

**Internal Consultation on
EPRA ANNUAL WORK PROGRAMME for 2016
14 January 2016**

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Introduction:

EPRA's draft annual Work Programme (hereafter WP) aims to enhance transparency for members and external stakeholders of EPRA's priorities and anticipated work for 2016. The Board prepared this draft based on members' suggestions further to a call for topics. The draft is entering a consultation phase in January to assess whether the proposals meet with general acceptance among members authorities and to coordinate individual members' involvement. The Board will approve the final WP at its next meeting on 4 February in Zagreb. The adopted WP will be published on the EPRA website at the beginning of February.

The draft remains 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 draft WP.

The Board has also considered the complementarity with the activities of other networks, such as ERGA, and has aimed to avoid overlap while building on specificities and making best use of synergies. With this in mind, the current draft is built on what the Board believes to be EPRA's main strengths, namely a mix of:

- **future-oriented discussions** to raise the awareness of regulators of emerging issues and regulatory challenges;
- **exchange of experience and best practices concerning internal processes** relating to the governance, the functioning and the daily operations of media regulatory authorities.

For the Plenary Sessions, it is thus proposed to look at the **future of free-to-view television** after the recent outcome of the WRC-15 (Plenary 1), and share success stories and failures with regard to **Compliance & Enforcement** (Plenary 2).

For the Yearly Working groups, while we propose to address the "hot topic" of the moment in many jurisdictions (**Media in Times of Crisis**), we do not forget "EPRA evergreens", i.e. topics of continued relevance for our membership around protection of minors and editorial content (**Case Studies in Editorial Content Regulation**).

For the **ad-hoc group**, we propose that you choose your favourite topic from four suggestions (gender & media, audiovisual platforms, transparency of media and data protection).

This draft is presented to members for consultation. We are looking for comments **by 25 January**.

A. EUROPEAN MEDIA POLICY CONTEXT

In terms of European media policy and regulation developments, 2016 is likely to follow in the footsteps of 2015 which turned out to be one of the most eventful years so far. At the end of October, the Commission published the [Contributions and preliminary trends of the Public consultation on Audiovisual Media Services](#) (AVMSD). The full results of the REFIT evaluation and the impact assessment are expected to be communicated in spring and will be accompanied by a legislative proposal.

This is part of the European Commission [Digital Single Market strategy](#) (DSM), which is the European Commission's top priority for this term after having conducted and closed numerous public consultations, notably on the modernisation of the EU copyright framework (consultations on Cable-Satellite Directive and geo-blocking), an evaluation and review of EU telecoms rules, the needs for Internet speed and quality beyond 2020 and ICT standards, and on platforms, online intermediaries, data, cloud computing and the collaborative economy. The first legislative proposals to be presented as part of the DSM strategy were disclosed in December in the form of a draft [Regulation on ensuring the cross-border portability of online content services in the internal market](#) to allow Europeans to travel with their online content and an [action plan](#) to modernise EU copyright rules.

This year will also mark the formal adoption of the EU General Data Protection Regulation (the "GDPR").

At the Council of Europe level, the [Steering Committee on Media and Information Society](#) (CDMSI) recently finalised and transmitted to the Committee of Ministers for possible adoption two draft Recommendations on "Safety of Journalists and other media actors" and on "Internet freedom", as well as the draft Internet Governance Strategy 2016-2019. The Committee of Ministers adopted the terms of references for two subordinate Committees of experts, respectively on media pluralism and transparency of media ownership (MSI-MED), and on Internet intermediaries (MSI-NET). A [Recommendation of the Committee of Ministers to member States on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality](#) was adopted on 13 January. With regard to the Parliamentary Assembly, two recommendations on "Increasing transparency of media ownership" (Parliamentary Assembly Rec. 2074 (2015)) and "Media responsibility and ethics in a changing media environment" (Parliamentary Assembly Rec. 2075 (2015)) are expecting adoption by the Committee of Ministers also in January.

B. PLENARY THEMES FOR 2016

For the plenary sessions, the Board proposes to focus on EPRA's main strengths:

- **future-oriented discussions** to raise the awareness of regulators of emerging issues and regulatory challenges and increase the understanding of the changing nature of regulation by giving keys to better grasp the complexity of the convergent media landscape and the interrelationships with other sectors.
- **exchange of experience and best practices concerning internal processes** relating to the governance, the functioning and the daily operations of media regulatory authorities - ultimately to encourage independent, accountable and efficient regulation of the sector.

PLENARY SESSION 1: Is there still a future for Free-to-View TV?

This is a continuation of our future-oriented themes aimed at raising awareness on spectrum issues and their important impact for audiences and service providers. On 27 November, the World Radiocommunication Conference 2015 (WRC-15) ended its deliberations by agreeing that there would be no change to the allocation in the 470-694 MHz band in the next three years, i.e. that the lower UHF frequency band should be retained for broadcasting. There will be however a debate in 2023 to review the allocations across the entire band to consider the balance between mobile and broadcasting. This

outcome is likely to launch another round of discussions on the future of DTT and the benefits and sustainability of free-to-air TV more widely.

- **Spring session:** *“Focus on spectrum post WRC-15”*

The session in spring would focus on spectrum issues and would inter alia look at the recent decision at WRC-15 and its wider implications; national initiatives for 700MHz clearance, and different challenges faced; practical experiences of clearance/coexistence in 800MHz; recent developments in the TV sector, such as developments of means of delivery, greater levels of connectivity, transmission technologies and standards such as DVB-T2 and MPEG-4 AVC. It could also cover issues pertaining to the relationships and coordination with authorities in charge of spectrum matters.

- **Autumn session:** *“Free to air content provision in Europe, perspectives and business models”*

The session in autumn could focus on what the wider developments in the TV sector could mean for the future of free to air content provision. It could address questions, such as: can the wide availability of a low-cost multi-channel option for viewers who are unable to or choose not to subscribe to pay platforms still be secured and how? What is the economic and social value of DTT? What are the alternative delivery options that would support investment in the local (European) TV content market?

PLENARY SESSION 2: Compliance & Enforcement – Best practices

This theme would build on the EPRA tradition of looking at internal processes and roles of NRAs and collecting best practices, by addressing matters of compliance and enforcement in a changing media environment.

The ultimate aim would be to promote independent, accountable and efficient regulation of the sector. It appears that the appetite of the EPRA membership for addressing issues relating to the independence of regulators is not stilled despite several recent reports and working groups¹. While several reports have looked at formal prerequisites and legal guarantees, the recent work conducted within EPRA focused on the collection of best practices and what the regulators themselves can do in this regard². It is thus proposed to continue along in this direction by dedicating a yearly working group in 2016 on compliance and enforcement so as to encourage the efficiency, transparency and accountability of regulators.

- **Spring session:** *“Compliance and Enforcement Strategies of NRAs”*

The proposed session would look at how regulators determine appropriate compliance and enforcement strategies and the means that they use to establish their strategic priorities. It could i.a. address the following set of questions:

- *How to set realistic priorities that are well adapted to the specificities of the national ecosystem and the resources of the regulator?*
- *How to set a suitable monitoring strategy?*
- *How to communicate around the strategy to stimulate engagement and ownership of the operators and the audience?*
- *How to monitor delivery and how to measure success?*

¹ See notably the recent ERGA Report: <https://ec.europa.eu/digital-agenda/en/news/erga-report-independence-national-regulatory-authorities> and the RADAR report: <http://ec.europa.eu/digital-agenda/en/news/study-audiovisual-media-services>

² <http://www.epra.org/attachments/budva-wg2-independence-of-nras-paper>; <http://www.epra.org/attachments/tbilisi-wg2-independence-of-nras-comparative-background-paper>

- **Autumn session: *“Compliance and Enforcement Mechanisms put to test”***

The proposed session would look at how to ensure efficient compliance and enforcement in practice in a changing media environment. It could i.a. address the following set of questions:

- *What are the best tools for compliance and enforcement?*
- *What success stories and epic failures?*
- *How does the relationship between stakeholders and regulators evolve?*
- *What about the relationship between media regulators and audiences in practice?*

C. WORKING GROUPS FOR 2016

For our annual working groups, we propose to adopt a dual, balanced approach:

- by addressing the “hot topic” of the moment in many jurisdictions (**Media in times of crisis**), and
- by discussing “EPRA evergreens”, i.e. topics of continued relevance for our membership namely protection of minors and the blurring lines between editorial and advertising content by looking at concrete case studies (**Key issues in editorial content regulation**).

1. WG1: Media in times of crisis

(Yearly WG convening twice)

The past year has witnessed its fair share of crisis: wars and conflicts, terrorist attacks, natural and man-made disasters. In particular, the subject of extremist content (incitement to crime/hatred) has been a salient issue for many EPRA members. The annual working group would look at strategies, responses, regulation and co-regulation of issues linked to incitement to crime, terrorism and generally dealing with and reporting on crisis situations. As many NRAs have dealt with an increased number of cases in recent years, the emphasis should be on an exchange of experiences to identify best practice. Ideally, EPRA would aim to produce a comparative paper as an output of the working group.

- **Spring session *“Media service providers in times of crisis”***

The session in spring would focus on media service providers in times of crisis. Media coverage, particularly news, can be crucial in times of crisis by providing accurate, timely and comprehensive information. Media professionals may even make a positive contribution to the prevention or resolution of certain crisis situations by adhering to the highest professional standards³. How to maintain a favourable environment for the functioning of independent and professional media, notably in crisis situations?

- **Autumn session *“Regulatory authorities in times of crisis”***

The session in autumn would focus on the role of regulators in times of crisis. It would look inter alia at the following questions: How to deal with bias, false and deceptive materials? What is the right balance between regulatory intervention and editorial freedom? How to protect freedom of expression and information in times of crisis?

2. WG2: Case studies in editorial content regulation

(Yearly WG convening twice)

The second WG would address topics of relevance for the EPRA membership, namely protection of minors and the blurring lines between editorial and advertising content by looking at case studies.

³ Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis: <https://wcd.coe.int/ViewDoc.jsp?id=1188493>

- **Spring Session: “Case study on the Protection of Minors: focus on Reality and Talent shows”**
The call for topics has revealed a continued interest for protection of minors’ issues. As the subject was discussed at EPRA in 2014 with a yearly group on media literacy and protection tools, it is suggested to treat the topic this time by means of a case study on specific programme formats, i.e. Reality and Talent shows. The WG would notably look at issues of the coverage and participation of minors, classification, labelling and watershed, editorial responsibility and self-regulation, potential sanctions. The group may also cover some issues of jurisdiction and cooperation between regulators from different countries.
- **Autumn Session: “Editorial vs. Advertising Content: Native Advertising, Advertorials, Branded Content, Surreptitious Advertising & co”**
In the wake of the working group on Product Placement which convened in 2015, the call for topics has revealed a continued concern of regulators for the increasingly blurring lines between editorial content and commercial communication. What are the new trends? How to make sure that advertising is readily recognisable as such and to ensure the prohibition of surreptitious advertising? Where to put the markers?

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 Barcelona and Yerevan. Members will be asked to choose their favourite among four different topics:

- **Gender in the Media – focus on Portrayal and Inclusion**

This is currently a live issue in many jurisdictions across Europe, with promising potential for involvement from regulators of various regional areas. The group aim would be to take stock of recent reporting in this area (e.g. Reports of the Global Media Monitoring Project (GMMP⁴)) at both the European and national levels. It could also take a look at practical initiatives to improve gender representation in ownership/control of AVMS and in content. Perspectives from different strands of media could also be introduced, e.g. community media services.

- **Audiovisual Platforms**

This session would focus on gathering practical evidence and understanding business models. The session could examine the role of various intermediaries in online content distribution, understanding the different ways in which the content value chain is evolving, and some voluntary initiatives taken by certain players including technical tools to protect users. As such, an emphasis should be placed on inviting external speakers from the industry, including ISPs, technology players, and consultancies to share their views.

- **Data Protection and Big Data – what impact on media regulation?**

The aim would be to examine data protection and big data as they impact audiovisual media services and content. This session could build upon the outcomes of a Workshop held by the European Audiovisual Observatory/EPRA in December that looked at ways in which data protection issues are impacting AVMS providers and the regulatory implications for NRAs. The overall aim would be to raise awareness and increase the understanding of NRAs and to build a possible future agenda in this subject area going forward. Linked to this theme could be issues arising from the DSM Strategy in data protection and privacy.

⁴ <http://whomakesthenews.org/gmmp/gmmp-reports/gmmp-2015-reports>

- **Transparency in the Media**

The group could build on an aspect of last year's plenary on Plurality, in particular on the Georgian presentation regarding transparency in media ownership. It could focus on both the regulatory challenges and the practical mechanisms and tools for addressing and monitoring transparency. There is some promising potential for cross-fertilization with the Council of Europe CDMSI subgroup MSI-MED which was recently launched and with the European Audiovisual Observatory for whom transparency is a pet topic.

Questions for Members

To be returned to the EPRA Secretariat (machet@epra.org) by 25 January at the latest

We would like to put the following questions to members:

Plenary themes

1. Do you agree with the proposed themes for the plenary sessions?
2. Within the proposed themes, are there any specific topics that you would like to explore?
3. Is your authority interested in contributing to these themes? If so how (content producer, panellist, from the floor, discussant, other...) and when (27-29 May in Barcelona) or the autumn session (19-21 October in Yerevan)?
4. Do you have specific suggestions concerning external speakers?
5. Do you have specific suggestions concerning (non-EPRA) reference documents?
6. Do you have any suggestions concerning deliverables and EPRA background papers?

Annual Working Groups

1. Do you agree with the themes proposed for the two yearly working groups?
2. Is your authority interested in contributing to these groups? If so, how (as content producer, panellist, from the floor, discussant, other...) and when (27-29 May in Barcelona) or the autumn session (19-21 October in Yerevan)?
3. Do you have specific suggestions concerning external speakers?
4. Do you have specific suggestions concerning (non-EPRA) reference documents?
5. Do you have any suggestions concerning deliverables and EPRA background papers?

Ad hoc Working Group

Which is your favourite topic for spring 2016?

Which is your favourite topic of autumn 2016?

1. Is your authority interested in contributing to these groups? If so, how (as content producer, panellist, from the floor, discussant, other...) and when (27-29 May in Barcelona) or the autumn session (19-21 October in Yerevan)?
2. Do you have specific suggestions concerning external speakers?
3. Do you have specific suggestions concerning (non-EPRA) reference documents?
4. Do you have any suggestions concerning deliverables and EPRA background papers?

AOB:

Is there any other observation in relation to the work programme that you would like to make?

Thank you