Committee of Experts on Increasing Resilience of the Media (MSI-RES)

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

1st meeting, 31 March – 1 April 2022
(Strasbourg, Palais de l'Europe, Room 8, and online)

MSI-RES(2021)03
19 April 2021

Meeting report

Opening and agenda

1. The meeting was opened by Mr Jan Kleijssen, Director, Information Society – Action against Crime, who informed the members and participants about the recent developments in the Council of Europe. Mr Kleijssen evoked the Committee of Ministers' decision of 16 March 2022 to exclude the Russian Federation from the Council of Europe due to its aggression against Ukraine, adding that despite the difficult situation which led the Organisation to adjust some of its activities, its main objectives have not changed. In the area of media and information, issues surrounding journalists' safety, media sustainability and innovation are high on the agenda, and the two expected deliverables of the MSI-RES are to make an important contribution to these objectives. The Council of Europe has already accomplished a substantial body of work on the issue of AI; based on the elements of a legal framework on AI prepared by the former Ad-Hoc Committee on Artificial Intelligence, a new intergovernmental committee is discussing a convention on the issue. Given the mounting evidence about the risks posed by certain AI applications, it is important to find solutions that will help member states and other relevant stakeholders towards human rights-compliant and safe use of AI, transversally as well as in specific sectors of industry.

2. The Committee of Experts was welcomed by Mr Taavo Lumiste, Chair of the Steering Committee on Media and Information Society (CDMSI) which guides and oversees the work of the MSI-RES. Mr Lumiste encouraged regular coordination and open exchanges with the CDMSI, stressing that in the world of many unexpected developments it is crucial to maintain a strategic view and provide coordinated responses to the arising challenges. Both the empowerment of independent pluralistic media and the use of digital tools including AI are urgent topics and it will be important for the MSI-RES to prepare advanced texts by autumn 2023, with clear and implementable guidance for the member states. Another two expert committees have been set up under CDMSI's supervision; the Committee of Experts on the integrity of online information (MSI-INF) is preparing a guidance note on fact-checking and platform design solutions to counter the spread of online mis- and disinformation and the Committee of Experts on strategic lawsuits against public participation (MSI-SLP) is preparing a draft recommendation on SLAPPs.

3. The agenda (Appendix I) was adopted without change. According to the list of participants (Appendix II), of 23 members and participants, there were 11 women (48%) and 12 men (52%). The meeting was attended by twelve members (nine in person and three online) as the Committee is currently awaiting replacement election to fill a vacancy.

Elections and appointments

4. The MSI-RES unanimously elected Mr Ramón Salaverría, Professor of Journalism at the Center of Internet Studies & Digital Life, University of Navarra, as Chair, and Mr Manuel Puppis, Professor of Media Structures and Governance in the Department of Communication and Media Research, University of Fribourg, as Vice-Chair. Ms Ludmila Andronic, Lecturer in the Department of Journalism and Communication Sciences of the Moldova State University, was appointed Gender Equality Rapporteur. In line with Article 12e of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, the term of office of the Chair and Vice-Chair is one year, renewable once.

5. The Committee also designated two drafting rapporteurs to work on each of the two documents it is tasked to prepare. Ms Natali Helberger, Professor in information law at the Institute for Information Law, University of Amsterdam, and Mr Richard Fletcher, Senior Research Fellow at the Reuters Institute for the Study of Journalism, University of Oxford, were entrusted with the preparation of the Draft guidelines on the use of digital tools including artificial intelligence for journalism/by journalists. Ms Elda Brogi, Professor (part-time) at the European University Institute, Florence, and Scientific Coordinator at the Centre for Media Pluralism and Media Freedom, and Ms Helle Sjøvaag, Professor of Journalism at the University of Stavanger, were entrusted the with the preparation of Good practices for sustainable media funding.

Conclusions and decisions

6. The MSI-RES took note of its Terms of Reference and Resolution CM/Res(2021)3. It discussed the scope, elements and structure of the two deliverables it is expected to finalise by the end of its mandate in December 2023:
   - Draft Guidelines on the use of digital tools including artificial intelligence (AI) for journalism/by journalists
   - Good practices for sustainable media financing

7. **The Draft Guidelines on the use of digital tools including artificial intelligence (AI) for journalism/by journalists** will explore how digital technologies including AI can help increase media resilience. MSI-RES decided to focus on news media and formulate useful guidance for both journalists as the producers of news content and, in a wider perspective, for journalism as a public good as well as a business.

8. The Guidelines will build on several existing instruments including the Committee of Ministers' recommendations CM/Rec(2020)1 on the human rights impacts of algorithmic systems (regarding the design, development and deployment of AI systems), CM/Rec(2022)4 on promoting a favourable environment for quality journalism in the digital age (regarding the basic principles of ethical use of AI in media production and dissemination), CM/Rec(2022)11 on principles for media and communication governance (regarding the procedural principles for enacting frameworks on AI in journalism, as well as principles of transparency, explainability and accountability of AI in content production/dissemination), etc. The MSI-RES will also follow the work of the Committee on Artificial Intelligence (CAI) which will in parallel negotiate a legal instrument (a convention) on the development, design and application of artificial intelligence systems based on the Council of Europe's standards. In so far as relevant, the MSI-RES will align its approaches to those outlined in the instrument prepared by the CAI.

9. The Guidelines will address primarily states and the media sector but also include guidance to other relevant actors involved in different stages of the AI development lifecycle. As to the material scope, the Guidelines will encompass the AI lifecycle as applied to the media processes: newsgathering, production, dissemination and use. The structure of the document can combine this categorisation with one that follows different levels of impact: individual level (the use of AI by journalists), organisational/newsroom level (AI in journalistic processes) and societal level (AI benefiting public debate).

10. Regarding the elements to be included in the Guidelines, it was emphasised that the design and development of AI-powered tools used in journalism should comply with certain universal principles related to the ethical use of AI including contestability, accountability and explainability. The

instrument should explore how to augment and improve journalistic processes with AI. It should further analyse the interdisciplinary nature of the AI lifecycle and the involvement of various other professions (engineers, data scientists) in these processes, also examining where human intervention is most relevant in the AI lifecycle and how to mitigate its potential failures. Another important issue to address is procurement, as many news outlets do not have the scale and resources to develop their own technology and therefore cannot obtain tools adapted to their needs. In this connection, the Committee discussed the role of public service media (PSM) in the development of AI-powered tools serving the public interest and how to embed in them the values of universality, diversity, inclusion, relevance, serendipity etc. It was decided that references to the existing ethical guidelines and best practices in the use of AI in journalism would be appended to the Guidelines.

11. A number of opportunities and challenges for the use of AI have been identified by the Committee across different stages of journalistic processes. The most important impacts of AI in journalism were considered to concern editorial decision making and the dissemination of news content. The Expert Committee members pointed to the changing role of journalists and editors and the consequent weakening of their autonomy, while AI developers are gaining relevance in the automatic editorial decision-making processes. Also, AI systems are not only used for content creation; the Guidelines will need to consider their role in gathering data, processing, fact-checking, transcribing, translating, etc. Regarding media dissemination, personalisation technologies (news recommender systems) will be a focus, with possible distinctions between guidance for commercial media and PSM which have different responsibilities and whose role in innovation should be emphasised. One of the main questions is how to optimise the recommender systems for editorial values, such as diversity and objectivity, and how to ensure their uptake. The Guidelines will also address the dissemination infrastructure and explore how infrastructure "for public good" could be created and what obligations states might have in this regard, especially through investments in innovation and education. In terms of media use, the media audiences' interests need to be properly addressed in the Guidelines, particularly regarding the role of AI in accessing news, the inclusion of the technical components and education on AI in media and information literacy programmes and ways to enhance exposure diversity in light of the multi-platform media consumption. AI-related components should also be included in journalism studies and training programmes.

12. The MSI-RES is furthermore tasked with drafting **Good practices for sustainable media financing**, a document which is to focus on selected funding models and schemes that have proved impactful, exploring their potential to be multiplied in other Council of Europe member states. In addition to analysing successful funding practices, the report will define persistent challenges and provide recommendations on how to mitigate them. The collection of Good practices will be based on desk-based analysis of the existing research, a survey among the Council of Europe member states (circulated in the CDMSI and possibly EPRA) and specific targeted research. Different systems will be compared, since the same measures can produce different effects in different countries; however, the document will not aim to provide a comprehensive review, but rather to highlight the most important models and trends.

13. The Committee identified a number of problems in media financing that require responses, ranging from the reduced ability of the media sector to monetise its products distributed on digital platforms to insufficient willingness of the audiences to pay for news and the limited viability of new funding and ownership forms. Particular challenges are posed by state funding which can be beneficial but also create various dependencies and imbalances. Direct and indirect media subsidies can provide valuable support only if allocated in a transparent, independent and non-discriminatory manner, pointing to the relevance of procedural principles for media governance. Several other possible solutions and examples of concrete funding models/schemes were shared by the members; targeted subsidies can help revive local or regional media, support innovation, and be used to finance publications in minority languages. States can also provide legislative and regulatory frameworks conducive to the sustainable media ecosystems, especially in the areas of taxation and competition. The trends in advertising revenue – and especially the shift of this revenue to platforms – should be explored, as well as different ways of funding provided by platforms. The media are experimenting with several alternative sources of funding and ownership; however, their impact can vary.

14. It will be important for the collection of Good practices to define some indicators for successful funding models and, in this context, articulate the concept of resilience encompassing financial viability and other conditions such as employment security, level of redundancy, ability to perform in various uncertain situations, to hold political systems accountable, to enjoy trust in news sources, etc. Regarding the media consumption side, different national realities were emphasised; in some markets alternative sources of revenue can be important, while in others the audiences are less inclined to pay for their news. It will be important to explore whether good practices could be found – or, based on the available research, recommendations made – concerning MIL approaches which may increase people's motivation to pay for news. Nevertheless, quality information should be available to everyone, and the PSM plays a crucial role in that regard. However, in many countries the rules on PSM remit and funding no longer fit the purpose and should be revisited. In this connection, potential obligations to share innovation and skills with certain privately-owned media could allay the concerns about anti-competitive behaviour.

15. Drafting rapporteurs will provide outlines of the documents based on the discussions and conclusions mentioned above, which will be completed on the basis of comments received from other members. The MSI-RES will proceed with its work in line with the MSI-RES Roadmap (Appendix III) agreed in the meeting.

Any other business

16. The MSI-RES agreed to hold its next meeting in Strasbourg on 29-30 September 2022. 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-RES, allowing for comments within five full working days. In the absence of comments, the report will be deemed adopted and will be transmitted to the CDMSI for information.

Appendix I

Agenda

MSI-RES(2022)01
22 March 2022

1st Meeting Draft Agenda
31 March – 1 April 2022
Palais de l'Europe, room 8, and online

1.	**Opening of the meeting** Jan Kleijssen, Director, Information Society - Action against Crime Directorate, Directorate General Human Rights and Rule of Law Taavo Lumiste, Chair of the Steering Committee on Media and Information Society (CDMSI)
2.	**Adoption of the agenda and order of business**
3.	**Information by the Secretariat** Introduction to the working methods and procedures of intergovernmental committees and subordinate bodies (Resolution CM/Res(2021)3) Information on relevant standard-setting and reference work of the Council of Europe
4.	**Tour de table**
5.	**Election of Chairperson and Vice-Chair and appointment of Gender Equality Rapporteur**
6.	**Appointment of rapporteurs for the MSI-RES deliverables**
7.	**Discussion of the deliverables under the MSI-RES mandate:** **(**i) Guidelines on the use of digital tools including artificial intelligence for journalism/by journalists (ii) Good practices for sustainable media financing
8.	**Co-operation with other relevant Council of Europe bodies and committees (and other institutions)**
9.	**Discussion of the road map for the MSI-RES (2022-2023)**
10.	**Any other business**
11.	**Date and place of next meeting**

Thursday, 31 March 2022	
9:30 – 10:00	KUDO testing
10:00 – 10:20	**Opening of the meeting** Jan Kleijssen, Director, Information Society - Action against Crime Directorate, Directorate General Human Rights and Rule of Law Taavo Lumiste, Chair of the Steering Committee on Media and Information Society (CDMSI)
10:20 – 10:25	**Adoption of the agenda**
10:25 – 10:50	**Information by the Secretariat** Working methods of intergovernmental committees and subordinate bodies and relevant standard setting of the Council of Europe
10:50 – 11:10	**Tour de table** Self-introduction of MSI-RES members and introduction of the topics
11:10 – 11:20	**Election** of Chair and Vice-Chair and appointments of Gender Equality Rapporteur and rapporteurs for the MSI-RES deliverables
11:20 – 12:30	**Discussion of the Guidelines** on the use of digital tools including artificial intelligence for journalism/by journalists
12:30 – 14:00	Lunch break
14:00 – 16:30	**Discussion of the Guidelines** – continued
Friday, 1 April 2022	
10:00 – 11:30	**Discussion of the Guidelines** – continued
11:30 – 12:30	**Discussion of a collection of good practices** for sustainable media financing
12:30 – 14:00	Lunch break
14:00 – 16:10	**Discussion of good practices** – continued
16:10 – 16:20	**Road map** for the MSI-RES (2022-2023), **co-operation** with other relevant Council of Europe bodies and committees (and other institutions)
16:20 – 16:30	**AOB**

Appendix II

List of participants / *liste de participants*

1 April 2022

Committee of Experts on Increasing Resilience of the Media (MSI-RES)
Comité d'experts sur le renforcement de la résilience des médias (MSI-RES)

1st meeting, 31 March – 1 April 2022
Hybrid meeting, Council of Europe, Strasbourg

1ére réunion, 31 mars – 1 avril 2022
Réunion hybride, Conseil de l'Europe, Strasbourg

COMMITTEE MEMBERS / *MEMBRES DU COMITÉ*

Ms / Mme Ludmila ANDRONIC Lecturer / *Conférencière* Department of Journalism and Communication Sciences / *Département de journalisme et des sciences de la communication* Moldova State University / *Université d'État de Moldavie* Republic of Moldova / *République de Moldavie*
Ms / Mme Elda BROGI Scientific Coordinator at the Centre for Media Pluralism Media Freedom */ Coordinatrice scientifique au Centre pour le pluralisme des médias et la liberté des médias* Professor (part-time) at the European University Institute / P*rofesseur (à temps partiel) à l'Institut universitaire européen* Florence Italy / *Italie*
Ms / Mme Roxana CLINCIU Deputy director / *Directrice adjointe* Public Diplomacy and Strategic Communication Directorate / *Direction de la diplomatie publique et de la communication stratégique* Ministry of Foreign Affairs / *Ministère des affaires étrangères* Romania / *Roumanie*
Ms / Mme Maria DONDE Head of International Content Policy / *Chef de la politique de contenu international* Office of Communication (OFCOM) / *Bureau de la Communication (OFCOM)* United Kingdom */ Royaume-Uni*
Ms / Mme Céline FLAMMANG Senior policy advisor / *Conseillère* Department of Media, Connectivity and Digital Policy / *Service des médias, de la connectivité et de la politique numérique* Ministry of State / *Ministère d'État* Luxembourg
Mr / M. Richard FLETCHER Senior Research Fellow / *Chercheur principal* Reuters Institute of the Study of Journalism / *Institut Reuters d'étude du journalisme* United Kingdom / *Royaume-Uni*
Ms / Mme Natali HELBERGER Professor in information law / *Professeur de droit de l'information* Institute for Information Law / *Institut du droit de l'information* University of Amsterdam / *Université d'Amsterdam*

Netherlands / *Pays-Bas*
Mr / M. Marko MILOSAVLJEVIĆ Professor, Head of Communication Department / P*rofesseur, Chef du département de la communication* Faculty of Social Sciences / *Faculté des sciences sociales* University of Ljubljana / *Université de Ljubljana* Slovenia / *Slovénie*
Mr/M. Manuel PUPPIS Professor of Media Structures and Governance, Department of Communication and Media Research / *Professeur de structures médiatiques et de gouvernance, Département de communication et de recherche sur les médias* University of Fribourg / *Université de Fribourg* Switzerland / *Suisse*
Mr / M. Ramón SALAVERRÍA Professor of Journalism / *Professeur de journalisme* Center for Internet Studies & Digital Life / *Centre d'études de l'Internet et de la vie numérique* University of Navarra / *Université de Navarre* Spain / *Espagne*
Ms / Mme Helle SJØVAAG Professor of Journalism / *Professeur de journalisme* University of Stavanger / *Université de Stavanger* Norway / *Norvège*
Mr / M. R. L. VREEKAMP Founder of Future Journalism Today Academy / *Fondateur de l'Académie Future Journalism Today* Netherlands / *Pays-Bas*

PARTICIPANTS AND OBSERVERS / *PARTICIPANTS ET OBSERVATEURS*

TURKEY / *TURQUIE*	**Mr / M. Yusuf DEMİRTAŞ** Deputy Head of Department (Acting) / Vice-chef du département Radio and Television Supreme Council (RTUK) / Conseil suprême de la radio et de la télévision (RTUK) International Relations Department / Département des relations internationales **Mr / M. Salih KARABULUT** Expert / *Expert* Radio and Television Supreme Council / *Conseil suprême de la radio et de la télévision* International Relations Department / *Département des relations internationales* **Mr / M. Atakan ERDEM** Expert Radio and Television Supreme Council / *Conseil suprême de la radio et de la télévision* International Relations Department / *Département des relations internationales*

COUNCIL OF EUROPE DEPARTMENTS AND BODIES / DÉPARTEMENTS ET ORGANES DU CONSEIL DE L'EUROPE

STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY (CDMSI) / *COMITÉ DIRECTEUR SUR LES MÉDIAS ET LA SOCIÉTÉ DE L'INFORMATION (CDMSI)*	**Mr / M. Taavo LUMISTE** Chair / *Président*
EUROPEAN AUDIOVISUAL OBSERVATORY / *L'OBSERVATOIRE EUROPÉEN DE L'AUDIOVISUEL*	**Ms / Mme Sophie VALAIS** Senior Legal Analyst / *Analyste juridique principale*

OTHER INSTITUTIONS / AUTRES INSTITUTIONS

ARTICLE 19	**Ms / Mme Maria Luisa STASI** Head of Law & Policy for digital markets / *Responsable du droit et de la politique des marchés numériques*
COMMUNITY MEDIA FORUM EUROPE (CMFE) / *FORUM EUROPÉEN DES MÉDIAS COMMUNAUTAIRES*	**Mr / M. Nicolas HORBER** Vice President / *Vice-président*

NON-MEMBER STATES / ÉTATS NON-MEMBRES

MOROCCO / *MAROC*	**Mr / M. El Mahdi AROUSSI IDRISSI** Director of the legal studies Department, High Authority for Audio-visual Communication (HACA) *Directeur du Département des études juridiques, Haute Autorité de la Communication Audiovisuelle (HACA)* **Mr / M. Othmane ALAMI LAKTIB** Executive, Legal Studies Department, High Authority for Audio-visual Communication (HACA) *Cadre, Département des études juridiques, Haute Autorité de la Communication Audiovisuelle (HACA)* **Ms / Mme Chanaz EL AKRICHI** Head of Division of Cooperation, *Ministry of Culture, Youth and Sports- Department of Communication* *Cheffe de Division de la Coopération, Ministère de la Culture, de la Jeunesse et des Sports- Département de la Communication* **Ms / Mme Meriem KHATOURI** Director of Studies and Media Development, *Ministry of Culture, Youth and Sports- Department of Communication* *Directrice des Etudes et du Développement des Médias, Ministère de la Culture, de la Jeunesse et des Sports*

SECRETARIAT / *SECRETARIAT*

Information Society - Action against Crime Directorate – Direction *de la société de l'information - lutte contre la criminalité*	**Mr / M. Jan KLEIJSSEN** Director / *Directeur*
Information Society Department, Directorate General Human Rights and Rule of Law / *Service de la société de l'information, Direction générale Droits de l'Homme et Etat de droit*	**Mr / M. Patrick PENNINCKX** Head of Department / *Chef de Service*
Information Society Department / *Service de la société 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) / *Chef de la Division médias et internet, Secrétaire du Comité directeur sur les médias et la société d'information (CDMSI)*
Information Society Department / *Service de la société de l'information*	**Ms / Mme Urška UMEK** Secretary of MSI-RES Committee, Head of Media Unit, Media and Internet Division / *Secrétaire du Comité MSI-RES, Chef de l'unité médias, Division médias et internet*
Information Society Department / *Service de la société de l'information*	**Ms / Mme Giulia LUCCHESE** Secretary of MSI-SLP committee / *Secrétaire du Comité MSI-SLP*
Information Society Department / *Service de la société de l'information*	**Ms / Mme Rodica CIOCHINA** Administrator / *Administratrice*
Information Society Department / *Service de la société de l'information*	**Ms / Mme Emma GRUDEN** Assistant / Assistante
Information Society Department / *Service de la société de l'information*	**Ms / Mme Joanna SZELEZNIAK** Assistant / Assistante

INTERPRETERS / *INTERPRETES*
Ms / Mme Sylvie BOUX
Ms / Mme Isabelle MARCHINI

TECHNICIAN KUDO / *TECHNICIEN KUDO*
Mr / M. Antoine BRAUER

Appendix III

Roadmap

2022

31 March – 1 April	**1st MSI-RES meeting** Introduction into working methods and processes. Election of the Chair and Vice-chair, appointment of GE Rapporteur, designation of drafting rapporteurs. Discussion of scope and main issues to be covered in deliverables.
7 April	**22nd CDMSI Bureau meeting** Report of the 1st MSI-RES meeting
May/June	Short outlines of the future deliverables, to be commented on and confirmed by the members via written procedure.
1-3 June	**21st CDMSI Plenary meeting** Report on MSI-RES work progress.
10-15 September	**Preparation of the first drafts of deliverables**
29-30 September	**2nd MSI-RES meeting** Discussion of the draft deliverables, refining of scope, completing the list of issues to be included and the main lines of the texts.
September/October	**23rd CDMSI Bureau meeting** Report on the 2nd MSI-RES meeting
November/December	**22nd CDMSI Plenary meeting** Report on MSI-RES work progress, CDMSI orientation on deliverables.

2023

March/April	**3rd MSI-RES meeting** Discussion of the draft deliverables Agreement to consult with relevant steering and conventional committees and to conduct consultations with other stakeholders on the draft Guidelines.
April	**24th CDMSI Bureau meeting**

	Report on the 3rd MSI-RES meeting and overall work progress. Invitation to CDMSI members to provide feedback on the draft deliverables at the plenary meeting.
June	**23rd CDMSI Plenary meeting**
	Report on MSI-RES work progress and CDMSI feedback on and input into the draft deliverables. Agreement to consult with relevant steering and conventional committees.
September	**4th MSI-RES meeting**
	Discussion and finalisation of the deliverables, considering comments obtained through the consultation process and from the CDMSI members.
October	**25th CDMSI Bureau meeting**
	Report on the 4th MSI-RES meeting and overall work progress. Discussion of the draft deliverables and agreement on submitting them for approval to the CDMSI Plenary.
November/December	**24th CDMSI Plenary meeting**
	Adoption of the deliverables