

OVERVIEW OF EVALUATION CRITERIA FOR CO-REGULATION

Performance criteria

- (a) **Awareness:** Knowledge and understanding of schemes
- (b) **Adoption:** Concurrence with schemes and enduring acceptance of authority
- (c) **Attitude:** Perception in terms of trust, credibility and legitimacy
- (d) **Action:** Compliance with schemes, complaints received, disputes handled, governmental engagement

Enabling contextual factors

- (a) Direct benefits for the industry
- (b) Reputational sensitivity of the industry
- (c) Intervention capacity of governmental actors
- (d) Impact of regulatory failure and need for uniform and binding minimum standards
- (e) Intensity of required regulatory intervention
- (f) Conflicts of public and private interests in a regulatory question
- (g) Number of market participants and market fragmentation
- (h) Intensity of competition
- (i) Availability of organizations that could take over regulatory tasks
- (j) Support for public policy objectives by the existing industry culture
- (k) Involvement of governmental actors

Institutional/organizational success factors

- (a) **Rule-making:** Clearly defined remit, intelligible objectives and (measurable) standards that go beyond governmental regulatory requirements
- (b) **Enforcement:** Adequate, proportionate enforcement mechanisms
- (c) **Adjudication:** Adequate sanction power in case of malpractice (effective, credible, commercially significant sanctions)
- (d) **Review:** Periodic internal and external review (control, evaluation, monitoring, auditing)
- (e) **Resources:** Adequate resources to assure that objectives are not compromised
- (f) **Participation and representation:** Balanced representation, involvement of stakeholders, independence from interference by interested parties
- (g) **Transparency:** Transparent institutional design and regulatory processes
- (h) **International involvement:** Appropriate measures to contribute to international efforts for the solution of transnational regulatory problems
- (i) **Coherence with the established governance architecture**
- (j) **Accountability:** Clear distribution of regulatory responsibilities between private/industry and public/state regulatory organizations involved in the regulatory process
- (k) **Adequate intensity and modes of involvement of governmental actors**

Compiled by SCM (2019) from Latzer, Michael; Just, Natascha; Saurwein, Florian (2013). *Self- and co-regulation: Evidence, legitimacy and governance choice*. In: Price, Monroe E; Verhulst, Stefaan G; Morgan, Libby. *Routledge Handbook of Media Law*. Abingdon, Oxon, New York: Routledge, 373-397.