



# Industry's perspective : private broadcasters' viewpoint on the independence of regulators

*Ohrid, 27 May 2011*





## Starting Points



- Strengths, weaknesses and uses of the INDIREG study;
- The unexpected fashionable status of media regulation post Hungary
- The appropriate, if schizophrenic, way in which broadcasters view regulators



Broadcast regulation “inevitably brings with it a reduction in commercial freedom and in entrepreneurial spirit”

*James Murdoch*



“Democracy is the worst form of Government, except all those other forms that have been tried from time to time”

*Winston Churchill, 11 November 1947*

## What is the industry's attitude towards the independence of the regulator in terms of its connection with the quality and effectiveness of regulatory intervention?



- Political pressures on broadcasters are growing and multiplying;
- A genuinely independent NRA can be an essential ally to broadcasters – the Western Balkans provides some good examples
- Regrettable that Member States were unable to commit to a binding provision on independent NRAs in the AVMS directive

## Is there such thing as too much independence?



There can never be too much independence from government, but “independence is not an absolute”

Independence cannot be seen either as an absolute goal, nor as a purely linear relationship between government and NRA – this is the single most relationship but far from the only one

Independence does not mean “above the law”. “Independence” from courts should not be possible



# “Independence is not a linear relationship”

The idea that the only important relationship is between the government and the NRA is perhaps a hangover from the old days of state monopoly, when arm’s length relationships with government were the key criterion

Today’s NRA also has responsibilities and relationships with other institutions

- Obligation under AVMS to co-operate with self-regulatory bodies in advertising
- Telco regulators (where relevant)
- Press councils
- And what about the European Commission???

.../ continued



- Independence from the industry. You are not, and should not seek to be, cheerleaders or advocates for the commercial sector
- Responsibility as a neutral source of research about future trends in the sector?
- “Codependence”?



# Thank you! Questions?

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