



ERGA Subgroup 3
Taskforce 1 on ‘Changes to the material rules for audiovisual media services’
Brussels, 11 April 2019
Minutes

Attendees: MPRT Sweden (co-chair of Taskforce, chairing the meeting), AGCOM Italy (co-chair), CSA/VRM Belgium, CEM Bulgaria, RRTV Czech Republic, SLKS Denmark, DLM Germany, TJA Estonia, ESR Greece, CNMC Spain, CSA France, AEM Croatia, CRTA Cyprus, NEPLADOME Latvia, RTK Lithuania, NMHH Hungary, KommAustria Austria, KRRiT Poland, ERC Portugal, AKOS Slovenia, RVR Slovakia, OFCOM UK, Medietilsynet Norway, RTÜK Turkey, European Commission.

The Chair welcomed the participants and presented the agenda. The workstreams have the aim to provide an inventory of possible challenges and solutions NRAs can offer with regards to the selected topics, along with already existing approaches from Member States.

Workstream 1: Protection of Minors (Art. 6a)

Some Member States already have systems in place that comply with certain requirements of the AVMSD. Potential challenges in cross-border situations were mentioned, for example schedule based restrictions, the identification of harmful content and differences in the implementation of the directive. Viewers could find it difficult to compare and evaluate content originating from other Member States (e.g. nudity). To tackle this, ERGA members could exchange best practices. The use of existing systems was also mentioned: *Kijkwijzer* (the Netherlands, variations of it are used in different Member States) is a system under which programmes are accompanied by age recommendations and descriptors to show which content may be harmful and why. On the situations in Member States, members noted that in the Czech Republic there is no labelling in place but discussions with providers are ongoing. Sweden has no such system in place for VOD while in Norway one system covering all media platforms (incl. public streaming and public broadcasting) and corresponding guidelines¹ were developed. The UK NRA explained that an age verification scheme will be set up in UK as of May 2019.

Members also mentioned that the work of EPRA and the EAO could be useful.

Workstream 2: Incitement to violence (Art. 6)

Content, which possibly contains incitement to violence, may be judged differently in Member States. Generally, two existing approaches were highlighted: NRAs have the competency and authority to decide whether the content is in breach (e.g. France, Slovakia) or NRAs do not have the competency or authority themselves, but hand over the complaints to other national authorities

¹ The Media Act and the guidelines are available in English. Descriptors are showed at the beginning, as it was deemed to burdensome for providers to show them during the whole duration of the programme.

(e.g. Sweden, Norway and Italy). In addition, the NRA in France (similar to UK) can act regarding incitement to violence, which does not exclude other authorities to act too.

The Greek NRA highlighted that freedom of expression should also be taken into account, for example when assessing political hate speech. The Commission referred to the work already done (e.g. what could be considered hate speech) and to the EU Code of Conduct. It also highlighted that cases before European Court of Human Rights regarding hate speech and freedom of expression could be used as a starting point for discussion.

Workstream 3: Accessibility (Art. 7)

During the debate, NRAs presented the state of play in their jurisdictions. The Swedish and UK NRAs explained that they have quantitative and gradually increasing requirements in place, along with the obligation to report annually on their fulfilment. The UK NRA added that the demands of different groups of people with disabilities could be in conflict (e.g. dubbing vs subtitles). In Germany, accessibility is usually covered by self-regulation/codes of conduct and a high percentage of content is already accessible as part of social responsibility that providers committed to. In the Czech Republic, providers usually perceive accessibility as burdensome and require the help of the state. In Hungary, the obligation is set up in media law and smaller providers can get financial assistance to comply.

Workstream 4: Findability (Art. 7a)

Article 7a is voluntary and it may be difficult for Member States to reach a common understanding on how to implement it. The distinction between general interest and public service interest was also raised. During the discussion, NRAs presented the provisions they have currently in place. In the Czech Republic currently only public service broadcaster fulfils the criteria in the national provisions ensuring prominence of services of general interest. In Italy, there are provisions about channel numbers in EPG and in terrestrial broadcast, e.g. 1 to 99 are general channels.

Next steps

The Chair explained that the workstreams will continue their work and that by mid-May all four chapters shall be sent out with the aim to have a final draft in August. The next Taskforce meeting is scheduled for September.

The Italian co-chair explained that for the workstream under his responsibility work has started on commercial communications (Italian and French NRA), independence of regulators (Greek and Italian NRA), new obligations for VOD (Belgian and Italian NRA) and signal integrity. The aim is to have the documents ready as follows: end of June (first versions), end of July (second versions), end of October (final versions).