Committee of Ministers: Recommendation on a New Notion of Media

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On 21 September 2011, the Council of Europe's Committee of Ministers (CM) adopted a Recommendation on a new notion of media. The Council of Europe has been engaging with new media issues in a piecemeal fashion for over a decade. This Recommendation is the organisation's most explicit attempt yet to engage with relevant issues in a coherent and comprehensive manner. The direct impetus for the elaboration of the Recommendation was provided by the first Council of Europe Conference of Ministers responsible for Media and New Communication Services in 2009 (see IRIS 2009-8/2).

The structural divisions of the Recommendation are indicative of the themes it addresses: "The purpose of media", "Media and democracy", "Media standards and regulation", "Developments in the media ecosystem" and "A new notion of media which requires a graduated and differentiated approach". The Recommendation is supplemented by an Appendix entitled, "Criteria for identifying media and guidance for a graduated and differentiated response".

The Recommendation describes the role traditionally played by the media in society and sets out a number of familiar rationales for media regulation. It then documents various technology-driven changes in the media sector and their broader consequences, including "unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship" and the facilitation of "users' participation in the creation process and in the dissemination of information and content, blurring the boundaries between public and private communication". The evolving relationship between traditional and new media is also considered.

These developments prompt the need for the re-examination of existing media policy. The Recommendation states that "[a]ll actors - whether new or traditional - who operate within the media ecosystem should be offered a policy framework which guarantees an appropriate level of protection and provides a clear indication of their duties and responsibilities in line with Council of Europe standards". It continues: "[t]he response should be graduated and differentiated according to the part that media services play in content production and dissemination processes". To these ends, it recommends that member states:

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- “adopt a new, broad notion of media” encompassing all relevant actors;

- “review regulatory needs in respect of all actors”;

- “apply the criteria set out” in the Appendix “when considering a graduated and differentiated response for actors […], having regard to their specific functions in the media process and their potential impact and significance in ensuring or enhancing good governance in democratic society”;

- “engage in dialogue with all actors in the media ecosystem in order for them to be properly apprised of the applicable legal framework […]”;

- “adopt strategies to promote, develop or ensure suitable levels of public service delivery” so as to ensure, inter alia, “a satisfactory level of pluralism, diversity of content and consumer choice”;

- “remain attentive to addressing situations of strong concentration in the media ecosystem […]”;

- “undertake action, individually or collectively, to promote these approaches in appropriate international fora”.

The Appendix to the Recommendation comprises two substantive parts and an extensive list of relevant Council of Europe standards. The first substantive part, “Media criteria and indicators”, sets out a number of key criteria and accompanying indicators. The criteria are: “Intent to act as media”, “Purpose and underlying objectives of media”, “Editorial control”, “Professional standards”, “Outreach and dissemination” and “Public expectation”. The second substantive part, “Standards applied to media in the new ecosystem”, is divided into the following sections: “Rights, privileges and prerogatives”, “Media pluralism and diversity of content and “Media responsibilities”. A number of indicators are proposed for each of these sections.

Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, 21 September 2011

https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Rec(2011)7&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

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