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Implementation of the European Convention on Transfrontier Television

Written question No. 591 to the Committee of Ministers
by Mr Markku LAUKKANEN, Finland, Alliance of Liberals and Democrats for Europe

Due to the death of Mr McIntosh on 27 August 2010, the Committee of Ministers was not able to reply to his Written Question No. 584 of 10 March (Doc. 12182). However, the subject of the question remains of highest relevance for the signatory parties to the European Convention on Transfrontier Television.

The parties to the European Convention on Transfrontier Television have drafted an amending protocol in 2008 and 2009, in order to align it to the changed audiovisual landscape and the new European Union Directive on Audiovisual Media Services (Dir 89/552/EEC as amended by Dir 2007/65/EC). This Directive had to be transposed by the European Union member states by the end of 2009. The European Commission was represented as an observer to the drafting meetings at the Council of Europe.

On 12 June 2009, the new draft protocol was approved in a vote by the parties to the Convention during a meeting of the Standing Committee on Transfrontier Television established under the Convention. The parties transmitted subsequently the draft protocol to the Committee of Ministers for adoption and its opening for signature.

On 23 October 2009, the then European Union Commissioner for Information Society and Media, Mrs Viviane Reding, sent a letter to European Union member states reminding them "of their dual obligation not to enter into international commitments that conflict in substance with Community Law and to respect the case law of the European Court of Justice with regard to the external powers of the Community." She continued stating: "Should member states fail to fulfil either of these obligations under the Treaty, the Commission may bring the matter before the Court of Justice as provided in Article 226 of the EC Treaty." This letter did not specify any particular provision of the draft protocol as being in conflict with EC law.

The Committee of Ministers has stopped its work on the adoption and opening for signature of the draft protocol since then. This is highly regrettable. Having transposed the new European Union Directive into their national law, European Union member states party to the European Convention on Transfrontier Television have a vital legal interest in completing the revision of this Convention in order to align it with the European Union Directive and avoid any legal conflicts with the current non-revised Convention. At present, all parties to the Convention are de facto blocked from amending the Convention.

Therefore, Mr Laukkanen

To ask the Committee of Ministers

1. When does the Committee of Ministers consider resuming its obligation to permit the revision of the European Convention on Transfrontier Television as requested by the states party to the Convention?

2. Will the Committee of Ministers establish a mechanism with the European Commission in order to ensure in the future that the European Commission will be associated to the drafting or revision of Council of Europe treaties falling within the competence of the EU?