

Council of Europe and Media Regulation

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The Council of Europe

- founded in 1949
- the European Convention on Human Rights

The Committee of Ministers

This is the Council's decision-making body and is made up of the ministers of foreign affairs of each member state or their permanent diplomatic representatives in Strasbourg. The Committee of Ministers decides Council of Europe policy and approves its budget and programme of activities.

The Parliamentary Assembly

This is the deliberative body and the driving force of the Council of Europe. The Assembly has initiated many international treaties, helping to create a Europe-wide system of legislation. Its members are appointed by the national parliaments of each member state.

The Council of Europe - cont.

The Congress of Local and Regional Authorities

The Congress is the voice of Europe's 200 000 regions and municipalities and provides a forum where elected representatives can discuss common problems, pool their experiences and develop policies. It works to strengthen democracy and improve services at local and regional level.

The European Court of Human Rights

This is the permanent judicial body which guarantees for all Europeans the rights safeguarded by the European Convention on Human Rights. It is open to states and individuals regardless of nationality. The 47 member states of the Council of Europe are parties to the Convention.

The Conference of INGOs

The Conference includes some 400 international Non Governmental Organisations (INGOs). It provides vital links between politicians and the public and brings the voice of civil society to the Council. The Council's work benefits extensively from the INGOs' expertise and their outreach to European citizens.

Conventions

Whatever they are called (“agreement”, “convention”, “arrangement”, “charter”, “code”, etc.), all these texts are international treaties in the sense of the Convention of Vienna of 1969 on the law of treaties.

The conventions of the Council of Europe are prepared and negotiated within the institutional framework of the Council of Europe.

Negotiations culminate in a decision of the Committee of Ministers to adopt the final text of the proposed treaty. It is then agreed to open the treaty for signature by member States of the Council and, if necessary, by the other States or organisations who have taken part in its elaboration.

The conventions of the Council of Europe are not statutory acts of the Organisation. They owe their legal existence to the consent of those member States that sign and ratify them.

Conventions - cont.

The great majority of the conventions of the Council of Europe make provision for non-member States of the Organisation to become Parties thereto, upon invitation by the Committee of the Ministers of the Council of Europe and by means of the procedure of accession.

Following the practice introduced by the Committee of Ministers of the Council of Europe in 1965, explanatory reports have been published on most conventions. They are prepared by the committee of experts instructed to draft the convention in question and are published when the convention is adopted by the Committee of Ministers. These explanatory reports might facilitate the implementation of the provisions of the conventions, although they do not constitute instruments which provide an authoritative interpretation of them.

Eurimages – The European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works

RESOLUTION (88) 15

SETTING UP A EUROPEAN SUPPORT FUND FOR THE CO-PRODUCTION AND DISTRIBUTION OF CREATIVE CINEMATOGRAPHIC AND AUDIOVISUAL WORKS (« EURIMAGES »)

(Adopted by the Committee of Ministers on 26 October 1988 at the 420th meeting of the Ministers' Deputies and amended by Resolutions (89) 6, (90) 34, (92) 3, (93) 10, (95) 4, (97) 65 and (98) 10 and decisions taken by the Ministers' Deputies on 15 December 1999 at the 692nd meeting and on 19 July 2000 at the 718th meeting)

Eurimages - cont.

The Representatives of the Committee of Ministers of Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden,

Considering the European Cultural Convention;

Considering the Committee of Ministers' Resolution (86) 3 on European cultural co-operation;

Considering Resolution N 1 on the promotion of European audiovisual works, adopted by the 1st European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;

Considering the Committee of Ministers' Recommendation N R (86) 3 on the promotion of audiovisual production in Europe and Recommendation N R (87) 7 on film distribution in Europe;

Considering the work of the 5th Conference of European Ministers responsible for Cultural Affairs, held in Sintra from 15 to 17 September 1987, and of the informal meeting of the European Ministers responsible for Cultural Affairs, held in Brussels on 13 and 14 September 1988, as well as the conclusions of the Colloquy on film co-distribution in the European area, organised by the Committee of Governmental Experts on the cinema of the Council for Cultural Co-operation in Rimini on 3 and 4 July 1987;

1. Purpose and functions of the Fund

- 1.1. The purpose of the European support Fund for the co-production and distribution of creative cinematographic and audiovisual works, -hereinafter referred to as « the fund » - shall be to encourage in any way to be defined by the Board of Management the co-production, distribution, broadcasting and exploitation of creative cinematographic and audiovisual works, particularly by helping to finance the co-production, distribution, broadcasting and exploitation.
- 1.2. The Fund shall receive, hold and utilise the resources allocated to it in accordance with paragraph 4 below, in pursuance of decisions taken by the Board of Management set up pursuant to paragraph 2 below.
- 1.3. By a decision of the Board of Management, the Fund may enter into arrangements with any organisation pursuing objectives of cinematographic and audiovisual interest, with a view to co-ordinating their work.
- 1.4. The headquarters of the Fund shall be in Strasbourg.

2. Board of Management

3. Management of Accounts

4. Resources of the Fund

4.1. The Fund's resources shall comprise:

4.1.a. the annual contributions of each of the Fund's Member States and associate Member States;

4.1.b. the amounts of repaid loans;

4.1.c. any other payments, donations or legacies, subject to the provisions of paragraph 4.3 below.

4.2. The contributions of the Fund's Member States and associate members shall be determined each year by their representatives on the Board of Management, duly authorised to that effect by their respective governments, according to a scale approved by the Board of Management. The obligatory contributions calculated according to this scale may be supplemented by annual voluntary contributions.

4.3. The crediting to the Fund of payments, donations or legacies referred to in paragraph 4.1.c above, in excess of the amount fixed by the Board of Management, shall be subject to the agreement of the latter.

4.4. The Fund's assets shall be acquired and held in the name of the Council of Europe and as such shall enjoy the privileges and immunities accorded to the Council's assets under the relevant agreements. The Fund's assets shall be kept separate from the Council of Europe's other assets.

5. Conditions attaching to the award of financial aid

5.1. The Board of Management may grant financial aid to natural or legal persons governed by the legislation of one of the Fund's Member States, which produce films and/or audiovisual works as well as to natural or legal persons which distribute, broadcast or exploit them.

5.2. In reaching its decision on whether to grant aid, the Board of Management shall take into account the quality of the work and shall ascertain whether it is apt to reflect and to promote the contribution of the diverse national components to Europe's cultural identity.

5.3. Co-production aid may be granted for co-productions originating in the Fund's Member States and including at least three co-producers from the Fund's Member States. The Board of Management may derogate from this rule in accordance with the implementing regulations that it has adopted for this purpose.

Such aid may also be granted for co-productions involving co-producers from Member States on the one hand and associate member or non-member States of the Fund on the other hand, provided that the contribution by the latter States does not exceed 30% of the cost of producing the co-production.

The contribution, from public or private sources, of each of the co-producers from Fund Member States may not exceed 70% of the production costs. The Board of Management may derogate from this rule in accordance with the implementing regulations that it has adopted for this purpose.

5.4. Aid for the co-production of films and audiovisual works shall be granted in respect of co-productions of works primarily intended for cinema showing and of co-productions of works primarily intended for broadcasting by television or cable distribution, where such work is produced by producers independent of the broadcasting agencies.

5.5. Aid for the distribution, broadcasting and promotion of a film or audiovisual work originating in one or more Member States of the Fund shall be granted to cover expenditure specified in the application for the manufacture of copies, subtitling and/or dubbing and recourse to various means of promotion. Such aid may not exceed 50% of such expenditure.

5.6. Aid for exploitation shall be granted to support and develop the exploitation of European films or audiovisual works in the Member States of the Fund.

5.7. Distributors and exhibitors from an associate Member State can benefit from the support scheme for distribution and cinemas.

5.8. Aid shall be allocated in the form of grants, loans at a preferential rate or advances on receipts.

6. Accession and withdrawal

7. Secretariat

8. Operation

Article 10 European Human Rights Convention

Article 10 – Freedom of expression

1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

European Convention on Transfrontier Television

Convention was opened for signature on 5 May 1989 and it came into force on 1 May 1993.

The development of the European Union “Television without Frontiers” Directive and of the “European Convention on Transfrontier Television” was undertaken in parallel.

Ministerial Conferences on Media Policy

1st European Ministerial Conference on Mass Media Policy: The Future of Television in Europe (Vienna, 9-10. 12. 1986)

2nd European Ministerial Conference on Mass Media Policy: European Mass Media Policy in an International Context (Stockholm, 23-24. 11. 1988)

3rd European Ministerial Conference on Mass Media Policy: Which Way Forward for Europe's Media in the 1990's? (Nicosia, Cyprus, 9-10. 10. 1991)

4th European Ministerial Conference on Mass Media Policy: The Media in a Democratic Society (Prague, 7-8. 12. 1994)

Ministerial Conferences - cont.

5th European Ministerial Conference on Mass Media Policy: The Information Society: a Challenge for Europe (Thessaloniki, 11-12. 12. 1998)

6th European Ministerial Conference on Mass Media Policy: A Media Policy for Tomorrow (Cracow, 15.-16. 6. 2000)

7th European Ministerial Conference on Mass Media Policy: Integration and Diversity: the New Frontiers of European Media and Communication Policy (Kyiv, 10-11. 3. 2005)

1st Council of Europe Conference of Ministers Responsible for Media and New Communication Services: A New Notion of Media? (Reykjavik, May 28-29, 2009)

ECHR

Case Law

- Article 10 in short survey of cases by ECHR in 2005