

Proto Working Group 4 – 2025 Terms of Reference (ToR)

Name of Proto Working Group 4 (WG 4)	Evolution of the media regulatory framework
WG Chair	Dr. Tobias Schmid, DLM (Germany)
Background	<p>Media regulatory authorities in the European Union are striving to effectively protect and strengthen a democratic media realm. Aiming to ensure and further stabilize media freedom in Europe, it is essential to consequently protect elements of such a democratic media order, namely the protection of the youth, human dignity and media plurality. The Media Board plays a crucial role in ensuring the effective protection of a democratic media environment within the European Union. Safeguarding media freedom in Europe requires a strong commitment to fundamental elements such as youth protection, human dignity, and media plurality.</p> <p>Building on the foundations laid by ERGA, the Media Board will continue to be actively engaged in protecting these elements. A growing significance of media usage online has led media regulators to shift significant parts of their work towards the protection of media freedom, including the aforementioned elements thereof, in the digital realm. Assessing the work done to protect media freedom online, it remains doubtful, whether platform providers alone are taking all the possible steps to protect media freedom. Beyond this, it is among the European Union's key priorities to ensure media freedom. This requires the enforcement of the underlying rules supporting the upholding of these values. Therefore, the Media Board will continue to support this aim.</p> <p>The Audiovisual Media Services Directive (AVMSD) has tasked Member States to protect citizens from illegal or harmful content. The AVMSD is to be subject of an ex-post evaluation by the European Commission by 19th December 2026 at the latest. Moreover, through the introduction of the Digital Services Act (DSA), the Union added a complementary regulation outlining the obligations for platforms to ensure a safe usage of their services. Putting this concept to the side of the AVMSD has been a crucial addition to the existing legal framework. It results in a situation in which the authorities of the Member States and the European Commission must complementarily enforce European Regulations and the laws of the Member States, sometimes addressing the same services pursuing a different regulatory goal.</p> <p>Additionally, the European Media Freedom Act (EMFA) added new competences and provisions for media services. Moreover, the Union introduced a dedicated framework for political advertising with the Regulation on Transparency and Targeting of Political Advertising (TTPA). Furthermore, while legislation like the Artificial Intelligence Act (AI Act) applies broadly across various sectors, the national implementation of new cross-sectoral rules may, in certain instances, assign specific roles to national media regulators within the national oversight systems.</p> <p>With these developments in mind, it is to be asked if and where there is room for improvement and/or gaps in the implementation on the way to reach the abovementioned goals. As the Media Board's work programme states, WG4 will focus on the evolution of the media regulatory framework and the</p>

	<p>interplay with other legal acts, including the DSA. Further, the work programme notices that this work will build on the activities of ERGA's Subgroup 4 on "EU regulation of digital services – implementation, enforcement and the role of audiovisual regulators" in 2024.</p> <p>Said Subgroup has identified the following issues:</p> <ol style="list-style-type: none"> 1. To support authorities in navigating both new and existing procedures, ERGA's SG4 in 2024 developed a handbook-style assessment. This resource provides a comprehensive overview of the mechanisms for collaboration in place aiming to help authorities to navigate both new and existing procedures and to make informed decisions when aiming to protect a democratic media order across borders. 2. There are some gaps in the European legal framework for media services. Such gaps include the effectiveness of cross-border enforcement, especially against media outlets from third countries trying to disrupt the democratic discourse. Moreover, there may be practical issues when needing to apply different procedures from the E-Commerce Directive and the AVMSD when enforcing law across borders. Thirdly, last years' SG 4 concluded it might be considered to make sure that national rules on services of general interest can be effectively enforceable across borders. 3. With the AVMSD and the DSA in place, there might be interactions when enforcing both laws. A complementary approach, however, allows regulators to apply both legal frameworks in parallel. ERGA's analyses concluded that the legal frameworks pursue different aims and have different starting points. A common approach in the practical appliance of the legal framework might be beneficial to allow a smooth implementation. <p>Therefore, in line with the Media Board's draft work programme for 2025, it is reasonable to further assess the evolving media regulatory framework within the following areas of work.</p>
<p>Working Group scope and purpose</p>	<p>Implementing the Media Board's 2025 Work Programme and following up on the work done by ERGA's Subgroup 4 in 2024, WG4 will engage in three main topics:</p> <ol style="list-style-type: none"> 1. With the complementary nature of the DSA towards AVMSD as a starting point, WG4 will assess a smooth interaction between the AVMSD's content-approach in comparison to the systemic approach of the DSA. Out of this system, the Member States and the European level have complementary enforcement powers. Therefore, the WG will build on the work done by an ad-hoc Taskforce for the contribution on the importance of ex ante content regulation in the digital ecosystem to be established by the Media Board. Moreover, WG4 will look at issues concerning the effective cross-border enforcement of the AVMSD. When providing the Media Boards input to the evaluation of the Directive, the WG will assess, based on dedicated exchanges, the question whether the AVMSD is still fit for purpose aiming to ensure a democratic media order in Europe. This will include aspects in relation to VSPs as well as cross-border enforcement as well as its relation to other legal acts. Issues around the legal instrument, advertising and the scope of the Directive will be also covered by this report. To this end, WG4 will closely cooperate with the other groups within the Media Board, particularly WGs1 and 6. 2. The WG will engage with the European Commission and other relevant players to support an effective, efficient and trustful

	<p>collaboration when complementarily enforcing the DSA and the laws of the Member States implementing the AVMSD. This work will take into account earlier communication between ERGA and the Commission regarding “operational principles” for their collaboration. To this end, WG4 will hold a workshop aiming to understand the different ways of working and to facilitate a mutual understanding of the respective enforcement actions. The aim will be to find a collaborative approach towards enforcing the AVMSD and the DSA side by side. This workshop will rely on the mapping done by ERGA’s SG4 in 2024 to find handover points and practical procedures.</p> <p>3. The WG4 will monitor, and, if needed, prepare a position of the Media board on other legislative and non-legislative developments, in particular the application of the Artificial Intelligence Act (AI-Act). The WG will also monitor developments on the future Digital Networks Act and possible implications for the audiovisual field. Closely cooperating with WG5, WG4 will monitor developments around the announced European Democracy Shield.</p> <p>WG4 will support the Commission in its ex-post evaluation of the AVMSD. WG4 will, therefore, look at possible areas where a revision of AVMSD might be considered, namely cross-border enforcement aspects and VSPs including possibly the scope, the legal instrument and quantitative advertising issues. The concrete content of this part of the WG’s work will be subject to a close coordination between WGs 1 and 4 throughout the working year.</p> <p>If requested under Art. 13(1c) EMFA, WG4 will coordinate the drafting and deliberation of the Media Board’s opinion.</p>
--	---

Working Group 4 Deliverables

Deliverable 1	Deliverable type	Report
	Deliverable title	Media Board's views with regard to the ex-post evaluation of the Audiovisual Media Services Directive focussing on cross-border enforcement, provisions on VSPs, the relation to other legal acts.
	Due date	2 nd plenary
	Publication	Yes
Deliverable 2	Deliverable type	Workshop
	Deliverable title	Workshop to set a basis on procedures and handovers between NRAs, the European Digital Services Board and the European Commission.
	Due date	September 2025
	Publication	No
Deliverable 3	Deliverable type	Legislative Monitoring and, if applicable, providing advice to the Commission
	Deliverable title	Overview of EU legislative initiatives relevant for media regulators
	Due date	June and December (plenaries, tbd, depending on if there are relevant initiatives)
	Publication	No

Workflow for Working Group 4 (internal and external milestones)

Date	Action/deliverable	Internal Working Group only, drafters	External CN, Plenary, Publication
2025			
April/May	1 st WG4 meeting <ul style="list-style-type: none"> • Setting priorities for the work of WG4. • Organising the division of tasks and responsibilities for the planned activities and deliverables of WG4. 	All members	
June	2 nd WG4 meeting <ul style="list-style-type: none"> • First exchange on the contents of Deliverable 1. • Update on the cooperation with the EBDS. 	All members	
June	1 st Contact Network <ul style="list-style-type: none"> • Update by WG Chair on the work done/ahead. 		CN
June (tbc)	Media Board Plenary meeting <ul style="list-style-type: none"> • Report by WG Chair on the work done/ahead. 		CN/Plenary
September	Workshop (Deliverable 2) Establishing practical procedures and handovers when applying the AVMSD and the DSA.	All members	European Commission; other relevant stakeholders
September/October	3 rd WG4 meeting <ul style="list-style-type: none"> • Discussion of draft deliverables. 	All members	
November/December (tbc)	Media Board Plenary meeting <ul style="list-style-type: none"> • Adoption of WG4 deliverables 		CN/Plenary/Publication