EPRA ANNUAL WORK PROGRAMME for 2015

30 January 2015

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Introduction:

EPRA's annual Work Programme (hereafter WP) aims to enhance transparency for members and external stakeholders of EPRA's priorities and anticipated work for 2015. The Board prepared this programme based on members' suggestions further to a formal call for topics. Partner organisations and stakeholders were also informally asked to provide their views. Further to a two-month consultation phase, the Board approved the final WP on 30 January in Sarajevo.

The 2015 WP is built around the current EPRA meetings structure, maintaining a format that has been functioning well in the last years:

- Two plenary themes: these cover key topics of relevance to all members, i.e. featuring high on the European agenda or addressing core missions of NRAs. To ensure continuity, the themes are discussed in both the May and October meetings. The specific subtopics are fine-tuned ahead of each meeting and the format is normally that of a panel of regulators, often with a keynote speaker from industry or academia.

- Three working groups: these allow for more practical and focused exchanges. Two of them are yearly groups with topics for discussion in both the May and October meetings. The third ad-hoc group (i.e. topic addressed at just one meeting and selected shortly beforehand) enables more flexibility to address emerging issues. The format of the groups may vary from a roundtable discussion, a presentation by an external speaker, individual presentations by members or a combination of these.

The Board has carefully reflected on the suggestions collected through the call for topics and has attempted to accommodate these as much as possible in the following work programme, balancing out the interests and concerns of regulators from small and big markets, from EU and non-EU.

This year complementarity with the activities of other networks is a particular concern, especially with ERGA to avoid overlap while building on specificities and making best use of synergies. As 2015 is likely to be a strategic year with the REFIT exercise for the AVMS Directive and will also mark 20 years of EPRA, the Board is also mindful to propose a coherent overall programme addressing core questions.

First, with regard to the plenary sessions, we will broaden the perspective and look at the ultimate goal of media policy, i.e. how to ensure **a sustainable ecosystem for media in Europe that is financially viable and offers a plurality and diversity of content.**

Secondly, we will analyse, through a working group approach, the impact of economic and technological changes brought about by the digital area on the **provision of public service content** and on **audiovisual commercial communications**.

Last, but last least, faced with the changes of the converged media landscape and the announced review of the regulatory framework, regulators will need to be particularly well informed. That is why we will have an ad-hoc group on "**Research & Regulators, an evidence-based approach**" in May 2015.

A. PLENARY THEMES FOR 2015

In terms of media policy and regulation, 2015 promises to be an exciting and busy year. At the European level, following up on the outcome of the consultation on the Green Paper on Convergence, the Audiovisual Media Service Directive is to undergo a REFIT[1] evaluation. In addition to the recent summary of the contributions to the consultation on the report of the High Level Group on Media Freedom and Pluralism[2], the first results of the application of the Media Pluralism Monitor Tool in test countries have just been made public[3] . Further to the public consultation on the review of EU copyright rules, recent Council Conclusions also encourage the Commission to bring forward necessary proposals to continue modernising the EU copyright framework in the light of the digital shift[4].
At the Council of Europe level, the Steering Committee on Media and Information Society (CDMSI[5]) has recently agreed to create drafting committees on media pluralism and transparency of media ownership. At International level, as the Millennium Development Goals come under review in 2015, UNESCO is currently advancing arguments[6] as to why the international community needs to acknowledge the connection between free, pluralistic and independent media, and sustainable development.

From the perspective of EPRA, 2015 will also be a special year as it will mark the 20th anniversary of our platform for cooperation. But rather than looking back, this is a good opportunity to address forward looking themes relating to the future of the media sector in light of the rapid technological and market changes. The Board thus proposes to broaden the perspective and look at the ultimate goal of media policy, namely how to **ensure a sustainable ecosystem for the supply and distribution of media content in Europe that is financially viable and offers a diversity of supply, content and exposure**.

PLENARY SESSION 1: How to ensure a sustainable ecosystem for the supply and distribution of media content in Europe?

The first plenary theme builds on the value of having a thriving creative base for Europe by looking at the ways to ensure a sustainable ecosystem for the supply and distribution of media content and the various roles that media regulators can play in the process.

- A session in spring will focus on consumption and distribution aspects of media content in Europe and will inter alia cover issues of fragmentation of markets, access to platforms and content for users and service providers. It will look at the changes in distribution and consumption triggered by digital technologies and analyse the role that regulatory authorities play in documenting new consumption and distribution patterns, and in providing fair access to content and platforms.

- A session in autumn will focus on supply of media content in Europe and will inter alia cover issues of independent production, funding models and support schemes for European, national, regional or local content. The session will be an opportunity to invite stakeholders from the industry to present current trends and challenges. It will also focus on the role that regulatory authorities play (from reporting on how service providers fulfil their duties to actively encouraging a creative base in cooperation with other stakeholders) by looking at the various tools at the disposal of NRAs and highlight possible best practices.

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[1] REFIT: Regulatory Fitness and Performance programme: http://ec.europa.eu/smart-regulation/refit/index_en.htm
[2] https://ec.europa.eu/digital-agenda/en/news/summary-replies-public-consultation-independent-report-high-level-group-media-freedom-and
[3] http://monitor.cmpf.eui.eu/news/cmpf-publishes-mpm2014-report/
[4] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/145950.pdf
[5] http://www.coe.int/t/dghl/standardsetting/media/CDMSI/default_en.asp
[6] http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/free_media_post_2015.pdf

PLENARY SESSION 2: How to ensure and assess media pluralism and diversity of media content?

Based on the assumption that *media pluralism and diversity of media content are essential for the functioning of a democratic society and are the corollaries of the fundamental right to freedom of expression and information as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms*[7] and building on the outcome of the fruitful EPRA plenary session of October 2013 in Vilnius[8], a second yearly theme will look at the various ways to ensure, and to assess, diversity in terms of supply, content and exposure in the converged environment with a focus on the role played by regulatory authorities in the process.

- A session in spring will look at <u>recent and current initiatives aiming to monitor the level of pluralism</u>. It will look at examples of measuring the diversity of offering on the one hand, and the diversity of exposure on the other hand, to see to what extent the diversity of supply and content actually results in a more diverse programme consumption. What is the appropriate methodology? Should online services be included in such assessments? How to measure the role of digital intermediaries? And what about the paradigm shift and challenges for high quality journalistic standards in the online environment?

- A session in autumn will scrutinize the <u>legal and regulatory toolkit to ensure diversity of sources and output</u>, such as media ownership, concentration and must carry rules, licensing policy, content obligations and transparency provisions, not to forget net neutrality. It will highlight examples of good practice; look at the balance to be struck with editorial freedom and debate whether the current regulatory mix between measures promoting structural pluralism, content diversity and transparency is still fit for purpose and effective notably in creating a better-informed public, in an ever-expanding digital media landscape.

B. <u>WORKING GROUPS FOR 2015</u>

This year, we propose to analyse, through an annual working group approach, the impact of economic and technological changes brought about by the digital area on the **provision of public service content** and **on audiovisual commercial communications** in keeping in our 2015 overall future-oriented theme.

1. WG1: The provision of public service content in a multiplatform environment
   (Yearly WG convening twice)

The provision of public service content has an important role in terms of pluralism, diversity and citizenship. Echoing the second plenary session, and building on the fruitful discussions which took place at the plenary session in Kraków in May 2013[9], a yearly working group will cover issues related to **the provision of public service content in a multiplatform environment.** The group will look at the question of how public service media should be defined in an era of abundance and the way in which public and private media can coexist, addressing issues of prominence and findability of public service content on hybrid platforms, as well as issues around production, competition, not to forget the role played by NRAs in assessing public service remit and conducting public value tests.

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[7] Recommendation CM/Rec(2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content https://wcd.coe.int/ViewDoc.jsp?id=1089699
[8] http://www.epra.org/attachments/vilnius-plenary-session-2-assessing-plurality-in-an-online-world-introduction
[9] http://www.epra.org/attachments/krakow-session-2-psm-in-a-connected-environment-background-document

- The working group meeting in spring will focus on the <u>definition of the public service remit in the digital era, as well as on issues of financing, boundaries and possibilities</u>. It will look at the different existing models, report about the recent changes at national level and on the role played by regulators. What are the new ways of fulfilling the public service missions? What are the success stories? What about the current situation of public service media in countries in transition?

- The working group meeting in autumn, provisionally entitled "from must carry to must-be-found" will focus on the issue of <u>prominence and findability of public service content on hybrid platforms</u> (including portals, home pages and EPGs), which was identified by the recent report on Connected TV of the European Parliament[10] as "*one of the central issues of connected TV*" "*the main issue in maintaining diversity*".

2. WG2: Audiovisual Commercial Communications - Trends and Challenges
(Yearly WG convening twice)

The issue of the regulation of advertising has been a long-time favourite at EPRA as it is particularly suited for the practical exchange of experiences and best practices between members' organisations. Yet, as the announced new Commission's Interpretative Communication on advertising failed to materialise, the subject disappeared from the EPRA radar for a while. It has been already over two years[11] that EPRA discussed issues of Audiovisual Commercial Communication. With the discussions around the review of ACC provisions in the AVMS Directive picking up, it is now timely to discuss issues of application of the current rules and look at new advertising strategies and techniques such as profiling of users and multi-screen strategies and their impact on regulation.

- **Session 1: New Trends and Challenges - Focus on Advertising**
  The spring session will focus on pure <u>advertising issues</u> and consider the difficulties in applying the current terminology of the regulations while also looking at new trends and challenges. Are the restrictions on different programme genres still valid? What effect do they have? How difficult is it to define genres, and what problems have regulators experienced? Is there clarity about the concepts of self and cross promotion? What are the financial pressures on broadcasters who have to comply with the rules; what concerns have stakeholders expressed to regulators? What are the new advertising strategies and techniques such as profiling of users and multi-screen strategies? What about their impact on regulation?

- **Session 2: New Trends and Challenges - Focus on Product Placement**
  The autumn session will focus on <u>commercial communication in an editorial environment</u> and consider the difficulties in applying the current terminology of the regulations while also looking at new trends and challenges. The group will discuss latest cases of product placement, exchanging best practices on the interpretation and implementation of concepts such as "undue prominence" and "significant value". What are the new strategies and techniques aiming to integrate commercial communication deeper into editorial content?

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[10] http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0212&language=EN
[11] EPRA Plenary session in May 2012 in Portoroz: http://www.epra.org/attachments/portoroz-plenary-2-the-future-of-commercial-communications-introduction

3. **WG3: Ad-hoc working group**: (two groups convening just once)

The third working group will address ad-hoc themes on the occasion of the meetings in Berne and Bucharest. For the spring session in Berne, the following ad-hoc group is proposed:

- **Research & Regulators: towards an evidence - based approach**
  This ad-hoc group will focus on a topic which is of relevance for all regulatory authorities but has so far never been addressed by EPRA, namely the issue of collecting and analyzing data to provide an evidence-base for regulators to better meet policy goals. Against the background of an increasingly complex media environment and in view of the lack of transparency of some key data, what are the research needs of regulators? What are the pro and cons of internal vs. external research? How to fund research in a context of budget cuts? The ad-hoc group will look at best practices and methodology, partnerships with academia and researchers-in-residence schemes, collaboration with audience research institutes and consultants.

The decision on the subject of the "ad-hoc" working group in autumn will be taken in spring 2015 in order to be able to remain reactive to emerging developments.

AT A GLANCE: EPRA ANNUAL WORK PROGRAMME FOR 2015

SPRING MEETING 2015: Berne, 13-15 May
At the joint invitation of the Federal Office for Communications (OFCOM) and the Independent Complaints Authority (AIEP)

PLENARY SESSION I:
GENERAL THEME: How to ensure a sustainable ecosystem for the supply and distribution of media content in Europe?
SPECIAL FOCUS: *Consumption and distribution aspects*

PLENARY SESSION II:
GENERAL THEME: How to ensure and assess media pluralism and diversity of media content?
SPECIAL FOCUS: *Current initiatives aiming to monitor the level of pluralism*

WORKING GROUP 1:
The provision of public service content in a multiplatform environment: *Focus on public service remit and financing*

WORKING GROUP 2:
Audiovisual Commercial Communications - Trends and Challenges - *Focus on Advertising*

(AD HOC) WORKING GROUP 3:
Research & Regulators: towards an evidence - based approach

AUTUMN MEETING 2015: Bucharest, 28-30 October (TO BE CONFIRMED)
At the invitation of the National Audiovisual Council of Romania

PLENARY SESSION I:
GENERAL THEME: How to ensure a sustainable ecosystem for the supply and distribution of media content in Europe?
SPECIAL FOCUS: *Supply of media content in Europe*

PLENARY SESSION II:
GENERAL THEME: How to ensure and assess media pluralism and diversity of media content?
SPECIAL FOCUS: *Legal and regulatory toolkit to ensure diversity of sources and output*

WORKING GROUP 1:
The provision of public service content in a multiplatform environment: *from must carry to must-be-found*

WORKING GROUP 2:
Audiovisual Commercial Communications - Trends and Challenges - *Focus on Product Placement*

(AD HOC) WORKING GROUP 3:
To be decided on in spring 2015

You have comments and suggestions on this work programme?
You would wish to contribute to the programme as a speaker or panelist?
Please contact the EPRA Secretariat: machet@epra.org