



AKOS

Independence of the audiovisual regulators: the perspective of a converged authority

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- Electronic Communications (Market regulation, Spectrum Management, Numbering, Compliance, Dispute resolution)
 - Electronic Media: AVMS + Radio (Licensing, Monitoring)
 - Postal Services (Market Regulation and Monitoring)
 - Railway Market (Access to the infrastructure)

All that addressed by

- Individual decision-making organ: Director General
 - 78 staff members in 8 Departments
 - Electronic Media Department consists of 10 people
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Rules on appointing and releasing the executive director / council members

Annual plan, statutes, reports approved by the AKOS Council

Government: indirect financial and organizational influence (via AKOS Council)

AKOS Council: supervisory role


Electronic Communications Council: advisory role

Broadcasting Council: advisory role

Court of Audit: AKOS may be subject to auditing


Administrative Court: judicial review



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- Positive and negative effects
 - Benefits (acquis communautaire imposed the establishment of IRAs in electronic communications)
 - Threats (marginalization of the media activities, but also media pressures directed to the regulator's activities in telecommunications)
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- General policy implementing powers
 - Information collecting powers
 - Monitoring
 - Enforcement/Powers of sanction
 - Dispute/complaints handling

Important:

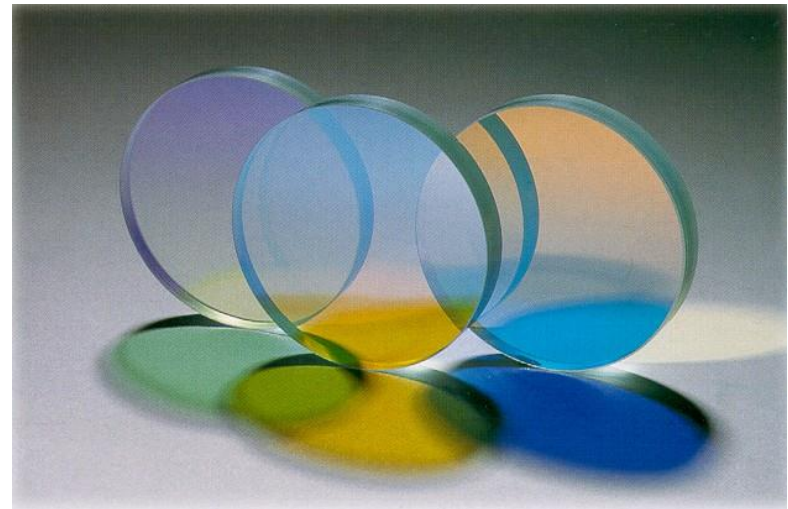
- Any party in the AKOS proceedings can lodge an appeal against AKOS.
 - But no one, apart from a court, can overturn the AKOS decisions.
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- Financing via fees collected from stakeholders (telecoms, broadcasters, postal and railway service providers)
- The fees are calculated in a way to cover the AKOS activities defined in the (approved) financial plan
- In case of delays in approving the AKOS financial plan:
stability of financing secured via the 'crisis financing' on the basis of the last approved plan (AKOS is allowed to collect the same amount divided per 12 months on a monthly basis until the plan is approved)

- Identified by the INDIREG study as a critical point
- Lack of criteria for senior staff
- Small team
- Tools / Outsourcing



- Transparency provisions on obligatory publishing, access to public information, relations with media, public consultations
- Rules for preventing conflict of interests



Legal framework is essential, but without the culture of the independence, neither the best legal solutions will have the desired effects.

