

Action Group 1 – 2021 Terms of Reference (ToR)	
Name of Action Group 1 (AG 1)	Implementation of the Memorandum of Understanding (MoU)
AG Chair, NRA	Petr Kozák, RRTV (Czechia)
Background	<p>Strengthening cooperation in cross-border cases is one of ERGA’s key strategic priorities for the period 2020-2023. It is specifically aimed at fulfilling one of ERGA’s core commitments, which is ‘to promote common regulatory approaches and effective cooperation between its members as well as with stakeholders¹’.</p> <p>In 2018, the <i>ERGA Analysis & Discussion Paper on the revised AVMSD</i>² already identified a number of areas (the material scope of the Directive, the co-regulation of video-sharing platforms, the implementation of cross-border financial contributions, the geographical establishment of services, etc.) where cooperation between ERGA members would be necessary in order to achieve an efficient and consistent implementation of the new rules.</p> <p>Furthermore, in 2020 ERGA adopted its Memorandum of Understanding (MoU) which creates a common framework under which ERGA members provide each other with mutual assistance and exchange of information for the sake of a more effective enforcement of fundamental value in cross-border cases. This Action Group is intended to secure an immediate application and administration of the MoU by concretely working on the implementation of the tasks foreseen for this Action Group by the MoU.</p> <p>Finally, with a view to the recently published European Commission Action Plan on Europe’s Media in the Digital Decade, this Action Group may also contribute with relevant advice, based on the experience of its members, on how the foreseen regulatory collaboration may be improved in the future. In addition, it will feed into the work of Subgroup 2 with its advice.</p>

¹ ERGA 2019 Statement of Purpose, page 1.

² The ‘ERGA Analysis & Discussion Paper to contribute to the consistent implementation of the revised Audiovisual Media Services Directive’ (2018).

<p>Action Group scope and purpose</p>	<p>Principal purpose:</p> <p>The principal aim of the MoU is to strengthen cooperation between NRAs in order to ensure a consistent and effective implementation of the Revised Directive. It sets out a framework for collaboration and information exchange between NRAs in practical issues arising from the implementation of the Revised Directive.</p> <p>Besides the specific tasks directly emerging from the MoU (see below), the Action Group will assist ERGA members to solve cross-border cases according to the MoU and, when required, facilitate mediation processes. It will record and analyse the outcome of individual requests for cooperation and report on those activities regularly to the ERGA Plenary.</p> <p>The Group also aims to evaluate the functioning of the individual provisions of the MoU until the end of the year. In this first year of gathering experience with the MoU, the Action Group will assess which parts of the MoU are working well in practice and where, on the contrary, some difficulties as regards to the practical application arise. One issue, for example, is to assess whether additional steps are needed at national level in order to make the framework set by the ERGA MoU fully operational. Where possible, the Action Group will suggest whether and how the MoU could be amended. This evaluation naturally will depend on the number of cases and thus on the amount of data the Group will have at its disposal for the various areas of the MoU.</p> <p>The Action Group will specifically monitor the application of the MoU, as regards:</p> <ul style="list-style-type: none"> - Requests for information; - Requests for mutual assistance; - Requests for accelerated mutual assistance; - Cooperation in respect of Article 28b AVMSD; - Cooperation in respect of Article 13(2) AVMSD; - Possible need to take additional steps, e.g. at national level or within ERGA. <p>In doing so, the Action Group will gather and maintain the records of the steps that NRAs have taken to implement the MoU and maintain records of the nature and number of request for cooperation according to MoU.</p> <p>According to Section 3.3 of the MoU, this Action group will in particular:</p> <ul style="list-style-type: none"> - Maintain the register of SPOCs pursuant to Section 2.1 of the MoU; - Maintain the register about the details of national financial schemes pursuant to point 2.2.2.3.1 of the MoU based on the information (where available) provided by NRAs; - Set up quarterly meetings of the national SPOCs to exchange their views on the implementation of the MoU;
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	<ul style="list-style-type: none"> - Collect information from national SPOCs and reporting to the ERGA plenary about the implementation of the MoU as envisioned in Section 3.1; - Where appropriate, develop common tools and standard forms to be used by the Participants in the MoU in the context of the general and specific cooperation frameworks envisioned in this MoU; - Make recommendations about how to amend the MoU in order to address challenges identified by the Participants; and - Maintain a list of mediators to be used by NRAs. <p>With regards to the Commission’s Action Plan on Europe’s Media in the Digital Decade, the Action Group will support the Commission in its monitoring of the performance of the Memorandum of Understanding.</p>
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Action Group 1 Deliverables

Deliverable 1	Deliverable type	Forms
	Deliverable title	Standard forms and tables for applying the MoU
	Due date	1 st Quarter 2021
	Publication	Yes
Deliverable 2	Deliverable type	Report
	Deliverable title	Report to the ERGA Plenary on the implementation of the MoU
	Due date	Plenary meetings in June and December
	Publication	Yes
Deliverable 3	Deliverable type	Evaluation
	Deliverable title	Evaluation Report on the functioning of the MoU and (possible) suggestions of amendments
	Due date	Plenary meeting in December
	Publication	Yes

Allocated Resources AG1

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

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

Workflow for Action Group 1 (internal and external milestones)

Date	Action/deliverable	Internal Action Group only	External CN, Plenary, Publication
2020/2021			
December 2020	Draft of ToR and written adoption procedure	Chair	Plenary / Publication
January / February	1st AG meeting – kick off meeting - agree tasks for AG members and on methodology of AG work	All members	n/a
March – June	Monitoring on the implementation of MoU and recording relevant cases	All members	n/a
End of April	2nd Action Group meeting – summary and preparation of the Report for ERGA Plenary.	All members	n/a
6 May	CN – presentation of the Report to ERGA Contact Network and submission for comments	Chair	CN
1 June	Presentation of the Report to ERGA Plenary	Chair	Plenary / To be decided
September	3rd AG meeting Agree on actualization of the state of play regarding the MoU implementation as well as actual cases and tasks for AG members in preparation of the yearly overview on MoU implementation for the next ERGA Plenary	All members	n/a

Date	Action/deliverable	Internal Subgroup only	External CN, Plenary, Publication
2021			
10 November	CN meeting. Presentation of first yearly overview to CN and submission for Comments	Chair	CN
2 December	ERGA plenary meeting. Presentation of yearly Report on implementation of the MoU, information about cases and requests for cooperation	Chair	Plenary / to be decided

In addition, the Action Group will organize quarterly meetings of the national SPOCs as foreseen in the MoU (timing to be discussed).