



ERGA Subgroup 3 on the Implementation of the revised AVMS Directive
Joint meeting of 29 January 2019
Minutes

Attendees: CSA Belgium, VRM Belgium, CEM Bulgaria, RRTV Czech Republic, SLKS Denmark, DLM Germany, BAI Ireland, ESR Greece, CNMC Spain, CSA France, AEM Croatia, AGCOM Italy, CRTA Cyprus, NEPLADOME Latvia, RTK Lithuania, NMHH Hungary, BA Malta, CvdM Netherlands, KommAustria Austria, KRRiT Poland, ERC Portugal, AKOS Slovenia, RVR Slovakia, MPRT Sweden, OFCOM United Kingdom, Medietilsynet Norway, AMA Albania, AVMU Northern Macedonia, ERGA Secretariat European Commission.

Introductory

The Chair, Tobias Schmid (German NRA) welcomed the participants. He recalled that the main challenge of ERGA is to ensure effective protection of core values, such as human dignity, protection of minors, protection of consumers and pluralism. The revised AVMSD envisages legislative changes and consequently the National Regulatory Authorities (NRAs) need some time to adapt themselves to this new legal reality.

As a continuation of ERGA Subgroup 3 from 2018 and based on the proposals made, the Subgroup should look into concrete and case-oriented possible solutions, based on the NRAs' best practice and experience. Supported by participants, the chair suggested that these be presented in short papers and that questionnaires be avoided. Instead, he encouraged the ERGA Members to participate in a concrete discussion on specific issues, with a view to collecting examples of best practices and problematic cases.

During the tour de table, members provided background information concerning their interest in the topic.

→ **The agenda was adopted.**

Presentation of goals and objectives of Task Force 1 (TF1)

The co-leaders, Ms Parman (Swedish NRA) and Mr Giulio Votano (Italian NRA) informed that TF1 would deal with protection of minors, incitement to hatred and violence, accessibility, prominence, commercial communications, independence of NRAs, signal integrity, and new obligations for VoDs via short reports. Such papers would include: an analysis of the amendments (compared to the previous rules), a presentation of existing NRA's approaches (incl. practical examples) and proposals for further effective implementation. During the TF1 meeting tomorrow further discussions regarding a

prioritisation of issues will be held.

Presentation of goals and objectives of Task Force 2 (TF2)

Presenting the objectives of TF 2, its leader Mr Bokobza (France) stated that TF 2 would focus on the new provisions for video-sharing platforms (VSPs) and on their possible implementation, incl. co-regulate them. The framework document produced by Subgroup 4 in 2018 will be included.

TF2 will operate through 3 Work Streams:

- Looking at parameters would be helpful in order for regulators to identify VSPs, providing practical examples in the context of the revised AVMSD's criteria;
- Benchmarking the existing national legislation concerning the VSPs and examining the actions of the VSPs;
- Evaluating the measures taken by the VSPs.

Representatives of VSPs are planned to be invited to the SG workshop.

Discussion

The Commission reiterated its obligation, as stipulated by the revised AVMSD, to provide guidance on the essential functionality criteria, asking that the production of the TF paper takes this into account. It was agreed that the TF regularly consults with the Commission. The Commission also suggested further analysing the effectiveness of measures used by the VSPs.

Presentation of goals and objectives of Task Force 3 (TF 3)

TF 3 leader Mr Schmid explained that TF 3 would aim to provide recommendations on the AVMSD's concrete mechanisms in the converging media environment. The TF will work on the following objectives:

- preparing an overview of the new mechanism of regulation and responsibilities (Hungarian NRA),
- developing concrete measures to improve the cooperation between NRAs handling cross-border cases (Slovak and German NRAs),
- improving the cooperation and exchange of views between ERGA members and other relevant authorities (French and Italian NRAs) and,
- analysing liabilities of service providers that are part of the audiovisual value chain and development of possible options to foster compliance with new media law online (Austrian and Croatian NRAs).

Discussion and distribution of tasks

With regards to the issue of the ERGA's relations with third parties, the Commission clarified that any such cooperation would have to be in line with the Commission's rules concerning expert groups and in agreement with the Commission.

Next steps

The next meeting of the Subgroup is provisionally scheduled for April 2019. The relevant Task Forces are also expected to agree on their timeline internally.