

**45<sup>th</sup> EPRA Meeting Edinburgh**  
**18-19 May 2017**  
**Working Group II on Licensing and Authorisation Procedures**  
**Introductory Paper**  
**by Emmanuelle Machet, EPRA Secretary**

## **1. Introduction**

This biannual working group will address a key task traditionally entrusted to broadcasting regulators: that of licensing and authorising media service providers.

Surprisingly perhaps, the topic of licensing *per se* has rarely been discussed at EPRA meetings with the exception of a plenary session in 2010 in Belgrade on [Regulatory & Licensing models for Digital Terrestrial Television](#). Some specific aspects have also been covered through a [Working Group on Local and Community Media](#) that convened in 2012-2013.

However, issues relating to licensing matters have often *indirectly* been discussed at EPRA meetings, for instance as part of our on-going debates on jurisdiction or the regulation of on-demand audiovisual media services.

This working group is timely considering the on-going [review of the Audiovisual Media Services Directive](#). Announced changes to jurisdiction and cooperation procedures as well as the increased number of cross-border services, including on-demand services, will raise new challenges.

## **2. Deliverables and work structure**

The [EPRA Work Programme for 2017](#) sets out as the main objective of the working group to exchange information, experience and best practices on licensing and authorisation processes.

In terms of deliverables, the Working Group does NOT aim:

- to produce a comprehensive, comparative legal report documenting the great variety of licensing and authorisation procedures and highlighting the different models that exist in Europe. Such an exercise is bound to be difficult, lengthy and time-consuming. In addition, the Department for Legal Information of the European Audiovisual Observatory will conduct a detailed legal mapping of licensing practices in the EU-28 in the course of 2017; the comparative study should be available by the end of the year.
- To improve the quality and accuracy of the [MAVISE database](#) managed by the European Audiovisual Observatory. This is the aim of the MAVISE-EPRA co-operation project which has started with the launch of the “MAVISE Taskforce” last year. The taskforce comprised of 8

regulators members of EPRA, met twice in 2016 and developed a methodology to improve the data collection on licences based on a template. The project has now been opened to all EPRA members whose countries are covered by the database. The first step of the process was the nomination of a “MAVISE contact point” within each regulator to liaise with the Observatory MAVISE Team. For the second, on-going phase, each contact point was sent an extract of MAVISE (Excel table) and was asked to review/amend the information.

Instead, the group will **identify and discuss best practices as well as practical difficulties encountered by regulatory authorities in the field of licensing and authorisation procedures.**

As the subject of licensing and authorisation procedures covers a wide range of issues, three guiding threads have been selected:

- **The variety of approaches concerning licensing and authorisation procedures. Are there benefits in some degree of harmonisation/alignment of approaches?**
- **The cooperation between regulators concerning licensing and authorisation procedures. Can the cooperation, notably relating to issues of jurisdiction, be improved at the practical and technical level? And if so how?**
- **Trends and evolution of procedures in the new media environment: Are current licensing and authorisation processes future-proof? In an environment where an increased number of services are delivered online, are current licensing models fit for purpose?**

Working group participants are invited to consider deliverables for the group. One option is to produce a report at the end of the year with a repository of best practices and experiences structured around the three above-mentioned guiding threads.

With regard to the structure of the biannual working group, we will focus on:

- licensing and authorisation of **linear audiovisual media services** at the spring session in Edinburgh (e.g. television, live streaming)
- licensing and authorisation of **non-linear audiovisual media services** at the autumn session in Vienna (e.g. on-demand audiovisual media services)

### **3. Structure of the Working group in Edinburgh (14:30-16:30)**

#### **3.1. Introduction by WG Chair Mónica Ariño, EPRA Vice-Chair (14:30-14:40)**

#### **3.2. Opening presentation by Gilles Fontaine, Head of Department for Market Information at the European Audiovisual Observatory (14:40-15:00)**

The presentation will illustrate, in a very concrete manner:

- the diversity of some of the practices relating to licensing and authorisation procedures,
- the challenges that co-existing different systems may raise in practice, and
- the concrete methodological solutions that MAVISE analysts have adopted for the sake of consistency of the information and data provided by the MAVISE database.

### 3.3. Round table debates (15:00-16:15)

#### Round table 1: The variety of licensing & authorisation procedures for linear services (15:00-15:40)

Objectives of round-table 1:

1. Validate the hypothesis of the variety of licensing procedures for linear services
2. Identify problems that it may create in practice for regulators
3. Enquire whether there is any benefit from the regulators' perspective in aligning some of the practices

Issues covered:

- Linguistic versions of TV channels (one licence per language/country vs. group of countries?)
- Active channels (do regulators check whether channels are active?)
- National vs. regional and local licences (differing criteria and requirements?)
- Legal status of simulcast linear TV channels and live streaming. What procedures are required? Are there any practical problems of implementation worth reporting?

#### Round table 2: The cooperation between regulators with regard to licensing & authorisation procedures for linear services (15:40 - 16:15)

Objective of round-table 2:

1. Identify examples of licensing procedures impacting on cooperation between regulators
2. Discuss potential solutions and cooperation processes

Issues covered:

- Double licensing of foreign channels (e.g. EU/non EU, intra EU)
- Recent cases of negative (no regulator competent) or positive (several regulators claiming competence) conflicts of jurisdiction. Has a solution been found?
- Targeting channels: are there any objective criteria to consider that a channel is targeting the audience of another country? (language, market share, advertising and content windows)

### 3.4. Conclusion and follow-up (16:00- 16:15)

- Lessons learned from the round table debates and concluding remarks
- Agreeing on further steps:
  - Agenda of Working group autumn meeting in Vienna
  - Preparation and work process
  - Final deliverables of the Working group