



Strasbourg, 24 October 2006

CDMC-BU(2006)004

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

**(CDMC-BU)**

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**Meeting of 11 and 12 October 2006  
Room 20 RC Jardin  
Human Rights Building**

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**REPORT**

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**Items 1 and 2 of the agenda:      **Opening of the meeting and adoption of the agenda****

1. The Bureau of the Steering Committee on the Media and New Communication Services (CDMC-BU) met on 11 and 12 October 2006 in Strasbourg. The meeting was opened by the Chairperson of the CDMC, Mr Karol JAKUBOWICZ (Poland), who welcomed participants, particularly Mr Frédéric RIEHL who was taking part in a Bureau meeting for the first time. The list of participants is set out in Appendix I.

2. The Chairperson introduced Mr Jan KLEIJSSSEN who had recently been appointed Director of Directorate II of the Directorate General of Human Rights of the Council of Europe. Mr Kleijssen informed the Bureau that he was very familiar with the work of the CDMC and considered that, with its experience and reputation, it was very well placed to meet the current and future challenges faced by member states in the field of media and the protection of freedom of expression.

3. The Director also briefly informed the Steering Committee that the budgetary situation of the Council of Europe was likely to remain difficult in 2007. In such a climate, he recalled that intergovernmental committees in particular were strongly encouraged to plan their activities with a view to delivering results and to make as much use as possible of electronic means of communication between meetings in order to optimise the use of time during meetings. He also highlighted the need for committees to create synergies and to remain open to co-operation with other bodies, both within the Council of Europe, such as the Parliamentary Assembly, and with other international organisations. He also mentioned that assistance activities, including in the field of media, would in the future need to be more closely linked to the monitoring mechanisms of the Organisation.

4. Finally, Mr Kleijssen referred to the importance of the Council of Europe and the European Union clarifying their respective roles, and mentioned, in this context, a Memorandum of Understanding between the two organisations currently under discussion.

5. On behalf of the Bureau, the Chairperson thanked Mr Kleijssen for his presence at the opening of their meeting. He took the opportunity to highlight the fact that, thanks to the work of the CDMC, the Council of Europe is the only organisation in Europe which carries out substantive, long-term standard-setting work in the media field and that other international organisations, including the European Union, look to Council of Europe standards in the media field to use in their own activities. The Committee's recent extension of its terms of reference to include new communications services also illustrates its desire to remain forward-looking with a view to meeting these new challenges.

6. The agenda, as adopted, is set out in Appendix II.

**Item 3 of the agenda:      **Preparation of the 4th meeting of the CDMC (28 November to 1 December 2006) with reference to the CDMC's draft agenda (CDMC(2006)OJ2prov)****

7. The Bureau endorsed the draft agenda for the 4th meeting of the CDMC (CDMC(2006)OJ2prov) subject to minor amendments. In considering the agenda, particular attention was given to the following items.

**a. Decisions of the Committee of Ministers of interest to the work of the CDMC**

8. The Secretariat informed the Bureau that, on 27 September 2006, the Committee of Ministers had adopted the Recommendation on the Empowerment of Children in the new information and communications environment and the Declaration on the independence of public service broadcasting that the CDMC had submitted to it during its last meeting.

9. The Committee of Ministers had also taken note of the response that the CDMC had transmitted to it on the alignment of laws on defamation with the relevant case-law of the European Court of Human Rights, including the issue of decriminalisation of defamation, but had not provided any instructions for further CDMC action on that matter. The Bureau therefore observed that, unless the CDMC decided to take the initiative to work further on that topic, work on the matter should be considered completed. Finally, the Committee of Ministers had taken note of the Secretariat's submission to the Internet Governance Forum which will be taking place in Athens from 30 October to 2 November 2006.

10. The Bureau also took note of a decision and message of the Committee of Ministers to committees involved in intergovernmental co-operation within the Council of Europe, adopted on 28 September 2006. In particular, it noted that the Steering Committee will be called on to contribute to a comprehensive report on the implementation of the Action Plan adopted during the Warsaw Summit of Heads of State and Government which the Committee of Ministers has decided to prepare for the 117th Ministerial Session in May 2007. To this end, the CDMC asked the Secretariat to prepare a draft document supplying the appropriate information on what has been, is being and will be done in pursuance of the Summit Action Plan (which, for the CDMC, amounts to the Kiev Action Plan). Committees are also asked to conduct a critical evaluation of the work carried out in recent years, both in terms of its relevance (i.e. to the Organisation's fundamental values) and its added-value (both intrinsically and in relation to the work of other international organisations or other committees of the Council of Europe). The CDMC should consider this document at its 4th meeting.

11. Finally, the Secretariat informed the Bureau that a working group of the Committee of Ministers is currently examining institutional reform. In particular, it is examining the work of steering committees and other intergovernmental bodies, with a view to ensuring maximum effectiveness and synergies between different bodies so as to avoid any duplication of work. The Bureau agreed that it would be desirable for the terms of reference of the CDMC's subordinate bodies to set out the added value and relevance of the work of the body concerned.

**b. Follow-up to the monitoring procedure of the Committee of Ministers on freedom of expression and information**

12. During its last meeting, the CDMC had recalled that, in December 2004, at the end of its monitoring procedure concerning freedom of expression, the Committee of Ministers instructed it, inter alia, to look into the question of media pluralism vis-à-vis media concentration. In this respect, the CDMC had decided that, in addition to the work being carried out by its subordinate Group of Specialists on Media Diversity (MC-S-MD), an additional document, which could take the form of a draft political declaration, should be prepared looking at the risks to democracy or to democratic processes that might result from

media concentration to an extent that could give media groups the power to separately or jointly set the agenda of public debate or shape public opinion.

13. The Bureau examined a first draft of this text (CDMC(2006)12) which had been prepared by the Secretariat and submitted to the MC-S-MD for comments. The Bureau decided that the text needed to be more focused on the media's role in democracy in the context of concentration, and less on pluralism, so as to ensure that the text will bring a definite added value to existing texts or texts currently under preparation.

14. It was important that the draft declaration acknowledges that some media concentration is inevitable and not always a threat, and in fact can, in some circumstances, promote pluralism. However, safeguards should exist so as to ensure that there is no danger of such concentration having excessive influence on the democratic process. The crux of the issue should be the desirability for effective and manifest separation between the exercise of political authority or influence and the exercise of control of media and decision-making as regards media content. The draft declaration should also address the challenges of globalisation, make reference to new communications services and take into account the specificities of different media markets. Members of the Bureau were invited to submit concrete drafting suggestions to the Secretariat as soon as possible after the meeting so that a new draft can be prepared and submitted to members of the CDMC in time for consideration at the 4th meeting.

15. The Bureau noted that the issue of monitoring is becoming more and more prevalent in the Council of Europe as an essential aspect of the Organisation's work. With regard to the CDMC, this is confirmed in the various references to monitoring in the Kiev Action Plan, reflected in the terms of reference of the CDMC and its groups of specialists. In this context, it was recalled that, during the last meeting of the CDMC, one delegation suggested that the CDMC might consider the feasibility of elaborating a binding instrument on freedom of expression and information. One of the forms this document could take is an instrument relying only on Article 10 of the European Convention on Human Rights and without setting out any standards, but providing a structure and an operational framework for a stronger monitoring mechanism of compliance with Article 10 standards. Such an instrument could provide a framework for rapid and flexible reaction to freedom of expression and freedom of media concerns in states party to that instrument with a view to addressing these concerns through dialogue and cooperation.

16. The Bureau asked the Secretariat to prepare a background paper with a view to the CDMC discussing this possibility further at its next meeting.

**c. Draft instruments and other texts submitted by the Groups of Specialists for consideration by the CDMC**

17. The Bureau considered the **draft Recommendation on Media Pluralism and Diversity of Media Content** (MC-S-MD(2006)010rev2) (*cf. items 10, 11 and 12 of the Kyiv Action Plan*). The objective of this Recommendation was to update Rec (94) 13 on measures to promote media transparency and Rec (99) 1 on measures to promote media pluralism. Before the Recommendation is submitted to the CDMC for examination, the Bureau considered that it would be useful to have a clearer indication as to why it was considered necessary for the above mentioned recommendations (94)13 and (99) 1 to be updated and a

precise idea as to what new substantive elements have been addressed in the new Recommendation. This would allow the CDMC to appraise the added value of this Recommendation and to examine it on those merits.

18. When discussing this question of diversity, it was pointed out that, whilst there is a convincing argument that the internet provides pluralistic content, it should be recalled that the influence of individual user-generated content as opposed to mainstream media content is very different with regard to the formation of opinions on a societal scale and to the contribution to public and general debate. It remains the case that, as matters stand, mainstream media has a wider and more direct impact: internet content often has an indirect impact on opinion forming, when views expressed online are reported in the mainstream media .

19. The Bureau considered the **draft Recommendation on the public service remit in the information society** (MC-S-PSB(2006)007) (*cf. item 15 of the Kyiv Action Plan*). It took note that the MC-S-PSB would hold its next meeting on 17 and 18 October 2006 during which it would consider proposed amendments to the draft text, in particular from the European Broadcasting Union. It was suggested that, in order to ensure that at its next meeting the CDMC is able to consider a draft for submission to the Committee of Ministers and given the complexity and sensitivity of the subject, it may be useful to consider seeking the assistance of an external consultant. The Bureau invited the MC-S-PSB to consider this possibility when examining the text and any proposals made for amendments or its development. The revised draft should be submitted to the CDMC in time for consideration and possible adoption at its next meeting.

20. The Bureau examined the **draft guidelines on guaranteeing freedom of expression and information in times of crisis** (MC-S-IC(2006)005) submitted by the MC-S-IC (*cf. items 1, 2, 3 and 5 of the Kyiv Action Plan*). It was proposed that, wherever possible, the guidelines should be made more focused and practical, and that the text be revised bearing in mind that the guidelines are intended for, or addressed to, member States. The general considerations could be moved to an introductory or a background section. It was suggested that the draft be regarded as an extension of the Guidelines on Human Rights and the Fight against Terrorism, adopted by the Committee of Ministers on 11 July 2002, focusing on one of the fundamental rights, namely freedom of expression and information. The draft text should therefore follow more closely the format and style of the Guidelines on Human Rights and the Fight against Terrorism.

21. If possible, the revised document should be discussed by the CDMC at its 4th meeting, with a view to its transmission to the Committee of Ministers for possible adoption.

22. Finally, the Bureau considered **the position paper concerning legal and security aspects specific to investigative journalism** (MC-S-IC(2006)006) (*cf. item 29 of the Kyiv Action Plan*). The Bureau agreed in principle with the proposal of the MC-S-IC to turn this paper into a draft declaration for adoption by the Committee of Ministers. The Bureau considered that it would be more appropriate for the document to be considered in the context of media and democracy, rather than narrowly be placed under the heading of freedom of expression and information in times of crisis. It was also suggested that investigative journalism be distinguished from intrusion or probing into people's privacy by "tabloid journalism". The document should be submitted to the CDMC for discussion.

**d. Implementation of non-binding instruments prepared under the authority of the CDMC**

23. At its last meeting, the CDMC noted that monitoring the implementation of non-binding instruments in its area of competence is an important task. In this context it noted that, whilst at present there is no need for Council of Europe-wide monitoring of implementation of additional non-binding instruments, no work was currently being carried out in respect of Recommendation (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector, one of the most important texts prepared by the CDMM in recent years. The CDMC therefore asked the Secretariat to collect information, for examination at its next meeting, on situations giving rise to concerns as regards the independence and functions of regulatory authorities in the broadcasting sector.

24. The Bureau considered the document prepared by the Secretariat (CDMC(2006)013) and held a preliminary exchange of views. It concluded that the document would require some further revision before being submitted to the CDMC for consideration as to what might be appropriate action, if any, in this context.

The Bureau considered that the first part of the text should remain an overview on the application of Recommendation (2000) 23 in the member states. However, it should develop in greater detail the possible deficiencies in the legislative framework and its practical implementation, without however naming specific countries. The second part, which includes information on the situation in the member states, should be a factual overview of legal and institutional solutions developed in particular countries regarding regulatory authorities in the broadcasting sector, using as a template the main requirements of the Recommendation, providing information on whether the safeguards of the regulatory authorities' independence and functioning laid down in the Recommendation are observed in practice in the particular country.

25. The revised document should be presented to the CDMC at its 5th meeting as a basis for discussion on the implementation of Recommendation (2000) 23 in member states.

**e. Internet governance**

**(i) Possible follow-up of the Council of Europe to the Internet Governance Forum (Greece, October 2006)**

26. The Bureau recalled the CDMC's message concerning Internet governance that was transmitted to the Committee of Ministers, in particular with regard to the Council of Europe taking "[...] an active part in the follow-up and implementation phase of the WSIS process, making the Organisation a fully-fledged partner in the discussions undertaken concerning Internet governance, thereby bringing a strong human rights dimension to the Internet Governance Forum." The Secretariat informed the Bureau of the steps taken with regard to the Council of Europe's participation in the Internet Governance Forum and with regard to its proposed Workshop on "Human Rights in the Information Society: how anonymous can and should we be?" which will take place within the Forum's framework.

27. The Bureau supported the submission to the Internet Governance Forum, with one member emphasising the importance of the Council of Europe engaging in the Forum given

that the human rights perspective has been alarmingly absent from discussions and needs to be strongly defended in the debate. The member in question concluded that the Organisation should sustain its actions and maintain its attentiveness in this field.

**f. Copyright in the context of the work of the CDMC**

28. The Bureau underlined the importance that the CDMC reach a decision on further action to be taken by it in respect of copyright, subject to being fully informed about the results of, and information flowing from, the workshop in Barcelona which took place on 19 and 20 June 2006 on copyright and freedom of expression in which Mr Garegin Chugaszyan (Armenia) took part. The CDMC Bureau urged the Armenian representative to complete his report regarding his participation in the Barcelona workshop, and more particularly on developments concerning the protection and circumvention of copyright and their impact on freedom of expression, in good time before the next meeting of the CDMC. It also requested, if it were possible, that the documents which were produced during the Barcelona Conference be made available to members of the CDMC.

29. The Bureau took the opportunity to recall point 18 of the Kyiv Action Plan which reads as follows *“Monitor the impact of the development of new communication and information services on the protection of copyright and neighbouring rights, so as to take any initiative which might prove necessary to secure this protection, while ensuring a wide circulation of works and other protected material.”* It had concluded at its last meeting that this involves inter alia taking stock of new methods of a technical nature for protecting copyright and also examining the possible impact of their use on freedom of expression and information.

30. Whilst the Bureau agreed that the CDMC would need to decide on future action in this field, it noted that it might be useful to consider the various options which may be open to it. Certain Bureau members expressed their hesitations as to the CDMC engaging in the preparation of standard-setting documents in this field, given the activity of other organisations, the complexity of the subject and the different positions of actors concerned. In this respect, it was pointed out that, were the CDMC not to consider it appropriate to prepare a draft legal instrument as such, it could consider the possibility of holding a hearing as originally planned and, in the light of that hearing, and the information collected through the various activities so far, draw up an activity report outlining some of the major points of view, challenges and work underway in other, more specialist, organisations.

**g. Intercultural Dialogue**

31. The CDMC agreed at its last meeting that an appropriate response would need to be provided to the Committee of Ministers’ guidelines on the preparation of a White Paper on Intercultural Dialogue (CM(2006)44 final).

32. The Bureau examined the document which had been prepared by the Secretariat (CDMC(2006)016) at the request of the CDMC. The paper is presented in two parts, the first providing an overview of the instruments that have been prepared by the Steering Committee in past years and which are relevant, from the media perspective, to the promotion of tolerance and intercultural dialogue and the second part identifying elements which might be used as a basis for, and/or developed further in the CDMC’s contribution.

33. The Bureau considered that the paper was a satisfactory discussion document for the CDMC and could provide the basis for the Steering Committee's contribution. It requested that the paper be sent to the members of the CDMC as soon as possible, requesting any possible input so that the form of a final contribution can be decided upon at its next meeting.

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

34. The Secretariat reported on the work carried out by the Standing Committee on Transfrontier Television (T-TT) during its 41st meeting which took place on 9 and 10 October 2006. The priority of the T-TT remains the revision of the Convention and, in that context, it considered proposed amendments which had been prepared by several delegations and took note of information provided by the European Commission representative on the proposal for an Audiovisual Media Services Directive. It also decided to set up a drafting group which would meet twice in the first half of 2007 with a view to progressing as efficiently as possible with the revision of the Convention. The Standing Committee would, as a consequence, only meet once during 2007, possibly with a further meeting of its Bureau.

35. The T-TT also adopted two opinions. The first concerned a request for interpretation of Article 12, paragraph 4, of the Convention, on the meaning of the expression "announcements in the public interest" (Article 12, paragraph 4). The second opinion concerned a request regarding the interpretation of Article 18, paragraph 3, of the Convention, regarding the prohibition of sponsorship of news and current affairs programme in the context of thematic news channels.

36. The Standing Committee also considered the list of events of major importance notified by "the former Yugoslav Republic of Macedonia" and, subject to further examination of the oral report given during the meeting by that country's representative, the T-TT decided on a favourable opinion. To avoid delaying a final decision on the list until the next plenary meeting, it was decided that it would be desirable if the Standing Committee agreed upon a decision through electronic means. The objective is to adopt a decision on the list in early 2007.

37. Finally, the T-TT took note and welcomed the interest of the regulatory authorities of Israel and Morocco to participate in a meeting of the Committee and decided to respond favourably to their respective requests. The T-TT also discussed the desirability to bring its rules on the classification of documents as much as possible into line with those of the CDMC and to use electronic means of communication in its work as much as possible.

#### **Item 4 of the agenda:**

#### **Work of the CDMC's subordinate bodies and consideration of their future work and possible extension or revision of their terms of reference**

- a. General exchange on future priorities and possible developments with regard to the groups of specialists' terms of reference**



38. The Bureau recalled that, at its next meeting, the CDMC will need to discuss the possible future activities of its subordinate groups, whose terms of reference come to an end on 31 December 2006, with a view to submitting proposals to the Committee of Ministers.

39. It was also recalled that, in the light of the current budgetary concerns and discussions on institutional reform in the Council of Europe, the terms of reference of each intergovernmental body, be it a steering committee or a group of specialists, will be scrutinised by a rapporteur group of the Committee of Ministers to ensure that the work with which it is being tasked is fully justified and relevant in the light of the Council of Europe's core objectives. The activities concerned and results pursued must be of clear added value to what already exists or is being done not only within the Council of Europe but also in other international organisations. All terms of reference should therefore be very concrete and identify clearly the expected output.

40. In this context, the Bureau proceeded with an examination of the proposals for future work submitted by the groups of specialists (CDMC(2006)017). The Bureau recalled that all items or tasks flowing from the Kyiv Action Plan should be completed by December 2008. It noted that the CDMC may choose to revise the compositions of the groups of specialists.

41. The draft terms of reference, as revised by the Bureau, will be submitted to the CDMC in time for their consideration at the 4th meeting.

**b. Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC) – draft terms of reference and current work**

42. The Bureau considered three documents prepared by the MC-S-IS, namely (i) a paper (MC-S-IC(2006)008rev) regarding the monitoring of the implementation by member states of the texts adopted by the Council of Europe on freedom of expression and information in times of crisis, including a proposal for establishing a special coordinator on freedom of expression and information in times of crisis (*cf. item 1, 3 and 8 of the Kyiv Action Plan*); (ii) a proposal (MC-S-IC(2006)009rev) for a forum on rights and responsibilities of the media and the working conditions of journalists in times of crisis and information network on the media's contribution to inter-cultural and inter-religious dialogue (*cf. items 4 and 6 of the Kyiv Action Plan*); and (iii) a proposal (MC-S-IC(2006)010rev) concerning an award for media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue (*cf. item 7 of the Kyiv Action Plan*).

The Secretariat alerted the Bureau that the above three papers should be considered not separately but as parts of one whole package. The Bureau agreed in principle with the documents and instructed the Secretariat to merge them into a single one, clarifying their relationship to each other. It was also suggested that, in the context of its future work, the MC-S-IC translate the general ideas contained in the three documents into concrete and detailed proposals (see paras 44 and 45 below).

43. With regard to the document containing possible strategies to encourage the training of media professionals in order to provide professional and independent coverage of crisis situations (MC-S-IC(2006)011rev) (*cf. item 5 of the Kyiv Action Plan*), the Secretariat informed the Bureau about the discussions on this paper within the MC-S-IC and certain objections raised. It was suggested to try to resolve the differences and have the paper

adopted by the Group. Failing that, a collection of good practices could be prepared instead of the current draft strategy paper.

44. The Bureau considered the draft terms of reference submitted by the MC-S-IC. A number of hesitations were expressed as to the creation of a forum, given the lack of information as to the interest in pursuing such an initiative and its sustainability. Bureau members felt that it would be important to know the level of interest from organisations which represent journalists and to see what exactly they would expect from the Council of Europe in this area, and the added value it could provide. To this end, it was suggested that contact be made with relevant organisations (eg. IFJ/EFJ) to obtain their feedback on the MC-S-IC proposals in time for the next meeting of the CDMC. The Secretariat recalled that representatives of such organisations (e.g. ENPA, EBU, INSI, etc). participated or had the opportunity to react to this proposal and had showed support for the establishment of a forum/network under the auspices of the Council of Europe.

45. With regard to the proposal to establish a co-ordinator, the question was raised as to whether this proposal could concretely be argued before the Committee of Ministers as bringing a definite added value. Particular reference was made to the Special Representative of Freedom of the Media of the OSCE and the possible likelihood of activities being duplicated. It was suggested that it would perhaps be desirable to re-think the name 'co-ordinator' to something else and be very clear as to the role and statute of such a person, as well as the budgetary implications. This would facilitate the CDMC's assessment of the proposal.

46. The Bureau decided to submit the MC-S-IC's terms of reference to the CDMC, subject to certain amendments, and recommend that it be given one year to complete its terms of reference, with the possibility of extending them by another year.

### **c. Group of Specialists on media diversity (MC-S-MD)**

47. With reference to its last meeting report (MC-S-MC(2005)012), the Bureau considered the work currently underway within the MC-S-MD, in particular (i) a proposal regarding the monitoring of media content in the context of market concentration (network of expert national correspondents) (MC-S-MD(2006)011) (*cf. item 9 of the Kyiv Action Plan*); and (ii) progress in the work on monitoring of the implementation of Recommendation Rec(2003)9 on measures to promote the democratic and social contribution of digital broadcasting (*cf. item 14 of the Kyiv Action Plan*).

48. The majority of Bureau members were still not in favour of the proposal for a network designed to monitor media concentration and diversity of content. However, the final decision as to whether the Group should continue to work on this particular proposal was left to the CDMC. The Bureau did suggest however that it would be useful if the MC-S-MD could have one or two alternative proposals which could be put to the CDMC as to how item 14 of the Kyiv Action Plan might be fulfilled were the CDMC to reject the proposal of a network.

49. The Bureau examined the terms of reference and decided to submit them to the CDMC, subject to certain amendments, with a recommendation that the MC-S-MD be given two years to complete them.

**d. Group of Specialists on public service broadcasting in the Information Society (MC-S-PSB)**

50. The Bureau noted that no meeting of the MC-S-PSB has been held since the 3rd meeting of the CDMC. The Secretariat reported on discussions held by the group of specialists on the role of media in promoting social cohesion (*cf. item 13 of the Kiev Action Plan*), increasing the role of the media in promoting a wider democratic participation of individuals (*cf. item 21 of the Kiev Action Plan*) and ways of increasing the transparency of public authorities and facilitating public scrutiny via the media (*cf. item 22 of the Kyiv Action Plan*).

51. The Bureau examined the terms of reference and supported the suggestion that the name of the group of specialists be changed to refer to public service media. It noted that the proposed work of the group with regard to the role of public service media in promoting social cohesion and with regard to examining the way in which public service media can increase the transparency of public authorities and facilitate public scrutiny via the media would also need to take into account the role of other media, including in the new communication services. In this respect, it was considered that the Group of Specialists on human rights in the Information Society should be consulted in some form on these items.

52. The Bureau decided to submit to the CDMC the terms of reference, subject to certain amendments, with a recommendation that a renamed MC-S-PSM be given two years to complete them.

**e. Group of Specialists on human rights in the Information Society (MC-S-IS)**

53. The Secretary of the MC-S-IS reported on the work of the specialist group, with reference to the reports on the two last meetings of the MC-S-IS (documents MC-S-IS(2005)017 and MC-S-IS(2006)008). The Bureau took note of progress in the work concerning inter alia (i) guidelines on the roles and responsibilities of stakeholders in the Information Society with regard to the right to freedom of expression and possibly other rights protected by the European Convention on Human Rights (*cf. items 17 and 19 of the Kyiv Action Plan*); (ii) examination of Recommendation No. R (99) 15 on measures concerning media coverage of election campaigns in the light of the development of digital broadcasting services and other new communications services (*cf. item 26 of the Kyiv Action Plan*); (iii) following of the implementation of the 2003 Committee of Ministers' Declaration on freedom of communication on the Internet (*cf. item 19 of the Kyiv Action Plan*); and (iv) media education and literacy (*cf. item 20 of the Kyiv Action Plan*).

54. As regards (ii), the Bureau noted that the prevailing view in the group of specialists is that Recommendation No R (99) 15 should be significantly reviewed, examining issues arising from new media and new communication services. However, work to this end had been discontinued because of opposing views of a few members of the Group. The Bureau considered that the former approach should be pursued, without prejudice to the outcome of future considerations of a text by the CDMC, or, indeed, the Committee of Ministers.

55. The CDMC considered the draft terms of reference prepared by the MC-S-IS and decided to submit them to the CDMC, subject to certain amendments, to the CDMC with a recommendation that the group be given two years to complete them.

**Item 5 of the agenda:                      Administrative and budgetary matters**

56. The Secretariat informed the CDMC that a number of staff changes had taken place within the Media Division. This was likely to have some impact on the distribution of specific tasks, particularly with regard to responsibilities concerning the Steering Committee's subordinate bodies and the Standing Committee on Transfrontier Television (T-TT). The Steering Committee would be informed of relevant details as soon as possible.

**Item 6 of the agenda:                      Dates of future meetings**

57. The Secretariat informed the Bureau that a timetable of meetings for the CDMC and its subordinate bodies for 2007 would be prepared shortly in the light of budgetary decisions and the redistribution of responsibilities within the Secretariat.

**Item 7 of the agenda:                      Other business****Work of other Council of Europe bodies of interest to the CDMC**

58. With regard to the work of the Parliamentary Assembly, the Bureau took note that a Resolution on freedom of expression and respect for religious beliefs had been adopted on 28 June 2006, and that further work on the question of blasphemy would ensue. A report is also underway in the Parliamentary Assembly on the role of media for democracy. The Chairperson highlighted the importance of the issue being addressed and recalled that the CDMC is preparing a declaration on the subject.

59. The Bureau took note that a report had been adopted on the use of minority languages. In this respect the Chairperson informed the Bureau that a Seminar organised by the Committee of experts on issues relating to national minorities (DH-MIN) would take place on 18 October when a report prepared by Tom Moring on "Access of national minorities to the media: new challenges" would be considered.

60. The Bureau heard short reports from Ms Delia MUCICA, who had represented the CDMC in the 1st meeting of the Ad Hoc Committee on E-democracy (CAHDE) (18 and 19 September 2006), and from Ms Bissera ZANKOVA who had attended the meeting of the Working Group of the Committee of Experts for the Development of Human Rights (DH-DEV) set up to prepare a report on the selected theme of hate speech in the context of human rights in a multicultural society (2 and 3 October 2006) and the hearing of the PACE Sub-Committee on Crime Problems and the Fight against Terrorism of the Committee on Legal Affairs and Human Rights (5 October 2006).

61. With regard to the upcoming meeting of the Group of Specialists on Access to Official Documents (15 to 17 November 2006), the Bureau decided that Ms Delia Mucica should represent the CDMC.

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**APPENDIX I****List of participants****Members of the Bureau of the CDMC / Membres du Bureau du CDMC****Austria/Autriche**

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**Secretariat/Secrétariat**

Mr Jan KLEIJSEN, Director, Directorate II, Directorate General of Human Rights – DG II / Directeur, Direction II, Direction Générale des Droits de l'Homme - DG II

Mr Jan MALINOWSKI, Head of the Media Division, Secretary of the CDMC, Directorate General of Human Rights - DG II / Chef de la Division Médias, Secrétaire du CDMC, Direction Générale des Droits de l'Homme - DG II

Ms Charlotte de BROUELLES, Administrative Officer, Secretary of the MC-S-MD, Directorate General of Human Rights - DG II / Administratrice, Secrétaire du MC-S-MD, Direction Générale des Droits de l'Homme - DG II

Mr Eugen CIBOTARU, Administrative Officer, Secretary of the MC-S-PSB, Directorate General of Human Rights - DG II / Administrateur, Secrétaire du MC-S-PSB, Direction Générale des Droits de l'Homme - DG II

Mr Lee HIBBARD, Administrative Officer, Secretary of the MC-S-IS, Directorate General of Human Rights - DG II / Administrateur, Secrétaire du MC-S-IS, Direction Générale des Droits de l'Homme - DG II

Mr Ivan NIKOLTCHEV, Secretary of the MC-S-IC, Directorate General of Human Rights - DG II / Secrétaire du MC-S-IC, Direction Générale des Droits de l'Homme - DG II

Ms Katherine ANDERSON, Principle Administrative Assistant, Media Division, Directorate General of Human Rights - DGII / Assistante Administrative Principale, Division Médias, Direction Générale des Droits de l'Homme - DG II

Ms Franziska KLOPFER, Media Division, Directorate General of Human Rights – DGII / Division Médias, Direction Générale des Droits de l'Homme - DG II

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## APPENDIX II

### Agenda

#### 1. Opening of the meeting

#### 2. Adoption of the agenda

##### Working documents

- Draft agenda of the meeting of the Bureau of the CDMC  
CDMC-BU(2006)OJ3
- Draft annotated agenda of the Bureau of the CDMC  
CDMC-BU(2006)OJ3notes

#### 3. Preparation of the 4th meeting of the CDMC (28 November to 1 December 2006) with reference to the CDMC's draft agenda (CDMC(2006)OJ2prov)

##### Working documents

- Draft agenda of the 4th meeting of the CDMC  
CDMC(2006)OJ2prov
- Report of the 3rd meeting of the CDMC (30 May to 2 June 2006)  
CDMC(2006)009

##### a. Decisions of the Committee of Ministers of interest to the work of the CDMC

##### Information document

- Report of the 3rd meeting of the CDMC (30 May to 2 June 2006)  
CDMC(2006)009

##### b. Follow-up to the monitoring procedure of the Committee of Ministers on freedom of expression and information

##### Working document

- Draft political declaration, looking at the risks to democracy or to democratic processes that might result from media concentration to an extent that could give media groups the power to separately or jointly set the agenda of public debate or shape public opinion  
CDMC(2006)12
- c. Draft instruments and other texts submitted by the Groups of Specialists for consideration by the CDMC

##### Working documents

- Draft Recommendation updating Rec (94) 13 on measures to promote media transparency and Rec (99) 1 on measures to promote media pluralism  
MC-S-MD(2006)009
- Draft Recommendation on the public service remit in the information society  
MC-S-PSB(2006)007
- Draft guidelines on guaranteeing freedom of expression and information in times of crisis  
MC-S-IC(2006)005
- Position paper concerning legal and security aspects specific to investigative journalism  
MC-S-IC(2006)006

**d. Implementation of non-binding instruments prepared under the authority of the CDMC**

Working document

- Compilation of information on situations in member states giving rise to concerns as regards the independence and functioning of regulatory authorities in the broadcasting field  
CDMC(2006)013

Information document

- List of Recommendations and Declarations of the Committee of Ministers in the media field, and work currently being carried out in connection thereto  
CDMC(2006)006

**e. Internet governance**

**(i) Possible follow-up of the Council of Europe to the Internet Governance Forum (Greece, October 2006)**

Working document

- Report of the 3rd meeting of the CDMC (30 May to 2 June 2006)  
CDMC(2006)009

Information documents

- Submission of the Secretariat of the Council of Europe to the Internet Governance Forum (Athens, October 2006)  
CDMC(2006)014



- Proposal for a Workshop on “Human Rights in the Information Society: how anonymous can and should we be?” submitted by the Council of Europe to the Internet Governance Forum Secretariat

#### **f. Copyright in the context of the work of the CDMC**

##### Working document

- Report from Mr Garegin Chugaszyan (Armenia) on developments concerning the protection and circumvention of copyright and their impact on freedom of expression  
CDMC(2006)015

##### Information documents

- Report of the 3rd meeting of the CDMC (30 May to 2 June 2006)  
CDMC(2006)009
- Report on developments in international copyright law, with particular reference to new communication services and options to be followed by the CDMC and its subordinate bodies when considering copyright or other matters in respect of which copyright has an incidence, prepared by Prof. Dr. Thomas Dreier  
CDMC(2005)009

#### **g. Intercultural Dialogue**

##### Working document

- List prepared by the Secretariat of existing Council of Europe standards in the media field relevant to the themes identified by the Committee of Ministers for a White Paper on Intercultural Dialogue  
CDMC(2006)016

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

##### Working documents

- [Report of the 41st meeting of the T-TT (9 and 10 October 2006)  
T-TT(2006)023]
- Report of the 3rd meeting of the CDMC ((30 May to 2 June 2006)  
CDMC(2006)009

#### **4. Work of the CDMC’s subordinate bodies and consideration of their future work and possible extension or revision of their terms of reference**

##### Working documents

- Current terms of reference of the CDMC and its subordinate bodies  
CDMC(2006)003

- Proposed terms of reference for 2007-2008, as submitted by the groups of specialists  
CDMC(2006)017
- Report of the 3rd meeting of the CDMC (30 May to 2 June 2006)  
CDMC(2006)009
- Adopted texts of the 7th European Ministerial Conference on Mass Media Policy,  
Kyiv (Ukraine), 10 and 11 March 2005  
MCM(2005)005
  - a. **General exchange on future priorities and possible developments with regard to the groups of specialists**
  - b. **Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC)**

#### Working documents

- Paper regarding the monitoring of the implementation by member states of the texts adopted by the Council of Europe on freedom of expression and information in times of crisis, including a proposal for establishing a special coordinator on freedom of expression and information in times of crisis  
MC-S-IC(2006)008
- Proposal for forum on rights and responsibilities of the media and the working conditions of journalists in times of crisis and information network on the media's contribution to inter-cultural and inter-religious dialogue  
MC-S-IC(2006)009rev
- Award for media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue - discussion and adoption of a proposal  
MC-S-IC(2006)010rev
- Possible strategies to encourage the training of media professionals in order to provide professional and independent coverage of crisis situations  
MC-S-IC(2006)011rev
- Report of the 4th meeting of the MC-S-IC (11 and 12 September 2006)  
MC-S-IC(2006)012
  - c. **Group of Specialists on media diversity (MC-S-MD)**

#### Working documents

- Proposal regarding the monitoring of media content in the context of market concentration (network of expert national correspondents)  
MC-S-MD(2006)011
- Report of the 4th meeting of the MC-S-MD (21 and 22 September 2006)  
MC-S-MD(2006)012

**d. Group of Specialists on public service broadcasting in the Information Society (MC-S-PSB)**

Working documents

- Report of the 3rd meeting of the MC-S-PSB (27 and 28 March 2006)  
MC-S-PSB(2006)006

**e. Group of Specialists on human rights in the Information Society (MC-S-IS)**

Working document

- Report of the 5th meeting of the MC-S-IS (20 and 21 June 2006)  
MC-S-IS(2006)015

**5. Administrative and budgetary matters**

**6. Dates of future meetings**

Working document

- [Proposed timetable of meetings of the CDMC and its subordinate bodies for 2007  
CDMC(2006)018]

**7. Other business**

**Work of other Council of Europe bodies of interest to the CDMC**