

## THE INDEPENDENCE OF MEDIA REGULATORY AUTHORITIES

The independence of media regulatory bodies is central to their credibility. It is the composition of related constituting parts including management boards, appointment panels, funding bodies, and code committees that is also revealing in any consideration of the issue of independence.

The independence of media regulatory authorities in the exercise of their regulatory powers *vis-à-vis* state bodies varies. The allocation of regulatory power in a few countries, such as Greece, has been unevenly balanced in favor of political bodies to keep key decisions within government; in others, although the powers are delegated to the independent regulatory authorities, the independent regulatory authorities are subject to a degree of politicization, as is the case in Bulgaria, Romania, Slovakia, and Turkey.

This suggests that independence in both theory and practice has been more difficult to achieve in countries with a recent tradition of authoritarian government, where the cultural conditions for such independence have not taken root.

In other countries, such as Belgium, Denmark, Finland, Germany, and the United Kingdom, the national reports point to greater independence of the regulatory authorities. Even in these countries, however, relations with government and with other institutions can be complex. There is, for example, a wide variety of appointment procedures and different rules relating to security of tenure for members of such authorities.

A model of governance and decision-making that draws on industry expertise and funding, and statutory recognition, but secures independence from both the state and industry, may be a useful approach.

Recognition in statute demonstrates a way of setting out the core purposes, administration, and functions of the media regulatory body and securing the independence of governance and appointments from funding. In cases where the State participates in self-regulation through financial incentives, either direct (government funding) or indirect (advertising practices of government institutions) an extra attention to the safeguards of independence of the self-regulatory body shall be paid. Alternatively, international funds can be considered, but bearing in mind that they cannot provide for long-term financial sustainability of the self-regulatory system. Ideally, the designers

of the system shall give priority to independent sources, guaranteeing some stability and easy to combine with other sources. An equitable, sufficient, and secure funding structure would need to be provided, and a system of advance fees on providers wishing to secure the benefits of membership, regardless of platforms, might be considered. Statute could ensure that while the experience of industry figures informs decision-making, independent public interest members are at the heart of the regulatory body: in the development of a Code and the wider securing of standards; in investigating and adjudicating public (rather than narrowly privacy and reputation) complaints; and in the administering of sanctions and policy responsibilities. As long as there are no effective enforcement measures (e.g. financial sanctions) and true safeguards of the independence of the regulatory authority, there are slight chances of successful introduction of a co-regulatory system in any sphere of media activity.



Source: Pixabay.com

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Lara Fielden (2012). *Regulating the Press. A Comparative Study of International Press Councils*. Published by the Reuters Institute for the Study of Journalism

Fabrizio Cafaggi, Federica Casarosa, Tony Prosser (2017), *Private Regulation and Freedom of Express International Journal of Communication*, 11.

Jean-François Furnémont and Tanja Kerševan Smokvina (2017). *EUROPEAN CO-REGULATION PRACTICES IN THE MEDIA* Comparative analysis and recommendations with a focus on the situation in Serbia.