC held an exchange of views with Emmanuelle Machet, Secretary of the European Platform of Regulatory Authorities (EPRA) on the matter and, in particular, discussed the situation of combined or merged audiovisual media / telecommunications regulators.

Item 6. Work of CDMC subordinate bodies

20. Having regard to the practice observed in the past, the CDMC requested that draft documents under consideration by one of the bodies reporting to it should be appended to those bodies' meeting reports. This will give the CDMC the opportunity to get acquainted at an early stage with the subjects concerned and also to provide, if deemed necessary, guidance to the relevant experts. In addition, subordinate bodies were reminded to respect the three week time limit before CDMC meetings, pursuant to the rules of procedure¹, when submitting draft documents for discussion and finalisation.

- Committee of Experts on New Media (MC-NM)

21. The CDMC took note of the report of the second meeting of MC-NM (25-26 March 2010).

22. Thomas Schneider, Chairperson of the MC-NM, emphasised that, in view of the departure of Franziska Klopfer, the Committee's Secretary, following Council of Europe staff regulations, its future output depended to a large extent on finding a suitable staff replacement.

Against this background, he gave a general overview of the progress being made by the MC-NM that includes a draft Recommendation on the new notion of media, a draft Recommendation on measures to protect and promote respect for human rights with regard to social networking services and a Draft Recommendation on the protection of human rights with regard to search engines. A toolkit on the new notion of media may be developed with the assistance of Karol Jakubowicz to supplement the draft Recommendation on the new notion of media². Similarly, the MC-NM will prepare, in consultation with relevant private sector and civil society representatives, guidelines for search engine providers and for operators of social network services. Certain of these drafts should be ready for CDMC consideration at its next meeting.

23. As regards the draft Declaration on network neutrality, the CDMC noted the reservation of Spain subsequent to their concerns raised after the examination of the draft in the meeting of the MC-NM once the report of the meeting had been finalised.

24. The CDMC thanked Franziska Klopfer very warmly and praised her for her valuable contribution to CDMC work over the last five years.

- Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)

25. The CDMC took note of the report of the first meeting of the MC-S-CI (1 and 2 March 2010) and discussed with its Secretary the group's on-going work. It expressed appreciation for the Group's work in preparing Declaration of the Committee of Ministers on enhanced participation in Internet governance matters - Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) which was adopted by the Committee of Ministers on 26 May 2010 (see item 3, paragraph 6, above). It also

¹ Rules of procedure are appended to Resolution (2005) 47 of the Committee of Ministers on committees and subordinate bodies, their terms of reference and working methods.

² It has since been decided to start work on the toolkit.

expressed its appreciation for the proposals of the Group on the draft declarations on the Digital Agenda for Europe, on the management of the Internet protocol address resources in the public interest (see item 4, paragraphs 13 and 15, above)..

The CDMC also took note of the contribution of the group to EuroDIG (including a discussion paper on A conceptual approach for setting a standard of care for cross-border Internet – see also item 10 below).

26. The CDMC also took note of the resignation of Mark Kelly, one of the members of the group, and discussed the desirable profile for his replacement. Some members suggested names and the CDMC agreed to continue looking for suitable experts. Suitable candidates willing to contribute to the group's work should be invited to attend the next MC-S-CI meeting (12-13 October 2010³).

- *Ad hoc Advisory Group on Public Service Media Governance (MC-S-PG)*

27. Tim Suter, Chairperson of the MC-S-PG, informed the CDMC about the group's first meeting (27 and 28 May 2010) and its ongoing work, which was followed by an exchange of views. The CDMC encouraged the Group to pursue the work as outlined by its Chairperson.

- *Ad hoc Advisory Group on the protection of neighbouring rights of broadcasting organisations (MC-S-NR)*

28. Delia Mucică reported on the consultation meeting on neighbouring rights that was held on 28 and 29 January 2010.

The CDMC recalled that, at a previous meeting, it agreed that a condition for the pursuit of this work was that the European Commission obtain a mandate to negotiate, within a Council of Europe framework, a Convention on the protection of neighbouring rights of broadcasting organisations. It noted that, at its last meeting, the Bureau decided to ask the Secretary General to write to the competent European Commissioner asking about the steps being taken in this connection; it appears that, at the time of the meeting, a letter had not yet been sent. However, the representative of the European Commission indicated that the issue was currently being considered by the legal service of the Commission.

29. While waiting for the above-mentioned condition to be fulfilled, the CDMC decided on the composition of the Ad hoc Advisory Group, having regard to a proposal by the Bureau stemming from the abovementioned consultation meeting as follows:

- Stephen Edwards, Partner at Reed Smith LLP, Former Head of Copyright at the BBC, UK;
- Jukka Liedes, Director, Culture and Media Policy Division, Ministry of Education and Culture, Finland;
- Delia Mucică, Professor, National University of Theatre and Film "I.L. Caragiale" Bucharest; Senior advisor, Ministry of Culture and National Heritage, Romania;
- Florian Philapitsch, Kommunikationsbehörde Austria (KommAustria); and

³ These dates have since been revised. The MC-S-CI will now hold its 2nd meeting on 8 and 9 November 2010.

- Velizar Sokolov, Managing Partner, ARSIS Consulting Intellectual Property Lawyers, Bulgaria.

It also decided to grant the NGO European Digital Rights (EDRI) observer status with the group. The mandate of the Group will be amended accordingly by adding EDRI to the list of observers (ACT, WIPO, and EBU).

Item 7. Hearing on the Public Value Test

30. At its 11th meeting, the CDMC decided to organise a hearing on this subject.

Annette Kliemann, Case Handler at the DG Competition, State aid: Information, Communication and Media Unit of the European Commission, presented the EC Communication on the application of State aid rules to public service broadcasting and the experience of the Commission in the application of the “Amsterdam Test”. The CDMC held an exchange of views with her on the subject.

31. The CDMC considered the possibility of preparing public value test guidelines for Council of Europe member states or a standard-setting instrument setting out the common (minimum denominator) understanding in this respect. However, it reached no decision on the subject but agreed to reconsider the matter in due course in the light of developments.

Item 8. Work programme for the CDMC in 2010

Follow-up to the Resolution on Developments in anti-terrorism legislation in Council of Europe member states and their impact on freedom of expression and information

32. The suggestion for a member states’ *tour de table* on action taken to implement the commitment in the Resolution, adopted by Ministers at the Reykjavik Conference, to review their national anti-terrorism legislation and practice and their impact on freedom of expression and information⁴ did not receive wide support within the CDMC.

The representative of Iceland presented the Icelandic Modern Media Initiative (see www.immi.ist) as a concrete response to a number of Council of Europe freedom of expression / media standard setting instruments, contributing also to the implementation of the abovementioned commitment. Further, representatives of observer organisations indicated that, to their knowledge, the United Kingdom and Denmark are reflecting on the impact of anti-terrorism legislation on freedom of expression and information, and on measures needed to redress any undesirable effects.

33. The CDMC expressed disappointment about the scant action apparently taken to implement the Resolution in the year following its adoption by the Ministers. It recognised the difficulties in addressing this matter from a CDMC perspective as responsibility for anti-terrorism lies with state authorities other than the ones they represent.

⁴ At the Ministerial Conference, the Delegation of the Russian Federation made a reservation in respect of this commitment. It indicated that the subject matter dealt with therein does not fall entirely under the competence of the authorities of the Russian Federation responsible for media and mass communication.

34. Within its own field of competence, the CDMC decided to set up a small informal working group to explore possible guidance or other action to be offered to member states for the implementation of this important commitment. This work could take the form of a Committee of Ministers recommendation inspired by elements of the Resolution abovementioned, the 2005 Committee of Ministers Declaration on freedom of expression and information in the media in the context of the fight against terrorism, and the 2007 Guidelines on protecting freedom of expression and information in times of crisis and other relevant texts.

Certain observer organisations volunteered to take part in the informal working group (AEJ, EFJ, ENPA) and, considering that this exercise could not be observer driven, the CDMC called for suitable candidates from national administrations (preferably by 28 June 2010).

Organisation of further hearings / exchanges

35. Following a proposal by the Bureau, the CDMC decided that a future hearing should be organised, resources permitting, at its 13th meeting on jurisdiction shopping or opportunism in respect of defamation, including as regards alleged defamation on the Internet .

Item 9. Working methods

Gender issues (Mainstreaming gender equality in the work of the CDMC, work paper by Elfa Yr Gylfadottir and Karl Jagdis) – CDMC-BU(2010)001

36. At its 11th meeting, the CDMC asked Elfa Yr Gylfadottir (Iceland) and Karl Jagdis (UK) to prepare a working document on the topic. The CDMC considered their paper “Mainstreaming gender equality in the work of the CDMC” and discussed the proposals it contains. It agreed to the proposals made in respect of these issues and, in particular, decided to consider standards previously prepared by the CDMC (formerly the CDMM) from a gender equality perspective with a view to identifying which of them should be reviewed and how. The CDMC asked Elfa Yr Gylfadottir (Iceland) to make a proposal in this respect for consideration by the Bureau at its October meeting (and the CDMC in November 2010) and to coordinate gender related work generally.

37. The CDMC held an exchange of views with the Secretariat of the Steering Committee for Equality between Women and Men (CDEG) who presented the work of that Committee and its main lines of action. The CDMC expressed its readiness to cooperate with the CDEG.

Architecture for participation – synthesis paper (Garegin Chugaszyan, Armenia)

38. Following the hearing on multistakeholder participation that was held during its 11th meeting, the CDMC asked Garegin Chugaszyan to prepare a working paper synthesising the discussions and making proposals that would help to identify further steps to be taken. The CDMC considered this document and held an exchange of views. It noted, in particular, the proposal that, given the nature of its work that calls for a multistakeholder approach, there should be a step-by-step expansion in participation, perhaps developing towards a network or becoming more closely linked to networks and communities related to its work while

preserving its intergovernmental role and, more particularly, that of outlining or inspiring public policy.

Accelerated or expedited procedures

39. This issue was discussed under item 3. See paragraph 8.

Item 10. Internet Governance and Information Society

European Dialogue on Internet Governance (EuroDIG)

40. Relevant Bureau members and the Secretariat informed the CDMC in detail about the 3rd EuroDIG that took place in Madrid, on 29 and 30 April 2010, the activities organised and the outcome of the event. See also paragraph 58.

Internet Governance Forum (IGF)

41. The Secretariat informed the CDMC about preparations for the Council of Europe's participation in the 5th edition of the Internet Governance Forum (Vilnius, 14 to 17 September 2010).

Item 11. Standing Committee on Transfrontier Television (T-TT)

42. The Secretariat provided further information about the current state of play of the revision of the European Convention on Transfrontier Television. It announced the upcoming meeting of the EU Audiovisual Media Services Contact Committee (16 June, in Brussels) which the Secretary of the Standing Committee on Transfrontier Television will attend. It also confirmed that the Standing Committee will meet, as planned, on 1 and 2 July.

43. The representative of Germany contributed by explaining the current situation: since the Amending Protocol of the Convention on Transfrontier Television had not been adopted, the present Convention is still in force; this has serious drawbacks and creates legal conflicts. He explained the steps taken to discuss the matter with other EU members states' colleagues in anticipation of the Contact Committee meeting.

44. The CDMC exchanged views on the issue and:

- expressed deep concern about the interruption of the process towards adoption of the Amending Protocol prepared by the Standing Committee on Transfrontier Television and decided to bring this concern to the attention of the Committee of Ministers (cf. abridged report);
- decided to ask the Secretary General to write to the competent European Commissioner to seek precise explanation of the position of the European Commission on the revision and on the future of the European Convention on Transfrontier Television;
- asked the Secretariat that will attend the upcoming Audiovisual Media Services Contact Committee meeting to convey the CDMC's view on the matter.

Item 12. Information on the work of, and co-operation with, other Council of Europe bodies, of interest to the CDMC

The CDMC took stock of relevant activities of other Council of Europe bodies.

- *Commissioner for Human Rights*

45. The CDMC heard a report from a representative of the Office of the Commissioner for Human Rights on the Commissioner's activities and priorities regarding the promotion of freedom of expression and media.

- *Parliamentary Assembly of the Council of Europe (PACE)*

46. The CDMC held an exchange of views with Andrew McIntosh, Chairperson of the Committee on Culture, Science and Education of the Parliamentary Assembly.

Mr McIntosh expressed his regret about the CM decisions to discontinue the development of the Transfrontier Television Convention, which he considered to be very serious work. He informed the CDMC of his initiative to write to the CM about it and asked the CDMC to endeavour to find a solution.

He also drew attention to the PACE Resolution 1729(2010) and the related Recommendation 1916(2010) on the protection of whistle-blowers, and expressed his wish for the CDMC to address these issues, stating that PACE would support work on this issue should the CDMC decide to pursue them. The CDMC decided to provide comments on these texts, although it had not been invited to do so by the Committee of Ministers.

- *Steering Committee for Human Rights (CDDH)*

- *Committee of Experts for the Development of Human Rights (DH-DEV)*

47. During its last meeting, the DH-DEV was informed of the work of the CDMC and expressed interest about it.

- *European Committee on Legal Cooperation (CDCJ) and*

- *Consultative Committee of the Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (T-PD)*

48. The CDMC noted the progress made towards the finalisation of Draft recommendation on the protection of individuals with regard to automatic processing of personal data in the context of profiling and took note that the CDCJ had decided to submit a request for comments to the CDMC following the CDCJ's next plenary meeting (15 to 17 June 2010).

In this connection, the CDMC noted that the Committee of Ministers encouraged the T-PD to start preparing a draft additional protocol to the Convention for the Protection of individuals with regard to automatic processing of personal data in the context of profiling.

- *Cybercrime Convention Committee (T-CY) and Octopus conference*

49. Maja Rakovic (Serbia) reported on the Octopus conference, which she attended on behalf of the CDMC. She expressed the view that a representative of the CDMC should present the work of the Committee at the 2011 Conference with a view to filling a knowledge gap (in particular, but not limited to, the need to strike a balance between freedom of expression and combating cybercrime which fully respects human rights requirements).

The CDMC noted that the T-CY would hold its next meeting in Paris on 24 and 25 June, and requested to be informed in due course of relevant discussions.

- Steering Committee for Equality between Women and Men (CDEG) – Conclusions of the 7th Council of Europe Conference of Ministers responsible for Equality between Women and Men

50. Delia Mucică reported on the Ministerial Conference, which she attended on behalf of the CDMC. The Committee noted that the CDEG is expected to work on the subject of codes of conduct adopted by the media to address gender stereotypes and to draft, in co-operation with the CDMC, a handbook on strategies to combat gender stereotypes in the media . This topic was also addressed under item 9 on gender equality

- Committee of Experts on terrorism (CODEXTER)

51. The Secretariat informed the CDMC of the CODEXTER meeting. The Steering Committee noted CODEXTER's interest in the work undertaken by MC-S-CI.

- European Committee for Social Cohesion (CDCS) – report of the 23rd meeting by Luis Ferro - CDMC(2010)Misc002

52. The CDMC took note of the report by Luis Ferro (Portugal) on the 23rd meeting of the CDCS which he attended on behalf of the CDMC. The CDMC asked him to continue to follow this work given the links with the Steering Committee's own work (public service media, participation, universal access).

- Forum on the Future of Democracy

53. The CDMC noted the dates for the next Forum on the Future of Democracy that will take place in Yerevan on 19 and 20 October 2010 and of the Forum's main themes that will address the principles of and challenges to European democracy. It stressed the importance of paying due attention to media-related matters when exploring the future of democracy which will no doubt be closely linked to the development and use of information and communication technologies.

- 2010 Council of Europe Exchange on the Religious Dimension of Intercultural Dialogue: "The role of the media in promoting intercultural dialogue, tolerance and mutual understanding: freedom of expression in the media and respect for cultural and religious diversity"

54. The CDMC noted that the next Exchange will be held in Ohrid (Former Yugoslav Republic of Macedonia) on 13 and 14 September 2010. Given that the exchange's theme will be "the role of the media in fostering intercultural dialogue, tolerance and mutual understanding: freedom of expression of the media and respect towards cultural and religious diversity", it welcomed the organiser's choice to invite Bissera Zankova (Bulgaria) in order to

ensure that relevant Council of Europe's intergovernmental work on media be brought to the attention of participants. In addition to the importance of its own work and freedom of expression in this context, the CDMC underlined the need to ensure that the views of journalists are reflected at the Exchange and that the possibilities offered by new media as a contributing factor for dialogue be explored.

Item 13. Council of Europe cooperation activities

55. The CDMC took note of information on the Council of Europe country-specific assistance activities in the media field provided by the Secretariat (Directorate of Cooperation). The representative of Serbia thanked the Secretariat for the excellent work done in her country.

Item 14. Other information of interest to the work of the CDMC

56. The CDMC took note of the information provided by the representative of Spain on activities undertaken during the Spanish Presidency of the European Union. It also took note of the information provided by the representatives of Belgium on activities foreseen during the upcoming Belgian Presidency.

Item 15. Administrative and budgetary perspectives

57. Jan Kleijssen, Director of Standard Setting in the Directorate General of Human Rights and Legal Affairs, informed the CDMC about relevant administrative and budgetary perspectives at the Council of Europe, in particular in the framework of the on-going reform. While it is difficult to anticipate the consequences of the reform for the CDMC (e.g. in budgetary terms), he underlined the widely recognised importance of its "cutting-edge" work; this suggests that there will be ongoing support for Council of Europe work in the media field. The CDMC expressed its concerns about the current staff and resource situation in the Media and Information Society Division.

58. Mr Kleijssen also confirmed the setting up of a transversal Task Force on Information Society and Internet Governance, under his direct responsibility; Lee Hibbard (formerly a staff member in the Media and Information Society Division) has been appointed Task Force Coordinator. The CDMC welcomed this development and reiterated its view that transversal coordination and support structure should remain close to the its own Secretariat.

59. Similarly, the CDMC expressed the view that cooperation activities in the media and new communication services field could be brought closer to related standard setting activities (hence to the Steering Committee itself) through a more transversal approach in functional (as opposed to structural) terms. Further, it signalled that it would like to be more involved in a number of transversal activities of the Council of Europe where it could bring its expertise at an early stage, rather than later once texts had been adopted.

Item 16. Items to be included on the agenda of the 13th meeting of the CDMC

60. The CDMC approved the preliminary list of items to be included in the agenda for its 13th meeting (CDMC(2010)005), in particular in the light of the decisions which it had taken.

Item 17. Dates of next meetings

61. The CDMC took note of the dates of coming meetings in 2010. The next meeting of the Bureau will be in Strasbourg on 14 and 15 October 2010. The 13th meeting of the CDMC will be in Strasbourg from 16 to 19 November 2010. The dates of some of the meetings of its subordinate bodies may be changed according to the availability of experts, in which case the CDMC will be informed.

Item 18. Other business

Next Ministerial Conference

62. The representative of Serbia informed the CDMC that the Serbian government has offered to host the 2nd Council of Europe Conference of Ministers responsible for Media and new Communication Services in Belgrade. A letter was sent to the Secretary General in that respect.

The CDMC warmly thanked Serbia for that invitation and agreed to consider the timing for the next Ministerial Conference at a later meeting; it underlined the need to allow time to ensure progress in the implementation of the activities proposed in documents adopted in Reykjavik. The representative of Iceland offered to share lessons learned during its recent experience organising the last Ministerial Conference.

The Secretariat informed the CDMC that the Committee of Ministers expressed wishes to be more involved in the organisation phase of ministerial conferences at various levels:

- decisions regarding the organisation of such conferences,
- fixing dates,
- costs matters,
- content, both as regards early information on the subjects to be addressed at a conference and, more specifically, in respect of the actual texts foreseen for adoption at a conference.

While discussions are still ongoing, these matters should be taken into account when considering the timeline for and milestones in the preparation of the next Ministerial Conference.

Advisory Committee (GAC) of Internet Corporation for Assigned Names and Numbers (ICANN)

63. The CDMC noted that the Chairperson of the GAC had been unable to accept the invitation of the CDMC; consequently the exchange of views foreseen under this item was not held.

Item 19. Abridged report

64. The CDMC adopted the abridged report of its 12th meeting.

Appendix I

List of participants

MEMBER STATES / ETATS MEMBRES

Albania/Albanie

(Confirmed/Confirmé)

Mr Ralf GJONI, Director General of Communications/ Spokesperson, Ministry of Foreign Affairs of the Republic of Albania

Armenia/Arménie

(Confirmed/Confirmé)

Mr Garegin CHOOKASZIAN, Executive Director, IT Foundation, Yerevan

Austria/Autriche

(Confirmed/Confirmé)

Mr Matthias TRAIMER, Head of Department, Media Affairs and Information Society, Federal Chancellery, Vienna

Azerbaijan

(Confirmed/Confirmé)

Ms Jeyran AMIRASLANOVA, Senior Consultant for Public and Political Issues, Office of the President of the Republic of Azerbaijan, Baku

(Confirmed/Confirmé)

Mr Araz ALIYEV, Chief Consultant for “Azet ISH, Baku

Belgium/Belgique

(Confirmed/Confirmé)

Mr. Johan BOUCIQUE, Adviseur Media, Department Cultuur, Jeugd, Sport en Media, Brussels

(Confirmed/Confirmé)

Ms Alexandra KRICK, Juriste, Service général de l'audiovisuel et des multimédias, Bruxelles

Bosnia and Herzegovina / Bosnie-Herzégovine

(Confirmed/Confirmé)

Mr Emir POVLAJKIC, Head of Division for Licencing, Digitalization and Coordination, Broadcasting Communications Regulatory Agency, Sarajevo

(Confirmed/Confirmé)

Ms Lea TAJIĆ, Head of Department for International Cooperation in Broadcasting, Communications Regulatory Agency, Sarajevo

Bulgaria/Bulgarie

(Confirmed/Confirmé)

Ms Bissera ZANKOVA, Media Consultant, Ministry of Transport and Communications, Directorate on Information Technology, Sofia

Croatia/Croatie*(Confirmed/Confirmé)*

Ms Vesna BATISTIC KOS, Ministry of Foreign Affairs and European Integration of the Republic of Croatia, Zagreb

Cyprus/Chypre*(Confirmed/Confirmé)*

Mr Andreas CHRISTODOULOU, Head of Media Section, Ministry of the Interior, Nicosia

Czech Republic/République Tchèque*(Confirmed/Confirmé)*

Mr Artus REJENT, Media and Audio-Visual Department, Ministry of Culture of the Czech Republic, Prague

Denmark/Danemark*(Confirmed/Confirmé)*

Ms Vibeke PETERSEN, Special Adviser, Danish Ministry of Culture, Copenhagen

Estonia/Estonie*(Confirmed/Confirmé)*

Mr Peeter SOOKRUUS, Ministry of Culture, Tallinn

Finland/Finlande*Apologised / Excusé***France***(Confirmed/Confirmé)*

Ms Juliette MANT, Chargée d'études juridiques au bureau des affaires européennes et internationales, Direction générale des médias et des industries culturelles, Ministère de la Culture et de la Communication, Paris

(Confirmed/Confirmé)

Mme Catherine SOUYRI-DESROSIER

Ministère des Affaires étrangères et européennes, Sous-direction de l'audiovisuel extérieur et des technologies de communication, Paris

Georgia/Georgie*(Confirmed/Confirmé)*

Ms Tamar KINTSURASHVILI, Administration of the President of Georgia, Advisor, Tblisi

Germany/Allemagne*(Confirmed/Confirmé)*

Mr Bernhard MÖWES, Federal Government Commissioner for Culture and the Media, Berlin

(Confirmed/Confirmé)

Mr Wolfgang WOHNHAS, Federal Government Commissioner for Culture and the Media, Berlin

(Confirmed/Confirmé)

Ms Annick KUHL, Représentation de l'Etat Libre de la Bavière auprès de l'UE, Bruxelles

Greece/Grèce*(Confirmed/Confirmé)*

Mr Christophoros A GEORGHADJIS, Secretariat General of Information, Secretariat of Communication, Media Expert, Media department, Athens

Hungary/Hongrie*(Confirmed/Confirmé)*

Dr Gyorgy OCSKÓ, Head of Department, Presidential Secretariat, National Radio and Television Commission, Budapest

(Confirmed/Confirmé)

Dr Mark LENGYEL, Kormendy-Ekes & Lengyel Consulting

Iceland/Islande*(Confirmed/Confirmé)*

Ms Elfa Yr GYLFADÓTTIR, Head of Division of Media, Department of Cultural affairs, Ministry of Education, Science and Culture, Reykjavik

Ireland/Irlande*(Confirmed/Confirmé)*

Mr Eanna O'CONGHAILE, Broadcasting Policy Division, Department of Communications, Energy and Natural Resources, Dublin

Italy / Italie*(Apologised/Excusé)***Latvia/Lettonie***(Confirmed/Confirmé)*

Mr Andris MELLAKAULS, Member, Head of International Relations, National Broadcasting Council of Latvia, Riga

Moldova*(Confirmed/Confirmé)*

Mr Iurie VITON, Counsellor, Media and Public Relations Directorate, Ministry of Foreign Affairs and European Integration, Chisinau

Montenegro*(Confirmed/Confirmé)*

Mr Ranko VUJOVIC, Executive Director UNEM, Podgorica

Netherlands/Pays-Bas*(Confirmed/Confirmé)*

Ms Lydia BREMMER, Policy Advisor on Public Broadcasting Services and Press Policy, Department for Media, Literature and Libraries/ Ministry of Education, Culture and Science, The Hague

Norway/Norvège*(Confirmed/Confirmé)*

Mr Olav GUNDEVEDT, Assistant Director General, Norwegian Ministry of Culture, Department of Media Policy and Copyright, Oslo

Poland/Pologne*(Confirmed/Confirmé)*

Mr Pawel STEPKA, Expert, Department of European Policy and International Relations, National Broadcasting of Poland, Warsaw

Mr Wojciech KOLODZIEJCZYK, Lawyer, Legal Department, National Broadcasting Council, National Broadcasting of Poland, Warsaw

Portugal*(Confirmed/Confirmé)*

Mr Luís Santos FERRO, Adviser, GMCS – Gabinete para os Meios de Comunicação Social, Lisbon

Romania/Roumanie**Chair***(Confirmed/Confirmé)*

Ms Delia MUCICĂ, Senior Advisor to the Minister of Culture, Bucharest

Russian Federation/Fédération de Russie

Mr Igor EVDOKIMOV, Deputy Director, Information and Press Department, Ministry of Foreign Affairs, Moscow

San Marino/Saint-Marin*(Confirmed/Confirmé)*

Mr Guido CASALI

Serbia*(Confirmed/Confirmé)*

Ms Maja RAKOVIC, Advisor, Media Department, Ministry of Culture, Republic of Serbia

Slovak Republic/République Slovaque*(Confirmed/Confirmé)*

Ms Natasa SLAVIKOVA, Director General, Directorate for Media, Audiovision and Copyright, Ministry of Culture of the Slovak Republic, Bratislava

Slovenia/Slovenie*(Confirmed/Confirmé)*

Mr Skender ADEM, Undersecretary, Ministry of Culture of Republic of Slovenia, Ljubljana

Spain/Espagne*(Confirmed/Confirmé)*Ms M^a Concepción SOTO CALVO, Adviser of Audiovisual Services, State Secretariat for Telecommunications and the Information Society, Madrid**Sweden / Suede***(Confirmed/Confirmé)*

Mr Martin PERSSON, Deputy Director, Division for Media, Film and Sport, Swedish Ministry of Culture, Stockholm

Switzerland/Suisse*(Confirmed/Confirmé)*

Mr Thomas SCHNEIDER, Service des Affaires internationales, Office fédéral de la communication, Département fédéral de l'environnement, des transports, de l'énergie et de la communication, rue de Bienne

(Confirmed/Confirmé)

Mr Pierre SMOLIK, Spécialiste des médias, Service des Affaires internationales, Département fédéral de l'environnement, des transports, de l'énergie et de la communication DETEC, Office fédéral de la communication OFCOM, Bienne

"The former Yugoslav Republic of Macedonia"/"L'ex-République Yougoslave de Macédoine"*(Apologised/Excusé)*

Turkey/Turquie*(Confirmed/Confirmé)*

Mr Mehmet Bora SÖNMEZ, International Relations Department, Radio and Television Supreme Council, Ankara

(Confirmed/Confirmé)

Dr Hamit ERSOY, International Relations Department, Radio and Television Supreme Council, Ankara

(Confirmed/Confirmé)

Mr Mehmet DADAK, International Relations Department, Radio and Television Supreme Council, Ankara

Ukraine*(Confirmed/Confirmé)*

Mr Viktor Nikitiuk, Ambassador at Large, Ministry of Foreign Affairs of Ukraine, Kiev

United Kingdom/Royaume-Uni*(Confirmed/Confirmé)*

Mr Chris DAWES, Broadcasting Division, Department for Culture, Media and Sport, London

* * *

PARTICIPANTS / PARTICIPANTS**Parliamentary Assembly of the Council of Europe/Assemblée Parlementaire du Conseil de l'Europe (PACE/APCE)***(Confirmed/Confirmé)*

Mr Andrew McINTOSH, Chairman of Sub-Committee on the Media

**Conference of International Non-Governmental Organisations of the Council of Europe /
Conférence des organisations internationales non gouvernementales du Conseil de l'Europe***(Confirmed/Confirmé)*

Mr Gabriel NISSIM, Conférence des OING du Conseil de l'Europe, Strasbourg

European Audiovisual Observatory / Observatoire Européen de l'audiovisuel**Chair of PG Ad hoc***(Confirmed/Confirmé)*

Mr Tim SUTER, Managing Director, Perspective

* * *

OTHER PARTICIPANTS**European Commission/Commission européenne***(Confirmed/Confirmé)*

Mr Harald E. TRETENBREIN, Deputy Head of Unit, Audiovisual and Media Policies Unit,
European Commission, Directorate General for Information Society and Media, Brussels

(Confirmed/Confirmé)

Ms Annette Kliemann, Case Handler, European Commission, DG Competition, State aid: Information,
Communication and Media, Brussels

Holy See / Saint Siège*(Confirmed/Confirmé)*

M Thaddeus JONES, Conseil Pontifical pour les Communications Sociales, CITTA DEL VATICANO

* * *

OBSERVERS/OBSERVATEURS**Belarus***(Confirmed/Confirmé)*

Mr Alexander ANTONOV, 3rd secretary of MFA Information Directorate, Press-service

Article 19*(Apologised/Excusé)***Association of European Journalists (AEJ) / Media Freedom Representative***(Confirmed/Confirmé)*

Mr William HORSLEY, London

Community Media for Europe (CFME)*(Confirmed/Confirmé)*

Mr Helmut PEISSL

European Newspaper Publishers' Association (ENPA)*(Confirmed/Confirmé)*

Mr Holger ROSENDAL, Chefjurist/Head of Legal Department, Danske Dagblades Forening/Danish
Newspaper Publishers' Association, Copenhagen

(Confirmed/Confirmé)

Mr Ben CARLIN, European Policy Advisor, European Newspaper Publishers' Association, Brussels

European Federation of Journalist (EFJ)*(Confirmed/Confirmé)*

Marc Gruber, European Co-Director, European Federation of Journalists, Brussels

European Broadcasting Union / Union Européenne de Radio-Télévision (EBU)*(Confirmed/Confirmé)*

Mr Michael WAGNER, Deputy Director, Legal and Public Affairs, European Broadcasting
Union/Union européenne de Radio-Télévision

(Confirmed/Confirmé)

Ms Pranvera KELLEZI, Legal Adviser, European Broadcasting Union/Union européenne de Radio-Télévision, Grand Saconnex

European Platform of Regulatory Authorities (EPRA)

(Confirmed/Confirmé)

Ms Emmanuelle MACHET, Strasbourg

Permanent Conference of the Mediterranean Audiovisual Operators (COPEAM)

(Confirmed/Confirmé)

Ms Micol Pancaldi

EuroISPA

(Confirmed/Confirmé)

Prof Michael ROTERT

SECRETARIAT

Mr Jan KLEIJSEN, Director, Directorate of Standard Setting / Directeur, Directorate des Activities Normatives, Directorate General of Human Rights and Legal Affairs / Chef de la Division Médias et Société de l'Information, Secrétaire du CDMC, Direction Générale des Droits de l'Homme et des Affaires Juridiques

Tel:+ 33 (0)3 88 41 31 67

Fax: + 33 (0)3 88 41 37 39

E-mail: jan.kleijssen@coe.int

Mr Jan MALINOWSKI, Head of Media and Information Society Division, Secretary of the CDMC, Directorate General of Human Rights and Legal Affairs / Chef de la Division Médias et Société de l'Information, Secrétaire du CDMC, Direction Générale des Droits de l'Homme et des Affaires Juridiques

Tel:+ 33 (0)3 88 41 28 92

Fax: + 33 (0)3 88 41 27 05

E-mail: jan.malinowski@coe.int

Mrs Anita VAN DE KAR BACHELET, Administrative Officer, Directorate General of Human Rights and Legal Affairs / Administrateur, Direction Générale des Droits de l'Homme et des Affaires Juridiques

Tel:+ 33 (0)3 88 41 29 29

Fax: + 33 (0)3 88 41 27 05

E-mail: anita.vandekar@coe.int

Ms Anne BOYER-DONNARD, Administrative Assistant, Directorate General of Human Rights and Legal Affairs / Assistante d'Administration, Direction Générale des Droits de l'Homme et des Affaires Juridiques

Tel:+ 33 (0)3 90 21 59 03

Fax: + 33 (0)3 88 41 27 05

E-mail: anita.vandekar@coe.int

INTERPRETES

Ms Amanda Beddows

Ms Jennifer Griffith

Ms Marie-José Halt

Ms Shéhérazade Hoyer

Appendix II

Agenda

- 1) Opening of the meeting**
- 2) Adoption of the agenda**
- 3) Decisions of the Committee of Ministers of interest to the work of the CDMC**
- 4) Draft instruments or texts for consideration by the CDMC**
- 5) Implementation of Council of Europe standards on media and freedom of expression**
- 6) Work of CDMC subordinate bodies**
- 7) Hearing on the Public Value Test**
- 8) Work programme for the CDMC in 2010**
- 9) Working methods**
- 10) Internet Governance and Information Society**
 - EuroDIG (Madrid, 28-29-30 April 2010)
 - IGF (Vilnius, 14-17 September 2010)
- 11) Standing Committee on Transfrontier Television (T-TT)**
- 12) Information on the work of, and co-operation with, other Council of Europe bodies, of interest to the CDMC**
- 13) Council of Europe cooperation activities**
- 14) Other information of interest to the work of the CDMC**
- 15) Administrative and budgetary perspectives**
- 16) Items to be included on the agenda of the 13th meeting of the CDMC**
- 17) Dates of next meetings**
- 18) Other business**
- 19) Abridged report**

Appendix III

Comments by the CDMC to PACE Recommendation 1897(2010) on respect for media freedom

The Steering Committee on the Media and New Communication Services (CDMC) welcomes the Parliamentary Assembly's Recommendation 1897 (2010) on respect for media freedom and shares the Assembly's serious concern about the increase of attacks on media and journalists in Europe.

Media freedom is indeed a necessary condition for genuine democracy, as has been repeatedly stated in Committee of Ministers' instruments. Member states' obligations to protect the safety of journalists, the free and unhindered exercise of journalism and the independence and plurality of the media have been amply expounded in the relevant case law of the European Court of Human Rights. A wide catalogue of well-known Committee of Ministers instruments also offer a common understanding of those obligations and provide guidance to assist member states in meeting them.

However, the numerous examples mentioned by the Parliamentary Assembly illustrate the existence of serious shortcomings in the law and practice of member states in respect of the effective protection of freedom of expression and information, including freedom of the media.

The CDMC agrees that more needs to be done and refers, in this context, to the Declaration on measures to promote the respect of Article 10 of the European Convention on Human Rights adopted by the Committee of Ministers on 13 January 2010. Its implementation should improve the gathering of information and its sharing among different Council of Europe bodies and institutions. It should also ensure enhanced coordination between them without prejudice to their respective mandates and independence, thus enabling them to promote more effectively respect of Article 10. More specifically, it would contribute to respond to certain of the recommendations made by the Parliamentary Assembly (see in particular paragraphs 11.3 and 12 of Recommendation 1897 (2010)).

In the CDMC's view, action upon the abovementioned Declaration should be pursued vigorously. It would, however, point out that the type of reporting suggested by the Assembly would require commensurate resources and that its feasibility in budgetary terms would have to be carefully assessed.

The CDMC would also refer to desirability to offer expert assistance to member states in appropriate cases. Funding possibilities for these activities should be explored. The CDMC agrees that assistance programmes for the training of judges, law enforcement authorities and police should, in appropriate cases, extend to media freedom and the protection of journalists (see paragraphs 11.2 of Recommendation 1897 (2010)) or address other Assembly concerns covered by well-established Council of Europe standards (see paragraphs 10 and 11, subparagraphs 4 to 7, of the Assembly Recommendation).

As regards the recommendation to review national legislation and practice to ensure that anti-terrorism measures fully respect media freedom (see paragraph 11.1 of the Assembly's Recommendation), the CDMC would recall the related commitment included in the Resolution on Developments in anti-terrorism legislation in Council of Europe member states,

and their impact on freedom of expression and information, adopted at the 1st Council of Europe Conference of Ministers Responsible for Media and New Communication Services (Reykjavik, May 2009). The CDMC understands that the Committee of Ministers invited the Secretary General to offer assistance to member states in this context. It would encourage all member states to translate this commitment into concrete action, where appropriate with expert assistance from the Council of Europe.

Appendix IV

Comments by the Steering Committee on the Media and New Communication Services (CDMC) on Recommendation 274 (2009) of the Congress of Local and Regional Authorities

“e-democracy: opportunities and risks for local authorities”

The CDMC welcomes Recommendation 274(2009) on e-democracy: opportunities and risks for local authorities and notes that the recommendations contained therein reflect the spirit of several existing standards in the field of the media and communication services, prepared by the CDMC and adopted by the Committee of Ministers. These standards underline the crucial role of the media in guaranteeing access to information and the forming of opinions of every citizen for the functioning of pluralist democracy and recognise the added value and growing importance of information and communication technologies (ICT's) in ensuring this role.

The CDMC shares the viewpoint of the Congress that the added value of Internet and ICT's for local democracies resides, in particular, in the potential interactivity of these tools, allowing citizens and civil society not only to accede easily and instantaneously to all information of relevance on the policy conducted by their local authorities but also to actively participate in the public debate.

In this context particular reference should be made to the Committee of Ministers Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet whereby member states are invited to develop and implement strategies for e-democracy, e-participation and e-government that make effective use of ICTs in democratic process and debate, in relationships between public authorities and civil society, and in the provision of public services as part of an integrated approach that makes full and appropriate use of a number of communication channels, both online and offline. Noting that information and communication technologies (ICTs) can also adversely affect fundamental rights, freedoms and values, such as the respect for private life and secrecy of correspondence, the dignity of human beings and even the right to life, the Recommendation provides specific guidelines to ensure that e-democracy and e-governance uphold human rights, democracy and the rule of law.

The Ministers participating in the 1st Council of Europe Conference of Ministers responsible for media and new communication services (28 and 29 May 2009, Reykjavik, Iceland) underlined the essential role of media literacy in allowing individuals to exercise their right to free expression and information and use new communication services to participate in social, political, cultural and economic life and to do so without infringing the human dignity or the rights of others. Media literacy should be recognised as part of the education for democratic citizenship. The CDMC recalls that, in order to ensure participation of all citizens and to avoid marginalisation of particular groups and individuals, account should be taken of the existing norms on media pluralism and diversity of media content, both online and in traditional media. In this respect reference is made to Recommendation [CM/Rec\(2007\)2](#) on media pluralism and diversity of media content, which calls on member states “to encourage the development of different types of media, including community, local, minority or social media, capable of making a contribution to pluralism and diversity and providing a space for dialogue, while responding to the specific needs or requests of certain groups in civil society and serving as a factor of social cohesion and integration”.

At the Reykjavik conference, the Ministers also underlined the role of public service media (PSM) for ensuring participation. A new Ad-hoc Advisory Group on Public Service Media Governance (MC-S-PG) was set up in 2009 by the Committee of Ministers to explore how the governance of PSM can be developed to enable PSM to serve all segments of society and contribute to people's full participation in political, social and cultural life, also using new communication tools.

Finally, the CDMC believes that the Internet governance forum (IGF) and the European Dialogue on Internet Governance (EuroDIG), which are examples of successful multi-stakeholder arrangements to discuss issues surrounding the governance of the internet, may offer opportunities for local and regional authorities to discuss issues that concern them, including certain of those raised in the Recommendation 274 (2009) of the Congress.