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

(CDMC-BU)

**Meeting of
20 and 21 October 2011
Room G.01, Agora building
Strasbourg**

Meeting report

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Executive summary

During the meeting, the Bureau prepared the 15th meeting of the CDMC and in particular:

- examined a draft Recommendation on the protection of freedom of expression and information and the right to private life with regard to search engines and recommended that it be finalised at the 15th CDMC meeting and forwarded to the Committee of Ministers for possible adoption;
- examined a draft Recommendation on the protection of freedom of expression and the right to private life with regard to social networking services and recommended that it be finalised at the 15th CDMC meeting and forwarded to the Committee of Ministers for possible adoption;
- examined a draft Declaration on libel tourism and recommended that it be finalised at the 15th CDMC meeting and forwarded to the Committee of Ministers for possible adoption;
- examined a draft Recommendation on gender aspects of Council of Europe Recommendations and Declarations including addenda to Recommendations and Declarations and provided directions to the Secretariat for further work on the draft; if possible, the draft should be finalised at the 15th CDMC meeting and forwarded to the Committee of Ministers for possible adoption;
- decided to address the issue of the sustainability of EuroDIG in a draft Declaration to be drafted and submitted to the CDMC at its 15th meeting for finalisation and, if possible, submission to the CM for possible adoption;
- held exchanges with the Chairpersons of the bodies reporting to the CDMC and discussed their output to date and proposals for further action;
- took note of work carried out by e-mail exchanges since the last meeting;
- took note of information about decisions taken by the Committee of Ministers regarding the on-going reform of the Council of Europe and the future intergovernmental structures.

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

1. The Bureau adopted the agenda, as set out in Appendix II. The list of participants is set out in Appendix I. The meeting was chaired by Andris Mellakauls (Latvia) and was largely devoted to the preparation of the 15th meeting of the CDMC (29-30 November and 1-2 December 2011).

2. The gender distribution of the 7 Bureau members participating in the meeting was as follows: 3 women (42.86%) and 4 men (57.14%).

3. Decisions of the Committee of Ministers of interest to the work of the CDMC

Standards and CDMC texts

3. The Bureau took note of the adoption by the Committee of Ministers, on 21 September 2011, of:

- the Declaration on Internet governance principle;
- the Recommendation CM/Rec(2011)8 of Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet;
- the Declaration on the protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings;

- the Recommendation **CM/Rec(2011)7 of the Committee of Ministers to the member states** on a new notion of media.

Reform process

4. The Secretariat presented the state of play of the draft terms of reference for the proposed Steering Committee on Media and Information Society (CDMSI) as well as the new structure of the Council of Europe Secretariat which became operational on 1 October 2011.

5. The draft terms of reference were discussed by the Committee of Ministers' Rapporteur Group on Human Rights (GR-H) and are expected to be adopted before the end of November. They cover Internet governance, media and freedom of expression, intergovernmental contribution to the implementation of the Declaration of 13 January 2010, and data protection. In addition, they provide for the preparation of the next specialised Ministerial Conference.

6. As a result of the reorganisation of the Council of Europe Secretariat, the CDMSI will be supported by the new Information Society Department and, more particularly as regards substantive issues, by its three Divisions (Media Division, Information Society Division, and Data Protection and Cybercrime Division).

The Media Division brings back together media-related standard setting and country-specific cooperation and assistance activities in the media field. It is expected that it will also be entrusted with the follow-up to the Committee of Ministers Declaration of 13 January 2010.

The first meeting of the CDMSI is expected to take place early in 2012 (March or April) and be devoted mostly to mapping out its future work and the preparation of the Belgrade Ministerial Conference (2013).

7. The Bureau discussed the various aspects of the reform and of the draft terms of reference and took note of the information given by the Secretariat. It volunteered to assist during the transitional period in order to ensure the smooth beginning of CDMSI work.

4. Draft instruments or texts for consideration by the CDMC

Draft Recommendation by the Committee of Ministers to Member states on the protection of freedom of expression and information and the right to private life with regard to search engines

8. The draft has been the subject of several rounds of consultations, including more recently, during a meeting in Brussels on 12 and 13 September 2011 attended by a few but important participants (including Facebook, Google and other business and civil society representatives). The draft was finalised by the MC-NM at its meeting on 20 and 21 September 2011.

9. The Bureau considered the draft and, subject to certain changes and further editorial review needed, recommended that it be approved by the CDMC at its next meeting and that it be submitted to the Committee of Ministers for possible adoption.

Draft Recommendation by the Committee of Ministers to Member states on the protection of freedom of expression and the right to private life with regard to social networking services

10. The draft has been the subject of several rounds of consultations, including more recently, during a meeting in Brussels (see preceding paragraph). It was finalised by the MC-NM at its meeting on 20 and 21 September 2011.

11. The Bureau considered the draft and, subject to certain changes and further editorial review needed, recommended that it be approved by the CDMC at its next meeting and that it be submitted to the Committee of Ministers for possible adoption.

12. The Bureau agreed that representatives of Google and Facebook be invited to hold an exchange of views with the CDMC on the drafts and on possible private sector follow up to them.

Draft Declaration on Libel tourism

13. The Bureau discussed a draft prepared by Els Hendrix (Germany) and gave directions to the Secretariat for further work. The objective should be to submit the draft to the CDMC for consideration at its next meeting with a view to its approval and submission to the Committee of Ministers for possible adoption.

Draft Recommendation on gender aspects of Council of Europe Recommendations and Declarations including addenda to Declarations and Recommendations

14. The Bureau discussed a draft prepared by a consultant and agreed to make written drafting proposal by 30 October. The draft will then be amended accordingly and circulated to the CDMC for consideration. The Bureau proposed that, if the draft cannot be finalised and approved at the 15th meeting of the CDMC, work be pursued by e-mail consultation with a view to the CDMC approving the draft before the end of its mandated on 31 December 2011.

15. The CDMC took note of other work on gender issues, namely on the draft handbook on gender stereotypes in the media. The draft should be finalised by the end of 2011. It was also informed of informal discussions on gender aspects of media coverage of electoral campaigns, involving Bissera Zankova (Bulgaria) and Emir Povalkic (Bosnia and Herzegovina) as well as experts who participated in work on the abovementioned handbook.

5. Work between meetings

CDMC Comments on Parliamentary Assembly Recommendation 1962(2011) on the Religious dimension of intercultural dialogue

CDMC Comments on Parliamentary Assembly Recommendation 1950(2011) on the protection of journalists' sources

CDMC Comments on Parliamentary Assembly Recommendation 1963 (2011) on Combating poverty

16. The Bureau noted that these comments were transmitted to the Committee of Ministers.

Draft Declaration of the Committee of Ministers on the protection of freedom of expression and freedom of assembly and association with regard to privately operated Internet platforms and online service providers

17. The Bureau noted that, following the decision taken by the CDMC at its 14th meeting, the draft was finalised and approved by e-mail consultation. It will be considered and possibly adopted by the Committee of Ministers in December 2011.

6. Work of CDMC subordinate bodies

Committee of Experts on New Media (MC-NM)

18. Thomas Schneider, Chairperson of the MC-NM, reported on the last meeting of the MC-NM which took place on 20 and 21 September 2011 and held an exchange of views with the Bureau.

Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)

19. Wolfgang Kleinwächter, Chairperson of the MC-S-CI, reported on the group's last meeting which took place on 13 and 14 October 2011. He considered that the activities and deliverables of the group had implemented most of the tasks under its mandate. The positive feedback received during and after the IGF on Council of Europe's standard-setting texts is particularly encouraging for future work of the Organisation in the field of Internet governance. Suggestions for follow-up work by the CDMSI included activities to promote a wider stakeholder take-up of the Internet governance principles (e.g. through questionnaires, policy papers, meetings) as well as implementation (e.g. through an observatory, index or other mechanisms). The multi-stakeholder participation working methodology followed by the Council of Europe should also be reinforced. It was suggested to translate the adopted texts into Council of Europe non-official languages.

Ad hoc Advisory Group on Public Service Media Governance (MC-S-PG)

20. The Secretariat up-dated the Bureau on the state of play of the draft Recommendation on Public Service Media Governance. After several consultations and electronic discussions, the draft was approved by e-mail by the CDMC. The Council of Europe Legal Advice Department then expressed the opinion that the draft recommendation should be turned into a draft declaration accompanied by a set of guidelines, but agreed that the original format of a declaration and a recommendation be followed.

21. The Bureau discussed and supported this proposal without a need for further consultation. The drafts should be made available to the CDMC for information and submitted to the Committee of Ministers for possible adoption.

Ad hoc Advisory Group on the Protection of Neighbouring Rights of Broadcasting Organisations (MC-S-NR)

22. The Secretariat informed the Bureau on the state of the two conditions agreed upon for the pursuit of Council of Europe work on a draft Convention on neighbouring rights of broadcasting organisations. Firstly, the European Commission has not yet received a mandate to negotiate a Council of Europe convention. Secondly, there are initiatives within WIPO to pursue its own work on the subject matter, including envisaged consultations with a view to making a recommendation to the 2012 WIPO General Assembly on the possible scheduling of a Diplomatic Conference. The Bureau considered that the subject should remain on the Council of Europe agenda (and hence in the terms of reference of the CDMSI) but, given that neither condition is met at this stage, work should not be resumed while the group of specialists should remain attentive to developments.

7. Discussion on the future work programme of the Steering Committee on Media and Information Society (CDMSI)

23. The draft terms of reference of the CDMSI are currently under consideration by the Rapporteur Group on Human Rights, including submissions made by several delegations. Once the terms of reference have been adopted by the Committee of Ministers, it will be possible to start preparing work plans (see also paragraph 7 above).

8. Stocktaking of CDMC work

24. At its 14th meeting, the CDMC asked the Secretariat to prepare a draft stocktaking document about its work since 2005 for consideration at its next meeting. Progress has not been made in this connection because of heavy Secretariat workload; the Bureau requested that the proposed document be finalised in time for its consideration by the CDMC during the 15th meeting.

9. Implementation of Council of Europe standards on media and new communication services prepared under the authority of the CDMC

25. While the Bureau recalled the CDMC's view that more efforts should be made towards the implementation of instruments prepared under its authority, no specific matter was discussed under this item.

10. 10. Next Council of Europe Conference of Ministers responsible for Media and New Communication Services

26. Having regard to the preliminary discussions that took place during the 14th CDMC meeting, the Secretariat approached Žiga Turk, Ren Reynolds and Evgeny Morozov who might contribute to discussions on the theme of the next Ministerial Conference. The latter responded from the outset that his agenda would not allow him to contribute to this discussion, while the others considered the subject identified by the CDMC as very relevant and worth exploring further. However, Žiga Turk subsequently explained that he would not, at this stage, be able to take part in discussions or contribute in writing; Ren Reynolds agreed to produce a discussion paper and to take part in an exchange with the CDMC at the 15th meeting.

27. Garegin Chugaszyan reported on the conference on Political Communication in the Era of New Technologies (Warsaw, 22 and 23 September 2011), which he attended on behalf of the CDMC.

11. Internet Governance and implementation of WSIS action lines

EuroDIG, Belgrade 30-31 May 2011

28. Lee Hibbard, Council of Europe Coordinator for Information Society and Internet Governance, provided information on this subject. He also announced that the next EuroDIG will take place in Stockholm on 14 and 15 June 2012.

29. The Bureau discussed the sustainability of EuroDIG. It agreed that a draft declaration be prepared on the subject and submitted to the CDMC at its 15th meeting. Maja Rakovic (Serbia) kindly agreed to prepare a draft.

IGF, Nairobi, 27-30 September 2011

30. Lee Hibbard, Council of Europe Coordinator for Information Society and Internet Governance, together with Bureau members who also participated, provided information on the Council of Europe's participation in the IGF. Mr Hibbard also informed that the next IGF will take place in Baku (Azerbaijan) in September or October 2012 with human rights as an overarching theme.

31. Lee Hibbard also announced a series of conferences and events on Internet governance and information society in the near future in which the Council of Europe will be represented.

12. Information on the work of, and co-operation with, other Council of Europe bodies, of interest to the CDMC

a). Parliamentary Assembly of the Council of Europe (PACE)

32. The Bureau took note of the motion for a recommendation on the revision of the European Convention on Transfrontier Television (5 October 2011). Further consideration might be given to ways in which to respond to the demand by member states for a convention while, at the same time, fully taking into account the European Commission's arguments.

33. The Chairperson drew the attention of the Bureau to the Report on Fight against terrorism, presented during the last session of the parliamentary Assembly, regretting that, although it mentions the need for a revision of anti-terrorism legislations, it makes no reference to the Reykjavik resolution on the subject.

b). Steering Committee for Human Rights (CDDH)

c). Committee of Experts for the Development of Human Rights (DH-DEV)

d). European Committee on Legal Cooperation (CDCJ)

e). Consultative Committee on the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD)

34. The Secretariat of the T-PD informed the Bureau on the state of play of the modernisation process of the Convention 108 as well as on other data protection issues.

f). Cybercrime Convention Committee (T-CY) and Octopus conference

g). Steering Committee for Equality between Women and Men (CDEG)

h). Committee of Experts on terrorism (CODEXTER)

i). European Committee for Social Cohesion (CDCS)

j). Forum on the Future of Democracy (FFD)

k). 2011 Exchange on the religious dimension of the intercultural dialogue – Luxembourg

35. The Secretariat informed the Bureau about the up-coming Exchange on the religious dimension of the intercultural dialogue, that, this year again, will focus on media.

l). Cooperation and assistance activities in the field of media

36. The Secretariat informed the Bureau on the subject.

13. Other information of interest to the work of the CDMC and the Bureau

Digital Agenda: high-level group to discuss freedom and pluralism of the media across the EU

37. The Bureau discussed the EC's project. It decided to ask the Council of Europe Secretary General to write to EC Commissioner Neelie Kroes, welcoming the initiative, recalling that there is a wealth of Council of Europe standards relevant to the work of that group and suggesting the need for synergies and to avoid duplication. The Chairperson of the CDMC will, for his part, contact informally his fellow Latvian national, the group's chairperson (former President of Latvia, Professor Vaira Vīķe-Freiberga) in similar terms.

38. More generally, the Bureau observed that the Council of Europe's failure to go more resolutely into monitoring Article 10 or media freedom-related matters left a void that is now being filled by others. In the Bureau's view, it would be desirable that any monitoring takes account of Council of Europe standards with clear human rights perspective.

14. Administrative and budgetary matters

39. See item 3

15. Other business

APPENDIX I

LIST OF PARTICIPANTS

Members

Mr Andris MELLAKAULS (Chair)
Member
Advisor to the Minister of Culture
National Broadcasting Council
LATVIA

Mr Garegin CHUGASZYAN
Executive Director
IT Foundation
ARMENIA

Mrs Elfa Yr GYLFADOTTIR
Head of Division
Department of Cultural Affairs
Ministry of Education, Science and Culture
ICELAND

Ms Els HENDRIX
Internationale Zusammenarbeit im Medienbereich; Rundfunk
International Media Cooperation
Der Beauftragte der bundesregierung für Kultur und Medien
GERMANY

Mr Emir POVLAČIĆ
Head of Division for Licensing
Digitalization and Coordination in Broadcasting
Communications Regulatory Agency
BOSNIA-HERZEGOVINA

Ms Maja RAKOVIĆ
Ministry of Foreign Affairs
SERBIA

Mr Thomas SCHNEIDER
Federal Office of Communications
SWITZERLAND

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Participants

Mr Wolfgang KLEINWÄCHTER
Chair, Ad hoc advisory group on cross-border internet (MC-S-CI)
Professor, University of Aarhus
International Association for Media and Communication Research (IAMCR)

Secretariat

Jan MALINOWSKI, Head of Division, Media Division

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Lee HIBBARD, Head of Division, Information Society Division
Sophie KWASNY, Administrator, Data Protection and Cybercrime Division
Alessandra PIERUCCI, Administrator, Media Division
Elvana THAÇI, Administrator, Information Society Division
Natalia VOUTOVA, Administrator, Media Division
Anne BOYER-DONNARD, Administrative Assistant Principal, Media Division