

Subgroup 2 – 2023 Terms of Reference (ToR)	
Name of Subgroup 2 (SG 2)	Completion of the EU regulatory framework for media
SG Chair, NRA	Frédéric Bokobza, Arcom (France)
Background	<p>The 2019 ERGA's Statement of Purpose outlines the Group's Strategic Priorities for the period 2020-2023, including the forward-looking review of the EU regulatory framework applicable to media. As an advisory body to the European Commission, ERGA has committed itself to share its experience with the implementation of the AVMS Directive and to advise in identifying upcoming challenges affecting the media landscape as a whole.</p> <p>In 2020, ERGA adopted its first Position Paper on the upcoming Digital Services Act (DSA) and responded on this basis to the EC's public consultation on the future DSA proposal.</p> <p>In 2021, following the publication by the Commission of its proposals for a Digital Services Act (DSA) and a Digital Markets Act (DMA), ERGA adopted a Statement (March) followed by Proposals aimed at strengthening the DSA with respect to online content regulation (June). Internal reports were dedicated to the discussions in the European Parliament (EP) on the DSA and to the reflection on a renewed ERGA (December).</p> <p>In 2022, ERGA published its priorities for the DSA trilogue negotiations (February) and monitored the negotiations and the first implementation measures (DSCs' nominations). With regard to the European Media Freedom Act (EMFA), ERGA published a position paper for the open public consultation (March) and a position paper on the Commission proposal (November). Two ERGA Academy events focused on EMFA were held: a first meeting gathering experts from academia and NRAs (February) and a second one where the ERGA position on EMFA was discussed with representatives from the Council and Commission (November). ERGA also explored the issue of channels under the control or influence of third countries and adopted an internal report on NRAs' competences and safeguards for independence.</p> <p>As set out in the ERGA 2023 Work Programme, the Subgroup's remit for 2023 will be to support the Commission and, where applicable and appropriate, contribute to the legislative debate with the European Parliament and the Council, on the legislation that is not yet in application, notably the EMFA. This might also include monitoring the evolution of NRAs' competences and independence, as well as resources, in light of the evolving EU regulatory framework having an impact on the media sphere.</p>
Subgroup scope and purpose	<p>Against this background, the Subgroup will work in three main directions:</p> <ul style="list-style-type: none"> • Workstream 1 – EMFA <p>The key objective of this workstream will be to support the Commission and closely monitor and timely feed into the EMFA negotiations.</p>

For a subset of topics identified as priorities for the Group, the Subgroup will translate ERGA's position into operational proposals for amendments aimed at contributing to the debate on the EMFA proposal, where appropriate. To this end, particular attention will be put on ensuring that the processes used for drafting and validating the proposed amendments be transparent and inclusive while guaranteeing the necessary – high – level of reactivity.

Depending on the evolution of the legislative debate and the priorities that will emerge (e.g. in the perspective of the trilogues), the Subgroup may consider certain issues in greater depth and coordinate the preparation of further specific positions by ERGA. In this regard, it will also provide expertise on specific topics to the Commission, if requested.

When it comes to external outreach, where relevant, the Subgroup will coordinate with the Board for sharing ERGA's positions and proposals in the context of the debate on the EMFA proposal. It will also contribute to supporting ERGA members' efforts to raise awareness of ERGA's role in the implementation and oversight of the future EMFA.

- **Workstream 2 – DSA**

The Subgroup will continue to monitor the degree of involvement of ERGA members foreseen in the national DSA implementation arrangements (as Digital Services Coordinators, competent authorities...).

It will coordinate ERGA's input and participation to the Commission's meetings and/or actions in preparation to the DSA's implementation, in response to the Commission's requests.

Furthermore, where relevant for the Group, the Subgroup will prepare ERGA's positions on the future implementing and delegated acts of the DSA.

- **Workstream 3 – Other legislative initiatives and NRAs' competences**

As a follow-up to the internal work on the competences & independence of the NRAs conducted over the course of 2022, the Subgroup will focus in 2023 on:

- monitoring relevant EU legislative initiatives touching upon the sector and that may have an impact on the competences of NRAs;
- as a follow-up to the work carried out in 2022, monitoring/analysing the 2023 trends, resulting from recent EU or major national regulatory developments, in terms of changes to NRAs competences, safeguards for independence as well as corresponding NRAs' resources (financial, human and technical) to carry out these new missions.

Moreover, the Subgroup will follow developments on the proposal for a Regulation to prevent and combat child sexual abuse (CSAM). It will examine the relevance to develop a condensed ERGA position (in particular on the interplay with the DSA and AVMSD, and the competences of ERGA members) and, if agreed by the Group, will draft such a position.

Subgroup 2 will consult with Subgroups 1 and 3, where relevant.

Subgroup 2 Deliverables

WORKSTREAM 1 – EMFA		
Deliverable 1	Deliverable type	Operational proposals for amendments
	Deliverable title	ERGA's proposals for amendments contributing to the debate on the EMFA proposal
	Due date	As of Q1
	Publication	Yes
Deliverable 2	Deliverable type	Additional position paper(s) (if relevant)
	Deliverable title	ERGA's views on specific issues
	Due date	TBD
	Publication	Yes
Deliverable 3	Deliverable type	Workshop involving the co-legislators and stakeholders
	Deliverable title	TBD
	Due date	TBD
	Publication	-
WORKSTREAM 2 – DSA		
Deliverable 1	Deliverable type	Internal report (short)
	Deliverable title	Overview of the national DSA implementation arrangements and the involvement of the NRAs
	Due date	June plenary, with possible additional updates
	Publication	No
Deliverable 2	Deliverable type	ERGA's contribution to the Commission's meetings/actions in preparation to the DSA's implementation in response to the Commission's requests (if requested)
	Deliverable title	TBD

	Due date	TBD
	Publication	Yes
Deliverable 3	Deliverable type	Position paper(s) on implementing and delegated acts (if relevant)
	Deliverable title	ERGA's views on implementing and delegated acts
	Due date	TBD
	Publication	Yes
WORKSTREAM 3 – OTHER LEGISLATIVE INITIATIVES AND NRA's COMPETENCES		
Deliverable 1	Deliverable type	Legislative monitoring
	Deliverable title	Overview of EU legislative initiatives relevant for media regulators
	Due date	June and December (ERGA plenaries)
	Publication	No
Deliverable 2	Deliverable Type	Benchmark
	Deliverable title	2023 NRAs' resources and competences trends report
	Due date	December plenary
	Publication	TBD
Deliverable 3	Deliverable type	Position paper (if relevant)
	Deliverable title	ERGA's views on the CSAM regulation proposal
	Due date	TBD
	Publication	Yes

Allocated Resources SG2

<p>Drafters</p> <p>Members</p> <p>Observers</p>	<p><u>Chair</u>: Frédéric Bokobza</p> <p>Arcom (France)</p>
<p>KommAustria (Austria)</p> <p>DLM (Germany)</p> <p>NCRTV (Greece)</p> <p>AGCOM (Italy)</p> <p>CvdM (Netherlands)</p> <p>CMS (Slovakia)</p> <p>CNMC (Spain)</p>	
<p>CSA/Medienrat/VRM (Belgium)</p> <p>CEM (Bulgaria)</p> <p>AEM (Croatia)</p> <p>CRTA (Cyprus)</p> <p>RRTV (Czechia)</p> <p>TTJA (Estonia)</p> <p>TRAFICOM (Finland)</p> <p>NMHH (Hungary)</p> <p>BAI (Ireland)</p> <p>NEPLP (Latvia)</p> <p>RTK (Lithuania)</p> <p>ALIA (Luxembourg)</p> <p>BA (Malta)</p> <p>KRRiT (Poland)</p> <p>ERC (Portugal)</p> <p>CNA (Romania)</p> <p>AKOS (Slovenia)</p> <p>MPRT (Sweden)</p> <p>IMC (Iceland)*</p> <p>NMA (Norway)*</p>	
<p>CRA (Bosnia & Herzegovina)</p> <p>AVMU (North Macedonia)</p> <p>OFCOM (Switzerland)</p> <p>RTUK (Turkey)</p>	

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

Workflow for Subgroup 2 (internal and external milestones)

Date	Action / deliverable	Internal Subgroup only	External CN, Plenary, Publication
February	1st SG2 meeting <ul style="list-style-type: none"> • Setting priorities and division of tasks amongst subgroup members • WS1 (EMFA): update on the negotiations, key issues, first amendments/actions • WS2 (DSA): DSA update and role of ERGA; update on DSCs & co nominations • WS3 (other legislative initiatives and NRAs' competences): identification of relevant legislative initiatives (i.a. the CSAM regulation) 	All Members	
As of Q1 2023	<i>WS1 (EMFA) - ERGA's proposals for amendments on the EMFA</i>		<i>CN, Plenary, Publication</i>
Q1 2023	<i>WS1 (EMFA) - ERGA's views on specific issues (position paper(s)) (if relevant)</i>		<i>CN, Plenary, Publication</i>
2023	<i>WS2 (DSA) - ERGA's contribution to the Commission's meetings/actions in preparation to the DSA's implementation in response to the EC's requests (if requested)</i>		<i>CN, Plenary</i>
2023	<i>WS2 (DSA) - ERGA's views on implementing and delegated acts (position paper(s)) (if relevant)</i>		<i>CN, Plenary, Publication</i>
April	2nd SG2 meeting <ul style="list-style-type: none"> • WS1 (EMFA): update on the negotiations and on the amendments/actions; possibly, additional position(s) paper(s) • WS2 (DSA): DSA update and role of ERGA; update on DSCs & co nominations; ERGA's views on implementing and delegated acts (if relevant) • WS3 (other legislative initiatives and NRAs' competences): <ul style="list-style-type: none"> • EU Legislative monitoring • [If decided so] ERGA's views on the CSAM regulation proposal (position paper) 	All Members	
June	ERGA plenary meeting <ul style="list-style-type: none"> • WS1 (EMFA): report on the amendments/actions; possibly additional position(s) paper(s) • WS2 (DSA): 		CN and Plenary

Date	Action / deliverable	Internal Subgroup only	External CN, Plenary, Publication
	<ul style="list-style-type: none"> - ERGA's views on implementing and delegated acts; - Overview of the NRAs' competences in national DSA implementation arrangements (short report) • WS3 (other legislative initiatives and NRAs' competences): <ul style="list-style-type: none"> - EU Legislative monitoring - [If decided so] ERGA's views on the CSAM regulation proposal (position paper) - Preparation of the 2023 NRAs competences and resources trends report 		
TBD (after the Council and EP, adopted their positions on EMFA; potentially on the margins of a subgroup or plenary meeting)	WS1 (EMFA) - Workshop involving the co-legislators and stakeholders		
September	3rd SG2 meeting <ul style="list-style-type: none"> • WS1 (EMFA): update on the negotiations and on the amendments/actions; additional position(s) paper(s) • WS2 (DSA): DSCs & co nominations monitoring • WS3 (other legislative initiatives and NRAs' competences): <ul style="list-style-type: none"> - EU legislative monitoring - discussion on the draft2023 NRAs competences and resources trends report 	All members	
December	ERGA plenary meeting <ul style="list-style-type: none"> • WS1 (EMFA): report on the amendments/actions; additional position(s) paper(s) • WS2 (DSA): activity report; overview of ERGA Members' competences in the DSA following the DSCs & co nominations monitoring • WS3 (other legislative initiatives and NRAs' competences): presentation of the EU legislative monitoring, adoption of the 2023 NRAs competences and resources trends report 		CN and Plenary