

Subgroup 2 – 2021 Terms of Reference (ToR)	
Name of Subgroup 2 (SG 2)	Completion of the EU regulatory framework relevant for media
SG Chair, NRA	Frédéric Bokobza, CSA (France)
Background	<p>The 2019 ERGA’s Statement of Purpose outlines the Group’s Strategic Priorities for the period 2020-2023. Among them is the forward-looking review of the applicable EU regulatory framework to media. As an advisory body to the European Commission, ERGA has committed itself to share its experience with the implementation of the AVMS Directive and to advise in identifying upcoming challenges affecting the media landscape as a whole.</p> <p>In 2020, ERGA made a first contribution with the adoption of its Position Paper on the upcoming Digital Services Act (DSA). The aim of the paper was to formulate a first common position of EU media regulatory authorities, with a particular focus on the role of media regulators in a possible future online enforcement framework. On this basis, ERGA also responded to the European Commission’s public consultation on the DSA.</p> <p>In 2021, and while the Commission will have released its legislative proposal on the DSA, the ERGA Subgroup 2 will follow up on the work elaborated in 2020 on this topic. The objective remains to ensure that ERGA’s experience, opinion and recommendations are duly taken into account in upcoming discussions about the future regulatory framework for online content platforms, in particular with regard to issues like: liability of online content platforms, territorial jurisdiction and the introduction of new harmonized rules for online content regulation.</p> <p>As set out in the ERGA 2021 Work Programme, this will include a close monitoring of the legislative discussions as well as defining the Group’s position on issues of concern for media regulators, where necessary. Subgroup 2 will consult with Subgroup 3 on issues and proposals regarding online disinformation.</p>
Subgroup scope and purpose	<p>Against this background, the Subgroup will work in three main directions:</p> <ul style="list-style-type: none"> • Workstream 1 will be about updating ERGA’s position in relation to the Commission’s legislative and non-legislative proposals related to media and online content regulation, including but not limited to, the Commission’s DSA proposal. <p>It is proposed for the Subgroup to develop a short strategic paper as well as a set of short theme-based papers (e.g. on the material scope, on the liability regime, on jurisdiction issues, on the transparency of online advertising, transparency of algorithms, on the oversight system, on user redress mechanisms etc.).</p> <p>The Subgroup will discuss possible suggestions to be made in relation to matters covered within the ERGA’s 2020 Position Paper and possibly others, depending on the Commission’s proposals and forthcoming discussions.</p>

	<p>Workstream 2 will firstly be about closely monitoring EU-level policy discussions about the DSA (and related initiatives), as well as sharing the information within the Group. Secondly, and in close connection with the ERGA Board, the Subgroup will aim at coordinating ERGA's and its members' efforts to inform the policy debate based on its long-standing experience with content regulation.</p> <p>In addition, the workstream will work on a workshop for ERGA members, stakeholders, as well as relevant EU policy-makers from the European Commission and the European Parliament. The objective of the workshop will be to identify critical issues, on which the experience and input of audiovisual regulators could inform the debate.</p> <ul style="list-style-type: none">• Workstream 3 will continue the reflection on the future of ERGA, in particular as regards potential modifications to its format and scope. The objective would be to give advice on how to reinforce the cooperation framework in ERGA to ensure the effective functioning of the revised media rules and addressing new challenges in the media markets. In this regard, the workstream will explore practical options for strengthening the ERGA cooperation, in particular focusing on its institutional set-up and competences. <p>Workstreams 1 & 2 will require a high degree of reactivity to ensure swift progress on the Subgroup's deliverables while ensuring that members are appropriately involved at all times. The working methods of the Subgroup will be designed accordingly, in compliance with ERGA's rules of procedures, especially article 12 thereof.</p>
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Subgroup 2 Deliverables

Deliverable 1	Deliverable type	Position Paper(s)
	Deliverable title	ERGA Position Paper(s) on the Commission's DSA proposal
	Due date	March/April 2021
	Publication	Yes
Deliverable 2	Deliverable type	Internal report
	Deliverable title	Monitoring of discussions on the DSA with a view on EU media regulation
	Due date	June and December 2021, plenary meetings
	Publication	No
Deliverable 3	Deliverable type	Expert workshop on media regulators contribution to the DSA discussions
	Deliverable title	(To be decided)
	Due date	June/July 2021
	Publication	Yes (activity report)
Deliverable 4	Deliverable type	Internal report
	Deliverable title	Discussion Paper on strengthening cooperation within a renewed ERGA
	Due date	December 2021
	Publication	No

Allocated Resources SG2

Drafters Members Observers	<u>Chair:</u> Frédéric Bokobza, CSA (France)
KommAustria (Austria) DLM (Germany) NCRTV (Greece) AGCOM (Italy) KRRiT (Poland) RVR (Slovakia)	
CSA (Belgium) CEM (Bulgaria) RRTV (Czechia) TTJA (Estonia) CNMC (Spain) AEM (Croatia) NMHH (Hungary) BAI (Ireland) RTK (Lithuania) ALIA (Luxembourg) NEPLP (Latvia) BA (Malta) KRRiT (Poland) ERC (Portugal) MPRT (Sweden) AKOS (Slovenia) NMA (Norway)*	
CRA (Bosnia and Herzegovina) AAAVMS (North Macedonia) RTUK (Turkey)	

* Without voting rights (Article 1 of the ERGA Rules of Procedure)

Workflow for Subgroup 2 (internal and external milestones)

Date	Action/deliverable	Internal Subgroup only	External CN, Plenary, Publication
2020			
December	ToR: written adoption procedure (1 st step: consultation)		CN/Plenary
December	ToR: written adoption procedure (2 nd step: electronic vote)		Plenary
2021			
12 February (tbc)	1st SG2 meeting	All members	
	WK1 (positioning): exchange of views on the DSA proposal and adoption of the outline of each paper WK2 (monitoring): setting priorities and division of tasks amongst Subgroup members		
March/April	WK1 (positioning): adoption of ERGA's Position Papers on the Commission's proposal for a DSA (written adoption procedure)		CN and Plenary
May	2nd SG2 meeting	All members	
	WK1 (positioning): review of position papers (if necessary) WK2 (monitoring + workshop): exchange on views on latest developments in the EP + preparation of the workshop WK3 (future of ERGA): initial discussion on a general approach		
June	ERGA plenary meeting		CN and Plenary
	WK1 (positioning): adoption of updated position papers (if necessary) WK2 (monitoring + workshop): adoption of monitoring reports + presentation of the objectives and agenda WK3 (future of ERGA): roundtable discussion to agree on a general approach		
June/July	WK2 (workshop) : expert workshop with MEPs and Commission representatives		
September	3rd SG2 meeting	All members	
December	ERGA plenary meeting		CN and Plenary