



**12<sup>th</sup> Meeting of the  
European Regulators Group for Audiovisual Media Services  
Tuesday, 10 December 2019  
Brussels**

**Minutes**

**Opening of the meeting and adoption of the agenda**

The Chair, Lubos Kuklis, welcomed the participants to the 12th ERGA plenary and set out the agenda for the meeting.

<b>VOTE</b>	<b>The Agenda was adopted.</b>
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**Action groups – Digital European toolkit – ERGA Academy**

The Polish NRA summarised the actions of the ERGA Academy. To date, the ERGA Academy used tools such as lectures, workshops and expertise pools. In 2019, three Strategy Sessions took place and an ERGA Academy Workshop on the protection of minors.

The Hungarian NRA updated delegates on the Digital European Toolkit and provided an overview of the content made available by NRAs. NRAs were encouraged to upload more documents, which could be of use to members.

**Subgroup Reports**

**Subgroup 1 – Media plurality / Taskforce on disinformation**

This subgroup was co-chaired by the Irish and Italian NRAs. The aim was help the Commission in assessing the implementation of the commitments by the signatories of the Code of Practice on Disinformation.

The co-chairs provided a verbal report because of the delay to the second stage of monitoring as the group was waiting for detailed responses from the platforms. ERGA members were updated on the monitoring carried out by regulators. As a general comment, both co-chairs flagged the difficulty of obtaining data from the platforms in country specific form as the data shared was often aggregated.

Following the presentations, the Chair, NRAs and the Commission acknowledged the enormous amount of work, which took place in this subgroup during the course of 2019.

The final monitoring report will be adopted at the start of 2020 and will focus on the effectiveness of the measures taken by the platforms in all of the pillars of the Code. Based on the report, ERGA will also present possible policy options for the European Commission.

### **Subgroup 2 - Future of ERGA**

This subgroup, chaired by the French CSA, had two aims: (i) to reflect on ERGA's role and responsibilities resulting from the AVMSD; and (ii) to improve the internal governance of ERGA.

The subgroup drafted the ERGA Statement of Purpose (adopted at the Plenary in Bratislava) and the amendments to ERGA's existing Rules of Procedures. The amendments relate to the election of the ERGA leadership, the formalisation of the Board, the development of a 'Fast track adoption procedure', and changes needed to bring the document in line with the Commissions horizontal rules for expert groups.

The Chair, NRAs and the Commission commended the French CSA for their extensive work on this taskforce.

**VOTE** The Rules of Procedure were adopted.

### **Subgroup 3 – Implementation of the revised AVMS Directive**

This subgroup, chaired by the German NRA, was further divided into three work streams. Presenting to the Plenary, the Chair explained that the group drafted an executive summary, which is accompanied by more detailed reports of the three taskforces as annexes.

**Taskforce 1 – Changes to the material rules for audiovisual media services** (co-led by the Italian and Swedish NRAs). The report assessed the provisions made on protection of minors, accessibility, findability, independence of regulators and others. It recommended the sharing of best practice and discussions between NRAs.

**Taskforce 2 – Changes to the Material scope – the inclusion of VSPs** (led by the French NRA). This taskforce created a reference document for ERGA members when dealing with the issues relating to the identification and regulation of VSPs, without interfering with the Commission's work on the practical implementation of the notion of "essential functionality". This taskforce held a workshop in September 2019 on Future of Media Regulation especially on VSPs.

**Taskforce 3 – Concrete mechanisms and regulation.** This taskforce focused on the regulatory and cooperation mechanisms available to NRAs to tackle different cross-border issues. The taskforce made practical recommendation to improve cooperation between NRAs

The Chair concluded that the experience of the Subgroup in 2019 showed that more topics on the implementation of the AVMSD, particularly in the online environment, remain to be addressed in 2020.

**VOTE** The Report of Subgroup 3 was adopted.

## **Subgroup 4 – Gender diversity**

This subgroup was chaired by the Belgian CSA. The Chair noted that, based on a questionnaire, the Subgroup gathered information on the development of on/off screen initiatives in Member States. The aim was to establish good practices with a set of common gender indicators, which can be used by NRAs, as well as practical recommendations. The chair noted further that this topic should continue to be at centre and a focus of what NRAs look at through media literacy, by using the recommendations of this report to gather data or implement policies or changes.

**VOTE** The deliverable of Subgroup 4 was adopted

## **Key Note Speech by Roberto Viola, Director-General DG CNECT, European Commission**

Director-General Roberto Viola of DG Communications Networks, Content and Technology thanked the Chair Luboš Kukliš and the ERGA Board for their leadership in 2019. He underlined the importance of the national regulatory authorities' independence and the regulators' role in ensuring the correct and timely transposition and implementation of the revised AVMSD. Mr Viola emphasised that the AVMSD holds the key for solutions to many issues in the online and offline environment, which resulted from the changed media realities. According to Mr Viola, national media regulatory authorities are in the unique position to offer their expertise in content moderation, such as hate speech and the protection of minors. Their role is of great value in ensuring the correct application of the aims of the AVMSD and a common interpretation. Mr Viola also congratulated ERGA for his assistance to the Commission on its review of the Code of Disinformation.

## **Call/Elections ERGA board**

### **Election of Chair**

Tobias Schmid, Commissioner for European Affairs of the German State Media Authorities and Director of the Media Authority of North Rhine-Westphalia, received the necessary support for his nomination and was elected to the position of ERGA Chair.

**VOTE** Tobias Schmid (German NRA) was elected as Chair.

### **Election of Vice Chair**

Mr Karim Ibourki from the Belgian NRA – CSA received the necessary support for his nomination and was elected to the position of ERGA Vice-Chair.

**VOTE** Karim Ibourki (Belgian NRA – CSA) was elected as Vice-Chair.

### **Election of ERGA Board members for 2020**

Regulators from Belgium (Karim Ibourki, Chair of CSA, Vice-Chair of ERGA), Spain (Alejandra de Iturriaga y Gandini, Director of Telecommunications and Audiovisual Sector), Sweden (Charlotte Ingvar-Nilsson, Director General of the Swedish Press and Broadcasting Authority MPRT) and Slovakia (Luboš Kukliš, Chief Executive of the Slovak regulator RVR) expressed their interest at joining the ERGA Board for 2020. Each regulator received the necessary support for their nominations.

**VOTE** Representatives of NRAs of Belgium, Spain, Slovakia and Sweden were elected as board members

## ERGA Work programme 2020

Tobias Schmid, the incoming Chair of ERGA, explained that the structure of the 2020 subgroups would be based on three topics: (i) Strengthening the digital single market by enforcing European values/ rules in the online environment; (ii) Disinformation; and (iii) Ensuring prominence and non-discriminatory access of audiovisual content to all platforms.

Following the presentation, some NRAs suggested slight changes to the work programme, such as to include media plurality in Subgroup 2 and others. Following the discussion, it was agreed that minor language/ textual changes to the programme would be agreed in the Terms of Reference for each subgroup, to be developed early 2020.

NRAs also expressed their interest in chairing the Subgroups:

*Subgroup 1* – France and Ireland as co-chairs, Spain to lead the workstream for the workshop.

*Subgroup 2* – Slovak NRA to chair, Netherlands and Italy to lead the workstreams

*Subgroup 3* – Bulgaria to chair, Luxembourg to lead the workstream for the workshop.

### VOTE

**ERGA 2020 Work programme was adopted, together with the leadership for the subgroups.**

## Information points:

The Chair informed the delegates of the actions of the Board since the ERGA Plenary in June 2019. He attended 19 events, in which he spoke as the Chair of ERGA promoting the work of the group.

An EPRA board representative provided delegates with an update on behalf of Helena Mandić, Chair of EPRA. She reiterated the reference to cooperation between both bodies and echoed the need to develop clear work processes between ERGA/EPRA. She noted that the new procedure for adopting the ERGA work programme will allow ERGA/ EPRA to work better together in terms of avoiding duplication of focus.

## Any other business

### Bosnia Herzegovina request to become ERGA observers

The Commissions received a request from the Bosnia & Herzegovinian regulator to become an observer of ERGA. As a 'potential candidate country' for accession, Bosnia & Herzegovina has the obligation to harmonise its legislation with the relevant Community acquis – including the AVMSD – as part of the Stabilisation and Association Agreement. The Commission explained that it will be beneficial to allow the regulator to join the meetings and informed ERGA that it will grant the Communications Regulatory Agency of Bosnia and Herzegovina the observer status. ERGA members supported this decision.

### Ad-hoc group on Latvia

A summary was given to the Plenary from the ad hoc group, which was tasked to gather information on the situation surrounding independence of the Latvian NRA. ERGA took notice and stated that it remains at the Latvian NRAs disposal if the situation changes.

## Annex I – List of participants

<b>National Regulatory Authority – COUNTRY</b>
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
<b>ORGANISATION</b>
EAO – European Audiovisual Observatory
EPRA – European Platform for Regulatory
European Commission