



Strasbourg, 30 May 2006

T-TT(2006)002

**EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION**

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**STANDING COMMITTEE ON TRANSFRONTIER TELEVISION**

**(T-TT)**

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**40th meeting  
10 and 11 April 2006  
Human Rights Building, Strasbourg  
Room 20 02 Jardin**

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**Report**

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**Item 1 of the agenda:                      Opening of the meeting**

1. The meeting was opened by Mr Boris BERGANT (Slovenia), who welcomed the Delegates and Observer Delegates. The list of participants is to be found in Appendix I.

**Item 2 of the agenda:                      Elections of Chairperson and Vice-Chairpersons**

2. Following the end of the term of office of Mr Bergant as Chairperson and that of the Vice-Chairpersons (Ms Toncheva from Bulgaria and Ms Franz-Borck from Germany), the Standing Committee hold elections in accordance with Rule 5 of the Rules of Procedure. Mr Boris BERGANT (Slovenia) was unanimously re-elected Chairperson of the Standing Committee. Ms Séverine FAUTRELLE (France) and Mrs Nuran YARDIMCI (Turkey) were unanimously elected Vice-Chairpersons.

**Item 3 of the agenda:                      Adoption of the agenda**

3. The Secretariat informed the Standing Committee that the delegation from “the former Yugoslav Republic of Macedonia” had sent a last-minute request for an interpretation of Article 12 of the Convention (see document T-TT(2006)011). The Chairperson suggested that this request be examined after item 8 on the agenda.

The Standing Committee adopted the agenda as reproduced in document T-TT(2006)OJ1 (Appendix II).

**Item 4 of the agenda:                      Signatures and ratifications of the Convention**

4. The Standing Committee noted that there had been no further signatures or ratifications of the Convention since the Committee’s 39th meeting.

5. The Observer Delegate from the Russian Federation announced that his country could sign the Convention before the end of 2006, following adoption, a month earlier, of a law on television advertising which brought Russian legislation into line with the provisions of the Convention.

**Item 5 of the agenda:                      Information on the Action Plan of the Council of Europe’s Third Summit**

6. The Secretariat provided information on the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (see document CM(2005)145 revised) and indicated the points relevant to the Standing Committee’s work.

**Item 6 of the agenda:                      Exchange of information on the implementation of the Convention****(i) Issues of general interest**

7. The Secretariat informed that, a few days before the meeting of the Committee, the Delegate from “the former Yugoslav Republic of Macedonia” had forwarded a list of major events agreed by his country’s Broadcasting Council.

In the absence of the aforementioned Delegate, the Secretariat distributed the written version of the presentation of the list that the Delegate from “the former Yugoslav Republic of Macedonia” intended to make. The Standing Committee decided that a detailed analysis of the list would be necessary before it was examined at its next meeting. It asked the Secretariat to prepare such an analysis with the help of the Swiss and French Delegates.

8. The Delegate from Moldova reported that changes to her country’s legislation on the audiovisual sector were under way. The Parliament had adopted a new audiovisual code on first reading.

9. The Secretariat provided information on the Media Division’s recent activities in connection with the implementation of the Convention and with promoting its ratification.

One of these activities consisted of a seminar organised in co-operation with the Hungarian regulatory authority (ORTT), represented by Mr György OCSKÓ, the Hungarian Delegate to the Standing Committee, and the Moldovan regulatory authority (CCA). The seminar, which took place in Chisinau (Moldova) on 15 and 16 December 2005, provided an opportunity to train CCA staff in the techniques of monitoring the implementation of the Convention and led to the establishment of a monitoring department within the Moldovan authority.

Another meeting was organised in Kiev (Ukraine), on 8 December 2005, with the aim of examining the prospects for Ukraine’s ratification of the Convention. Two Delegates of the Standing Committee, Mr György OCSKÓ (Hungary) and Mr Peeter SOOKRUUS (Estonia), participated in that meeting.

In this latter respect, the Delegate of Hungary announced that a meeting would be taking place in the near future between the Chair of the ORTT and the Ukrainian authorities. At that meeting, the question of Ukraine’s ratification of the Convention would be discussed in the context of the problem of the broadcasting of programmes from Hungary to Ukraine.

**(ii) Examination of the report on measures to implement the Recommendation on the protection of minors from pornographic programmes**

10. The Secretariat summarised the report on the measures adopted by states for implementing the Recommendation on the protection of minors from pornographic programmes (see document T-TT(2006)005). After an exchange of views, the Delegates agreed that the contributions should be used as a basis for a consolidated document detailing national legislation on the protection of minors from pornographic programmes and the relevant practice (case law, actual difficulties encountered by the regulatory authorities). It would also be useful to have data on the increase in the number of programme services or broadcasts that violate Article 7, paragraph 1, a) of the Convention, mentioned in the Recommendation. This document should constitute a practical tool for co-operation in this area between national authorities. It was suggested that the document in question could be updated every two years, and might provide input for restricted websites, such as that of EPRA or the site the Commission was setting up to facilitate the exchange of information between the regulatory authorities of the European Union countries. One Delegate asked however the question of access to this information by governmental authorities which would not be able to consult the mentioned restricted website.

11. The Standing Committee asked the Secretariat to prepare this tool for the next meeting and to establish contacts with EPRA and the European Commission with a view to contributing to their restricted websites.

**Item 7 of the agenda:                      The future of the Convention**

**(i) Information on the CDMC debate concerning the future of the Convention**

12. The Secretariat reported on the discussions on the future of the Convention held at the previous meeting of the Steering Committee on the Media and New Communication Services (CDMC) (see document CDMC(2005)028, paragraphs 38 and 39). It also informed Delegates of the nature of the reply from the Head of the Media Division to the letter from Mr Colasanti, Director General - Information Society (European Commission).

**(ii) Information by the Observer Delegate of the European Commission on the proposal for an Audiovisual Media Services Directive**

13. The European Commission's Observer Delegate made a statement on the current status of the proposal for an audiovisual media services directive in the legislative process of the European Union. She presented the work programmes of the European Council's Audiovisual Working Group (18 and 19 May 2006 and 14 November 2006) and the European Parliament (a hearing will take place in June 2006, a draft report will be presented to the Culture Committee in July and is scheduled to be adopted by the latter in October and in plenary session in December 2006).

14. The Observer Delegate reported that, with just one exception, there was a broad consensus among the member states in favour of a widening of the Directive's field of application. The distinction between linear and non-linear services had also been accepted. However, it was necessary to clarify certain definitions and terms. One point on which the debate focused was the question of product placement. The Observer Delegate stressed that the aim of the Commission's proposal was neither liberalisation nor the introduction of restrictions but, rather, to fill a gap in the law.

15. Regarding the reply to the letter from Mr Colasanti, the European Commission's Observer Delegate said that the Commission was available to co-operate with the Council of Europe on widening the Convention's geographical area of application.

**(iii) Continuation of the review of the provisions of the Convention**

**a. Questions concerning the right to information and cultural objectives: access to major events, short reports, cultural objectives, media pluralism, right of reply (Articles 8, 9, 9a, 10 and 10a)**

16. The French Delegate presented the final version of the document on questions concerning the right to information and cultural objectives (see document T-TT (2006)006), which was modified only on the margin in order to include written remarks from the Delegate of Italy. She indicated that she was ready to add to this document if other Delegations sent her their written remarks. She recalled that the content of the document did not correspond strictly speaking to the French position on the questions raised, but was intended to draw up a range of ideas for feeding discussion within the Standing Committee. She drew attention to

the question of video-on-demand and referred to a recent study by a French consultancy firm (*NPA Conseil*) on the growth in video-on-demand in France and ten other European countries. According to the study, the video-on-demand market had grown tenfold over the period from 2002 to 2005 and videos were being supplied not only by traditional players but also by telecoms operators, video rental specialists, search engines, ... An agreement on video-on-demand signed in France was an example of measures taken to enable on-linear services to contribute to the development of European film production. The agreement signed on 20 December 2005 between producers, authors, broadcasters and electronic communications suppliers made provision in particular for on-demand cinema operators to invest a certain percentage of their turnover in the development of European film production. Moreover, the Delegate of France recalled that this approach consisting of planning a contribution by non-linear services to the promotion of cultural diversity was consistent with agreements taken by States when adopting the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

17. The Delegates exchanged views on the issues covered in the document by the French delegation. First of all, they considered the question of extending the scope of the right of reply to the new media. Most of the Delegates were not in favour of such an extension. The Delegates considered several issues concerning notification of lists of major events. As no lists had been considered by the Standing Committee, it would be appropriate to find out the reasons. The Committee asked the Secretariat to request information about the matter from the States Parties to the Convention. Another question raised by the Delegates concerned the lack of a provision in the Convention on possible recognition of the lists approved by the European Commission. One Delegate underlined that it would be necessary to clarify the definition of “substantial proportion of the public.”

18. With regard to cultural objectives, the majority of Delegates were against a more binding system of quotas for European works. Several Delegates raised the question of the effect of Article 10 of the Convention in the absence of a monitoring mechanism. The Committee asked the Secretariat to consider the matter in connection with the Standing Committee’s role (see paragraph 22).

Lastly, the Delegates held a brief exchange of views on media pluralism. One Delegate wished the provision on pluralism to be clearer and lay down specific criteria. Another Delegate believed it was necessary to await the results of the work of the CDMC subordinate Group of Specialists on media diversity (MC-S-MD) and, if possible, build on the relevant work before addressing the issue. The Chair invited Delegates to submit any further comments to the Secretariat **by 30 May 2006**.

#### **b. Questions concerning the protection of minors and respect for human dignity**

19. The German Delegate presented the final version of her document. The Delegates exchanged views on the use of pictograms as a means of classifying programmes according to their content and hence also the recommended age of viewers. They underlined that it was very difficult to reach a consensus on the classification of programme content and that it was easier to agree on the age of viewers. The Delegates also discussed the application of programme classification both to linear and to non-linear services.

**c. Examination of proposals for the revision of the Convention in such areas as the scope of the Convention, jurisdiction, freedom of reception and retransmission, the duties of the Parties to the Convention, advertising directed at a single Party and the abuse of rights granted by the Convention**

20. The Polish Delegate presented his proposals. He explained that those concerning Articles 1, 2, 3 and 4 were modelled directly on the text of the proposed new directive. In the case of the other provisions, he made proposals which took account of the requirements of certain countries, in particular concerning jurisdiction. The German and United Kingdom Delegates expressed reservations about the Polish Delegate's proposals. He underlined that they were merely a starting point for the future work on drafting the revised text of the Convention.

**d. Examination of the proposal of Latvia to amend Article 19 of the Convention**

21. The Secretariat presented the draft amendment to Article 19 of the Convention, based on the proposal by Latvia and the exchange held on the subject at the Standing Committee's previous meeting (see document T-TT(2006)007). The Latvian Delegate expressed agreement with the text proposed by the Secretariat. Some Delegates expressed reservations about the principle of requiring prior consultation among the designated authorities, as that would not be in line with their domestic legal frameworks. Another Delegate said that provision could not be made for situations involving possible abuse of the rights conferred by the Convention. Other Delegates made suggestions concerning the wording of the text. It was suggested that registration of broadcasters should be included in the measures where exchanges of information between the designated authorities were required. It was also stated that it would be preferable to use the expression "co-operate and share information" instead of "consult". The Polish Delegate proposed the phrasing "where appropriate to seek the views of the authorities designated by another Party in order to prevent abuses by a broadcaster whose programme services are or is to be wholly or principally directed at the territory of another Party". The Chairperson asked the Secretariat to modify the draft amendment for the next meeting in line with the proposals made by the Delegates. However, it was agreed that this proposed amendment would be dealt within the context of the revision of the Convention as a whole.

**e. Planning of future work**

22. The Delegates discussed the method and the timetable for the future drafting work on proposed amendments to the text of the Convention. While recognising the need to adapt the timetable for their work to that of the European Union's legislative process, the Delegates agreed that those who had already worked on the four themes covered during the review of the Convention (Austrian, French, German and Polish Delegates) could prepare a preliminary proposed text for the Committee's next meeting in October 2006. The Secretariat was instructed to co-ordinate the four Delegates' work. It was also agreed that the Secretariat would consider the provisions in the Convention which had not been covered in the review carried out over the last two years, especially those concerning the role of the Standing Committee, mutual assistance and the settlement of disputes, and, if appropriate, submit proposed amendments. The Turkish Delegate kindly agreed to help the Secretariat with the task. It was agreed that proposals would have to reach the Secretariat **by 1 August 2006** at the latest.

**Item 8 of the agenda:**                    **Request for interpretation of the Convention by Bosnia and Herzegovina**

23. The Secretariat presented the draft opinion on the request made by Bosnia and Herzegovina for interpretation of Article 4 of the Convention (see document T-TT(2006)001). Some Delegates made comments on the document and the opinion was adopted subject to certain amendments. The adopted text is reproduced as appendix III.

**Item 9 of the agenda:**                    **Request for interpretation of the Convention by “the former Yugoslav Republic of Macedonia”**

24. The Secretariat informed that, the day before the beginning of the meeting, the delegation from “the former Yugoslav Republic of Macedonia” had submitted a request for interpretation of Article 12 of the Convention. In particular, the delegation wished to ascertain the meaning of the expression “announcements in the public interest” (Article 12, paragraph 4). The French and Italian Delegates kindly agreed to provide the Secretariat with elements for the preparation of a draft opinion, which the Standing Committee would consider at its next meeting.

**Item 10 of the agenda:**                    **Accession to the Convention by non-member States of the Council of Europe**

25. The Secretariat presented a document on accession to the Convention by non-member States of the Council of Europe (see document T-TT(2006)003). The Standing Committee urged the Secretariat to continue its contacts with a view to extending the territorial scope of the Convention.

26. The Delegates emphasised the importance of widening the Convention’s geographical area of application to the Council of Europe member states that had not yet acceded and to non-member states likely to be interested in doing so, especially the Mediterranean states. The Standing Committee asked the Committee of Ministers formally to invite those Council of Europe states which had not yet done so to ratify the Convention.

**Item 11 of the agenda:**                    **Proposal for amendment of the Rules of procedure**

27. The Secretariat presented a draft amendment to Article 18 of the Rules of Procedure concerning the drafting and the adoption of the meeting report (see document T-TT(2006)008). It was proposed that the Standing Committee draw up an abridged version of its report at the end of each meeting and that the report as provided for in Article 22 of the Convention be drawn up as soon as possible after the meeting. The Standing Committee adopted the draft amendment.

**Item 12 of the agenda:**                    **New rules on the classification of documents adopted by the CDMC**

28. The Secretariat explained the new rules on the classification and publication of documents adopted by the CDMC (see document CDMC(2005)017def). The Standing Committee was in favour of bringing its rules on the classification of documents into line with those of the CDMC. The Secretariat was asked to draw up proposed amendments to the relevant provisions of the Rules of Procedure for the Standing Committee’s next meeting.

**Item 13 of the agenda:                      Other business****(i)    Budgetary matters**

29. The Secretariat provided information on administrative and budgetary matters relevant to the Committee's work. Delegates were asked to note that, as from the next meeting, documents which had been made available online or by e-mail in good time before the meeting would no longer be made available in the meeting room. Delegates were therefore asked to bring their copies of the documents to the meetings.

**(ii)   Dates of forthcoming meetings**

30. The 41st meeting of the Standing Committee is due to be held in Strasbourg on 9 and 10 October 2006.

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**ANNEXE I****List of participants****CONTRACTING PARTIES / PARTIES CONTRACTANTES****Albania/Albanie**

Mr Taulant TOPÇIU, Desk officer of the Press and Public Diplomacy Department, Ministry of Foreign Affairs of Albania, TIRANA

**Austria/Autriche**

Dr Patrick SEGALLA, Legal expert, Federal Chancellery, Media Department, Coordination Information Society, WIEN

**Bosnia-Herzegovina/Bosnie-Herzégovine**

Mr Emir POVLAJKIC, Senior Expert for Broadcasting, Communications Regulatory Agency (CRA), SARAJEVO

**Bulgaria/Bulgarie**

Mrs Lilia RAYCHEVA, Member of Council for Electronic Media, SOFIA

Mrs Violetta DIMITROVA, Chief expert of the International relations Dpt., Communications Regulation Commission, SOFIA

**Croatia/Croatie****Cyprus/Chypre**

[Apologised/excusé]

Mr Andreas CHRISTODOULOU, Head of Media Section, Ministry of Interior, NICOSIA

**Czech Republic/République Tchèque**

Mr Artus REJENT, Lawyer, Media Section, Ministry of Culture of the Czech Republic, PRAGUE

**Estonia/Estonie**

Ms Helin PERTELSON, Specialist of Media and Copyright Department, Ministry of Culture, TALLINN

**Finland/Finlande**

[Apologised/excusé]

Mrs Kristina HAUTALA-KAJOS, Senior Adviser, Ministry of Education and Culture, HELSINKI

**France**

Mme Anne PREDOUR, Chargée de mission à la Direction de l'audiovisuel extérieur, Ministère des Affaires Etrangères, PARIS

Mme Séverine FAUTRELLE, Chargée de mission au bureau des affaires européennes et internationales, Direction du Développement des Médias, PARIS

**Germany/Allemagne**

Ms Stephanie SCHMIEDING, Bavarian State Chancellery, Department Media and Film, MUNICH

Mr Oliver SCHENK, Adviser, International Cooperation in Media affairs, Federal Government Commissioner for Culture and the Media, BONN

**Hungary/Hongrie**

Dr Borbala FAY, Officer of legal affairs of the Audiovisual Department, Ministry of Cultural Heritage, BUDAPEST

Dr György OCSKÓ, Head of Department, Presidential Secretariat, National Radio and Television Commission (ORTT), BUDAPEST

**Italy/Italie**

Ms Ivana NASTI, Autorità per le garanzie nelle comunicazioni, Italian Communication Authority (AGCOM), Centro Direzionale, Legal Department, NAPOLI

Mr Nicola GAVIANO, Director of the Legal Service, Autorità per le garanzie nelle comunicazioni, Italian Communication Authority (AGCOM), ROMA

**Latvia/Lettonie**

Ms Dace BUCENIECE, Lawyer, National Broadcasting Council of Latvia, RIGA

**Liechtenstein**

[Apologised/excusé]

Mr Markus BIEDERMANN, Collaborateur du Gouvernement de la Principauté de Liechtenstein, VADUZ

**Lithuania/Lituanie**

Mr Nerijus MALIUKEVIČIUS, Executive Director, Radio and Television Commission of Lithuania, VILNIUS

**Malta/Malte**

Mr Ray MICALLEF, Assistant Director (Broads, Committees and Customer Care), Office of the Prime Minister, Operations and Programme Implementation Directorate, VALLETTA

**Moldova**

Ms Vera GALCOVSKI, Head of International Relations and European Integrity Department, Council for coordination on the Audiovisual of Moldova, CHISINAU

**Norway/Norvège**

Mr Olav GUNTVEDT, Norwegian Ministry of Culture and Church Affairs, OSLO

Mr Kjetil KLUNDERUD, Senior Adviser, Norwegian Ministry of Cultural and Church Affairs, OSLO

**Poland/Pologne**

Mr Karol JAKUBOWICZ, Director of the Strategy and Analysis Department, National Broadcasting Council, WARSAW

**Portugal**

M. Carlos LANDIM, Consultant juridique, Institut des médias, Presidencia do Conselho de Ministros, LISBONNE

**Romania/Roumanie**

Ms Mihaela BOTNARU, Directrice, Direction de Monitoring Control, Conseil de l'audiovisuel

Mr Petre DINCĂ, Expert, Consiliul National al Audiovizualului, BUCAREST

**San Marino/Saint-Marin****Slovak Republic/République Slovaque**

Mr Martin DOROCIAK, Deputy of the head of the legal and controlling department, Council for Broadcasting and Retransmission of the Slovak Republic, BRATISLAVA

**Slovenia/Slovénie**

Mr Boris BERGANT, Deputy Director General, RTV Slovenija, LJUBLJANA

**Spain/Espagne**

Mr Francisco Javier BARTOLOMÉ ZOFÍO, Head of Sector, Adjoint Direction General for Audiovisual Media, Secretary of State for Telecommunications and Information Society, Ministry of Industry, Tourism and Commerce, MADRID

**Switzerland/Suisse**

Mr Daniel KOEHLER, Media expert, Office of Communication (OFCOM), BIENNE

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

[Apologised/excusé]

Mr Vajt AJRO, Deputy Director of the Agency of Information, SKOPJE

**Turkey/Turquie**

Ms Nuran YARDIMCI, Turkish Radio and Television Supreme Council, BILKENT ANKARA

Prof. Dovut DURSUN, Member of Turkish Radio and Television Supreme Council, BILKENT ANKARA

Mr Arif MERDOL, Member of Turkish Radio and Television Supreme Council, BILKENT ANKARA

**United Kingdom/Royaume-Uni**

Mrs Kate JONES, Deputy Head of International Broadcasting Policy Branch, Department for Culture, Media and Sport, LONDON

**Holy See/Saint-Siège**

[Apologised/excusé]

M. Régis DE KALBERMATTEN, Délégué du Saint-Siège au Comité Permanent sur la Télévision Transfrontière, SION

**OBSERVER DELEGATES / DELEGUES OBSERVATEURS****Andorra/Andorre****Armenia/Arménie****Azerbaijan/Azerbaïdjan**

Mr Aslan KHALILOV, Member of National Television and Radio Council of Republic of Azerbaijan, BAKU

**Belarus****Belgium/Belgique**

[Apologised/excusé]

M. Eric FRANSSSEN, Attaché, Service Général de l'Audiovisuel et des Multimédias, Ministère de la Communauté française de Belgique, BRUXELLES

**Denmark/Danemark****Georgia/Géorgie****Greece/Grèce**

Ms Despoina VENIZELOU, Press Attache, Audiovisual Affairs, Secretariat General of Communication, Epopteias Directorate, Media Department, ATHENS

**Iceland/Islande****Ireland/Irlande**

[Apologised/excusé]

Mr Joe MELEADY, Higher Executive Officer, Department of Communications, Marine and Natural Resources, DUBLIN

**Luxembourg****Monaco**

**Netherlands/Pays-Bas**

[Apologised/excusé]

Ms Saskia WELSCHEN

**Russian Federation/Fédération de Russie**

Mr Maxim PROKSH, Deputy Director of the Department of Mass Communications, Ministry of the Culture and Mass Communications of Russian Federation, MOSCOW

M. Sergey DALECHIN, Adjoint au Représentant Permanent, Représentation Permanente de la Fédération de Russie auprès du Conseil de l'Europe, STRASBOURG

**Serbia and Montenegro/Serbie Monténégro****Sweden/Suède****Ukraine****European Community/Communauté Européenne**

Ms Anna HEROLD, European Commission, Audiovisual and Media policies, BRUSSELS

**SECRETARIAT**

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

Ms Alessia SONAGLIONI, Administrator, Media Division, Directorate General of Human Rights - DG II / Administrateur, Division Media, Direction Générale des Droits de l'Homme - DG II

Mr Lee HIBBARD, Administrator, Media Division, Directorate General of Human Rights - DG II / Administrateur, Division Media, Direction Générale des Droits de l'Homme - DG II

**INTERPRETERS/INTERPRETES**

Mr Robert SZYMANSKI

Mr William VALK

Mme Jennifer GRIFFITH

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**ANNEX II****Agenda**

- 1. Opening of the meeting**
- 2. Elections of Chairperson and Vice-Chairpersons**
- 3. Adoption of the agenda**
- 4. Signatures and ratifications of the Convention**
- 5. Information on the Action Plan of the Council of Europe's Third Summit**
- 6. Exchange of information on the implementation of the Convention**
  - (i) Issues of general interest**
  - (ii) Examination of the report on measures to implement the recommendation on the protection of minors from pornographic programmes**
- 7. The future of the Convention**
  - (i) Information on the CDMC debate concerning the future of the Convention**
  - (ii) Information by the Observer Delegate of the European Commission on the proposal for an Audiovisual Media Services Directive**
  - (iii) Continuation of the review of the provisions of the Convention**
    - a. Questions concerning the right to information and cultural objectives: access to major events, short reports, cultural objectives, media pluralism, right of reply (Articles 8, 9, 9a, 10 and 10a)**
    - b. Questions concerning the protection of minors and respect for human dignity**
    - c. Examination of proposals for the revision of the Convention in such areas as the scope of the Convention, jurisdiction, freedom of reception and retransmission, the duties of the Parties to the Convention, advertising directed at a single Party and the abuse of rights granted by the Convention**
    - d. Examination of the proposal of Latvia to amend Article 19 of the Convention**
  - (iv) Planning of future work**
- 8. Request for interpretation of the Convention by Bosnia and Herzegovina**
- 9. Request for interpretation of the Convention by "the former Yugoslav Republic of Macedonia"**

- 10. Accession to the Convention by non-member States of the Council of Europe**
- 11. Proposal for amendment of the Rules of procedure**
- 12. New rules on the classification of documents adopted by the CDMC**
- 13. Other business**
  - (i) Budgetary matters**
  - (ii) Dates of forthcoming meetings**

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**ANNEX III****OPINION No. 10 (2006)****ON FREEDOM OF RETRANSMISSION (ARTICLE 4)**

*(adopted by the Standing Committee on Transfrontier Television  
at its 40th meeting (10-11 April 2006))*

In application of Article 22 of the Rules of Procedure, a Delegate requested, by communication of 5 April 2005, the opinion of the Standing Committee on the interpretation to be given to Article 4 of the Convention.

In particular, the Delegate sought to ascertain whether:

*Freedom of retransmission under Article 4 of the European Convention on Transfrontier Television allows cable distributors to freely retransmit broadcast signals from a neighbouring country, that is also Party to the Convention, captured within the spill-over area, without providing evidence of compliance with relevant copyright and neighbouring rights laws.*

In application of Article 21 c) of the Convention and following the discussions held at its 39th and 40th meeting, the Standing Committee concluded that:

Freedom of retransmission as guaranteed by Article 4 of the European Convention on Transfrontier Television does not constitute an absolute right. As an aspect of the more general right to freedom of expression and to hold opinion and to receive and impart information and ideas without interference by public authority and regardless of frontiers, it is subject to respect for the principles derived from Article 10 of the European Convention on Human Rights, in particular of its second paragraph. According to this provision, “The exercise [of the right to freedom of expression and to hold opinion and to receive and impart information] may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, (...) for the protection of the reputation or the rights of others, (...)”

In the present case, the exercise of freedom of retransmission can legitimately be subject to restrictions for the protection of the rights of others as are prescribed by law and necessary in a democratic society, in particular copyright and neighbouring rights of broadcast organisations.

Thus, freedom of retransmission as guaranteed by Article 4 of the European Convention on Transfrontier Television does not exempt cable distributors retransmitting broadcast signals from a neighbouring country, that is also Party to the Convention, captured within the spill-over area, from compliance with relevant legislation on copyright and neighbouring rights of broadcast organisations.