

## Digital Single Market

# ERGA - Audiovisual Regulators

The European Regulators Group for Audiovisual Media Services - ERGA

The European Regulators Group for Audiovisual Media Services brings together heads or high level representatives of national independent regulatory bodies in the field of audiovisual services, to advise the Commission on the implementation of the EU's [Audiovisual Media Services Directive \(AVMSD\)](#) [1].

On 3 February 2014, the European Commission adopted a [Decision](#) [2] on establishing the ERGA and setting the objectives for the Group:

- to advise and assist the Commission in its work, to ensure a consistent implementation of the AVMSD as well as in any other matters related to audiovisual media services within the Commission's competence.
- to facilitate cooperation between the regulatory bodies in the EU, as provided for in the directive regulating audiovisual media services.
- to allow for an exchange of experience and good practices.

On 29 November 2016, ERGA re-elected Prof. mr. dr. Madeleine de Cock Buning as ERGA Chair for 2017. It also elected two ERGA Vice-Chairs: Damir Hajduk, Vice President of the Croatian Council for Electronic Media and Luboš Kukliš, Chief Executive of the Council for Broadcasting and Retransmission of the Slovak Republic.

In 2016, ERGA was chaired by Prof. mr. dr. Madeleine de Cock Buning, Professor of Media Law at Utrecht University. Mr Oliver Schrameck (ERGA Chair in 2014-2015) was Vice-Chair, along with Ms. Mirjana Rakić, Chairman of the Croatian regulator.

Visit the [erga-online](#) [3] website!

## ERGA Plenary Meetings

- 7th ERGA [Meeting](#) [4] - 9 March 2017, Brussels (see [press release](#) [5])
- 6th ERGA [Meeting](#) [6] - 29 November 2016, Brussels (see [press release](#) [7])
- 5th ERGA [Meeting](#) [8] - 2 March 2016, Amsterdam (See [press release](#)) [9]
- 4th ERGA [Meeting](#) [10] - 27 November 2015 (written procedure)
- 3rd ERGA [Meeting](#) [11] - 14 April 2015, Paris
- 2nd ERGA [Meeting](#) [12] - 21 October 2014, Brussels

- 1st ERGA [Meeting](#) [13] - 4 March 2014, Brussels

## ERGA Documents

### Statements

- [ERGA Opinion on AVMSD proposal](#) [14]
- News release: [ERGA welcomes self-regulatory initiatives to protect minors online](#) [15] (9 June 2016)
- [ERGA Press release on the proposal by the European Commission to revise AVMSD](#) [16] 25 May 2016
- [ERGA Statement on alarming developments for the independent and effective functioning of media regulators in Europe](#) [17] - 8 April 2016
- [ERGA Statement on the necessity of independent media](#) [18] - 11 January 2016 (see ERGA [press release](#) [19])
- [ERGA statement on the independence of NRAs in the audiovisual sector](#) [20] (October 2014)  
ERGA asks the European Commission, as the initiator of European legislation, to take the considerations in this statement and the following work into account in the context of the upcoming REFIT exercise of the AVMS Directive.
- [Joint statement on freedom of expression](#) [21] (15 April 2015)

### Reports

- ERGA [report on Protection of Minors in the Audiovisual Media Services](#) [22]: Trends & Practices (published on 19 April 2017)
- ERGA Special Task [Report on the provision of greater accessibility to audiovisual media services for persons with disabilities](#) [23] (published on 7 December 2016)
- ERGA [internal report on the Digital European Toolkit](#) [24] (DET) (published on 7 December 2016)
- [ERGA report on territorial jurisdiction in a converged environment](#) [25] (published on 24 May 2016)
- [ERGA report on material jurisdiction in a converged environment](#) [26] (published on 26 January 2016) (see [ERGA press release](#) [27])
- [ERGA Report on the Protection of Minors in a Converged Environment](#) [28] (published on 26 January 2016) (see [ERGA press release](#) [27])
- [ERGA Report on the independence of National Regulatory Authorities](#) [29] (published on 11 January 2016)
- [Scoping paper on territorial jurisdiction in a convergent audiovisual world](#) [30] (15 April 2015)

### Work Programme and ToR

- [ERGA Work Programme 2017](#) [31]
- Subgroup Terms of Reference for 2017:
  - SG1 [Exchanging Experiences and Good Practices Subgroup](#) [32]
  - SG2 [Protection of Minors in Audiovisual Media Services Subgroup](#) [33]
  - SG3 [Preparing ERGA and NRAs for Self- and Co-Regulation Subgroup](#) [34]
  - SG4 [Future-proofing ERGA Subgroup](#) [35]
- Subgroup Terms of Reference for 2016:
  - SG1 [Audiovisual Media Services Review Subgroup](#) [36]
  - SG2 [Exploring key themes which are of high relevance and beneficial to future-proof European Audiovisual Regulation](#) [37]
  - SG3 [Creating Digital European Toolkit \(DET\) for efficient and flexible regulation](#) [38]
- [ERGA work programme for 2016](#) [39] - Tools for European Regulators in a converging media-landscape

- [Work Programme for 2015](#). [40]

## Rules of Procedure

- [Rules of procedure](#) [41] as amended on 29 November 2016
- [Rules of procedure](#) [42] adopted by the Group in March 2014

## Background information

The [AVMSD](#) [1] recognizes the role of the independent [regulatory authorities](#) [43] which, in most Member States are responsible for the enforcement of the national measures transposing the rules of the Directive.

In general, regulators in the field of audiovisual media services supervise audiovisual programmes' compliance with European and national rules. This provision should provide a basis for an increased cooperation between regulators and the Commission in order to achieve an overall better enforcement of the rules of the Directive notably when issues of jurisdiction are at stake. More broadly, this exchange of information and cooperation allows discussions at EU level on issues of interpretation and application of provisions of the Directive, especially advertising rules. Such discussions allow a more consistent application of the rules and thus a level playing field throughout the EU.

- In its 2013 [report](#) [44], the independent [High Level Group \(HLG\) on Media Freedom and Pluralism](#) [45] recommended the formalisation of cooperation between regulatory bodies in the field of audiovisual media services to share common good practice and setting quality standards.
- Moreover, the majority of the respondents to the [public consultation on the independence of audiovisual regulatory bodies](#) [46] replied that the cooperation between regulatory bodies is crucial in the convergent environment. They also supported the legally mandated gathering of these authorities at European level.
- The [European Council conclusions of November 2013](#) [47] also invited Member States to ensure the independence of their audiovisual regulatory bodies and the Commission to strengthen cooperation between regulatory authorities in the field of audiovisual media services.
- In September 2013, the Commission consulted national audiovisual regulators on the tools used in the application of Article 13 AVMSD, dedicated to the promotion of European works on-line. See the questionnaire and a summary of replies [here](#) [48].
- Also in 2013, the Commission organised a [Public consultations on the independence of the audiovisual regulatory bodies and on the Independent Report from the High Level Group on Media Freedom and Pluralism](#) [49] (closed).
- A study on the independence of regulators, INDIREG, was conducted on behalf of the European Commission. The final [report](#) [50] analysed the implementation of the legal framework for the functioning of the media regulatory bodies in the Member States, candidate and potential candidate countries of the European Union as well as identifying the key characteristics of an independent regulatory body. The authors of the study devised a tool for the self-assessment of independence and efficient functioning of the media regulatory bodies, based on formal and de facto criteria, such as status and powers, financial autonomy, autonomy of decision-makers, knowledge and accountability and transparency mechanism.
- Since 2003, an informal group of European Regulators meets annually.

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Article 30: Member States shall take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4, in

particular through their competent independent regulatory bodies.

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Team responsible

[DG CONNECT](#) <sup>[51]</sup>

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[3] <http://erga-online.eu/>

[4] <https://ec.europa.eu/digital-single-market/news-redirect/57735>

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[10] <https://ec.europa.eu/digital-single-market/news-redirect/28186>

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[13] <https://ec.europa.eu/digital-single-market/news-redirect/14888>

[14] <https://ec.europa.eu/digital-single-market/en/news/erga-opinion-avmsd-proposal>

[15] <https://ec.europa.eu/digital-single-market/en/news/european-regulators-group-audiovisual-media-services-welcomes-self-regulatory-initiatives>

[16] <https://ec.europa.eu/digital-single-market/en/news/erga-press-release-proposal-european-commission-revise-avmsd>

[17] <https://ec.europa.eu/digital-single-market/en/news/erga-statement-alarming-developments-independent-and-effective-functioning-media-regulators>

[18] <https://ec.europa.eu/digital-single-market/en/news/statement-european-regulators-group-audiovisual-media-services-erga-necessity-independent-media>

[19] [http://ec.europa.eu/newsroom/dae/document.cfm?doc\\_id=12957](http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=12957)

[20] [http://ec.europa.eu/information\\_society/newsroom/cf/dae/document.cfm?action=display&doc\\_id=7310](http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?action=display&doc_id=7310)

[21] [http://ec.europa.eu/newsroom/dae/document.cfm?action=display&doc\\_id=9350](http://ec.europa.eu/newsroom/dae/document.cfm?action=display&doc_id=9350)

[22] [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=44167](http://ec.europa.eu/newsroom/document.cfm?doc_id=44167)

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[24] [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=40608](http://ec.europa.eu/newsroom/document.cfm?doc_id=40608)

[25] <https://ec.europa.eu/digital-single-market/en/news/erga-report-territorial-jurisdiction-converged-environment>

[26] <https://ec.europa.eu/digital-single-market/en/news/erga-report-material-jurisdiction-converged-environment>

[27] <https://ec.europa.eu/digital-single-market/en/news/erga-published-two-reports-protection-minors-and-scope-audiovisual-media-services-directive>

[28] <https://ec.europa.eu/digital-single-market/en/news/erga-report-protection-minors-converged-environment>

[29] <https://ec.europa.eu/digital-single-market/en/news/erga-report-independence-national-regulatory-authorities>

[30] [http://ec.europa.eu/information\\_society/newsroom/cf/dae/document.cfm?action=display&doc\\_id=9387](http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?action=display&doc_id=9387)

[31] [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=40606](http://ec.europa.eu/newsroom/document.cfm?doc_id=40606)

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[33] [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=44169](http://ec.europa.eu/newsroom/document.cfm?doc_id=44169)

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[39] <https://ec.europa.eu/digital-single-market/en/news/erga-work-programme-2016-tools-european-regulators-converging-media-landscape>

- [40] [http://ec.europa.eu/information\\_society/newsroom/cf/dae/document.cfm?doc\\_id=7339](http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=7339)
- [41] <http://Rules of Procedure>
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- [43] <https://ec.europa.eu/digital-single-market/en/list-eu-audiovisual-regulators>
- [44] <https://ec.europa.eu/digital-single-market/sites/digital-agenda/files/HLG%20Final%20Report.pdf>
- [45] <https://ec.europa.eu/digital-single-market/en/high-level-group-media-freedom-and-pluralism>
- [46] <http://ec.europa.eu/digital-single-market/news/public-consultation-independence-audiovisual-regulatory-bodies-read-contributions>
- [47] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2014:032:0006:0007:EN:PDF>
- [48] [http://ec.europa.eu/information\\_society/newsroom/cf/dae/itemdetail.cfm?item\\_id=14365](http://ec.europa.eu/information_society/newsroom/cf/dae/itemdetail.cfm?item_id=14365)
- [49] <http://ec.europa.eu/digital-single-market/en/public-consultations-media-issues>
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