



**ERGA Subgroup 3 on Implementation of the revised AVMSD
Taskforce 3 on Concrete mechanisms of regulation
7 February 2019**

Minutes

Attendees: CSA Belgium, CEM Bulgaria, RRTV Czech Republic, SLKS Denmark, DLM Germany, BAI Ireland, ESR Greece, CNMC Spain, CSA France, AEM Croatia, AGCOM Italy, NEPLADOME Latvia, ALIA Luxembourg, NMHH Hungary, BA Malta, CvdM Netherlands, KommAustria Austria, KRRIT Poland, ERC Portugal, AKOS Slovenia, RVR Slovakia, MPRT Sweden, OFCOM United Kingdom, Medietilsynet Norway, ERGA Secretariat European Commission.

→ The Agenda was adopted

Presentation of Taskforce objectives

The chair explained that Taskforce 3 will continue the work of Subgroup 3 – Taskforce 1 from 2018, which provided an overview of the current legislative framework in place for the online environment, identified best practices for cooperation and suggested possible improvements. In 2019, the Taskforce will concentrate on the implementation of the proposals.

It will provide an overview of the legal situation, propose measures and suggest practical solution. These will be wrapped up in a concise recommendation paper. On the question of how to deal with possible diverging views, it was agreed that the group will aim to reach an agreement on the proposals made.

The chair also underlined that, while discussing about how to solve the problems that NRAs face or may do so in the future, the core challenge is to ensure an effective protection of values, such as human dignity, protection of minors, protection of consumers and pluralism. One of the issues raised during the discussion was that the enlarged scope of the AVMSD would require NRAs to deal with new issues.

Organisation of work

1. Preparing an overview of new mechanisms of regulation and responsibilities (led by HU). The group will try to identify the type of regulation (ranging between statutory, soft or Self- and Co-regulation) that addresses best the protection of the mentioned core values. The assessment will have to differentiate between areas with “zero-tolerance” (e.g. Protection of Minors) and those where intermediary-steps could precede legal procedures. In some cases several options may be given.

The resulting debate and the presentation of examples from NRAs showed that the prioritisation of values in Member States differs. However, the chair explained that this workstream would gather information on the different practices in Member States.

It was agreed that ERGA's previous work (e.g. 'Framework for Effective Co-regulation of Video Sharing Platforms') will be consulted.

2. Development of concrete measures to improve cooperation between NRAs handling cross-border cases (led by SK, DE). The group will specifically base its work on the conclusions of last year's Taskforce and develop concrete best practice suggestions. For example, cooperation procedures that adapt to the nature of cross-border cases, taking into account the competence and functioning of the regulator. The possible role of ERGA in these procedures will also be considered.

Members mentioned that reactivity time of regulators largely depend on the amount of complaints they receive and available resources. Some members also explained that obtaining information from other NRAs or companies in their country is a formalised procedure and that informal contacts may not be taken into account. The Commission highlighted that the cooperation and subject matter of the workstream should remain linked to the scope of the AVMSD.

3. Development of possible frameworks to improve and facilitate cooperation and exchanges between ERGA members and other relevant authorities (led by FR, IT). The workstream will collect NRA's experience when cooperating with other authorities and develop recommendations on how national NRAs and ERGA could best approach authorities on national and European level respectively. Members were invited to share their experience with the co-drafters.

4. Analysis of service providers' responsibilities and development of possible options to foster compliance with media law online (led by AT, HR). The workstream will identify issues with determining liability of online providers and outline the possibilities that regulators have to foster compliance with media law, namely when and how to address content providers, host providers and access providers.

It was suggested to provide definitions for the different types of providers.

Next Steps

The chair outlined that drafters will finalise the first drafts in March, which will be discussed at the next meeting of the Taskforce in April. Members will be updated on the Taskforce's work at the ERGA Plenary in Bratislava. The deliverables will be adopted at the autumn ERGA plenary.

The next meeting will take place on 10 April 2019.