



Strasbourg, 16 October 2009

MC-NM(2009)004

COMMITTEE OF EXPERTS ON NEW MEDIA

(MC-NM)

**1st meeting
29 to 30 September 2009
Agora Building
Room G 05**

Meeting report

1. Opening of the meeting and adoption of the agenda

The meeting was opened by Mr Jan MALINOWSKI, Head of the Media and Information Society Division. Mr Malinowski briefly presented the results of the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (28 and 29 May 2009, Reykjavik, Iceland)¹ and gave a short introduction to the work of other working groups subordinate to the Steering Committee on the Media and New Communication Services (CDMC) (see also item 6 below).

The MC-NM adopted the draft agenda ([MC-NM\(2009\)OJ1](#)).

2. Election of chairperson and vice-chairperson

The members of the MC-NM elected Mr Thomas SCHNEIDER (Switzerland) as chairperson and Mr Michael TRUPPE (Austria) as vice-chairperson of the Committee for a one-year term of office.

3. Information of interest to the work of the MC-NM

The Secretariat gave a short report on the consultation meeting on public service media governance, held in Strasbourg on 17 and 18 September 2009. A written report will be forwarded to the MC-NM shortly.

The Secretariat informed the MC-NM of the adoption of Committee of Ministers [Recommendation \(2009\) 5 on harmful content](#)² and its planned implementation.

The Secretariat of the Parliamentary Assembly of the Council of Europe (PACE) informed the MC-NM of their Recommendation and Resolution on Internet on online services appropriate for minors.³ In the Recommendation, the PACE calls on member states and the Committee of Ministers to take action on issues such as the creation of secure, restricted-access networks which filter content harmful to minors; public quality standards and ratings of Internet and online media services adequate for minors and restriction of access by children to adult content; the potential psychological risks for children and adolescents using Internet and online media excessively; and the feasibility of drawing up legal standards for the regulation of online gambling which may be harmful to minors.

The Secretariat also presented the multi-stakeholder European Dialogue on Internet Governance (Geneva, 14 and 15 September 2009)⁴ with reference to its main outcomes, namely the European-wide concern regarding the protection of human rights on the Internet and also the public value (public interest) of the Internet. Reference was also made to EuroDIG themes for discussion, including access to content (with reference to net neutrality), the governance of social media, and effective media literacy.

¹ See [MCM\(2009\)011](#).

² [Recommendation CM/Rec\(2009\)5](#) of the Committee of Ministers to member states on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment.

³ Recommendation 1882 (2009) of the Parliamentary Assembly of the Council of Europe on *The promotion of Internet and online media services appropriate for minors*.

⁴ See www.eurodig.org.

4. Examination of understanding of media and mass communication services in the new information and communications environment with a particular focus on:

- **elaborating a policy document reviewing the concept of media itself to include relevant new media and media-like mass communication services and service providers**
- **application to the new services or service providers of Council of Europe standards that were developed for traditional forms of mass communication**
- **regulatory activities required to ensure respect for Council of Europe values in the framework of new media and media-like mass communication services**

Decisions taken by the MC-NM:

The MC-NM decided to create a working group of five MC-NM members - Mr Michael Truppe (Austria), Mr Andres JÕESAAR (Estonia), Ms Susanne DING (Germany), Mr Liutauras ULEVICIUS (Lithuania) and Ms Maja RAKOVIĆ (Serbia) – to examine the new notion of media and to prepare a preliminary policy document by 28 February 2010.

Comments of the MC-NM:

The MC-NM noted that there is no common notion of what “media” means in Council of Europe member states and that much media legislation at the national level does not refer to media and media-like mass-communication services. Reference was made to the need to take greater account of the impact of media-like mass communication services on the public’s right to freedom of expression and information, and on democratic participation. Several members suggested the need for a graduated approach when considering the potential responsibilities of media and media-like mass communication services.

5. Examination of the challenges to individual’s (in particular, children and young people) rights to freedom of expression and information, privacy and other fundamental rights, as well as to their dignity and security on the Internet.

Decisions taken by the MC-NM:

The MC-NM decided to create a working group of six members - Mr Michael Truppe (Austria), Ms Susanne Ding (Germany), Sjoera NAS (the Netherlands), Mr Pawel STEPKA (Poland), Mr Alexander BORISOV (Russian Federation), Mr Hamit ERSOY (Turkey) – in order to prepare **draft documents by 28 February 2010**.

It was further decided to invite all member states to submit **examples of self- and/or co-regulation initiatives (e.g. codes of conduct) with regard to network neutrality⁵, social networking and search engines, to the Secretariat by 27 November**.

Comments of the MC-NM:

The MC-NM decided to concentrate its examination on access to content (network neutrality), and the human rights aspects of the operation of search engines and of social networking services. Reference should also be made to improving children’s identity online, protecting privacy and freedom of expression when sharing personal data, and peer mediation between users in order to avoid the abuse of rights on these services.

⁵ “Network neutrality - Guidelines for Internet neutrality” Version 1.0, 24 February 2009; available at <http://www.npt.no/ikbViewer/Content/109604/Guidelines%20for%20network%20neutrality.pdf>.

Taking account of examples of national practice, this examination should address the challenges to human rights that present themselves for users of these services, how the challenges could be addressed through co-/self-regulation, and which non-state actors would need to be involved in elaborating self/co-regulation tools.

With regard to social networking sites, the MC-NM discussed the utility of maximising the privacy default settings for users. The use of social networking services by young children as a learning tool for testing and affirming their identity and the dangers of cyber-bullying via these sites was underlined. Reference was made to several reports and related self-regulatory codes, some of which had already been sent to the members before the meeting.⁶

With regard to the implementation of the Declaration by the Committee of Ministers of the Council of Europe on protecting the dignity, security and privacy of children on the internet, adopted on 20 February 2008, consideration was given to several technical possibilities for removing or controlling content created online: water-marking of content to indicate content that should be removed after a certain time, settings that allow content to self-destruct after a certain time, and settings to identify computers as a computer used by children which would then mark output automatically as created by children and which would require regular approval that content should remain online to avoid automatic removal of content.

With regard to search engines, consideration was given to how they can affect access to information through non-transparent prioritisation of search results and whether they challenge anonymity online by indexing personal data.

With regard to media literacy, the importance of literacy for all age groups was underlined. The implementation of existing Council of Europe standards was also stressed in this regard.

With regard to professional standards for journalists and their anonymity, the MC-NM noted the need to explore the protection of journalists in online environments.

6. Draft texts prepared by the Ad hoc Advisory Groups reporting to the CDMC

The Secretariat gave a short introduction to the terms of reference of the Ad-hoc Advisory Group on Public service media governance (MC-S-PG) and on Cross-border Internet (MC-S-CI)⁷ and informed the MC-NM of the need for synergy. The MC-NM might be invited by the CDMC to examine certain draft texts prepared by the Ad-hoc Advisory Groups and forward their comments to the CDMC.

7. Other business

Decisions taken by the MC-NM:

The MC-NM decided to establish a shared online working space and mailing-lists in order to facilitate its work.

⁶ Cf. e.g. Report and Guidance on Privacy in Social Network Services - "Rome Memorandum", available at http://www.datenschutz-berlin.de/attachments/461/WP_social_network_services.pdf; Article 29 Data Protection Working Party "Opinion 5/2009 on online social networking" and "Opinion 1/2008 on data protection issues related to search engines", available at http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2009/wp163_en.pdf http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2008/wp148_en.pdf

⁷ See document [CDMC\(2009\)001](#)

Comments of the MC-NM:

The MC-NM agreed on the need to involve other stakeholders in its work and was keen to develop new strategies in order to promote dialogue with them. In this context, the multi-stakeholder hearing on policy frameworks for new media, held on the morning of 29 September was welcomed.

The Secretariat informed the MC-NM that the dates of its next meeting will be communicated to them after the next meeting of the CDMC (20 to 23 October 2009).

Appendix I

LIST OF PARTICIPANTS

MEMBER STATES

Albania/Albanie

Andorre/Andorra
Apologised/excusé

Armenia/Arménie

Austria/Autriche

Mr Michael TRUPPE, Legal Advisor, Department for Media Affairs / Information Society, Federal Chancellery – Austria – Legal Service, Vienna, Austria

Azerbaijan

Mr Aqil GUNASHOV, 2nd Secretary, Department of Human Rights, Democratisation and Humanitarian Issues, Ministry of Foreign Affairs, Baku, Axerbaijan

Belgium/Belgique

Mr Michael VAN DEN NEST, Department for Culture, Youth, Sports and Media, Brussels, Belgium

Bosnia and Herzegovina / Bosnie-Herzégovine

Bulgaria/Bulgarie

Mr Nelly STOYANOVA, State Agency for Information Technologies and Communications, Sofia, Bulgaria

Croatia/Croatie

Cyprus/Chypre

Czech Republic/République Tchèque

Denmark/Danemark

Estonia/Estonie

Mr Andres JÕESAAR, Head of Corporate and Content Services, Tele2 Eesti AS + Chairman of the Council, Estonian Public Broadcasting Council, Tallinn, Estonia

Finland/Finlande

France

M. Xavier INGLEBERT, Adjoint au Chef du Bureau des affaires européennes et internationales, Direction du Développement des Médias-Services du Premier Ministre, Paris, France

Georgia/Georgie

Germany/Allemagne

Ms Susanne DING, Policy Advisor in the International Unit, Federal Commissioner for Culture and the Media (BKM), Berlin, Germany

(2nd German delegate)

Ms Amélie KUHN, Media Adviser, Representation of Rhineland Palatinate, Brussels, Belgium

Greece/Grèce

Mr Ioannis MANTZOUANIS, Representation Permanente de Grèce – Bureau de Presse et de Communication, Strasbourg, France

Mme Vasiliki KORDATOU, Representation Permanente de Grèce – Bureau de Presse, Strasbourg, France

Hungary/Hongrie

Iceland/Islande

Ireland/Irlande

Italy / Italie

Latvia/Lettonie

Liechtenstein

Apologised/excusé

Lithuania/Lituanie

Mr Liutauras ULEVICIUS, PHD Candidate, Research Area – Legal Status of Electronic Media, Mykolas Romeris University, Vilnius, Lithuania

Luxembourg

Apologised/excusé

Malta/Malte

Moldova

Monaco

Montenegro

Netherlands/Pays-Bas

Mrs Sjoera NAS, Internet and Telecom Expert, Dutch Data Protection Authority (CBP), DEN HAAG, The Netherlands

Norway/Norvège

Ms Kristine DAHL, Adviser (Legal), Royal Ministry of Culture and Church Affairs, Oslo, Norway

Poland/Pologne

Mr Pawel STEPKA, Expert, Department of European Policy and International Relations, National Broadcasting of Poland, Warsaw, Poland

Portugal

Romania/Roumanie

Russian Federation

Mr Alexander BORISOV, Professor, Moscow State Institute of International Relations, Foreign Ministry of Russia, Moscow, Russia

San Marino/Saint-Marin

Serbia

Ms Maja RAKOVIĆ, Adviser, Media Department, Ministry of Culture, Belgrade, Serbia

Slovak Republic/République Slovaque

Slovenia/Slovenie

Spain/Espagne

Ms Carmen CILLER, Assistant Professor, Department of Journalism and Media Studies, University Carlos III de Madrid, Madrid, Spain

Sweden / Suede

Switzerland/Suisse

Mr Thomas SCHNEIDER, Federal Office of Communications, Bienne, Switzerland

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

Turkey/Turquie

Mr Hamit ERSOY, Head of International Relations Department, RTÜK, Radio and Television Supreme Council, Bilkent, Turkey

Mr Hasan Ali ERDEM, Expert of International Relations Department. Contact details as above.

Ukraine

Mr Serhii SHABLII, Counsellor of the CoE Division of the Ministry of Foreign Affairs of Ukraine

United Kingdom/Royaume-Uni

Mr Karl JAGDIS, Project Manager, International Broadcasting and Media, Department for Culture, Media and Sport, London, England

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PARTICIPANTS

European Commission/Commission européenne

Mr Harald E. TRETENBREIN, Deputy Head of Unit, Audiovisual and Media Policies Unit, European Commission, Directorate General for Information Society and Media, Brussels, Belgium

Conference of International Non-Governmental Organisations of the Council of Europe

Mr Gabriel NISSIM, Conférence des OING du Conseil de l'Europe, Strasbourg, France

PACE / APCE

Mr Andrew MCINTOSH, Chairman, Sub-committee on Media Culture, Science and Education Parliamentary Assembly, PACE.

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OBSERVERS

European Broadcasting Union / Union Européenne de Radio-Télévision (EBU)

Confirmed/confirmé

Mme Anne-Catherine BERG, Legal Adviser, Legal and Public Affairs Department, EBU-UER, Switzerland

European Federation of Journalists (EFJ)

Mr Marc GRUBER

European Newspaper Publishers' Association (ENPA)

Confirmed/confirmé

Mr Henrik MUNTHE, Attorney at Law, Norwegian Media Business Association, Oslo, Norway

Apologised/excusé

Mrs Hannah MCCAUSLAND, ENPA, Brussels, Belgium

GUESTS

European Digital Rights (EDRI)

Mme Meryem MARZOUKI, European Digital Rights, Paris, France

Community Media Forum Europe

Ms Nadia BELLARDI, Vice-President, Community Media Forum Europe (CMFE), Zürich, Switzerland

Secretariat of the Council of Europe / Secrétariat du Conseil de l'Europe

Mr Jan MALINOWSKI, Head of Media and Information Society Division

Mr Lee HIBBARD, Administrator, Media and Information Society Division

Ms Franziska KLOPFER, Media and Information Society Division

Mr Eugen CIBOTARU, Administrator, Media and Information Society Division

Mr Michael REMMERT, Head of Unit, Forum for the Future of Democracy

Ms Elvana THACI, Administrator, Media and Information Society Division

Interpreters:

Ms Josette YOESLE

Ms Rebecca BOWEN

Appendix II

AGENDA

- 1) Opening of the meeting and adoption of the agenda
- 2) Election of chairperson
- 3) Information of interest to the work of the MC-NM
- 4) Examination of understanding of media and mass communication services in the new information and communications environment with a particular focus on:
- 5) Elaborating a policy document reviewing the concept of media itself to include relevant new media and media-like mass communication services and service providers
- 6) Application to the new services or service providers of Council of Europe standards that were developed for traditional forms of mass communication
- 7) Regulatory activities required to ensure respect for Council of Europe values in the framework of new media and media-like mass communication services
- 8) Examination of the challenges to individual's (in particular, children and young people) rights to freedom of expression and information, privacy and other fundamental rights, as well as to their dignity and security on the Internet.
- 9) Draft texts prepared by the Ad hoc Advisory Groups reporting to the CDMC
- 10) Other business