Steering Committee on Media and Information Society – CDMSI

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Strasbourg, 19 November 2018 CDMSI(2017)misc1rev8

Revised summary of the responses received from the members of the Steering Committee on Media and Information Society ("CDMSI") on the questionnaire regarding possible revision of the Convention on Transfrontier Television ("the Convention")

On 13 March 2017 the Secretary to the CDMSI sent the CDMSI members the following documents:

- *Information note on the Revision of the European Convention on Transfrontier Television*, doc. CDMSI(2017)004,
- *Questionnaire concerning the revision of the European Convention on Transfrontier Television. With the view to facilitate discussion of the CDMSI at its 12th meeting (20-23 June 2017),* doc. CDMSI(2017)005.

The questionnaire had been sent for consultation with the Bureau members on 6 March 2017.

CDMSI members were asked to reply to the following questions:
1. What is the position of member states with regard to the Convention's revision?
2. Is the Convention still useful?
3. For non-EU member states Parties to the Convention: What is the impact of the Convention on your national legislation? What are the main issues that its non-revision poses to you?
4. What steps have the European Union member states undertaken to engage in dialogue with the European Commission to overcome the current situation?
5. Is there a need to reflect on alternative solutions? If so, what could be such alternative solutions?

The questionnaire was addressed to all Council of Europe member states as well as non-members of the Council of Europe being Contracting Parties to the Convention. Out of 34 states being Parties to the Convention[1] 23 submitted their contributions.

[1] Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Malta, Montenegro, Norway, Poland, Portugal, Moldova, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Switzerland, FYROM, Turkey, Ukraine, United Kingdom and Holy See.

Until 19 November 2018 the Secretariat received contributions from 32 member states (in chronological order):

- Austria,
- Iceland,
- Latvia,
- the Netherlands,
- Turkey,
- Ukraine,
- Moldova,
- Czech Republic,
- Belgium /la Federation Wallonie-Bruxelles,
- Switzerland,
- France,
- Monaco,
- Italy,
- Germany,
- Bosnia and Herzegovina,
- Slovak Republic,
- Greece,
- Lithuania,
- Sweden,
- Norway,
- FYROM,
- United Kingdom,
- Bulgaria,
- Georgia,
- Ireland,
- Slovenia,
- Croatia,
- Luxemburg
- Poland,
- Spain,
- San Marino,
- Hungary.

The Russian Federation and Armenia informed the Secretariat that they would abstain from commenting at this stage.

Contributions generally convey the sense of a real value of the Convention, notably concerning dispute settlement with non-EU member states, as well as the potential of the Convention for the extension of the underlying principles of the European media regulation to non-European states. There is growing support for re-opening the Convention`s revision process. Supporters of that approach also endorse the adjustment of the Convention`s framework to current technological developments, and in certain cases extending the scope of the Convention to on-demand services. A general approach towards possible further alignment of the Convention with the EU media legal framework - after the completed

revision of the Audiovisual Media Service Directive - namely broadening the scope of the Convention`s regulation also to video-sharing platforms - is yet to be examined.

While the need for revision of the Convention has often been indicated, so was the concern that an attempt to break the deadlock in the dispute with European Commission might not be successful.

It was observed that the role of the European Commission in the possible negotiations concerning a revision of the Convention is of key importance, taking into account the exclusive competence of the EU for the conclusion of an international agreement "when its conclusion may affect common rules or alter their scope", and taking into account the very broad scope of the subject matters that have been harmonised by the Audiovisual Media Services Directive.

It seems that member states of the European Union do not conduct discussions with the European Commission concerning the precision of the scope of matters being subject to the exclusive external competences of the EU, nor regarding the possibility to negotiate in the future, in accordance with the European Union Law, the revision of the Convention.

Certain Council of Europe member states, being also EU member states, as well as Parties to the Convention expressed serious concern regarding a further prolongation of the situation in which they are bound at the same time by two conflicting set of rules; Audiovisual Media Service Directive and the Convention.

Some states indicated that the limitation of the scope of the Convention to subject matters not covered by the Audiovisual Media Services Directive might be a solution worthy to be explored, focusing on human rights such as freedom of expression, including media freedom and media pluralism.

Comments of member states (in chronological order):

1. What is the position of member states with regard to the Convention revision?

Austria - observed that this question should be primary answered by those Contracting Parties not being members of the European Union. Austria declared that there still was a need for a basic set of rules for the provision of audiovisual media services in a transfrontier context and for the settlement of disputes between European Union members and states not being members of the European Union nor having bilateral agreements with the EU. Austria reminded about its commitment and the effort put in the revision of the Convention in the years 2006 – 2009, when an Austrian delegate actively participated in the former working group with the aim to prepare a draft proposal of the second amending protocol.

Iceland - expressed its support for a revision of the Convention. Iceland noted that hundreds of television channels were operated in the UK, including many channels that were targeted to other countries. Since Iceland is within a satellite footprint of the UK, many Icelanders have satellite receivers to watch British television. Due to Brexit, it is most important to revise the Convention to ensure that countries outside the EU also have a basic set of rules for the provision of audio-visual media services in a transfrontier context. There is also a need to provide a mechanism for dispute settlement in cases of conflict between an EU member

and a State not being member of the EU or a State that does not have bilateral agreements with the EU.

Latvia – observed that it has always supported the revision of the Convention and its alignment with the Audiovisual Media Services Directive. This would have ensured a level playing field between the EEA Member states and the 12 non-member states that have ratified the Convention. The Convention was already "out of sync" with the Audiovisual Media Services Directive and will be even further adrift once the revised Directive is adopted. For example, the Convention does not cover video sharing platforms, the jurisdiction criteria remain different, the rules on commercial communications will differ greatly if their proposed liberalisation is realised, to name but a few discrepancies.

The Netherlands – informed that the Convention had been signed by the Netherlands in 1989 but not ratified, due to legal problems with certain articles. As far as the revision of the Convention is concerned: years ago, the Netherlands participated as "Observer" in earlier attempts to revise the Convention, but this revision has come to a standstill. In the light of the developments within the EU, the Netherlands reserve to define a position with regard to the revision of the Convention at the later stage.

Turkey - reminded about the two key legal instruments regulating the audio-visual media sector at pan- European level; the Convention and the Directive. Technological developments and digitalization led to enormous transformations particularly in broadcasting and in ICT sectors. Conventional legal regulations and regulatory mechanisms failed to satisfy the response to the new demands due to these infrastructural evolutions. Technological developments, new service types, new business models and differentiations in consumer rights require the amendment of the current legislation. Besides, there are some new problems pending solutions due to the rapid technological developments such as protection of minors, human dignity and consumers, competitive audio-visual content industry, promotion of media literacy for information societies, the position of European works in terms of on-demand services and "country of origin" principle for the on–demand media services and jurisdiction issues.

As a consequence, Turkey is strongly of the opinion of the necessity of the revision of the Convention as it is the only international legislation which Turkey is Party to in this field. This opinion was raised not only in CDMSI Meetings but also in PACE Sessions and Committee of Ministers Meetings many times.

Ukraine - expressed support for renewal of the process of revision of the Convention.

Moldova - The Coordinating Council of Audiovisual (CCA) of the Republic of Moldova believes that the current text of the Convention should be kept. Meanwhile, several provisions may require revision in the foreseeable future to be updated according to the latest developments in the audiovisual field.

Czech Republic – believed the Convention has limited applicability in practice; however its potential could be counted on if the revision was undertaken. Primarily the question of what scope it should cover has to be resolved.

Belgium /la Federation Wallonie-Bruxelles - indicated that its position did not change in that respect. The revision could only be successful if the Convention is limited to the subject matter other than that covered by the Audiovisual Media Services Directive. This approach

would enable to the member states of the European Union and other Contracting Parties to the Convention to agree on modifications of this international legal instrument without the risk of negotiating problems at EU level.

Switzerland - expressed regret at the standstill of the Convention`s revision. Switzerland is a non-EU-State, and for this reason, it is very important for the country to rely on a common European regulatory framework on audiovisual services; a framework that not only applies to the EU but also to the wider range of (the signatory) Council of Europe member states. Against the background of a fast evolving audiovisual sector, the Convention, although still useful, has become rather out-dated; it is crucial to update the Convention so that it reflects the current technological and economic developments in the audiovisual field.

France – expressed its attachment to the Convention and a wish to re-launch the discussions on its revision, taking into account the technological and market changes that took place since its last revision. Besides the fact that only the revised Convention could harmonise the standard setting of the Council of Europe and the regulations of the Audiovisual Media Services Directive, France is convinced of the value of the possibility of accession to the Convention of the non-European states. It would enable the extension of the underlying principles of European media regulation to the non-European states. A solution should be found to difficulties encountered when dealing with audiovisual media services which do not respect these European media regulations, and which come from neighbouring countries.

France accepts with regret the position of the European Commission on the discontinuation of the work leading to revision of the Convention and it appeals to the Commission to change its decision.

France informs that the Convention on Transfrontier Television is in force in France since 1 February 1995.

Monaco – no answer (no final position has been adopted yet)

Italy – laid out three possible options of:

a) resuming the negotiations of the Convention on Transfrontier Television among Council of Europe member states on the assumption that there is still a certain margin of competence on those parts of the Convention that have not been subject to harmonisation by the Audiovisual Media Services Directive,

b) dropping out the revision process of the Convention on Transfrontier Television on the assumption that the tool is not necessary in light of the existence of bilateral agreements between the EU and non-EU Council of Europe member states which regulatory frameworks are substantially in line with the Audiovisual Media Services Directive, and

c) leaving the negotiations of the Convention on Transfrontier Television to the European Union, on the assumption that the EU has meanwhile acquired exclusive competence on those matters that have been harmonised by the Audiovisual Media Services Directive.

Italy is of the view that the third option is the only feasible way to ensure the alignment of these two equally important regulatory tools, provided that the EU effectively exercises this competence.

The recognition of the exclusive competence of the EU should not be considered as inclusive also of the power to decide whether or not to go for the alignment of the Convention on Transfrontier Television to the Audiovisual Media Services Directive, but only as exercise of the power to enter negotiations with the Council of Europe on behalf of EU member states. This power should be exercised with the aim of ensuring both the alignment of the substantial rules, which have meanwhile been made less restrictive in the EU framework, and of jurisdiction criteria so as to ensure effective tools for the identification of the competent national authorities.

Germany – Germany being both an EU member State and a signatory of the Convention on Transfrontier Television is well aware of the discrepancies between the Convention and the Audiovisual Media Services Directive. As it is widely known they differ with regard to scope, jurisdiction, advertising rules, etc. They believe that Convention should also have the chance to develop with a view to media convergence. This development should focus on common rules which are technologically as neutral as possible and as future-proof as possible. EU member states who are also signatories of the Convention should not be put in a double-bind dilemma where they have to decide whether they want to keep either rules knowing that they will infringe the other.

Bosnia and Herzegovina – Bosnia and Herzegovina supports the revision of the Convention.

Slovak Republic - In the current situation they do not consider it effective to continue work on the revision of the Convention taking into account the position of the European Commission. The Commission has expressed its position on this matter very clearly and the Slovak Republic as an EU member State cannot see any possibility on how to revise the Convention successfully without changing the Commission´s opinion.

Greece - Greece believes that, for reasons of legal certainty, the revision of the Convention on Transfrontier Television is necessary, but the Convention must be compatible with the Audiovisual Media Services Directive, which is under revision itself. Therefore, the Council of Europe should start examining the revision of the Convention on the basis of the progress of the legal procedure concerning the Audiovisual Media Services Directive's revision within the EU institutions.

Greece also believes that the European Commission cannot be circumvented on the issue of the revision of the Convention. EU member states which are also member states of the Council of Europe cannot proceed to the Convention's revision without the European Commission's approval. In order to ignite the procedure for the revision of the Convention, the Commission's consent is necessary as it invariably argues that it holds exclusive competence as to the signing of international conventions or agreements on audiovisual issues, such as the Convention. Therefore, a discussion between EU member states and the European Commission is needed in order to pave the way for the Convention's revision.

Lithuania – Lithuania supports the revision of the Convention and its alignment with the Audiovisual Media Services Directive. It is important to have a clear and relevant set of rules regarding jurisdiction, obligations and the settlement of disputes in cases of conflicts between EU/EEA member states and non-member states.

Sweden - Sweden is not a party to the Convention due to the commitment to the Audiovisual Media Services Directive. However, Sweden recognizes the concerns expressed by several member states and welcomes a further discussion about a revision of the Convention.

Sweden is bound by the Audiovisual Media Services Directive and will not be able to take part in negotiations until there has been an agreement between the European Commission and the Council of Europe in this matter.

Norway - Norway supports having a common European regulatory framework on certain aspects of audiovisual media services, which is effective and can serve its purpose. In order to provide the required legal certainty and clarity, Norway sees no alternative to an international convention. Accordingly, Norway regrets the current situation where the existing instrument in this field – the Convention – does not reflect developments stemming from the digitalization of audiovisual media services and in many aspects is out-dated to meet current challenges. Most notably, in today's media landscape, Norway sees no justification for limiting the scope of the Convention to linear TV services.

When it comes to the subject matter covered by the Convention, Norway has taken note of the EU Commission's position (CDMSI(2017)004), which has caused an unfortunate deadlock. Before concluding on how to proceed, Norway is of the opinion that it should be further explored whether the Convention could be delineated to cover freedom of expression and media freedom related issues, combined with effective dispute resolution mechanisms. With such an approach, the Convention could possibly have the potential to complement the Audiovisual Media Services Directive. At the same time, it is vital to find satisfactory solutions that cover the needs for non-EEA members in order to secure a level playing field.

With this background, Norway is ready to continue the discussion on a possible revision of the Convention. Norway would support initiatives under the CDMSI, such as establishing a working group aimed to look into alternative approaches. Possible effects and ways to address shortcomings of such a regulatory shift needs to be carefully analysed.

Norway is of the opinion that such a study could give better guidance to the Council of Europe member states to decide on how to proceed with the Convention revision process.

FYROM – The Convention looks rather out-dated and does not reflect the developments, neither follows the transformations in the media industry and the new needs of the digital era over the past two decades. On the other side, the European Union legal framework on audiovisual media services has evolved with technological changes since 1989. The biggest discrepancy is that the Convention does not cover the audiovisual media services on demand. Furthermore, there are some significant differences between the detailed requirements of the Convention and those under the Audiovisual Media Services Directive. Rules under the Audiovisual Media Services Directive regarding the protection of minors require proactive role of media service providers in alerting viewers to the potential risk of harm. Rules on country of origin principle, European works, and advertising duration are different. Bearing this in mind, FYROM supports the revision of the Convention in order to align its provisions with the Audiovisual Media Services Directive.

The UK - We would be open to considering opening the Convention. We would, in particular, be open to extending the scope of the Convention to include on demand services as at present the Convention only applies to linear television - and to update the regulations to reflect technological developments. If the cooperation aspects of the Convention were

updated there would be potential value to find a solution to difficulties encountered when dealing with audiovisual media services that are available across borders. There are aspects of the Convention which have been interpreted differently by the parties, and there could be more clarity about the relationship between AVMSD and the Convention, as well as better clarity in relation to the differences in jurisdiction criteria between the two instruments.

Bulgaria - Bulgaria supports the Convention's revision in accordance with EU law and taking into account the technological development. It is considered the most appropriate to start revision process after finalising work on the Audiovisual Media Services Directive in a coordinated partnership with the European Commission.

It is necessary to make sure that the Convention is in line with the rules of the Audiovisual Media Services Directive, which are more responsive to the contemporary cultural features of European countries and to the requirements of the market for audiovisual media services and advertising.

Georgia - Georgia has signed the Convention in 2003 but has not yet ratified it. For the moment, ratification of the convention is not under consideration. In general, Georgia is not against the revision of the Convention.

Ireland – Ireland supports the revision of the ECTT.

Slovenia - Slovenia in principle supports the idea of having a basic set of rules for the provision of audiovisual media services (video sharing in general) in transfrontier context in a technologically neutral manner.

Croatia – Croatia welcomes a future discussion about a revision of the Convention. It is most important to revise the Convention to ensure that countries outside the EU have a basic set of rules for the provision of audio-visual media service. We believe that revised Convention could harmonies the standard setting of the Council of Europe and the regulations of the AMSD.

Luxemburg - Luxembourg has signed the Convention but not ratified. A revision can only be successful if aligned with the Audiovisual Media Services Directive, notably as regards the criteria for determination the competent regulatory authorities.

Poland - Poland is in the position that the Convention should be amended in order to adapt its provisions to dynamic changes taking place on the media market. Poland, participating for many years in the works of various bodies concerning media of the Council of Europe, has contributed to the amendment of the Convention and has always held the position that the Convention is needed and it is necessary to reconsider the opening of the process of modernization. It is necessary, in our opinion, to come back with the support of Member States to debate with the European Commission on finding a solution to this important issue. It should be taken into account that the Convention is needed for Council of Europe Member States that are not also members of the European Union.

Spain - Spain signed the Convention in 1989 and ratified it in 1998. Although the Convention and the AVMSD cover similar fields, they provide slightly different regulation in several aspects (scope, jurisdiction, advertising rules, promotion of European audiovisual works, etc.). The AVMSD´s provisions are more detailed. Therefore, we consider it would be reasonable to revise the Convention in order to avoid the coexistence of two slightly different legal regimes applying at the same time to EU-member states. In order to provide legal

certainty, it would be necessary to establish a basic set of rules for the provision of audiovisual media services based in non EU member states (eventually the UK) and made available in EU-member states.

Furthermore, like Austria, we consider that this question should be primary answered by those Contracting Parties not being members States of the EU, where there may be services established which soon are not going to be able of benefiting from the AVMSD provisions.
However, it seems appropiate to adopt a basic and up-dated set of rules for the provision of audiovisual media services in a transfrontier context and for the settlement of disputes between EU members and states not being members of the European Union nor having bilateral agreements with the EU. This new legal framework might include provisions that consider the technological developments, and new forms of distribution of audiovisual contents.
In particular, we support a revision of the Convention in order to:
- include in the scope the VODs.
- harmonise the provisions regarding advertising rules
- harmonise the obligation to promote audiovisual European works.

In Spain there are several audiovisual services which, according to Mavise, are based in the UK and target Spanish audience:

TV Channel Cable/Satellite			
Channel	**Broadcaster**	**Media Group**	**Country of Establishment**
Al Jazeera (English)	AL JAZEERA INTERNATIONAL LIMITED		United Kingdom
AMC TV (Spanish)	AMC NETWORKS INTERNATIONAL BROADCASTING LIMITED	AMC Networks	United Kingdom
Baby TV (Spanish)	BABY NETWORK LIMITED	21st Century Fox	United Kingdom
BBC World News	BBC WORLD NEWS LIMITED	BBC - BRITISH BROADCASTING CORPORATION (GROUP)	United Kingdom
Baby First (Spanish)	BFTV LIMITED		United Kingdom
Bloomberg TV Europe	BLOOMBERG UK LIMITED		United Kingdom
CNBC (Europe)	CNBC (UK) Limited	COMCAST CORPORATION	United Kingdom
Discovery Channel (Spanish)	DISCOVERY CORPORATE SERVICES LIMITED		United Kingdom
Discovery World EMEA (Spanish)	DISCOVERY CORPORATE SERVICES LIMITED		United Kingdom
EWTN – Eternal World Television Network (Spanish)	ETERNAL WORLD TELEVISION NETWORK INC.		United Kingdom
Fox News Channel	FOX NEWS MEDIA LIMITED	21st Century Fox	United Kingdom
MTV Live HD	MTV Networks Europe		United Kingdom
MTV Rocks	MTV Networks Europe		United Kingdom
Nick Junior (Spanish)	NICKELODEON INTERNATIONAL LIMITED		United Kingdom
Fashion One	NUMBER 1 TV AND MEDIA LIMITED		United Kingdom
Sky News International	Sky UK Limited	21st Century Fox	United Kingdom
SIS Spanish	Sports Information Services (Holdings) Limited		United Kingdom
Playboy Europe	STV INTERNATIONAL B.V.	Playboy TV UK/Benelux Ltd	United Kingdom
TCM Turner Classic Movies (Spanish)	TURNER BROADCASTING INTERNATIONAL LIMITED		United Kingdom
TNT Turner Network Television (Spanish)	TURNER BROADCASTING INTERNATIONAL LIMITED		United Kingdom
CNN International	TURNER BROADCASTING SYSTEM EUROPE LIMITED		United Kingdom
Disney Junior (Spanish OFCOM)	WALT DISNEY COMPANY LIMITED(THE)	Walt Disney Inc	United Kingdom
Tv Channel (VoD)			
Service	**Provider**	**Media Group**	**Country of Establishment**
Amazon Prime (Spain)	AMAZON INSTANT VIDEO LIMITED		United Kingdom
ITV Essentials	ITV CONSUMER LIMITED	ITV PLC	United Kingdom
Sony Entertainment Network (version in Spanish)	SONY NETWORK ENTERTAINMENT EUROPE LIMITED	SONY PICTURES TELEVISION INTERNATIONAL NETWORKS	United Kingdom
VEVO (Spain)	VEVO (UK) LIMITED	SONY PICTURES TELEVISION INTERNATIONAL NETWORKS	United Kingdom
Vidzone Espana	SONY COMPUTER ENTERTAINMENT EUROPE LIMITED		United Kingdom

One has to bear in mind that the services in the second chart (VOD services), will not be available in Spain under de Convention, as the Convention does not provide for freedom of reception for video-on-demand services, and so providers of these services will need to comply with the requirements of AVMSD for jurisdiction.

Therefore, we support the revision and updating of the ECTT to harmonise the obligations of broadcasters based in the UK, which target audiences in EU-member states, and also to include in its scope the VOD services.

San Marino - The Republic of San Marino, as a non-member State of the EU, welcomes the revision and development of the ECTT as an instrument of protection, guarantee and cooperation in the broadcasting and multimedia sector. San Marino is negotiating an

association agreement with the EU, which will involve a process of harmonisation of the rules of this sector and, pending its completion, it can benefit from the revision of the ECTT.

Hungary - The adoption as well as the opening for signature of amended text of the Transfrontier Television Convention has been cancelled due to the opposition by the European Commission. The Standing Committee established by the Convention held its last meeting on the 1st of July 2010. The old adage that the Convention and the [EU] Directive governing the audiovisual domain go hand in hand, no longer prevails. The text amending the AVMS Directive was adopted on the 6th November. Yet, no similar Council of Europe instrument is in sight. It would take a longer procedure to create the text of a future Convention. However, the issue whether to create a new Convention or not can only be resolved by the European Commission and the Council of Europe.

2. Is the Convention still useful?

Austria - no answer (this question though has been partially answered within the reply to question 1).

Iceland - Yes, the Convention has always been useful. However, after Brexit will be more useful than ever due to all the broadcasters operating in the UK.

Latvia - It is still useful up to a point for the non-EEA states where there is cross-border transmission between them. However, should any dispute arise, for example over jurisdiction, the Convention is of very little use as there is to all intents and purposes no dispute resolution mechanism.

The Netherlands – no answer

Turkey – The Convention is an important document which has a standard setting feature and address to the large geography of the Council of Europe. Also, even the current text of the Convention is a guide for bilateral relations on the grounds of transfrontier television broadcasting.

The Convention is the primary reference for the problems among states in the Council of Europe which are not members of the EU. Particularly, for the jurisdiction problems of the media service providers which transmit whole or major parts of their broadcasts to the countries other than that which has jurisdiction over them and violate their national legislation, the Convention is used during the bilateral negotiations between the competent bodies of the concerned states. However, due to lack of functioning it needs to be revised and re-enabled.

Ukraine – confirmed that it found the Convention still useful. The provisions of the Convention are applied in order to regulate the presence of foreign programmes in the networks of programme service providers of Ukraine, which are the licensees of the National Regulatory Authority. In particular, an economic subject, which is under the jurisdiction of Ukraine and intends to retransmit programmes under the obtained permit from a copyrighter (producer) which is out of the jurisdiction of an EU Member-State or of a state which has ratified the European Convention on Transfrontier Television, has the right to retransmit programmes only subject to their conformity with the requirements of the legislation of Ukraine, of the European convention on Transfrontier Television, and subject to their

inclusion into the List of programmes that are to be retransmitted according to the decision of the media regulator.

In order to include a foreign programme to the above-mentioned List the media regulatory authority carries out monitoring of the programme content and its compliance with the national legislation, as well as with the requirements of the Convention (Article 7 of the Convention which provides for obligations of a broadcaster, including, children's protection obligations).

As of April 2017, the List of the Foreign Programmes Content of which meet the Requirements of the European Convention on Transfrontier Television and of the legislation of Ukraine includes 159 foreign programmes.

Moreover, according to the provisions of Article 24 of the Convention in 2014-2017, measures were taken in relation to 78 foreign TV programmes which were restricted for their dissemination in the territory of Ukraine. Based on the Convention, Ukraine cooperates with regulatory authorities of countries which have ratified this legal instrument.

Moldova - Yes, the Convention is useful. The Republic of Moldova is a non-EU country and still applies the provisions of the Convention. As the country doesn't have its legislation fully aligned to the EU Audiovisual Media Services Directive, the provisions of the Convention are up until now applied. Some of them are used in the CCA's normative activities.

Czech Republic - considers the Convention useful regarding transmission and retransmission of programmes originating in states that are not member states of EU.

Belgium /la Federation Wallonie-Bruxelles – Belgium is not a Party to the Convention and it did not observe any difficulty or problems for this reason.

Switzerland - Switzerland still regards the Convention as a valid and applicable legislation. As already mentioned, Switzerland heavily relies on the Convention because it is the only international framework applicable in that country which sets common standards and protects common values regarding the retransmission and broadcasting of transfrontier European television broadcasts. It is indispensable for Switzerland to refer to the Convention`s provisions if it has to coordinate its television broadcasting policy with its neighbour states (France, Germany, Austria and Italy). One prime example is the issue of so-called "advertising windows" from its neighbour states that exclusively target the Swiss audience. The Swiss authorities regularly enter into dialogue with the competent authorities of the neighbouring states to find appropriate solutions to the problems created by such windows. The Convention has proven to be helpful in such cases.

France – Taking into account the multiplication of the forms of transmission of the audiovisual media services in Europe (cable, satellite, OTT), the transfrontier transmission is no longer the exception, nor a specific case it was 30 years ago. A common basic regulatory framework is always useful, and the revision, taking into account the new technical forms of transmission, is even more necessary.

Monaco – no answer

Italy – Confirmed that Convention was still useful. The Convention, if aligned to the Audiovisual Media Services Directive, is the only available multilateral international tool for the resolution of possible conflicts of jurisdiction among EU and non-EU Council of Europe member states.

Nevertheless, the alignment of the Convention alone is not sufficient. It would have to be accompanied by an explicit clause in the Audiovisual Media Services Directive currently under revision, so as to ensure the prominence of the Audiovisual Media Services Directive in case of conflict, especially in the case of positive conflicts where the criteria of establishment would make two countries equally competent.

In cases e.g. of satellite broadcasters established in a non-EU Council of Europe member State under the Convention (A) but using an uplink or satellite capacity of an EU country under the Audiovisual Media Services Directive and the Convention (B) and targeting their programmes towards another EU country under the Audiovisual Media Services Directive and the Convention (C), the two countries A and B could both be held competent should country C activate an anti-circumvention procedure (A because it would be country of establishment and B because of the connection criteria for third-country broadcasters). To avoid such a positive conflict of jurisdiction it would be necessary to ensure that the criteria envisaged by the Audiovisual Media Services Directive would always prevail, so that only one country has jurisdiction. Such a clause should be inserted in the text of the Audiovisual Media Services Directive under current revision.

Germany – Germany believes in the usefulness of the Convention. In a global world and with regard to the convergence of media, it is of increasing importance to agree on basic rules on how media should work, who should be protected and which national rules they should follow not only with EU member states but with as many partners as possible. This is why we believe in the essence of the Council of Europe to work in partnership to safeguard human rights, especially with a view to the freedom of speech. The Convention is a fine vehicle to keep this discussion going. Finally, we live in a world of continuous change; as the EU will change there must be room for the European Convention to change accordingly.

Bosnia and Herzegovina – The existence of such an international treaty is highly useful, particularly for non-EU member states as it provides for the use and implementation of all aspects of this kind of legally binding text. Bosnia and Herzegovina believes revision is necessary from the perspective of technological development and also alignment with other more up-to-date texts, which will additionally highlight its usefulness.

Its usefulness might be on the rise with Brexit, given the number of channels licensed in the UK and intended for other audiences.

As an example of its use, Bosnia and Herzegovina addressed the Standing Committee back in 2005 with a question related to the copyright issues in trans-border broadcasting, and the response is still used when necessary.

Slovak Republic - the regulation of the Audiovisual Media Services Directive is primary. The audiovisual media services targeted to Slovak market from the Parties to the ECTT which are non-EU member states are almost irrelevant. Based on that, the provisions of ECTT are not being practically used in our country at the moment.

Greece - since audiovisual media services within the EU are regulated by Directive 2010/13/EU, the ECTT, apart from being an out-dated legal text, is of no use on the EU level, whereas, regarding relations between EU and non-EU member states of the Council of Europe or between non-EU member states of the Council of Europe, the Convention would be useful on condition and in the measure that it would be compatible with the Audiovisual Media Services Directive. Moreover, the exit of the United Kingdom from the EU is an

important issue that enhances the need to revise the Convention and make it compatible with the Audiovisual Media Services Directive.

Lithuania – Lithuania believes that the Convention is useful regarding audiovisual media services received from places not bound by the EU law. After Brexit it will be even more useful due to all the broadcasters licensed in the UK (some channels broadcast to the communities in Lithuania).

Sweden - The Convention must be considered useful in bridging the legal gap between member states bound by the AVMSD and other member states.

Norway – The Audiovisual Media Services Directive was implemented in Norway when the current Broadcasting Act was adopted in 1992. At the same time, the changes that were introduced made it possible to ratify the Convention a year later. The Audiovisual Media Services Directive was implemented in 2012.

From a Norwegian perspective, the Convention would therefore only be useful in practice vis-à-vis non-EEA members that have ratified the Convention. However, as long as the dispute resolution procedure is currently not operational due to the 2011 Committee of Minister decision not to allocate resources to the Standing Committee, it is of course questionable how useful the Convention is.

The Media Authority has limited experience with such cases. It can, however, be mentioned that there have been cases where a non-EEA member has claimed that a satellite broadcaster under Norwegian jurisdiction has transmitted content to its territory in violation of the Convention.

In a broader context, it is obviously in Norway's interest that all transfrontier television adhere to a set of common principles and standards relating to the European Convention on Human Rights article 10, and that member states are bound to respect freedom of reception. In that respect, the Convention is still very much useful.

FYROM – The Convention could serve as a guidance tool for the cooperation and resolving problems between non-EU countries with regard to provision of cross-border television services. However, a common basic legal framework would be more useful.

The UK - The main purpose of the Convention is to ensure freedom of freedom of expression, reception, and retransmission; and the right of reply (transfrontier character of this right and other comparable recourse). These aims are still of importance.

Bulgaria - The Convention is a useful tool for regulation in the field of audio-visual policy and provides mechanisms for interaction between the competent authorities on the transmission and retransmission of television programs produced by operators under the jurisdiction of Convention`s countries, but outside the EU.

Georgia - EU-Georgia Association Agreement foresees approximation of “Law on Broadcasting” with the EU directive on Audiovisual Media Service. Currently, relevant amendments aimed at bringing in line broadcasting legislation with the aforesaid EU directive are already drafted and will be submitted to the parliament in coming weeks.

Georgia considers that the EU directive 2010/13/EU that is already under implementation for Georgia covers almost all the issues envisaged by the Convention, subsequently, it does not see any necessity to proceed further with the ratification of the Convention.

Ireland – Ireland considers that the Convention is still useful but that it requires to be updated to reflect the huge economic, technological, legislative and social changes that have taken place in the areas of broadcasting, audiovisual and internet communication, it needs to be updated as a matter of urgency to reflect these changes.

Slovenia - For the non EU member countries (in our opinion). Brexit will also add some "weight" to the ECTT.

Croatia – no answer

Luxemburg - no answer

Poland - Convention is needed and it is necessary to reconsider the opening of the process of modernization. (…) It should be taken into account that the Convention is needed for Council of Europe Member States that are not also members of the European Union.

Spain - Convention, as a common basic regulatory framework, is always useful. Certainly, the Convention has a potential for the extension of the underlying principles of the European media regulation to non-European states. After Brexit, the Convention will be even more useful due to all the audiovisual media services providers based in the UK.

Up-dating it to the new forms of distribution and harmonising some obligations like the one to promote audiovisual content is necessary. Moreover it can also be considered revising the Convention in relation with other fields not regulated by the AVMSD, but still related to the audiovisual landscape where de Convention can clearly contribute to set some guidance (transparency of ownership of media organisations, the establishment of mechanisms to ensure pluralism; promotion of media literacy;…).

San Marino - Yes, to the extent that it complements the EU regulations.

Hungary - The Convention in its current form is obsolete as it does not address the challenges posed by the advent of the digital switchover and the spread of new technologies. As the Standing Committee is no longer convened, the provisions of the Convention are inoperative.

3. For non-EU member states Parties to the Convention: What is the impact of the Convention on your national legislation? What are the main issues that its non-revision poses to you?

Austria – n.a.

Iceland – Iceland is a member of the EEA and thus transposes the AVMS Directive.

Latvia – n.a.

The Netherlands – n.a.

Turkey – informed that being a Party to the Convention, it continues the membership negations with the EU. Therefore, Turkish national legislation has been harmonized with the EU *acquis communitaire*. Meanwhile, in accordance with the Article 90 of the Turkish Constitution, international agreements duly put into effect have the force of law. No appeal to

the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.

Ukraine – no answer

Moldova - Following the signing and ratification of the Convention by the Republic of Moldova, the national audiovisual legal framework has been revised to bring it closer to the Community legislation. The revision of the Convention could be necessary to align the Convention's provisions to the new needs of the digital era. The non-revision of the Convention will lead to unchanged provisions that will not be applied in practice later on, as they will not cover the new realities and developments.

Czech Republic – n.a.

Belgium /la Federation Wallonie-Bruxelles – n.a.

Switzerland - As already stated in replies to questions 1 and 2, the Convention is applicable and valid law in Switzerland and relies on this common European legal framework for the television sector. The Convention has helped to shape the Swiss regulation for example on advertising matters, the retransmission of TV broadcasts, the promotion of European works or the introduction of the "list of major events" to a great extent.

One of the most important issues is the discontinuation of the work of the Standing Committee on Transfrontier Television. Every now and then, OFCOM Switzerland is confronted with cases of potentially illegal broadcasts of television stations, that are received by the Swiss audience and which are located abroad. In the cases, where OFCOM Switzerland starts to investigate these stations, questions arise on the legal interpretation of certain Convention provisions. The ability to submit these questions to an opinion finding body such as the Standing Committee on Transfrontier Television would be very helpful.

Another important issue is the "petrification" of the significant legal gap that exists between Non-EU and EU-Member states, since the revision of the Convention has been stopped. There is, for example, a gap regarding the jurisdiction rules in the Convention and the Audiovisual Media Services Directive. This situation could lead to competence conflicts between Switzerland and its neighbour states (although there were no cases until today). Further, on-demand-services are not covered by the Convention. On the other hand, Switzerland regards Article 16 of the Convention to be far more useful than Article 4 of the Audiovisual Media Services Directive when it comes to enforcing stricter advertising rules on foreign broadcasters with "advertising windows" targeted to the Swiss audience. It has to be considered, too, that possible amendments and new provisions in the future Audiovisual Media Services Directive (new rules for videosharing-platforms, amendments to the jurisdiction provisions, etc.) could lead to an even bigger gap.

France – n.a.

Monaco - the Convention is still useful for non-EU member states but needs to be adapted. The Convention`s impact on the national regulation constitutes a part of the internal discussions. Discussion with the EU Commission on an Association Agreement are opened.

Italy – n.a.

Germany – n.a.

Bosnia and Herzegovina – The first impact was in 2004 when Bosnia and Herzegovina aligned the regulatory framework with the Convention. All issues that are not aligned with the Audiovisual Media Directive are still applicable.

As is known, the countries that are in the EU accession process had to align its framework with the Audiovisual Media Directive, yet all are still parties to the Convention. First it leaves us with a legal nonsense that an international legal instrument is binding, yet the local framework is in contradiction to it to some extent. We have raised this issue during the negotiations with the EU but received no solution but to align with the Audiovisual Media Services Directive.

Non-revision primarily means no answer to the jurisdiction issues. It also means no recourse for non-EU countries in cases of trans-border disputes. We are currently facing a possible dispute related to a channel originating in a non-EU member state that might be intended for Bosnia and Herzegovina audience. A successful resolution of the dispute, should it arise, will depend on the both countries' good will. As both countries are in the process of accession, should the dispute arise, a certain degree of protection might be provided by the European Commission, which would be notified. However, neither of these is a regular legal recourse that would provide a full degree of legal protection. There is also the issue of non-EU countries that are not considering accession to the EU but are parties to an almost non-existing international treaty – in cases of disputes, especially with the EU member states, they will have absolutely no legal protection.

Some issues may arise also with regard to the planned revision of the Audiovisual Media Services Directive – there appears to be some completely new issues it may cover.

In this light, revival of the Convention and in particular, the revival of the Standing Committee on Transfrontier Television would be extremely helpful and desirable.

Slovak Republic – n.a.

Greece – n.a.

Lithuania - n.a.

Sweden – n.a.

Norway – n.a.

FYROM – The former Yugoslav Republic of Macedonia has ratified the Convention and the Amending Protocol to the Convention in 2003. As such it is applicable in the national legislation. The former Yugoslav Republic of Macedonia is a non-EU State, but it aspires to become an EU Member State. The membership application was submitted in 2005. In this context, the State is aligning its legislation with the EU *acquis communautaire* and the media law – the Law on Audio and Audiovisual Media Services – is fully harmonised with the Audiovisual Media Services Directive. According to the media law, the regulator – the Agency for Audio and Audiovisual Media Services – shall consider in its operations the directives of the European Union, the acts of the Council of Europe, the international conventions ratified by the former Yugoslav Republic of Macedonia, as well as the experience of EU Member states. This leads to normative conflicts since the media law and non-amended Convention bind the State.

The UK – n.a.

Bulgaria - In the audiovisual domain, the Audiovisual Media Services Directive forms the European legislative framework. At present, there is minimal harmonization with respect to linear and non-linear media services based on the "country of origin" principle, which is fundamental to the Directive.

After BREXIT, the Audiovisual Media Services Directive will not be mandatory for transposition by UK, and this leads to a number of risks for the other EU Member states to weaken the possibilities for cooperation, more complicated procedures for detected violations or for getting insufficiently controlled media content. In view of the tendency to extend the scope of the Directive to video-sharing and social networking platforms, this leads to risks even on a much wider scale.

The Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member states concerning the provision of audiovisual media services in view of changing market realities is expected to be adopted during the Bulgarian Presidency of the Council of the European Union.

Georgia – no answer.

Ireland – While Ireland is an EU member State, the advent of Brexit could very well mean that the ECTT is the only Convention governing relations between EU member States and the UK in this area if there is a 'hard Brexit'.

Slovenia - n.a.

Croatia – n.a.

Luxemburg – n.a.

Poland – n.a

Spain – n.a.

San Marino - The Republic of San Marino is in a transitional phase as it is negotiating an association agreement with the EU. In the light of this, being a small State, we have to seek maximum protection of our rights and peculiarities, but at the same time, we have to try to meet the requirements of the EU regulations. At this stage, the status of a member State of the Convention would offer us protection and would also safeguard the other member States. For a country like San Marino, which is geographically an enclave of an EU member State, many of the fundamental principles at the basis of the ECTT are vital. In the future, the revision of the ECTT will have sense if it is complementary or subsidiary to the EU regulations in this sector. There is a risk of overlap and conflict of competence between the two jurisdictions and therefore being harmonised with the competent EU bodies is a condition of survival for the Convention.

In any case, San Marino national legislation will have to take into account the international environment in which the country and its sector-related enterprises will operate. Therefore, the harmonisation with EU rules or other types of multilateral agreements or treaties will require an adaptation effort from San Marino.

Pending the completion of the process of association with the EU, a possible non-revision of the Convention could entail for San Marino a risk of regulatory vacuum in transnational relations and therefore a lack of protection that the current ECTT would ensure to the country and its enterprises.

Hungary – n.a.

4. What steps have the European Union member states undertaken to engage in dialogue with the European Commission to overcome the current situation?

Austria - Austria has on several occasions questioned the European Commission's strict legal view but has never succeeded in receiving much support from other member states.

Iceland - Iceland is only a member of the EEA.

Latvia - Latvia attempted to raise this question with the Commission in light of the UK leaving the EU but with no luck. They have regularly reminded the Commission that there are over 850 TV channels under UK jurisdiction targeting EU Member states. Even if the UK were to transpose the revised Audiovisual Media Directive, there is no dispute resolution mechanism. As Prime Minister Theresa May wrote in her letter of 29 March 2017 to Donald Tusk, invoking Article 50 of the Treaty on European Union; "We should therefore prioritise how we manage the evolution of our regulatory frameworks to maintain a fair and open trading environment, and how we resolve disputes." The UK cannot look to the Commission for decisions or the ECJ for prejudicial opinions or judgements, and the ECtHR is a non-starter – concluded Latvia.

The Netherlands – no answer

Turkey - the EU Member states tried in the past, but it is clear that more efforts are needed.

Ukraine – n.a.

Moldova – n.a.

Czech Republic – The Czech Republic has, along with some other countries, highlighted the issue at several previous meetings of the Contact Committee (under the framework of audiovisual media services directive), it has also bilaterally discussed it with the DG CONNECT during the transposition of the directive into the national law. Neither of these occasions led to a concrete proposal which would enable to keep the Convention active along with the directive.

Belgium /la Federation Wallonie-Bruxelles - none.

Switzerland - Switzerland is aware that there have been not very successful protests by certain signatory states after the European Commission intervened into the on-going revision procedure.

France – In 2008, in a view to consider the consequences of the last revision of the directive "On Transfrontier Television" by the amending Directive 2007/65/EC on Audiovisual Media Services on the Convention, the Standing Committee of the Convention mandated a working group to prepare the draft amendments to the Convention. A French delegation participated in this working group together with German, Austrian, British, Polish, Swiss and Turkish delegates.

More recently, in 2014 at the meeting of the Contact Committee of the Audiovisual Media Services Directive several delegations had invited the Commission to adopt a position on subjects falling outside the exclusive external competence of the EU. Unfortunately, as the Council of Europe had decided to suspend the work of the Standing Committee of the Convention, the Commission did not consider it necessary to respond to this request.

Monaco – no answer

Italy – n.a.

Germany – Germany cannot comment because of ongoing pilot cases.

Bosnia and Herzegovina – n.a.

Slovak Republic - At present the priority for Slovak Republic is the AVMSD and its revision. We do not consider the intervention from the EU member state as an appropriate tool to overcome this problematic situation. We suggest that the Council of Europe should seek further dialogue with the European Commission to overcome the current situation.

Greece - We are not aware of any steps taken by EU member states in order to engage in a dialogue with the European Commission to overcome the current standstill.

Lithuania - Lithuania does not conduct discussions with the European Commission concerning the revision of the Convention.

Sweden – Sweden has noted that discussions within the audiovisual working-group have been initiated by several member states.

Norway – n.a.

FYROM – n.a.

The UK - No steps have been taken by the UK to engage in dialogue with the European Commission to overcome the current situation.

Bulgaria - For the time being, no.

Georgia – no answer.

Ireland – This has been raised by a number of Member states with the European Commission over the last number of years particularly in the AVMS Contact Committee. The Commission has never provided an adequate response, particularly on the specific areas that it claims competency. It had, at one stage, promised to provide a copy of the legal advice it had received on this issue but it never followed through on that promise..

Slovenia - Slovenia has expressed its support for the revision of the ECTT.

Croatia - no answer

Luxemburg - no answer

Poland - no answer

Spain - No steps have been taken so far in this regard.

San Marino - no answer

Hungary – In light of the European Commission's position on the Convention, Hungary has not engaged in dialogue with the European Commission.

5. Is there a need to reflect on alternative solutions? If so, what could be such alternative solutions?

Austria - there is no alternative (to an international treaty) that could provide for the same or similar legal certainty and clarity.

Iceland - there is no alternative to an international convention. No other solutions could provide for the same or similar legal certainty and clarity as a convention.

Latvia - Yes, because it is very unlikely that the Committee of Ministers will agree to opening up the Convention again and it is improbable that the Standing Committee will be revived. Because so much of audiovisual media service provision is of a transfrontier nature, it is imperative that there should be the level playing field of legal certainty for all the states that wish to enjoy the benefits of free movement of services, uniform rules on the protection of minors, commercial communications, promotion of European works etc. Some research could be carried out to see if there are is a precedent for this kind of situation and how it was resolved.

One solution might be for the 12 non-EEA member states that have ratified the Convention to enter into 12 bilateral or one joint agreement with the EU on transposition of the AVMSD into their domestic legislation. Such an agreement should also envisage a dispute resolution mechanism acceptable to all parties, which could be in the form of a small ad hoc arbitration panel, possibly on the lines of the EFTA court.

The question of the status and future role of the Convention (particularly in the light of Brexit), has not been discussed in the relevant Council of the EU Working Party on OSCE and the Council of Europe (COSCE), which seems to Latvia to be a mistake but one that can be rectified. We believe this would be an ideal forum for a brainstorming session between EU Member states, the European Commission and the Council of Europe.

The Netherlands – expressed the view that currently there is no need for alternative solutions.

Turkey - Unless European Union does not lift its reservation, it will be useful to review the current Convention to cover different issues and new broadcasting technologies. It would be very useful if a high-level meeting could be organized by the Secretary General of the CoE within the agenda of next Ministerial Conference in order to raise this issue and negotiate and find a concrete solution.

Ukraine - Ukraine supports the renewal of the process of revision of the European Convention on Transfrontier Television as an efficient instrument. Thus, Ukraine does not suggest any alternatives.

Moldova - Taking into account the previous recommendations, member states should consider drafting a new convention focusing on freedom of expression aspects of media regulation and if not, reviewing the current provisions of the Convention.

Czech Republic - would prefer current situation to be resolved, but at the same time cannot foresee any alternative solution without cooperating with the European Commission.

Belgium /la Federation Wallonie-Bruxelles – The limitation of the scope of the Convention to the subject matter not covered by the Audiovisual Media Services Directive - might be a solution. In fact, such a possibility has been mentioned in 2010 during the meeting of the Contact Committee of the directive on audiovisual media services. At the time two possible approaches had been proposed and one of them was to limit the future Convention to the issues not covered by the scope of competences of the EU.

Switzerland - It would be desirable if at least the Convention could resume its work. Still, Switzerland would prefer a review of the Convention, which could close the legal gaps between the Audiovisual Media Services Directive and the Convention.

France – One solution that France identified in 2011 was to limit the revision of the Convention to areas that do not fall within the competence of the European Union, that is to say the provisions of the second protocol other than those which are limited to align the Convention with the Directive.

As it is mainly a political matter, any progress in this area must require a clear mandate from the Commission, which must take its responsibilities in this matter. Mobilisation at the highest level of the member states of the Council of Europe might be appropriate.

Monaco – no answer

Italy – Bilateral agreements cannot be seen as a real alternative, as they ensure just the alignment of the substantial rules, but no technical tool for resolution of conflicts at a multilateral level.

Germany – Germany is open to alternative solutions. It has been suggested to revise only such parts of the Convention that do not clash with competences of the EU. This could imply the adoption of a rather content-based approach focusing even stronger on human rights such as free speech, media freedom and media pluralism in the Convention. Germany would be happy to explore such ideas; however, the cost-benefit-ratio of a minor revision must be taken into account.

Bosnia and Herzegovina – There can be no alternative to a legally binding international treaty.

Some solutions may be provided by establishing a sort of a platform or an agreement among non-EU countries, but any of these could provide only advisory role, and no legal remedy.

Slovak Republic - Under their opinion the offered alternative solutions such as convention based on issues falling outside EU competency or a mixed agreement on issues falling within EU competency would cost both the Council of Europe and its member states considerable amount of work during the preparations and might not bring the required added-value. The latter might make legal situation even more complicated.

Greece - sees no other alternative more appropriate than a revision of the ECTT Convention so that compatibility with the AVMSD Directive and legal certainty are secured both for EU and non-EU member states of the Council of Europe.

Last but not least, Greece would like to recall the decision CM(2016)74 of the 126th Session of the Committee of Ministers (Sofia, 18 May 2016), entitled “Co-operation with the European Union”.

This decision highlights the importance of the strategic partnership between the Council of Europe and the EU. This partnership, as stated, "aims at better addressing common challenges facing Europe (…) at ensuring coherence and complementarity between the pan-European Council of Europe and the EU's integration process and, ultimately, at building a common legal space for human rights protection".

In the light of the above-mentioned, Greece deem as highly necessary the revision of the European Convention on Transfrontier Television, filling in the legal gap within the European continent with regard to the audiovisual media services sector. The ECTT revision would certainly ensure that all interested stakeholders enjoy a level-playing field, that the same principles are applied to the European population (be it EU or non-EU) in terms of pluralism and freedom of expression, while setting out a backstop instrument as regards freedom of transmission and reception.

Lithuania - Lithuania is open to alternative solutions. Still, Lithuania would prefer a revision of the Convention. No other solution would provide the same legal certainty as the Convention (or the revised Convention). Nevertheless, Lithuania is open to alternative solutions, for example, to limit the revision of the Convention to areas that do not fall within the competence of the EU.

Sweden - Due to the fact that Sweden is not a party to the convention it will abstain from commenting further on this question. However, Sweden welcomes further discussions between all involved parties on this matter.

Norway - See answer to question 1.

FYROM – The revision of the Convention in line with the Audiovisual Media Services Directive would be sufficient to close the legal gaps and establish a common legal framework.

The UK - The UK is open to discussing alternative solutions, for example mechanisms to provide clarity in the relationship and treatment of services within the EU from the Convention countries that are not part of the EU.

Bulgaria – no answer.

Georgia – no answer.

Ireland – Given the hard line being taken by the Commission on this issue, Ireland agrees that there is a need to reflect on alternative solutions such a developing a convention that covers areas that are outside of the European Commission's area of competence. This particular solution would, however, require the Commission to provide details of what it considers are its competences in this area. This would at least help define the areas in which EU member States would not be allowed engage in discussions.

Slovenia - No alternative to a convention.

Croatia - no answer

Luxemburg -- no answer

Poland – no answer

Spain - It is necessary to know exactly the position of the European Commission is in this regard. Should it consider that EU-member States don´t have competences anymore in the fields regulated by the AVMSD, the Commission itself should launch the revision of the Convention in order to align the Convention with de AVMSD. Other issues related to pluralism and freedom of expression in the audiovisual landscape could also be explored.

San Marino - no answer.

Hungary - In our view, areas that are currently not covered by the AVMS Directive could be regulated in a future Convention. The CDMSI has already discussed possible topics to be included in the new text.