

## Subgroup Terms of Reference for 2016

<b>Name of Subgroup (SG)</b>	Audiovisual Media Services Review Subgroup
<b>SG Chair, NRA</b>	Oli Bird, OFCOM
<b>Background</b>	<p>The Audiovisual Media Services Directive provides for a minimum harmonisation of certain aspects of national legislation, with a view to freedom of information and to facilitate the circulation of audiovisual media services within the single market. It covers both broadcasting and video-on-demand services, and sets out minimum rules in areas such as commercial communications, protection of minors, hate speech and the promotion of European works.</p> <p>As part of the European Digital Single Market Strategy, the European Commission committed to conduct a review of the Audiovisual Media Services Directive in 2016. Ahead of this, it launched a “regulatory fitness” (REFIT) exercise during 2015, which included a public consultation. The Commission expects to table proposals for legislative reform in June 2016.</p>
<b>Subgroup scope and purpose</b>	<p>The AVMS Review SG will aim to assess the practical regulatory challenges of the new legislative proposals, and share views and advice with the Commission and others as appropriate.</p> <p>Phase 1 (March – June): Prepare ERGA common positions</p> <ul style="list-style-type: none"> <li>- Carry out high-level work in areas of the AVMS Directive that ERGA has not previously considered, namely Commercial Communications and the Promotion of European works, to establish common positions amongst ERGA members. This would be done through two roundtable discussions among subgroup members, and through analysis of ERGA members’ responses to the European Commission’s consultation.</li> <li>- Distill the key messages and recommendations from the 2015 reports on Material Jurisdiction, Protection of Minors and Independence and the anticipated report on Territorial Jurisdiction, in collaboration with the Chairs of previous subgroups, to produce simple statements of the ERGA common position on these issues, as a reference in responding to the AVMS proposals. No new work on these areas is envisaged.</li> </ul> <p>Phase 2 (June – September, assuming proposals in June): Produce ERGA Opinion from common positions</p> <ul style="list-style-type: none"> <li>- Consider the legislative proposals and produce an initial Opinion against the common positions identified in Phase 1. This will specifically focus on the practical implementation of those proposals which are relevant for effective and efficient oversight by the NRAs.</li> </ul> <p>Phase 3 (September onwards/following Phase 2): Further ERGA work in response to the AVMS proposals</p> <ul style="list-style-type: none"> <li>- Identify any aspects for further work on the issues already examined in Phase 1, such as a more detailed look at a particular aspect, where this would be directly relevant to a new Directive.</li> <li>- To the extent that it would benefit the debate, conduct further in-depth analysis on issues that ERGA has already suggested would be</li> </ul>

	<p>relevant to the AVMS. For example, audiovisual platforms, or the concept of editorial responsibility and TV-like programmes.</p> <ul style="list-style-type: none"> <li>- Identify further ERGA work that would add value, in light of the proposals. For example, work considering an evolution of ERGA's role; or identification of best practice in areas that do not lend themselves easily to harmonisation.</li> </ul> <p>Finally, the SG could also support the Chair and Board in their public engagement (e.g., in the European Parliament and with stakeholders) during the legislative process (e.g. for example providing assistance in the preparation of presentations).</p>
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### Deliverables

Deliverable type	ERGA opinions and public statements, as appropriate, on the AVMS proposals once published and/or on specific elements of the Directive as the debate progresses.
Deliverable title	TBD
Due date	To be determined in the case of specific deliverables, but the intention would be to bring substantive updates/reports to Plenary, once proposals have been published by the Commission, and/or to follow a written procedure for approval by ERGA members, where the Plenary schedule does not permit effective engagement with the legislative process.
Public consultation	No – however, the SG will consider the possibility and benefit of having workshops with relevant stakeholders.
Publication	Yes (TBD)

### Allocated Resources

Active members (drafters)	AGCOM, CBRS, CNMC, CSA, TJA, DLM, NMHH, RRTV, SPBA
Members	CSA/VRM/Medienrat, CEM, AEM, CRTA, Danish Radio and TV Board, NCRT, BAI, RTK, CvdM, CNA, AKOS, FICORA, AVMU, Medietilsynet
Other resources	N/A

### Work flow (internal and external milestones)

Date	Action / deliverable	Internal Subgroup only	External Board, CN, Plenary, Publication
Year 2016 <sup>1</sup>			
9 February	Draft Terms of Reference discussed during ERGA Board-meeting	Chair	Board
16 – 19 February	SG members to comment on ToR	Chair/Drafters/Members	n/a
22 February	Submission to Plenary	n/a	n/a
2 March	Adoption of ToR	n/a	Plenary
March/April	SG meeting: agree tasks for drafters and exchange views on Commercial Communications	Chair/Drafters/Members	n/a
April/May	SG meeting: exchange views on European works and consider preliminary draft of recommendations emerging from 2015 reports	Chair/Drafters/Members	n/a

<sup>1</sup> Where specific dates are not given, they are to be confirmed

<b>Date</b>	<b>Action / deliverable</b>	<b>Internal</b> Subgroup only	<b>External</b> Board, CN, Plenary, Publication
May	SG to agree Phase 1 outputs by correspondence	Chair/Drafters	n/a
By end May	SG to report to Board/CN on Phase 1	Chair	Board/CN
June (following proposals)	SG meeting: exchange views on AVMS proposals, agree tasks for drafters to produce Opinion	Chair/Drafters/Members	n/a
July-August	Development of written Opinion. Ad hoc tele-conferences and meetings as required.	Chair/Drafters	Board/Chair CN
August	SG to agree final draft of Opinion by correspondence	Chair/Drafters/Members	n/a
September	Adoption of Opinion – either in Plenary or via written procedure	n/a	Plenary
September onwards	SG meeting: exchange views on aspects for further work. Identify drafters and develop written proposal.	Chair/Drafters/Members	n/a
September onwards	Proposals for any further work to be considered by Plenary.	n/a	Plenary
September onwards	Further work areas to be developed...	Chair/Drafters/Members	n/a
Future dates and actions to be decided in light of agreed work plan			

**[ERGA (2016)04]**