

Parliamentary Assembly: Stand on Regulation of Audiovisual Media

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It is now 20 years since the first publication of the European Convention on Trans-frontier Television (ECTT), which reflected the state of broadcasting at that time, and set out standards for regulation, and for promoting freedom of expression, by Council of Europe Member States.

Since that time technological change in audiovisual media has been accelerating: with the switchover to digital transmission, the growth of video on demand, and most recently with the prospect of convergence with computing and telecommunications. Regulation which was possible when a few broadcasters transmitted to a mass audience is no longer possible or desirable: broadcasters have proliferated, and audiences can make many more choices.

The EU has responded with its new Audiovisual Media Services Directive, and the Council of Europe has been preparing a Protocol to update the ECTT, which will presumably also refer to audiovisual media services. Now the Parliamentary Assembly, in Recommendation 1855 (2009), has joined the debate. The Assembly's recommendations are backed up by a substantial explanatory memorandum, setting out its arguments in more detail.

The Parliamentary Assembly has been concerned that the Convention should respect the basic principles of Article 10 of the European Convention on Human Rights on freedom of information and expression, rather than the EU's single market concerns. It wants to see broadcasting regulation applied sensibly to on-demand audiovisual services, but not to the internet, whose glory is the new opportunities it offers for freedom of expression. The Assembly thinks this will still be true even as the internet acquires the ability to transmit images and sound as well as text.

The Parliamentary Assembly wants to protect and enhance the role and independence of public service broadcasting, which needs particular support in some of the newer Member States. It wants national regulators also to be independent of government, of political parties, and of commercial influence.

The Parliamentary Assembly wants to protect Member States' rights to set their own standards on broadcast content, but not to impose them on others. It wants

regulators in Europe to have the mechanisms and resources to settle difference between Member States.

The recommendation also covers wider issues than the ECTT. The Parliamentary Assembly of the Council of Europe supports the Committee of Ministers' declaration of February 2008 on the allocation of the new spectrum made available from digital switchover: the opportunity should be taken to enhance public service broadcasting and high quality in all broadcasting.

Therefore the Parliamentary Assembly invites those drafting the Protocol revising the ECTT to incorporate this thinking into their final draft. It also invites the Ministerial Conference on Media and New Communication Services, which will meet in Reykjavik in May 2009, to reflect these concerns and these principles in their decisions.

The regulation of audiovisual media services, Recommendation 1855 (2009), Parliamentary Assembly of the Council of Europe, 27 January 2009

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/EREC1855.htm>

