

40th EPRA meeting:**Tbilisi, 8-10 October 2014****Working Group 2****Independence of NRAs: Tools and Best Practices**Introduction, Objectives and Structure of the WG session

Jadranka Vojvodić, AEM (ME) and Maida Čulahović, CRA (BA)

Introduction:

The Working Group on Independence of NRAs is a yearly working group. The WG session held at the Budva meeting¹ focused on recent key developments in connection with independence of regulators, whereas the autumn session in Tbilisi, as set out in EPRA Annual Work Programme, shall *“look at tools and best practices to strengthen independence; the aim of the session will explore whether the definition of independence is changing; what are the key prerequisites and essential work processes to ensure independence; what is the role of effectiveness and transparency in the struggle for independence; what role can the industry and civil society play as essential allies to fend off political pressure? Can international and European institutions help, and if so how?”*

In preparation of the session, a questionnaire² was created in order to gain a better picture of different perceptions of independence (how regulators perceive their independence, how is their independence perceived by external players). The purpose of the questionnaire was also to gather information on actual tools, practices and work processes in order to identify what it is that RAs can do to enhance their independence.

The responses to this questionnaire are presented in the background document [EPRA/2014/11b](#).

Objectives:

The second WG session aims to address more practice - and experience - oriented aspects of independence, in particular work processes, effectiveness and transparency, focusing on the following:

- against the backdrop of tools and best practices identified in Indireg research, to explore actual work processes and practices employed by regulators in their day-to-day functioning that ensure and/or safeguard their independence;

¹ See background documents EPRA/2014/04a (<http://www.epra.org/attachments/budva-wg2-independence-of-nras-introduction>) and EPRA/2014/04b (<http://www.epra.org/attachments/budva-wg2-independence-of-nras-paper>) as well as WG Summary (<http://www.epra.org/attachments/budva-wg2-independence-of-nras-summary>)

² <http://www.epra.org/surveys/epra-wg2-questionnaire-independence-of-nras-tools-and-best-practices-to-strengthen-independence>

- independence as a matter of personal integrity i.e. RAs “personal” commitment to independence and ways to demonstrate it (integrity, bravery, knowledge, experience, personality...);
- tools that can help enhance public perception of independence;
- accountability and transparency mechanisms and their link to ensuring support of civil society and industry; the multi-faceted relationship of RAs and the industry and civil society (partner-regulator-regulatee) and how to reconcile potential conflict of interest;
- role of regular/periodic reports by independent organizations, best practices of monitoring and evaluation.

Structure of the session:

The WG session, which is sponsored by EPRA Chairwoman *Helena Mandić*, will open with a keynote address by *Kristina Irion*, Marie Curie fellow at the IVIR of the University of Amsterdam, who will provide an overview over methods to assess the de facto independence of NRAs as discussed in the literature and outline the findings of the INDIREG stakeholder survey in terms of positive correlations between the perception of NRA’s independence in relation to accountability/ transparency measures.

The keynote address will be followed by a panel of three EPRA members: *Johanna Fell* (DLM - DE), *Maria Borkowska* (KRRiT - PL) and *Frédéric Riehl* (OFCOM - CH) who will tackle the issue of *de facto* independence in their respective countries with a special emphasis on best practices.

All WG participants are strongly encouraged to actively participate in discussion and share their views and experience!

Possible (and non-exhaustive) list of issues for debate:

- how different RAs understand/perceive their independence
- transparency mechanisms and what impact they have in practice - (maximum) transparency as a way to enhance regulatory trust
- what regulators can do to maintain their independent position and efficiency in case of developments that are potentially jeopardizing such as changes in legal framework, new government, budget cuts...
- what else can be done: self-imposed measures, pro-active approach, advocacy measures, raising awareness about importance of regulatory independence?
- any success stories where RA managed to safeguard its independence?