11th Meeting of the
European Regulators Group for Audiovisual Media Services
Bratislava, Slovakia – 20-21 June 2019

Minutes

Opening of the meeting by the Chair and adoption of the agenda

The 11th ERGA Plenary was opened by ERGA Chair Ľuboš Kukliš, who welcomed the participants and presented the agenda.

The first day aimed to inform members on ERGA's ongoing work and was attended by European Commissioner for Digital Economy and Society, Mariya Gabriel. The second day was of a more technical nature, centred around the debate on the issue of the ERGA reform, its work on disinformation and to the presentation of other topics.

VOTE	The Agenda was confirmed.

Speech by Commissioner for the Digital Economy and Society Mariya Gabriel

The Commissioner had previously participated at the ERGA Plenary in Zagreb, Croatia (March 2018).

In her speech, the Commissioner praised the work of ERGA and raised three important areas where ERGA is important.

Firstly, the new role of ERGA given by the revised AVMSD, where she highlighted the importance of cooperation among regulators and that regulators' experience will be the key to overcoming the challenges during the implementation phase, specifically in the field of Video-Sharing Platforms (VSPs). As the second issue, the Commissioner thanked ERGA for the continuous work on the important topic of fighting disinformation, which required an investment of resources and commitment. On this topic, she also flagged the importance of media literacy and noted that this area of the AVMSD merits significant attention. As the third issue, the Commissioner thanked ERGA for their engagement in and their enthusiasm for their work on the representation of women by including it gender diversity as a subgroup in 2019. She also mentioned the ERGA Academy event in November 2018. Both initiatives showed that the Commission could count on ERGA for support in this area.

In her closing remarks, she thanked ERGA for their daily work and encouraged ERGA to implement the aim of an audiovisual sector, which is competitive and united in fighting the current challenges it faces.

Work of Subgroup 1 – 'Internal and External Plurality / Taskforce on disinformation

Intermediary report

Subgroup 1 and its dedicated Taskforce is co-chaired by Irish BAI and Italian AGCOM. The co-chairs presented the outcomes of the first part of monitoring the implementation of the commitments made by Google, Facebook and Twitter under the Code of Practice on Disinformation, particularly in the area of political and issue-based advertising in the context of the European elections.

The intermediary report acknowledged the progress done by the signatories. Both the platforms and regulators were faced, for the first time, with such commitments and the results should be considered in this context. However, the report also lamented the lack of access to adequate, detailed raw data. It highlighted some issues relating to the user-friendliness of archives made available to end-users and some cases in which the political ads were not properly labelled.

The subgroup will enter the second monitoring phase. Its final report will be assisting the Commission in assessing the implementation of the Code of Practice on disinformation

VOTE	**The report was adopted.**

Public Statement on disinformation

During the plenary, the co-chairs proposed a specific statement on ERGA's work on disinformation accompanying the intermediate report. The agreed text includes a description of the tasks carried out by the groups and the commitments met by the platforms, but also highlights the shortcomings of the data received and the need for further platforms' engagement.

VOTE	**The statement was adopted.**

Work of Subgroup 2 – 'The Future of ERGA'

ERGA Statement of purpose

Subgroup 2 is chaired by the French CSA. The CSA held bi-lateral meetings with members over the last months, who expressed their opinion that ERGA should become more efficient and transparent in its working methods, and more visible on the outside. The CSA presented the draft 'Statement of Purpose', which outlines the Group's role by referring to the core values mentioned in the AVMSD, and sets the general operating principles. The document also contains the priorities for ERGA over the coming years.

During the debate, the document was welcomed by the members. Comments were made to include further topics in the priorities, such as media plurality. It was also decided to keep the strategic priorities within the 'Statement of purpose' document.

VOTE	**The ERGA 'Statement of Purpose' was adopted.**

The internal reform and future role of ERGA

To adapt to the requirements stemming from the revised AVMSD and in order to make ERGA more efficient, a reform based on three priorities was presented: (i) a 'fast-track adoption procedure' to assure a timely adoption of opinions; (ii) to formalise the Board (consisting of the chair, vice-chairs and selected members) as a body initiating new ideas and representing ERGA externally; and (iii) to adopt the Work Programme earlier in the year. The possibility for the extension of the chair's mandate for one year was also presented. In the resulting debate, it was agreed that the board would have initiative powers and that it would have to obtain a mandate by the entire group to take decisions on its own.

The changes will be featured in the revised Rules of Procedure, which are to be adopted at the ERGA Plenary in December 2019.

Work of Subgroup 3 – 'Implementation of the revised AVMSD'

Subgroup 3 is chaired by the German DLM. Within the subgroup, there are three Taskforces, which are being led by Italian AGCOM and Swedish MPRT (Taskforce 1), French CSA (Taskforce 2) and the German DLM (Taskforce 3).

The work of this large Subgroup is a continuation from 2018 and is focusing on changes in material rules – for example accessibility, protection of minors, independence of regulators etc., changes in material scope – namely the inclusion of VSPs, and the different mechanisms of regulation and cooperation.

The work related to the inclusion of VSPs in the AVMSD will aim at bringing clarity to their definition and take note of measures being taken by Member States. A workshop on this topic will be held in September 2019. The work related to possible mechanisms of regulation will focus on possibilities to improve cooperation between NRAs handling cross-border cases, as well as identifying the types of regulation, which could be suited to protect certain fundamental values.

Work of Subgroup 4 – Gender diversity

Subgroup 4 is chaired by Belgian CSA, who presented first outtakes from the stocktaking exercise of national initiatives (on- and off-screen) in this area. The presentation focused on the representation of women and gave examples of practices in Member States. These included practices aiming at reaching a more balanced representation of genders on screen (e.g. in France) and practices aiming at reaching an equal pay (e.g. in the Netherlands and in Denmark).

Since not all replies from ERGA members to the comprehensive questionnaire have been analysed, the presentation avoided to highlight any trends, which is an element to be featured in the final report, together with recommendations for regulatory and public authorities.

Report from Action Groups – Digital European Toolkit and ERGA Academy

The representative of the Polish KRRiT explained that several ERGA events in 2019 will be organised under the umbrella of the Academy. She pointed out to the successful Workshop on Media Literacy, which was organised in March within the EU Media Literacy Week. Two more workshops are planned in autumn, namely on the Protection of Minors and on External Plurality.

The representative of the Hungarian NMHH informed members that the Action group on the Digital European Toolkit is making a regular revision of summaries, tags and location of the uploaded documents. Most uploaded documents are in English. Members were encourages to make a wider use of this document repository and to upload more documents.

Information from the European Commission

The Commission updated the Plenary on its intention to draft and publish two sets of guidelines to assist in the transposition of the AVMSD. The guidelines will relate to: (1) VSPs; and (2) European works and the calculation of the share of European works and its related exceptions. The Commission explained the process to the delegates explaining that the draft guidelines would be discussed with the Contact Committee in July. Questionnaires will be sent to Member States to get their feedback on both topics.

Report from EPRA

The Vice-Chair of the European platform of regulatory authorities (EPRA) told the Plenary that Helena Mandić from the national regulatory authority of Bosnia-Hercegovina was the new chair of EPRA. He welcomed the established close cooperation between the two groups, which helps to avoid the duplication of their work. The Vice-Chair presented EPRA's work for 2019, which focused on Protection of Minors and against Hate Speech online, Sports' Rights and Artificial intelligence and Machine learning. He confirmed that the collaboration between EPRA and ERGA, with the aim to keep a synergy and complementarity of activities, will be maintained and strengthened in the coming years.

Information from the ERGA Board

The Chair of ERGA updated the Plenary on the activities of the ERGA Board. He explained that third parties are generally interested in the work of ERGA, particularly on disinformation. He also updated the Plenary on the events, which he had attended as Chair of ERGA.

Information from the NRAs on relevant national initiatives and developments

The Irish regulator (BAI) presented their public consultation on the transposition of the AVMSD, particularly with a particular focus on VSPs. The regulatory framework foresees a Common Code developed by the regulator and includes strands related to Video on Demand, VSP and online safety

The French regulator (CSA) presented the French legislative initiative on tackling hate speech online, which was being discussed in the French parliament.

The Belgian regulator (French speaking) explained that it will have a consultation with the stakeholders on the transposition of the AVMSD and that a report to be published in October 2019.

The Latvian regulator informed the Plenary of a situation, which could endanger the independence of the regulator. The Plenary agreed that an ad-hoc working group would look into the issue and report to the ERGA Board (ERGA Chair and Vice-Chairs). ERGA Members and the Commission would be kept informed of the outcomes. Both the ERGA Chair and the Commission expressed the importance of and interest in issues relating to the independence of regulators, which is provided for in the revised AVMSD.

Closure

The Chair thanked all the Subgroups for their works and the participants for their contributions. The next plenary will take place on 10 December 2019 in Brussels.

Annex I – List of participants

National Regulatory Authority – COUNTRY
Austria
Belgium
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
The Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden
UK
Iceland
Norway
Albania
Montenegro
Northern Macedonia
Serbia
Turkey
ORGANISATION
EAO – European Audiovisual Observatory
EPRA – European Platform for Regulatory
European Commission