

EPRA CHAIRPERSON'S REPORT 2017

Assessing progress against EPRA's strategic goals and objectives

16 February 2018

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Introduction

It has been the practice to issue the Chairperson's report reviewing EPRA activities at the end of each year. However, the approach in respect of 2017 is changed somewhat. At the Executive Board Meeting held in Brussels on 27 January 2017, [a three-year action plan](#) was adopted with the aim of concretising the way in which the objectives of EPRA's Strategy would be achieved. The structure of this report, therefore, aligns with EPRA's Strategic Objectives as set out in our Strategy Statement and, as well as detailing activities undertaken in the period, the intention is, for me as Chairperson, to reflect the view of the Executive Board on progress achieved during the year against our strategic goals and objectives.

At the outset, I should say that 2017 has been an exceptionally busy year, and at times a challenging one. However, I am very pleased to report that significant progress against our strategic objectives has been made.

1. Goal & Objective 1: "Continuing to serve our members"

Central to positioning EPRA to serve its members is having in place a committed and functioning Board. In May 2017, the Membership elected [a new Board](#) in line with the EPRA statutes. The [elections](#), which were held in May, in Edinburgh, saw the retirement of Damir Hajduk (HR-AEM), and the election of Oliver Gerber, (CH-Ofcom). Celene Craig, Helena Mandić, Johanna Fell and Mònica Ariño were re-elected. However, shortly after the Edinburgh meeting, in June 2017, Mònica Ariño retired from the board, following resignation from her post with the UK regulator, Ofcom. At the EPRA meeting in Vienna in October, the Board announced that the post would be filled at an election to be held in Luxembourg in May 2018 – this timeframe would facilitate members and the Board to focus attention on the issue of strengthening the EPRA Secretariat.

1.1. "Continuing to serve our members by being an informed and relevant source"

Our working year began with a two-stage consultation process on the [EPRA 2017 Work Programme](#). Having sought and received a range of interesting suggestions, the Board combined these with the objective of continuing to build upon themes explored in the previous year. The Board also had regard to European media policy and regulatory developments in progressing the proposed work programme which was then submitted to the membership again for further refinement and proposals on inputs, speakers and other contributors. The level of response ensured the relevance of the themes selected to meet the interests of EPRA members throughout the network.

The time invested in work-planning in the early part of the year delivered results in the hosting of two very successful meetings, the first of which took place in [Edinburgh, on 17-19 May, and hosted by Ofcom](#); and the second which was held in [Vienna on 11-13 October and hosted by KommAustria/RtR](#).

The focus of the plenary themes ***News in the Digital Age*** and ***Promises and Challenges of Digital Disruption*** was designed to address current regulatory challenges in anticipation of changes in the evolving regulatory and policy sphere:

- The spring and autumn sessions on ***News in the Digital Age*** successfully built upon a theme of the previous year – ***Media in Times of Crisis*** – as well as touching on aspects of plurality and access to quality content in a multi-platform environment. Highlights of this session were the delivery of a number of relevant and thought-provoking presentations, most particularly by Dr. Ben Wagner, as well as the production of several excellent papers to add to the EPRA repository. The breadth of the nature of the contributions – with representatives of media organisations, regulators and academia – added to the diversity of perspectives available to support discussion and debate amongst those present. Key deliverables included two in-depth background papers, [the first focussing on the general theme](#) and the second on the [role of regulators in implementing impartiality, accuracy and fairness in practice](#). A [reading list](#) was also prepared as an aid to the members in furthering their knowledge in this area. Combined, these publications provide a very useful record of the current position under this thematic area as well as a useful record for the future on the status of digital news at this point in the evolutionary process.
- [Inspiring presentations](#) by Prof. Dr. Natali Helberger, Martine Coquet, Judith Möller and Anne Schuth produced a vibrant debate at the spring plenary session on the ***Promises and Challenges of Digital Disruption*** which focussed on the use of filters, algorithms and their impact on diversity. Regulators were encouraged to look with a fresh eye at the concept of media pluralism and to foster the development of alternative, more objective, algorithmic recommendations that can be designed to break filter bubbles. A further academic input at the autumn plenary meeting from [Prof. Dr. Eva Lievens](#) brought a future-focus to the subject of the advertising literacy of minors in the digital age and stimulated a debate among members on online advertising and minors, and more generally, on the shape of future regulation in the age of digital disruption.

Throughout 2017, the working groups allowed for practical and focussed exchanges and interactions between our members. The first bi-annual working group revealed a very clear appetite amongst our members to hear about trends and developments in **media literacy**, given the growing number of audiovisual regulatory bodies that have been assigned competences in this area in recent years. Against this background, one remarkable deliverable in 2017 was a [comparative background paper](#) assessing the role that regulators play in the field of media literacy.

The second bi-annual working group confirmed the great diversity of the **licensing and authorisation procedures** currently existing in Europe as well as a lack of awareness of the systems that are in place in other jurisdictions. Through the discussion of key trends and emerging challenges, the group emphasised the importance of reinforced cooperation between NRAs to achieve increased transparency of the audiovisual media service providers operating in Europe - and thus paved the way for further exchanges on processes and best practices to reach this objective. The ad hoc groups provided an opportunity for regulators to assess their own policy approaches and activities against

those of other regulatory bodies on two future-oriented topics: **digital radio** and the **Changing Relationship between Citizens and Regulators**.

Through the proactive and reactive activities of the Secretariat, EPRA continued to serve its members by compiling and disseminating timely and relevant information. This activity is facilitated by the long-established practice of scanning the media environment and leveraging knowledge from EPRA's network of contacts and information sources. In 2017, over 120 news items and announcements were uploaded on EPRA's website to inform members on recent research findings - such as the [Council of Europe report on mis-information, dis-information and mal-information](#); new appointments among EPRA members - such as the [Board of the Portuguese ERC](#) - or relevant activities of other regulators' networks - such as the [5th REFRAM conference in Geneva](#). The list of contact details as well as the factsheets on EPRA members (Regulator's Profile) were regularly updated throughout the period.

Facilitating requests from individual NRAs, which has always been a key element of our day-to-day work, was on-going throughout the year: 12 questionnaires have been posted on the [survey section of the EPRA website](#). In addition to surveys, the Secretariat also frequently responded to individual requests for information from members. EPRA aims to respond as promptly and as meaningfully as possible to such requests. However, our ability to do so and the speed of our response may depend, on other pressing priorities and the availability of staff and other resources to support such work.

1.2. *“Continuing to serve our members by growing their participation and involvement”*

In line with our commitment to explore other means of interacting with our members, a number of initiatives were in planning in late 2017 and these will hopefully bear fruit in 2018.

Firstly, arising from the **Media Literacy** Working Group in 2017, we are pleased to be able to respond to the continuing interest of our members, by offering the opportunity to launch a taskforce whose aim would be to produce guidelines on the establishment of a national media literacy network with the potential to assist and facilitate the regulator in putting in place such a network in their own jurisdiction to share best practice, develop policy etc. The Content Producer of the EPRA Working Group in 2017, Martina Chapman, an expert in media literacy, has kindly agreed to work on the production of such draft guidelines and interested EPRA members will submit feedback and comments, based on their experience, before finalisation and publication.

Secondly, building on the theme of **Licensing and Authorisation Procedures**, the co-operation with the European Audiovisual Observatory, with the aim of improving the data collection process and the reliability of the MAVISE Database, will continue in 2018. In 2017, the project - initiated by the EPRA-MAVISE taskforce in 2016 - was opened to all EPRA members whose countries are covered by the database. In addition, in 2017, MAVISE contact points within regulators were requested to check and validate factsheets prepared by national experts to contribute to a legal mapping of licensing practices in the EU-28 conducted by the European Audiovisual Observatory on behalf of the EU Commission. Such co-operation was deemed extremely fruitful and will contribute to increased transparency of the audiovisual media service providers operating in Europe and to raise the awareness of licensing and related practices.

More generally, these recent initiatives illustrate the added value of work processes that build on the inputs of external experts, facilitating EPRA members in checking and validating the information ex-post. Such work processes allow EPRA members to benefit from quality inputs on issues of relevance, while not drawing too much on the scarce resources of regulators.

The ongoing annual cooperation – since 2013 - with the EBU-MIS on the updating of a [detailed table of lists of events of major importance across Europe](#) follows the same approach.

2. Goal & Objective 2: “Strengthening EPRA’s support structures: build the EPRA Secretariat and other Resources”

Strengthening EPRA’s support structures was earmarked as a key activity in our 2017 Workplan and the drafting of concrete proposals constituted **a major strand of work** for the Board during the year.

- The subject was first introduced at the meeting in Edinburgh in May when the Board presented a [Proposal on Staffing](#) to the Assembly of members, positing that the Secretariat needed a step change, if it was to continue to provide a high-quality service and support for EPRA to deliver on the strategic objectives.
In Edinburgh, EPRA members endorsed the proposal to hire a full-time administrative assistant, at grade B4 of the Council of Europe, subject to formal approval on the costs associated with such a development at the Vienna meeting. The Board was also asked to develop suggestions for a tiered-fee structure to replace the current flat fee system.
- In August 2017, the Board launched [a Consultation](#) to ascertain the views of members on various options that might be open to EPRA with regard to its **funding, fee-charging and its staffing arrangements** over the next three years.
A very high number of responses (from 30 members) was received to the Consultation. Most respondents expressed support towards increased sustainability and knowledge management for the EPRA Secretariat. Several members, however, expressed concerns and reservations. Consequently, the Board set out modified proposals which were circulated shortly before the autumn meeting in Vienna.
- At the meeting in Vienna, the [revised Board Proposal](#) met with broad agreement and was endorsed by the Assembly. Regarding the membership fee structure, Model B was adopted further to a vote with raised hands, with 21 members expressing support for model B, 9 authorities in favour of C and 2 regulators abstaining. The essence of Model B is an increased flat fee for the majority of members, with a lower fee for a limited number of exceptionally-small regulators with limited resources. The rationale of the decision taken by EPRA members in Vienna was to strengthen EPRA’s support structures, in particular by hiring a full-time permanent administrative assistant for the Secretariat and by increasing the overall sustainability of the EPRA budget; to opt for a simple, easy-to-administer fee system that would be as close as possible to the original flat-fee model; and to prevent the loss of EPRA members who would otherwise not be in the position to face the significant fee increase brought about by the revised EPRA budget.
- The implementation of the proposals will continue to constitute an important focus of the Board activity in 2018. In January, the Board has issued, on a case-by-case basis, 15 duly reasoned decisions with regard to applications for derogations to the flat fee further to written submissions of applicant NRAs; four authorities will benefit from the reduced fee.

The Board acknowledges and appreciates the strong engagement of the membership in all elements of the written consultations regarding the enlargement of the Secretariat, the revised budget and the restructuring of the membership fee. The liveliness of the discussions at the plenary meetings was further evidence of that engagement. We believe that such participation and the overwhelming

support for the enlargement of the Secretariat reflects the importance of EPRA in providing relevant knowledge, expertise and support to the constituent NRAs that comprises our membership.

3. Goal & Objective 3: “Communicate and Participate: Actively engage at the European Level to share EPRA’s Learning and Expertise”

During 2017, Members of the Board and Secretariat enjoyed active engagement with a range of European stakeholders, and had the opportunity to both learn and share their own experience and expertise. The key activities in this regard were as follows:

Interactions with networks of regulators:

- **ERGA:** the Secretary and Chairperson participated in meetings and exchanges with representatives of ERGA and the European Commission to agree the best means of co-operating and to ensure complementarity in the work programmes of each organisation. They also attended contact network and plenary meetings throughout 2017 in an observer status. Such attendance assists EPRA in staying up to date, particularly with respect to developments and progress on the review of the AVMSD and also in the implementation issues that are likely to arise from a regulatory perspective.
- **REFRAM:** The Secretary participated as an observer in the 5th conference of the network of the French-speaking regulatory authorities REFRAM, which was held in Geneva in October 2017 and marked the 10th anniversary of the platform. The meeting provided useful insights on how REFRAM operates as well as on strategic orientations and issues of relevance for their membership. The event was also a source of inspiration in the use of interactive, collaborative working methods which may be tested within EPRA.

Interactions with Permanent Observers institutions:

- **EUROPEAN AUDIOVISUAL OBSERVATORY:** Very regular interaction and coordination took place. The Secretary, *inter alia*, participated in the **Advisory Committee** meeting, a round table on “*Key Trends from the Audiovisual Markets and Regulation*” (March) and a Workshop on “*The financial ecosystem of the European audiovisual production*” during which she acted as table host of the World Café (December). The presentation of the EAO’s research findings, which were of relevance for regulators, was integrated in the structure of the plenary meetings.
- **COUNCIL OF EUROPE:** Regular and fruitful interaction took place. The Secretary participated as observer in meetings of the CDMSI and of the Committee of Experts on Media Pluralism and Transparency of Media Ownership (MSI-MED). She also participated in a Colloquium on the role of media actors in confronting terrorism. In addition, EPRA was represented in the **Ad Hoc Working Group on Gender Equality** charged with drafting a Council of Europe Recommendation in respect of gender equality in the audiovisual field.
- **OSCE-RFOM:** The EPRA Chair invited the newly elected Representative on Freedom for the Media of the OSCE, Mr. Harlem Désir, to deliver an introductory speech at the EPRA meeting in Vienna in October 2017. EPRA has also extended an invitation to explore ways for meaningful cooperation in the future.

Interactions with stakeholders:

- **EBU:** July 2017 saw the hosting of a jointly-organised workshop, in the EBU Headquarters in Geneva, on the topic: ***The Future of PSM – Successfully Dealing with Disruption***. The workshop offered those EPRA members who have a significant role in the regulation of PSM, an opportunity for dialogue on issues of common interest with representatives of PSM

organisations in Europe. The attendance included 38 participants from 13 countries – 14 EPRA participants and 24 participants from the EBU. The topics covered included: trends in devices, platforms and consumption; market structures – media concentration and diversity issues; the contribution of PSM to society and what is needed to sustain relevance. Structured feedback from respondents demonstrated a high level of satisfaction with the content of the workshop as well as with the organisation of the event. It was viewed as providing valuable insights on the distinct roles of PSM and media regulators while, at the same time, an acknowledgement that both shared common goals. Participants also expressed an interest in continuing with such co-operation in the future.

- **CERRE:** EPRA was represented at an event on *The New Audiovisual Media Services Directive: time for a future-proof agreement?* in Brussels in March 2017; this provided an opportunity to meet key stakeholders and keep abreast of debates on the review of the AVMS Directive.
- **RTVE:** EPRA was represented at an event on *“The Regulatory Framework for National European Broadcasters in a Digital Environment”*, alongside representatives from the EBU, the European Commission and Academia, which was hosted by RTVE in Madrid in April 2017.

In addition, there has been interaction with a wide range of players who featured in the line-up of our meetings, such as representatives of Facebook, BBC Scotland, CMFE, AMARC, RTBF and AER.

4. Vision, Mission & Values: Board Commentary on EPRA’s performance in 2017

4.1. Have we pursued our vision as set out in the EPRA Strategy?

Looking at the themes of the annual Work Programme and bearing in mind the debates they incited at the two plenary meetings, we believe that, in 2017, we have been true to the spirit of EPRA’s vision, i.e. to promote *“freedom of expression as well as a culturally diverse, sustainable and pluralistic media environment through (...) support for independent, professional and effective regulation of the audiovisual media”*. We took account of the latest developments and addressed potential new threats to freedom of expression and ways in which regulation could tackle these going forward.

Both plenary themes *“News in the Digital Age”* and *“Promises and Challenges of Digital Disruption”* were in keeping with our vision, addressing broadly topical phenomena such as *“algorithms”*, *“fake news”*, *“filter bubbles”* and *“online advertising targeted towards children and teenagers”*. These are all subjects which represent a potentially profound risk for freedom of expression and we provided fresh approaches to these subjects. The debate on *“Promises and Challenges of Digital Disruption”* led by Prof. Natali Helberger in Edinburgh showed a more cautious and alternative approach to the issue of algorithms and personalisation, demonstrating that these instruments are not *“evil”* per se, but do represent opportunities and can even foster the goal of media pluralism. Another highlight was the *“wake-up-call”* presentation by Dr. Ben Wagner on the urgent need for ensuring increased transparency of online companies and for collaborative action by regulators.

The inputs of the working groups were also very much aligned with EPRA’s vision. *“Media literacy”* is a strong pillar for fostering cultural diversity and media pluralism, while the lively debates during the WG on the changing relationship between regulators and citizens showed that what constitutes professional and effective regulation must be periodically re-examined in a changing media environment. The subject of *“licensing and monitoring”* and *“the future of radio”* were also indirectly related to the broad scope of the EPRA vision, i.e. ensuring *professional and effective regulation*.

4.2 Has our mission reflected our core purpose in practice and has it provided direction for the organisation and guided its strategic decisions?

Concerning the “*independence and transparency of EPRA in order to promote the “forum character” of EPRA*”, we believe that both criteria were continuously fulfilled during 2017.

Careful selection of the panellists for our sessions has always been high on our agenda. However, regarding the exploration of “*innovative means of regulating and analysing the audiovisual sector*”, we have set as our goal an even closer involvement of carefully-selected academics in the preparation of the plenary sessions to fine-tune the discussion. In our view, this was helpful in providing inspiration, achieving better coordinated sessions and getting additional added-value in terms of content. We certainly intend to continue along this path in the coming years.

In addition, the WG on “*Regulators and Citizens*” showcased many relevant ideas on how regulators can be more into touch with citizens, such as the Bavarian “*media driving license*” for pupils or the analysis by Ofcom UK on how to use different social media channels depending on purpose. The Board may consider reflecting the results of this WG in its future work, in order to ensure a degree of continuity in covering this cross-sectional subject.

4.3. Have EPRA’s values been reflected in our day-to-day practices and decision-making?

Independence: The independence of EPRA as an organisation and through the financing of its support structures was a key concern underpinning the Board Proposals on the sustainability of the Secretariat. We are pleased that the principle of all members being treated on an equal footing whatever the fee that they pay was endorsed by the membership, additionally underlining our independence.

Informality: Even though we have an already well-established platform which enables informal discussions with members, we consider that there is room for improvement. New WG formats may be considered in the future to encourage more interactivity and to foster members’ active participation.

Transparency and Accountability: In our view, the process of adopting the new budget has further underlined these important principles underpinning our work. We launched a wide-ranging consultation process with all members and provided detailed information on the issue of the strengthening of the Secretariat and the Draft Budget 2018 - 2020 that accompanied it. By taking into account the views expressed by our members and the unanimously-expressed position of strengthening the Secretariat, we believe that we have helped in achieving a wide consensus on this issue.

An Expert, Informed and Learning Organisation: As pointed out before, arising from closer cooperation with academia in the preparation of 2017 meetings, we have elevated this approach to a higher level, and will continue to do so.

Collaborative: typically, EPRA has a high level of cooperation activities and 2017 was no exception. Worth emphasising are the organisation, for the first time, of a small-scale seminar with the EBU on the future of PSM in summer; the development of closer links with ERGA and building on concrete synergies and work processes with the European Audiovisual Observatory, particularly in the field of media literacy and in licensing and authorisation procedures.

4.4. Have we achieved our goals and objectives for the year and, if so, to what extent? What were the highlights? Have we been sufficiently future-focussed and responsive to change? Did anything hinder or impede the achievement of our objectives?

Overall, for the reasons set out above in this report, the Board is satisfied with its performance against EPRA's strategic objectives.

A specific challenge this year was the sensitive issue of an increase in the budget and the reinforcement of the Secretariat. We believe, however, that we were able to find a sustainable solution which is broadly supported by our members. It must be acknowledged, however, that the amount of work required in achieving this aim fairly stretched the capacity of the EPRA Board and Secretariat to its limits. In 2018, the implementation of the changes in the Secretariat's structure is anticipated by the Board to be a lengthy and time-consuming process before the full benefits of a reinforced Secretariat can be reaped.

Though generally satisfactory, the participation and involvement of our members in EPRA could be strengthened; one key objective for 2018 will be to encourage greater participation and involvement. But of course, our ability to achieve this objective will ultimately depend upon the capacity of our NRA members to do so.

4.5. Have we progressed the achievement of the overall goal of our strategy this year – i.e. to equip EPRA members with appropriate tools to increase their understanding of the changing nature of regulation and to better grasp the complexity of the new media environment?

The EPRA Board considers that it has given its best efforts in all the current circumstances and has made considerable progress towards the achievement of EPRA's over-arching strategic goal. However, we should also ask: *how best should this be measured?* The Board has shared the basis for its view in this report but, ultimately, the full answer to the question should also include the views of our members. In this context, we would, therefore, warmly welcome any Members' feedback on the implementation and fulfilment of EPRA's strategy during 2017.

Conclusion

I would like to conclude by thanking you all, on my own behalf, on behalf of the other members of the Executive Board and on behalf of our Secretary, Emmanuelle Machet, for your co-operation and participation in the EPRA network during 2017. Such engagement is the life-blood of EPRA and is the basis upon which it will continue to thrive and develop in the future. We look forward to further enthusiastic engagement and a productive and rewarding year in 2018.



Celene Craig