



**10th Meeting of the
European Regulators Group for Audiovisual Media Services**

6 November 2018, Brussels

DRAFT Minutes

Opening of the meeting and adoption of the agenda

The Chair, Lubos Kuklis, welcomed the participant to the 10th ERGA plenary. He highlighted the symbolic occasion as it was the day when the Council voted on the revised Audiovisual Media Services Directive (AVMSD). In connection with this he also stressed two of the many challenges for regulatory authorities: the new status and tasks of ERGA and the regulation of Video Sharing Platforms.

The chair also welcomed the new representatives of the Bulgarian, Croatian and Lithuanian regulators.

VOTE	The Agenda was adopted.
-------------	--------------------------------

Election of the Vice-Chair for 2019

Mr Karim Ibourki from the Belgian NRA – CSA had previously received the necessary support for his nomination and was the sole candidate to be voted on for the position of ERGA vice-chair. After this introduction, ERGA members proceeded to a vote.

VOTE	Karim Ibourki (Belgian NRA – CSA) was elected as vice-chair.
-------------	---

The ERGA board is now composed of Lubos Kuklis (Chair), Tobias Schmid (vice-chair), Karim Ibourki (vice-chair).

Subgroup 1 Deliverable: Report on Internal Media Plurality

The chair presented the report on internal media plurality, prepared within Subgroup 1. The work was a follow-up to the EPRA (European Platform of Regulatory Authorities) work on “News in the digital age”. It had the aim to conduct a comparative (screening) report on internal pluralism measures in the EU and to capture new developments within ERGA members in this field. Over the year, the group hosted external speakers, such as from the Centre for Media Pluralism and Freedom or London School of Economics. Based on a questionnaire sent to ERGA members, the report provided an overview of the currently available tools (during and outside of election periods), the impact of the changing media landscape (e.g. the phenomenon of disinformation), and cross border dimensions. The report concluded that regulators have concrete measures in place in terms of general rules (outside election periods). However, the assessed measures vary throughout the member countries. During election periods, almost all countries have specific regulations for electoral campaigns aimed at broadcast media. Although members agreed that disinformation can have important consequences on the political debate and on decision-making processes, they have not identified radical changes that relate to disinformation in the context of internal media plurality. Most of the countries have no measure in place tackling the issue of disinformation per se and favour self-regulation to address this issue. The chair also mentioned the intention that the subgroup, should the draft work programme for next year be adopted, would then concentrate on external plurality.

NRAs welcomed the report. The Dutch NRA highlighted the importance of the topic, particularly for consumers in relation to filter bubbles. The UK NRA also welcomed the collaboration with other institutions, such as the Reuters institute. The Spanish NRA suggested to address during the next year questions related to the pluralism measurement methodology applied by NRAs. The French NRA provided information about the French draft bill addressing disinformation, which is due to be adopted before the end of the year. For 2019, the representative suggested to gather case studies on how media plurality issues (especially during forthcoming elections) were handled by NRAs and to take also into account the experience of countries not members of ERGA.

VOTE

The “Internal Media Plurality in Audiovisual Media Services in the EU: Tools & Practices (ERGA Report)” was adopted.

The chair explained that before being published, the text will undergo a language and format check.

Keynote speech by DG Connect Director-General Roberto Viola

Director-General Roberto Viola thanked the Chair Lubos Kuklis and vice-chair Tobias Schmid for their leadership of ERGA and congratulated Karim Ibourki upon his election as vice-Chair. Mentioning the AVMSD vote in the Council, he also thanked all ERGA members for their preparatory work and support to the Commission before and during the negotiations. He explained that the Directive will come into effect 20 days after its publication in the EU’s Official Journal and that Member States will have 21 months to transpose it into national law. He underlined the successful story of ERGA from its creation through a Commission Decision to the formalisation in the revised AVMSD.

Director-General Viola continued with an analysis of some provisions, which will influence the work of ERGA. The AVMSD guarantees the independence of regulators, which received a broad support from the co-legislators, but also requires that regulators have adequate resources to work efficiently. The Directive also underlines ERGA's role in media literacy, which is an important factor in the fight against disinformation. With new provisions covering complaint mechanisms and Video-Sharing Platforms (VSPs), the responsible regulators will face new challenges. That is why the transposition of the AVMSD will be so important.

Director-General Viola underlined that the Commission will be standing ready to help the Member States during the transposition period and he encouraged the regulators to offer their support to their respective governments.

Members gave their support to the Commission regarding the fight against disinformation. The Dutch NRA underlined the importance of media literacy and mentioned the Dutch initiatives in place. French NRA informed about the French law against disinformation, which also introduces media literacy in the educational system. The ERGA chair added that the group could explore how to include the Commission's Code of Practice in its work on media plurality.

The head of the Montenegrin regulator alerted the Commission and the ERGA regulators of the draft law on the Public law reform, proposed by the Government of Montenegro. It would move the appointment and dismissal powers from the Parliament to the Government. Director-General Viola reassured that the Commission was in touch with the Montenegrin Government to make sure that the provisions in the framework and sectoral law respect the European acquis, notably the independence of regulators, as set in the revised AVMSD.

Discussion on the future of ERGA

The chair explained that the revised AVMSD provides ERGA with new tasks, such as the adoption of opinions within a given timeframe, which will make it necessary to adapt ERGA's working methods. Such reform would also be an opportunity to streamline further the functioning of ERGA and to make it more efficient. The initial input to the debate was prepared by the ERGA board in the form of questions, which were circulated among the members beforehand. The report of Subgroup 3 also collected ideas on the issues. Based on the work prepared so far and the discussion held under this agenda point, the subgroup envisaged for 2019 could prepare a detailed plan of the suggested changes.

The main elements to be considered are:

- Dealing with the tasks from the revised AVMSD (e.g. adoption of opinions).
- Better distributing the workload.
- Planning long-term and allowing for planning flexibility.
- Making Contact Network and Plenary meetings more focused.
- Increasing the involvement of all ERGA Members.
- Increasing ERGA's visibility.

In the following discussion, ERGA members agreed with the proposed approach. Among others, the French NRA mentioned that, in the light of the new provisions, changes are necessary to ensure a consistent implementation of common rules. As a forum of national

authorities, ERGA may be a pool of expertise and knowledge, which could help regulators, the Commission and Member States to react to future challenges. In addition, the representative also stressed the importance of inclusiveness, long term planning and flexibility of ERGA. The Irish NRA mentioned that the inclusion aspect is very important, as smaller NRAs might find it challenging to contribute equally on all fronts. The representative suggested to be more focused on urgent issues. The Greek NRA suggested, given the challenges of smaller NRAs, to include all members more into the formulation of the work programme, including through increased transparency. The representative also underlined the importance that ERGA's work and discussions are not being considered as an (attempted) interpretation of regulatory provisions, to which the ERGA chair agreed. The German NRA added that the group should concentrate on relevant topics, be efficient with the resources and reduce the length of the reports. The Italian NRA highlighted the importance to involve as early as possible all of the NRAs in the work of ERGA. The Austrian NRA touched upon the large number of meetings and suggested to make better use of Contact Network meetings for executive decisions and cross-border cooperation. The representative furthermore suggested using newsletters to communicate with members. The Danish NRA suggested to concentrate on VSPs and to consider increasing the contacts with these actors that would complement the national dialogue. The Spanish NRA suggested to include media literacy in the future work and, considering the limited resources of NRAs, to stick to a reasonable amount of meetings.

Subgroup 2 – Oral report on the activities of ERGA Academy and the European Digital Toolkit

The Subgroup is co-chaired by the Polish NRA (ERGA Academy) and the Hungarian NRA (Digital European Toolkit – DET).

The Polish NRA explained that the role of the ERGA Academy is to improve the exchange of information by organizing events on specific topics and creating an expertise pool on a variety of topics. On 22 March, the ERGA Academy organized a Strategy Session on Online disinformation, back to back with the ERGA Plenary session on 23 March, which also featured a lecture on Algorithmic news recommendation. On 3 October, the second edition of the Protection of Minors workshop took place, which addressed the effectiveness of age verification and media literacy. The Slovak NRA, who helped with the organisation, added that an activity report will be prepared shortly and suggested a third edition of the event to take place in 2019.

On 7 November, the ERGA academy will organize an event on Women in advertising.

The co-chair invited ERGA members to contribute to the list of possible topics, which could be covered by ERGA Academy in 2019, and to the list of experts, which could be approached by ERGA or NRAs.

The Hungarian NRA continued presenting the work on the DET, which aims to improve the exchange of information and documents on the platform CIRCABC. In 2018, the subgroup focused on organising and promoting the documents along with ironing out the technical difficulties of the online repository. As of 1 October 2018, a new version of CIRCABC was put

online. The role of editors (national for NRAs and chief editors supervising topics) was established.

The co-chair encouraged members to continue uploading documents for the benefit of all users and asked all NRAs to nominate their respective national editor.

The Dutch NRA suggested using the ERGA Academy to liaise more with academia, in order to work on skills and strategies, such as the European University Institute.

Subgroup 3 – Deliverable: Paper to contribute to the consistent implementation of the revised AVMSD

The Subgroup's work was coordinated by the French NRA (responsible also for the topic of territorial jurisdiction), with the contributions from the German NRA (topic of online environment) and the Italian NRA (topic of European works). Members were very active in providing comments at all stages of the drafting process, which were taken into account as much as possible. The document is structured into three chapters: chapter 1 on the main changes foreseen by the revised Directive, chapter 2 on the challenges resulting from these changes and chapter 3 putting forward a catalogue of solutions that ERGA members might take up. The representative clarified that the proposals are up for ERGA Members to consider and that they might be of help to NRAs addressing the challenges of a successful implementation of the revised Directive.

The resulting debate focused on about how to make it clear that the analysis and suggestions presented in the paper do not give the impression of being of an interpretative and binding nature. Among others, the French NRA explained that a disclaimer on two occasions in the paper should provide clarity. Based on the interventions by the Greek and Austrian NRA, it was agreed that the deliverable's name would be changed to better reflect its neutrality and non-binding nature.

VOTE	The deliverable of Subgroup 3 was adopted and renamed “ERGA Analysis & Discussion Paper to contribute to the consistent implementation of the revised Audiovisual Media Services (AVMS) Directive”
-------------	---

Subgroup 4 – Oral report on the activities & deliverable: A Framework for Effective Co-regulation of Video Sharing Platforms

The UK NRA explained that, from the 70 case studies identified in 2017, the subgroup selected and analysed seven in order to have examples of good practices in self- and co-regulation. The cases were chosen based on what particular lessons could be drawn from them. A range of different subject matters across the EU was also considered in the selection of the cases. The list of cases has been uploaded to the DET repository..

The Subgroup also invited a number of guest speakers, such as representatives from a public broadcaster and an association representing start-ups.

In the course of the year, the Subgroup agreed to develop a framework for effective co-regulation of VSPs. The framework draws upon the Commission's work and NRAs experience. It contains a non-exhaustive list of questions centred around six principles, which NRAs may wish to consider when designing co-regulatory regimes.

VOTE

The document "A Framework for Effective Co-regulation of Video Sharing Platforms" was adopted.

Information from EPRA

Celene Craig, Chair of EPRA, presented an overview of EPRA's activities in 2018. The group had two plenary meetings, held in Luxemburg and in Slovakia, where the topics "Public Service and Public interest content in the digital age" and "Political communication and the challenges in the online environment" were addressed. Two working groups were created, focusing on Commercial Communication and Achieving greater diversity in broadcasting media. Media and information literacy was tackled at working level for the second year in a row. Starting in 2017, the theme developed into a taskforce in 2018 and it is likely to continue in 2019 as there seems to be a large interest among regulators.

EPRA is pleased to continue the cooperation with ERGA, which started in late 2017 with exchanges on the 2018 work programme, and will, in particular, continue working together on the gender diversity topic. This cooperation could help both organisations to share the burden by taking up selected topics at different stages. The EPRA chair also mentioned the Report on gender representation on screen, which was presented to Commissioner Gabriel and which could feed well into ERGA's work on gender diversity next year.

The work on EPRA's work programme has started after preliminary discussions with members, with the aim to be adopted in January 2019. The plenaries will take place in May (Bosnia and Hercegovina) and October (Greece).

Work Programme 2019

The Chair explained that the Work Programme had been developed, based on the discussions at the board level and at the Contact Network meeting.

The draft Work Programme 2019 foresees four subgroups. In addition, the ERGA Academy and Digital European toolkit would be permanently integrated into the ERGA structure in the form of two Action groups. Considering the reactions following the call for expression of interest, the following chairs/leaders were proposed:

- **Subgroup 1: Media plurality** (continuation from 2018) – the topic will be continued beyond internal media plurality with a focus on external plurality, including the measurement systems applied by the NRAs in this area, media literacy and external cooperation.

Subgroup Chair: Irish NRA.

Special task force for case studies on the EU elections: Italian NRA

- **Subgroup 2: Future of ERGA (new)** – to explore how ERGA could work better in the post-revision period. The work would build on the 2018 Subgroup 3 report and discussions held at various levels within ERGA.
Subgroup Chair: French NRA
- **Subgroup 3: Implementation of the revised AVMSD** (continuation from 2018) – to address the changes brought about by the revised AVMSD, which were not covered by the Subgroup in 2018. Work would be centred around changes to material rules, changes to material scope and mechanisms of regulation. It was agreed that the independence of regulators would be covered by the subgroup.
Subgroup Chair: German NRA
Taskforces and leaders: to be determined at a later stage.
- **Subgroup 4: Gender diversity (new)** – to explore the provisions for gender balance and the exchange of good practices in this field.
Subgroup Chair: Belgian NRA
- **Action group: ERGA Academy**
Chair: Polish NRA
- **Action group: Digital European Toolkit**
Chair: Hungarian NRA

VOTE

The Work Programme was adopted and the Chairs of the Subgroups/Action groups were confirmed.

Any other business

At the occasion of the end of his mandate, ERGA members and the Commission thanked the Chair of the French CSA and former Chair of ERGA, Mr Olivier Schrameck, for his work and collaboration.

Annex I – List of participants

COUNTRY	ORGANISATION
Austria	KommAustria, Regulatory Authority for Broadcasting and Telecommunications
Belgium	Conseil Superieur de l'Audiovisuel, Vlaamse regulator voor de Media, Medienrat
Bulgaria	Council for Electronic Media
Croatia	Agency for Electronic Media
Cyprus	Cyprus Radio Television Authority
Czech Republic	Council for radio and TV broadcasting
Denmark	Palaces and Culture Agency
Estonia	Technical Regulatory Authority
France	Conseil Superieur de l'Audiovisuel
Germany	Die Medienanstalten, ARD
Greece	NCRTV
Hungary	National Media and Infocommunications Authority
Iceland	Media Commission of Iceland
Ireland	Broadcasting Authority of Ireland
Italy	Italian communications authority
Latvia	National Electronic Mass Media Council
Lithuania	Radio and TV Commission
Luxembourg	Independent Luxembourg Broadcasting Authority
Malta	Broadcasting Authority of Malta
The Netherlands	Commissariaat voor de Media
Poland	Polish National Radio and TV Council
Portugal	Regulating Entity for the Media
Romania	National Audiovisual Council
Slovakia	Council for broadcasting and retransmission
Slovenia	Agency for Communication Networks and Services
Spain	National Commission on Markets and Competition
Sweden	Swedish Press and Broadcasting Authority
UK	Office of Communications
Albania	Audiovisual Media Authority
Liechtenstein	Office for communications
Montenegro	Agency for Electronic Media
Northern Macedonia	Agency for Audio and Audiovisual Media Services
Norway	Media Authority
Serbia	Electronic Media Regulatory Authority
Turkey	Radio and Television Supreme Council
	EFTA – European Free Trade Association
	EPRA – European Platform for Regulatory Authorities
	European Commission