



Protecting Freedom and Democracy

ERGA Work Programme 2022

A. Introduction

The European Regulators Group for Audiovisual Media Services (ERGA) is an advisory group for the European Commission on the application of the Audiovisual Media Services Directive (AVMSD) and all related audiovisual media issues. Established by the Commission in 2014¹, the role and tasks of ERGA have been further detailed in the revised AVMSD².

Endorsing the core democratic, economic, social and cultural values which are enshrined in the AVMSD and ERGA's 2019 '*Statement of Purpose*', the group also aims at strengthening closer cooperation between the regulatory authorities among themselves to foster the most consistent and efficient implementation of regulation across the Union.

In this work programme for 2022, ERGA is setting the orientation and priorities to optimize the engagement of ERGA and achieve the group's objectives for the year 2022.

In 2022, it is anticipated that ERGA's main priorities will remain similar to those of the previous year:

- Specific questions regarding the implementation of the revised AVMS Directive will need further analysis;
- Contributions will be required to feed or advise on discussions regarding legislative or non-legislative acts including the Digital Services Act legislative proposal which is expected to complement the European media framework for the online environment by horizontal rules for all digital services;
- The European Democracy Action Plan, the future act on political advertising, the Code of Practice on Disinformation and the revision thereof may demand additional monitoring and assistance from ERGA, in particular on media pluralism issues and disinformation which remains a core issue that media regulators are facing;
- Equally important, cooperation in the framework of the ERGA Memorandum of Understanding will be key to ensure a fluid collaboration as regards cross-border cases with due respect to the country of origin principle.

¹ Commission Decision of 3.2.2014 on establishing the European Regulators Group for Audiovisual Media Services, C(2014) 462 final.

² Directive (EU) 2018/1808.

Accordingly, the three subgroups of 2021, centred around the themes of Implementation, Completion and Disinformation, and the action group on the Memorandum of Understanding will continue in 2022. However, the current Disinformation subgroup will be renamed to clarify that its scope covers not only disinformation but also many of the issues related to the European Democracy Action Plan.

As a new workstream, ERGA will support the Commission in possible preparatory work on the future European Media Freedom Act. While details of this work have yet to be outlined (and may partly be completed in 2021), ERGA recognises that this work will be of major importance to the group. The related work will be taken on in particular by the subgroup on the completion of the EU regulatory framework relevant for media. In addition, to foster the exchanges with experts from academia, further ERGA Academy events may be organised.

Overall, maintaining the format of three thematic subgroups, combined with one action group could be helpful as it mirrors ongoing developments in the policy area. From an organisational point of view, this will make it easier for ERGA to take on possible additional requests according to this structure.

Moreover, keeping a focused draft work plan leaves some room for dealing with any new and unforeseen issues that could arise during the year that require the attention of ERGA. An enhanced cooperation with EPRA could also offer opportunities to deal with other themes in a larger international forum.

B. Subgroups

The main work of ERGA in 2022 will be dedicated to the following three topics.

I. Consistent implementation and enforcement of the AVMSD framework

Building on the work and the guidance documents produced within subgroup 1 in 2021, notably as regards new obligations for audiovisual media service providers and video-sharing platforms, the prominence of general interest content, Article 13 prominence rules on European works, and the application of advertising standards to vloggers, ERGA will provide analysis and develop recommendations, in particular on the following topics:

- monitoring compliance by video-sharing platforms with the measures to be adopted under Article 28b AVMSD and assessment of the effectiveness of such measures;
- exploring how algorithms / recommendation systems could ensure the appropriate prominence of audiovisual media services of general interest (Article 7a) as well as the prominence of European works (Article 13(1)).

In addition, subgroup 1 will take on any potential topics related to the implementation of the AVMSD that may arise during the remainder of 2022 (e.g. as regards issues related to the protection of minors or the cross-border dissemination of content from third-country services).

Against this background, ERGA will liaise with relevant stakeholders, associations and regulators' groups, including EPRA, with a view to exchanging on the subgroup's proposed solutions for achieving the above objectives.

II. Completion of the EU regulatory framework for media

ERGA will keep following up and feeding the debate on any European legislative or non-legislative proposal related to media and online content regulation, including in particular the DSA and the possible preparatory work on the European Media Freedom Act, with a view to ensure that the role and competences of media regulators are taken into account.

To this end, ERGA will:

- monitor the related debates and legislative processes;

- prepare and update ERGA's position where necessary as the related debates progress;
- support the work of the European Commission by providing targeted advice, when requested to do so;
- produce short strategic and thematic papers on existing and emerging issues;
- cooperate with other regulatory bodies.

Against this background and with a view to evaluating the collaboration options between the authorities interacting on issues pertaining to content/media regulation, the subgroup will, amongst other things, prepare a report/benchmark exercise presenting a factual overview both on the competences of these authorities, including in particular media authorities, and the safeguards to protect their independence, as defined under Article 30 of the AVMSD. Such a report could build on the work of EPRA and previous EU research projects on these issues, among which the INDIREG and RADAR studies.

Furthermore, to maintain the continued relevance of ERGA for contributing to the effective functioning of the revised media rules in the evolving markets, the subgroup will prolong its reflection on any possible need to adapt the ERGA institutional set-up and competences.

III. Countering disinformation and strengthening democracy in the digital environment

Building on the guidance and experience of the 2021 subgroup 3, ERGA will continue its work on disinformation, political advertising and other issues relating to the European Democracy Action Plan.

To this end, the subgroup will:

- issue both short strategic and position papers to feed the European debates in this regard;
- provide assistance to the European Commission, when requested.

Where necessary, the subgroup will liaise with subgroup 2 to inform and share positions on interconnected issues. Moreover, given the importance of media literacy for democratic discourse and debate, the group will dedicate resources to inform all members on developments concerning media literacy that can be observed at EU level and in other regulatory networks.

C. Action Group

In accordance with the indefinite duration of ERGA's Memorandum of Understanding (MoU), the action group on the implementation of the MoU will be maintained. The action group will follow up on, and supervise closely, the enforcement of measures foreseen by the MoU with an eye on emerging cross-border cases, as well as on the potential need for improvement in cooperation. This will include potential updates to the register on national financial schemes under Article 13(2) of the AVMSD, established pursuant to the MoU.

This focussed approach will allow ERGA to preserve its capacities to deal with possible forthcoming opinion requests and developments. If necessary, other possible themes could be linked to the three above-mentioned subgroups as deemed relevant.

Media literacy remains a highly important topic in media regulation. Beyond the proposed activity related to media literacy under subgroup 3 (as referred to above), ERGA will decide until the end of 2021 on whether or not to maintain the action group on media literacy, taking into account the final conclusions emerging from the work of the action group in 2021.