Subgroup 4 Terms of Reference

Name of Subgroup	Preparing ERGA and NRAs for Self- and Co-Regulation (SG4 – continuing the work of SG3 in the 2017 ERGA Work Programme)
SG Chair, NRA	Oli Bird, Ofcom, UK
Background	In a dynamic audiovisual media sector self- and co-regulatory approaches [SRCR] 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.

The Subgroup began work during 2017, conducting a survey of ERGA members to establish a baseline understanding of the collective experience in this area. It presented an internal report on this to ERGA plenary. |
| **Subgroup scope and purpose** | Building on the work during 2017, the Subgroup will first focus on exploring a series of case studies, identified among the SRCR schemes surveyed during 2017, to gain a more detailed understanding of good practices in SRCR.

Further detail on these case studies, going beyond that revealed in the survey, will be obtained from the relevant NRA. The Subgroup may also (as appropriate) liaise directly with the schemes themselves.

Each case study will be documented, in order to create materials which can be of use to ERGA members in studying success and risk factors when developing SRCR schemes within their jurisdiction.

The Subgroup Chair will liaise with SG2 (Exchanging Experiences and Good Practices) in order to facilitate any practical implementation of these materials within the broader ERGA work on Good Practices.

As visibility increases of any requirements in relation to SRCR in the revised AVMS Directive, the group will compare the understanding and experiences of SRCR among ERGA members with the new definitions and requirements in the Directive. It will consider any recommendations to ERGA itself, to help its members. The Subgroup will liaise, where appropriate, with Taskforce 1 of |

	Subgroup 3 on the Extension of the Material Scope of the AVMSD.
	An internal report on the work above will be prepared for the ERGA Plenary.
	As the work develops, the Subgroup will also discuss whether there is value in preparing an external output.
	The Subgroup will also continue to invite guest presenters to its meetings, in order to hear expert views and relevant perspectives on SRCR.

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)	CBRS (Slovakia), DLM (Germany), NMHH, (Hungary), AGCOM (Italy), CVDM (Netherlands)
Members	RTR (Austria), CSA/VRM, Medienrat (Belgium), AEM (Croatia), CRTA (Cyprus), RRTV (Czech Rep.), Danish Radio and TV Board (Denmark), FICORA (Finland), CSA (France), NCRTV (Greece), BA (Malta), AKOS (Slovenia), CNMC (Spain), Medietilsynet (Norway), Krrit (Poland), ERC (Portugal), MPRT (Sweden)
Other resources	European Commission, ERGA Secretariat

Work flow

Date	Action / deliverable	Internal Subgroup only	External Board, CN, Plenary, Publication
2018			
January 24	**First meeting.** Kick-off meeting of 2018 to finalise draft ToR and commence discussion of case studies.	All members	
February 22	Receive feedback on ToR.	Chair	CN
March 1	**Second meeting.** Finalise ToR taking into account CN feedback. Agree list of case studies and agree approach to investigating further.	All members	
March 23	Adopt ToR.	Chair	Plenary
June/July (tbc)	**Third meeting.** Discuss draft case study documentation (1/2). Discuss emerging AVMS SRCR picture.	All members	
July/September (tbc)	**Fourth meeting.** Discuss draft case study documentation (2/2). Discuss emerging AVMS SRCR picture.	All members	

Date	Action / deliverable	Internal Subgroup only	External Board, CN, Plenary, Publication
October	Finalise outputs by correspondence.	Chair/Drafters	
TBC	CN to discuss draft outputs.	Chair	CN
TBC	Present outputs at Plenary.	Chair	Plenary