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*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

COMMUNICATION FROM THE COMMISSION

Guidelines pursuant to Article 33a(3) of the Audiovisual Media Services Directive on the scope of Member States' reports concerning measures for the promotion and development of media literacy skills

(2023/C 66/02)

I. INTRODUCTION

Media-literate people are able to make informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by different communication technologies. They are better able to protect themselves and their families from harmful or illegal content. Media literacy can also serve as a valuable tool of combatting the spread of disinformation by enabling users to critically assess the source of information and thus detect false or misleading content, as set out in the Commission Guidance on Strengthening the Code of Practice on Disinformation ⁽¹⁾. Media literacy therefore empowers people to participate in a more open and informed democratic debate.

The critical nature of media literacy and the need to strengthen it have been recognised in the European Democracy Action Plan (EDAP) ⁽²⁾ and in the Media and Audiovisual Action Plan (MAAP) ⁽³⁾. Enhancing digital skills and competences for the digital transformation including digital and media literacy is one of the strategic priorities of the Digital Education Action Plan ⁽⁴⁾.

Recital 59 of Directive (EU) 2018/1808 recognises that 'media literacy' refers to skills, knowledge and understanding that allow people to use media effectively and safely. To enable them to access information and to use, critically assess and create media content responsibly and safely, people need to possess advanced media literacy skills.

Media literacy should not be limited to learning about tools and technologies, but should aim to equip people with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact. It is therefore necessary that Member States, in addition to both media service providers and video-sharing platforms providers, and in cooperation with all relevant stakeholders, promote the development of media literacy in all sections of society, for people of all ages, and for all media. Progress in this regard should be followed closely.

⁽¹⁾ COM(2021) 262 final.

⁽²⁾ Communication from the Commission, European democracy action plan, COM/2020/790 final.

⁽³⁾ Communication from the Commission, Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation, COM/2020/784 final.

⁽⁴⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Digital Education Action Plan 2021-2027: Resetting education and training for the digital age COM(2020) 624 final.

The AVMSD ⁽⁵⁾ (Article 33a(1)) sets out new obligations for Member States to promote and take measures to develop media literacy skills.

Under Article 33a(2) of the AVMSD, Member States must report to the Commission on their implementation of that obligation 'by 19 December 2022 and every three years thereafter'.

Under Article 33a(3), 'the Commission shall, after consulting the Contact Committee, issue guidelines regarding the scope of such reports'.

Article 28b of the AVMSD also establishes, in the context of protecting users against illegal and harmful content, obligations for video-sharing platforms regarding media literacy. According to Article 28b(3)(j), Member States must ensure that all video-sharing platform providers under their jurisdiction provide for effective media literacy measures and tools and raise users' awareness of those measures and tools.

Under Article 28b(5), Member States must establish the necessary mechanisms to assess the appropriateness of any such measures taken by video-sharing platform providers and must entrust the assessment of those measures to their national regulatory authorities or bodies.

In line with Recital 5 of Directive (EU) 2018/1808, a social media service should be covered by these obligations if the provision of programmes and user-generated videos constitutes an essential functionality of that service. Providing programmes and user-generated videos could be considered to constitute an essential functionality of a social media service if the audiovisual content is not merely ancillary to, or does not constitute a minor part of, its activities ⁽⁶⁾.

Article 30b(3)(b) of the AVMSD states that the European Regulators Group for Audiovisual Media Services (ERGA) shall 'exchange experience and best practices on the application of the regulatory framework for audiovisual media services, including on accessibility and media literacy'.

Another forum for sharing best practice on media literacy activities and exploring synergies is the Commission's Media Literacy Expert Group (MLEG) ⁽⁷⁾. The Commission's Expert group on tackling disinformation and promoting digital literacy through education and training ⁽⁸⁾ has also been an important place for exchanges on effective European initiatives from the field of education and training.

In line with Article 33a(3) of the AVMSD, the present document aims to provide guidelines regarding the scope of Member States' reports on the measures for promoting and developing media literacy skills. Complementing the general objectives set out in the AVMSD, the guidelines also aim to help Member States share best practice on media literacy. In the process of issuing the guidelines, the Commission has consulted the Contact Committee, as required by Article 33a(3) of the AVMSD.

The guidelines are not binding. To the extent that the guidelines may interpret the AVMSD, the Commission's position has no bearing on any interpretation by the Court of Justice of the European Union.

⁽⁵⁾ For the purposes of these guidelines, references to the 'AVMSD' should be understood as references to Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 (OJ L 303, 28.11.2018, p. 69). The Directive is available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=SK>

⁽⁶⁾ See also Communication from the Commission 'Guidelines on the practical application of the essential functionality criterion of the definition of a "video-sharing platform service" under the Audiovisual Media Services Directive' (OJ C 223, 7.7.2020, p. 3).

⁽⁷⁾ The MLEG meets twice a year and offers an interactive space for discussions among Member States' representatives, with the participation of invited experts from the European and global media literacy communities. See <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=2541>

⁽⁸⁾ Contributing to the Digital Education Action Plan, the Expert Group published a Final report of its work with an overview of good practices and recommendations and Guidelines for teachers and educators on tackling disinformation and promoting digital literacy through education and training. See here: <https://education.ec.europa.eu/focus-topics/digital-education/action-plan/action-7>

II. REPORTING PERIOD AND MEDIA MARKET PLAYERS CONCERNED

1. Reporting period

Article 2 of Directive (EU) 2018/1808 requires Member States to transpose it by 19 September 2020. In view of this, Member States' reports should initially cover September 2020 - October 2022⁽⁹⁾. Subsequent reports should cover the respective periods of three years, ending in October of the respective last year of the period.

2. Media market players concerned

In accordance with Articles 33a(1) and 28b(3) of the AVMSD, Member States' reports should include at least media literacy measures pertaining to audiovisual media services and video-sharing platforms, as defined by the AVMSD.

III. STRUCTURE OF THE REPORTS

1. General overview

The reports should contain five sections (a. – e.; see below). The first two sections (a. – b.) should provide at least the information indicated in them. The third, fourth and fifth sections (c., d. and e.) are based on the best-effort approach when it comes to describing relevant measures indicated in them. Member States also have the possibility to include any additional information they deem pertinent to the report.

Every section of the reports should provide a list and, if possible, a brief description of the measures, arrangements, activities and developments. The brief description could include the main elements, such as the objectives, target bodies and/or demographics, methods of implementation and, if available, outcomes. As far as possible, the reports should also include references to sources of information, such as the relevant websites, even if only available in national languages.

2. Sections of the reports

a. *Legal and/or policy measures*

Member States should report on legislative measures and other measures of legal nature they have in place and, where relevant, those that are planned to promote and develop media literacy skills. In particular, they should report on the legal rules applicable to audiovisual media services and video-sharing platform providers, as defined by the AVMSD, including where such rules are part of broader media literacy frameworks, for example, covering all media services and/or all information society services.

As far as possible, Member States should also report on broader policy measures, such as national and/or regional strategies and action plans for promoting and developing media literacy skills.

To the extent that the applicable legal rules impose obligations on audiovisual media service providers and video-sharing platform providers to implement media literacy measures, Member States should, as far as possible, report on such measures for the providers under their jurisdiction. As regards video-sharing platforms, Member States should also report on their assessments of the appropriateness of media literacy measures implemented by video-sharing platform providers under their jurisdiction, taking into account the media literacy toolbox⁽¹⁰⁾.

b. *Organisational measures*

Member States should report about the organisational measures and arrangements in place to enable the implementation of the media literacy obligations under the AVMSD. In particular, Member States should indicate which authorities or bodies, at national, regional and/or local levels, as applicable, are responsible for promoting and developing media literacy skills as well as overseeing compliance with possible obligations imposed on audiovisual media service providers and video-sharing

⁽⁹⁾ Member States wishing to do so can also include references to measures or activities outside this reporting period.

⁽¹⁰⁾ <https://erga-online.eu/wp-content/uploads/2021/12/ERGA-AG3-2021-Report-on-Media-Literacy.pdf>.

platform providers. They should also indicate which specific tasks have been entrusted to these authorities or bodies. In this context, any tasks of independent media regulatory authorities in the field of media literacy should be specified.

As far as possible, the reports should also provide information on the stakeholder cooperation structure(s) and the different stakeholders cooperating with Member States' authorities and bodies for the purposes of their media literacy activities.

c. Public funding and other media literacy financing arrangements

Member States should make best efforts to describe the extent and timeframe(s) of the public financial resources allocated to promoting and developing media literacy skills. This should at least cover the budget at the national level. The reports could further describe briefly the funding instruments used to finance media literacy activities, including those aimed at attracting private financing.

d. Engagement and awareness-raising activities, including media literacy curricula

Member States should make best efforts to report on any engagement or awareness-raising activities they have in place for promoting and developing media literacy skills in all age groups in formal education and in lifelong learning perspective. As far as possible and if applicable, Member States could also refer to the relevant engagement and awareness-raising activities carried out by market players, scientific bodies or non-governmental organisations. These may include media literacy weeks as well as campaigns and training activities targeted at particular demographics, including young people.

In that regard Member States could explore the possibility of establishing structured means of communication with the national hubs of the European Digital Media Observatory (EDMO) ⁽¹⁾, funded by the European Commission. The goals of the national EDMO hubs include (i) cooperating with national media authorities on monitoring online platforms' policies and the digital media ecosystem and (ii) organising media literacy activities ⁽²⁾.

Where possible, Member States could also report on the inclusion of measures to promote and develop media literacy skills in formal educational curricula at different levels (primary, secondary, higher or other level of education and training, as appropriate) ⁽³⁾ either as a separate and/or cross-subject. This could also cover dedicated media literacy modules for teachers and trainers, in particular in initial teacher training and/or continuous professional development, as recommended in the Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry ⁽⁴⁾.

The reports could refer to the relevant media literacy resources available to the public, such as dedicated web portals, even if only available in national languages.

⁽¹⁾ <https://edmo.eu/2021/05/26/national-edmo-hubs-announced/>.

⁽²⁾ Currently, 14 selected national hubs have become part of the EDMO network, covering all 27 EU Member States as well as Norway in the EEA.

⁽³⁾ For the purposes of developing media literacy curricula, Member States may take into consideration the Digital Competence Framework for Citizens, available at <https://ec.europa.eu/jrc/en/digcomp/digital-competence-framework> as well as the Guidelines for Teachers and Educators on Tackling disinformation and promoting digital literacy through education and training, available at <https://op.europa.eu/en/publication-detail/-/publication/a224c235-4843-11ed-92ed-01aa75ed71a1/language-en>.

⁽⁴⁾ The Recommendation on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry is available here: EUR-Lex - 32006H0952 - EN - EUR-Lex (europa.eu).

e. *Evaluation measures and methods*

Member States which use or would like to introduce measures to assess the impact of regional or national media initiatives promoting media literacy, including performance measurement indicators to assess the impact of their media literacy measures and methods, are encouraged to list and describe such measures and their outcomes in their reports ⁽¹⁵⁾.

IV. PROCEDURAL REMARKS

As envisaged by Article 30b(3)(b) of the AVMSD, the ERGA must *'exchange experience and best practices on the application of the regulatory framework for audiovisual media services, including on accessibility and media literacy'*. Given this requirement, the Commission encourages national regulatory authorities to continue to exchange information and best practice on media literacy in the context of the ERGA, including with regard to the application of these guidelines.

To promote awareness and exchange of best practice, the reports of the Member States will be published on the Commission website.

The reports will also be useful in view of the targets on digital skills that are part of the Digital Decade Policy Programme 2030 ⁽¹⁶⁾, and they can feed into Member States' Digital Decade strategic roadmaps.

⁽¹⁵⁾ To assess media literacy levels, Member States may use existing evaluation frameworks. Such frameworks include the *'Study on Assessment Criteria for Media Literacy Levels: A comprehensive view of the concept of media literacy and an understanding of how media literacy levels in Europe should be assessed'* (<https://op.europa.eu/en/publication-detail/-/publication/115550fe-a89f-4086-82e5-c7573e26c38a>), *'Testing and Refining Criteria to Assess Media Literacy Levels in Europe'* (<https://op.europa.eu/en/publication-detail/-/publication/4cbb53b5-689c-4996-b36b-e920df63cd40>) and the *'Global media and information literacy assessment framework: country readiness and competencies'* developed by UNESCO (<https://unesdoc.unesco.org/ark:/48223/pf0000224655>).

⁽¹⁶⁾ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4).

APPENDIX

Template for Member States' media literacy reports

The following questions are suggested to structure Member States' media literacy reports. For more details of what could be included, please refer to section 2 of these guidelines.

a. Legal and/or policy measures

- Which legislative measures and other measures of a legal nature applicable to audiovisual media services and video-sharing platform providers does your country have in place or, where relevant, plans to promote and develop media literacy skills?
 - Are obligations imposed in your country on audiovisual media services and video-sharing platform providers to implement media literacy measures?
 - Which broader policy measures does your country have in place to promote and develop media literacy skills?
 - What is your assessment of the appropriateness of media literacy measures implemented by video-sharing platform providers under the jurisdiction of your country, taking into account the media literacy toolbox?
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b. Organisational measures

- Which authorities or bodies in your country are responsible for promoting and developing media literacy skills as well as overseeing compliance with possible obligations imposed on audiovisual media service providers and video-sharing platform providers?
Which specific tasks have been entrusted to them?
 - Could you provide information on the stakeholder cooperation structure(s) and the different stakeholders cooperating with your country's authorities and bodies for the purposes of their media literacy activities?
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c. Public funding and other media literacy financing arrangements

- Could you describe the extent and timeframe(s) of the public financial resources allocated in your country for promoting and developing media literacy skills and the funding instruments used to finance media literacy activities, including any that are aimed at attracting private financing?
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d. Engagement and awareness-raising activities, including media literacy curricula

- Which engagement or awareness-raising activities does your country have in place and which have been carried out by market players, scientific bodies or non-governmental organisations to promote and develop media literacy skills?
 - Has your country established structured means of communication with the national hubs of the European Digital Media Observatory (EDMO) or explored this possibility?
 - Which measures have been taken in your country to include the promotion and development of media literacy skills in formal educational curricula at different levels, teachers and trainers initial and continuous professional education, and to make relevant media literacy resources available to the public?
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e. Evaluation measures and methods

- Does your country use or would it like to introduce measures to assess the impact of regional or national media initiatives, including performance measurement indicators to assess the impact of media literacy measures and methods? If so, please list and describe these measures and their outcomes.
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Additional information

- Is there any additional information relevant to this report?
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