

Subgroup 1 – 2024 Terms of Reference (ToR)	
Name of Subgroup 1 (SG 1)	Consistent implementation and enforcement of the European framework for audiovisual media services
SG Chair	Marta Carvalho (ERC)
Background	<p>One of the main aims of ERGA, since its creation, has been to ensure the coherent implementation of the revised AVMS Directive (AVMSD). This constitutes one of its core commitments, as clearly expressed in the ERGA Statement of purpose¹.</p> <p>ERGA's work programme for 2024 maintains the emphasis on the need to follow and support the implementation of the AVMSD in the Member States, providing analysis and possible recommendations on best practices on the most complex topics.</p> <p>In 2023, an internal report regarding age verification mechanisms recommended further common work within ERGA in order to facilitate a robust legal protection and an effective application of the AVMSD. The recommendations took into account the different points of view of the NRAs and the challenges that the implementation of these mechanisms imply for ERGA Members, without ignoring the relevance of the issue in the context of the Digital Services Act (DSA).</p> <p>Regarding the promotion of European works and their prominence, a first mapping of the implementation, monitoring and enforcement of the optional measures on financial contributions identified some challenges, notably related to the identification and reaching out to the providers as well as to the calculation of the revenue.</p> <p>Under the revised AVMSD, Member States' requirements towards improving the accessibility of audiovisual media services have become significantly stronger in comparison with the previous Directive. Besides the AVMSD there is also the European Accessibility Act, another relevant legislative framework currently in force, which might have an impact on the providers. This act regards the technical access to audiovisual media services, concerning (in brief) electronic programme guides (EPGs), apps and websites of audiovisual media service providers. Depending on the national implementation acts, several ERGA-members have or will have a future role in the practical application of the European Accessibility Act.</p> <p>The importance of the ERGA Memorandum of Understanding² in the effective collaboration between NRAs has been duly highlighted in previous analysis. It is a fundamental tool of cooperation and exchange that needs to</p>

¹ [ERGA-2019-02_Statement-of-Purpose-adopted.pdf \(erga-online.eu\)](#) "ERGA promotes common regulatory approaches and effective cooperation between its members as well as with stakeholders. It also facilitates the development of an integrated 'regulatory culture', where knowledge, best practices and experiences are judiciously disseminated to inspire NRAs in the achievement of their duties at national level.

² [ERGA Memorandum of Understanding adopted 03-12-2020 I.pdf \(erga-online.eu\)](#)

	<p>be prepared for the transition to the new regulatory instrument foreseen in the EMFA³.</p>
<p>Subgroup scope and purpose</p>	<p>The scope of this Subgroup in 2024 is to continue to consolidate ERGA's efforts towards an enhanced and more effective enforcement of the European legal framework for audiovisual media services and to gather relevant evidence for the implementation and potential future development of this framework.</p> <p>In light of the conclusions of the previous work regarding age verification mechanisms, recommending further discussion of the subject, it is considered essential to continue the work started in the previous year, with a view to understanding and promoting best practices in terms of protection of minors not only in an online environment but also in on-demand services as well as in the assessment of the adequacy of the measures adopted, from age verification mechanisms to content flagging measures.</p> <p>In regards to the promotion of European works and their prominence, the work initiated in 2023, proposes an in-depth follow through, consolidating findings, best-practices and possible recommendations. Given the work presented by the European Audiovisual Observatory, the possibility of a joint conference/workshop could be explored. In this respect, it would also be interesting to know the different tools used by NRAs in monitoring AVMS obligations.</p> <p>Moreover, given the relevance of the theme of accessibility of audiovisual media services, it seems appropriate to allocate a dedicated workstream to this theme under Subgroup 1.</p> <p>As far as the Memorandum of Understanding (MoU) is concerned, a dedicated workstream will continue to foster its implementation, in particular to monitor and report on the effectiveness of the MoU implementation, to assess and implement potential needs for improvement of the practical implementation of the MoU. The dedicated workstream will also contribute to the preparation of the transition to the new regulatory instrument on regulatory cooperation, foreseen in the EMFA (in close collaboration with Subgroup 2).</p> <p>In line with the above objectives, the work of this Subgroup will have the following approach and lead to the following deliverables</p> <ol style="list-style-type: none"> 1. A follow-up report of the assessment of the measures adopted by audiovisual media service providers and video-sharing platforms, including age verification tools, criteria for content flagging and parental control. It will pursue the main objectives of analysing concrete practical applications and assess their effectiveness, in order to develop practical recommendations for ERGA and its members. 2. A follow-up report pursuing the aim of monitoring the promotion of European works, their prominence, and the developments regarding the implementation and enforcement of article 13(2) AVMSD on financial contributions to the production of European works, to consolidate findings, best-practices and possible recommendations. The Subgroup will further establish a short repository gathering some of the best practices on the use of

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0457> - Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU.

	<p>automatic/AI tools to ensure the monitoring of relevant obligations of the AVMSD.</p> <ol style="list-style-type: none">3. A report providing an update on developments in the area of regulating and ensuring accessibility of audiovisual media services for people with disabilities, mapping best practices and issuing some recommendations to achieve a more convergent approach.4. A workshop involving NRAs, media service providers and organizations representing people with special needs will be another main deliverable of this workstream, and will constitute valuable input for the report.5. A report to continue the monitoring of the effectiveness of the Memorandum of Understanding, proposing new suggestions for practical improvements and concrete amendments, if necessary, especially with a view to feeding into the preparation of the transition to the new regulatory instrument on regulatory cooperation foreseen in EMFA (in close collaboration with Subgroup 2). <p>The outcome of the work of SG1 is expected to serve as guidance and provide useful input for supervisory and enforcement activities of ERGA's members. The topics listed are not exhaustive and do not rule out the possibility of additional analysis on other topics that may generate interest among ERGA Members, based on the practical experience and the needs of ERGA members in their application of the Directive.</p>
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Subgroup 1 Deliverables

Deliverable 1	Deliverable type	Report of the assessment of the measures adopted by media service providers and VSPs, including age verification tools, criteria for content flagging and parental control.
	Deliverable title	(To be decided)
	Due date	End of working year
	Publication	Yes
Deliverable 2	Deliverable type	Report consolidating findings, best-practices and possible recommendations regarding the promotion of European works, their prominence, and the developments regarding the implementation and enforcement of article 13(2) AVMSD on financial contributions to the production of European works, and a short repository on best practices to ensure the monitoring and enforcement of the relevant obligations of the AVMSD, such as the use of automatic/AI tools.
	Deliverable title	(To be decided)
	Due date	End of working year
	Publication	Yes
Deliverable 3	Deliverable type	Workshop on best practices and the exchange of practical experience in the implementation of the obligations of Article 7 of AVMSD, with NRAs, media service providers and organizations representing people with disabilities.
	Deliverable title	(To be decided)
	Due date	September
	Publication	Materials and conclusions of the workshop will contribute to the report under Deliverable 4
Deliverable 4	Deliverable type	Report providing an update on developments in the area of regulating and promoting accessibility of audiovisual media services for people with disabilities, mapping best practices and issuing recommendations to achieve a more uniform approach.
	Deliverable title	(To be decided)
	Due date	End of working year
	Publication	Yes
Deliverable 5	Deliverable type	Implementation Report
	Deliverable title	Report on the Implementation of the ERGA Memorandum of Understanding in 2024
	Due date	End of working year
	Publication	Yes

Allocated Resources SG1

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

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

Workflow for Subgroup 1 (internal and external milestones)

Date	Action/deliverable	Internal Subgroup only, drafters	External CN, Plenary, Publication
2024			
February	1 st SG1 meeting <ul style="list-style-type: none"> • Setting priorities, methodology and organization of the work of SG1. • Planned activities and deliverables. 	All members	
April/May	2 nd SG1 meeting	All members	
13 June	1 st CN meeting		CN
3-4 July	1 st Plenary meeting		Plenary
September	Workshop (title tbc) 3 rd SG1 meeting Discussion of draft deliverables.	All members	
October	4 th SG1 meeting Finalization of deliverables.	All members	
5 November (TBC)	2 nd CN meeting		CN
21-22 November (TBC)	2 nd Plenary meeting		Plenary