



**46th EPRA Meeting Vienna**  
**12-13 October 2017**

**Working Group 3**  
**The changing relationship between regulators and citizens**  
**EPRA Background document<sup>1</sup>**  
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According to the last “Eurobarometer” on Pluralism, media and democracy, released by the European Commission in November 2016<sup>2</sup>, only one out of five EU citizens is able to quote the correct name of its audiovisual media regulator, 65% simply do not know their national (or regional) NRA, and only a minority (37%) consider their regulator independent. Even though this lack of awareness and trust varies a lot throughout the EU, the disconnection between citizens and regulators - or at least the perception of it - seems undeniable.

The theme of “the changing relationship between regulators and citizens” raised by this EPRA ad-hoc group covers a wide array of issues. It relates to all the ways NRAs can create contact with citizens, thus encompassing issues of public awareness, transparency and visibility as well as methodology aspects, etc.

## **1. Background**

The question of the relationship between regulators and citizens has already been raised incidentally on the occasion of several previous EPRA meetings.

In **2009 in Tallinn**, the 2<sup>nd</sup> plenary session was dedicated to “Transparency and accountability”. It revealed for instance that a vast majority of regulators were acting within a regulatory framework containing provisions dealing with accountability and transparency. Some of them were already publishing their regulatory strategy on a yearly basis, and many were implementing an open and transparent licensing procedure. On the other hand, rules on conflict of interests still remained scarce or weak.

A plenary session in **Barcelona in 2010**, which examined complaints handling procedures and numbers of complaints, also referred to several aspects of the regulators’ relationship with citizens.

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<sup>1</sup> Disclaimer: This document has been produced by EPRA, an informal network of 52 regulatory authorities in the field of broadcasting. It is not a fully comprehensive overview of the issues, nor does it purport to represent the views or the official position of EPRA or of any member within the EPRA network.

<sup>2</sup> Eurobarometer special n° 452, summary “Media pluralism and democracy”, European Commission, November 2016.

For instance the extent of the “guidance provided by RAs on how to complain”<sup>3</sup>, when available, was extremely variable depending on the regulatory authority,

Recently, at the 2<sup>nd</sup> plenary session of yet another **Barcelona meeting, in 2016**, numerous regulators brought to light significant initiatives aiming at restoring, when not building, the audiences’ trust in their NRA. It was an occasion to take stock of the communication policy tools used to reach the citizen: annual reports, newsletters, consultations on different occasions, guidelines, public meetings, and trainings. All these tools appeared to be entrenched as a matter of course in the remit of European NRAs: regulating the broadcasting activity and being accountable to citizens<sup>4</sup>.

## 2. Overview of today’s policies and tools at the disposal of EPRA members

In order to build up, to some extent, on this preliminary knowledge, EPRA members have been asked to report on any recent initiative or policy made to strengthen the links between their regulator and the citizens. Though only few countries provided a response<sup>5</sup>, common features however emerged with regard to the tools that the regulators use for that purpose. We identified five categories of emerging trends:

### a. Direct interaction through social networks

Social networks provide a forum for consumers where they can directly address the regulator.

**Ofcom (GB)** identifies a special purpose, a target audience, and a type of activity for each of the main ones: Twitter permits to ‘trend’ conversations, it targets consumers and opinion formers and it deserves to be daily planned, while LinkedIn aims at connecting with “others in the industry”, targets therefore broadcast and telecom professionals and requires only a twice-weekly posting with images. The British regulator applies what it calls “a golden rule of social interaction”: Advise in detail, Acknowledge interaction, Avoid conflict.

**The French CSA** recently witnessed a sharp rise in the numbers of Twitters’ followers (+ 106% in 2015) and its Facebook fans (+46%) and publishes these figures in its annual report. The agenda of the weekly plenary meeting of the Board is now available online each Wednesday, though the discussions remain confidential. The annual report of the CSA now comprises a section dedicated to “relations with other institutions and communication” where many figures are available.

**The German DLM** also indicates that Twitter is now considered a key tool and has a particular success among youngsters, and that it follows up complaints directly on this platform.

### b. Permanent reporting

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<sup>3</sup> EPRA/2010/06 “Complaints and sanctions : comparative background for the plenary session” 31<sup>st</sup> EPRA meeting, May 2010, E. Machet.

<https://www.epra.org/attachments/barcelona-2010-plenary2-complaints-sanctions-background-paper>

<sup>4</sup> EPRA 2016/06 “Plenary session 2: enforcement Policies, strategies and methods of NRAs”, 43<sup>rd</sup> EPRA meeting, May 2016, E. Machet

<https://www.epra.org/attachments/barcelona-plenary-2-compliance-and-enforcement-policies-strategies-and-methods-put-to-test-background-paper>

<sup>5</sup> Eight respondents : AT, CH (OFCOM), DE, ES (CNMC), FR, GB, NO, PL

Reporting to the audience goes hand in hand with accountability, and regulators seem to have broadened the field of accountability as much as they have accelerated the reporting pace.

For example, the British **Ofcom** publishes online every fortnight its “Broadcast and On Demand Bulletin<sup>6</sup>” which provides a precise follow-up on complaints handling and contains the outcomes of Ofcom’s investigations.

In **Spain**, **CNMC** launched last year a “register of interests group” to limit the capacity of any group to unduly influence the CNMC’s decisions, by giving citizens the possibility to track the activities of interest groups. This register, free, public and voluntary, already puts together 440 organisations.

### c. Standardisation and systematisation of consultations

Consultation tends to become the ordinary step prior to shaping or reforming a new regulation, as it enables regulators to understand the industry and consumers’ interests and mindset.

**The Polish KRRiT** mentions the adoption of “Consultation guidelines” in 2012, in line with European standards for public consultations defined by the European Commission in 2002. The regulator often uses this tool and applies a standardised procedure:

- the Chairman announces the launch of the consultation;
- the consultation is published in a public information bulletin;
- it must not be opened for less than 15 days and never for more than 8 weeks;
- a summary of the consultation must be published no later than 30 days after the deadline.

### d. Recent awareness raising actions

Raising awareness is a core mission of regulators in their relationships with citizens. As citizens are as multiple as audiences, awareness campaigns seem to be tailored for specifically targeted categories of people. The media used by regulators are also more diverse and original so as to best attract citizens. In an internet world where a consumer can quickly turn into a content provider, the awareness policies of regulators also tend to professionalise.

In **Switzerland**, **OFCOM** recently launched an original information campaign: it published a comic strip to illustrate the elementary precautions to be taken in the virtual world: “Stories from the internet<sup>7</sup>”, available in 5 languages online, recount the online adventures of the Webster family in the form of 15 anecdotes to help people of all generations tackle sexting, cyber-bullying, cyber addiction etc.

In **Germany**, **DLM** issued, in the shape of a leaflet, some guidelines on advertising on social media addressing to video bloggers but also their audience<sup>8</sup>. It provides a very practical and pedagogical approach of what should be considered surreptitious advertising or not and where the boundaries

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<sup>6</sup> <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins>

<sup>7</sup> <http://www.thewebsters.ch/en/>

<sup>8</sup> <https://www.die-medienanstalten.de/atrium/werbekennzeichnung-auf-youtube-instagram-snapchat-facebook-co/>

between content and advertising must be set. The **Norwegian Media Authority (NMA)** addressed the same issue thanks to an instruction video published on its webpage<sup>9</sup>.

For its part, **KommAustria** organised a conference<sup>10</sup> targeting new market entrants offering VoD-services, including especially young YouTubers, to make them aware of their statutory responsibilities and the regulatory framework in general, including the obligation to notify their service to NRA. The next step for the regulator will be to address personally these young YouTubers to request them to comply with the statutory provisions within a certain deadline. The group of citizens targeted was identified thanks to the commissioning of a study collecting empirical data regarding the YouTube-sector in Austria<sup>11</sup>.

#### e. Anti-fake news campaign and fact-checking guidelines

Consuming massively online news has become a regular trend in the all-digital era. Social networks help circulating and spreading immediate and permanent information. As “fake news” tends to spread faster and towards a growing audience, in particular when prominent topics are at stake (elections, terrorist attacks etc.), some regulators have started to provide guidance to help sorting out real and fake news.

The **Norwegian Media Authority (NMA)** seems to have the most noticeable initiative in this field: as general elections were approaching in this country, jointly with Facebook and a fact-checking service called Faktisk.no, the NMA published ten tips for spotting fake news online<sup>12</sup>. The tips were published both on the printed press on all levels (national, regional, local) and the top of the news feeds of all Facebook users in Norway with link to NMA’s media literacy website.

### 3. Purpose of the working group

The working group aims at identifying and sharing best practice and experience relating to current aspects of the relationship between regulators and citizens, thanks to concrete examples provided by EPRA members through presentations as well as interventions from the floor. An outsider’s perspective on the topic will also be provided to enrich the debate.

### 4. Speakers and presentations

*Siegfried SCHNEIDER is the Chairman of the Directors Conference of the State Media Authorities (DLM) since 2016 and President of the Bavarian media regulator (BLM) since 2011. Previously, he was a member of the Bavarian Parliament (1994-2011) and acted as Bavarian Culture and Education Minister (2005-2008) and then as Minister of the Bavarian state chancellery (2008-2011).*

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<sup>9</sup> [https://www.epra.org/news\\_items/guide-for-youtubers-and-video-bloggers-about-labelling-of-advertisements-nma-report](https://www.epra.org/news_items/guide-for-youtubers-and-video-bloggers-about-labelling-of-advertisements-nma-report)

<sup>10</sup> [https://www.epra.org/news\\_items/dos-and-don-ts-on-youtube-workshop-of-austrian-regulator](https://www.epra.org/news_items/dos-and-don-ts-on-youtube-workshop-of-austrian-regulator)

<sup>11</sup> [https://www.epra.org/news\\_items/rtr-publishes-study-on-economic-and-social-relevance-of-youtube-channels-in-austria](https://www.epra.org/news_items/rtr-publishes-study-on-economic-and-social-relevance-of-youtube-channels-in-austria)

<sup>12</sup> <https://www.medietilsynet.no/om/aktuelt/facebook-kampanje-om-falske-nyheter/>

He will share the Bavarian media regulator experience in terms of communication with citizens as it faces deep and fast changes spurred by digitization.

**Bernardo HERMAN** is General Director at the regulator of the Federation Wallonia-Brussels of Belgium (CSA). Prior to that, he held several positions in private and public organisations of the telecommunications sector. Between 2010 and 2014, he was acting as Head of “distributors and operators” directorate at the Belgian CSA.

His presentation will focus on how the CSA handles complaints procedures.

**Judith PURKARTHOFER** is President of the Community Media Forum Europe (CMFE), an international non-profit organization which provides a common platform for networks, national federations and projects active in the “third media”, or community media, sector.

She will present the particular perspective of Community Media – with its participatory, citizen-based approach and report on their interaction with regulators.

## 5. Questions for the debate

An open discussion with the working group participants will follow the presentations.

Questions for the debate could include the following:

### 1. Communicating with Citizens:

- Has your NRA developed (or is your NRA developing) a specific communication concept and/or strategy? If yes, what are the main features and reflections behind these concepts and/or strategies?
- What is your Authority’s experience with the use of social media? Has there been any assessment of your authority’s use of social media?
- How do you cooperate with audiovisual media services providers on public communication matters? Do you regularly discuss and agree with public service and/or private media providers on language rules and other forms of communication to the public regarding upcoming important developments in the media landscape of your country (for ex. digital switchover, switching-off of channels, increasing of the public service fee, fostering of services for the disabled etc.)?

### 2. Handling Citizens’ Complaints:

- How “user friendly” do you assess your complaints procedures? Is there anything you would like to improve? What?
- How are complainants involved in the complaints procedure? Are they for ex. kept informed about important steps of the procedure, including its outcome?
- Do you communicate with complainants solely on a written basis or do you also provide personal mediatory meetings with the complainants and the broadcasters (as for ex. several Ombudsmen do in Switzerland)? Do you organise public deliberations for complaints procedures?

- How much effort do you put into answering e-Mails and letters by citizens asking for information, asking for help or expressing criticism? Do you use a lot of default texts? To what degree do you prepare individual replies? How do you deal with the small amount of, but time-taking, correspondence with “frequent writers” and “troublemakers” (often using indecent language)?

### 3. **Consulting Citizens**

- Public Consultations: what are the dos and don'ts?
- How do you assess the usefulness of organising conferences and public meetings on media regulatory subjects in order to promote your public image?
- Are citizens fully recognised as stakeholders by regulators?

### 4. **Awareness and perception of media regulators (and of media regulation) by citizens**

- Why do citizens need to care about media regulation or media regulators?
- How to improve the awareness and perception of regulators among the general public? How far can mechanisms of accountability and transparency help?
- How do you assess the recent Eurobarometer results? Are you worried about them, too?
- Overall: do you see potential for improvement for the “popularity” of the regulator? Or do you think that such measures are merely a “wasted and fruitless effort”? If yes, why? (for ex. lack of resources, difficulty in communicating the complexity of the regulators’ role in society, etc.)
- What is your recipe to show the importance and the “added value” of your NRA’s work to the citizens? If you have such recipe, do you take into account the regulators’ role and contribution regarding current and widely discussed developments such as “fake news”, “echo chambers”, “quality loss in the media”, “Structural change in the media ecosystem” etc.?