



26 January 2016

**Press release ERGA-reports: “The protection of minors in a converged environment” and “Material jurisdiction in a converged environment”**

Today ERGA (the European Regulators Group for Audiovisual Media Services) published reports on the protection of minors and the scope of the Audiovisual Media Services Directive (AVMS) Directive. These reports were adopted in December 2015 as a result of ERGA’s first Working Program determined by its former chair Olivier Schrameck (CSA).

**Protection of minors in a converged environment**

The protection of minors is a fundamental public policy objective within the EU Member States. Parents across Europe are increasingly worried about the easy access of their children to potentially harmful online content. Amongst children the use of smartphones and tablets on Wi-Fi and 4G networks is widespread. The proliferation of devices and delivery platforms in combination with faster and cheaper connections make children more vulnerable to harmful content than ever before. The ERGA subgroup headed by the regulator from the Netherlands (CvdM) prepared the *Report on the protection of minors in a converged environment*. It contains clear recommendations for the next revision of the AVMS Directive.

ERGA finds that the current distinction in the AVMS Directive between television-content and online content is no longer useful. Technical tools that are efficient, easy and affordable should be developed and distributed to implement warning and protection across all services. In order to stimulate the creation of common technical interfaces, ERGA encourages more collaboration between stakeholders. Of course the role of parents remains important and

they should have at their disposal the widest set of tools to protect their children.

Madeleine de Cock Buning, ERGA sub-group chair said: *“The media-landscape is changing rapidly. To protect our children any audiovisual mass media content, cinema, DVD as well as Video on Demand and other online distribution should be taken into account in the revision of the legislative framework. ERGA draws common conclusions on a system that is indeed able to protect minors in a converged world with clear minimum standards and leaves room for flexibility making it both future proof and sensitive for the cultural differences within the EU.”*

<https://ec.europa.eu/digital-agenda/en/news/erga-report-protection-minors-converged-environment>

### **Scope of the AVMS Directive: material jurisdiction**

The scope of the AVMS Directive is one of the key issues in the debates leading up to the review and an area which raises a number of very important trade-offs. Striking the right balance will be essential to guarantee the continued delivery of the goals of the AVMS Directive in an effective, proportionate manner. Due to significant changes in the market in the years since the Directive was adopted, ERGA considers that the current approach may need to be adapted in some areas in order to continue to provide a strong level of audience protection and a sustainable audiovisual content ecosystem.

In particular, drawing on members experiences of applying the criteria that exist to determine scope, we noted different national interpretations, and new models of delivery, involving so-called digital platforms or intermediaries, that raise questions about how these concepts should be applied or may evolve. ERGA recommends that the Commission look at ways of improving the level of clarity and harmonisation over where the boundaries of scope fall under a revised Directive. This will be fundamentally important to provide certainty for viewers, the audiovisual industry and regulators.

A subgroup chaired by the UK regulator Ofcom investigated how the scope of the AVMS Directive should evolve. *The Report on Material jurisdiction in a*

*converged environment* puts forward a number of recommendations to the EU Commission. Steve Gettings, sub-group chair: *“This report marks an important step in consolidating the experiences and expertise of European NRAs who have first-hand experience of regulating audiovisual content in an increasingly converged world. It’s important that a revised Directive can continue to deliver audiovisual public policy goals in a sustainable and predictable fashion, recognising that the market is evolving rapidly”*.

<https://ec.europa.eu/digital-agenda/en/news/erga-report-material-jurisdiction-converged-environment>

## **Report on independence**

The protection of minors and material jurisdiction were not the only two topics ERGA subgroups were dealing with during the last year.

The report of a third sub group tackling the current topic of independence of regulatory authorities and headed by the Italian authority AGCOM was also adopted on 15 December 2015. This report was published on 11 January 2016, the same day when ERGA issued a statement on the necessity of independent media following the developments in Poland. In its report ERGA calls on the Commission to revise the AVMS Directive in order to ensure the independence of audiovisual regulatory bodies. The Report provides recommendations on the characteristics of the independent regulatory authorities and asks the Commission to take them into account in order to foster the independence of regulatory authorities.

For more information regarding this report and the statement you can check:

<https://ec.europa.eu/digital-agenda/en/news/statement-european-regulators-group-audiovisual-media-services-erga-necessity-independent-media>

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