



Digital European Toolkit (DET)
Content, User Experience, Usability and Prospects

Report of the ERGA Subgroup 3
Overview of the first DET collection

28 October 2016

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1. Executive Summary

The members of the European Regulators Group for Audiovisual Media Services (ERGA) encounter similar regulatory challenges in today's constantly evolving media landscape. Since one of ERGA's objectives is to allow for exchange of experiences and practices between European audiovisual media regulators, ERGA established a subgroup to create a digital platform to facilitate such exchange. This report examines the establishment, design and current status of the Digital European Toolkit (DET) and presents conclusions on the important lessons learned as well as recommendations for its future development and use.

The current DET is available on the regulatory authorities' restricted web area in the CIRCABC collaborative platform, administered by the European Commission. The toolkit has been created voluntarily by the National Regulatory Authorities (NRAs) participating in ERGA who wish to engage and see the collective benefit, in pooling existing documents, practices and tools which, *inter alia*, shape their regulatory approaches and are used in their day to day regulatory activities such as licensing, research, complaints handling, compliance, enforcement and communication.

Providing an easily accessible central library of such content, the toolkit can free national regulators from the need to reinvent the wheel. By exchanging best practices and experiences, regulators can help each other and be more efficient. It is important to note that the DET is a neutral tool and its use is within the exclusive discretion of the NRAs

On a very positive note, as at the 7 September 2016,¹ 18 NRAs have contributed to, and currently participate in, the DET. The participants have active accounts on the DET and are now familiar with the technical instructions and guidance developed for the use of the DET.

The participating NRAs designed the current DET architecture agreeing on eight categories of documents: Regulation Policy, Codes and Rules, Compliance and Enforcement Tools, Licensing, Research, Complaints Handling and Communications. The NRAs also identified the types of documents and tools to be assigned to each category. In total, the current toolkit contains 195 documents. The call for documents remains open.

This report assesses the user experience to date by reference to the technical characteristics and architecture of the DET, language and overall range of content. This assessment highlights issues that will require further consideration by ERGA in order to ensure that the DET can achieve its full potential. There are some technical limitations to the system relating to document organisation and presentation, search and findability options and machine translation. These limitations can be addressed in part by simple measures including a more refined selection of documents prior to upload, more detailed guidance and instructions as well as a manual revision of machine-translated documents. The report recommends also that consideration be given to resources for ongoing evaluations, administrative oversight, editorial management, technical improvement and policy development.

¹ The cut-off date for this report.

To recap on the original aims/terms of reference of the subgroup: the key aim for 2016 was to: ‘collect, organise and share both high level and practical documents as well as best practices on oversight and enforcement and make them readily and easily accessible online’.

The report reasonably concludes that the first part of this objective was achieved. The toolkit provides an important platform for the exchange of tools, information and practices between the ERGA members. Potential technical improvements are identified to ensure that the content will be ‘readily and easily accessible online’. The procurement of additional technical assistance and expertise is recommended in this regard.

The report acknowledges that ongoing feedback from the NRAs will be key to the successful development and expanded use of DET. It will give an insight into what is / is not working, influencing adjustments and improvements as well as the future evolution of the toolkit. In particular, the utility and relevance of the content of the toolkit must be subject to regular review.

The DET offers a huge and exciting potential to develop into an online communication and collaboration platform facilitating the exchange of best practices and sharing of experiences between NRAs, supporting the work of ERGA and providing further opportunity for increased collaborative work with other fora (EPRA etc.) in order to advance our shared regulatory goals.

2. Introduction

The **purpose of this report** is to explain the concept of the DET and to provide detail on the creation and design of the first version of DET (DET 1.0), its organisation and content, the principles of its administration, and possible future upgrades/possibilities.

The **idea** to create the DET originated in the shared view of the members of ERGA, that they face similar regulatory challenges in today’s rapidly changing and increasingly complex media landscape. Since one of the ERGA’s objectives is to allow for exchange of experience and practices between European audiovisual regulators, the regulators established subgroup 3 (SG 3) to create a digital platform to facilitate such exchange. The **aim of the subgroup** is to take this exchange to a higher level through an informed focus on the most pressing issues and through providing access to efficient and flexible tools for regulation.

Although the DET is a **neutral tool** and its use is within the exclusive discretion of the NRAs, the evaluation of the user experience of its current composition and form is crucial for safeguarding and ensuring the quality and continuing relevance of the DET for the future.

The report provides: an **analytical summary** of the information gathered from the inquiry among the SG 3 members and an evaluation of the first version of the toolkit DET 1.0, in order to offer an overview of the collected tools and an assessment of the toolkit’s usability.

The findings under the chapters 6 (**User Experience**), 7 (**Usability**) and 8 (**Conclusions and Recommendations**) are designed to provide the necessary input for the final design of the repository where the ERGA members will have access to the toolkit in a user friendly, reliable and easily manageable way, by indicating options for adjustments and improvements to the collection and system.

3. ERGA Subgroup 3 (SG 3)

3.1. Aim and remit

The ERGA SG 3 was established to create the DET to allow for the exchange of experience and good practice between the European NRAs. The SG 3 builds its momentum on regulators' principles and strategies by acknowledging the differences and common ground between the different NRAs, which may have different remits and organisational structures and a variety of regulatory approaches and tools. The subgroup recognises the potential in exploring a **more structured exchange** of practices and regulatory tools through the sharing of documents and making them readily accessible.

The remit of the SG 3, as defined by its Terms of Reference, adopted at the ERGA Spring 2016 Plenary meeting, is to create the DET, based on the already existing restricted regulatory authorities' web area in the CIRCABC collaborative platform, provided and administered by the European Commission. The subgroup acknowledges the continued value of the EPRA and the European Audiovisual Observatory databases. Instead of duplication of available sources, SG 3 aims for complementarity and is open to synergies.

In 2016, the subgroup focused on collecting, organising and sharing both high-level and practical documents, as well as practices on oversight and enforcement and making them accessible online. The **tangible goal** was to produce an online repository of tools for efficient and flexible regulation, with the **longer-term aim** to support the NRA's overall strategies, priority setting and effective oversight, and day-to-day practices.

The sharing and utilising of documents is taking place on a **voluntary basis**. The DET is by its nature neutral. No decision on any practice is envisaged. The choice and use of the tools remains at the discretion of the NRAs.

3.2. Composition and participation

There are **23 NRAs from 21 countries** participating in the SG 3 in 2016: CvdM (NL), NMHH (HU), AGCOM (IT), AEM (HR), RTR (AT), VRM, CSA and Medienrat (BE), CEM (BG), RRTV (CZ), NCRT (GR), BAI (IE), TJA (EE), BA (MT), RTK (LT), Medietilsynet (NO), KRRiT (PL), CNA (RO),

CNMC (ES), CBRS (SK), SPBA (SE), OFCOM (UK), and AKOS (SI). The subgroup is chaired by AKOS (SI); CvdM (NL) and BAI (IE) participate as drafters.

In total, **24 accounts for 20 authorities** (members and non-members of SG 3) were created, another four were set by the European Commission staff and one by a representative of the European Audiovisual Observatory, part of the Council of Europe.

The call for documents is open and the upload is **not a one-time exercise**. The status of the toolkit will, thus, continue to evolve. By the cut-off date for this report, 7 September 2016, 17 SG 3 members and 1 ERGA member not included in SG 3, uploaded their documents to the toolkit.

Since the toolkit **addresses the whole ERGA community**, all ERGA members are invited to contribute their documents and use it as a source for their work. This way, the benefit of DET is maximized for all ERGA members.

3.3. Meetings

One independent meeting of the SG 3, one conference call and one meeting shared with another subgroup were organised in 2016. Due to the unfortunate events in Brussels, the first meeting of the SG 3 was held in Brussels on 4 May 2016, a month after its scheduled date of 4 April 2016. The ERGA secretariat helped the Chair of the SG 3 in organising a conference call on 14 April 2016. A second meeting was held on 2 September 2016 as a part of the joint SG 1 and SG 3 meeting.

4. Preparation

In order to ensure that the DET collection would be responsive to the members' needs, the first stage of creating the initial design and version of the toolkit focused on information gathering. The main aims were (1) to find out **what kinds of documents** for ensuring the compliance with law, regulatory policies and decisions were being used by the NRAs, and (2) to identify the NRAs' **preferences** for the first DET 1.0 collection. Preparatory work involved an online survey and consultations with the subgroup's members.

4.1. Inquiry among the Members

The **online survey** among the SG 3 members, conducted in the last two weeks of March 2016, gave an important insight into identification of categories of documents for the repository, availability of documents in English and the NRAs' preferences for the first collection of documents. In total, 17 NRAs completed the questionnaire. The results of the

survey showed that most categories of the documents envisaged by the ERGA Work Programme were available.

Table 1: Summary of the online survey for identification of documents and preferences

		Available	English	DET 1.0
Q1: Documents defining regulatory principles, strategies, policies		14	6	9
Q2: Codes of conduct		10	4	6
Q3: Oversight templates, forms, sample reports for	Programme requirements	12	2	6
	Licensing obligations	13	4	7
	Contractual variations requests	4	2	3
	Market data	8	3	4
	Ownership shares	11	1	3
	Complaint forms	16	2	6
Q4: Checklists, tests or other tools helping the NRA decide which cases to give priority to, whether to initiate a formal investigation etc.	Prioritising cases	2	0	3
	Selection of method	2	0	3
	Impact assessment	2	2	3
Q5: Interinstitutional protocols, such as	Co-operation with other supervisory authorities (e.g. competition, consumer protection, telecom. regulator)	7	2	3
	Co-operation between EU regulators	8	3	2
	Exchange of experts, internships, secondments	3	0	2
Q6: Communication guidelines, applying to	Public consultation	6	1	3
	Meetings with stakeholders	3	1	2
	General communication strategies	2	0	4
	Internal communication guidance	4	1	1

Total		124	32	70
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An analysis of types of existing documents revealed that the documents on: regulatory principles, strategies, policies (14); codes of conduct (10); complaint forms (16), licensing obligations (13), programme requirements (12), ownership shares (11) were **most commonly available**.

The documents' availability **corresponded to the preferences** expressed by NRAs in relation to the DET 1.0. The most frequently suggested documents were documents defining regulatory principles, strategies, policies (9); codes of conduct, broadcasting codes (6); oversight templates, forms, sample reports: licensing obligations (7), programme requirements (6), complaint forms (6); market data (4); and general communication strategies (4).

The fact that the majority of the listed documents were available in local languages and only around **25% in English** highlighted the need to address the language aspect. The documents most commonly available in English were documents defining regulatory principles, strategies, policies (6), codes of conduct (4), and licensing obligations (4).

The survey also invited members to suggest other types of documents, not indicated in the survey, which could be potentially useful for inclusion in the DET. These were as follows:

- Guidelines on product placement, sponsorships, promotion of European works,
- Bilateral/multilateral agreements, communication protocols, memoranda of understanding,
- Newsletters on oversight themes,
- Outsourced data,
- List of channels licensed by the NRA targeting other EU member state,
- Templates/questionnaires to capture industry data, research tools (audience research),
- Legal background of the regulators (duties, competences, securing of independence),
- Guidelines on how to define the height of a penalty; standard penalty reports; ministerial regulation on licensing fees.

The survey findings and the members' suggestions regarding the organisation of the material supported the use of document 'categories' and consequently the current DET architecture. The suggestion to upload relevant documents to specified folders in an online space for document sharing within ERGA was implemented with the adaptation of the already existing restricted area in the CIRCABC online environment.

4.2. Organisation of collection and upload of documents

The survey enabled the members to make various proposals for the DET 1.0, ranging from library organisation and categorisation to principles of administration. The proposals were

influenced by the characteristics and functionalities of the CIRCABC online environment and the machine translation test results.

4.2.1. DET Library architecture

Agreement on the leading document categorisation principles was articulated during the SG 3 conference call and confirmed at the first meeting. The participants endorsed a broader scope of the library, given that most documents were available and there was a certain interest in each of the categories as proposed by the members in the survey. The skeleton of the library was drafted to serve as initial organisation of the folders and subfolders.

The first meeting of the subgroup provided other key decisions on the organisation of the collection and determined details of document uploading and labelling. Afterwards, the architecture was designed on the ERGA online environment with the technical assistance of the European Commission. The SG 3 members agreed on the structure of the library and description of folders as follows:

1. **Regulation Policy** folder is a collection of strategy statements setting out the NRAs' missions, priorities and objectives for a period of time, policies setting out the NRAs' approaches in carrying out their statutory functions, activity plans, roadmaps, annual reports, impact assessment, progress reports, etc.
2. **Codes and Rules** folder is a collection of Broadcasting and Media Codes and other documents explaining, detailing or interpreting the legislative norms, as well as codes assisting self- and co-regulation in listed areas etc. It is divided into the following **subfolders**: General Broadcasting / Media Codes, European AV works, Commercial Communications, Protection of Minors, Public Service Broadcasters, Political Pluralism, Copyright, and Accessibility Rules/Requirements.
3. **Compliance and Enforcement Tools** folder presents documents related to monitoring processes or investigation procedures, risk- and impact assessment tools, oversight templates, forms and sample reports, checklists or quick scan forms, questionnaires for self-completion by broadcasters, e.g. for annual performance reviews; enforcement tools, such as decisions samples, guidelines on the nature and height of sanction; ICT tools related instructions, etc. It is divided into the following **subfolders**: General / Applicable to all areas, European AV works, Commercial Communications, Protection of Minors, Public Service Broadcasters, Political Pluralism, Copyright, and Accessibility Requirements.
4. **Licensing** folder consists of licence application forms and evaluation criteria/ guidelines for the award of a broadcasting licence/contract, licence samples; non-linear notification application forms, notification samples; contracts, contractual variation samples; links to the registries of the licensed channels or notified non-linear services or lists of channels/services, etc. It is divided into the following **subfolders**: Licensing, Contracts, Notifications and Registries.

5. **Research** folder provides market performance and/or ownership structure questionnaires, presentations, reports and analysis, as well as other documents related to any kind of research done by or for NRAs, ranging from tender samples to research papers. It is composed of the following **subfolders**: Market, Ownership and Other.
6. **Complaints handling** folder offers internal or public guidelines for assessment of complaints by the NRAs; procedures for complaints regarding the functioning of the NRAs; complaint forms made available for viewers and listeners by the NRAs, etc.
7. **Cooperation** folder is aimed at providing cooperation protocols, public and private, bilateral and multilateral, national and international, Memoranda of Understanding with other public authorities/other regulatory authorities etc. It is divided into **subfolders**: Interinstitutional and EU.
8. **Communication** folder collects strategy documents regarding the use of communication as an enforcement tool; internal and external communication policies; public consultation guidelines; principles regarding publication of documents; standards on access to public information; sample meeting agendas, newsletters, periodical reports etc.
9. **Background information** folder provides NRA profiles and other information explaining the remits and other relevant characteristics of participating NRAs.
10. **DET Instructions** folder presents documents related to the administration of DET, such as library architecture explanation, instructions on how to upload documents, what to include in their description, how to title the document and mark the author correctly etc.

A by-product of this exercise was the addition of two subdivisions to the Library folder alongside the DET one. There are three separated spaces now, one being the archive, the other containing all ERGA related documents and the third one designed especially for DET.

4.2.2. Instructions for upload

To be able to use the CIRCABC online space for collecting and sharing documents, members need to obtain **access** to it and to acquire **skills** for navigating through it. Besides, the organisation of the DET collection, descriptions of documents and the process of uploading require **synchronisation** between NRAs.

In order to gain access to the ERGA space at CIRCABC (and the machine translation tool), members are first required to create a personal ECAS Account. Members can join the ERGA interest group at CIRCABC by sending a request to a member of the ERGA Secretariat, which administrates the ERGA restricted area.

Instructions for uploading the files include a detailed description of the upload procedure, required properties of the uploaded document, including the agreed form of naming and indexing documents and a brief description of the document, which gives a range of information, required to make the library and searching through documents manageable.

The subgroup members were provided with instructions and guidance on how to gain access to the space and upload files. Instructions include a detailed description of the following steps:

1. Creating a personal ECAS Account
2. Getting access to ERGA Interest Group
3. Translating the document before the upload
4. Uploading documents to DET

4.2.3. Principles of document description

Subgroup members decided on the principles of document description in order to provide all the necessary information on the specific document. These details are presented as document 'properties' and can be viewed by users before downloading a document.

The subgroup developed the following properties matrix:

Name

Name of the file (automatically generated = the original name of the file when created; it is strongly advised to align the name of the file with the name of the title to prevent confusion; please follow the instructions below)

Title

Country acronym_NRA_document title (e.g. SI_AKOS_Oversight activity plan for 2015; please create a short, simple and informative title in English)

Author

Country acronym_NRA (e.g. SI_AKOS)

Description

- Type (see the indicative list of types)
- Date (of adoption / issuing of the document)
- Source (who adopted/created/commissioned it – e.g. NRA, Parliament, Government, Industry)
- Public/not public (indicate accordingly)
- Aim (e.g. setting the objectives, priorities and timelines of the oversight activities in 2015)
- Areas covered (e.g. oversight, advertising, EU quotas, protection of minors)
- Audience (who uses it – e.g. NRA or stakeholders)
- Original language of the document (e.g. French)
- Means of translation to English (official translation, unofficial professional translation or machine translation)

- Contact person (for questions related to the document)

4.2.4. Classification principle

To unify and ensure consistent document classification under the agreed document categories, the members of SG 3 defined types of documents for each library folder. The list is non-exhaustive and can be added to with other types of documents if needed or desired. The members are asked to use them when providing accompanying information on the uploaded document in the properties section. The suggested classifications are as follows:

1. **Regulation policy:** Statutes, Strategy statement, Policy statement, Annual plan, Activity plan, Roadmap, Annual report, Risk assessment, Impact assessment, Prioritising principles, and Progress report.
2. **Codes and rules:** Code, Statutory act, Law, Secondary legislation, Guidelines, Recommendation, Interpretative Communication
3. **Compliance and Enforcement Tools:** Oversight template, Oversight report, Performance review, Checklist/Test/Quick Scan, Decision sample, Instructions, Sanctions guidance, Accessibility requirements
4. **Licensing:** Licence application form, Notification application form, Evaluation criteria, Licence sample, Contract sample, Notification sample, Licence variation request, Contractual variation request, Notification variation request, Registry, List of licensees
5. **Research:** Market performance questionnaire, Ownership structure questionnaire, Research tender, Research questionnaire, Research report, Policy research, Legal analysis, Comparative study, Benchmarking, Case study, Market analysis, Audience research, Ownership structure presentation, Market structure presentation
6. **Complaints handling:** Complaint form, Complaint procedure guideline, Notice to complainant
7. **Cooperation:** Cooperation agreement, Memorandum of understanding
8. **Communication:** Communication strategy, Communication policy, Public consultation guidelines, Publication principles, Access to public information guidelines, Sample meeting agenda, Newsletter, Periodical report.

4.2.5. Machine translation

Since the survey confirmed that the majority of documents are not available in English, the potential for machine translation of documents with the European Commission machine translation tool was explored. The testing confirmed that translated documents could still be legible and comprehensible despite the limitations of machine translation compared to professional translations. However a **manual revision** of both the text and the layout of machine translations is recommended as a solution to overcome such limitations.

To use the European Commission machine translation tool, members have to activate a personal account by sending a request to the European Commission Machine Translation Service.

The quality of translations varies for different languages. The results in the table are presented by the European Commission. However, it was noted by one of the Members that the quality level reported for one of the languages is not stable over time.

Table 2: Information on the quality of translations

	Language	Translation to English
1.	BG – Bulgarian	1 »The best you can get«
2.	CS – Czech	2 »Good for understanding«
3.	DA – Danish	1 »The best you can get«
4.	DE – German	2 »Good for understanding«
5.	EL – Greek	1 »The best you can get«
6.	ES – Spanish	1 »The best you can get«
7.	ET – Estonian	3 »Just a rough idea«
8.	FI – Finnish	3 »Just a rough idea«
9.	FR – French	1 »The best you can get«
10.	GA – Irish	3 »Just a rough idea«
11.	HR – Croatian	3 »Just a rough idea«
12.	HU – Hungarian	3 »Just a rough idea«
13.	IT – Italian	1 »The best you can get«
14.	LT – Lithuanian	3 »Just a rough idea«
15.	LV – Latvian	2 »Good for understanding«
16.	MT – Maltese	1 »The best you can get«
17.	NB – Norwegian	3 »Just a rough idea«
18.	NL – Dutch	2 »Good for understanding«
19.	PL – Polish	1 »The best you can get«
20.	PT – Portuguese	1 »The best you can get«
21.	RO – Romanian	1 »The best you can get«
22.	SK – Slovak	2 »Good for understanding«
23.	SL – Slovenian	2 »Good for understanding«
24.	SV – Swedish	1 »The best you can get«

Source: <https://webgate.ec.europa.eu/mtatec/>.

As noted above, it is important to take into account that machine translation **cannot be used as a single instrument** to translate. The tool is only useful if followed by a manual revision of both the language and layout, as the translation alters the original formatting of the document. However, especially in case of longer documents it was noted in the feedback provided that it may be difficult for some NRAs to provide manual revision at a satisfactory level.

4.2.6. Upload

After the DET was created as a sub-division of the folder Library within the CIRCABC environment, and the classification of the documents and principles of administration

defined, members started to collect and upload the documents in May 2016. Most of the documents were uploaded in June and July. Despite the first upload taking place during the summer months, the members showed a huge commitment and contributed almost 200 documents and accompanying English versions (where required) by the beginning of August 2016. During the upload, the main questions of the members were of a practical nature. The rather small number of received questions suggests that the guidelines were relatively clear and understood.

5. Content

This chapter provides an overview of the status of the DET 1.0 as of 7 September 2016 with information on distribution of documents per category and per participating NRAs.

Picture 1: DET 1.0 architecture



5.1. Types of documents uploaded

On the one hand, there is a high number and good variety of documents uploaded to some folders and subfolders, but on the other hand, some folders are empty.

Table 3: Documents per folders and subfolders

Folder	Subfolder	Quantity
Regulation Policy		11

Codes and Rules	General Broadcasting / Media Codes	30
	European AV works	6
	Commercial Communications	18
	Protection of minors	19
	Public Service Broadcasters	3
	Political Pluralism	3
	Copyright	0
	Accessibility requirements	6
Compliance and Enforcement Tools	General / Applicable to all areas	7
	European AV works	2
	Commercial Communications	4
	Protection of minors	3
	Public Service Broadcasters	0
	Political Pluralism	3
	Copyright	1
	Accessibility requirements	0
Licensing	Licensing	26
	Contracts	1
	Notifications	2
	Registries	8
Research	Market	9
	Ownership	1
	Other	4
Complaints handling		3
Cooperation	Interinstitutional	2
	EU	3
Communication		4
Outside the folders		16
Total		195
Background information		0
DET instructions		3

Below is a descriptive overview of the types of documents available in each folder and subfolder of the DET 1.0 on the 7 September 2016.

1. Regulation Policy

In this folder, there is a variety of documents such as, annual reports, development strategies and strategy statements, policy statements, statutes and work plans.

2. Codes and Rules

- a. **General Broadcasting/Media Codes:** contains mostly legislation and codes giving practical implementation to legislative provisions. Some of it applies to media in general, audiovisual media services, on-demand services, electronic communications,

telecommunications, private broadcasting, public broadcasting, the NRAs, provision of information for the public, transposition of EU Directive. There are statutes and guidelines, relating to AVMS Directive, VoD, submission of notification of on-demand services,² application for licence,³ identification information. One document relates to transposition of EU Directive. There is also a code on fairness, objectivity and impartiality in news and current affairs with guidelines for its use and a code of programme standards.

- b. **European Audiovisual Works:** includes rules on quotas for national and European audiovisual works.
- c. **Commercial Communications:** includes rules, guidelines and recommendation on commercial communications, advertising, product placement, teleshopping, sponsorship.
- d. **Protection of Minors:** includes recommendation, guidelines, and legislation on the protection of minors.
- e. **Public Service Broadcasters:** includes public service media legislation, codes and recommendation.
- f. **Political Pluralism:** includes guidelines on pluralism.
- g. **Copyright:** there are no documents uploaded to this subfolder so far.
- h. **Accessibility requirements:** includes legislation, guidelines, and recommendations on accessibility.

3. Compliance and Enforcement Tools

- a. **General /Applicable to all areas:** There is a variety of documents, including a decision sample of licence confiscation and a refund claim, compliance and enforcement policy, punitive measures policy, methodology on recording and preserving, methodology on supervision of audiovisual media services or radio broadcasts and a form of realisation of programme requirements.
- b. **European Audiovisual Works:** This subfolder includes a form containing details of TV programmes broadcast and instructions for completion of the form.
- c. **Commercial communications:** includes decision samples and principles.
- d. **Protection of Minors:** includes guidelines and criteria for assessment.
- e. **Public Service Broadcasters:** no documents uploaded to this subfolder so far.
- f. **Political Pluralism:** includes guidelines for election, plurality report, pluralism oversight form.
- g. **Copyright:** includes a form for an infringement complaint.
- h. **Accessibility requirements:** no documents uploaded to this subfolder so far.

4. Licensing

² Recommended to be moved to Licensing, Notifications.

³ Recommended to be moved to Licensing, Licensing.

- a. **Licensing:** includes licence forms, guidelines, legislation, standards, samples, templates (issues with machine-translated documents' layout).
- b. **Contracts:** includes guidelines for media ownership variations (not in a form of contract).
- c. **Notifications:** includes on demand services notification form, secondary legislation on the notification of on-demand audiovisual media services.
- d. **Registries:** registries of TV stations, radio stations, shareholders, IPTV etc. (not very practical).

5. Research

- a. **Market:** includes full market reports or just raw data (the latter less relevant).
- b. **Other:** includes audience research and a plurality report.

6. Complaints handling

Includes a complaint form and guidance for complaints.

7. Cooperation

- a. **Interinstitutional:** Includes a cooperation agreement between NRA and a working group, cooperation protocol with NRA for consumers and markets.
- b. **EU:** Includes memorandum of cooperation and information exchange between two NRAs, amendment to the memorandum of understanding – another NRA joining CERF, and a request for cooperation because of jurisdiction in another country (on advertising quotas).

8. Communication

Includes promotional material (brochures), legislation on transparency, public consultation guidelines.

This basic statistical overview of the DET as of 7 September 2016 contains information on the number of documents in different folders and subfolders of the digital library and the number of uploaded documents per contributing NRAs. Documents in different language versions (e.g. original and English) count as one.

Table 4: Documents per NRAs

NRA	Quantity
NCRTV (GR)	40
KRRiT (PL)	27
RTB (DK)	20
CNMC (ES)	16
AKOS (SI)	16
BAI (IE)	12
NMHH (HUN)	12

NRA (EE)	10
CvdM (NL)	10
AEM (HR)	7
KommAustria (AT)	6
NMA (NO)	6
Ofcom (UK)	5
VRM (BE)	2
AGCOM (IT)	2
LRTK (LT)	2
SPBA (SE)	2
Total	195

5.2. Sample Evaluation

For the purposes of this analytical summary, we randomly selected 10 documents from the subfolder Regulation Policy and evaluated them based on three main criteria:

a. Description

We assessed whether the information on the document in the properties section followed the indicated structure and offered enough information to understand the type, aim, source and other characteristics of the document, and labelled the document with signs '+' or '-', depending on the level of information detail.

b. Language

Under this criterion, we checked the language quality. When the document was originally in English language, professionally translated or machine-translated and edited, we marked it with '+', and we marked not adequately translated documents (that is the non-edited machine translated documents) with '-', since they contained untranslated parts and even the translated parts were sometimes difficult to understand or the machine translation altered the original formatting.

c. Information value

After assessing the clarity of the document and its applicability we labelled the documents with high information value for users from other NRAs with the sign '+' and documents with a relatively lower information value with the sign '-'. To determine the right label, we answered the following questions:

- Is the document clear enough?
- Is there a specific knowledge of the situation and legislation needed to understand its purpose and usability properly?
- Is it generally applicable?

We selected 10 documents from different DET folders:

- 1 assessment of content harmful to children

- 2 annual reports
- 1 PSB development strategy
- 3 regulatory strategies
- 1 oversight strategy
- 1 NRA Statutes
- 1 work plan.

The evaluation is based on a subjective assessment of the above criteria and was carried out solely to assess the DET usability. It was under no circumstances aimed at benchmarking or ranking the documents based on their original applicability, purpose or quality. Therefore, we present the results of our evaluation in an anonymised form.

Table 5: Test sample evaluation results

Description	+	+	+	+	+	+	+	+	-	+	+
Language	-	-	-	-	-	-	+	+	+	+	-
Info value	-	-	-	-	-	-	+	+	+	+	-

6. Traffic statistics

The users' activity in the DET from 1 April 2016 onwards shows the following results:

- 309 access to the IG
- 344 upload document
- 152 edit document
- 39 download document
- 37 delete document
- 86 create space
- 64 edit space
- 567 alternative browse content

7. User experience

In this chapter we assess the user experience to date by reference to the criteria of technical characteristics, architecture, language and findability of documents, and we suggest recommendations for the necessary adjustments or improvements.

7.1. Technical aspects

In the absence of adequate resources for the creation of a bespoke IT solution, we availed of the opportunity offered by the European Commission to build the DET 1.0 on the CIRCABC

website. This allowed the SG 3 to start creating and building the DET 1.0 relatively quickly and easily. The online environment contained documents, lists and reports of the previous audiovisual regulators group, which were moved into a special archives folder. The library was reorganised into three main folders – the archives, ERGA documents and Digital European Toolkit. The DET folder is organised according to the agreed architecture.

We identified some issues with accessing, viewing and using uploaded documents in the CIRCABC online environment, which are summarised here.

There is **no functioning search option**, so in order to find a document, one must search manually through all the folders and subfolders, which can be time-consuming.

Another challenge is **findability** of the latest uploaded documents due to how the system organises and presents them. There is a list of recently uploaded documents when accessing the ERGA group, but not inside the library, so one must search through the subfolders by date in order to obtain them.

Overall, the system is more hierarchical than interactive and may appear to the user, when compared with other modern and more intuitive IT solutions, to be relatively out-dated and less flexible. Some **bugs** were detected such as in viewing document details – after viewing details of one document, the system displays the same ones when trying to check the details of another document. In the case of some multilingual documents, description details only appear in the document in the original language, because it does not automatically transfer to the translated document, so the description has to be copied manually.

Another issue that requires further consideration is the **organisation and presentation** of the documents in folders and subfolders, since it is not easily manageable. Multilingual documents are shown separately in the list of documents in the space – translation does not always follow the document in original language, which causes confusion. It might be better if there was only one file, shown in the list of documents, which would contain both the original document and the translation. The same happens to appendices of documents – since there is no option of multiple documents in one file under one name, the appendices have to be uploaded separately and later appear as separate documents, although they form part of the earlier uploaded document.

As for the **naming** of the documents, it is key that the name and title of a document are the same, otherwise the list of documents becomes confusing. In some cases, there is no format identification in the name of the document (e.g. word, excel etc.), so they cannot be opened immediately, but need to be downloaded and saved first and then opened with an appropriate programme.

7.2. Architecture

When deciding on the architecture of the DET 1.0, the subgroup defined categories and types of documents. However, there seem to be **variances in the interpretation** of the architecture and types of documents, as well as duplication and overlap between categories

as some documents would logically fit into more than one category. For instance, statutes are included either in Regulation Policy or in Codes and Rules, while licensing guidelines are included either in Licensing or in Codes and Rules (general).

Some folders contain a great variety of materials and documents (for example Communications folder). Cooperation folder needs to have another subfolder added to it, since cooperation can be international, but not limited to the EU (as in the case of CERF memorandum of understanding).

Not unexpectedly, in the first upload, some documents were not inserted into folders and subfolders of DET, but to the library directly, which means they are not included in the DET collection and there is no information on the type of document. These documents should be moved to appropriate folders and subfolders. Also, some documents might need to be moved from current (sub)folders to other (sub)folders. In addition, a detailed description has not been provided for all uploaded documents which makes it difficult to identify type and content.

All of this suggests that revisions to the architecture and publication of additional guidance for users should be considered in the next phase of development of the DET.

7.3. Language

As is to be expected, machine translations of documents often do not offer a good **quality of translations** and can cause distortions to page layout, tables, pictures and text formatting. Without any manual revision of these documents, the translated documents are hard to understand and their information value is reduced. The recommendation is to review and **edit the machine translation manually**, or, if necessary and where possible, to upload professionally translated documents. In making this recommendation, we are cognisant of **resource issues** for NRAs.

Members may wish to consider the language aspect in the future, by taking into account the time and resources needed for manual revision of the machine-translated documents, and perhaps, explore other possibilities within the service framework of the European Commission together with the ERGA Secretariat.

For clarity and to avoid any misunderstanding on the part of users, the translated documents should be accompanied by a **disclaimer** on the nature of translation. The following sample disclaimer pertains to translated documents only. It was also suggested by the SG 3 Members that, for legal certainty, the documents could contain a general disclaimer.

An example of the language disclaimer developed within the SG 3:

This document is a translation of [Official Title of Document] [Date of Publication] provided as a service to members of this ERGA interest group. The translation of this document is performed by the European Commission machine translation service over which the [NRA]

has no control. The service provides automated computer translations that are subject to quality and other limitations and provide only an approximation of the document's original content. Users of this document should familiarise themselves with the machine translation service. Information on the quality of translations for available languages are available on the website [insert link].

The translation should not be considered exact and may contain or include inaccurate, incorrect, incomplete or untranslated content. The [NRA] does not warrant the accuracy, reliability or timeliness of any information translated by this system and will not accept liability for any loss, damage, expense, and liability or inconvenience whatsoever incurred as a result. No rights can be derived from the translated document.

The original official document is in [X Language] of [Title] dated [X]. If any text of the original official document in [X Language] is inconsistent with the text of this translation, the original official document in [X Language] shall govern.

The [NRA] reserves the right to update, amend or correct any part of the original official document.

7.4. Findability

The **quantity** of uploaded documents exceeded the initial expectations. Due to the rather rigid structure of the library, the large quantity obviously has consequences for the presentation/visibility of folders and findability of documents. As long as the **search** tool does not function, it is recommended to make a careful **selection** of documents, preferably before the upload. The registries for example are not easily manageable and therefore not that useful, also due to machine translation issues. With regard to market research – studies, reports and analysis with interpretation of findings are more helpful than just raw data, as these are difficult to understand without some background information.

8. Usability

So far, the toolkit contains a varied range of outputs of different NRAs. At this stage in the development of the DET, there are gaps in clarity of the nature of the uploaded documents and differences in language quality of documents. The users would also benefit from improvements to the DET structure and a better common understanding of the purpose and utilization of its content. By improving those aspects it could offer more insight into the actual practice of the NRAs and ease the exchange of experience, one of the main goals of the DET.

Should the technical aspects of document accessibility improve, in particular, the search options, the DET has a potential to provide examples of practices for a more focused use. In case one of the ERGA members is trying to implement a new policy in a specific field, the sample documents from the DET can provide benchmarking, guidance and insight.

Documents can also provide **support** for the work of other ERGA subgroups. Searching through and studying strategies and practices available on the DET is easier when confined to a specific topic or regulatory field. In this regard, subgroups can benefit from the collection by examining sample documents on the protection of minors while also gaining insights into the background of policies and strategies in the field, and learning from concrete practices and the wider regulative traditions and experiences of member states.

Another possible use of the toolkit would be an easier, less time consuming and more unified **exchange of lists** of AVMS providers and video-sharing platforms (as envisaged by Art. 1/5a and Art. 28b of the AVMSD proposal), provided that there is a common interface and public key authentication.

Also, it provides a platform for ERGA to encourage the exchange of best practices on **self and co-regulatory systems**.

As stipulated by the SG 3 Terms of Reference, the range of contents of the DET should **complement** and not duplicate data available elsewhere (via EPRA, European Audiovisual Observatory etc.), and should benefit from the existing repositories and/or support them to create productive synergies for the achievement of common goals.

The work of SG 3 was partly informed by a study of compliance and enforcement tools and practices among EPRA members⁴ and the results of the first upload of documents confirm some of the study's conclusions, one of them being that NRAs use a variety of documents in their practices. Compliance and enforcement policy and strategy is generally included in three types of documents – general Statement of Policy and Strategy, multi-annual Work Programmes and the annual Work Programme or activity, but it is also a part of a wide array of documents, such as procedural rules, set in secondary legislation or bylaws and statutory licensing schemes, broadcasting codes and guidance, guidelines and principles, legal statements, recommendations, internal working rules, methodology and monitoring plans.

⁴ Machet, Emmanuelle. 2016. Compliance and Enforcement Policies, Strategies and Methods of NRAs put to test. Background Comparative Document for 43rd EPRA Meeting, Barcelona, 25-27 May 2016.

The EPRA report identifies two most used instruments for compliance – audience complaints and monitoring, closely followed by advice and guidance on compliance with duties, codes and rules, a tool based on prevention. Performance reviews and reports on media service providers also have an important role, especially with regard to the supervision of public service broadcasting. Warnings and fines are the most widespread and most often used instruments for enforcement. Communication is also considered an important enforcement tool by many NRAs.

This shows that the DET collection can support and add further valuable insight to other available data such as the presented EPRA study or inquiries carried out by ERGA and broaden their scope. Even though conclusions on the regulatory policies and strategies based solely on the DET present a difficulty at this stage – because of lack of clarity, language issues and selection criteria of the documents in the collection – combining insights from surveys among regulators and examining examples from the collection can **contribute** to the identification of good practices.

9. Conclusions and Recommendations

The DET 1.0 established a digital **platform for exchange** of tools, information and practices between the ERGA members, and the experience to date highlights important lessons for further development of the toolkit. In its current form, the DET is a repository of a wide range of high level and practical documents and tools commonly used by regulators. For the time being, the variances in the selection of the documents and in the standards of language translation make it difficult to draw valid analytical conclusions about the documents or benchmarking of policies and practices between countries. For such purposes a more targeted/defined comparison with other sources would be needed.

The lack of **selection criteria** is a pressing matter, but the criteria are hard to determine, since the DET is neutral by nature. Selection and upload is left to the NRAs judgement and discretion. In the first phase, all NRAs were encouraged to upload various documents, but since the differences in language quality and relevance became more apparent, an additional more refined selection process is recommended. This also applies to the **administration** of the library. The current dispersion generates too many variances.

For a better user experience, provided there are adequate resources, the DET should transform from a rather static exchanging platform into a dynamic online collaboration platform. As such, it would be a structured centralised repository of multi-lingual documents enriched with document modelling and tagging. The platform could be equipped with a user-friendly toolkit enabling transformation from the language of origin into the local language by machine or human translation. To preserve the formatting of the documents the platform would force the new document to keep the structure and the model of the previous document.

Editorial policy should allow the platform to be **managed in either centralised or distributed way**. Editing and access policies should be based on folders (areas). Some of them could be managed by the main administrator (e.g. SG 3 Chair), while others by another editor or group of editors (e.g. SG 3 Members or Chairs of other subgroups or task forces).

All documents should be stored within the same structure. Since many documents are not designated just to one area – as it is the case in the current DET 1.0 collection, where some documents match the criteria of different folders – they should be **tagged** in a way to be easily accessible in different sections/views. The automatic document tagging would allow for easy classification and should be language independent.

The adequate **support for multiple languages**, incorporating the ability to detect the language and **full text search**, would allow an easy navigation and document retrieval. One of the essential features of the collaboration platform should be the document modelling, since it would bring methodological, semantic and informational rules to the document definition and would therefore ease the transfer of knowledge. Building on this principle, the platform would facilitate and enforce the process of defining the model/structure of the document to enable a synchronised and multi lingual document editing. The predefined structure would make it possible to use the same document in two languages or multiple versions simultaneously.

And last but not least, both **mobile and web-based access** to this toolkit should be supported.

The features of the technical solution provided above may sound idealistic in the current circumstances, but given the high potential of the DET to support the work of regulators in coping with common challenges they may face in the rapidly changing media environment and through the implementation of the new directive (once adopted), more **technical assistance and expertise** is required to further develop and realise the full potential of the DET. This assistance can be provided either by the Commission, via procurement from external providers, or via synergies with other platforms and institutions.

The toolkit has a significant potential to be of **relevance** to the regulatory authorities, and it is, therefore, recommended that this subgroup continues its work into 2017, remodelling, adding to and updating the DET while taking into account the lessons learned with DET 1.0.