



Strasbourg, 19 April 2007

MC-S-PSM(2007)003

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**GROUP OF SPECIALISTS ON PUBLIC SERVICE MEDIA
IN THE INFORMATION SOCIETY**

(MC-S-PSM)

**5th meeting
19 and 20 March 2007
Human Rights Building, Strasbourg
Room of the Directorate**

REPORT

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

1. The Secretariat opened the meeting with a few words of welcome and provided some general information about the work of the MC-S-PSM in the light of its revised terms of reference, and about the objectives of the current meeting in particular.
2. The agenda was adopted unchanged. The list of participants appears in Appendix I. The agenda, as adopted, is reproduced in Appendix II, which also indicates the working papers.

Item 3 of the agenda: Election of the Chair and Vice-Chair for 2007

3. The Secretariat pointed out that the terms of office of the Chair and Vice-Chair of the MC-S-PSM had expired at the end of 2006 and that the group therefore needed to elect a Chair and Vice-Chair for 2007.
4. As no experts volunteered for these posts at the start of the meeting, Ms Elfa Yr Gylfadottir, member of the CDMC Bureau, served as acting Chair of the meeting. In the afternoon of 19 March, Mr Patrick Segalla (Austria) was elected Chair and Mr Márk Lengyel (Hungary) Vice-Chair, for a one-year term of office. Both candidates were elected unanimously.

Items 4 and 5 of the agenda: Decisions of the Steering Committee on the Media and New Communication Services (CDMC) of relevance to the work of the MC-S-PSM and other information relevant to its work

5. The Secretariat reported briefly on these two items. At its 4th meeting, in Strasbourg from 28 November to 1 December 2006, the CDMC had approved the draft Recommendation on the remit of public service media in the information society and decided to forward it to the Committee of Ministers. The CDMC had also approved the draft terms of reference of the MC-S-PSM for 2007-2008. Both documents had subsequently been adopted by the Committee of Ministers, on 31 January 2007.
6. During the discussion under these items, Mr Jan Kleijssen, Director of Directorate 2 in DG II, introduced himself to the MC-S-PSM and congratulated the group members on the commendable results of their work, namely the Recommendation on the remit of public service media in the information society and the Declaration on the guarantee of the independence of public service broadcasting. He hoped that the group would continue to work in the same efficient way in discharging its terms of reference for 2007-2008. He had been appointed to DG II with a twofold remit: to ensure that the best possible use was made of available resources and that results were forthcoming. He stressed that, in order to justify their funding, groups of specialists had to produce tangible results. This the MC-S-PSM had done so far. He wanted to improve communication policy within the Directorate, for he thought the results of intergovernmental work were not always given the high profile they merited. In particular, politicians needed to be better informed about the results of this work.

Item 6 of the agenda:**Work of the MC-S-PSM in 2007 – preparation and adoption of a work plan based on the updated terms of reference**

7. The Secretariat presented a draft work plan for 2007-2008 designed to discharge the group's new terms of reference. The Chair proposed that it be examined, amended if necessary and adopted after the discussion under item 6 (i - iv) of the agenda (see the work plan as adopted by the group in Appendix III). As far as practical arrangements were concerned, it was suggested that, in order to ensure that the MC-S-PSM could make the most of the four meetings scheduled over the coming two years, a number of experts should get together in small ad hoc groups to work on-line on specific matters between MC-S-PSM meetings. The Secretariat announced in this connection that it was planned to set up an on-line collaborative work system in May 2007, which should facilitate work on any draft texts.

i) Examination of the way in which member states ensure the legal, financial, technical and other conditions required to enable public service media to discharge their remit – *preparation of a compendium of best practices*

8. The Secretariat presented to the members of the MC-S-PSM a questionnaire it had prepared, drawing on Section III of Recommendation Rec(2007)3 on the remit of public service media in the information society. This section dealt with the conditions necessary to fulfil the public service remit. The questionnaire would enable the group to obtain information that could usefully serve as a basis for preparing a compendium of best practices.

9. The group members endorsed this approach and suggested some amendments to the questionnaire (see the questionnaire, as revised by the group, in Appendix IV). In particular, it was suggested that the questions be worded in such a way as to encourage member states to provide more detailed descriptions of their good practices in this field.

10. As for deciding to whom the questionnaire should be addressed, some experts thought it should be sent only to member states, while others considered that it should also be sent to public service broadcasters, the industry and non-governmental and intergovernmental organisations competent in this area.

11. The group finally agreed to send the questionnaire to CDMC members, asking them to readdress it where appropriate to the competent institutions and individuals. The replies would then be published on the Internet in order to elicit additional contributions from professionals.

12. It was agreed that the group would begin preparing a preliminary draft compendium of best practices at its October 2007 meeting, in the light of the replies to the questionnaire.

ii) Examination of the strategies of public service media for promoting wider democratic participation of individuals – *preparation of a compendium of best practices*

13. The MC-S-PSM discussed how to prepare the compendium of best practices. With regard to content, the Secretariat invited the group to review the results of the hearing on the subject in October 2005 and consider how they could be used.

14. A number of questions were thrown up during the discussion. For example, should public participation be financed by the state? In what way exactly did public service media differ from private media in respect of the democratic participation of individuals?

15. During the discussion, the EBU representative presented the study “The Ascent of the Media”. This elicited the interest of the group, which considered it of relevance to its work on the democratic participation of individuals.

16. As the group lacked expertise in this particular field, a number of experts suggested commissioning a consultant to prepare a report on the subject. The group agreed that an ad hoc working group comprising Austria, Estonia, Romania, the EBU and the European Commission would draft a remit for the consultant. The group would single out the key features required of a draft compendium of best practices and approve the consultant’s remit at its October 2007 meeting.

iii) Examination of (a) the role of public service media in increasing the transparency of public authorities and facilitating their scrutiny and (b) the issue of the transparency and accountability of public service media themselves – *preparation of a report*

17. The MC-S-PSM held a general discussion under this item. The group members agreed that both aspects of the topic – the ability of public service media to promote open government, and the transparency and accountability of the public service media themselves – should be elaborated on in a draft report containing concrete examples.

18. The group agreed to begin addressing the issue at its first meeting the following year. At its first 2008 meeting, the MC-S-PSM would therefore prepare a preliminary draft report or standard-setting instrument on the subject. A revised version of the text would be prepared at its second meeting in 2008. In addition to working on the report in question, the group would consider the need for further action in this field.

iv) Examination of the contribution of public service media to the implementation of Committee of Ministers Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance and, in particular, the role that public service media can play in promoting social cohesion and integrating all communities and generations – *preparation of a report and proposals for any further action in this respect*

19. The Secretariat presented to the group members a questionnaire on the contribution of public service media to the promotion of a culture of tolerance and in particular on the implementation of Recommendation No. (97) 21. The questionnaire should enable the group to obtain information that could usefully serve as a basis for preparing a report on the subject.

20. An ad hoc working group comprising Hungary, Armenia, the United Kingdom and Iceland was set up to work on this specific subject and, in particular, on the revision of the questionnaire. It was agreed that the working group would prepare the final version of the questionnaire and send it to the Secretariat by the end of May.

21. The Chair raised the question of the recipients of the questionnaire. She suggested sending it to member states and the EBU. The European Commission representative

suggested broadening the circle of recipients to include, among others, ECRI, the Association against Racism and Xenophobia, the Media Diversity Institute in London and the Panos Institute. Other experts, however, considered it preferable that the Secretariat should rely on the CDMC members as usual.

22. The MC-S-PSM agreed to send the questionnaire to CDMC members, asking them to readdress it to public service media and informing them that the questionnaire was available on the Internet. Other competent bodies could also be consulted, as just suggested. The group agreed to revise the questionnaire and prepare at its October meeting a preliminary draft report on the contribution of public service media to the promotion of a culture of tolerance, in the light of the replies to the questionnaire.

Item 7 of the agenda:

Other business

23. None.

Item 8 of the agenda:

Dates of the next meeting

24. The next meeting of the MC-S-PSM was scheduled to take place in Strasbourg on 11 and 12 October 2007.

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Appendix I**List of participants****MEMBER STATES/ETATS MEMBRES****Armenia/Arménie**

Ms Nouneh SARKISSIAN, Managing Director, Internews, Media Support NGO, EREVAN

Austria/Autriche

Mr Patrick SEGALLA, Austrian Federal Chancellery, Department for Media Affairs, Coordination Information Society, VIENNA

Azerbaijan/Azerbaïdjan

Mr Tahir MAMMADOV, Head of the Division for Public Relations, Public Television and Radio Broadcasting Compagny, BAKU

Belgium/Belgique***Flemish community***

Koen DESMARETZ, Assistant to the director, Department of Culture, Youth, Sport and Media, Ministerie van de Vlaamse cGemeenschap, BRUSSELS

Bulgaria/Bulgarie

Mrs Albena MILANOVA, Director of International Relations Departement, Bulgarian National Radio, SOFIA

Cyprus/Chypre

<Apologised/Excusé>

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

Czech Republic/République Tchèque

Mr Artus REJENT, Media Department, Ministry of Culture, PRAGUE

Denmark/Danemark

<Apologised/Excusée>

Ms Pernille RAHBK, Danish Ministry of Culture, COPENHAGEN

Estonia/Estonie

Mr Hagi SHEIN, Professor, Head of Academic Affairs, Deputy Director, Tallinn University, Baltic Film and Media School, TALLINN

Germany/Allemagne

Mr Martin BUDSINOWSKI, Legal expert, Federal Government, Commission for Culture and the Media, BERLIN

Hungary/Hongrie

Mr Márk LENGYEL, Managing Director, Körmendy-Ékes & Lengyel Consulting, BUDAPEST

Iceland/Islande

Ms Elfa Yr GYLFADOTTIR, Head of Media Division, Department of Cultural Affairs, Ministry of Education, Science and Culture, REYKJAVIK

Ireland/Irlande

[Apologised/Excusé]

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

Italy/Italie

Ms Mirella LEFOSSE, Autorità per le garanzie nelle comunicazioni, Directorate of audiovisual and multimedia content, ROMA

Ms Marina VERNA, Ministero delle Comunicazioni, Direzione Generale Servizi di Comunicazione Elettronica e Radiodiffusione, ROMA

Mr Riccardo GIORDANO, Presidenza del Consiglio dei Ministri, Dipartimento per l'informazione e l'editoria, ROME

Portugal

<Apologised/Excusé>

Mr Elisio OLIVEIRA, Vice-President, ERC, Entidade Reguladora para a Comunicação Social, LISBON

Russian Federation/Fédération de Russie

<Apologised/Excusé>

Mr Armen OGANESYAN, Chairman, "Voice of Russia", National Radio Company, MOSCOW

Slovakia/Slovaquie

<Apologised/Excusé>

Ms Slavomira SALAJOVA, Media and Audiovisual Department, Media and Copyright Division, The Ministry of Culture of the Slovak Republic, BRATISLAVA

Slovenia/Slovénie

Mr Skender ADEM, Senior Advisor, Ministry of Culture of Republic of Slovenia, Media Directorate, LJUBLJANA

Switzerland/Suisse

Mr Gian-Luca MARSELLA, Office fédéral de la communication OFCOM, Bienne

Turkey/Turquie

Mr Irfan Dünder ERENTURK, Radio and Television Supreme Council, BILKENT

United Kingdom/Royaume-Uni

Mr Karl JAGDIS, International Broadcasting Policy, Department for Culture, Media and Sport, LONDON

OBSERVERS/OBSERVATEURS

Bureau of the CDMC

Ms Delia MUCICA, Senior Advisor to the President of Romanian Public Television, Bucharest

European Commission/Commission Européenne

M. Pierre-Yves ANDRAU, Directorate General for Information Society and Media, Unit A1 Audiovisual & Media Policies, BRUSSELS

European Broadcasting Union (EBU)/Union européenne de radio-télévision (UER)

Ms Nathalie PIASKOWSKI, Conseiller juridique, Département des Affaires juridiques, UER, GRAND-SACONNEX GENEVE

Association of Commercial Television in Europe (ACT) / Association des Télévisions Commerciales Européennes (ACT)

The European Association for Viewers Interests (EAVI)

European Federation of Journalists / Fédération européenne des Journalistes

Article 19

[Apologised/Excusé]

Holy See/Saint-Siège

Mr Michael LUKAS, Bischöfliche Pressestelle, HILDESHEIM

Parliamentary Assembly / Assemblée Parlementaire

European Audiovisual Observatory / Observatoire européen de l'audiovisuel

Mme Emmanuelle MACHET, Strasbourg

Japan/Japon

SECRETARIAT

Mr Jan KLEIJSEN, Director, Directorate 2, Directorate General of Human Rights/Directeur, Direction 2, Direction Générale des Droits de l'Homme

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

Mr Eugen CIBOTARU, Administrator, Media Division, Directorate General of Human Rights – DG II/Administrateur, Division Médias, Direction Générale des Droits de l'Homme - DG II

INTERPRETERS/INTERPRETES

Ms Jenny Griffith, chef d'équipe ;
Ms Cynera Jaffrey ;
Ms Monique Palmier.

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Appendix II

Agenda

1. Opening of the meeting
2. Adoption of the agenda
3. Election of Chairperson and Vice-Chairperson for 2007
4. Decisions of the Steering Committee on the Media and New Communication Services (CDMC) of interest to the work of the MC-S-PSM
5. Other information of interest to the work of the MC-S-PSM
6. Work of the MC-S-PSM in 2007 – adoption of a work plan based on the updated terms of reference:
 - i) Examine how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit (*item 15 of the Kyiv Plan*) – preparation of a compilation of best practices in the matter
 - ii) Examine strategies of public service media in view of promoting a wider democratic participation of individuals (*item 21 of the Kyiv Plan*) - preparation of a compilation of best practices in the field
 - iii) Examine (a) the role of public service media in increasing the transparency of public authorities and facilitating their scrutiny (*item 22 of the Kyiv Plan*), as well as (b) the issue of transparency and accountability of public service media themselves - preparation of a report in the matter and proposals for any further action in this respect
 - iv) Examine the contribution of public service media to the implementation of the Committee of Ministers Recommendation No (97)21 on media and the promotion of a culture of tolerance and, notably, the role that public service media can play in promoting social cohesion and integrating all communities and generations (*item 13 of the Kyiv Plan*) - preparation of a report in the matter and proposals for any further action in this respect
7. Other business
8. Dates of next meeting

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Appendix III

Work plan of the Group of specialists on public service media in the information society (MC-S-PSM) for 2007-2008

Kyiv Action Plan/Mission/ToR	Actions	Results	Time frame
<p>(1) Examine how the public service remit should, as appropriate, be developed and adapted by member States to suit the new digital environment, and study the legal, financial, technical and other conditions needed to enable public service broadcasters to discharge it in the best possible manner, so as to formulate any legal or other proposals which it may consider advisable for this purpose (<i>item 15 of the Kyiv Action Plan</i>).</p>	<p>The Group will gather information on how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit in the information society in the light of relevant Council of Europe standards, and prepare a draft compendium of best practices with a view to its broad dissemination.</p> <p><i>Method:</i> As the first step to compiling the collection of best practices, the Group will elaborate a questionnaire in the matter; the collected information will be made available on internet, so as the web-based resource could be built up and updated constantly. As the second step, the collected information will be processed and a preliminary draft compendium of best practices in the matter will be prepared.</p>	<p>Draft compendium of best practices in the matter</p>	<p>2007</p> <p>(i) At the meeting of the Group in <u>March 2007</u>, elaborate a questionnaire in the matter and send it to the CDMC members & publish it on the Internet.</p> <p>(ii) At the meeting of the Group in <u>October 2007</u>, on the basis of the responses to the questionnaire, prepare an outline for a draft compendium of best practices in the matter.</p> <p>2008</p> <p>(iii) At the <u>1st meeting</u> of the Group in <u>2008</u>, develop the draft compendium of best practices.</p> <p>(iv) At the <u>2nd meeting</u> of the Group in <u>2008</u>, finalise the draft compendium of best practices.</p>
<p>(2) Design strategies for member States with the aim of encouraging the media, in particular public service broadcasting organisations, to assume an increased role in promoting a wider democratic participation of individuals, <i>inter alia</i> with the help of new interactive technologies (<i>item 21 of the Kyiv Action Plan</i>).</p>	<p>The Group will prepare a draft compendium of best practices of public service media as regards promoting a wider democratic participation of individuals, <i>inter alia</i> with the help of new interactive technologies.</p> <p><i>Method:</i> Some of the material that was made available during the hearing in October 2005 might be used as a basis for this work. Subject to a decision by the Group in this respect, a consultant competent in the matter might be invited to prepare elements for the draft compilation. During the preparation of best practices, the MC-S-PSM should liaise with the Ad hoc Committee on e-democracy (CAHDE) to assure coherence/synergy and avoid overlapping in the work of the two bodies.</p>	<p>Draft compendium of best practices in the matter</p>	<p>2007</p> <p>(i) Before the meeting of the Group in <u>October 2007</u>, prepare (by an ad hoc working group) draft terms of reference for a consultant</p> <p>(ii) At the meeting of the Group in <u>October 2007</u>, identify essential elements for a draft compendium of best practices and approve terms of reference for the consultant.</p> <p>2008</p> <p>(iii) At the <u>1st meeting</u> of the Group in <u>2008</u>, organise a discussion with the consultant on</p>

Kyiv Action Plan/Mission/ToR	Actions	Results	Time frame
			<p>the results of his study and prepare an outline for a draft compendium of best practices (on the basis of the study by the consultant).</p> <p>(iv) At the <u>2nd meeting</u> of the Group in <u>2008</u>, finalise the draft compendium of best practices.</p>
<p>(3) Examine ways of increasing the transparency of public authorities and facilitating public scrutiny via the media, having regard to Recommendation Rec (2002) 2 on access to official documents and the work on e-governance under way in the Council of Europe (<i>item 22 of the Kyiv Action Plan</i>).</p>	<p>The Group will prepare a draft report on the contribution of public service media in increasing the transparency of public authorities and facilitating their scrutiny, as well as address the issue of transparency and accountability of public service media themselves, having regard to the Committee of Ministers' Recommendations Nos. R (81) 19 on access to information held by public authorities and Rec(2002)2 on access to official documents and to ongoing discussions concerning a binding Council of Europe instrument and other developments in this field.</p>	<p>Draft report or any other action proposed by the Group (e.g. in the form of draft standard-setting instrument)</p>	<p style="text-align: center;">2008</p> <p>(i) At the <u>1st meeting</u> of the Group in <u>2008</u>, elaborate a preliminary draft report or standard-setting instrument in the matter.</p> <p>(ii) At the <u>2nd meeting</u> of the Group in <u>2008</u>, draft a revised version of the text.</p>
<p>(4) Examine in particular how different types of media can play a part in promoting social cohesion and integrating all communities and generations (<i>item 13 of the Kyiv Action Plan</i>).</p>	<p>The Group will prepare a draft report on the contribution of public service media to the implementation of the Committee of Ministers' Recommendation No. R (97) 21 on media and the promotion of a culture of tolerance, examining, <i>inter alia</i>, how public service media can play a part in promoting social cohesion and integrating all communities and generations, and propose, if appropriate, further action on this subject.</p> <p><i>Method:</i> As the first step to preparing the draft report, the Group will elaborate a questionnaire in the matter. As in item (1), the collected information can be made available on internet, so as to broaden the scope of contributions from the outside and to allow building up and updating constantly the information. Then, the collected information will be processed and a draft report in the matter will be prepared.</p>	<p>Draft report in the matter</p>	<p style="text-align: center;">2007</p> <p>(i) By <u>end of May 2007</u>, elaborate a questionnaire in the matter and send it to the CDMC members & publish it on internet.</p> <p>(ii) At the meeting of the Group in <u>October 2007</u>, on the basis of the responses to the questionnaire, prepare a preliminary draft report on the contribution of public service media to the promotion of a culture of tolerance.</p> <p style="text-align: center;">2008</p> <p>(iii) At the <u>1st meeting</u> of the Group in <u>2008</u>, finalise the draft report.</p>

Appendix IV

QUESTIONNAIRE ON THE APPROPRIATE CONDITIONS REQUIRED FOR PUBLIC SERVICE MEDIA TO FULFIL THEIR REMIT

Introduction

The Council of Europe Recommendation Rec (2007)3 on the remit of public service media in the information society was adopted by the Committee of Ministers on 31 January 2007. The main purpose of this major instrument is to encourage member states to “guarantee the fundamental role of the public service media in the new digital environment, setting a clear remit for public service media, and enabling them to use new technical means to better fulfil this remit and adapt to rapid changes in the current media and technological landscape, and to changes in the viewing and listening patterns and expectations of the audience”.

The Recommendation addresses *inter alia* the question of the specific legal, technical, financial and organisational conditions required for public service media to fulfil their remit in an adequate manner (Chapter III), in recommending to the member states to ensure that these conditions continue to apply in, and are adapted to, the new digital environment.

The Secretariat of the Council of Europe would be grateful if you could respond, if necessary via the competent authorities, to the following questions. Please provide as many facts, figures and concrete examples of your country’s practice or regulation as possible. If necessary, please give any further comments/analysis related to the addressed points.

* * *

Legal conditions

1. Describe what provisions your country’s legislation incorporates, enabling public service media to fulfil their remit, to exercise effectively their specific function and, in particular, allowing them to develop new communication services.
2. How does the legislation in your country reconcile the need for a clear definition of the remit of public service media with the need to respect editorial independence and institutional autonomy and to allow for flexibility to adapt public service activities rapidly to new developments?

Technical conditions

3. Describe how the state ensures that public service media have the necessary technical resources to fulfil their remit.
4. Could you provide concrete examples of how the public service is using new services (such as internet, mobile services, podcasting, etc.) enabling them to reach more households, to produce more quality content, to respond to the expectations of the public, and to keep pace with developments in the digital environment?
5. If appropriate, to what extent do the public service media take part in the technological innovation of the electronic media, as well as in the digital switchover?

Financial conditions

6. Describe the current funding model for the public service broadcasters/media in your country. Has your country changed or does your country envisage changing the amount of funding or the funding model in the context of evolving technological innovation? If so, how?
7. In the context of the developments of the new digital technology, does, in your country, the state consider complementary funding solutions?
8. If appropriate, describe how and to what extent attention is paid to market and competition questions in your country when modifying funding systems for public service media. If appropriate, describe to what extent and how funding systems for public service media are influenced by external factors.
9. In the case of new personalised services, is it envisaged to allow public service media to collect remuneration and if yes, how would such a system be designed?
10. If applicable, how does the state take advantage of public and community initiatives for the creation and financing of new types of public service media?
11. If the answers to (9) and (10) are positive, how does your country ensure that these solutions do not endanger the principle of universality of public service media or lead to discrimination between different groups of society?
12. How does your country ensure that needed attention is paid to editorial independence and to the content provided in the interest of the public when new funding models are being introduced? If appropriate, is possible influence of new funding models on the content of public service media being assessed and how?

Organisational conditions

13. Describe how, in your country, the state establishes the organisational conditions for public service media that provide an appropriate background for the delivery of the public service remit in the digital environment. In doing so, does it pay due attention to the guarantee of the editorial independence and institutional autonomy of public service media within the specific circumstances of your national media system, as well as organisational changes needed to take advantage of new production and distribution methods in the digital environment?
14. How does the state, in your country, ensure that public service media organisations have the capacity to operate successfully in the new digital environment, fulfil an extended public service remit and maintain their position in a highly concentrated market?
15. Describe how the state makes sure that public service media can, as necessary, engage in co-operation with other economic actors, such as commercial media, rights holders, producers of audiovisual content, platform operators and distributors of audiovisual content.
16. How has the regulatory framework concerning public service media been adapted to suit technological changes and evolutions of media sector? What further changes are envisaged?