EPRA's WORK PROGRAMME for 2018
2 February 2018

Contents

This Annual Work Programme, which lays out EPRA's priorities and anticipated work for 2018, has been drafted by assembling member authorities' suggestions collected further to a call for topics and by reflecting key findings originating from deliverables of the 2017 Work Programme. Further to a consultation phase, the Board approved the final WP on 2 February in Munich.

The two plenary meetings in 2018 will take place on **23-25 May in Luxembourg** (hosted by ALIA) and on **10-12 October in Bratislava** (hosted by CBR).

CONTINUITY, COHERENCE and RELEVANCE are three key characteristics of EPRA's WP for 2018.

In 2018, EPRA will continue to analyse the **impact of digital disruption** and the **changing role of broadcast media regulators** by promoting them as **TRANSVERSAL THEMES** in all our sessions.

To bring **coherence and relevance** to the overall construct, we will focus on specific themes where the **delivery of enduring goals of media regulation could be significantly impacted** by far-reaching economic and technological changes, with potentially vital implications for **DEMOCRACY.**

In 2018, we also aim to reflect **KEY FINDINGS OF PAST MEETINGS,** with a session structure taking into account the importance of a **reinforced dialogue with stakeholders,** the **benefits of an evidence-based approach** and the need for **stronger cooperation with other regulatory authorities,** also including co- and self-regulatory bodies.

Against this background, the plenary themes are**:**
"The future of public service and public interest content in the digital age" (Plenary 1) and;
"The regulation of political communication in the era of social media" (Plenary 2).

The biannual working groups will focus on:
"Commercial Communication 2.0" (WG1) and
"Achieving greater diversity in broadcasting media" (WG2).

The two ad hoc groups will focus on **"New challenges for Privacy**" (spring 2018) and **"Spotlight on AVMSD: Implications for cooperation between NRAs from EU and non-EU countries**" (autumn 2018).

1. European Regulatory Context

In setting our work programme, we have considered the European regulatory context - both at the EU and the Council of Europe levels - in which media regulators operate.

The implementation of the 16 actions comprising the Digital Single Market strategy (DSM), which was commenced in 2016, progressed considerably in 2017 sparking many interesting debates; several key instruments are expected to be adopted in the course of 2018:

- *In the telecommunications field*, the review of the regulatory framework for electronic communications, introducing a European Electronic Communications Code to replace all existing regulatory tools, entered the trilogue phase in October; a final agreement is expected to be adopted by mid-2018.

- *In the field of copyright*, ongoing reforms ('copyright package') aim to improve specific mandatory exceptions to copyright rules for education, research and cultural heritage and to make it easier for broadcasters to enrich their online offers across borders.

- *With particular regard to the AVMS Directive,* negotiations on the proposal continued throughout 2017 with trilogue talks opening in summer; a final text is expected to be adopted in the first half of 2018.

Another area of interest in 2018 will be the impact on the national communications markets of the consequences of the UK's vote to leave the EU.

While the Oxford Dictionary's Word of the Year 2016 was "post-truth", information disorder and its related challenges remained in the centre of attention in 2017. A joint declaration on freedom of expression and "fake news", disinformation and propaganda was issued in March, notably by the UN Special Rapporteur on Freedom of Opinion and Expression and the OSCE Representative on Freedom of the Media. In November, the EU Commission launched a public consultation on "fake news and disinformation", with the aim of developing an EU-strategy to facilitate the dissemination of reliable information; a new high-level expert group on the subject was appointed on 12 January 2018.

A recent report of the Council of Europe also provided a much welcome clarification on the conceptual framework, rejecting the term 'fake news' as inadequate to describe the complex phenomena at stake and identified strategies to tackle disinformation.

The Council of Europe Committee of experts on media pluralism and transparency of media ownership (MSI-MED) and the Committee of experts on Internet Intermediaries (MSI-NET) finalised their activities at the end of 2017: two recommendations dealing with media pluralism and the roles and responsibilities of internet intermediaries, as well as several reports on the use of internet in electoral campaigns, on media coverage of elections with a specific focus on gender equality and on the human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications, will be considered for adoption by the Committee of Ministers in early 2018.

Two new sub-ordinate expert committees will start operating in 2018: the Committee of experts on the human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) and the Committee of experts on Quality Journalism in the digital age (MSI-JOQ).

2. Plenary Themes for 2018

EPRA has always been driven by the desire to anticipate change in the regulatory and policy sphere in order to stay relevant for its members. In 2017, a plenary theme on **Promises & Challenges of Digital Disruption** explored the impact of algorithms on plurality, among other topics, through the presentation of innovative research findings. This year, we will take one step further in that direction by making digital disruption *a transversal theme throughout the 2018 Work Programme*. But rather than adopting a technology-driven approach (for instance by looking at "platforms"), in keeping with EPRA's mission, we will examine the various implications that digital disruption might have on media regulation through selected themes.

For 2018, we will focus on specific themes where the delivery of enduring goals of media regulation could be significantly impacted by far-reaching economic and technological changes, with potentially vital implications for democracy. After all, as was emphasised by a keynote speaker and former EPRA colleague [in Yerevan in 2016](#), *"the goals of media regulation are enduring, no matter the growing difficulties to enforce them"* and what matters is not digital disruption as such but that "*regulators continue to make sure that these changes feed and strengthen democracy instead of weakening it*". Against that background, the following themes will be addressed:

- **The future of public service and public interest content in the digital age** (Plenary 1), and,
- **The regulation of political communication in the era of social media** (Plenary 2).

In 2018, we aim to reflect key findings of recent EPRA meetings, with a session structure that takes into account the importance of a reinforced dialogue with stakeholders, the benefits of an evidence-based approach and the need for stronger cooperation with other regulatory authorities, including co- and self-regulatory bodies. With this in mind, a similar structure will be adopted for the two plenary sessions: a session in spring taking stock of relevant research, recent case studies and listening to the points of view of key players and a sitting in autumn focusing on the changes in the role of media regulators and the benefits of cooperation with other regulators or public bodies.

PLENARY SESSION 1: "The future of public service and public interest content in the digital age"

Recent reports focusing on the phenomena of dis-information, mis-information and mal-information have emphasised that the best responses are supporting media literacy and critical understanding, professionalism, transparency of information and quality content.

One characteristic feature of the - otherwise very varied - European media landscape is that Public Service Media have traditionally benefited from public money, reserved spectrum and other privileges such as must-carry or prominence in return for delivering pluralistic European, national and regional content - thus indirectly underpinning democratic systems. In several instances, the provision of public interest content has also been part of the remit of commercial broadcasters.

[Some reports](#) have also pointed out the correlation – not the causality though – between strong and well-funded PSM and a strong and healthy democracy.

However, recent changes in the ecosystem have impacted the supply and distribution of public service and public interest content. Past EPRA sessions (notably in [Berne in 2015](#)) have noted that the TV content ecosystem in Europe - with traditional broadcasters at its heart - has undergone profound

changes in recent decades, characterised by an exponential growth in the number of different audiovisual services, greater competition, a fragmentation of previously highly-concentrated audiences, and changes in the old value chains. One critical challenge is the issue of discoverability of quality content in an era of digital abundance.

The issue of quality content, and how it should be produced, incentivised and financed, currently features high on the political agenda in many countries in Europe. This development is also reflected in the "EPRA Statement of Strategy 2017 – 2019", where it is emphasised that the key challenge to promote "a sustainable audiovisual sector" *"comes even more sharply into focus in the case of PSM organisations".* Further, it appears to be a general trend that, against the backdrop of evolving digitisation and convergence, there is higher political pressure on PSM to justify their role in today's society. In 2018, eyes will particularly focus on Switzerland, where a public vote on the "*No-Billag Initiative"*, proposing to abandon all forms of public funding of Swiss TV and radio stations, will take place on 4 March 2018.

A plenary session devoted to **public service and public interest content in the digital age** will provide room for a timely discussion focusing particularly on investment and financing aspects:

- **Spring session** "**Public service & public interest content in the digital age: taking stock of stakeholders' views"**
  The spring session will bring together a selection of key stakeholders to present their views on the challenges they face in the provision, distribution and delivery of public service and public interest content. What is taking place in genre investment? How best to incentivise investment in underrepresented genres? Does the trend of global players such as Netflix, Apple, Amazon and Facebook investing in content impact on PSBs? What role can commercial providers play in the delivery of public interest content? And what are the expectations of the players and the audience in terms of funding and regulation?

- **Autumn session** "**Public service & public interest content in the digital age: the role of regulators"**
  The session will focus on the role of regulators and current experiences and best practices around issues of financing and investment in public interest content. How to ensure distinctiveness? Do regulators encourage investment in specific genres? What schemes work best? How should public service content be supported while balancing the interests of commercial players? How can we make sure that, in the changing ecosystem, public service and public interest content are given due prominence and that consumers can access such content no matter the platform or the interface they use? Could closer cooperation between media regulators and other organisations, such as film funding bodies and internal PSB governing structures be helpful?

PLENARY SESSION 2: "The Regulation of political communication and the challenges of social media"

The second plenary theme will be a direct continuation of discussions held among EPRA members for the past two years around issues of dis-information, mis-information and mal-information. In 2016, an annual working group on "*Media in Times of Crisis"* looked at strategies, responses, regulation and co-regulation of issues linked to incitement to crime, terrorism and reporting on crisis situations and how to deal with bias, false and deceptive materials from the perspective of service providers and regulators. Building on the outcome of the working group, a plenary theme in 2017

focused on the challenges and opportunities that news encounters in the digital age and the role of regulators in the implementation of accuracy, objectivity and impartiality in practice. One key question that arose from the debates was the role of new online players and social media in particular and how to understand their impact on programme making, on accuracy, objectivity and impartiality, on trust in the media overall, on the role of NRAs - and also on electoral processes.

In continuation of this theme, issues pertaining to the coverage of elections and referenda and, more generally, on challenges of political communication in the digital age will be addressed. The regulation of political communication and political advertising on traditional media was a vivid and recurring topic within EPRA about 10 years ago. In 2013, an ad hoc working group provided an update on issues of concern and addressed some emerging challenges raised by new media. An in-depth debate on these issues is long overdue, especially after a very busy electoral year and the publication of recent comparative reports by the European Audiovisual Observatory[1] and the Council of Europe[2].

A timely plenary theme will thus focus on current trends and challenges faced by regulators in safeguarding the democratic, fair and balanced coverage of elections and referenda in the digital age.

- **Spring session "Political communication & the challenges of social media: Recent case studies and initiatives"**
  The spring session will examine the ability of social media to influence - with case studies on how social media has been used to shape the outcome of recent elections and referenda. It will also look at how political parties and political movements have used online media to influence political outcomes both positively and negatively. It will also examine what governments and media providers, such as Facebook and Twitter, are currently doing to combat the undemocratic manipulation of elections and referenda via traditional and online media, e.g. with self-regulation initiatives and other regulatory practices.

- **Autumn session "Political communication and the challenges of social media: What role for regulators?"**
  The session will focus on how regulators can ensure a fair and balanced representation of parties, political opinions and politicians in an online environment characterised by the increasing influence of social media. It will examine the role of broadcasting regulators currently with regard to the democratic coverage of elections and referenda, and how this role may develop, e.g. as a consequence of the potential extension of regulatory scope to social media in the revised AVMS Directive. It will also look at the feasibility of extending bans or restrictions on political advertising to the online sector. It will also explore opportunities for reinforced cooperation with other regulators active in this field, such as electoral commissions.

3. Working Groups for 2018

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[1] IRIS Special on "Media coverage of elections: the legal framework in Europe"

[2] CoE feasibility study "On the use of the internet in electoral campaigns"; Feasibility study on a "Standard setting instrument on media coverage of elections with a specific focus on gender equality";

Working groups during EPRA meetings allow for more practical and focused exchanges than in the plenary sessions and facilitate interaction between members. Two of them are **biannual groups** whose topics are for discussion in the spring and autumn meetings to enable continuity and to cover various angles of one topic. The other two are ad hoc groups (i.e. topic addressed at just one meeting) aimed at addressing topical, emerging issues.

For our biannual working groups in 2018, based on members' suggestions, the following two topics have been selected:

- **Commercial Communications 2.0.**
- **Achieving greater diversity in broadcasting: benefits and best practice approaches**

Both topics will allow for discussions with a practical orientation on key missions of regulators, enable the exchange of experience, best practices and expertise and thus will be likely to reinforce the practical cooperation between regulatory authorities on key issues of relevance.

3.1.   WG1: Commercial Communications 2.0 (Biannual WG)

The effects of online advertising formats, such as video blogs, advergames, mobile apps, YouTube channels or pre-rolls, on children and teenagers were one focal point of the second EPRA plenary session in Vienna in October 2017, with the presentation of preliminary findings from the interdisciplinary research project AdLit and a panel debate on future perspectives for regulation. Integration, personalisation, entertainment and interaction are characteristics of hybrid online advertising formats. These characteristics can raise new challenges for regulation. Some regulatory provisions are potentially applicable to digital advertising formats but practical implementation is scarce and guidance for advertisers limited. Key definitions should also be clarified. Against this background, enhanced coordination between regulatory bodies, incl. self-regulatory bodies, media regulators, data protection authorities and consumer protection bodies and ombudsmen could be of benefit as well as raising awareness among consumers on complaint procedures, and among advertisers of existing self-regulation regimes and legislation.

A biannual working group on "Commercial Communications 2.0" will allow for more practically-oriented discussions to better understand the variety of online advertising formats, the issues at stake and exchange on recent experiences on the particular role played by media regulators.

- **Spring session: Commercial Communication 2.0: Mapping changes**
  The session will focus on presentation of case studies on new forms of commercial communication, such as programmatic and targeted advertising to EPRA members. This group will also offer an opportunity to hear the point of view of a range of selected stakeholders, on the impact of the changes brought about by new technologies and changing patterns of consumption, and on the expectations they have of regulators. How are advertisers re-thinking audiences and using advanced segmentation to replace traditional mass marketing? What is the perspective of broadcasters and consumer associations?

- **Autumn session: Commercial Communication 2.0: The respective roles of regulators**
  Based on the output of the first session, the second sitting will assess the current range of tools and approaches that NRAs have and whether (and how) the role of regulators should change. The session will, in particular, focus on the proposed changes in light of the revised AVMS Directive and on the way NRAs plan to approach the changes, particularly from the perspective of the potential inclusion of video sharing platforms. It will also explore opportunities for reinforced cooperation with other regulatory bodies (including self and co-

regulatory authorities) active in the field of commercial communications, consumer and data protection.

3.2.   WG2: Achieving greater diversity in broadcasting: benefits and best practice approaches (Biannual WG)

Four years have elapsed since the EPRA session in Tbilisi on "Ensuring Diversity and Inclusion in the Media" explored how national regulators approached predominant means of representation of age, social class, ethnicity, gender, sexuality and disability in the media. In the meantime, the issue of how to achieve greater diversity in broadcasting has gained prominence in many jurisdictions and at the European level. As an example, the Council of Europe Recommendation on Gender Equality in the Audiovisual Sector of September 2017 invited governments of Council of Europe member states to review their legislation and policies; collect, monitor and publish data; support research; encourage the ongoing development of media literacy and enhance the accountability processes. With regard to monitoring methods, regulatory authorities were invited to 'contribute to the collection of data, commit to the publication of such data and adopt measures to achieve gender equality and visibility for women based on the findings'. Performance indicators pertinent to broadcasting regulatory authorities included on-screen and off-screen indicators to assess gender disparities in the sector.

Against this background, this biannual group will look at practical ways to encourage a better representation of society on the screen by addressing the issues through the specific angles of gender representation and social, cultural and ethnic minorities in two separate sessions.

- **Spring session: Achieving greater diversity in broadcasting: special focus on gender**
  The first session will focus on how to facilitate greater gender representation in broadcast media. It will examine the current role of the broadcast regulator in the fostering of gender equality, look at mechanisms currently in place for measuring gender equality in broadcast media, and identify the gaps that currently exist, as well as solutions which are required. The group will also examine current initiatives to measure and promote gender equality that have been undertaken by other organisations and discuss how these approaches may be used to assist in informing future policy on increasing gender equality in broadcast media. Finally, the group will discuss what other tools and approaches exist, and/or are required, to achieve greater gender equality in broadcasting.

- **Autumn session: Achieving greater diversity in broadcasting: the whole picture**
  The second session will focus on how to facilitate wider diversity in broadcast media, notably in terms of age, ethnicity, disability and sexuality. Group participants will examine the role of the broadcast regulator in the representation of diversity, look at mechanisms that currently exist for measuring diversity in broadcast media, produce a gap analysis and identify potential solutions. The group will also hear about current initiatives to measure and promote representative diversity that have been undertaken by other organisations and discuss how these approaches may be used to assist in informing future policy on increasing representative diversity in broadcast media. Finally, the group will discuss what other tools and approaches exist, and/or are required, to achieve greater diversity in broadcasting.

3.3.   WG3: Ad hoc working groups (two groups convening just once)

The third working group will address ad hoc themes on the occasion of the meetings in spring and autumn.

- **New challenges for Privacy** (spring session)
  This ad hoc group, which will coincide with the enforcement date of the General Data Protection Regulation (GDPR), will look at the evolution of the concept of privacy in traditional television as a result of the growing influence of reality shows and social media. Is traditional investigative journalism sometimes "pushing the limits" in their ambition to attract viewers? Are reality shows setting new standards on privacy and is this having an impact on traditional forms of journalism? If so, is this a problem? The group will address the issue of the balance between public interest and the right to privacy, and may explore links between privacy and the targeting of paid-for information. It will look at definitions and scope, case-law, regulatory decisions and their impact as well as issues linked to the implementation of the GDPR.

- **"Spotlight on AVMSD: Implications for cooperation between NRAs from EU and non-EU countries"** (autumn session)
  This ad hoc group – scheduled for autumn - will be an information session on the revised - hopefully adopted by then - AVMS Directive. The focal point will be on practical implications for EPRA members from EU and non-EU countries, in particular with regard to cooperation matters. The discussions in the Working Group on licensing in Vienna in October 2017 highlighted that cooperation between NRAs will be more important than ever under the new AVMS Directive. Networks of regulators, such as EPRA and ERGA, have a key role to play in facilitating such cooperation. The group will also address the impact of the enduring standstill in the revision of the European Convention on Transfrontier Television, which also applies to non-EU countries, on issues of cooperation.

4. Taskforce on guidelines to establish a national media literacy network

In 2017, EPRA ran a biannual Working Group on Media Literacy whose final outcome was the production of a comparative paper on "Media Literacy: Focus on the Role of Regulators". The suggestions sent by members for the Work Programme 2018 showed the continuing interest of many regulatory authorities in this topic, even after two meetings of a Working Group dedicated to this issue. While the present Work Programme has to cover other important themes, the EPRA Board also wished to acknowledge this continued interest by proposing a side activity centred on Media Literacy in 2018.

One key finding of the final output document is that working in collaboration with other stakeholders is a priority for many regulators. However, fewer than half of the respondents to our survey indicated that there was a forum in their country where media literacy stakeholders could share best practice or work together. The aim of the activity is to produce guidelines, as a kind of "check-list", on how to establish a national media literacy network.

Media literacy expert Martina Chapman has kindly agreed to work on such draft guidelines. The draft will then be circulated to interested EPRA members by email for feedback, comments and eventually finalisation.

At a glance: EPRA's WORK PROGRAMME for 2018

Spring Meeting: LUXEMBOURG, 23-25 May 2018

At the kind invitation of ALIA

PLENARY SESSION I
GENERAL THEME: "The future of public service and public interest content in the digital age"
FOCUS: "Taking stock of stakeholders' views"

PLENARY SESSION II
GENERAL THEME: The Regulation of political communication and the challenges of social media"
FOCUS: "Recent case studies and initiatives"

WORKING GROUP I: Commercial Communication 2.0: Mapping changes

WORKING GROUP II: Achieving greater diversity in broadcasting: special focus on gender

(AD HOC) WORKING GROUP III: "New challenges for Privacy"

Autumn Meeting: BRATISLAVA, 10-12 October 2018

At the kind invitation of CBR

PLENARY SESSION I
GENERAL THEME: "The future of public service and public interest content in the digital age"
FOCUS: "The role of regulators"

PLENARY SESSION II
GENERAL THEME: The Regulation of political communication & the challenges of social media"
FOCUS: "What role for regulators?"

WORKING GROUP I: Commercial Communication 2.0: The respective roles of regulators

WORKING GROUP II: Achieving greater diversity in broadcasting: the whole picture

(AD HOC) WORKING GROUP III: "Spotlight on AVMSD: Implications for cooperation between NRAs from EU and non-EU members"

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