



Brussels, 3.2.2014
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COMMISSION DECISION

of 3.2.2014

on establishing the European Regulators Group for Audiovisual Media Services

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) Directive 2010/13/EU of the European Parliament and of the Council¹ establishes a regulatory framework governing the provision of audiovisual media services within the European Union and the development of the internal market for audiovisual media services.
- (2) Directive 2010/13/EU, in Article 30, requires Member States to take appropriate measures to provide each other and the Commission with the information necessary for the application of that Directive, in particular through their competent independent regulatory bodies.
- (3) In order to achieve a successful development of an internal market for audiovisual media services notably in view of increased cross-border distribution and the regulatory challenges linked to on-demand services, a coherent application of Directive 2010/13/EU in all Member States is essential. To achieve this goal it is crucial to facilitate a closer and more regular cooperation between the competent independent regulatory bodies of the Member States and the Commission.
- (4) The group should serve as an advisory body to the Commission in its implementation activities concerning areas coordinated by the Directive 2010/13/EU. By taking into account enforcement practices and practical problems arising from the application of the Directive 2010/13/EU and facilitating coordination and cooperation between the national regulatory bodies in the Member States, and between those bodies and the Commission, it would also contribute to the consolidation of the internal market for audiovisual media services
- (5) An enforcement cooperation network exists in Union legislation for the protection of consumer economic interests, which is also competent for matters pertaining to enforcement of consumer protection rules laid down in the Audiovisual Media Services Directive. The group should cooperate as appropriate with the competent authorities in the network.
- (6) Each Member State shall have one vote. For those Member States where there is no regulatory body in the field of audiovisual media services at national level, but where regulatory bodies exist at other levels, it will be up to those regulatory bodies within one Member State to decide on their single representation in the group.

¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) OJ L 95, 15.4.2010, p.1.

- (7) The work of the group should be distinct from the work of the Contact Committee, established under Article 29 of the Directive 2010/13/EU and composed of representatives of the competent independent regulatory bodies of the Member States.
- (8) Rules on disclosure of information by members of the group should be laid down.
- (9) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

A European Regulators Group for Audiovisual Media Services, hereinafter referred to as “the group”, is hereby set up as an advisory body to the Commission.

Article 2

Task

The group’s task shall be

- (a) to advise and assist the Commission, in its work to ensure a consistent implementation in all Member States of the regulatory framework for audiovisual media services;
- (b) to assist and advise the Commission, as to any matter related to audiovisual media services within the Commission's competence. If justified in order to advise the Commission on certain issues, the group may consult market participants, consumers and end-users in order to collect the necessary information;
- (c) to provide for an exchange of experience and good practice as to the application of regulatory framework for audiovisual media services;
- (d) to cooperate and provide its members with the information necessary for the application of the Directive 2010/13/EU, as provided for in Article 30 of the Directive 2010/13/EU, in particular as regards Articles 2, 3 and 4 thereof.

Article 3

Consultation

1. The Commission may consult the group on any matter relating to audiovisual media services.
2. The chairperson of the group may advise the Commission to consult the group on a specific question.

Article 4

Membership

1. The group shall be composed of national independent regulatory bodies in the field of audiovisual media services. They shall be represented by the heads, or by nominated high

² OJ L 8, 12.1.2001, p. 1.

level representatives of the national regulatory body with primary responsibility for overseeing audiovisual media services, or in cases where there is no national regulatory body by other representatives as chosen through their procedures. A Commission representative shall also participate in the group meetings.

2. Each Member State shall inform the Commission of the names of the national bodies, which shall be published in the Register of Commission Expert Groups and Other Similar Entities (hereinafter 'the Register').

3. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The group shall elect a chairperson from amongst its members by a 2/3 majority.

2. The Chairperson shall convene the meetings of the group through the secretariat in agreement with the Commission's representative.

3. The group shall adopt its rules of procedure upon a proposal from the Commission services on the basis of the standard rules of procedure adopted by the Commission.³

4. The Commission's representative may invite experts from outside the group with specific competence in a subject on the agenda to participate in the work of the group or sub-group on an ad hoc basis. In addition, the Commission's representative may give observer status to individuals, organisations as defined in Rule 8(3) of the horizontal rules on expert groups and candidate countries.

5. In agreement with the Commission's representative, the group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the group. Such sub-groups shall be disbanded as soon as their mandate is fulfilled.

6. Members of the group and their representatives, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom⁴. Should they fail to respect these obligations, the Commission may take all appropriate measures.

7. The meetings of the group and sub-groups shall be held on Commission premises. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the group and its sub-groups.

8. As far as possible the group shall adopt opinions, recommendations or reports by consensus.

9. The Commission will make available all relevant documents, such as agendas, minutes and participants' submissions, either on the Register or via a link from the Register to a dedicated webpage where information can be found. Exceptions to publication should be

³ See standard rules of procedure — Annex IV to document SEC(2010) 1360 final.

⁴ Commission Decision of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

foreseen where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁵.

Article 6

Meeting expenses

1. Participants in the activities of the group shall not be remunerated for the services they render.
2. Travel and, where appropriate, subsistence expenses incurred by participants in the activities of the group shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.
3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Done at Brussels, 3.2.2014

For the Commission
Neelie Kroes
Vice-President

⁵ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.