



## *Protecting Freedom.*

### ERGA Work Programme 2021

#### A. Introduction

The European Regulators Group for Audiovisual Media Services (ERGA) is an advisory group for the European Commission in terms of the application of the Audiovisual Media Service Directive (AVMSD) and all related audiovisual media issues.

As ERGA points out in its ‚Statement of Purpose‘ 2019: *„ERGA members wholeheartedly endorse the core democratic, economic, social and cultural values and objectives enshrined in Directive 2010/13/EU as amended by Directive (EU) 2018/1808. [...] ERGA assists the European Commission in implementing the EU audiovisual regulatory framework. It provides opinions on request of the Commission and sheds light on upcoming regulatory issues. By doing so, ERGA contributes to a better functioning of the internal market for audiovisual media and guarantees that the abovementioned values can continue to be safeguarded, particularly in the online environment.“*

This ERGA Work Programme is designed to define the priorities and structure the work of ERGA for the year 2021 to ensure efficient work and beneficial outcome.

2021 will be a decisive year for the European Commission’s plans to complement the European media framework for the online environment by horizontal rules for all digital services to be proposed under the Digital Services Act umbrella. A legislative proposal will most likely be available at the beginning of 2021. Based on Deliverable 1 of Subgroup 1 in 2020, ERGA will continue to enhance the debate with its expertise resulting from regulatory practice.

Alongside with the submission of this forthcoming legislative proposal, the year 2021 will be marked by the enforcement of a fully operational AVMS Directive as the 19 September 2020 marks the end of the transposition period. A consistent implementation and application of this sector-specific instrument is crucial to provide for a solid basis for any horizontal regime that the European Union will be developing in the surroundings of the Digital Services Act Package. ERGA will support the Commission in its task to ensure a consistent implementation, notably by issuing guidance on the interpretation of the Directive.

In this regard, an efficient and sustainable implementation of the Memorandum of Understanding as developed by Subgroup 1 in 2020 plays an important role. Answers to the challenges arising from the Country of Origin principle are needed and cooperation in cross-border cases based on certain commitments across ERGA members have a significant impact. Moreover, in its advisory role ERGA may be requested to issue further guidance on provisions of the revised AVMSD.

Apart from this, disinformation remains one of the core challenges media regulators are facing in the near future. After assessing that self-regulation in this area is not sufficient in 2019, followed by the search for more appropriate regulatory solutions in 2020, the year 2021 will be the right time to develop concrete regulatory measures to ensure that democratic societies are not disrupted by the spread of wrong and misleading information.

This is in particular true having regard to possible long-term negative effects on national and European media markets resulting from the Covid19-crisis. The more difficult the situation is for media companies, the higher are the risks for a decrease of media plurality in Europe. Thus, awareness and intervention of media regulators in this area will be more important than ever.

With growing regulatory challenges in these areas comes an increasing need for a holistic view on media literacy. This does not only encompass a clear understanding of the related concepts, but also a future-oriented discussion about the objectives of media literacy projects in the online environment.

Protecting freedom – this is what counts when media regulators are asked for action in all these areas. The following Subgroups and Action Groups will be created to put ERGA in a position to elaborate on effective answers to the challenges described.

## B. Subgroups

The main work of ERGA in 2021 will be dedicated to the following three topics.

### I. Consistent implementation and enforcement of the new AVMSD framework

To safeguard a widely uniform application of the European media content standards contained in the AVMS Directive after the end of its transposition period, ERGA will keep track on how implementation occurs across the European Union.

The focus of the work will be of a very analytical nature, focussing on how NRAs are

- dealing with the new obligations for audiovisual media service providers and video-sharing platforms;
- enhancing the regulatory framework for media services by regulatory practice;
- interpreting their role and competences in an ever-increasing digital world.

In order to ensure a coherent implementation of the Directive, ERGA will issue guidance on the interpretation of certain complex new provisions of the revised AVMSD, notably in the area of video-sharing platforms and questions around the concrete nature of vloggers, signal integrity and accessibility.

### II. Completion of EU regulatory framework relevant for media

As soon as the European Commission has tabled the legislative proposal on the Digital Services Act Package, ERGA will continue to elaborate on this topic, building upon the work carried out by Subgroup 1 in 2020. A close monitoring of the legislative process including a positioning where necessary, ensures that the role and competencies of media regulators are duly taken into account while the European regulatory framework for media services is being completed. In this vein, the work of the Subgroup will in particular focus on:

- responsibilities of actors in the media sector's value chain;
- a forward-looking discussion on the functioning of the Country of Origin principle; and
- suitable structures of regulatory oversight.

### III. Disinformation

ERGA will contribute to the potential regulatory processes and debates to counter disinformation based on the concrete results of Subgroup 2 of 2020 on the future regulatory approach regarding disinformation and its experience gained on the basis of the monitoring of disinformation. Irrespective of how the European Commission approaches the issue at the EU level, ERGA will continue to assess the challenges posed by disinformation and, if requested, assist the Commission in the elaboration or implementation of any future policy approach in this area, including potential co-regulatory schemes.

#### C. Action Groups

Apart from the three major topics that will be dealt within the known structure of Subgroups, ERGA identifies three additional areas that need particular attention from media regulators. Due to their special nature, the workflow around these topics will be organised within the more flexible structure of Action Groups.

A first Action Group will assess the implementation of the Memorandum of Understanding(s) as developed by Subgroup 1 in 2020 as this is perceived to be a cornerstone of ERGA's very concrete *raison d'être*. The Action Group will have a strong operational approach using clear and effective tools to supervise the measures foreseen by the Memorandum of Understanding. This close follow-up will in particular include a monitoring of emerging cross-border cases, as well as an identification of any need for improvements in the cooperation.

A second Action Group will take up the work of the current ad-hoc Action Group on the economic effects of the Covid19-crisis to conduct an assessment on the changes to the European and national media markets with a particular view on possible detrimental effects on media diversity, media pluralism, plurality of opinions and freedom of expression.

Acknowledging the ever-increasing importance of media literacy in all areas of media consumption, a third Action Group will try to give a more nuanced and focused meaning to the whole concept of media literacy. Building upon the work of EPRA's taskforce on media literacy, the Action Group will on the one hand promote specific projects on a European level and on the other hand develop incentives for European-wide initiatives. Doing so, the Action Group will also assist the Commission in providing technical input in view of developing guidelines on the scope of Member States reports on media literacy.