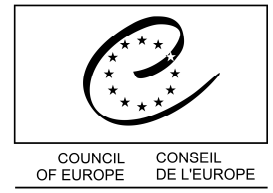


Web site: www.coe.int/media



Strasbourg, 27 May 2009

CDMC(2009)012

**STEERING COMMITTEE
ON THE MEDIA AND NEW COMMUNICATIONS SERVICES**

(CDMC)

**10th meeting
27 May 2009
Hilton Hotel Nordica
Reykjavik, Iceland**

ABRIDGED MEETING REPORT

The Steering Committee on the Media and New Communication Services (CDMC), chaired by Ms Delia Mucica (Romania), meeting on 27 May 2009,

[Subordinate bodies

- decided to approve the draft terms of reference of future CDMC subordinate groups on New Media (MC -NM), on Public Service Media Governance (MC-S-PG), on Cross-border Internet (MC-S-CI) and on the Protection of Neighbouring Rights of Broadcasting Organisations (MC-S-NR) subject to certain changes and to forward them to the Committee of Ministers of the Council of Europe for adoption.]

First Council of Europe Conference of Ministers responsible for the Media and New Communication Services (Reykjavik, 28-29 May 2009)

- discussed and amended the texts to be submitted to the Conference for adoption, incorporating proposals for changes stemming from the Preparatory Forum of Civil Society, held in Paris on 5 May 2009 and from Youth Event held in Reykjavik on 26 May 2009.

Decisions of the Committee of Ministers of interest to the work of the CDMC

- discussed the broad lines of CDMC comments on the Recommendations of the Congress of Local and Regional Authorities of the Council of Europe 261(2009) on intercultural cities and 263(2009) on the digital divide and e-inclusion in the region and agreed to adopt them by e-mail exchange after the meeting in order to meet the due by date of 15 June set by the Committee of Ministers.

APPENDIX I

Draft terms of reference for CDMC subordinate bodies/groups of specialists

Draft terms of reference of the Committee of Experts on New Media (MC-NM)

1.	Name of Committee:	Committee of Experts on New Media (MC-NM)
2.	Type of Committee:	Committee of Experts
3.	Source of terms of reference:	The Committee of Ministers upon the proposal of the Steering Committee on the Media and New Communication Services (CDMC)
4.	Terms of reference:	
	Having regard to:	
-		Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
-		Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005; CM(2005)80 final 17 May 2005), in particular chapter I.3. “Strengthening democracy, good governance and the rule of law in member states”;
-		Resolution “Towards a new notion of media” and the corresponding Action Plan to be adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, 28-29 May 2009);
-		Convention for the Protection of Human Rights and Fundamental Freedoms (1950, CETS No. 5), its additional protocols and the case-law of the European Court of Human Rights.
		Under the authority of the Steering Committee on the Media and New Communication Services (CDMC) and in relation to the implementation of Project 2008/DGHL/1415 “Standard-setting and policy assistance on topical issues concerning the media and new communication services”, the Committee is instructed to:
i.		Examine whether the understanding of what are media and mass communication services remains valid in the new information and communications environment. If appropriate, elaborate a policy document reviewing the concept itself to include relevant new media and media-like mass communication services and service providers. Explore whether and, if so, how Council of Europe standards that were developed for traditional forms of mass communication, apply to the new services or service providers. Particular regard should be paid to the need for and the modalities (e.g. self-regulation, co-regulation or regulation) of

	regulatory activities required to ensure respect for Council of Europe values in the framework of new media and media-like mass communication services.
ii.	<p>Explore the challenges to individual's (in particular, children and young people) rights to freedom of expression and information, privacy and other fundamental rights, as well as to their dignity and security on the Internet. Address in particular, the following issues: possibilities of removal of content children create or place on the Internet, the effect of newer or emerging modes of mass dissemination of, and access to, content, and the associated retention, processing and exploitation of data have on the rights protected under Article 10 of the European Convention on Human Rights;</p> <p>In consultation with relevant stakeholders, develop appropriate guidance, benchmarks and tools to protect users' rights.</p>
iii.	Examine the draft texts prepared by the Ad hoc Advisory Groups reporting to the CDMC with a view to elaborate on them before, if deemed appropriate before submitting them to it.
5.	Composition of the Committee:
5.A.	Members
	<p>Governments of member states are entitled to appoint representatives and/or independent experts in new media and information society, in particular, on rights and responsibilities of new communication services and regulation in new communication environments. As regards meetings of the Committee, the Council of Europe budget will bear the travel and subsistence expenses of the 15 members appointed by the following member states: [...].</p> <p>Representatives and/or independent experts appointed by other member states may participate in the meetings of the Committee at the expense of these states.</p> <p>Each member state participating in the meetings of the Committee has the right to vote in procedural matters. If a government designates more than one member, only one of them is entitled to take part in the voting.</p>
5.B.	Other Participants
	The European Commission may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.
5.C.	Observers
	<p>The following non-governmental organisations may send representatives to meetings of the Group, without the right to vote or defrayal of expenses:</p> <ul style="list-style-type: none"> - Association of Commercial Television in Europe (ACT); - European Broadcasting Union (EBU);- European Federation of Journalists (EFJ); - European Internet Co-Regulatory Network; - European Newspaper Publishers' Association (ENPA).

6.	Working methods and structures
	<p>In order to carry out its tasks, the Committee may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant non-governmental organisations and other members of civil society, as well as other pertinent bodies.</p> <p>The MC-NM is entitled to invite other participants and/or observers to meetings of the Committee, without the right to vote or defrayal of expenses. The MC-NM will have to request the necessary authorisation from the CDMC for the admission of observers (other than those already identified in the Terms of Reference).</p>
7.	Duration: These terms of reference will expire on 31 December 2010.

Draft Terms of Reference Ad hoc Advisory Group on Public Service Media Governance (MC-S-PG)

1.	Name of committee:	Ad hoc Advisory Group on Public Service Media Governance (MC-S-PG)
2.	Type of committee:	Ad hoc Advisory Group
3.	Source of terms of reference:	The Committee of Ministers upon the proposal of the Steering Committee on the Media and New Communication Services (CDMC)
4.	Terms of reference:	
		Having regard to:
-		Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
-		Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005; CM(2005)80 final 17 May 2005), in particular chapter I.3. “Strengthening democracy, good governance and the rule of law in member states”;
-		Resolution “Towards a new notion of media” and the corresponding Action Plan to be adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, 28-29 May 2009);
-		Recommendation Rec(2007)3 of the Committee of Ministers to member states on the remit of public service media in the information society, adopted on 31 January 2007;
-		Convention for the Protection of Human Rights and Fundamental Freedoms (1950, CETS No. 5), its additional protocols and the case-law of the European Court of Human Rights.
		Under the authority of the Steering Committee on the Media and New Communication Services (CDMC) and in relation to the implementation of Project 2008/DGHL/1415 “Standard-setting and policy assistance on topical issues concerning the media and new communication services”, the Group is instructed to:
i.		Pursue work on the role of public service media in a democratic society. In particular, examine modalities for public delivery to the widest possible public, including young audiences, of trustworthy, diverse and pluralistic media and media-like services, paying attention to the way in which information and media or media-like services are sought and received and challenges to obtaining quality or trustworthy content. To this end, elaborate, if appropriate, on a policy document exploring governance approaches that could contribute to fulfilling public service media’s remit. This should include reflections on results-oriented alternative public expenditure

	approaches for media and media-like services.
5.	Composition of the Group:
5.A.	Members
	The Group shall be composed of eight specialists on public service media, on participation and on governance matters and management, appointed by the Secretary General. The Council of Europe budget will bear their travel and subsistence expenses incurred in connection with their participation in meetings of the Group.
5.B.	Participants
	The European Audiovisual Observatory may send a representative to meetings of the Group, without the right to vote or defrayal of expenses.
5.C.	Other participants
	The European Commission may send a representative to meetings of the Group, without the right to vote or defrayal of expenses.
5.D.	Observers
	<p>The following non-governmental organisations may send a representative to meetings of the Group, without the right to vote or defrayal of expenses:</p> <ul style="list-style-type: none"> - Association of Commercial Television in Europe (ACT); - European Association for the Viewers Interests (EAVI); - European Broadcasting Union (EBU); - European Newspaper Publishers' Association (ENPA).
6.	Working Methods and Structures
	<p>In order to carry out its tasks, the Group may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant governmental and/or non-governmental organisations and other members of civil society, as well as other pertinent bodies.</p> <p>The MC-S-PG is entitled to invite other participants and/or observers to meetings of the Group, without the right to vote or defrayal of expenses. Member states may be able to designate representatives to attend and present their position at meetings, without the right to vote or defrayal of expenses. The MC-S-PG will have to request the necessary authorisation from the CDMC for the admission of observers (other than those already identified in the Terms of Reference).</p>
7.	Duration

	These terms of reference will expire on 31 December 2010.

Draft Terms of Reference of the Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)

1.	Name of committee:	Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)
2.	Type of committee:	Ad hoc Advisory Group
3.	Source of terms of reference:	The Committee of Ministers upon the proposal of the Steering Committee on the Media and New Communication Services (CDMC)
4.	Terms of reference:	
		Having regard to:
-		Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
-		Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005; CM(2005)80 final 17 May 2005), in particular chapter I.3. “Strengthening democracy, good governance and the rule of law in member states”;
-		Resolution on Internet governance and critical Internet resources to be adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, 28-29 May 2009);
-		Recommendation CM/Rec(2007)16 of the Committee of Ministers to member states on measures to promote the public service value of the Internet, adopted on 7 November 2007;
-		Convention for the Protection of Human Rights and Fundamental Freedoms (1950, CETS No. 5), its additional protocols and the case-law of the European Court of Human Rights.
		Under the authority of the Steering Committee on the Media and New Communication Services (CDMC) and in relation to the implementation of Project 2008/DGHL/1415 “Standard-setting and policy assistance on topical issues concerning the media and new communication services”, the Group is instructed to:
i.		Examine the shared or mutual responsibilities of states in ensuring that critical Internet resources are managed in the public interest and as a public asset, ensuring delivery of the public service value to which all persons under their jurisdiction are entitled. Make proposals, in particular, relating to the prevention and management of events, including malicious acts, falling within member states’ jurisdictions or territories, which could block or significantly impede Internet access to or within fellow-members of the international community with the objective of guaranteeing the ongoing functioning and universal nature and integrity of the Internet.

ii.	Explore the feasibility of drafting an instrument designed to preserve or reinforce the protection of cross-border flow of Internet traffic.
5.	Composition of the Group:
5.A.	Members
	The Group shall be composed of five specialists in international law and internet governance, to be appointed by the Secretary General. The Council of Europe budget will bear their travel and subsistence expenses incurred in connection with their participation in meetings of the Group.
6.	Working Methods and Structures
	<p>In order to carry out its tasks, the Group may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant governmental and/or non-governmental organisations and other members of civil society, as well as other pertinent bodies.</p> <p>The MC-S-CI is entitled to invite other participants and/or observers to meetings of the Group, without the right to vote or defrayal of expenses. Member states may be able to designate representatives to attend and present their position at meetings, without the right to vote or defrayal of expenses. The MC-S-CI will have to request the necessary authorisation from the CDMC for the admission of observers (other than those already identified in the Terms of Reference).</p>
7.	Duration
	These terms of reference will expire on 31 December 2010.

Draft Terms of Reference of the Ad hoc Advisory Group on the Protection of Neighbouring Rights of Broadcasting Organisations (MC-S-NR)

1.	Name of committee:	Ad hoc Advisory Group on the Protection of Neighbouring Rights of Broadcasting Organisations (MC-S-NR)
2.	Type of committee:	Ad hoc Advisory Group
3.	Source of terms of reference:	The Committee of Ministers upon the proposal of the Steering Committee on the Media and New Communication Services (CDMC)
4.	Terms of reference:	
		Having regard to:
-		Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
-		Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005; CM(2005)80 final 17 May 2005), in particular chapter I.3. “Strengthening democracy, good governance and the rule of law in member states”;
-		Decision No. CM/875/20022008 adopted by the Ministers’ Deputies on 20 February 2008 at their 1018th meeting on Ad hoc terms of reference for the Steering Committee on the Media and New Communication Services (CDMC) on the protection of the neighbouring rights of broadcasting organisations;
-		Convention for the Protection of Human Rights and Fundamental Freedoms (1950, CETS No. 5), its additional protocols and the case-law of the European Court of Human Rights.
		Under the authority of the Steering Committee on the Media and New Communication Services (CDMC) and in relation with the implementation of Project 2008/DGHL/1415 “Standard-setting and policy assistance on topical issues concerning the media and new communication services”, the Group is instructed to:
i.		Pursue work on the protection of neighbouring rights of broadcasting organisations and, if the requisite conditions are met, submit a draft convention on the subject.
5.	Composition of the Group:	
5.A.	Members	
		The Group shall be composed of five specialists in intellectual property law, to be appointed by the Secretary General. The Council of Europe budget will bear their travel and subsistence

	expenses incurred in connection with their participation in meetings of the Group.
5.B.	Other Participants
	The European Commission may send a representative to meetings of the Group, without the right to vote or defrayal of expenses.
5.C.	Observers
	<p>The following bodies and intergovernmental organisations may send a representative to meetings of the Group without the right to vote or defrayal of expenses:</p> <ul style="list-style-type: none"> - Association of Commercial Television in Europe (ACT); - World Intellectual Property Organisation (WIPO); - European Broadcasting Union (EBU).
6.	Working Methods and Structures
	<p>In order to carry out its tasks, the Group may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant governmental and/or non-governmental organisations and other members of civil society, as well as other pertinent bodies.</p> <p>The MC-S-NR is entitled to invite other participants and/or observers to meetings of the Group, without the right to vote or defrayal of expenses. Member states may be able to designate representatives to attend and present their position at meetings, without the right to vote or defrayal of expenses. The MC-S-NR will have to request the necessary authorisation from the CDMC for the admission of observers (other than those already identified in the Terms of Reference).</p>
7.	Duration
	These terms of reference will expire on 31 December 2010.

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) 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services “*A New Notion of Media?*” (Reykjavik, 28-29 May 2009)**
- 5) CDMC subordinate bodies**
- Draft terms of reference of CDMC subordinate bodies
- 6) Items to be included in the draft agenda for the 11th CDMC meeting (20-23 October 2009)**
- 7) Dates of the next meetings**
- 8) Administrative and budgetary matters**
- 9) Other business**
- 10) Abridged report**