

**2nd meeting, 17-18 March 2021
Online meeting via KUDO**

MEETING REPORT

Opening of the meeting

1. Mr Jan Kleijssen, Director, Information Society - Action against Crime Directorate, Directorate General Human Rights and Rule of Law, opened the meeting and welcomed members and participants, stressing the importance of the MSI-DIG work, also in the light of the Organisation's priorities. Acknowledging that the absence of on-site meetings and exchanges (due to restrictions on travel and public gatherings) make the tasks before the MSI-DIG even more demanding, he expressly thanked the rapporteurs – Ms Alexandra Borchardt, Mr Cristian Vaccari and Mr Joe McNamee – for transposing the ideas collected and generated by the committee into solid and well-advanced drafts. He also expressed appreciation for the efforts made towards coordination of standard-setting work with the other two Expert Committees subordinate to the [CDMSI](#)¹ ([MSI-REF](#)² and [ADI/MSI-DIS](#)³) and thanked Ms Natali Helberger, the Chair, and other MSI-DIG members involved. Mr Kleijssen further informed the Expert Committee about the Organisation's ongoing work on a Strategic framework for 2022-2025; the setting up of a working group to develop the Council of Europe's digital strategy; about adoption by the [CAHAI](#)⁴ of the Feasibility study on a legal framework on AI design, development and application; and the approaching [Conference of Ministers responsible for Media and Information Society](#) – to take place on 10-11 June 2021, online.
2. The agenda of the meeting (Appendix 1) was adopted without amendment. Of the 53 participants (Appendix 2), there were 33 women (62%) and 20 men (38%). The meeting was attended by 12 members; Mr Michael Kogler (Austria) apologised.
3. Ms Elena Dodonova, Secretary of the MSI-DIG, provided additional information about the [Ministerial Conference](#) programme and the potential that it offers for visibility of the work of the MSI-DIG; the coordination meeting with the [MSI-REF](#) Chair and rapporteurs of 4 March 2021 and further steps for ensuring due alignment

¹ Steering Committee on Media and Information Society

² Committee of Experts on Media Environment and Reform

³ Committee of Experts on Combating Hate Speech, also subordinate to the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)

⁴ Ad hoc committee on Artificial Intelligence

of the texts in development by the two Expert Committees; agreement with the [ADI-MSI-DIS](#)⁵ about exchanging comments between the two Expert Committees on their respective deliverables; (iv) other developments in the Organisation of relevance for MSI-DIG (i.e., the [report on "Prioritisation uncovered: The Discoverability of Public Interest Content Online"](#) and the upcoming Study on the impact of digital transformation on democracy and good governance).

4. Ms Urska Umek, Secretary of the [MSI-REF](#), provided a detailed account about the subject-matter, approaches taken and the state of preparation of the three deliverables under the mandate of this Expert Committee: (i) draft recommendation on principles for media and communication governance; (ii) draft recommendation on electoral communication and media coverage of election campaigns; (iii) draft guidance note on the prioritisation of public interest content.
5. The ensuing discussion focused on the structure and content of the deliverables under the MSI-DIG mandate. The MSI-DIG welcomed the revised drafts, as prepared by the rapporteurs, commending the development of the texts, the rapporteurs' reflection of the issues discussed at the first meeting and the effort to integrate as many comments as possible.

Conclusions and decisions

Draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation

6. With respect to the *draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation*, the MSI-DIG once again took note of the new structure of the document comprising the actual guidance note and the explanatory memorandum.
7. Ms Louisa Klingvall (European Commission) offered some clarifications to the text of the explanatory memorandum in relation to the description of the objectives, monitoring and results of the EU Code of conduct on countering illegal hate speech online, which the MSI-DIG duly took note of.
8. The MSI-DIG observed that the explanatory memorandum has not raised any comments on the substance in the last revision round and agreed to concentrate on the text of the guidance note. Recalling the roadmap adopted at the first meeting, the Expert Committee agreed to examine the draft guidance note item by item with a view to its eventual finalisation.
9. In the course of the meeting, the MSI-DIG revised the text of the guidance note making the following main changes: aligning the terminology throughout the text, ensuring a clear structure and maximum concision; specifying where appropriate to which stakeholders concrete guidelines are addressed; making sure that the approach taken in the text is consonant with that of [ADI/MSI-DIS](#) and duly takes into account the EU's ongoing work of the Digital Services Act (DSA).
10. As the result of this revision, the MSI-DIG agreed per consensus on the *draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation*, as finalised on 18 March 2021. The Expert Committee entrusted the Secretariat with the final editorial review of the text (such as formatting and any remaining minor

⁵ ADI/MSI-DIS is working on a draft recommendation on a comprehensive approach to addressing hate speech within a human rights framework, including in the online environment.

edits), in cooperation with the rapporteur Joe McNamee, before submitting it to the [CDMSI](#) for discussion at the next Plenary meeting.

Draft recommendation by the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression

11. With respect to the *draft recommendation by the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression*, the MSI-DIG welcomed feedback by the rapporteurs Alexandra Borchardt and Cristian Vaccari from the coordination meeting with [MSI-REF](#) which has demonstrated very good alignment in the approaches of the two Expert Committees. The Expert Committee took note that the use of terminology and definitions by MSI-DIG and [MSI-REF](#) will still need to be harmonised, and some substance solutions to clearly distinguish the remits will be needed.
12. The MSI-DIG further took note of information by the Secretariat about the Council of Europe Committee of Ministers' criteria regarding the format of standard-setting instruments, which will require the shortening of the preamble of the draft recommendation.
13. The Expert Committee discussed the draft recommendation item by item focusing especially on the elements that still to be included or further elaborated. Among others, the MSI-DIG discussed the best ways to define the range of business actors covered by the text; to duly integrate the multi-stakeholder perspective – in view of many comments highlighting problematic aspects of internet governance previously received; to offer the highest possible level of protection to human rights, at the same time ensuring that respective recommendations are time-proof.
14. As to the timelines and follow-up, a deadline of 25 March 2021 was set for written comments on the draft recommendation, whereupon the rapporteurs will revise the text, to be then sent to the Expert Committee for comments alongside with presenting it to the CDMSI for discussion at the next Plenary meeting. The further revised draft will be published on the MSI-DIG webpage to allow for open consultation.

Any other business

15. The third MSI-DIG meeting will take place in September 2021, in the second half of the month. Concrete dates of the meeting will be defined based on a survey, to be sent by the Secretariat.
16. In line with established practice, the Secretariat will prepare a draft meeting report to be sent to the Chair and Vice-Chair for consideration. Thereafter, the Secretariat will send the draft report to the MSI-DIG, allowing for comments within five full working days. In the absence of comments the report will be deemed finalised and will be transmitted to the CDMSI for information.

Appendix 1

AGENDA

17 March 2021

09:30 – 10:30

1. Opening of the meeting by Jan Kleijssen, Director, Information Society - Action against Crime Directorate, Directorate General Human Rights and Rule of Law
2. Adoption of the agenda
3. Information by the Secretariat - Information on relevant standard-setting and reference work of other Committees of experts subordinate to the Steering Committee on Media and Information Society (CDMSI)

10:30 – 12:00

4. Discussion of the draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation, with a view to possible finalisation of the document

13:30 – 16:00

5. Continuation of point 4

18 March 2021

09:30 – 12:00

6. Discussion of the draft recommendation by the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression

13:30 – 15:30

7. Continuation of point 6

15:30 – 16:00

8. Other business
9. Date and time of next meeting

Appendix 2 / Annexe 2

LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

COMMITTEE MEMBERS / MEMBRES DU COMITÉ

REUTERS INSTITUTE FOR THE STUDY OF JOURNALISM / INSTITUT REUTERS POUR L'ETUDE DU JOURNALISME	Ms/Mme Alexandra BORCHARDT Head of Digital Journalism Fellowship, Hamburg Media School; Senior Research Associate, Reuters Institute for the Study of Journalism <i>Responsable de la bourse de journalisme numérique, École des médias de Hambourg ; Associée de recherche principale, Institut Reuters pour l'étude du journalisme</i>
UNIVERSITY OF AMSTERDAM / UNIVERSITÉ D'AMSTERDAM	Ms/Mme Natali HELBERGER Professor of Law and Digital Technology, with a special focus on AI, University of Amsterdam, The Netherlands <i>Professeure de droit et de technologie numérique, avec un accent particulier sur l'IA, Université d'Amsterdam, Pays-Bas</i>
ACCESS NOW / ACCESS NOW	Ms/Mme Fanny HIDVÉGI Europe Policy Manager <i>Responsable de la politique européenne</i>
FEDERAL CHANCELLERY / CHANCELLERIE FEDERALE	Mr/M Michael R. KOGLER Legal advisor, Deputy Head of Department for Media (Law), Political Parties (Law), Federal Chancellery, Austria - apologised <i>Conseiller juridique, Chef adjoint, Département des médias (Droit), des partis politiques (Droit), Chancellerie fédérale, Autriche – excusé</i>
UNIVERSITY OF BELGRADE / UNIVERSITE DE BELGRADE	Mr/M Đorđe KRIVOKAPIĆ Assistant Professor, Business Systems Organisation Department, Faculty of Organisational Sciences <i>Professeur assistant, Département d'organisation des systèmes d'entreprise, Faculté des sciences organisationnelles</i>
KU LEUVEN CENTRE FOR INFORMATION TECHNOLOGY & INTELLECTUAL PROPERTY LAW / CENTRE DE DROIT DE L'INFORMATIQUE ET DE LA PROPRIETE INTELLECTUELLE DE LA KU LEUVEN	Ms/Mme Aleksandra KUCZERAWY Post-doctoral Researcher, Lecturer in Media Law <i>Chercheuse postdoctorale, Conférencière en curriculum de droit des médias</i>
	Mr/M Joe McNAMEE Independent Consultant, Ireland <i>Consultant indépendant, Irlande</i>
MINISTRY OF FOREIGN AFFAIRS / MINISTERE DES AFFAIRES ETRANGERES	Mr/M Viktors MAKAROVŠ Special Envoy on Information Security Issues, Ministry of Foreign Affairs, Latvia <i>Envoyé spécial pour les questions de sécurité de l'information, Ministère des affaires étrangères, Lettonie</i>
KING'S COLLEGE LONDON / KING'S	Mr/M Martin MOORE Senior Lecturer in Political Communication Education &

COLLEGE DE LONDRES	Director of the Centre for the Study of Media, Communication and Power <i>Maître de conférences en éducation à la communication politique et Directeur du Centre pour l'étude des médias, de la communication et du pouvoir</i>
DEPARTMENT FOR DIGITAL, CULTURE, MEDIA AND SPORT (DCMS) / <i>DEPARTEMENT POUR LE NUMERIQUE, LA CULTURE, LES MEDIAS ET LE SPORT (NCMS)</i>	Ms/Mme Katie MORRIS Head of Online Harms Regulatory Policy, Department for Digital, Culture, Media and Sport (DCMS), United Kingdom <i>Responsable de la politique de réglementation des préjudices en ligne, Département pour le numérique, la culture, les médias et le sport (NCMS), Royaume-Uni</i>
UNIVERSITY OF TARTU / UNIVERSITE DE TARTU	Ms/Mme Karmen TURK Lawyer and partner at a pan-Baltic law firm TRINITI, Estonia; lecturer in IT-Law program, University of Tartu, Estonia <i>Avocate et associée d'un cabinet juridique pan-balte TRINITI, Estonie ; Conférencière en curriculum de droit informatique, Université de Tartu, Estonie</i>
LOUGHBOROUGH UNIVERSITY / UNIVERSITÉ DE LOUGHBOROUGH	Mr/M Cristian VACCARI Professor of Political Communication and Co-Director of the Centre for Research in Communication and Culture at Loughborough University <i>Professeur de communication politique et co-directeur du Centre de recherche en communication et culture de l'université de Loughborough</i>
SWISS FEDERAL OFFICE OF COMMUNICATIONS / OFFICE FEDERAL SUISSE DE LA COMMUNICATION	Ms/Mme Livia WALPEN Senior Policy Advisor for International Relations <i>Conseillère politique principale pour les relations internationales</i>

COUNCIL OF EUROPE MEMBER STATES / ÉTATS MEMBRES DU CONSEIL DE L'EUROPE

DENMARK/ DANEMARK	Ms/Mme Laura HVASS JØRGENSEN Danish Ministry of Justice <i>Ministère de la justice du Danemark</i>
GEORGIA/ GEORGIE	Mr/M Levan MAISURADZE Chief Specialist of Legal Department, Georgian National Communications Commission <i>Spécialiste en chef du département juridique, Commission nationale géorgienne des communications</i>
GEORGIA/ GEORGIE	Ms/Mme Nino GRDZELISHVILI Head of International Relations and Project Management Office, Georgian National Communications Commission <i>Chef du Bureau des relations internationales et de la gestion de projet, Commission nationale géorgienne des communications</i>
ROMANIA / ROUMANIE	Ms/Mme Alexandra ENESCU University lecturer PhD, associate professor at the University of Bucharest. Bureau Chief - Public Relations Department <i>Professeur de doctorat à l'Université de Bucarest. Chef du Bureau - Département des relations publiques</i>

ROMANIA / ROUMANIE	Ms/Mme Raluca DOCA Expert within the Directorate of Public Policies and Priorities <i>Experte au sein de la Direction des politiques publiques et des priorités</i>
RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE	Mr/M Alexey PEREVOSHCHIKOV Deputy Director, Directorate of International Relations of the All-Russian State Television and Radio Broadcasting Company <i>Directeur adjoint de la Direction des relations internationales de la Société nationale de télévision et de radiodiffusion de Russie</i>
RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE	Mr/M Alexey SAZHINOV Deputy to the Permanent Representative of the Russian Federation to the Council of Europe <i>Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe</i>
TURKEY / TURQUIE	Mr/M Mehmet Zübeyr ŞENGÜL Expert, Official from Radio and Television Supreme Council, Ankara <i>Expert, Fonctionnaire du Conseil supérieur de la radio et de la télévision, Ankara</i>
TURKEY / TURQUIE	Mr/M Yakup YILDIRIM Counsellor (Rapporteur Judge), Permanent Representation of Turkey to the Council of Europe <i>Conseiller (Juge rapporteur), Représentation permanente de la Turquie auprès du Conseil de l'Europe</i>
TURKEY / TURQUIE	Mr/M Taha YÜCEL Member of Radio and Television Supreme Council, Ankara <i>Membre du Conseil Supérieur de l'Audiovisuel, Ankara</i>
TURKEY / TURQUIE	Mr/M Ege IRAK Assistant Expert <i>Expert adjoint</i>

NON-MEMBER STATES HAVING OBSERVER STATUS WITH THE COUNCIL OF EUROPE /

ETATS NON-MEMBRES AYANT LE STATUT D'OBSERVATEUR AUPRES DU CONSEIL DE L'EUROPE

N/a

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

ACCESS NOW / ACCESS NOW	Ms/Mme Eliska PIRKOVA Europe Policy Analyst <i>Analyste des politiques européennes</i>
UNESCO / UNESCO	Mr/M Guilherme CANELA Chief of Freedom of Expression Section <i>Chef de la Section de la liberté d'expression</i>
UNESCO / UNESCO	Ms/Mme Xianhong HU Program Specialist, Sector of Digital Transformation <i>Spécialiste de programme, secteur de la transformation numérique</i>
UNESCO / UNESCO	Mr/M Rachel POLLACK Associate Programme Specialist, Freedom of Expression and Safety of Journalists Section <i>Spécialiste associée du programme, Section de la liberté d'expression et de la sécurité des journalistes</i>

<p>EUROPEAN BROADCASTING UNION (EBU) / UNION EUROPÉENNE DE RADIO-TÉLÉVISION (UER)</p>	<p>Ms/Mme Nicola FRANK Head of Institutional and International Relations <i>Responsable des relations institutionnelles</i></p>
<p>ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) / ORGANISATION POUR LA SÉCURITÉ ET LA COOPÉRATION EN EUROPE (OSCE)</p>	<p>Ms/Mme Julia HAAS Assistant Project Officer, Office of the Representative on Freedom of the Media <i>Chargée de projet adjoint, Bureau du Représentant pour la liberté des médias</i></p>
<p>ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) / ORGANISATION POUR LA SÉCURITÉ ET LA COOPÉRATION EN EUROPE (OSCE)</p>	<p>Ms/Mme Deniz WAGNER Advisor, Office of the Representative on Freedom of the Media <i>Conseillère, Bureau du Représentant pour la liberté des médias</i></p>
<p>EUROPEAN COMMISSION / COMMISSION EUROPÉENNE</p>	<p>Ms/Mme Diana VLAD-CÂLCIC Policy Officer, Directorate-General for Communication Networks, Content and Technology, e-commerce & Platforms <i>Responsable des politiques, Direction générale des réseaux de communication, du contenu et de la technologie, du commerce électronique et des plates-formes</i></p>
<p>EUROPEAN COMMISSION / COMMISSION EUROPÉENNE</p>	<p>Ms/Mme Louisa KLINGVALL Policy Officer, Directorate General Justice and Consumers Unit C.2. Fundamental Rights Policy Unit <i>Responsable des politiques, Direction générale de la justice et des consommateurs Unité C.2. Unité de politique des droits fondamentaux</i></p>
<p>EUROPEAN COMMISSION / COMMISSION EUROPÉENNE</p>	<p>Mr/M Ruairi HARRISON BlueBook trainee, Digital Services and Platforms Unit, Directorate-General for Communications Networks, Content and Technology <i>Stagiaire BlueBook, unité des services et plates-formes numériques, Direction Générale des réseaux de communication, du contenu et de la technologie</i></p>
<p>EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DES DROITS FONDAMENTAUX DE L'UNION EUROPÉENNE</p>	<p>Mr/M David REICHEL Project Manager, Fundamental Rights Agency, Social Research, Research and Data Unit <i>Chef de projet, Agence des droits fondamentaux, Unité de recherche sociale, de recherche et de données</i></p>
<p>EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DES DROITS FONDAMENTAUX DE L'UNION EUROPÉENNE</p>	<p>Ms/Mme Elise LASSUS Research Officer, Fundamental Rights Agency, Freedoms and Justice Department <i>Chargée de recherche, Agence des droits fondamentaux, Département des libertés et de la justice</i></p>

MICROSOFT / MICROSOFT	Ms/Mme Evdoxia NERANTZI Policy Manager, European Government Affairs, CELA, Corporate, External and Legal Affairs <i>Policy Manager, Affaires gouvernementales européennes, CELA, Affaires générales, externes et juridiques</i>
ICON / ICON	Ms/Mme Lennig PEDRON ICON, Co-founder & President, Switzerland <i>ICON, co-fondateur et président, Suisse</i>
ARTICLE 19/ ARTICLE 19	Ms/Mme Maria Luisa STASI Senior Legal Officer, Article 19, Defending freedom of expression and information, United Kingdom <i>Conseillère juridique principale, Article 19, Défendre la liberté d'expression et d'information, Royaume-Uni</i>
FACEBOOK / FACEBOOK	Ms/Mme Kathleen STEWART Public Policy Manager, Content Regulation Department Content Regulation and Algorithmic policy <i>Gestionnaire des politiques publiques, département de réglementation du contenu, réglementation du contenu et politique algorithmique</i>
RANKING DIGITAL RIGHTS / RANKING DIGITAL RIGHTS	Ms/Mme Amy BROUILLETTE Research Director <i>Directrice de recherche</i>

SECRETARIAT / SECRETARIAT

DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW / DIRECTION GENERALE DROITS DE L'HOMME ET ETAT DE DROIT	Mr/M Jan KLEIJSEN Director, Information Society – Action against Crime Directorate, Directorate General Human Rights and Rule of Law <i>Directeur, Direction de la société de l'information et de la lutte contre la criminalité, Direction générale Droits de l'Homme et Etat de droit</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Mr/M Patrick PENNINGCKX Head of Information Society Department <i>Chef du Service de la société de l'information</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Ms/Mme Artemiza-Tatiana CHISCA Head of Media and Internet Division, Secretary to the Steering committee on media and information society (CDMSI) <i>Chef de la Division médias et internet, Secrétaire du Comité directeur sur les médias et la société d'information (CDMSI)</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Ms/Mme Urška UMEK Head of Unit. Media and Internet Division <i>Chef d'unité. Division médias et internet</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA	Ms/Mme Elena DONONOVA Administrator and Secretary to the Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG), Media and Internet Division

<i>SOCIETE DE L'INFORMATION</i>	<i>Administratrice et Secrétaire du Comité d'experts sur la liberté d'expression et les technologies numériques (MSI-DIG), Division médias et internet</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Mr/M Yannick MENECEUR Head of Digital Development Unit <i>Chef d'Unité de Développement numérique</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Ms/Mme Rodica CIOCHINA Media and Internet Governance Unit <i>Unité des médias et gouvernance de l'Internet</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Ms/Mme Daria CHEREPANOVA Assistant, Division for Co-operation on Freedom of Expression <i>Assistante, Division de la coopération sur la liberté d'expression</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Ms/Mme Julie-Sarah PAUGET Trainee, Data Protection Unit <i>Stagiaire, Unité de protection des données</i>
INFORMATION SOCIETY DEPARTMENT / SERVICE DE LA SOCIETE DE L'INFORMATION	Ms/Mme Emma GRUDEN Trainee, Media and Internet Governance Unit <i>Stagiaire, Unité des médias et gouvernance de l'Internet</i>

INTERPRETERS / INTERPRÈTES

Isabelle MARCHINI

Didier JUNGLING

KUDO TECHNICIAN / OPERATRICE KUDO

Claire DUNCOMBE