

Subgroup 2 – 2019 Terms of Reference (ToR)	
Name of Subgroup 2 (SG 2)	Future of ERGA
SG Chair, NRA	Frédéric Bokobza, CSA (France)
Background	<p>The formal recognition and reinforcement of ERGA’s role in the newly adopted AVMS Directive is an acknowledgement of the Group’s positive contribution to date to the implementation of the EU audiovisual regulatory framework and to the debate on its revision process.</p> <p>It also provides a unique opportunity to assess to what extent ERGA is in a position to live up to its new responsibilities and to the challenges associated with the general objective to ensure that the revised AVMS Directive will be consistently implemented throughout the EU.</p> <p>The 2018 <i>ERGA Analysis & Discussion Paper on the revised AVMSD</i>¹ already pointed out a number of possible shortcomings in the Group’s internal procedures and working methods, including some which would make it difficult to fulfil some of the Group’s new tasks. The 2018 Paper therefore included a proposal for ‘<i>ERGA members to develop – within a dedicated working group in 2019 – a plan aiming at the necessary transformation of the Group before the end of the transposition process</i>’.</p> <p>Furthermore, regardless of what the new Directive will require and without prejudice to its provisions, ERGA members have repeatedly acknowledged the need to optimise and, where necessary, improve current working practices². In particular, this Subgroup will aim to find ways to achieve greater inclusiveness, responsiveness, openness and transparency in ERGA’s work.</p> <p>The ERGA 2019 Work Programme follows up on these objectives by establishing a Subgroup 2 on the future of ERGA with the task, amongst others, to deliver on the recognized ‘<i>need to adapt its (ERGA) functioning, as defined in its Rules of Procedure and Internal Guidelines on the operation at working levels, to its new role</i>’.</p>
Subgroup scope and purpose	<p>As outlined above, the Subgroup’s general purpose is to make proposals for possible changes in ERGA’s internal procedures and working methods, including amendments to its current Rules of Procedure³.</p> <p>The changes would need to be aligned with the future Commission’s</p>

¹ The ‘ERGA Analysis & Discussion Paper to contribute to the consistent implementation of the revised Audiovisual Media Services Directive’ (2018).

² It is to be recalled that in 2017, ERGA Subgroup 4 was dedicated to the preparation of guidelines on improving the functioning of subgroups.

³ Article 20 of the ERGA Rules of Procedure provides that ‘*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*’.

	<p>decision setting out, <i>inter alia</i>, ERGA's tasks pursuant to Article 30b of the new AVMS Directive. Without prejudice to further changes required following the adoption of a revised Commission's decision, the amendments of the Rules of Procedure could be implemented as from 2020.</p> <p>Based on the work carried out by ERGA Subgroup 3 in 2018, as well as on the discussion that took place at the last ERGA 2018 plenary meeting, and in line with the ERGA 2019 Work Programme, the proposals the Subgroup intends to make will seek to achieve the following key objectives:</p> <ol style="list-style-type: none"> 1. Preparing the Group to take on its new responsibilities stemming directly from the revised AVMSD⁴ and, more broadly, to efficiently assist the European Commission in its task to ensure a consistent implementation of the revised Directive, in particular by facilitating cooperation between NRAs and by exchanging experience and best practices; 2. In close connection with the first objective - Giving the Group the possibility to develop medium or long-term strategies setting out the key issues ERGA members wish to address in priority over a given time period; 3. Giving the Group (and its subgroups) more flexibility with regard to the management of the workload, especially as to the time of adoption of deliverables; 4. Seeking higher transparency and inclusiveness at all levels of ERGA's governance and activities, including through enhanced internal communication; 5. Proposing options to enhance the Group's ability to communicate externally and to contribute to public debates on media regulation; 6. Proposing options for the Group to engage on a more regular basis with external stakeholders, particularly if it contributes to a better understanding of the services regulated under the AVMSD and a greater awareness of the developments affecting the audiovisual sector as a whole. <p>As part of its work, and with a view to achieve these objectives, the Subgroup will address issues related to (including but not limited to): ERGA's governance, ERGA's relationships with other expert groups and external stakeholders, ERGA subgroups' working methods, ERGA's voting procedures, etc.</p> <p>The Subgroup will also take due account of suggestions which may arise from the 2019 ERGA Subgroup 3 on the revised AVMSD insofar as they would have direct or indirect implications for ERGA's internal organisation.</p> <p>All proposed options should take into account the level of budgets and human resources available to ERGA and its members (both larger and</p>
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⁴ Amongst ERGA's responsibilities stemming directly from the new Directive, Article 30b (3), point d) provides that ERGA shall 'give opinions, when requested by the Commission, on the technical and factual aspects of the issues pursuant to Article 2(5c), Article 3(2) and (3), point (c) of Article 4(4) and Article 28a(7).

	<p>smaller authorities). They should be prepared in consultation with the Commission at all stages.</p> <p>On a practical level, given its specific purpose, the Subgroup should make intensive efforts to be as inclusive as possible, involving all ERGA members (including observers) throughout its work and making sure that the final outcome reaches the highest possible consensus. To reach that goal, and considering that ERGA's ambition in the future is to increasingly foster, where possible, common approaches on certain key issues related to the implementation of the AVMSD, it becomes very important to review its working methods starting from 2019. New formats and methodologies will therefore be discussed and experimented in the context of this Subgroup next year (for instance, the Group could consider setting up e-meetings in small groups and/or the possibility for members to remotely take part in Subgroup meetings).</p>
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Subgroup 2 Deliverables

While the main purpose of the Subgroup is to deliver proposals for amendments to ERGA's Rules of Procedure (deliverable 1), three other documents may also be reviewed and amended, including the existing Internal Guidelines on the operation of the ERGA Contact Network⁵ and Internal Guidelines on the Operation of Subgroups. It will be up to Subgroup and ERGA members to decide whether these documents should be adopted and published separately, annexed to or integrated into the updated Rules of Procedure.

Deliverable 1	Deliverable type	Proposals for amendments to ERGA's rules of procedure (Article 20 of the RoP)
	Deliverable title	(To be decided)
	Due date	Autumn 2019, plenary meeting
	Publication	Yes ⁶
Deliverable 2	Deliverable type	ERGA document on the operation of subgroups
	Deliverable title	(To be decided)
	Due date	Autumn 2019, plenary meeting
	Publication	Yes ³
Deliverable 3	Deliverable type	ERGA document on the operation of the Contact Network
	Deliverable title	(To be decided)
	Due date	Autumn 2019, plenary meeting
	Publication	Yes ³
Deliverable 4	Deliverable type	ERGA document on ERGA's external communication
	Deliverable title	(To be decided)
	Due date	Autumn 2019, plenary meeting
	Publication	Yes ³

⁵ http://erga-online.eu/wp-content/uploads/2016/12/internal_guidelines_2016.pdf

⁶ Only after the adoption and publication of a revised Commission's decision amending Commission's decision of 3 February 2014 on establishing the European Regulators Group for Audiovisual Media Services.

Allocated Resources SG2

<p>Drafters</p> <p>Members</p>	<p><u>Chair</u>: Frédéric Bokobza, CSA (France) Martine Coquet, CSA (France) Pierre Dagard, CSA (France)</p>
Peter Matzneller, Marie-Franca Hesse, DLM (Germany)	
Kinga Sorban, NMHH (Hungary)	
Michael O’Keefe, BAI, (Ireland)	
Marcel Betzel, CvdM, (Netherlands)	
Sonia Monjas, CNMC (Spain)	
Lubos Kuklis, Martin Dorociak, Michal Hradicky, RVR (Slovakia)	
Giovanni Gangemi, Adele Morello, AGCOM (Italy)	
Damir Bučević, AEM (Croatia)	
Bernardo Herman, CSA (Belgium)	
Maria Beltcheva, CEM (Bulgaria)	
Petr Kozak; Katerina Lojikova, RRTV (Czech Republic)	
Marie Frank-Nielsen, SLKS (Denmark)	
Peeter Sookruus, TJA (Estonia)	
Paraskevi (Pari) Karatzoglou; Konstantinos (Costas) Apostolas, ESR (Greece)	
Tom Wicken, Ofcom (UK)	
Martin Hari, AKOS (Slovenia)	
Jessica Durehed, MPRT (Sweden)	
Telmo Gonçalves, ERC (Portugal)	
Ewa Murawska-Najmiec; Izabella Wojciechowska, KRRIT (Poland)	
Aurelija Ieva Druviete, NEPLADOME (Latvia)	
Stefan Rauschenberger, Arnaud Berthou, KommAustria (Austria)	
Gudbrand Guthus, Mediatilsynet (Norway)	
Sara Xhumbari, Vera Muco, AMA (Albania)	
Sari Tujunen, TRAFICOM (Finland)	

Work flow for Subgroup 2 (internal and external milestones)

Date	Action/deliverable	Internal Subgroup only	External CN, Plenary, Publication
2018			
7 December	Draft ToR distributed to SG members	All members	
31 December – 4 January	Updated draft ToR based on SG members' comments	Chair	
2019			
7 January	Receive feedback on the updated draft ToR	Chair	
8 January – 22 January	Written adoption procedure (1 st step: consultation)		CN/Plenary
24 January – 31 January	Written adoption procedure (2 nd step: electronic vote)		Plenary
5 February	1st meeting. Kick-off meeting to outline the proposed methodology and workstreams. Mapping of ERGA's new tasks. Discuss list of priority topics and scope of the qualitative survey.	All members	
February – early April	Roll-out of the qualitative survey (bilateral discussions)	Chair	
Mid-April	2nd meeting. Discuss the results of the qualitative survey. Agree on recommendations for the drafting of amendments and guidelines.	All members	
May/June (tbc)	CN meeting. Presentation and discussion on a proposed plan for amending the RoP + other documents.		CN
June (tbc)	ERGA plenary meeting. Presentation and discussion on a proposed plan for amending the RoP + other documents.	Chair	Plenary
July - August	Prepare amendments to the RoP + other draft documents taking into account feedback from CN and Plenary.	Chair	
September	3rd meeting. Discuss draft proposals for amendments to ERGA RoP + draft annexes to the RoP	All members	
(tbc)	CN to discuss draft deliverables	Chair	CN
(tbc)	ERGA plenary meeting. Presentation and adoption of SG2 deliverables	Chair	Plenary