

Media Board Working group 3 – 2025 Terms of Reference (ToR)

Name of the Working group	Media Business environment
WG Chair, NRA	Giacomo Lasorella, AGCOM (ITALY)
Background	<p>The European Board for Media Services (the “Media Board”) was founded through the European Media Freedom Act (EMFA) on April 11, 2024, succeeding the European Regulators’ Group for Audiovisual Media Services, which had been in place since 2014.</p> <p>This Working Group 3, established as part of the 2025 Work Programme, will play a key role in executing parts of the Media Board’s Multiannual Strategy, focusing on three core objectives:</p> <ul style="list-style-type: none"> • Priority 1 - facilitating a smooth launch and efficient functioning of the Board and, more specifically, pillar 1.2, because it will allow the Board to set up a well-developed network of stakeholders from the broader media and journalistic industry and civil society, going beyond the audiovisual media sector, in order to gather the insights and feedback relevant for the Media Board activities); • Priority 2 - offering expertise to promote a consistent regulatory approach across Europe and, more specifically, pillars 2.2 and 2.3, because it will foster clear and efficient cooperation among relevant authorities and institutions – competent for the various frameworks and procedures – in order to allow a free, pluralistic and safe media environment, online and offline and because it will contribute to creating a European dimension and coherent approach to media regulation especially through its opinions on various EMFA-related matters; • Priority 3 - ensuring the stability and adaptability of the internal media market in a rapidly changing environment and, more specifically, pillars 3.1 and 3.3, because it will give due consideration to the specificities of the press sector, and the role of online platforms in the media ecosystem, will foster the effective implementation of the media-related obligations and will support the economic viability of the media sectors. <p>More specifically, to support the implementation of EMFA, this Group is tasked with providing essential guidance on the topics related to media business environment (art 18, 19, 20 and 24), while also assisting in the preparation of the Media Board’s official opinions (art 18.6) and of the Commission’s guidelines (art 24.4).</p>
Working group scope and purpose	<p>The Working group “Media Business environment” (WG3) will focus on the monitoring of the implementation of articles 18, 19, 20 and 24 of EMFA. These articles of the EMFA are aimed at ensuring and safeguarding the efficient functioning internal media market (hence the WG Title “Media Business environment”), the economic viability and resilience of the media sector, by promoting competitiveness within the media ecosystem, media pluralism and editorial independence of media service providers in the internal market. For this purpose, it is proposed for the WG3 to engage in the following workstreams:</p> <p style="margin-left: 40px;">1. Audience Measurement</p> <p>Art 24 of EMFA imposes that:</p> <ul style="list-style-type: none"> a) audience measurement systems and methodologies must comply with principles of transparency, impartiality, inclusiveness, proportionality, non-discrimination and verifiability.

- b) providers of proprietary audience measurement systems are obliged to make available, at the request of media service providers and advertisers (and third parties authorised by them) detailed information on the methodology of their systems
- c) Media regulators to encourage the drawing up of codes of conduct by providers of audience measurement systems, together with media service providers, their representative organisations and any other interested parties, that are intended to contribute to compliance with the principles referred to in paragraph 1, including by promoting independent and transparent audits
- d) The Commission, assisted by the Board, may issue guidelines on the practical application of paragraphs 1, 2 and 3 of this Article
- e) The Board shall foster the exchange of best practices related to the deployment of audience measurement systems through a regular dialogue between representatives of the national regulatory authorities or bodies, representatives of providers of audience measurement systems and other interested parties

Article 24 enters into force on August 8, 2025. To be prepared to its effective implementation, the WG will gather information on the activities carried out in the various Member States concerning audience measurement, will draft a report which will evaluate the state of play of audience measurement in Europe and will identify the best practices and will assist the Commission in the preparation of guidelines as per Art. 24 (4)

The deliverable of the workstream will therefore be a detailed report evaluating the state of play of audience measurement in Europe, identifying the best practices and offering recommendations for setting up an efficient audience measurement system in all the Member States, by the end of Q4

2. Media Privilege and Structured dialogue

Articles 18 and 19 of EMFA state that VLOPs must put in place a functionality allowing media service providers to declare that:

- i. they are media service providers
- ii. they are editorially independent from the State and third countries
- iii. they are subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial standards

With a view to facilitating the consistent and effective implementation of this Article, the Commission shall issue guidelines to facilitate the effective implementation of the functionality referred to in paragraph 1.

In case they intend to suspend their content on the grounds of incompatibility with terms and conditions, VLOPs must send a statement of reasons to media service providers prior to the suspension and must give the media service provider the opportunity to reply to the statement of reasons within 24 hours of receiving it or, in the case of a crisis as referred to in Article 36(2) of Regulation (EU) 2022/2065, within a shorter timeframe which allows the media service provider sufficient time to reply in a meaningful manner

The complaints sent by media service providers concerning the implementation of the provisions of articles 18 and 19 must be prioritized.

In case of frequent restrictions or suspensions of the content, VLOPs must engage in a meaningful and effective dialogue with the media service provider, at its request, in good faith with a view to finding an amicable solution. The media service provider may notify the outcome and the details of such a dialogue to the Board and to the Commission. The media service provider may request the Board to issue an opinion on the outcome of such a dialogue (art 18.6), including, where relevant, recommended actions for the provider of a very large online platform. The Board shall inform the Commission of its opinion.

The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 18 of this Regulation, to foster access to diverse offers of independent media on very

large online platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference. The Board shall report on the results of the dialogue to the Commission

Articles 18 and 19 enter into force on August 8, 2025. To be prepared to its effective implementation, the WG will organize a workshop with the interested stakeholders (many of which have already expressed strong interest in their answers to the Work Programme 2025 public consultation) to launch the structured dialogue activities, get ready to respond to the requests for opinions that might be sent by media service providers after August 8 and draft a brief Report to the Commission on the initial outcome of the structured dialogue (as foreseen by art 19).

The deliverable of the Workstream, therefore, will be the organization of the Workshop launching the structure dialogue activities, due by the end of Q4

3. Customization of media offer

Art 20 of EMFA states that:

- i. Users must be empowered to change the default settings of devices or interfaces controlling or managing access to and use of audiovisual media services in order to customise the audiovisual media offer according to their interests or preferences
- ii. Manufacturers and developers shall ensure this functionality when placing relevant products on the market
- iii. The Board shall foster cooperation between media service providers, standardisation bodies or any other relevant stakeholders in order to promote the development of harmonised standards related to the design of devices or user interfaces as referred to in paragraph 1 or to digital signals carried by such devices.

Article 20 enters into force on May 8, 2027. The goal of this Workstream, therefore, is to understand the views and positions of the various stakeholders and the difficulties connected to the implementation of the provisions on customization of the media offer. To achieve this goal, the Workstream will organize a workshop with all interested stakeholders (including the device manufacturers) to discuss all possible options to change the default settings of devices.

The deliverable of the Workstream will be the workshop with the device manufacturers, whose views and positions will be summarized in a short report, by the end of Q4.

Working group 2 Deliverables

WORKSTREAM 1 – Audience Measurement		
Deliverable 1	Deliverable type	Report
	Deliverable title	Report on the state of play of audience measurement in Europe audience, best practices and recommendations
	Due date	December 2025
	Approval procedure	December plenary
	Publication	Yes
WORKSTREAM 2 – Media Privilege and Structured dialogue		
Deliverable 2	Deliverable type	Workshop
	Deliverable title	“Structured Dialogue” kick off meeting – implementation of art 19 of EMFA
	Due date	November 2025
	Publication	No
WORKSTREAM 3 – Customization of media offer		
Deliverable 3	Deliverable type	Workshop
	Deliverable title	Implementation of art 20 of EMFA on customization of media offers
	Due date	October 2025

Workflow for Working group 3 (internal and external milestones)

To be further developed once the planning of the year (with the plenary and Contact Network meetings) will be decided.

Date	Action/deliverable	WG only	CN, Plenary, Publication
Spring	1st WG3 general meeting <ul style="list-style-type: none"> - Organization of the WG3 activities 	All members	
	Thematic WG3 meetings: <ul style="list-style-type: none"> - Audience Measurement – gathering data for the collection of best practices, - Media Privilege and Structured dialogue – initial discussion on the organization of the Structured dialogue workshop 	Interested members	
June	Media Board plenary meeting <ul style="list-style-type: none"> - presentation of the results of the data collection on Audience measurement 		CN and Plenary
Summer / autumn	Thematic WG3 meetings: <ul style="list-style-type: none"> - Organization of the “Structured Dialogue” kick off workshop. - Organization of the workshop on “Implementation of art 20 of EMFA on Customization of media offer”. - Drafting the Report on the state of play of audience measurement in Europe 	Interested members	
October	Workshop on “Implementation of art 20 of EMFA on Customization of media offer”	All members	
November	Workshop launching the Structured dialogue and the implementation of art 19 of EMFA	All members	
November	2nd WG3 general meeting <ul style="list-style-type: none"> - Discussion on the outcome of the workshops - Discussion on the short reports summarizing the results of the workshops, in view of their presentation to the Plenary 	All members	
December	Media Board plenary meeting <ul style="list-style-type: none"> - Report on the state of play of audience measurement in Europe, best practices and recommendations 		CN and Plenary

Participation by Media Board members / observers

Drafters	
Members	<u>Chair</u> : Giacomo Lasorella, AGCOM (Italy)
Observers	
<i>To be filled in after the adoption, based on the call for expressions of interest for participations in the Working group.</i>	
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