Subgroup 3 Terms of Reference

Name of Subgroup	Preparing ERGA and NRAs for Self- and Co-Regulation (SG3)
SG Chair, NRA	Oli Bird, Ofcom, UK
Background	In a dynamic audiovisual media sector self- and co-regulatory approaches are becoming more effective and more prevalent, where stakeholders are willing to participate in such schemes. These approaches can offer increased flexibility and adaptability compared with traditional regulation, and can also potentially create stronger support for regulation, because the sector commits itself to these schemes. At the same time there is a risk that these approaches become weaker forms of regulation, or self-presentational exercises. Policy-makers may find it desirable for NRAs to retain certain enforcement powers. Some Member States and NRAs have more experience of these approaches to regulation than others; discussions within ERGA also suggested that there may be different understandings of these concepts, and a range of different approaches to their implementation. The current proposal to revise the AVMSD includes proposals for self-regulation and co-regulation, but regardless of the outcome of the legislative process, it is likely that the use of these approaches will increase. This Subgroup aims to exchange experiences and good practices in this area, drawing on the experience of audiovisual NRAs (including experience outside the audiovisual sector, where applicable), and readying NRAs (and ERGA itself) for this increased use.
Subgroup scope and purpose	The Subgroup will first conduct a knowledge-gathering exercise, which will inform a survey of self- and co-regulation schemes (SR, CR) used within the jurisdiction of NRAs. On the basis of this survey, discussions with the group, and expert input, it will then explore experiences and approaches in order to establish a typology of SR/CR and success/risk factors in regulatory models. Phase 1: Knowledge-gathering and Survey - Drawing on initial inputs and discussions within the group, a questionnaire will be prepared by the group and circulated to all ERGA members to complete. It will include questions on whether and how models of self- and co-regulation are or have been used, the scope of their application, the legislative basis, the role of the NRA, and the outcomes, challenges, and lessons learned from previous schemes. - The responses to the questionnaire will be collated and analysed by the drafters. Phase 2: Report and discussion - A internal ERGA report will be prepared to present an overview of existing experience across ERGA members, based on the results of the questionnaire.

	- Depending on the results and initial discussions, the report may also supplement the survey with some case studies, where these can particularly illuminate the issues involved in SR and CR through specific details. - The group would also aim to include in the report a typology of SR/CR models which can be used to achieve a common understanding and context for NRAs designing regulatory schemes. - The group will discuss the results of report and the emerging conclusions e.g. in terms of common experiences, agreement about good practice, or particularly successful cases. - The group will also seek expert input e.g. from academics, stakeholders and others who have been involved in SR and CR schemes, and other previous work. This may take the form of presentations at subgroup meetings. Phase 3: Recommendations - Based on the discussions during Phase 2, the group will also consider whether there are any recommendations for ERGA members on how to achieve successful models of SR and CR in practice, in terms of particular success and risk factors. - The group will also consider any recommendations for ERGA itself, in terms of how it can best support NRAs on an ongoing basis, in this evolving area. - Any recommendations will be presented to ERGA Plenary so that next steps for this work can be considered.

Deliverables

Deliverable type	Report to Plenary
Deliverable title	(To be decided)
Due date	Plenary meeting, Autumn 2017
Public consultation	No
Publication	No

Allocated Resources

Active members (drafters)	Danish Radio and TV Board (Denmark), CBRS (Slovakia), DLM (Germany), NMHH (Hungary), AGCOM (Italy), CVDM (Netherlands)
Members	CSA/Medienrat (Belgium), AEM (Croatia), CRTA (Cyprus), RRTV (Czech Rep.), TJA (Estonia), FICORA (Finland), BAI (Ireland), NCRTV (Greece), RTCL (Lithuania), AKOS (Slovenia), Medietilsynet (Norway), Krrit (Poland), ERC (Portugal), CAN (Romania), CNMC (Spain), AVMU (FYROM).
Other resources	European Commission, ERGA Secretariat

Work flow

Date	Action / deliverable	Internal Subgroup only	External Board, CN, Plenary, Publication
2017			
March 9th	Presentation/adoption of ToR at Plenary	Chair	Plenary
March/April	**First meeting.** Kick-off meeting with all SG members and possibly external expert presentation/s.	All members	
April/May	Draft survey (probably by correspondence)	Chair/Drafters	
May/June	**Second meeting.** Finalise survey. Expert presentation/s.	All members	
June/July	Survey to all ERGA members	Chair/Drafters	All members
July/August	Collect and analyse survey results	Chair/Drafters	
September	**Third meeting.** Discuss survey results, emerging conclusions.	All members	
October	Draft report	Chair/Drafters	
October	Feed back from SG members via correspondence OR: **Fourth meeting** to discuss draft report	All members	
November	CN to discuss draft report	Chair	CN
November	Present report at Plenary	Chair	Plenary