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Strasbourg, 21 November 2006

T-TT(2006)023

**EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION**

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**STANDING COMMITTEE ON TRANSFRONTIER TELEVISION**

**(T-TT)**

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**41st meeting  
9 and 10 October 2006  
Human Rights Building, Strasbourg  
Room 20 RC Jardin**

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**REPORT**

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

1. The meeting was opened by the Chair of the Standing Committee on Transfrontier Television (T-TT), Mr Boris Bergant (Slovenia). He welcomed all delegates, particularly those who were participating in the meeting for the first time. The list of participants appears in Appendix I to the report.

2. The Chairperson introduced Mr Jan Kleijssen who had recently been appointed Director of Directorate II of the Directorate General of Human Rights of the Council of Europe. Mr Kleijssen expressed support for the work of the Standing Committee and satisfaction with the recent decision of the Committee of Ministers to invite those member States that have not already done so to ratify the European Convention on Transfrontier Television (ECTT). He also highlighted the importance of efforts being pursued with regard to encouraging non-member States of the Council of Europe to accede to the Convention, which is fully in line with one of the Council of Europe's priorities which is to foster intercultural dialogue through establishing closer links with neighbouring states.

The Director also briefly informed the Standing 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 were encouraged to plan their activities as result-oriented and to make as much use as possible of electronic means of communication between meetings in order to optimise the time available for meetings themselves.

3. On behalf of the Committee, the Chairperson expressed his sincere thanks to Mr Karol Jakubowicz (Poland), who will no longer be participating in the work of the Committee, for his most valuable contribution to its work. He also thanked Ms Alessia Sonaglioni, who had moved on to other functions in the Council of Europe, for all the work she had done as Secretary of the T-TT over the last few years.

4. The Standing Committee was informed that the Turkish delegation had recently sent a request for an interpretation of Article 18, paragraph 3, of the Convention. It was proposed that this request be examined as a second point under item 5 of the agenda. The Standing Committee adopted the agenda as reproduced in document Appendix II.

**Item 2 of the agenda:****Signatures and ratifications of the European Convention on Transfrontier Television**

5. The Standing Committee noted that no further ratifications of the European Convention on Transfrontier Television had taken place since the 40th meeting. It also noted with satisfaction that the Russian Federation had signed the Convention on 4 October 2006. The total number of states that have ratified the Convention to date therefore stands at 31, with a further 7 states having signed it.

**Item 3 of the agenda:                      Exchange of information on the implementation of the Convention**

**(i)    Issues of general interest**

6.     It was recalled that this item on the agenda was designed *inter alia* to allow States Party to inform and exchange information on the implementation of the Convention or on practical problems related thereto, which may not necessarily be addressed formally by the Standing Committee. In particular, the Standing Committee considered a document (T-TT(2006)020) presenting information relating to (i) Article 9a of the Convention on the adoption and notification to the T-TT and/or European Commission of lists of events of major importance and (ii) to the designation of authorities with a view to rendering mutual assistance of Parties in order to implement the Convention as provided under article 19 thereof.

7.     With regard to the first issue, given the limited number of responses received to date from States Party, the document only reflected the situation in a handful of countries. In the light of additional information provided by a number of delegations during the meeting, the Secretariat was requested to update the document for the next meeting. Delegations will be sent a revised version in due course to allow for further comments or additions to be included in the document to be made available at the next meeting. It was pointed out that one delegation had explained that it had not notified a list to the T-TT due to a lack of clarity with regard to the procedure set forth in the Rules of Procedure and that this may merit some clarification.

8.     The European Commission delegate informed the Committee that all lists published by the Commission and published in the Official Journal can be found on the Commission website. He also mentioned that whilst member States can notify the Commission of their lists of events so as to obtain mutual recognition, this procedure, as is the case for the ECTT, is not mandatory. He informed the Committee that following the European Court of Justice's recent decision in *Infront WM AG v Commission of the European Communities* (15 December 2005) the procedure regarding the publication of lists will be rendered more complex, with a formal Commission decision now being required, instead of a simply administrative decision indicating that a list was in compliance with European Union standards, as had formerly been the case. The question has also been raised as to what position to adopt with regard to the lists which had been approved under the former process.

9.     With regard to the list of designated authorities under Article 19 of the Convention, it was recalled that a number of States Party had not yet nominated such an authority and were encouraged to do so. The Committee took note of information provided by delegates on the subject and suggested that the list of the designated authorities be made readily available, for example on the Media Division's website, in order to facilitate co-operation between States Party.

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

10.    The Standing Committee examined the report on measures adopted by States Party to implement the Recommendation on the protection of minors from pornographic programmes. It noted that, in the light of the information submitted, the implementation of the provisions in this

field, particularly in the transfrontier context, does not raise particular concerns. It would appear that there has not been an increase in the number of programmes or broadcasts which constitute an infringement of Article 7, paragraph 1 (a), and that only very few broadcasters having been sanctioned for infringements of rules governing the protection of children from pornographic programmes.

11. By way of follow up to this exercise, one delegation mentioned the idea of exploring the possibility of broadening the scope of these provisions to include other audiovisual media services and also consider other regulatory options such as self-regulation and co-regulation. In this context, the Standing Committee noted the potential importance of the decision of the European Court of Human Rights in the case of *Perrin v. United Kingdom*.

12. The Standing Committee decided to leave the topic open for possible further discussion at a future meeting.

**(iii) Item 27 of the Action Plan to the Ministerial Conference in Kyiv: to follow closely the question of respect for human dignity in the media and in the new communications services, in order, if necessary, to take legal or other initiatives to complement and reinforce the Declaration of the Standing Committee on Transfrontier Television on human dignity and the fundamental rights of others**

13. The Standing Committee briefly considered its possible response to this item of the Kyiv Action Plan and decided to resume discussion thereon at its next meeting. It would then decide on, and if appropriate, formulate, any legal or other initiatives which might be taken to complement and reinforce its Statement on Human Dignity and the Fundamental Rights of Others. Experts were invited to consider the matter and to forward any suggestions for possible initiatives to the Secretariat in time for the Standing Committee's next meeting.

**Item 4 of the agenda:                      Revision of the Convention**

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

14. The delegate of the European Commission presented the current state of progress of the proposal for an Audiovisual Media Services Directive in the legislative process of the European Union. He informed the Committee that all 25 European Union delegations now supported the limited extension of the scope and that other issues discussed by the Council had centred on advertising (e.g. where feature films can be broken), product placement (whether a general ban or specific rules should be introduced) and jurisdiction (the Commission proposes to codify the European Court of Justice's case-law on circumvention). The question of services targeted towards another state continues to be under review, given that it raises issues related to freedom of establishment. Discussion had been similarly focused within the Parliament but with additional attention being given to the modernisation and liberalisation of rules on traditional linear television services.

The observer delegate informed the Standing Committee that, whilst it was expected that the Council will reach a general agreement at its November meeting, it will not be able to take a formal decision until after various European Parliament commissions have voted on the

subject. A common position will probably not be reached before the German presidency (January – June 2007).

**(ii) Examination of the preliminary draft amendment to the Convention**

15. The Standing Committee examined the preliminary draft amendments to Articles 1 to 28 of the Convention (T-TT(2006)019) prepared by the delegations of Austria, France, Germany and Poland. It thanked these delegations for their efforts to give a concrete formulation to the proposals they had developed in the discussion papers elaborated by them at an earlier stage. The Delegates found the proposals satisfactory, subject to the need to clarify certain issues (see also paragraph 16 below), to aligning others, if necessary, with the proposed European Directive and to exploring possible new issues falling within the Council of Europe human rights remit.

16. Specific comments related to terminology (e.g. consistency in the use of the expression audiovisual media services; references to communication networks rather than electronic media networks; abuse of rights rather than fraudulent behaviour; and the desirability of an open ended notion of incitement to hatred) or definitions (e.g. commercial communications broadcast in exchange for remuneration).

17. The Chairperson also invited the Committee's reactions to a letter from the Secretary General of the Permanent Conference of the Mediterranean Audiovisual Operators (COPEAM), proposing amendments to the existing articles 2 and 10 to the effect that reference be made to "Euro-Mediterranean audiovisual works". Overall, delegations supported the suggestion of including a mention of Euro-Mediterranean audiovisual works and considered that it was particularly appropriate in the light of the aim to enlarge the territorial scope of the Convention, particularly in the Mediterranean area, and to pursue efforts to promote intercultural dialogue and cultural diversity.

However hesitations were expressed as to such a reference being included in the Convention if it would entail a legal obligation for states, particularly with regard to quotas. It was suggested that an alternative would be to include such a reference in the Explanatory Report. The Committee decided to request the Working Group (see paragraph 20 below), and the Secretariat, to examine the matter with a view to proposing an approach which has regard for the misgivings expressed by delegates.

**(iii) Examination of the discussion document on issues concerning the role of the Standing Committee**

18. The Chairperson thanked the Turkish delegate for the document on questions concerning the Standing Committee, the settlement of disputes and mutual assistance (document T-TT(2006)017) which was considered by the Committee.

19. Delegations were invited to submit additional comments to the Secretariat by 31 December 2006 who would forward them to the drafting group in time for their first meeting.

**(iv) Planning of future work**

20. In view of the importance of progressing as efficiently as possible with the revision of the Convention, the Standing Committee proposed to set up a drafting group. The drafting group's

meetings would, subject to Committee of Ministers' approval, replace one of the two Standing Committee meetings. The drafting group would meet twice, in early and mid 2007 so that a draft text could be forwarded to Standing Committee delegations in good time before the T-TT's 42nd meeting, planned for the autumn of 2007. It was decided that the drafting group would be made up of delegates from Austria, France, Germany (subject to confirmation), Poland, Turkey and the United Kingdom. The Swiss delegate offered to take part at the expense of his authorities (subject to confirmation).

**Item 5 of the agenda:**                      **Requests for interpretation of the Convention**

**(i) Request for interpretation of Article 12, paragraph 4, of the Convention by the delegation of "the former Yugoslav Republic of Macedonia"**

21. The Standing Committee examined a draft opinion in response to the request made by delegation of "the former Yugoslav Republic of Macedonia" for interpretation of Article 12, paragraph 4, of the Convention. In particular, the delegation wished to ascertain the meaning of the expression "announcements in the public interest". The Standing Committee adopted the text (Opinion No. 11) subject to certain amendments. Opinion No. 11 is reproduced as Appendix III.

**(ii) Request for interpretation of Article 18, paragraph 3, of the Convention by the Turkish delegation**

22. The Secretariat held an initial discussion and asked the Secretariat to prepare a draft opinion on a request made by the Turkish delegation 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. The Standing Committee adopted the text (Opinion No.12) subject to certain amendments. Opinion No. 12 is reproduced as Appendix IV.

**Item 6 of the agenda:**                      **List of events of major importance notified by "the former Yugoslav Republic of Macedonia"**

23. The Standing Committee heard a comprehensive oral report presented by the delegation of "the former Yugoslav Republic of Macedonia". This report was a response to the issues identified as requiring clarification or further analysis in the evaluation of the list of events of major importance notified by "the former Yugoslav Republic of Macedonia" which had been prepared by the Secretariat with the assistance of the delegates of France and Switzerland (document T-TT(2006)015). The Standing Committee held a further exchange with the delegation of "the former Yugoslav Republic of Macedonia" and raised certain additional issues which it considered needed further clarification.

24. One particular element raised was how to assess whether an event and its outcome "has a special general resonance" in a country if relevant viewers ratings are not available. In the discussion that ensued, it was suggested that, although one of the best indications, viewers ratings were not necessarily the only indicative factor of a major event, but that it may be possible for other indicators to be considered, such as statistics from sports associations or analysis of the press coverage. In this context, and in order to facilitate a response by "the

former Yugoslav Republic of Macedonia", delegations were invited to send any suggestions of such possible indicators to the Secretariat before 31 October 2006.

Other issues requiring clarification concerned the number of matches that would be on the list, and under which conditions (live, deferred, whole, partial) the events would have to be available to the public. The delegation of "the former Yugoslav Republic of Macedonia" was also asked to provide information on the percentage of population that can be reached by satellite (including by foreign broadcasters).

25. Given the complexity of the matter and the detailed oral report mentioned above, it was decided that the Secretariat, in co-operation with the French and Swiss delegations, would examine more closely the elements provided and further information yet to be provided to ensure that a satisfactory explanation had been given to all the issues raised.

26. Given that the next plenary meeting is expected to take place in autumn 2007, the Standing Committee decided that, subject to the approach proposed complying with applicable Convention provisions and T-TT rules, and other Council of Europe procedures, and satisfactory answers being given to outstanding questions, it would adopt a decision on the list of major events submitted by "the former Yugoslav Republic of Macedonia", through electronic means<sup>1</sup>. To this end, the additional information and the second analysis of the list in question would be sent in due course to all members of the Standing Committee. A favourable decision would be adopted if no elements remained problematic. The aim should be to take a decision on the list in early 2007.

Failing that, a formal decision on the list would be taken at the next meeting. It was recalled however that states are under no obligation to have the approval of the Standing Committee to apply the list at a domestic level.

**Item 7 of the agenda:**

**Accession to the Convention and requests of non member States of the Council of Europe to participate in the work of the Standing Committee**

27. The Secretariat presented an information document on action taken concerning accession to the European Convention on Transfrontier Television and requests of non-member States to participate in the work of the Standing Committee (T-TT(2006)022). The Standing Committee welcomed, in particular, the call made by the Committee of Ministers to Council of Europe member States that have not yet done so to ratify the Convention and noted the various other initiatives that had been taken in respect of both member and non-member States of the Council of Europe with a view to promoting further accessions to the Convention and widening its geographical application.

28. It also welcomed the interest of the Audiovisual Communication Authority of Morocco and the Council for Cable TV and Satellite Broadcasting of Israel to participate in a meeting of the Committee. It decided to respond favourably to their respective requests, and invite them to be represented at the next plenary meeting as observers. The Standing Committee also agreed that the next meeting's agenda include an item allowing for an exchange of views with the two observers on issues of common interest.

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<sup>1</sup> Following the request by the T-TT, the Secretariat has sought the opinion of the Legal Advice office of the Council of Europe who confirmed that such a procedure would be in compliance with Article 20, paragraph 7.

29. It was recalled that Article 20, paragraph 4, of the Convention provides the possibility for the T-TT, on its own initiative, to invite any international or national, governmental or non-governmental body to be represented during a meeting. In this context, one delegation suggested that it could be very useful if the T-TT were to consider inviting other countries in the Mediterranean basin and Middle East to attend a future meeting with a view to holding an exchange of views on matters of common interest.

**Item 8 of the agenda:                      Proposal for amendment of the Rules of procedure**

30. The Standing Committee examined the document prepared by the Secretariat with a view to bringing its rules on the classification and publication of documents into line with those of the CDMC. However, it observed that the proposals made left unchanged a number of somewhat unclear provisions contained in the Rules of Procedure. It decided that a more thorough examination be carried out of the text. It agreed that the Secretariat submit to delegates a list of relevant Rules of Procedure provisions seeking their views on the desirable treatment of specific documents. This would make it possible for the amendments to accurately and consistently reflect the wishes of the Committee. The Standing Committee asked the Secretariat to submit a new proposal following this consultation.

**Item 9 of the agenda:                      Other business**

**(i)    Dates of forthcoming meetings**

31. As already indicated (cf. paragraph 20), the Standing Committee decided to propose that one of its plenary meetings be replaced in 2007 by two meetings for the drafting group asked to pursue work on the revision of the Convention and to submit proposals in time for consideration at the next T-TT meeting. It also indicated that it would be desirable to hold one Bureau meeting in 2007 with a view to the preparation and efficient running of the next plenary meeting. It decided that, subject to the above-mentioned approach being followed, its next plenary meeting should take place in autumn 2007.

The Secretariat was asked to take account of this when preparing the calendar for meetings next year in the coming weeks. The Standing Committee and its drafting group should be informed of the dates of their meetings in 2007 at the earliest opportunity.

**(ii)   Other items**

32. On a number of occasions, delegates mentioned the desirability for the Standing Committee and its Secretariat to exploit as much as possible electronic communications. In this respect, the Secretariat was asked to ensure that the restricted web-site of the T-TT is fully exploitable and that it explores other ways in which members of the T-TT can be consulted, particularly for urgent or more pressing matters, or co-operate amongst themselves through electronic means.

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

[Apologised/excusé]

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

**Austria/Autriche**

Mr Michael KOGLER, Federal Chancellery, Media Department, Coordination Information Society, WIEN

**Bosnia-Herzegovina/Bosnie-Herzégovine**

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

**Bulgaria/Bulgarie**

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

Mme Violetta DIMITROVA, Service International, Commission de la Régulation des Communications, SOFIA

**Croatia/Croatie**

Mr Tomislav JELIĆ, Head of Department for European Integration, Ministry of Culture, ZAGREB

Mr Denis PERIČIĆ, President of the Council for Electronic Media, ZAGREB

**Cyprus/Chypre**

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**

Mr Peeter SOOKRUUS, Head of Media and Copyright Department, Ministry of Culture, TALLINN

**Finland/Finlande**

Ms Aleksandra PARTANEN, Senior Specialist, Media Policy Unit, Ministry of Transport and Communications Finland

**France**

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

**Germany/Allemagne**

Ms Susanne DING, Consultant, Federal Government Commissioner for Culture and the Media Division International Cooperation BERLIN

Mrs Martina MASCHAUER, Consultant for media policy, Representation of the Free State of Bavaria to the EU, BRUSSELS, Belgium

**Hungary/Hongrie**

Dr Borbala FAY, Officer of legal affairs, Ministry of Education and Culture Heritage, BUDAPEST

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

**Italy/Italie**

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

**Latvia/Lettonie**

[Apologised/excusé]

Mr Andris MELLAKAULS, National Broadcasting Council of Latvia, RIGA

**Liechtenstein****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, VALLETTA

**Moldova**

Mrs 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

Ms Åse KRINGSTAD, Adviser, Ministry of Culture and Church Affairs, OSLO

**Poland/Pologne**

Mr Wojciech DZIOMDZIORA, National Broadcasting Council, WARSAW

**Portugal**

Mrs Joana MARQUES LOPES, Legal Adviser, Instituto da Comunicação Social, LISBOA

**Romania/Roumanie**

Mme Gabriela STOICA, membre du Conseil National de l'Audiovisuel de Roumanie (CNA), BUCAREST

Mrs Aureliana IONESCU, Senior counselor, National Audiovisual Council (CNA), BUCAREST

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

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

**Spain/Espagne**

Mr Francisco Javier BARTOLOMÉ ZOFÍO, Head of Sector (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"**

Mr Mirce ADAMCEVSKI, President of the Broadcasting Council, SKOPJE

Mrs Emilija JANEVSKA, Head of the Department for programming issues, the Broadcasting Council, 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**

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 Nushiravan MAHARRAMOV, Chairman of the National TV and Radio Council of the Republic of Azerbaijan, BAKU

Mr Ziyad AMRAHOV, Specialist of the International Department of the National TV and Radio Council of the Republic of Azerbaijan, BAKU

**Belarus**

Mr Alexander MARTYNENKO, Deputy Chairman of Belarusian TV and Radio Company, MINSK

Mr Andrei NOVASH, Interpreter, Belarusian TV and Radio Company, MINSK

**Belgium/Belgique**

Mme Alexandra KRICK, Juriste, Ministère de la Communauté française de Belgique, BRUXELLES

**Denmark/Danemark****Georgia/Géorgie**

Ms Tamar KINTSURASHVILI, Director General of the Public Television of Georgia, TBILISI

**Greece/Grèce**

Mme Maria GIANNAKAKI, Attachée de Presse, Représentation Permanente de la Grèce auprès du Conseil de l'Europe / Bureau de Presse et de Communication, STRASBOURG, France

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

Mr Paul MULQUEEN, Broadcasting Policy Division, Department of Communications Marine and Natural Resources, DUBLIN

**Luxembourg**

Mme Isabelle MARINOV, Service des Médias et des Communications (SMC), LUXEMBOURG

**Monaco****Montenegro/ Monténégro****Netherlands/Pays-Bas**

Mr Frederik Jan INGEN HOUSZ, Policy Adviser Media, Department for Media, Literature and Libraries/IPC 3400, Ministry of Education, Culture and Science, BJ DEN HAAG

**Russian Federation/Fédération de Russie****Serbia/Serbie**

Mrs Marija ČOSIĆ, Senior Expert Associate, Media Department, Ministry of Culture and Media of the Republic of Serbia, BELGRADE

**Sweden/Suède****Ukraine****European Commission/Commission européenne**

Mr Harald E. TRETENBREIN, Head of sector, European Commission, DG Infos and Media, Brussels

**SECRETARIAT**

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

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 Katherine ANDERSON-SCHOLL, Media Division, Directorate General of Human Rights - DG II / Chef de la Division Media, Direction Générale des Droits de l'Homme - DG II

**INTERPRETERS/INTERPRETES**

Mme Cynera JAFFREY  
Mme Sara WEBSTER

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**APPENDIX II****Agenda**

1. Opening of the meeting and adoption of the agenda
2. Signatures and ratifications of the Convention
3. Exchange of information on the implementation of the Convention
  - (i) Issues of general interest
    - Lists of events of major importance
    - Authorities designated according to Article 19 of the Convention
    - Other
  - (ii) Examination of the report on measures to implement the recommendation on the protection of minors from pornographic programmes
  - (iii) Item 27 of the Action Plan to the Ministerial Conference in Kyiv: to follow closely the question of respect for human dignity in the media and in the new communications services, in order, if necessary, to take legal or other initiatives to complement and reinforce the Declaration of the Standing Committee on Transfrontier Television on human dignity and the fundamental rights of others
4. Revision of the Convention
  - (i) Information by the Observer Delegate of the European Commission on the proposal for an Audiovisual Media Services Directive
  - (ii) Examination of the preliminary draft amendment to the ECTT
  - (iii) Examination of the discussion document on issues concerning the role of the Standing Committee
  - (iv) Planning of future work
5. Requests for interpretation of the Convention
  - (i) Request for interpretation of Article 12, paragraph 4, of the Convention by the delegation of “the former Yugoslav Republic of Macedonia”
  - (ii) Request for interpretation of Article 18, paragraph 3, of the Convention by the Turkish delegation
6. List of events of major importance notified by “the former Yugoslav Republic of Macedonia”
7. Accession to the Convention by non member States of the Council of Europe
8. Proposal for amendment of the Rules of procedure
9. Other business

**APPENDIX III****OPINION No. 11 (2006) ON THE NOTION OF  
“ANNOUNCEMENTS IN THE PUBLIC INTEREST”**

*(adopted by the Standing Committee on Transfrontier Television  
at its 41st meeting (9 and 10 October 2006))*

By virtue of Article 22 of the Rules of Procedure, on 7 April 2006, a Delegate requested the opinion of the Standing Committee on the interpretation to be given to Article 12, paragraph 4, of the European Convention on Transfrontier Television.

The Delegate sought to ascertain:

- a) the extent of the notion of “announcements in the public interest” and, in particular, whether elements like the nature of the requesting body, the targeted public, the topic and its presentation should be taken into consideration in order to appreciate the “public interest” nature of an announcement;
- b) how to consider a governmental campaign of public interest launched just before an election campaign.

In application of Article 21, paragraph 1, sub-paragraph (c) of the Convention and following discussions held at its 41st meeting, the Standing Committee adopted the following opinion:

*The Standing Committee recalls that, for the purposes of Article 12 of the European Convention on Transfrontier Television (limitations as to the duration of advertising), announcements in the public interest are not considered as advertising.*

*The notion of announcements in the public interest under Article 12, paragraph 4, should be understood as covering announcements that pursue a purely social benefit or altruistic objective, regardless of the public or private nature of the requesting body. The identity of the latter, the subject of the announcement and its content can be relevant as indicative of or revealing the public interest.*

*Paragraph 104 of the Explanatory Report to the revised Convention provides some examples of announcements in the public interest, namely those that concern road safety or health campaigns.*

*A governmental campaign in the public interest launched just before or screened during an electoral campaign which meets the above-mentioned requirements would not be considered as advertising for the purpose of the limitations set out in Article 12 of the Convention as to the duration of advertising.*

*Nevertheless, announcements in the public interest are bound by the general rules set forth by Article 7 and 11 of the European Convention on Transfrontier Television (responsibilities of the broadcaster and general standards).*

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**APPENDIX IV****OPINION No. 12 (2006) ON THE PROHIBITION OF  
SPONSORSHIP OF NEWS AND CURRENT AFFAIRS PROGRAMMES**

*(adopted by the Standing Committee on Transfrontier Television  
at its 41st meeting (9 and 10 October 2006))*

By virtue of Article 22 of the Rules of Procedure, on 22 September 2006, a Delegate requested the opinion of the Standing Committee on the interpretation to be given to Article 18, paragraph 3, of the European Convention on Transfrontier Television.

The Delegate sought to ascertain:

With a view to adopting secondary legislation, how should the prohibition of sponsorship of current affairs programmes be interpreted in the context of thematic news channels. The Delegate in question indicated that broadcasters argue that the sustainability of news service through thematic channels cannot be ensured if these programmes are not sponsored.

In application of Article 21, paragraph 1, sub-paragraph (c), of the Convention and following discussions held at its 41st meeting, the Standing Committee adopted the following opinion:

*The Standing Committee recalls that, according to Article 2, paragraph (h), of the Convention, sponsorship is “the participation of a natural or legal person, who is not engaged in broadcasting activities or in the production of audiovisual works, in the direct or indirect financing of a programme with a view to promoting the name, trademark, image or activities of that person”.*

*It also recalls that the obligations of broadcasters, set out in Article 7, paragraph 3, of the Convention, include the need to ensure that news fairly present facts and events and encourage the free formation of opinions. In prohibiting the sponsorship of current affairs programmes, Article 18, paragraph 3, of the Convention seeks to ensure the effectiveness of this objective, to guarantee the independence of news and current affairs programmes (cf. paragraph 291 of the Explanatory Report to the revised European Convention on Transfrontier Television) and to prevent confusion between information and the promotion of the interests of the sponsor.*

*This prohibition has to be interpreted strictly.*

*Consequently, the prohibition does not extend to programmes that cannot be categorised as news and current affairs programmes, as clarified in paragraph 292 of the Explanatory Report, which states that “current affairs refers to strictly news-related programmes such as commentaries on news, analysis of news developments and political positions on events in the news”.*

*On the other hand, forms of commercial communication other than sponsorship are not prohibited.*