

22 November 2021

CDMSI-BU(2021)002

Report of the 21st meeting (26-27 October 2021)

(Meeting held via videoconference)

1. Opening of the meeting

The CDMSI Chair, Ms Inge Welbergen, opened the meeting. All Bureau members were present, with the gender distribution among them being two women (30%) and five men (70%).

Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law, welcomed the Bureau members and provided an update on the key developments of relevance for the CDMSI: expected finalisation by CAHAJ of the elements for a legal framework for the regulation of artificial intelligence (AI) by the end of the year, and plans for a successor committee to work on the potential legal instrument; the Council of Europe becoming part of the [GlobalPolicy.AI](#) initiative that brings together eight intergovernmental organisations to promote global co-operation on artificial intelligence. He further congratulated the Bureau and the CDMSI on the successful holding of the Ministerial Conference in June 2021, stressing the importance of resolute and timely follow-up action by the governments on the decisions taken at the Conference. Mr Kleijssen also welcomed the progress made by the expert committees subordinate to the CDMSI and stressed the importance of the involvement of governments (through their representatives in the CDMSI) in the final examination and approval by the CDMSI, as part of its terms of reference, of the future instruments entrusted to it before their transmission to the Committee of Ministers for adoption.

2. Adoption of the agenda and order of business

The Bureau members adopted the [agenda](#) of the meeting and agreed on minor changes in the order of business.

3. Follow-up to CDMSI previous work. Prospects for future.

Ms Artemiza-Tatiana Chisca, Head of Media and Internet Division - Secretary to the Steering Committee on Media and Information Society (CDMSI) updated the Bureau members regarding:

- [the abridged report of the CDMSI 19th Plenary meeting](#). The GR-H (Rapporteur Group on Human Rights) examined the report and transmitted it to the Committee of Ministers, without further discussion, for notification.
- [the future terms of reference \(ToR\) for the CDMSI](#). The draft ToR for the CDMSI have been prepared for the new period of reference four years (2022-2025), with the part corresponding to the second biennium to be adopted so far only on the provisional

basis. Three committees of experts subordinate to the CDMSI are expected to be approved for the first biennium. The draft ToR have been examined and slightly revised by the GR-H in the light of some proposals received from one member state's delegation and will be transmitted to the GR-PBA (Groupe of Rapporteurs on Programme, Budget and Administration) and subsequently to the Committee of Ministers for discussion and final approval.

- the developments related to the draft Recommendation on promoting a favourable environment for quality journalism in the digital age. The draft recommendation is still pending for adoption by the Committee of Ministers and, despite efforts made to advance the adoption process, currently is not scheduled for discussion by the ministers' deputies at the upcoming meetings.
- the upcoming elections of the CDMSI Chair, Vice-Chair, members of the CDMSI Bureau, as well as members of Committees of experts subordinate to the CDMSI. As the revised resolution governing the operation of intergovernmental committees ([CM/Res\(2021\)3](#)) will enter in force in January 2022, at the 20th CDMSI Plenary meeting elections will take place according to the old rules still in force (under [CM/Res\(2011\)24](#)) .

After a discussion on the provided updates, the Bureau **instructed the Secretariat**:

- to keep the CDMSI duly informed about the expected adoption of their ToR for 2022-2025;
- at the 20th CDMSI Plenary meeting, to organise the elections of the CDMSI Chair, Vice-Chair, members of the CDMSI Bureau, as well as members of Committees of experts subordinate to the CDMSI according to the rules in force, and to send comprehensive information on the election rules and procedure to the CDMSI ahead of the meeting;
- to follow and facilitate, where appropriate, the process in the Committee of Ministers regarding the possible adoption of the Draft recommendation on promoting a favourable environment for quality journalism in the digital age.

4. Conference of Ministers responsible for Media and Information Society: 10-11 June 2021

The Bureau took note of the information provided by the Secretariat on the holding of the [Ministerial Conference](#). The high-level event brought together over 40 ministers and State secretaries, and 350 participants from national governments, international organisations, civil society, media and academia. Even more importantly, it led, as planned, to the adoption of the [four Conference resolutions and the Final Declaration](#). According to the Resolution [CM/Res\(2011\)7](#) on Council of Europe conferences of specialised ministers, the Secretary General presents a report on the Ministerial Conference (prepared by the Secretariat) to the Committee of Ministers. This report has already been presented to the GR-H and will be forwarded to the Committee of Ministers for notification and related decisions; it contains conclusions from the Conference and proposes a number of decisions intended to guide future Council of Europe's work in the field of freedom of expression. Additionally, a more detailed [Conference report](#) providing an account of the discussions held at the Conference is available on the [Conference website](#).

The members of the Bureau further discussed the follow-up to be given to the Ministerial Conference, including the implementation of the decisions contained in the Conference resolutions and the Final Declaration. Taking into account that certain decisions are already being implemented in the ongoing work and/or reflected in the CDMSI terms of reference for 2022-2025, the Bureau **instructed the Secretariat** to prepare a roadmap summarising the decisions of the Ministerial Conference, their state of implementation and the necessary future steps.

5. Standard setting

5.1. Committee of Experts on Media Environment and Reform (MSI-REF)

The Secretariat informed the Bureau about the fourth meeting of the [MSI-REF](#) (23-24 September 2021, via videoconference). The main objective of the meeting was to finalise the three documents under the Committee of Experts' mandate:

- the *draft recommendation on principles for media and communication governance*,
- the *draft recommendation on electoral communication and media coverage of election campaigns* and
- the *draft guidance note on the prioritisation of public interest online*.

At the meeting, the two *draft recommendations*, revised in the light of the public consultations held in July - August 2021, were examined item by item, with amendments and additions being proposed. The *draft guidance note* also underwent some minor changes. In written procedure, the [MSI-REF](#) members confirmed the amendments made during and following the meeting and approved the three texts.

5.2. Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG)

The Secretariat informed the Bureau about the [third meeting](#) of the [MSI-DIG](#) (20-21 September 2021, via videoconference). At the meeting, the *draft recommendation on the impacts of digital technologies on freedom of expression*, revised in the light of the public consultation held in June - July 2021, was examined item by item and some amendments were made. The text was provisionally approved by the [MSI-DIG](#), pending the receipt of the opinion of the [T-PD](#) Bureau on certain draft provisions related to privacy and data protection.¹ After a possible review based on the comments of [T-PD](#) Bureau, the text will be sent to the [MSI-DIG](#) members for final approval in written procedure.

5.3 Committee of Experts on Combating Hate Speech (ADI/MSI-DIS)²

The Secretariat informed the Bureau about the fourth meeting of the [ADI/MSI-DIS](#) (6-7 October 2021 and continued on 21-22 October 2021). The committee discussed in detail the *draft recommendation on a comprehensive approach to combating hate speech*, as revised in the light of the public consultation held over the summer 2021, and the newly added *explanatory memorandum*. After substantial deliberations and a number of amendments made, the [ADI/MSI-DIS](#) approved the *draft recommendation* and its *explanatory memorandum*, with the understanding that two paragraphs of the Explanatory Memorandum will need to be further addressed by the steering committees.

The *draft recommendation* requires approval by both steering committees overseeing the work of [ADI/MSI-DIS](#). The [Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#) will discuss the *draft recommendation* at its 4th Plenary meeting (7-9 December 2021), one week after its examination by the CDMSI. The CDMSI has been invited to hold brief joint session with the CDADI at the latter's Plenary meeting, with a view to jointly approving the text.

¹ Bureau of the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (Convention 108).

² The Committee of Experts on Combating Hate Speech is subordinate both to the CDMSI and to the [Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#).

After a discussion on items 5.1, 5.2 and 5.3 of the [agenda](#), the Bureau **instructed the Secretariat**:

- according to the rules of procedure, to send the texts of the draft deliverables prepared by the [MSI-REF](#), [MSI-DIG](#) and [ADI/MSI-DIS](#) to the CDMSI ahead of the 20th CDMSI Plenary meeting, with a deadline for written comments to by 24 November 2021;
- to invite the Chairs/Vice-Chairs and optionally the rapporteurs of the [MSI-REF](#), [MSI-DIG](#) and [ADI/MSI-DIS](#) to the 20th CDMSI Plenary meeting to take part in the discussion of the documents elaborated by the respective Committees of Experts;
- to put the *draft guidance note on the prioritisation of public interest online*, prepared by the [MSI-REF](#), on the agenda of the 20th CDMSI Plenary meeting for adoption;
- to take all necessary steps to arrange a joint online session of the CDMSI and the [CDADI](#), with a view to jointly discussing and approving the *draft recommendation on a comprehensive approach to combating hate speech* as well as the related *Explanatory Memorandum*, and to convoke the CDMSI members to such session in line with the rules of procedure.

6. EU developments of relevance for the work of the CDMSI

The Bureau took note of the information presented by Ms Gisella GORI, Program Advisor, Council of Europe [Brussels Office](#), on the latest developments within the EU on media freedom and media pluralism, namely:

- (a) the annual rule of law report which contains a specific chapter on media pluralism;
- (b) the follow up to the European democracy action plan (published by the European Commission), in particular the EC [Recommendation on the protection, safety and empowerment of journalists](#) which builds upon Recommendation CM/Rec(2016)4; and
- (c) the future package on SLAPPs (strategic lawsuit against public participation) which will likely take the two-tiered form of a directive and a recommendation, as well as
- (d) the future proposal by the Commission on the European Media Freedom Act which will seek to harmonise national regulatory approaches to media pluralism and independence while promoting cooperation and oversight.

7. Application for observer status

The Bureau examined the applications for the status of Observers to the CDMSI by the [European Centre for Press and Media freedom](#) and the [News Media Coalition](#) and took note of the information provided by the Secretariat on the procedure for admitting an organisation as observer and on the rights attached to this role.

Recalling the CDMSI's established practice for addressing such applications and the [criteria for granting observer status](#), the Bureau **instructed the Secretariat** to put both applications on the agenda of the 20th CDMSI Plenary meeting for decision.

8. Review of progress

8.1. Implementation of freedom of expression related HELP online courses in member states

The Secretariat informed the Bureau that under the umbrella of the [European Programme for Human Rights Education for Legal Professionals \(HELP\)](#), the Council of Europe continued to promote training courses addressing different aspects of freedom of expression and intended

to help legal practitioners, judges and law enforcement officials to better understand, up-hold and defend related rights. In 2021, the “Freedom of expression” course was/will be launched in Poland, Romania, Slovenia and Spain. Translation of the courses on “Freedom of expression” and on “Protection and safety of journalists” into the languages of the Council of Europe member states actively continues, including under the [JUFREX project](#).

The Bureau was invited to encourage CDMSI members to explore the possibilities - together with their relevant colleagues from the ministries of justice, judicial academies, bar associations, etc. - for facilitating the adaptation of the HELP courses into their national languages and make efforts for their promotion and use by the relevant legal and media professionals.

8.2. Information on latest developments in the Council of Europe work on data protection

Ms Isabelle Servoz-Gallucci, Head of Data Protection Unit - Secretary to the [Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data \(T-PD\)](#), informed the Bureau that the modernised Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Amending protocol CETS n°223, also known as Convention 108+) had reached 29 signatures and 15 ratifications (most recently, by Germany and North Macedonia). A draft revised version of the [Recommendation \(2010\)13 on the protection of individuals with regard to the processing of personal data in the context of profiling](#) (prepared by the TP-D) was approved by the GR-H and transmitted to the Committee of Ministers for adoption, with no discussion foreseen. The [T-PD](#) continues its work on the evaluation and follow-up mechanism for the Convention 108+, as well as in specific areas such as personal data processing in political campaigns, in combating money laundering (in cooperation with [MONEYVAL](#)), and on the interpretation of Article 11 of the [Convention 108+](#). The [T-PD](#) is also expected to be engaged in the development of a PACE resolution on privacy and data protection issues.

8.3. Information on latest developments in the work of CAHAI

Mr Thomas Schneider, Vice-Chair of the CDMSI, and Mr Kristian Bartholin, Head of Digital Development Unit - Secretary of the Council of Europe [ad hoc committee on Artificial intelligence \(CAHAI\)](#), informed the Bureau that [CAHAI](#) will complete its mandate by the end of the year. After finalisation of the [Feasibility study on a legal framework on AI design, development and application](#), a wide [multi-stakeholder consultation](#) on the elements of a legal framework on AI was held. The [Analysis of the Multi-Stakeholder Consultation](#) is now serving as a basis for the preparation of the elements for a possible legal framework for AI. The Working groups on Policy Development (CAHAI-PDG) and on Consultations and Outreach (CAHAI-COG) have already completed their work; the Working group on Legal Frameworks Group (CAHAI-LFG) will hold its last meeting on 2-3 November 2021. The outcomes of the [CAHAI](#)'s work will then be submitted to the Committee of Ministers for a decision on the nature of the future legal framework.

According to the [Committee of Ministers' decision on human rights in the digital age](#) (taken at its 131st meeting in Hamburg on 21 May 2021), building on the results of the CAHAI, another committee will be set up to continue this work, without prejudice to the work of other Council of Europe committees dealing with different AI-related issues.

8.4. Information from Council of Europe institutions and bodies

The Secretariat is collecting information from the Council of Europe institutions and bodies about their work of relevance for the CDMSI. Any inputs collected will be communicated to the CDMSI at its 20th Plenary meeting.

8.5. The Council of Europe Taskforce on freedom of expression

The Bureau took note of the information provided by the Secretariat on the ongoing work of the Taskforce on freedom of expression (an inter-secretariat platform for co-ordination, collaboration and information sharing on Council of Europe's work on freedom of expression).

According to its mandate, the Task Force prepares Secretary Generals' regular reports to the Committee of Ministers on the topical issues related to media and freedom of expression. The latest report addressing the obstruction of the media coverage of public events, broadcasting bans and blocking of access to the internet, and strategic lawsuits against public participation ("SLAPPs") is currently with the Secretary General's Office pending approval.

9. Participation in past and future events

The Bureau took note of the information provided by the Secretariat about the Council of Europe's participation in the [EuroDIG 2021](#), planned participation in the [IGF 2021](#), on the conferences and events recently organised ([International symposium on "Human rights in the digital sphere"](#) (18 October); [AI Conference "Current and Future Challenges of coordinated policies on AI regulation"](#) (26 October 2021)) and events planned for 2022 (a conference co-organised with the EBU on the role of public service media).

10. Tour de table

The members of the Bureau noted the signature the [European Convention on Transfrontier Television](#) by Iceland as a development of immediate relevance for the CDMSI. They further agreed to present any other development to the CDMSI at the 20th Plenary meeting and **instructed the Secretariat** to put this item on the agenda and to invite CDMSI members to prepare their interventions where relevant.

11. Other business

The Bureau took note of the Council of Europe's current policy towards missions and access by external parties to the buildings (both limited to the necessary minimum), **and the need to prioritise** the hybrid format for the 20th CDMSI Plenary to the extent possible.

Appendix 1

Agenda
26-27 October 2021

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Appendix 2

21st CDMSI Bureau meeting
26-27 October 2021
meeting held via videoconferencing

List of participants

Members of the Bureau

Ms Inge Welbergen, Netherlands (Chair)
Legal officer - Media
Ministry of Education, Culture and Science
Directorate-General of Culture and Media - Media and Creative Industries

Mr Thomas Schneider, Ambassador, Switzerland (Vice-Chair)
Director of International Affairs
Federal Department of the Environment, Transport, Energy and Communication DETEC
Federal Office of Communications OFCOM

Mr Taavo Lumiste, Estonia
Deputy Permanent Representative
Permanent Representation of Estonia to the Council of Europe

Mr Iordanis Giamouridis, Greece
Head of Department for Audiovisual Media and Internet
Directorate for Media, Secretariat General for Communication & Media

Mr Serge Robillard, Monaco
Chargé des relations institutionnelles
Délégation Interministérielle pour la Transition Numérique

Ms Maja Zaric, Serbia
Head of Unit for International Cooperation
Ministry of Culture and Media

Mr Skender Adem, Slovenia
Undersecretary
Ministry of Culture of Republic of Slovenia

Secretariat

Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General
Human Rights and Rule of Law

Mr Patrick Penninckx, Head of Information Society Department, Directorate General Human
Rights and Rule of Law

Ms Artemiza-Tatiana Chisca, Head of Media and Internet Division, Secretary to the Steering
Committee on Media and Information Society (CDMSI), Directorate General Human Rights
and Rule of Law

Ms Elena Dodonova, Secretary to MSI-DIG Committee, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Urška Umek, Head of Media Unit, Secretary to MSI-REF Committee, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Giulia Lucchese, Co-secretary to ADI/MSI-DIS Committee, Media and Internet Division, Directorate General Human Rights and Rule of Law

Mr Peter Kimpian, Administrator, Data Protection Unit, Information Society Department, Directorate General Human Rights and Rule of Law

Mr Kristian Bartholin, Co-Secretary of the CAHAI, Information Society Department, Directorate General Human Rights and Rule of Law

Ms Gisella Gori, Programme Advisor, Directorate of External Relations

Ms Emma Gruden, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Joanna Szelezniak, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law