



# ERGA ‘Statement of Purpose’

## ERGA VALUES AND ACTIONS

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<sup>1</sup> (the ‘revised AVMS Directive’, whose territorial scope includes Member States of the European Economic Area<sup>2</sup>):

- Upholding a level playing field for all audiovisual media and video sharing platform services operating in the European audiovisual media market;
- Guaranteeing the freedom of expression, the freedom of reception and accessibility of these services across Member States;
- Combating any form of *incitement* to hatred or violence;
- Protecting minors from harmful content;
- Safeguarding media pluralism and promoting citizens’ right to information;
- Supporting cultural and language diversity;
- Preserving the independence of National Regulatory Authorities (NRAs);
- Protecting consumers against inappropriate commercial communications.

ERGA does so by supporting an independent and consistent implementation of the EU audiovisual regulatory framework, first and foremost the AVMS Directive, to the benefit of Europe and its citizens. ERGA believes that effective regulation is based on high-quality standards applied by independent NRAs.

To that end, ERGA promotes common regulatory approaches and effective cooperation between its members as well as with stakeholders. It also facilitates the development of an integrated ‘regulatory culture’, where knowledge, best practices and experiences are judiciously disseminated to inspire NRAs in the achievement of their duties at national level.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/fr/TXT/?uri=CELEX:32018L1808>

<sup>2</sup> European Economic Area Member States are the EU Member States + Liechtenstein, Norway, and Iceland.

Furthermore, 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.

In order to ensure that it takes relevant and well-informed opinions or actions, ERGA is in touch with audiovisual market players (particularly those with a cross-border outreach), academics and other relevant entities. Based on its members' expertise and experience with the implementation of the audiovisual regulatory framework, ERGA is also active in public debates on media policy with the aim to be perceived as a relevant discussion partner in Europe.

## **ERGA TASKS AND OPERATING PRINCIPLES**

The role of ERGA has been enhanced by the revised AVMS Directive, which provides the following list of tasks (Article 30b, paragraph 3):

- To provide technical expertise to the European Commission both with regard to its task to ensure a consistent implementation of the Directive in all Member States and on matters related to audiovisual media services within its competence;
- To exchange experience and best practices on the application of the regulatory framework for audiovisual media services, including on accessibility and media literacy;
- To cooperate and provide its members with the information necessary for the application of this Directive, in particular as regards Articles 3, 4 and 7;
- To give opinions, when requested by the Commission, on the technical and factual aspects of the issues pursuant to Article 2(5c), Article 3(2) and (3), point (c) of Article 4(4) and Article 28a(7).

To fulfil these tasks, ERGA issues documents such as opinions, reports, statements, and recommendations. Such documents represent ERGA's independent opinion, not the European Commission's point of view. Once adopted, they are made publicly available without undue delay, in accordance with ERGA's requirement to ensure transparency of its activities.

ERGA promotes active and independent participation by all its members, regardless of their size. To that end, ERGA documents are thoroughly prepared by trusted experts who are appointed by NRAs. With a view to reach consensus and fairly represent their views, all ERGA members are duly consulted through transparent procedures before any

document is adopted. They are nonetheless given the possibility to publicly express dissenting opinions.

## **ERGA STRATEGIC PRIORITIES (2020-2023)**

The strategic priorities do not define the full scope of ERGA work for 2020-2023, but will serve as referring chapters in the annual Work Programmes of these four years. ERGA plans its work every year taking into account the three strategic priorities listed below. The order in which the strategic priorities are listed below does not reflect any relative order of importance. The following strategic priorities may be reviewed halfway through.

### **1. Cooperation in cross-border cases: working out concrete solutions to cross-border challenges**

This strategic objective outlines ERGA members' task to cooperate for the purpose of the application of the AVMS Directive. The 2018 ERGA Analysis & Discussion Paper on the revised AVMS Directive has highlighted several areas where cooperation between NRAs would need to be strengthened in order to achieve a consistent and effective implementation. The extension of the material scope of the Directive to video-sharing platforms, the identification of the services under the jurisdiction of Member States, the provisions relating to the cross-border financing of European works, etc. have cross-border implications, which call on NRAs to develop relevant frameworks of cooperation. They could, for example, take the form of memorandums of understanding which NRAs would apply on a voluntary basis.

### **2. Exchange of best practices: sharing NRAs' approaches with regard to the application of some provisions of the AVMS Directive**

The 2018 ERGA Analysis and Discussion Paper also identified a need for NRAs to deepen their understanding of how some provisions of the AVMS Directive are being applied by regulators in their national jurisdiction. It is useful for ERGA members to learn from other regulatory practices and therefore foster the development of common regulatory approaches on that basis. Such a workstream will be particularly relevant as regards issues of definition, the assessment of self and co-regulation codes, the monitoring of services' measures to promote European works, the rules on commercial communications and protection of minors, the promotion of media literacy and accessibility.

### **3. Forward-looking review of the media regulatory framework: monitoring market developments and potential regulatory challenges affecting the media environment**

Taking into account the imperative of having a future-proof regulatory framework, and in order to continue to provide relevant advice to the European Commission based on their experience with the implementation of the AVMS Directive, ERGA members will seek to identify present and/or expected regulatory challenges. In a context where the Internet continues to transform the European media landscape and challenges audiovisual regulators in their ability to protect fundamental values, ERGA will particularly pay attention to the most recent and upcoming issues, such as media pluralism, with which its members have been/will be confronted in their national jurisdiction.