



Strasbourg, 21 April 2009

CDMC(2009)007

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

**(CDMC)**

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**9th meeting  
25 and 26 March 2009  
Agora Building, Meeting Room G02  
Council of Europe**

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**Meeting report<sup>1</sup>**

**Executive summary**

During the 9th meeting, the CDMC:

- finalised and decided to submit to the Committee of Ministers for adoption a Draft recommendation on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment;
- adopted comments addressed to the Committee of Ministers on Parliamentary Assembly Recommendation 1855(2009) on the regulation of audiovisual media services;
- pursued the preparation of the First Council of Europe Conference of Ministers responsible for the Media and New Communication Services (Reykjavik, 28 and 29 May 2009) and agreed to certain amendments to the draft texts to be submitted to the Conference for adoption;
- discussed the draft terms of reference for its future subordinate bodies and decided to resume discussions on the subject during its 10th meeting;

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<sup>1</sup> Relevant parts of this report cover also the meeting of the Bureau of the CDMC that took place on 24 March 2009.

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- designated a small group of CDMC members to elaborate proposals on light means for promoting compliance with Article 10 of the European Convention on Human Rights.

## **1. Opening of the meeting**

1. The Steering Committee on the Media and New Communication Services (CDMC) held its 9th meeting on 25 and 26 March 2009 at the Council of Europe's Agora Building in Strasbourg. This meeting was preceded by a CDMC Bureau meeting in the afternoon of 24 March 2009. Relevant parts of this report refers to the latter meeting.

The meeting was chaired by Ms Delia Mucică (Romania). The Chairperson welcomed, in particular, those participants attending a CDMC meeting for the first time. The list of participants is set out in Appendix I.

## **2. adoption of the agenda**

2. The CDMC adopted the agenda, as set out in Appendix II, and the order of business (document CDMC(2009)OT1) subject to certain changes.

## **3. Decisions of the Committee of Ministers of interest to the work of the CDMC**

### *Texts noted or adopted by the Committee of Ministers*

3. The CDMC noted that, on 11 February 2009, the Committee of Ministers adopted the draft terms of reference for the CDMC for the period 2009-2011 and the Declaration on the role of community media in promoting social cohesion and inter-cultural dialogue. Moreover, on the same occasion, the Committee of Ministers welcomed the approach adopted by the CDMC in respect of drafting style (to render standard-setting texts simple and easy to understand).

4. The CDMC also noted that, on 18 February 2009, the Committee of Ministers adopted a Recommendation on electronic democracy (e-democracy) prepared by the Ad hoc Committee on e-democracy (CAHDE) for which the CDMC, its subordinate bodies and Secretariat had provided various comments and input during the drafting process.

### *Comments to the Committee of Ministers on PACE and CLRA Recommendations*

5. The Steering Committee held an exchange with Mr Andrew McIntosh, Chairman of the Sub-committee on the Media of the Parliamentary Assembly of the Council of Europe (PACE) on his report on the regulation of audiovisual media services and the related PACE Recommendation 1855(2009) on the regulation of audiovisual media services. It adopted comments on the recommendation in question.

6. The CDMC noted the adoption by the Congress of Local and Regional Authorities (CLRA) of Recommendation 261 (2009) on Intercultural cities and Recommendation 263 (2009) on the digital divide and e-inclusion in the regions. In anticipation of a Committee of Ministers invitation to the effect, the CDMC asked the Secretariat to circulate the two recommendations for possible comments together with tentative comments for remarks and/or suggestions for changes, so as to enable the CDMC to adopt them meeting relevant deadlines.

*Light means for promoting compliance with Article 10 of the European Convention on Human Rights and taking preventive action against violations of freedom of expression*

7. In light of the Bureau's proposals in response to the invitation of the Committee of Ministers Rapporteur Group on Human Rights (GR-H) to present them with practical proposals on this subject, the CDMC decided to designate a small group of CDMC members (subject to confirmation as to their availability: Austria, Bulgaria, Estonia, France, Spain, Sweden and Switzerland) asking them to elaborate and submit to the CDMC in time for consideration at its 11th meeting (20 to 23 October 2009) proposals using existing structures. It also decided that the views of the Commissioner for Human Rights and other relevant bodies should be sought and taken into account in this context.

#### **4. Work programme for the CDMC in 2009**

8. The CDMC took note of the Bureau's proposal to keep this item as a regular feature of CDMC and Bureau agendas, but without a separate discussion during this meeting.

#### **5. Draft instruments or texts for consideration by the CDMC**

*Draft recommendation on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment*

9. At its previous meeting (November 2008), the CDMC held a first discussion on the draft recommendation. No further comments or proposals for change were submitted since then. The CDMC therefore approved the draft and decided to transmit it to the Committee of Ministers for its possible adoption. It noted that various Council of Europe departments may contribute to implementing the resulting recommendation. The CDMC requested that the Committee of Ministers also considers how the Council of Europe may contribute to its implementation (e.g. as regards developing a pan-European trust mark).

#### **6. Implementation of Council of Europe standards on media and freedom of expression prepared under the authority of the CDMC**

10. The CDMC took note of the Bureau's proposal to keep this item as a regular feature of CDMC and Bureau agendas, but without a separate discussion during this meeting.

#### **7. Discussion on a possible Council of Europe convention on the protection of the neighbouring rights of broadcasting organisations**

11. The CDMC took note of the letter sent by the Secretary General of the Council of Europe to Mr Charlie McGreevy, European Union Commissioner for Internal Market and Services and of the latter's answer dated 10 February 2009.

The CDMC also noted that, according to the European Commission's observer at the meeting, the Commissioner's letter makes clear that there will be no mandate in the near future for the Commission to negotiate a convention on the protection of the neighbouring rights of broadcasting organisations. The Commission's representative also recalled, in this connection the CDMC discussion at its previous meeting where many delegations supported this work, no member states opposed it, with some EU member states making their support conditional on the European Commission being mandated to negotiate such a convention. He further indicated that European Union member states would only be able to adhere to such a convention within the framework of Community coordination and suggested that, in light of this, it may be wise to wait.

12. The CDMC decided to postpone a decision on terms of reference for a subordinate body on the protection of neighbouring rights of broadcasting organisations. Nonetheless, it decided that, awaiting such a decision, work can continue under the same informal arrangements and with the same participants as for the previous stock-taking. The Steering Committee will resume discussions on the subject during its next meetings, hoping that the Commission's position will be clearer.

## **8. CDMC subordinate bodies**

### *Draft terms of reference of CDMC subordinate bodies – CDMC(2009)001*

13. The CDMC examined the draft terms of reference for possible future CDMC subordinate bodies, having regard to the expected output of the Reykjavik Ministerial Conference. In particular, various delegations expressed their views about the composition of those groups, as well as criteria for designating members and experts to render their work as effective as possible while preserving representativeness.

However, it decided to postpone decisions on its subordinate groups on New Media, on Public Service Media Governance, on Cross-border Internet and on the Protection of Neighbouring Rights of Broadcasting Organisations (see paragraph 11 in respect of the latter) preferably to its 10th meeting or, failing that, to the 11th meeting (27 May and 23 to 25 October 2009 respectively).

In order to be able to reach a decision on the draft terms of reference of its subordinate groups in good time, in particular by the 10th meeting of the CDMC, so that they may pass to the Committee of Ministers for adoption, it was agreed that CDMC members should send their comments and proposals to the Secretariat by 10 April 2009. The Steering Committee asked the Secretariat to present the comments and proposals submitted in a visible manner for a second round of e-mail consultation before its 10th meeting.

### *Living together*

14. The CDMC took note of the information provided by staff in the Directorate General of Education, Culture and Heritage, Youth and Sport (DG-IV) on the on-going Council of Europe campaign "Speak out against discrimination" which focuses on the media's contribution to raising awareness on issues relating to intercultural dialogue and

discrimination as well as allowing different groups in society to receive and impart information.

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

15. The CDMC pursued work on the preparation of the Ministerial Conference having regard to latest proposals made by the Bureau.

#### *Organisational issues*

16. The Icelandic representative gave information about the state of preparation of the Conference (e.g. as regards invitations being sent out and practical organisation in general).

17. Members States were reminded that written contributions should be sent to the Secretariat by mid-April. This will allow for their translation, possible linguistic check and publication (putting on-line and printing).

18. In respect of ministers or heads of delegations addressing the Ministerial Conference, the CDMC discussed practical ways to ensure a smooth and efficient running of the conference, as follows:

- Ministers or Heads of Delegation (one per member state) will have a four-minute speaking slot. Ministers or Cabinet members will be offered the floor first in Council of Europe member states' alphabetical order. Thereafter, other high ranking officials acting as Heads of Delegation will be offered the floor also in Council of Europe member states alphabetical order;
- the Chairperson will advise when speaking time is exceeded and, if necessary / appropriate, will be entitled to intervene;
- speakers should be invited to make short and crisp statements relevant to the Ministerial Conference's theme and to the specific sub-theme in which the intervention takes place;
- each Council of Europe member state delegation should inform the Secretariat as soon as possible (preferably no later than end of April 2009) of the sub-theme under which it would wish to make a statement. Each delegation will be entitled to a speaking slot in only one of the sub-themes. To the extent possible, the preferences expressed in good time will be accommodated. However, given the need to ensure an even distribution of speakers among the three sub-themes, a delegation may exceptionally be asked (by the CDMC Bureau in consultation with the Secretariat and the delegation concerned) to kindly accept a speaking slot under another sub-theme;
- in order to facilitate interpretation, speakers are asked to moderate the speed at which they speak and to deliver complete sentences (i.e. without mid-sentence interruptions). A warning system will be in place for interpreters to inform the Chairperson when the delivery is too fast; in such cases, the Chairperson will ask the speaker to slow down his or her pace of delivery. Delegations are also asked to provide a printed (or electronic) version of the

intended statement; delegations that have not done or will be approached to this end by the Secretariat or Head Interpreter during the Conference;

- Ministers and other speakers should be informed that the Conference (and the panel discussion organised in parallel) will be webcast live and the recording will be available after the Conference. In exceptional cases, relevant parts of the interpretation sound-track may be re-recorded if necessary after the Conference.

19. The CDMC took note of progress made in respect of contacts with possible speakers, moderators and panellists, as well as plans for a series of video clips with interviews to be put on-line on the Conference website prior to the Conference (the latter, replacing a previously discussed televised programme). The Committee discussed possible speakers and panellists and asked the Secretariat to carry out necessary follow-up. It decided that, for practical and efficiency reasons, the Secretariat should have some flexibility and discretion in this regard. CDMC delegations further agreed to send, within one week, proposals for three questions and three expected outcomes for the panel discussions.

20. The CDMC noted that the European Youth Forum obtained finance from the European Youth Foundation for a preparatory conference to be held in Reykjavik just before the Ministerial Conference, on condition that a number of participants are included in (and funded as part of) national delegations. A few delegations pledged to include a youth representative in their delegation and the CDMC noted that voluntary contributions could be made to the European Youth Forum with a view to funding of youth participants.

21. It is recalled that CDMC members will not be reimbursed for expenses related to their possible participation in the Ministerial Conference (see paragraph 23 below in respect of reimbursement of expenses for participation in the CDMC meeting prior to the Ministerial Conference).

#### *Draft documents for adoption during the Ministerial Conference*

22. The Steering Committee agreed on the texts to be submitted to the Conference for adoption subject to certain amendments. As regards the draft Resolution on developments in anti-terrorism legislation in Council of Europe member states and their impact on freedom of expression and information, a few delegations indicated that they needed to conduct further consultations with relevant national authorities. The CDMC also agreed to consider proposals for amendments to these texts that may be made by civil society and youth organisations at its 10th meeting to be held on the eve of the Ministerial Conference.

### **10. Standing Committee on Transfrontier Television (T-TT)**

23. The CDMC took note of developments concerning the revision of the European Convention on Transfrontier Television and the foreseen finalisation of the draft amending Protocol during the Standing Committee's 44th meeting (11 and 12 June 2009) (see also paragraph 4).

### **11. Dates of next meetings**

24. The Secretariat confirmed the dates of the upcoming meetings of the CDMC: the 10th meeting will take place in Reykjavik on 27 May 2009 (i.e. on the eve of the Ministerial Conference) and the 11th meeting is scheduled for 20 to 23 October 2009. CDMC members will be entitled to one day of subsistence allowance in respect of their participation in the 10th meeting and travel expenses will not be reimbursed. The Bureau will hold its next meeting on 24 and 25 September 2009.

### **12. Items to be included in the draft agenda of 10th CDMC meeting (20-23 October 2009)**

25. The CDMC approved the list of items to be included in the draft agenda for its 10th meeting (including an item on draft terms of reference for its subordinate bodies).

### **13. Administrative and budgetary matters**

26. The CDMC took note of information provided by the Secretariat on administrative and budgetary matters.

### **14. Other business**

*Request for observer status by the non-governmental organisation Permanent Conference of the Mediterranean Audiovisual Operators (COPEAM)*

27. The representatives of the COPEAM were not available for an exchange on their request with the CDMC at the November 2008 meeting. The Bureau proposed to postpone this exchange to the 11th meeting of the CDMC. The CDMC noted COPEAM's agreement in respect of this arrangement.

### **15. Abridged report**

28. The CDMC agreed that the Secretariat will circulate to the CDMC a draft abridged report for comments and adoption shortly after the meeting.

## APPENDIX I

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**Article 19**

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## APPENDIX II

## MEETING 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) **Work programme for the CDMC in 2009**
- 5) **Draft instruments or texts for consideration by the CDMC**
- 6) **Implementation of non-binding instruments prepared under the authority of the CDMC**
- 7) **Discussion on a possible Council of Europe convention on the protection of the neighbouring rights of broadcasting organisations**
- 8) **CDMC subordinate bodies**
  - a. **Living together**
- 9) **1st Council of Europe Conference of Ministers responsible for Media and New Communication Services “*A New Notion of Media*” (Reykjavik, 28-29 May 2009)**
- 10) **Standing Committee on Transfrontier Television (T-TT)**
- 11) **Dates of the next meetings**
- 12) **Items to be included in the draft agenda for the 11th CDMC meeting (20-23 October 2009)**
- 13) **Administrative and budgetary matters**
- 14) **Other business**
- 15) **Abridged report**