

**RULES OF PROCEDURE OF THE EUROPEAN REGULATORS GROUP FOR
AUDIOVISUAL MEDIA SERVICES**

**THE EUROPEAN REGULATORS GROUP FOR AUDIOVISUAL MEDIA
SERVICES,**

Having regard to the Commission Decision of 3 February 2014 establishing the Group¹
(hereinafter "the Commission Decision"), in particular Article 5 thereof,

Having regard to the standard rules of procedure of expert groups²,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Membership

1. Members of the European Regulators Group for Audiovisual Media Services (hereinafter 'the group') shall comprise independent national regulatory authorities of EU Member States in the field of audiovisual media services, represented by the heads or by nominated high level representatives of the national regulatory body with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory body by other representatives as chosen through their procedures.

The European Commission shall attend the meetings and take part in the discussion, without voting rights, and shall be represented at an appropriate level.

2. Each regulatory body shall also appoint a second high level representative, who shall be empowered to exercise the responsibilities of the member.
3. Each Member State shall inform the Commission of the names of the national bodies through its Permanent Representation.
4. Without prejudice to paragraphs 1 and 2 above, each member decides on the composition and size of its delegation- which shall not normally exceed 3 people - and informs the secretariat of the group thereof via a dedicated mailbox of the group. However, the reimbursement of travel expenses by the Commission is limited to one person per delegation. Each member shall have only one vote.

¹ C(2014) 462 final.

² C(2010) 7649 final/{SEC(2010) 1360}.

5. A member may, in exceptional circumstances, represent a maximum of one other member as proxy. The member of the group that is represented must inform the secretariat of the group thereof in writing.

Article 2

Observers and Experts

1. The Commission invites EEA³/EFTA States as observers. The Commission may invite as observers States that are candidates for accession to the European Union and representatives of the European Parliament.
2. Following a proposal by the group or at its own initiative and having provided the group with sufficient time to express reservations, the Commission may invite as observers organizations as defined in Rule 8(3) of the horizontal rules for Commission expert groups⁴, including European Platform of Regulatory Authority (EPRA)⁵ and the European Audiovisual Observatory (EAO)⁶.

Each observer shall be represented by no more than two persons.

Observers may take part in the discussion without voting rights.

3. Following a proposal by the group, the Commission may invite on an ad hoc basis experts, from outside the group with specific competence in a subject on the agenda to observe or participate in the work of the group or a sub-group.

Experts shall withdraw when the group moves to a vote.

Article 3

Tasks

As defined in Article 2 of the Commission Decision, the group's task shall be:

- (a) to advise and assist the Commission, in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;
- (b) to assist and advise the Commission, as to any matter related to audiovisual media services within the Commission's competence;
- (c) to provide for an exchange of experience and good practice as to the application of regulatory framework for audiovisual media services;

³ Agreement on the European Economic Area, OJ L 1 of 3.1.1994 p. 3.

⁴ C(2010) 7649 final/{SEC(2010) 1360}.

⁵ <http://www.epra.org>

⁶ <http://www.obs.coe.int>

- (d) to cooperate and provide its members with the information necessary for the application of the Directive 2010/13/EU, as provided for in Article 30 of the Directive 2010/13/EU, in particular as regards Articles 2, 3 and 4 thereof.

Article 4

Chair

1. In accordance with the Commission Decision, the group shall be chaired by one of its members for a period of 12 months. Members of the group shall also appoint up to two vice-chairs for the same period.
2. Nominations for election as chair and vice-chairs shall be submitted to the secretariat no later than 28 days before the date of the meeting at which the election will take place. Candidates shall be supported by at least 2 other members. The secretariat will circulate the list of candidates according to the rules defined in Article 5. The chair and the vice-chairs shall each be elected with 2/3 majority of all members.

A request for a secret ballot can be made by at least two voting members present.

3. Before serving his/her term as chair for one year, the chair shall first serve one year as vice-chair and shall also serve a final year as vice-chair, except if she/he does not wish so. Every year the group shall appoint the chair for the year subsequent to the following year according to the selection procedure described in this Article.

The group shall elect the vice-chair who shall become chair the following year from among the members with the voting rights.

4. In the event of resignation or permanent incapacity of the chair or of the vice-chair, a new chair and/or vice-chair shall be elected without delay for the remainder of the term of office of the person to be replaced.

Article 5

Secretariat

1. The Commission shall provide secretarial support for the group and any sub-groups created under Article 5(5) of the Commission Decision.
2. The secretariat of the group shall ensure document management and access. It shall also ensure the management of a dedicated website.
3. The secretariat shall ensure that information concerning the activities carried out by the group, is made public via a dedicated website.
4. The secretariat shall be responsible for the tasks assigned to it under Article 17 of the rules of procedure.

Article 6

Agenda

1. The chair shall draw up the agenda for meetings in consultation with the Commission and with the support of the secretariat.
The chair, in consultation with the Commission, shall put an item proposed by at least 5 members, on the Agenda of the next meeting.
2. The agenda shall be adopted by the group at the start of the meeting. Upon request from a member or the Commission's representative, the chair may decide to add an item to the agenda.
3. The conclusions shall be recorded in the summary minutes of the meeting of the group.
4. Immediately after the meeting the chair may prepare a press release or other public communication on the activities of the group for the secretariat to upload on the group's website.

Article 7

Meetings

1. The chair on his/her own initiative, or at the request of a simple majority of members shall convene meetings through the secretariat, in agreement with the Commission. There will normally be two meetings of the group each year, but extraordinary meetings may be convened when necessary.
2. Quorum necessary for meetings shall be achieved when at least 2/3 of all voting members are present or represented by proxy. The written proxy shall be submitted to the chair at the beginning of the meeting and shall be recorded in the minutes.
3. Should a conflict of interest in relation to a member of the group arise, that member shall inform the chair at the start of the meeting. In the event of such conflict of interest, the member shall abstain from discussing the items on the agenda concerned and from any vote on these items. Conflicts of interest shall be reported in writing in the summary minutes of the group's meeting. These rules shall also apply accordingly to deliberations taken by the group in written procedure.
4. At each meeting, the secretariat shall draw up an attendance list which should be annexed to the minutes of the meeting. Observers and experts shall be included in the attendance list.
5. Summary minutes of the group's meetings, on each point of the agenda are drafted by the secretariat under the responsibility of the chair. The secretariat shall distribute the draft summary minutes of the meeting within 10 working days.
Summary minutes shall be approved electronically by the participants of the meeting no later than 10 working days after receiving the draft minutes.
6. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.

Article 8

Documentation to be sent to group Members

1. The secretariat, in agreement with the chair, shall send the invitation to the meeting and the draft agenda to the group members no later than 30 calendar days before the date of the meeting.
2. The secretariat shall send documents, on which the group is consulted, to the group members no later than 14 calendar days before the date of the meeting.
3. In urgent or exceptional cases, the secretariat, in agreement with the chair or at the request of the group, may shorten time limits for sending the documentation, mentioned in 1 and 2 of this Article, as necessary.

Article 9

Types of acts

1. In relation to its tasks as defined in Article 2 of the Commission Decision the Group shall in particular:
 - (a) issue opinions, recommendations and reports;
 - (b) issue, opinions and reports, in order for the Commission to prepare its position vis-a-vis the Council or the European Parliament;
 - (c) in justified cases, in order to advise the Commission, issue consultation documents in order to collect necessary information from market participants, consumers and end-users.
2. Neither the members nor the Commission are bound by the acts defined in the previous paragraph, but shall take the utmost account of such documents.
3. In assisting the Commission, the group shall take due account of the principles of better regulation as prescribed by the Commission, in particular in the Communication of the Commission on Better regulation for Growth and Jobs in the European Union.⁷

Article 10

Decision making procedure

1. The group shall adopt acts defined in the previous Article by consensus, or if not possible, on the basis of 2/3 majority of the votes, each member having one vote. In addition to the possibility to attach dissenting opinions, any member has the right to

⁷COM (2005)97 of 16.3.2005.

include its individual views as an annex in the opinions, recommendations and reports adopted by the group.

2. A request for secret ballot can be made by at least two voting members present and supported by a majority of members.
3. If a member of the group so requests, an adoption can be postponed if the documents relating to a specific agenda point have not been sent to the members within the timeframe laid down in Article 8 (2) and (3).

However, at the proposal of the chair or at the request of any other member of the group, the group may decide by a simple majority voting of members to keep this point on the agenda because of the urgency of the matter.

4. If the group has not decided within the timeframe laid down by the chair, the latter may extend this period, except in cases of urgency, no longer than until the end of the next meeting. If necessary, the written procedure provided for in Article 11 may be applied.

Article 11

Written procedure

1. If necessary and justified, any acts or documents of ERGA may be adopted by a written procedure. To this end, the secretariat, in agreement with the chair, shall send the members of the group the documents(s) on which the group is being consulted.
2. The minimum period which must be given for comments to be submitted is 14 calendar days, except in the exceptional case of justified urgency where the time-limit is two working days. Such a case of justified urgency shall be explained when launching a written procedure.
3. The chair, if applicable with the support of the chair of a sub-group, shall process the comments and prepare a final version of the document(s) within seven calendar days after the deadline for submitting comments. In case of justified urgency, the time-limit for processing comments and preparing a final version of the document(s) is one working day.
4. The secretariat will send the document(s) to the members of the group to put it to a vote. The acts are adopted if a 2/3 of the members have expressed their explicit agreement within a deadline which must not be less than seven calendar days, except in case of justified urgency where the time-limit is two working days.
5. A full report on the outcome of the procedure will be made available to members of the group. The report will indicate in particular:
 - (a) The detailed results of the voting (i.e., number of votes cast – specifying the number of negative and positive votes and abstentions); and
 - (b) The remarks and reservations of group members upon their request.

6. However, if a simple majority of group members requests that the proposed document be examined at a group meeting, the written procedure shall be terminated without result and the chair shall convene a meeting of the group as soon as possible.

Article 12

Annual Work Programme

1. The draft Work Programme of the group shall be prepared by the chair, in agreement with the Commission.
2. The draft Work Programme should be submitted for the consideration and comments of all members and observers of the group. The amended draft shall be submitted for the approval of the plenary meeting and approved according to the provisions under Article 10 of these rules of procedure
3. Once approved by the members, the draft Annual Work Programme shall be published for comments.
4. The members shall adopt the Annual Work Programme of the Group, agreed with the Commission services, before the end of each year preceding that to which it relates.

Article 13

Sub-groups

1. In agreement with the Commission's representative, the group may set up one or several sub-groups, in order to examine a specific question on the basis of terms of reference endorsed by the plenary meeting of the group.
Such groups shall be disbanded as soon as their mandate is fulfilled.
2. Sub-groups shall be composed of experts from the members and can also include observers. In agreement with the Commission's representative, the meeting of the sub-groups can also be open to external participants, on an ad hoc basis.
Whenever a sub-group is set up, members of the group shall decide on its remit and composition – including the chair of the sub-group – on a clear and transparent basis by, in particular taking into account the explicit desire of any member to be part of the sub-group.
3. Sub-groups may only be chaired by one of the members.

Article 14

Contact Network

1. The group may set up a Contact Network of representatives of all members and observers, coordinated by a representative of the chair of the group, to facilitate coordination of proposals to be considered by the meeting of the group.

2. In some cases, the Contact Network can also act as a platform for exchange of information and for cooperation, to support the tasks defined in Article 2(c) and (d) of the Commission Decision.
3. Where possible, the Contact Network will operate virtually, through electronic contact.

Article 15

Public consultations

1. Public consultations shall be organised in all cases where the input and comments of stakeholders are required in order to advise the Commission.
2. The consultation procedure shall be organized in a written format on the web-site of the group.
3. Responses, to be addressed in the written form to the secretariat, preferably by e-mail, will be made available on the web-site, except where confidentiality has been requested.

Article 16

Correspondence

1. External correspondence relating to the group shall be addressed to the Commission (secretariat), for the attention of the chair of the group.
2. Correspondence for group members shall be sent directly, if possible by e-mail, to the person designated for this purpose by the regulatory body.

Article 17

Access to documents

Applications for access to documents held by the expert group will be handled in accordance with Regulation (EC) No 1049/2001⁸ and detailed rules for its application⁹.

Article 18

Confidentiality of deliberations

1. The group's deliberations shall be confidential.
2. In agreement with the Commission services, the group may, by a simple majority of its members, decide to open its deliberations to the public.

Article 19

Protection of personal data

All processing of personal data for the purposes of these rules of procedure shall be in accordance with Regulation (EC) No 45/2001¹⁰.

Article 20

Amendment of the Rules of Procedure

The group may amend its rules of procedure by consensus or, in absence of consensus, by 2/3 majority vote. Any amendments are subject to the approval of the Commission services.

Article 21

Transitional provisions

1. For the election of the first chair and vice-chairs of the group, the chair and vice-chairs shall each be elected with 2/3 majority of all members. A request for a secret ballot can be made by at least two voting members present.
2. By way of derogation from Article 4(1), the mandate of the first chair and vice-chairs shall end at the end of the group's work in 2015.
3. By way of derogation from Article 4(2), candidates for the first chair and vice-chairs of the group shall not need the support of other members.
4. By way of derogation from Article 4(3), the first chair of the group shall not serve one year as vice-chair before serving his/her term as chair, and one of the two vice-chairs to be elected at the first meeting, shall not serve as a chair at the end of his/her term.

Article 22

Entry into force

These rules of procedure shall take effect on the day of their endorsement by the European Regulators Group for Audiovisual Media Services.

⁸ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁹ Commission Decision 2001/937 of 5.12.2001. OJ L 345 of 29.12.2001, p. 94.

¹⁰ Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. (OJ L 8, 12.1.2001, p. 1).