

Spring 2006

Glossary

New York Law School

GLOSSARY*

Audiovisual sector

The European Audiovisual Observatory has adopted a pragmatic definition of this notion, covering the film, television, video/DVD, and new media sectors.

Committee of Ministers

The Foreign Affairs Ministers of the 45 Council of Europe Member States hold the Chair of the Committee of Ministers, specifically named Deputies, for a term of 6 months in rotation. At the end of each Session of the Committee of Ministers, the Chairmanship falls to the next Member State in the alphabetical order of the English country names. At the conclusion of the Session of the Committee of Ministers on November 6, 2003 in Chisinau (Moldova), the Netherlands assumed the Chairmanship of the Council of Europe's executive body for the next six months.

Convention for the Protection of Human Rights and Fundamental Freedoms

A convention adopted by the Council of Europe on November 4, 1950. The convention "enacted a minimum standard for the safeguard of human rights" in the Member countries. Established a system of legal protection enabling the bodies of established under the Convention, such as the European Court of Human Rights, to condemn violations of human rights in Member States.

Co-regulation

Co-regulation combines binding legislative and regulatory action with actions taken by the actors most concerned, drawing on their practical expertise. The result is wider ownership of the policies in question by involving those most affected by implementing rules in their preparation and enforcement. This often achieves better compliance, even where the detailed rules are non-binding.

Council Directive

A directive issued by the Council of the European Communities.

Council of Europe

A European organization structured to promote international cooperation by enabling as many nations as possible to participate. Decisions made by the Council of Europe require unanimous vote, giving every country the same voice. The Council of Europe's main goal is building a Europe of shared

* DR. KLAUS-DIETER BORCHARDT, *THE ABC OF COMMUNITY LAW 65 et. seq.*, (2000).

values, in particular democracy, freedom, the rule of law, social cohesion, cultural diversity, sustainable development.

Council Recommendation

A recommendation made by the Council of the European Communities.

Directive

This is one of the most important legislative instruments used in the European Community. The directive serves two purposes: (1) unifying Community law while (2) recognizing the diversity between nations due to each country's unique history and traditions.

A directive strives to harmonize laws between Member States by removing contradictions and conflicts between individual nations' laws. To this end, the directive does not supersede national laws, but requires Member States to adapt their law to harmonize with Community law. The ultimate goal of the directive is that laws of the Member States will all contain the "same material provisions." The overall goal of setting EC law is to remove obstacles to the internal market, which might result from the existence of different legal rules and standards. Only if there is indication that diversity in national legislation poses an obstacle to the free flow of services and goods will the EC regulate.

The object of a directive is what is binding on Member States. The individual Member States retain the authority to decide how the objective will be achieved and incorporated into their own legal system. The directive places responsibilities, rights, and obligations on Member States not their citizens. The individual Member States then confer rights and obligations upon their citizens to achieve the objective.

Economic and Social Committee

This committee provides various economic and social groups representation in the community institutions, especially groups like employers and farmers. The Economic and Social Committee can issue its own initiatives, which are helpful to the Council because they show the common viewpoint of the various social groups.

Electronic programming guide (EPG) **

The EPG is an application program that is based on the API in the set-top box. For the EPG to work, it has to be interoperable with the API and so it has to "speak its language."

The EPG is an especially important player on the digital television scene. It contains real-time information, which is more comprehensive than that of the basic navigator, on the current and future programs of the broadcasters it covers. Using the EPG, viewers can request background and additional information about programs. It may also contain video sequences and pictures. The contents conveyed by the EPG are broadcast along with the programs. What channels it covers depends on the supplier of the EPG.

The distinction between the basic navigator and the EPG is frequently overlooked. In addition, the EPG may sometimes take over the function of the basic navigator when the programs can be controlled only by an EPG, for instance one distributed by a network operator.

The European Commission

The Commission is the legislative/administrative body responsible for beginning many Community actions and thinking in the interest of the European Community. To this end, the Commission harbors many responsibilities including creating proposals and drafts, presenting them to the Council, and monitoring.

European Court of Human Rights

The European Court of Human Rights was established by the Convention for the Protection of Human Rights and Fundamental Freedoms. This court enforces the standards enacted at the convention and acts as an enforcing agent for human rights violations in Member States.

European Governance – a White Paper

The European Commission presents a White Paper on European Governance to the wider public. The Paper contains a set of recommendations on how to enhance democracy in Europe and increase the legitimacy of the institutions.

Must-offer

Must-offer refers to a broadcaster's obligation to make their channels available to network providers.

** See Digital Television Glossary, *Supplement to the IRIS Special: Regulating Access to Digital Television*, the European Audiovisual Observatory, Strasbourg (2004).

Public authority

Any person, certain of whose functions are functions of a public nature (See: UK's "Human Rights Act 1998"). It also covers the public functions of private sector bodies.

Recommendation

A recommendation is a non-binding expression of an opinion or viewpoint made to a Member State. The party to whom the recommendation is addressed is asked to do something, but the recommendation places no legal obligation on that Member State to take action. The idea behind the recommendation is that Member States will comply with the recommendations due to the moral obligation they feel as a Member State.