

Action Group 1 – 2022 Terms of Reference (ToR)	
Name of Action Group 1 (AG 1)	Implementation of the Memorandum of Understanding (MoU)
AG Chair, NRA	Kateřina Lojıková, RRTV (CZ)
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 stakeholders'¹.</p> <p>In December 2020, ERGA adopted the 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 values 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>The work of this Action Group will aim at ensuring fluid and close cooperation as regards cross-border cases, with due respect to the country of origin principle. As stated in the ERGA Work Programme 2022, 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.</p> <p>This Action Group may also contribute with relevant advice to relevant policy initiatives of the European Commission, based on the experience of its members, on how regulatory collaboration may be strengthened and reinforced in the future. It will also feed into the work of Subgroup 2 with its advice, where relevant, in particular in this regard.</p>

¹ ERGA 2019 Statement of Purpose, page 1

<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 AVMSD.</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 analyze 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 second 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 its practical application arise. Where necessary, the Action Group will suggest whether and how the MoU could be amended. This evaluation naturally depends on the amount of specific cases and thus on the amount of data the Group will have available in different 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; - Use of the Standard form. <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 requests for cooperation according to MoU.</p> <p>According to Section 3.3 of the MoU, the role of this Action group is in particular to:</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 meetings of the national SPOCs and AG members 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 report to the ERGA plenary about the implementation of the MoU as envisioned in Section 3.1; • Where appropriate, develop 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>The Action Group will continue to work on these tasks, building on its achievements from the previous year. 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	Report
	Deliverable title	Report to the ERGA Plenary on the implementation and the functioning of the MoU (possibly with suggestions for amendments).
	Due date	December Plenary meeting
	Publication	Yes
Deliverable 2	Deliverable type	Overview table
	Deliverable title	Register about the details of national financial schemes pursuant to point 2.2.2.3.1 of the MoU
	Due date	December Plenary meeting
	Publication	Yes

Allocated Resources AG1

<p>Drafters</p> <p>Members</p> <p>Observers</p>	<p><u>Chair</u>: Kateřina Lojíková RRTV (Czechia)</p>
<p>DLM (Germany) NCRTV (Greece) AGCOM (Italy) ALIA (Luxembourg) RVR (Slovakia)</p>	
<p>KommAustria (Austria) CSA/Medienrat/VRM (Belgium) CEM (Bulgaria) AEM (Croatia) CRTA (Cyprus) TTJA (Estonia) TRAFICOM (Finland) Arcom (France) NMHH (Hungary) BAI (Ireland) NEPLP (Latvia) RTK (Lithuania) BA (Malta) CvdM (Netherlands) KRRiT (Poland) ERC (Portugal) CNMC (Spain) AKOS (Slovenia) MPRT (Sweden) IMC (Iceland)* NMA (Norway)*</p>	
<p>OFCOM (Switzerland) AVMU (North Macedonia) 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
2022			
February/March	Joint meeting of SPOC and AG members. Monitoring of cross-border cooperation cases. Discussion on improving Register about the details of national financial schemes pursuant to point 2.2.2.3.1 of the MoU. Discussion regarding weaknesses and strengths of the MoU.	All members	n/a
May	CN – presentation / oral Report on the MoU to the ERGA Contact Network	Chair	CN
June	Presentation / oral Report to the ERGA Plenary	Chair	Plenary
September	Joint meeting of SPOCs and AG members Monitoring of cross-border cooperation cases. Presentation of improved Register about the details of national financial schemes pursuant to point 2.2.2.3.1 of the MoU. Presentation of analysis of weaknesses and strengths of the MoU	All members	n/a
November	CN meeting. Presentation of yearly Report to CN and submission for comments	Chair	CN
December	ERGA plenary meeting. Presentation of yearly Report on the implementation of the MoU, information about cases and requests for cooperation as well as presenting Register about the details of national financial schemes pursuant to point 2.2.2.3.1 of the MoU	Chair	Plenary

The Action Group will organize joint meetings of the national SPOCs and AG members (timing may be adjusted according to the organizational need of the Action Group).