

INDIREG

Study overview EPRA, October 7-8, 2010



HANS-BREDOW-INSTITUT
for Media Research at the University of Hamburg



PERSPECTIVE
Part of the Ingenious Consulting Network

Aim of study



- Detailed **legal description and analysis** of the audiovisual media services regulatory bodies in the Member States as well as in candidate and potential candidate countries to the European Union in the EFTA countries and in 4 third countries (43 countries in total)
- Analysis of the **effective implementation** of the legal frameworks in these countries
- Identification of **key characteristics constituting an “independent regulatory body”** in the light of the AVMS Directive

Course of study



- **Work Package 1:** **Theoretical framework**
- **Work package 2:** **Analysis the institutional, regulatory and legal framework of the media regulators**
- **Work Package 3:** **Analysis of practical implementation and effectiveness of institutional, regulatory and legal conditions concerning independent regulatory bodies**
- **Work package 4:** **Identification of key characteristics of a functioning independent regulatory body**

Time schedule



- Feb 2010: kick off
- 18 January 2011: Public Workshop
- 28 February 2011: Final Report

Data collection



- **Objective: gather empirical data on presence of formal and on de facto indicators of independence and efficient functioning**
- **45 tables sent to regulators and country correspondents**

Data collection: tables



- **General information (market data, identification of bodies, sectors covered, staff and overall budget)**
- **Institutional framework (legislation establishing bodies, legal status, independence recognised as value)**
- **Powers (supervision and monitoring, sanctions, complaints handling)**
- **Internal organisation and staffing (composition of board, competences, transparency, appointment processes, term of office, expertise, conflicts of interest, dismissals)**

Data collection: tables



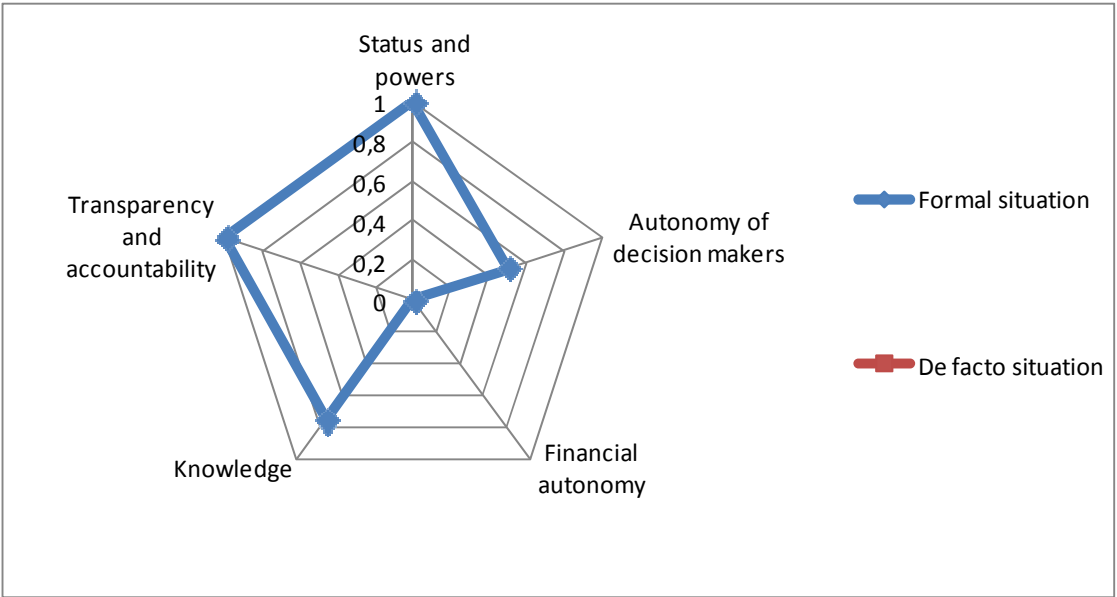
- **Financial resources (sources of income, annual budgets, financial accountability and auditing)**
- **Checks and balances (accountability, reporting, auditing, overturn, instructions, appeals)**
- **Procedural legitimacy (external advice, consultations, publicity of decisions)**
- **Cooperation**

Summaries



- **Country summaries** of the information contained in the tables (2 pages)
 - To be sent to regulators/ministries for final check
- **Issue summaries** of the models/trends found across countries

Ranking tool: will not be applied during project!!!



Ranking Tool



Each dimension is measured with a set of indicators

E.g. Status and powers:

- legal structure
- source of recognition of independence
- regulatory powers
- overturn & instructions
- sanctions
- power to decide internal organisation

Ranking Tool



Each indicator within each dimension is weighted (low – medium – high) and each situation receives a ranking (0-1). Highest ranking where least amount of external influence.

Weighting and ranking are fully justified

E.g. Can regulator be instructed (other than by a court)? (indicator)

No	1
Yes, by the parliament	0.3
Yes, by the government/minister in limited cases	0.2
Yes, by the government/minister in many cases	0

Stakeholder questionnaire



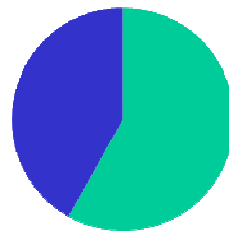
- **Aim: To validate de facto indicators**
- **Stakeholder asked to complete online questionnaire**

Stakeholder questionnaire: results



- 93 answers representing 30 countries
- Largest group represented commercial TVs and PSBs (then came civil society, and cable TV network operators)
- A sample of results:

Impartial regulation?



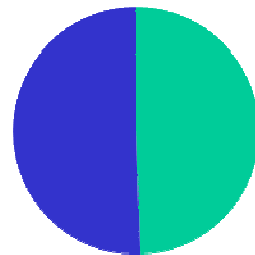
■ yes 58%

■ no 42%

Stakeholder questionnaire: some results



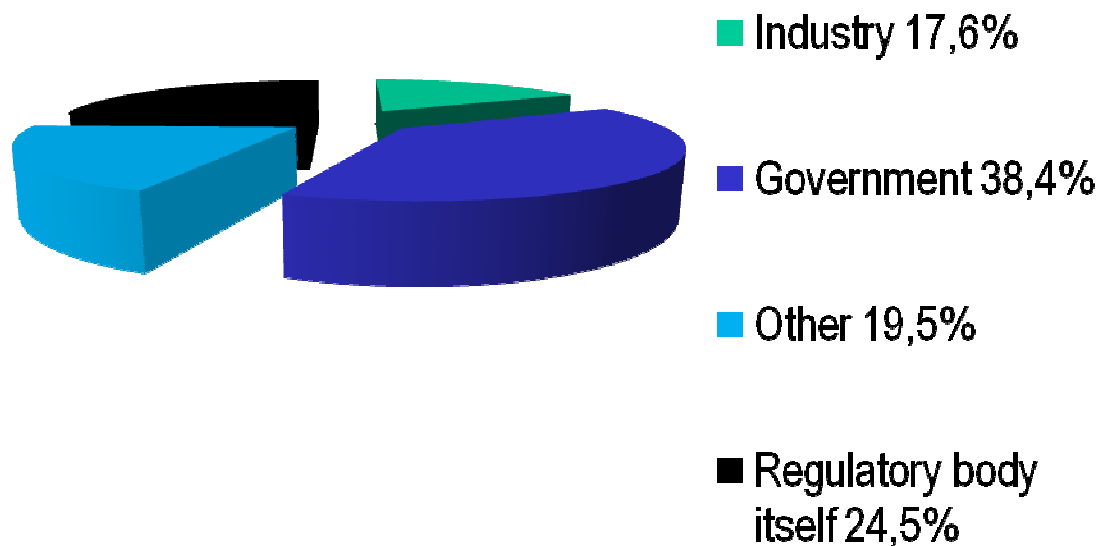
Consultations announced and conducted in inclusive fashion?



- yes 49,5%
- no 50,5%

Stakeholder questionnaire: some results

Senior staff likely to be recruited from:



WP4



To develop:

- **essential characteristics of independence and efficient functioning**
 - indispensable prerequisites for the correct application of the directive and to ensure an appropriate, balanced, transparent and impartial regulation
- **best practice characteristics of independence and efficient functioning and**
 - to equip Member States with the analytical means to specifically improve the institutional arrangements of their audiovisual media regulatory bodies

In-depth Country Analysis



- **Validation of essential characteristics:**
 - maximum of four countries representing different types of regulatory frameworks
 - two countries in which according to the hypothesis the essential characteristics are not met
- **Validation of best practice characteristics**
 - Two countries will be singled out which serve as best practice models

Thank you for your attention.

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