



# AVMS-RADAR

## **A**udio**V**isual **M**edia **S**ervices – **R**egulatory **A**uthorities' **I**n**D**ependence **A**nd Efficiency **R**eview

Update on recent changes and developments  
in Member States and Candidate Countries  
that are relevant for the analysis of  
independence and efficient functioning of  
audiovisual media services regulatory bodies  
(SMART 2013/0083)

### **Annex 4 – Updated INDIREG Tables**

A study prepared for the European Commission

DG Communications Networks, Content & Technology

*Digital  
Agenda for  
Europe*

## Introduction

This document contains Annex 4 to the Final Report of the study “Update on recent changes and developments in Member States and Candidate Countries that are relevant for the analysis of independence and efficient functioning of audiovisual media services regulatory bodies (SMART 2013/0083; short title: “Audiovisual Media Services – Regulatory Authorities’ Independence and Efficiency Review”, AVMS-RADAR). The study has been conducted in 2015 on behalf of the European Commission. The present annex aims to provide a country-specific in-depth overview of particular aspects relating to the independence of national regulatory bodies.

For this purpose, Annex 4 contains the tables that have been part of a previous study, conducted on behalf of the European Commission in 2009/2010,<sup>1</sup> as updated by the national correspondents of the contractor in the course of the implementation of AVMS-RADAR.

While the Final Report as such has been structured along the independence criteria assessed with a clear focus on comparative aspects, Annex 4 (as well as Annex 5) shows the relevant information – that, *inter alia*, forms an important source of the Final Report – on a country-by-country basis.

In order to allow for an easy comparison with the legal regime in place at the time of the implementation of the INDIREG study, all changes are intentionally highlighted using the track-changes mode. For ease of reading, page numbers used within the compilation of tables on a specific country refer to the respective compilation and not to the document as a whole. To navigate to the data on a specific country (see the overview of countries on the following pages), readers are kindly requested to make use of the bookmarks incorporated in the PDF document.

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<sup>1</sup> “Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive”, SMART 2009/0001 (INDIREG study). Full documentation available at: <http://www.indireg.eu>.

## COUNTRY TABLES INCLUDED IN THIS ANNEX

Albania	Iceland
Austria	Italy
Belgium (de)	Lithuania
Belgium (fl)	Luxembourg
Belgium (fr)	Latvia
Bulgaria	Montenegro
Cyprus	Former Yugoslav Republic of Macedonia
Czech Republic	Malta
Germany	Netherlands
Denmark	Poland
Estonia	Portugal
Spain	Romania
Finland	Serbia
France	Sweden
Greece	Slovenia
Croatia	Slovakia
Hungary	Turkey
Ireland	United Kingdom

Albania

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Albania	<p><del>2 (Klan Tv and Top Channel Tv) and 69 regional and local analogue terrestrial television channels.</del>  <del>48 regional and local cable services</del>  <del>Two satellite television operators: Alsat and Vision Plus and Top Media</del>  <u>72 analogue terrestrial television operators, privately owned</u>  <u>71 analogue terrestrial radio operators, privately owned</u>  <u>109 local cable operators</u>  <u>5 satellite television operators: Alsat, Vizion Plus, Digitalb, Tring and Supersport</u>  <u>3 unlicensed digital transmission platforms: Tring, Digitalb and SuperSport</u>            (the figures reported are based AMA's Annual Report 2014)</p>	<p>3 on-demand digital transmission services: Tring, Digitalb and SuperSport</p>	<p>1 (TVSH)  <del>(Second Programme has also started broadcasting, mainly in the capital not operational, the second program is being broadcast only for Tirana)</del></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Albania	Information requirements (art. 5 AVMS Directive)	<a href="#">Law no 97/2013 “On Audiovisual Media in the Republic of Albania”</a> <a href="#">Article 32 on general principles of audiovisual service providers</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>Law no. 8410 dated 30.09.1998 “On public and private radio and television in Republic of Albania”, with its changes and additions;</del> <del>amended by law no. 8655 dated 31.07.2000, amended by law no. 8794 dated 10.05.2001, amended by law no. 9016 dated 20.02.2003, amended by law no. 9124 dated 29.07.2003, amended by law no. 9531 dated 11.05.2006, amended by law no. 9584 dated 17.07.2006, amended by law no. 9677 dated 13.01.2007, amended by law no. 9262 dated 21.07.2008</del> <a href="#">Law no. 9742 dated 28.05.2007 “On digital transmission in the Republic of Albania”</a> , <a href="#">Law no 97/2013 “On Audiovisual Media in the Republic of Albania”</a> <a href="#">Article 42 on commercial communication,</a> <a href="#">Article 44 on product placement,</a> <a href="#">Article 45 on sponsorship</a> Law no. 9851, dated 26.12.2007 “On ratifying the Final Acts of the ITU Regional Conference GE06”	<del>National Commission on Radio Television—NCRT (KKRT in Albanian) is responsible for all areas and sectors covered</del> <a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<a href="#">Law no 97/2013 “On Audio-visual Media in the Republic of Albania”</a> <a href="#">Article 32/5 - Article 28/2</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania</a> <a href="#">Article 3/16</a> <a href="#">Article 127</a> <a href="#">Article 128</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Access to short news reports (Article 15 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania</a> <a href="#">Article 33/1</a> <a href="#">Article 130</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania</a> <a href="#">Article 3/52;</a> <a href="#">Article 35;</a> <a href="#">Article 36 -</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Hate speech (Art. 12 and 6 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania</a> <a href="#">Article 32/4;</a> <a href="#">Article 76/1;</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania</a> <a href="#">Article 41;</a> <a href="#">Article 43;</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Protection of minors (Art. 27 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania;</a> <a href="#">Article 33/1/e</a> <a href="#">Article 42/5,7,8</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Right of reply (Art. 28 AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania;</a> <a href="#">Article 53</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30b AVMS Directive)	<a href="#">Law no 97/2013 "On Audiovisual Media in the Republic of Albania</a> <a href="#">Article 19/10</a>	<a href="#">AMA</a>	<a href="#">AMA</a>	<a href="#">AMA</a>

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Albania	<del>National Commission of Radio and Television (NCRT), or KKRT in Albanian</del> <u>Audiovisual Media Authority (AMA)</u>	<del>www.kkrt.gov.al</del> <u>www.ama.gov.al</u>	<del>1998</del> <u>2013, the year the Law on audiovisual Media was approved, transitioning from former National Council of Radio and Television (NCRT) -as stated on the law, but year 1999 as declared on KKRT Strategic document on digital switchover</u> <u>NCRT was established in 1999.</u>	<p>“Abdi Toptani”, Tirana, -Albania, <u>1001</u> Tel: <u>+355 (0) 42/ 233 599</u> <del>Fax: +355 ( 0) 42/ 226 288</del></p>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Albania	<del>KKRT</del> <u>AMA</u>	Yes	Yes	Yes	<del>“(Albanian Authority on Electronic Communication and Postal Services AKEP does manage and administer the entire spectrum. It gives to AMA manages the KKRT the bandwidth for broadcasting. In addition AKEP does license the point to point frequency links for broadcasting purposes)</del>	<p>AKEP is the national regulatory body for electronic communications and postal services in the Republic of Albania. AKEP is the successor of the previous Telecom Regulator Telecommunications Regulatory Entity – ERT, created by law 9918 of May 19, 2008.</p>	<p>AKEP is the authority for electronic communications, while the Power Regulatory Entity – ERE is the regulatory body for energy. The distribution grid of the electro energetic power has been privatised to a Czech Company „CEZ” <u>In 2014 it was returned to state property.</u></p>

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Albania	KKRT/AMA	Law 9584, dated 17.07.2006. The law or other legal acts do not foresee the number of staff. AMA has to propose to the Parliament the structure and organisational scheme of the institution to approve.	32 until 2006; 48 until 2008; 49 in 2010 48	The annual budget is not foreseen in law or statutes. In art. 14 of the Law 97/2014, are prescribed the available sources of funding. The budget is planned/calculated from AMA/KKRT, proposed to the Ministry of Finance and Council of Ministers, and approved as part of the annual state budget in the parliament, based on its salary, other expenses and investment needs, but the final decision is taken at the Ministry of Finance and the Council of Ministers (art. 12 of law 8410)	€0.48m €0.94m €0.78m €0.8m	2006 2009 2010 2014 (AMA Annual Report)

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Albania	<a href="#">KKRTAMA</a>	<p><del>Law no. 8410 dated 30.09.1998 “On public and private radio and television in Republic of Albania”</del>  <del>amended by law no. 8655 dated 31.07.2000, amended by law no. 8794 dated 10.05.2001, amended by law no. 9016 dated 20.02.2003, amended by law no. 9124 dated 29.07.2003, amended by law no. 9531 dated 11.05.2006, amended by law no. 9584 dated 17.07.2006, amended by law no. 9677 dated 13.01.2007</del></p> <p><del>Law no. 9742 dated 28.05.2007 “On digital transmission in the Republic of Albania”</del> <del>Law no 97/2013 “On Audio-visual Media in the Republic of Albania”</del></p>	<p><del>Law no. 8410 dated 30.09.1998 “On public and private radio and television in Republic of Albania”</del>  <del>amended by law no. 8655 dated 31.07.2000, amended by law no. 8794 dated 10.05.2001, amended by law no. 9016 dated 20.02.2003, amended by law no. 9124 dated 29.07.2003, amended by law no. 9531 dated 11.05.2006, amended by law no. 9584 dated 17.07.2006, amended by law no. 9677 dated 13.01.2007,</del></p> <p><del>Law no. 9742 dated 28.05.2007 “On digital transmission in the Republic of Albania”</del><del>Law no 97/2013 “On Audio-visual Media in the Republic of Albania”</del></p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Albania	<a href="#">KKRTAMA</a>	<del>Separate authority</del> <u>Public independent legal person.</u>	Yes		<p>The organization structure and the total number of employees are <u>proposed by AMA</u> and approved by Parliament.</p> <p><u>The administrative staff of AMA is under the obligations and privileges of the civil servant status as foreseen by the by the law 152/2013 “On status of civil servant”.</u></p>	<p><del><a href="http://www.kkrt.gov.al">www.kkrt.gov.al</a></del>  <del>Law 8410</del>  <del>Law 9584</del>  <del><a href="http://www.parlament.al">www.parlament.al</a></del>  <u><a href="#">aw 97/2013</a></u></p>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Albania	<del>KKRTAMA</del>	<del>Even though as stipulated in law, the members of KKRT are supposed to be experienced professionals in the fields of civil society, with judicial, economic, teaching and media experience, in practice since mid 2006 (august) five board members are proposed from the political parties in the coalition government while two of them from the opposition parties.</del>	<del>Yes, the legal definition is that of an independent public legal entity.</del>	<del>Law 8410, as amended by law 9677, dated 13.01.2007, law 9531, dated 11.05.2006 Law 97/2013, Art.6/2.</del>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- “ general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- “ general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- “ third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Albania	<del>KKRFAMA</del>	Tick boxes	“	“ <u>Provides its opinion to the government upon request</u>	“
		Areas	<del>Spectrum allocation and optimisation for broadcasting; terms related to content, advertising, and area coverage; broadcasting spectrum monitoring.</del> - Drafts AMA Strategy - Drafts strategies for audiovisual transmission -Cooperates with the Minister for drafting National Frequency Plan. Also cooperates with AKEP, Competition Authority, Copyright Office to implement the law. - Suggests legal amendments when necessary.	Economic legal and technical criteria on licenses and licensed areas “ “ “ <u>Rules on procedures and criteria for granting licences/authorisations</u> “ “ <u>Preparation and issuing of instructions for the Albanian Radio-Television ( public broadcaster)</u> “ “ <u>Determining the criteria and regulatory measures for the common use of broadcasting infrastructure of ART</u>	Economic legal and technical criteria on licenses and licensed areas - <u>Monitors and implements audiovisual media law by subjects operating under that law and can impose sanctions in cases of breach</u> “ <u>Cooperation with other organs</u> “ <u>Resolves disputes between the providers of audio or audio-visual broadcasting services, including disputes with public broadcaster;</u>
		Source	<u>General act</u> <u>Law 8410, with its changes and additions (amendments)</u> <u>Law 97/2013</u>	Law <u>97/2013-8410 with its changes and additions</u> as well as Rules and Regulations developed in accordance with <u>the law</u>	<u>General act and specific legislation</u> Law <u>97/20138410 with its changes and additions</u> as well as Rules and Regulations developed in accordance with <u>them the law</u>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Albania		Quotas	“	—	“			<del>Legal and regulatory provisions</del> <a href="#">Law 97/2013</a>
		Advertising	“	—	“			<del>Legal and regulatory provisions</del> <a href="#">Law 97/2013</a>
		Protection of minors	“	—	“			<del>Legal and regulatory provisions</del> <a href="#">Law 97/2013</a>
		<a href="#">Right of reply</a>				*		<a href="#">Law 97/2013 (through Council of Complaints)</a>
		<a href="#">License terms</a>	“	“ “	“			<a href="#">Law 97/2013</a>
		<a href="#">Radio and TV frequencies</a>	“	—	“			<a href="#">Law 97/2013</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Albania	<u><a href="#">KKRTAMA</a></u>	Quotas	“	“ <del>€150 – 1,500- discretionary</del> 857 – 14285 € Source: <u>Art 133 of the Law 97/2013</u> , exchange rate for conversion: 1 €=140ALL	“ <del>Official Gazette</del> of specified in the law	“ <del>(after warnings and fines are given to the licensee) (Licence is revoked if the licensee breaches the licensing conditions, if it sentenced more than 3 times within a year)</del>	<u>Not foreseen</u>	
		Advertising	“	“ <del>€500 – 7,500- discretionary</del> 857 – 14285 € Source: <u>Art 133 of the Law 97/2013</u> , exchange rate for conversion: 1 €=140ALL	“ Not specified in the law <del>Official Gazette</del>	“ same as above	<u>Not foreseen</u>	
		Protection of minors	“	“ <del>€500 – 7,500- discretionary</del> 300 – 3000 € Source: <u>Art 133 of the Law 97/2013</u> , exchange rate for conversion: 1 €=144ALL	“ Not specified in the law <del>Official Gazette</del>	“ same as above	<u>Not foreseen</u>	
		<u>License coverage area/frequency</u>	“ —	7,142-21,428 € Source: <u>Art 133 of the Law 97/2013</u> exchange rate for conversion: 1 €=140ALL	Not foreseen in the law	“ Same as above	<u>Not foreseen</u>	
		<u>Right of reply</u>	“ —	2,142 € Source: <u>Art 133 of the Law 97/2013</u> exchange rate for conversion: 1 €=140ALL	Not foreseen in the law	“ Same as above	<u>Not foreseen</u>	



**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Albania	KKRT	<p>“</p> <p>Provides its opinion upon request</p> <p><u>Cooperates with Minister and AKEP in national frequency plan</u></p> <p><u>Cooperates with other organs</u></p>	<p>“</p> <p><u>Drafts rules on and criteria for granting licences/authorisations</u></p>	<p><del>Drafts the National Strategies on radio and television broadcasting</del></p>	“	“	“	<p>“</p> <p><u>Council of Complaints Ethics</u>, as of Article <del>48</del><u>52</u>, law <del>84109</del><u>7/2013</u></p>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Albania	<del>KKRT</del> <u>KKRT/AMA</u>	“	<p>“</p> <p>€7,500</p>	<p>“</p> <p><del>Official Gazette</del><u>No</u></p>	“	<p>N/A</p> <p>State treasury <u>&amp; AMA</u></p>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Albania	<a href="#">KKRTAMA</a>	<del>Yes, there is the Commission on Ethics dealing with complaint from viewers. The Council or the Commission of Ethics handles complaints from viewers relating to the fairness of the program. It is a consultative body to the KKRT board. It does not have legal or administrative powers (reference on pages 30 of the annual KKRT reporting for 2009).</del> Yes, the law provides details on the complaints procedure that are handled through the Complaint Council.	<a href="http://www.kkrt.gov.al">www.kkrt.gov.al</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Albania	<del>KKRTA</del> MA	Board	57	Not specified, but civil society can nominate candidates+	<del>n/a</del> No	<del>+</del> No	<del>n/a</del> No, but they can nominate candidates	5They have to be experts in their field, but not specified as technical position	<del>n/a</del> No	No information available Groups that can nominate: Associations and groups of electronic media " " Press media associations " " Electronic and electronic engineering professors and associations " " Professors of law, journalism/communication, economy, lawyer associations or the national bar " " Non-profit organisations working in the field of human rights, representing children's rights, protection of people with disabilities etc.	<a href="#">Law 97/2013, Art.9</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Albania	<del>KKRT</del> AMA	All regulatory matters in the fields of media broadcasting	Decisions are taken in a collegial manner. The ordinary quorum of presence is four. <del>Decisions are made with the majority of members present, unless otherwise stipulated by law.</del> <del>Some decisions require a minimum quorum of presence of five.</del>	<del>All board decisions (approvals and rejections) must be argued in writing. Not specified in law.</del>	No <del>The law foresees that the minutes of the board meetings may be kept into a board meeting ledger (note keeping book) but that information is not publicly available. Not specified in the law</del>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nominati on stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	
Albania	KKRTAMA	Chairman	Yes	<u>The Parliamentary Commission on Education and Public Information Means verifies the criteria and makes the final selection based on the widest support base by the members of the Commission.. Any citizen who has the professional experience of at least 10 years in the areas listed in the law can be presented as a candidate. The Commission shortlists 4 candidates that have received the greatest support from members in the commission. Each member can support up to 4 candidates. If two candidates get the same number of votes, the matter will be decided by lottery. Opposition MPs exclude two candidates, while the remaining candidates are voted by the parliament in the plenary session. Parliamentary Commission on Education and Public Information Means</u>	<del>The Parliament</del> The chair is voted in plenary session in the parliament	<del>Not in practice</del> No.	<a href="http://www.parliament.al">www.parliament.al</a>
		Board members	Yes	<u>The Commission of Education and Means of Public Information issues a public invitation to propose candidates to the following groups/ organizations: " " Associations and groups of electronic media " " Press media associations " " Electronic and electronic engineering professors and associations " " Professors of law, journalism/communication, economy, lawyer associations or the national bar " " Non-profit organisations working in the field of human rights, representing children's rights, protection of people with disabilities etc. The majority and opposition MPs take turns in shortlisting candidates, allowing for at least 4 candidates for each seat. In the end the decision must bear in mind the need to preserve the political balance (3 supported from the party in power and 3 from the opposition) Parliamentary Commission on Education and Public Information Means</u>	<del>The Parliament</del> The shortlisted members in the commission are voted in plenary session in the parliament.	<del>Yes</del> No.	<a href="http://www.parliament.al">www.parliament.al</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Albania	KKRTAMA	Chairman of the board	5 years	Not specified	Only once	Law, <del>art</del> 97/2013, Art.10.
		Board members	5 years	Not specified	Only once	Law 97/2013, Art.9
Until the legal changes of May 2006 and January 2007, the term in the office of board members were 5 years for the Chairman and 3.5 years for the other board members.						

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Albania	KKRT	Chairman of the board	<del>Distinguished personalities in the fields of politics, jurisprudence, mass media, sociology and humanitarian sciences</del> No specific qualifications mentioned. Professional expertise required: Not less than 10 years of expertise in the areas of: <ul style="list-style-type: none"> <li>" <u>Media in general</u></li> <li>" <u>Audiovisual broadcasting of public, commercial or non-commercial services;</u></li> <li>" <u>Production of content of audiovisual broadcasting</u></li> <li>" <u>Media technology</u></li> <li>" <u>Economy, administration and competition rules</u></li> <li>" <u>Issues of development of Albanian language;</u></li> <li>" <u>Issues related to the persons with disabilities and other vulnerable groups;</u></li> <li>" <u>Art, culture and music</u></li> <li>" <u>Justice, law, public administration</u></li> <li>" <u>Science, environment and technological development</u></li> <li>" <u>Consumer protection</u></li> <li>" <u>Social and educational activities, development of local communities, public and national, related directly or indirectly to audiovisual activity.</u></li> </ul>		<del>Art. 8, law 8410</del> Law 97/2013, Art 9,10,11
		Board members	<del>Distinguished personalities on the fields of politics, jurisprudence, mass media, sociology and humanitarian sciences</del> Same as above		Art. 8, law 8410 Law 97/2013, Art 9.

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Albania	<del>National Council of Radio– Television AMA</del>	Chairman	Yes		<p>Yes</p> <p><del>Should have not been member of the Council of Ministers in the last 3 years. and the specific law on the Prevention of Conflict of Interest (law 9367, with its changes and additions)</del></p> <p><del>This specific law is the main and general law on the prevention of conflict of interest in the exercise in public functions. Cannot be member of parliament or of the Government</del></p>	<p>Yes</p> <p>Cannot be member of political parties and associations, <del>member of parliament in the last three years. and the specific law on the Prevention of Conflict of Interest (law 9367, with its changes and additions)</del></p>	<p>Yes</p> <p>Cannot be member of joint stock companies related to the mass media or represent commercial interests that are contrary to their function.</p> <p>Cannot have financial interests related to radio-television broadcasts through ownership, employment or commercial relations. <del>advertisement, production of audiovisual broadcasting content, and electronic communication network.</del></p>	No	<p>Yes</p> <p><del>AMA Rules on the prevention of conflict of interest for members and the administration of the National Council of Radio Television lists other obligations such as those regarding the acceptance of gifts, favours, promises or preferential treatment, entering into contracts, membership in anonymous companies, leading nongovernmental organisations etc. However, these rules are issued based on the old law and de jure not in force</del></p> <p><del>Cannot defend the interests of a company or firm producing audio–visual materials, press publications, advertisements or telecommunications.</del></p>	<p><del>www.hidaa.gov.al</del></p> <p><del>Art. 14, law 8410, with its changes and additions and the specific law on the Prevention of Conflict of Interest (Law 9367, with its changes and additions)</del></p> <p><del>Law 97/2013</del></p> <p><del>Article 7, 9,10,11</del></p>



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		Board members	Yes		Same as above	Same as above	Same as above	Yes	Same as above	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> <del>Art. 14, law 8410, with its changes and additions and the specific law on the Prevention of Conflict of Interest (law 9367, with its changes and additions)</del> <u>Same as above</u>
		Senior staff (Director level)	Yes		Yes	Yes	Yes	No	No	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a> Specific law on Prevention of Conflict of Interest (law 9367, with its changes and additions)

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Albania	KKRT	Chairman	Yes		<del>Law 97/2013 and the specific law on Conflict of Interest (law 9367, with its changes and additions); No information available</del>	<del>Law 97/2013 and the specific law on Conflict of Interest (law 9367, with its changes and additions); Yes Cannot not be members of political parties or political associations, or be a former member of the parliament.</del>	<del>Law 97/2013 and the specific law on Conflict of Interest (law 9367, with its changes and additions); Yes Cannot be shareholders, part of management boards, or employed by undertakings that have business relations with or ownership of public information means, or that have commercial interests that could lead to conflict of interests. Should not have any financial interests or links with the activities of radio and television transmissions.</del>	<del>www.hidaa.gov.al Law 8410, as amended and specific law on Conflict of Interest (law 9367, as amended)97/2013</del>
		Board members	Yes		Same as above	Same as above	Same as above	<del>www.hidaa.gov.al</del>
		Senior staff	Yes		Same as above	Same as above	Same as above	<del>www.hidaa.gov.al specific law on Conflict of Interest (law 9367, as amended)</del>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Albania	<a href="#">AMA</a>	Chairman	Yes		Yes, for 1 year, <del>but new rules are expected to be drafted</del>	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>
		Board members	Yes		Yes, for 1 year	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>
		Senior Staff	<del>Yes</del>	<del>No</del>	<del>Yes, for 1 year</del> <del>No</del>	<a href="http://www.hidaa.gov.al">www.hidaa.gov.al</a>

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Albania	<del>KKRT</del> AMA	Chairman	Yes		Parliament	<p>Yes</p> <p><del>a) convicted by final court decisions for having committed a criminal offence;</del></p> <p><del>b) permanently incapable to work due to health conditions;</del></p> <p><del>c) fails to attend over 1/3 of AMA meetings within one year;</del></p> <p><del>c) proven to violates rules on conflicts of interest</del></p> <p><del>d) deprived of the ability to act;</del></p> <p><del>dh) resigns</del></p> <p><del>found guilty with a decision of the final instance court as having committed a crime</del></p> <p><del>" becomes physically or mentally inept to carry its functions</del></p> <p><del>" unjustified absence during one calendar year for the 1/3 of the board meetings</del></p> <p><del>" found guilty of offences prescribed in article 14 of the law</del></p> <p><del>" repeatedly (wilfully or negligently) prevents the quorum for taking decisions 2 consecutive times of the board meetings</del></p> <p><del>" if board chairman, the vice chairman or at least two board members formally request the parliament to dismiss board member with written arguments. The parliament must proceed with the written request within ten days.</del></p> <p><del>" Chairman, vice chairman and board members can request their resignation at any time.</del></p>	<del>Yes</del> Not foreseenOnly individual members	<a href="http://www.parlament.al">www.parlament.al</a> Art. 15, law 8410 with its changes and additions Law 97/2013
		Individual board	Yes		Parliament	Same as above	<del>Yes</del> Same as above	Same as above

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment	
				Yes	No			
Albania	KKRT	2009	Chairman	Yes		Being chosen to run for Member of Parliament		
			Individual board members	Yes		Undeclared conflict of interest		
		<del>2008</del>	<del>Chairman</del>		<del>No</del>			
			<del>Individual board members</del>		<del>No</del>			
		<del>2007</del>	<del>Chairman</del>	<del>Yes</del>		<del>Personal resignation</del>	<del>Joined another position, internationally</del>	
			<del>Individual board members</del>		<del>No</del>			
<del>2006</del>	<del>Chairman</del>	<del>Yes</del>		<del>Rejection of the annual report by the plenary session of the Parliament for the second consecutive year (source: research of the consortium)</del>				
			<del>Individual board members</del>	<del>Yes</del>		<del>Rejection of the annual report by the plenary session of the Parliament for the second consecutive year. Board and Chairman were dismissed. (source: research of the consortium)</del>		
		<del>2003–2004</del>	<del>Chairman</del>	<del>Yes</del>		<del>Rejection of the annual report by the plenary session of the Parliament (source: research of the consortium)</del>		
			<del>Individual board members</del>	<del>Yes</del>		<del>Rejection of the annual report by the plenary session of the Parliament (source: research of the consortium)</del>		

Note: In 2014 AMA chair was suspended after commercial operators started a lawsuit against her and afterwards a new chair was elected.

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Albania	<a href="#">KKRTAMA</a>	<u>Yes, according to rules and fees AMA drafts depending on license terms. Percentage of broadcasting licence fee</u>	<u>Yes, in cases when there are no other funding possibilities for specific functions.</u>	Yes	Yes <del>USD 50k – €39,325</del> <del>/annually for the television</del> Cost of initial licence: <del>USD 200 – €157</del>	<del>5% of total revenues generated from fines.</del> 20% of fines go to AMA's budget, 80% go to state budget	<u>Annual fees from market players</u> <u>Renewal of licenses</u> <del>No</del>	<del>www.kkrt.gov.al</del> <u>Law 97/2013</u>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Albania	<a href="#">KKRT/AMA</a>	The budget is drafted from AMA and sent for approval to leading board of KKRT. does propose its annual budget to the Ministry of Finance for its comments and consideration, based on its needs and plans for conducting its activity. After getting the approval from the Ministry of Finance, which then passes it to then the draft proposal is submitted for approval at the Council of Ministers. Finally, the state budget law is approved annually in the parliament.	Yes, it drafts the budget proposal and can justify it in Parliamentary Commission on Media when state budget is discussed. its proposal based on the incurred expenses from the previous year and on its planned activities and investments	Government & Parliament	No	Art. <del>11-24&amp; 12</del> of Law 97/2013 8410, with its changes and additions Law 9584, dated 17.07.2006

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Albania	<del>KKRT</del> AMA	<del>No</del> Yes, by Supreme State Audit	Every three to four years (ad hoc: is not systematic) upon the discretion of Audit, ad hoc basis	Yes	No	No	The State Supreme Audit Law



## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Albania	<del>KKRT</del> AMA	Parliament	Yes	<del>KKRT</del> AMA must report each year to the Parliament. The Parliamentary Commission on Education and Public Informing Means holds a hearing about the <del>AMA</del> KKRT report. A draft resolution is then drafted and the annual report of the Chairman is sent to the plenary session of Parliament. <del>The reporting does not cover the financial aspects.</del>	<del>Law 97/2013</del> Law 8410, dated 30.09.1998, with its changes and additions
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Albania	<a href="#">KKRTAMA</a>	Parliament/ministry/body/sector/public (if more than one, cover in separate rows) Parliamentary Commission on Education, and Public Informing Means	Annual	As defined by the law 8410, with its changes and additions- Regulatory functions – finances – Programs for disabled people – Participation of AMA members in meetings	Yes	Yes	Yes, in 2013, in the commission, but the formal resolution does not formally reject the report. <i>No further information available</i>	<i>No information available</i>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Albania	<a href="#">KKRTAMA</a>	Yes	Every 3 to 4 years	Yes The Supreme State Audit	No	No	The law on Supreme State Audit

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Albania	<del>KKRT</del> AMA	Does anybody have the power to overturn decisions of the regulator?	<del>No</del> Yes	No	No	No	<del>No</del> Yes, the court	<del>No information available</del> Law 97/2013
		Does anybody have the power to give instructions to the regulatory body?	Yes, it must abide by all The Regulatory body – <del>KKRT</del> AMA has to adhere to the legal provisions of the primary and by pass laws as well as National Strategies being adopted from the government	No	The National Strategies on radio and television broadcasting may be drafted from <del>KKRT-AMA and are adopted from the Government</del> AMA can cooperate with the Minister of Innovation on spectrum policies.	No	<del>No</del> AMA must cooperate with AKEP on spectrum allocation and with other authorities on issues such as competition, intellectual rights, etc.	Law 97/2013 <del>No information available</del>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Albania	<del>KKRT</del> AMA	Internal	1	Any <del>KKRT</del> AMA Decision can initially be challenged before the board of <del>AMA</del> KKRT itself	Yes, according to the rules and regulations being adopted by the regulatory board, in line with the requirements stipulated on the law <del>97/2013</del> 8410, <del>the Civil Code and the Code of Administrative Procedure</del> Law 8480, on collegial bodies of state administration and public entities. (law 8485, dated 1927.05.1999)	Law <del>8410</del> ( <del>&amp;</del> /2013 Internal Rules and regulations,
			2	<del>After the Board's expression with an Individual new Decision, the case can be filed at Tirana District Court (Court of first Instance), Administrative complaints to AMA</del>		
		External	1	<del>Court of</del> First Instance of Adiministrative court		Law of the Code of the Administrative Procedure
			2	<del>Court of Appeal of</del>		
			3	<del>High Court (final Decision)</del> Administrative College of Supreme Court		

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Albania	<a href="#">KKRTAMA</a>			"	As defined by the Code of Administrative Procedure
	<p><del>In case the decision of KKRT is challenged before the Court, to my understanding the KKRT decision holds (remains in effect) unless the Court decides otherwise. An important element to clarify this might well be the Internal Regulation of KKRT, and its subsequent cross references to the Code of Administrative Procedure. I couldn't manage to get a version of it.</del></p>				

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Albania	<a href="#">KKRTAMA</a>	"	The case is automatically sent at the <a href="#">Administrative Court of First Instance</a>	" Based on the legal grounds of the appeal being submitted	<del>N/A</del> <a href="#">Law on Administrative Courts</a>
	<p><del>If the case after the deliberation of the Court of First Instance is being challenged at the Appeal Court, if KKRT or Court of District did not conduct the proper steps and procedures as stipulated on the Code of Administrative Procedure, the Case will be immediately sent back to the Court of First Instance for full consideration and deliberation. If the case is being accepted for judgement at this Court level, the Court of Appeal may decide on the substance of the case.</del></p>				

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Albania	<a href="#">KKRTAMA</a>	Internal	"		N/A
	<a href="#">KKRTAMA</a>	1 <a href="#">Administrative Court of First Instance</a> 2 <a href="#">Administrative Court of Appeal</a> 3 <a href="#">Administrative College of Supreme High Court</a> (final Decision)	"	"	The appeal body (the Court) has the power to cancel the decision and remit it back to regulator for new decision <a href="#">Administrative Court of Appeal can change the decision or leave it to regulator to change it.</a> <a href="#">The same</a>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Albania	<del>KKRT</del> AMA	No	N/A	Yes	Law on the public procurements	<u>Yes, but on ad hoc, rather than regular basis, such as national strategy on digital switchover.</u>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Albania	<del>KKRT</del> AMA	<u>AMA should hold public consultations on regulatory documents with considerable impact in provision of audiovisual services. National strategies for broadcasting Licence withdrawal, or modifications</u>	<u>Stakeholders, not specified. Licensed operators; Consumer groups and Academic community</u>	<u>At least 30 days</u> <del>Not defined by law</del>	<u>Yes</u> <del>Not defined by law</del>	<u>Yes</u> <del>Not defined by law</del>	<u>Law 97/2013</u> <u>Law 8440</u> <u>Code of Administrative Procedures</u>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Albania	KKRTAMA	2009	<del>1 (draft strategy on the digital transmission and digital switchover)</del>
		2008/2013	<del>1 (draft strategy on the digital transmission and digital switchover)</del> Broadcasting Code
		2005-2007/2013	No information available On licensing of digital networks on “beauty contest” principle Broadcasting Code Inspection Code
		2014	Digital switchover regulations
		2015	On procedures and criteria of granting authorizations Changes to decisions on payment of authorizations

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Albania	KKRTAMA	<ul style="list-style-type: none"> <li>- AMA must publish decisions on the fees/payments to be paid by audiovisual media operators in the Official Journal (article 25)</li> <li>“ “ the regulation drafted by Council of Complaints on the right to reply procedures must be published on AMA’s webpage (art.53)</li> <li>“ “ AMA must publish opening of competition for applying for audio or audiovisual licenses (article 59, 60)</li> <li>- AMA must publish results of its studies online (art.59)</li> <li>Board decisions to award licences and licence withdrawals (law 8410, with its amendments and additions)</li> </ul>	<p>Yes (Art. 6, 34, 38...) Law 8410 Not specified in the law</p>	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Albania	<u>KKRT/AMA</u>	<u>AKEP, AK, ZSHDAE/BU, EPRA, ITU</u>	<u>Organizing common events</u> <u>Participation and cooperation in joint work groups</u> <u>Memorandum of Understanding etc</u> <u>Events and WG participation from KKRT experts</u>	NA	NA

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Albania	<u>KKRT/AMA</u>	<u>EPRA, RIRM; REFRAM; BRAF; ITU etc AMA also participates on ITU working groups. AMA's functions include participation in international activities on the strategy and perspectives of development of audiovisual media, representing Albania, as well as supporting participation and cooperation of the public and private entities with European and other international counterparts in the field of audiovisual media. AMA is also in charge of preparing studies and recommendations for Albania's stance to official international talks on audiovisual media. AMA participates in international activities related to strategy and development prospects of audiovisual media, representing the Republic of Albania and it supports the participation and cooperation of public and private subjects with homologue European and world organizations in the field of audiovisual media. AMA shall prepare studies and recommendations for Albania's stance to official international talks on audiovisual media.</u> <u>19) Participates on ITU working groups;</u> <u>France - Audio Visual Commission - CSA</u>	Mutual exchange of experience	Visits and exchanges among <del>both</del> authorities



Austria

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Austria</b>	<p>In total:  <del>200~164</del> permissions or notifications according to <del>AMD-G/PrTV-G</del> (henceforth <del>AMD-G</del> before: PrTV-G)            See: <a href="http://www.rtr.at/de/rf/Fernsehveranstalter">www.rtr.at/de/rf/Fernsehveranstalter</a>            Note, that multiple permissions or notifications are needed to distribute the same service via different platforms (cable, satellite, terrestrial) and in different regions.  <del>In sum, there are approximately 160 different services provided under an Austrian notification or permission, approximately 45 of them nation-wide.</del></p>	<p><del>No information available~ 109 non-linear commercial services</del>            See: <a href="http://www.rtr.at/en/m/Abrufdienste">www.rtr.at/en/m/Abrufdienste</a></p>	<p><del>34</del> (ORF 1, ORF 2, <del>ORF III</del>, ORF Sport Plus)            Note, that ORF 2 provides windows with regional programs in the 9 Austrian regions (Bundesländer).</p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Austria</b>	Information requirements (Art. 5 AVMS Directive)	§ 29 (2) AMD-G § 18a ORF-G <a href="http://www.rtr.at/en/rf/RFGesetze">www.rtr.at/en/rf/RFGesetze</a> ; <a href="http://www.ris.bka.gv.at">www.ris.bka.gv.at</a>	KommAustria- <del>BKS</del>	KommAustria- <del>BKS</del>	KommAustria- <del>BKS</del>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	§ 37 AMD-G (sponsoring) § 38 AMD-G (prod. placement) § 16 ORF-G (prod. placement) § 17 ORF-G (sponsoring)	As above	As above	As above

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Accessibility to people with a disability (Art. 7 AVMS Directive)	§ 30 (3) AMD-G § 5 (2) ORF-G	As above	As above	As above
	Broadcasting of major events (Art. 14 AVMS Directive)	§ 3 FERG	As above	N/A (FERG covers audiovisual broadcasters only)	As above
	Access to short news reports (Article 15 AVMS Directive)	§ 5 FERG	As above	Not applicable (FERG covers audiovisual broadcasters only)	As above
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	§§ 11—12 ORF-G § 40 AMD-G § 50 AMD-G <u>§ 51 AMD-G (s Art 17 AVMS Directive)</u>	As above	KommAustria- <del>BKS</del>	As above
	Hate speech (Art. 12 and 6 AVMS Directive)	§ 30 (2) AMD-G <u>§ 39 (1) AMD-G (~ Art 12 AVMS Directive)</u> § 10 (2) ORF-G	As above	As above	As above
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	§§ 13—15 ORF-G §§ 31—36 AMD-G §§ 42a—46 AMD-G <u>§ 53 (2) AMD-G (exception of the quota regime)</u>	As above	As above	As above
	Protection of minors (Art. 27 AVMS Directive)	§ 39 AMD-G (watershed) § 42 AMD-G (labelling) § 36 AMD-G (advertising) <u>§ 35 (1) AMD-G (alcohol)</u> §§ 10 (11)—10 (12) and § 10 (14) ORF-G (watershed, labelling) §§ 13 (5)—13 (6) ORF-G; <u>§ 14 (2) ORF-G</u> (advertising)	As above	As above	As above
	Right of reply (Art. 28 AVMS Directive)	§§ 9 – 20 Media Act <u>§ 40 Media Act (jurisdiction)</u>	Ordinary jurisdiction	Ordinary jurisdiction	Ordinary jurisdiction

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30b AVMS Directive)	<del>No provision</del> § 56 AMD-G (Suspending Retransmission)	N/A	N/A	N/A
	<p>The Austrian Communications Authority (KommAustria) was set up under the KommAustria Act (KOG) for the purpose of handling the administration of regulatory activities in broadcasting. <del>The Federal Communications Board (BKS) was set up as an appeals authority within the Austrian Federal Chancellery in order to review the decisions of KommAustria. Due to the amendments of the constitution as to the jurisdiction of the Austrian administrative courts, the Federal Administrative Court (BVerwG) – instead of the Federal Communications Board (BKS) - is the new court of appeal and reviews the decisions of KommAustria.</del></p> <p>Reform of the regulatory framework: For the implementation of the provisions contained in the Audiovisual Media Services Directive (AVMS) relevant acts have been amended in 2010 by the „Bundesgesetz, mit dem das Bundes-Verfassungsgesetz, das KommAustria-Gesetz, das Telekommunikationsgesetz 2003, das Verwertungsgesellschaftengesetz 2006, das ORF-Gesetz, das Privatfernsehgesetz, das Privatradiogesetz und das Fernseh-Exklusivrechtgesetz geändert werden- (BGBl. I 2010/50 July 19, 2010). See: <a href="http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2010_I_50/BGBLA_2010_I_50.pdf">www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2010_I_50/BGBLA_2010_I_50.pdf</a></p> <p>Abbreviations: AMD-G: Audiovisuelle Mediendienste-Gesetz [Audiovisual Media Services Act]; KOG: KommAustria-Gesetz [KommAustria Act]; ORF-G: ORF-Gesetz [ORF Act], FERG: Fernseh-Exklusivrechtgesetz [Act on Exclusive Television Rights].</p> <p>Links: For an overview and details on all relevant laws for the Austrian broadcasting sector see: <a href="http://www.rtr.at/en/rf/RFGesetze">www.rtr.at/en/rf/RFGesetze</a></p>				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Austria	Austrian Communications Authority (KommAustria). KommAustria was set up for the purpose of handling the administration of regulatory activities in broadcasting.	<del>www.rtr.at/en/rf/InstitutKommAustria</del> <a href="http://www.rtr.at/de/rtr/Organe/KommAustria">www.rtr.at/de/rtr/Organe/KommAustria</a>	2001, established under the KommAustria Act (KOG)	Austrian Communications Authority (KommAustria) Mariahilfer Straße 77-79 A-1060 Wien
	<del>Federal Communications Board (BKS). The Federal Communications Board acts as the appeals authority for decisions made by KommAustria.</del>	<del>www.bks.gv.at/</del>	<del>2001, established under the KommAustria Act (KOG)</del>	<del>Federal Communications Board Ballhausplatz 2 A-1014 Wien</del>

Country	Name of regulatory body	Link to website	Date of establishment	Location
	Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR-GmbH). RTR acts as KommAustria's operational arm in the field of broadcasting regulation, especially for the purpose of providing administrative support.	<a href="http://www.rtr.at">www.rtr.at</a>	2001, established under the KommAustria Act (KOG)	Austrian Regulatory Authority for Broadcasting and Telecommunications Mariahilfer Straße 77-79 A-1060 Wien
	From 2001 until 2010 the Federal Communications Board (BKS) was the legal supervisory authority for the Austrian Broadcasting Corporation (ORF). These competences of the BKS shift from BKS to KommAustria with the introduction of the new regulatory framework (BGBl I 2010/50 of July 19, 2010 – see above).			

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g., site sharing, authorization of technical equipment, administration of broadcasting frequencies)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in)	Others (e.g. energy, post)
Austria	KommAustria	Yes (e.g., program, advertising, protection of minors, program quotas)	Yes (e.g., site sharing, authorization of technical equipment, administration of broadcasting frequencies)	Yes (e.g., access control, access to multiplex platforms, access to conditional access control systems, interoperability of digital television sets; regulation of EPG, API according to §§ 25—27 AMGD- G)	Broadcasting frequencies only	No	Yes press and journalism subsidies (since 2004); <u>It was the supervisory authority for collecting societies (2006). Since 1<sup>st</sup> Oct 2010 the supervisory authority for collecting societies is an independent authority under the Ministry of Justice.</u> <u>See: <a href="http://aufsicht-verwges.justiz.gv.at/aufsicht/html/default/8ab4a8a42ce5175c012cfe138b44008b.de.html">http://aufsicht-verwges.justiz.gv.at/aufsicht/html/default/8ab4a8a42ce5175c012cfe138b44008b.de.html</a></u> <u>Media</u> <u>Transparency in Media Cooperation and Funding Act: KommAustria controls the disclosure duties</u> <u>§ 81 (2) TKG: Terrestrial broadcasting facilities (granting)</u>
	<del>Federal Communications Board (BKS)</del>	<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>Broadcasting-frequency appeals only</del>	<del>No</del>	<del>No</del>

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Austria	<del>Federal Communications Board (BKS)</del>	<del>The law only specified 5 board members</del>	<del>5 board members (3 judges, 1 lawyer, 1 professor constitutional law) 3 lawyers in the administrative office</del>	<del>Not specified</del>	<del>Information not available</del>	<del>2009</del>
	KommAustria + RTR-GmbH/ Broadcasting Division	KommAustria From October 1, 2010: 5 members (one head, one deputy head, three additional members) <u>Currently one member at maternity leave</u> Source: § 3 (1) KOG Until September 30, 2010: one head, two deputy heads and the requisite number of staff	2010 [in FTEs] KommAustria From October 1, 2010 forward: *budgeted: 5 Until September 30, 2010: *budgeted: 3 RTR-GmbH * budgeted: 14.86  2009 [in FTEs] KommAustria *budgeted 3.00 *actual 3.00 RTR-GmbH *budgeted 15.45 *actual 12.95	From October 1, 2010: Max €4.34m Valorisation from 2012 forward based on consumer price index (CPI) 20057 <u>increase of CPI set at 1.7% in 2014</u> Source: § 35 (1) KOG; <a href="https://www.rtr.at/en/komp/Konsult_Budget2015">https://www.rtr.at/en/komp/Konsult_Budget2015</a> Until September 30, 2010: Max €3m Valorisation from 2007 until 2010 based on consumer price index (CPI) 2000 Information to be confirmed.	20150 Budgeted <u>total expense</u> : €4,1682.674m 201409 Budgeted <u>total expense</u> : €4,2622.864m actual <u>total expense</u> : €4,2562.430m <del>Notice: budgets for 2009 and 2010 based on the old legal situation with a statutory ceiling (Budgetobergrenze) of €3m</del> <u>See:</u> <a href="https://www.rtr.at/en/komp/Konsult_Budget2015">https://www.rtr.at/en/komp/Konsult_Budget2015</a> Information to be confirmed.	Reference years: <del>2009, 2010</del> 2014, 2015 Sources: § 3 (1) and § 35 (1) KommAustria Act (KOG) RTR-GmbH ( <del>2010</del> ): <del>Kommunikationsbericht 2009</del> . <u>Öffentliche Konsultation der RTR-GmbH zum Budget 2014/2015 für Telekom-, Post- und Medienregulierung</u> Information to be confirmed.
	RTR-GmbH staff counts for matters of 'Broadcasting Regulation'. There is additional RTR staff (approx. 7 FTE's/2009) for administration and allocation of funds (e.g., Digitalisierungsfonds; Fernsehfonds Austria) and other tasks in the RTR Broadcasting Division.					



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Austria	Austrian Communications Authority (KommAustria)	§ 1(1) KOG, Federal Act on the establishment of an Austrian Communications Authority ("KommAustria") <del>and a Federal Communications Board</del> (KommAustria Act - KOG), Federal Law Gazette I No. 32/2001.  Art. 20 (2) 5 <del>a</del> Federal Constitutional Law (B-VG)	§§ 1—15 KOG Art.- 20 (2) 5 B-VG
	<del>Federal Communications Board (BKS)</del>	<del>§ 1 (2) KOG, Federal Act on the establishment of an Austrian Communications Authority ("KommAustria") and a Federal Communications Board (KommAustria Act - KOG), Federal Law Gazette I No. 32/2001.</del>  <del>Art. 20 (2) 3 Federal Constitutional Law (B-VG)</del>	<del>§§ 36—38 KOG- Art. 20 B-VG</del>
	Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR-GmbH)	§ <del>165</del> (1) KOG, Federal Act on the establishment of an Austrian Communications Authority ("KommAustria") <del>and a Federal Communications Board</del> (KommAustria Act - KOG), Federal Law Gazette I No. 32/2001.	§§ 16—20 KOG

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Austria	<del>Federal Communications Board (BKS)</del>	<del>Independent Authority (Independent collegiate tribunal)</del>	<del>Yes (in terms of independent decision-making since 2001; however, BKS is established at the Federal Chancellery and the administrative office of BKS is run by the Department V/4 of the Federal Chancellery)</del>			<del>Art. 20 (2) 3 B-VG Art. 133 (4) B-VG § 38 KOG</del>
	KommAustria	Administrative authority	Yes (in terms of its external business practices since 2001; in terms of independent decision making from October 2010 forward)			Art. 20 (2) 5 <del>a</del> B-VG § 6 (1) KOG
<p>In 2001 KommAustria was established as an authority directly subordinate to the Federal Chancellor. As regards its external business practices, it was an independent authority from its beginning. With the introduction of the new regulatory framework in 2010 (BGBl. I 2010/50 of July 19, 2010) KommAustria is an independent regulatory authority and not bound to any instructions (§ 6 (1) – KOG). <u>Due to the changes in the Austrian administrative system, Austria established an administrative court system instead of independent collegiate tribunals. That is why the BVerwG (BGBl. I 2012/51 of June 5, 2012) is the court of appeal and not the BKS.</u></p>						

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Austria	<del>Federal Communications Board (BKS)</del>		<p><del>Yes (since 2001)</del></p> <p><del>In general, the Austrian Federal Constitutional Law (Bundes-Verfassungsgesetz, B-VG) allows independent regulatory bodies only under exceptional circumstances (see Art. 20 B-VG).</del></p> <p><del>By law, <u>functionaries may be dispensed from being bound by instructions of their superior</u> <u>functionaries</u> for example <u>to decide in final instance, if they are being instituted as panel, of which at least one person is a judge and whose decisions are not subject to repeal or change by way of administrative ruling</u> (Art. 20 (2) 3 B-VG).</del></p> <p><del>BKS is set up as such an independent panel.</del></p>	<p><del>Art 20 B-VG</del></p> <p><del>Art 133 Z 4 B-VG</del></p>
	KommAustria		<p>Yes (since 2010, <u>see former Art 20 (2) 5a B-VG</u>)</p> <p>By law, <u>functionaries may be dispensed from being bound by instructions of their superior</u> <u>functionaries</u> for supervision and regulation of electronic media and the promotion of the media' (Art. 20 (2) <u>5a</u> B-VG).</p> <p>KommAustria is in charge of these functions in the electronic media domain</p>	Art 20 B-VG (as amended by BGBl. I <u>2012/5150/2010</u> )

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Austria	Austrian Communications Authority (KommAustria)	Tick boxes	No	<input type="checkbox"/> KommAustria regulates by means of -ordinances!	<input type="checkbox"/> i.e., by means of individual/concrete 'Decisions' (Entscheidungen)
		Areas		In a number of areas, including on frequency usage fees, broadcasting market definition; Broadcasting Threshold Value; Multiplex Operator Selection Principles	e.g., authorization of technical equipment; awarding of broadcasting licenses; allocation of frequencies; decisions regarding infringements of program regulations (advertising, protection of minors, etc.)
		Source		<a href="http://www.rtr.at/en/rf/RFVerordnungen">www.rtr.at/en/rf/RFVerordnungen</a> <a href="http://www.rtr.at/en/m/Verordnungen">www.rtr.at/en/m/Verordnungen</a>	See KommAustria 'Decisions' overview
	<del>Federal Communications Board (BKS)</del>	<del>Tick boxes</del>	<del>No</del>	<del>No</del>	<del><input type="checkbox"/> i.e. by means of individual/concrete 'Decisions' (Entscheidungen)</del>
		<del>Areas</del>			<del>e.g., licenses, program standards, advertising, protection of minors, etc.</del>
		<del>Source</del>			<del>See BKS 'Decisions' overview</del>
<p><b>Note:</b> KommAustria inter alia regulates by means of general/abstract -Ordinances! (Verordnungen). E.g., by Ordinances on Frequency Usage Fees; Broadcasting Market Definition; Broadcasting Threshold Value; Multiplex Operator Selection Principles. This may be referred to as -General policy implementing! or -Specific rule making! (see also Table 11). Demarcation between both is not completely clear. For an overview on KommAustria 'Ordinances' see: <a href="http://www.rtr.at/en/rf/RFm/Verordnungen">http://www.rtr.at/en/rf/RFm/Verordnungen</a>.</p>					

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Austria	BKS	Quotas			☒	☒		
		Advertising			☒	☒		
		Protection of minors			☒	☒		
	KommAustria	Quotas	☐		☐			<p><i>Systematic monitoring: Obligation to report for broadcasters (Berichtspflicht) according to § 52 AMD-G (private/ commercial broadcasters); § 7 (1) ORF-G (public service broadcaster).</i></p> <p><i>Information collection powers according to § 36 (4) ORF-G (public service broadcaster); § 47 (1) AMD-G (private/commercial broadcasters); § 29 (1) AMD-G (providers of audiovisual services).</i></p>
Advertising		☐	☐ (powers with limited scope in the case of public service)	☐	☐ (in some aspects regarding public service, monitoring demands for a external complaint)		<p><i>Systematic/periodic monitoring of compliance with advertising regulations by KommAustria according to § 2 (1) 7 KOG (public broadcasters and private/commercial broadcasters).</i></p> <p><i>Ad hoc monitoring (von Amts wegen) according to § 61 (1) AMD-G (private broadcasting) and § 36 (1) 3 ORF-G (public service broadcasting) with however limited scope regarding public service offers (limited to online offer; special interest programs for culture, information, sports).</i></p> <p><i>Information collection powers according to § 36 (4) ORF-G (public service broadcaster); § 47 (1) AMD-G (private/commercial broadcasters); § 29 (1) AMD-G (providers of audiovisual services).</i></p> <p><i>Monitoring after complaints according to § 61 (1) AMD-G (private broadcasting) and § 36 (1) 1 and § 36 (1) 2 ORF-G (public service)</i></p>	

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
		Protection of minors		<input type="checkbox"/> (powers with limited scope in the case public service)	<input type="checkbox"/>	<input type="checkbox"/> in some aspects regarding public service, monitoring demands for a external complaint)		<i>Ad hoc monitoring</i> („von Amts wegen“) according to § 61 (1) AMD-G (private/commercial broadcasting) and § 36 (1) 3 ORF-G (public service broadcasting) with however limited scope regarding public service offers (limited to online offer; special interest programs for culture, information, sports). Monitoring after complaints according to § 61 (1) AMD-G (private broadcasting) and § 36 (1) 1 and § 36 (1) 2 ORF-G (public service).
	<p>Regulatory requirements for the promotion of European works (by means of -quotas!) set out in §§ 11—12 ORF-G (public service broadcasting) and § 50 AMD-G (private/commercial broadcasting).</p> <p>Regulatory requirements for advertising set out in §§ 13—17, §§ 9 –9b, and § 18 ORF-G (public service broadcaster); §§ 31—38, and 42a—45 AMD-G (private/commercial broadcasters).</p> <p>Regulatory requirements for the protection of minors set out in § 36, § 39, and § 42 AMD-G (private/commercial broadcasters); §§ 10 (11)—10 (14), and §§ 13 (5)—13 (6) ORF- G (public service broadcaster).</p> <p>*The <del>Federal Communications Board (BKS)</del><u>Federal Administrative Court (BVerwG)</u> will only act as the appeals authority for decisions made by KommAustria. Hence, <del>BKS</del><u>BVerwG</u> only acts -in reactionl to appeals against decisions of KommAustria (that is, -only after complaints).</p>							

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Austria	KommAustria*	Quotas (For all sanctions, there is room for discretion as the law does not require the application of the sanctions)	<input type="checkbox"/>	No	<input type="checkbox"/>	No	No	-
		Advertising	<input type="checkbox"/> For ORF: warnings according to § 37 (2) ORF-G	<input type="checkbox"/> For ORF: fines up to €58,000 according to § 38 (1) 2 ORF-G	<input type="checkbox"/> For ORF: publication requirements according to § 37 (4) ORF-G	No For ORF	No	Power to annul any decision of the institutions of the ORF in case of consequent violation of ORF-G; Power to dismiss the accountable ORF organs according to § 37 (2) ORF-G
			<input type="checkbox"/> For commercial providers: warnings according to § 62 (1) AMD-G	<input type="checkbox"/> For commercial providers: fines up to €8,000 according to § 64 (2) AMD-G	<input type="checkbox"/> For commercial providers: publication requirements according to § 62 (3) AMD-G	<input type="checkbox"/> For commercial providers: revocation of license in case of severe and repeated violations according to § 63 (4) 2 AMD-G (theoretically only, but <del>never</del> not used in practice)	No	
		Protection of minors	<input type="checkbox"/> For ORF: warnings according to § 37	<input type="checkbox"/> For ORF: fines up to €58,000 according to § 38 (1) 1 ORF-G	<input type="checkbox"/> For ORF: publication requirements	No For ORF	No	Power to annul any decision of the institutions of the ORF in case of consequent

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
			(2) ORF-G		according to § 37 (4) ORF-G			violation of ORF-G; Power to dismiss the accountable ORF organs according to § 37 (2) ORF-G
			<input type="checkbox"/> For commercial providers: warnings according to § 62 (1) AMD-G	<input type="checkbox"/> For commercial providers: fines up to €8,000 according to § 64 (2) AMD-G	<input type="checkbox"/> For commercial providers: publication requirements according to § 62 (3) AMD-G	<input type="checkbox"/> For commercial providers: revocation of license in case of severe and repeated violations according to § 63 (4) 2 AMD-G		
<p><u>Sanctions for public service broadcasting (room for discretion):</u>  <i>Warnings/formal objections:</i> According to § 37 (2) ORF-G the regulatory authority <u>may object (annul)</u> a decision of an ORF body, if the decision violates the law.  <i>Fines:</i> According to § 38 (1) 2 ORF-G, the regulatory authority <u>has to</u> impose a fine <u>up to</u> €58,000 if the ORF violates advertising regulations or regulations regarding the protections of minors.  <i>Publication requirements:</i> According to § 37 (4) ORF-G the regulatory authority <u>may require publication</u> of their decisions. <u>Sanctions</u></p> <p><u>for private broadcasting (room for discretion):</u>  <i>Warnings/formal objections:</i> room for discretion not specified by § 62 (1) AMD-G.  <i>Fines:</i> According to § 64 (2) AMD-G the regulatory authority <u>has to</u> impose a fine up to €8,000 if a private broadcaster violates advertising regulations or regulations regarding the protections of minors.  <i>Publication requirements:</i> According to § 62 (3) AMD-G the regulatory authority <u>may require publication</u> of their decisions.</p>								



**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Austria	<del>Federal Communications Board (BKS)</del>	N/A (no policy setting powers)	N/A (no general policy implementing powers)	N/A (no specific rule-making power)	N/A (no systematic monitoring power)	Yes- (monitoring power only after complaints)	<input type="checkbox"/>	<input type="checkbox"/>
	KommAustria	N/A (no policy setting powers)	N/A (but see remark to table 9 -regulatory powers)	<input type="checkbox"/> Specific rule making powers available and in use by means of 'Ordinances', but in practice so far not used for areas covered by the AVMS Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Austria	KommAustria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No cases	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Austria	KommAustria	<p>Yes</p> <p>Specific regulations for complaints handling procedures according to §§ 61—62 AMD-G (private broadcasting) and according to §§ 36—37 ORF-G (public service broadcasting).</p> <p>Moreover, general regulation for complaints handling procedures according to AVG (Allgemeines Verwaltungsverfahrensgesetz) apply (see <del>§ 39 (1) KOG</del> <a href="#">Art. I (2) 1 EGVG</a>).</p>	<p><a href="http://www.rtr.at/ende/rf/InfoKonsumenten">www.rtr.at/ende/rf/InfoKonsumenten</a></p>
	<p><del>Federal Communications Board (BKS)</del></p>	<p><del>Yes</del></p> <p><del>The Federal Communications Board acts as the appeals authority for decisions made by KommAustria. General regulation for appeals handling procedures according to AVG (Allgemeines Verwaltungsverfahrensgesetz) apply (see § 39 (1) KOG).</del></p>	<p><del>No specific website available</del></p>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Austria	KommAustria	Individual and board*	5	No	No	No	No	Yes 5 (100%)	No	No	§ 3 (1) KOG
	<del>Federal Communications-Board (BKS)</del>	<del>Board</del>	<del>5</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>Yes 5 (100%)</del>	<del>No</del>	<del>No</del>	<del>§ 37 (1) and § 37 (4) KOG</del>
*Identification of one/lthe highest decision making organ is not possible. KommAustria is composed of 5 members. According to § 8 KOG the KommAustria acts by its General Assembly (5 members), by its Senates (3 members) or by individual/single members. Senates and individual members hold responsibilities for regulatory tasks, namely supervision and enforcement. For details regarding the composition of organs and the distribution of competences between the General Assembly, Senates and individual/single members see §§ 3—13 KOG, in particular §§ 9—13 KOG.											

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Austria	KommAustria	Regulation of broadcasting	KommAustria acts by its General Assembly (5 members), by senates (3 members) and by individual/single members. <ul style="list-style-type: none"> <li><input type="checkbox"/> The General Assembly has the quorum, if the majority of its member attends (that is 3 members). The general Assembly takes decisions by simple majority vote. Abstention from voting is not allowed. See § 9 (1) KOG.</li> <li><input type="checkbox"/> Senates (3 members) take decisions by simple</li> </ul>	Yes (e.g. publication of decisions, conduction of public oral hearings)	No information available

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
			majority vote. <u>Abstention from voting is not allowed.</u> See § 10 (5) KOG. <input type="checkbox"/> A 'senate decision' is taken by such a senate consisting of 3 members.		
		Competence to determine its internal organisation and procedures	General Assembly (5 members; presence quorum/3; board decisions; majority vote; abstention from voting is not allowed) See § 9 (1), § 9 (3) 1 and § 12 KOG	<del>No information available</del> <u>Procedural rules and allocation of duties</u> See: <a href="http://www.rtr.at/en/m/GOKOA">www.rtr.at/en/m/GOKOA</a>	No information available
		No decision making power on human resources. <u>The number of members of the regulatory body is laid down by law. Vacancies can only be filled according to the budgeting regulations.</u>	n/a	n/a	n/a
	<del>Federal Communications Board (BKS)</del>	<del>Regulation of broadcasting in second instance</del>	<del>Board decisions (5 members, qualified majority vote (2/3); abstention from voting is not allowed)</del> See § 38 KOG	<del>Yes (e.g. publication of decisions, conduction of public oral hearings within the administrative proceeding)</del>	<del>No information available</del>
		<del>Competence to determine its internal organisation and procedures</del>	<del>No information available</del>	<del>No information available</del>	<del>No information available</del>
		<del>No decision making power on human resources</del>	<del>n/a</del>	<del>n/a</del>	<del>n/a</del>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Austria	<del>Federal-Communications-Board (BKS)</del>	<del>Chairman and-board members</del>	Yes	<del>President of the Supreme-Court President of the Higher-regional Court Vienna Federal Government</del>	<del>Federal President</del>	No	<del>§ 37 KOG</del>
	KommAustria	Chairman, <u>vice-chairman</u> and board members	Yes	Federal Government (proposal) National Assembly (Government proposal to be accepted by the National Assembly)	Federal President	No	§ 3 KOG

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Austria	<del>Federal Communications Board (BKS)</del>	<del>All members</del>	<del>6</del>	<del>No</del>	<del>Not specified by KOG</del>	<del>§ 37 (2) KOG</del>
	KommAustria	Chairman of the board	6	No	Yes (how many times is not specified)	§ 3 (2) KOG
		Board members	6	No	Yes (how many times is not specified)	§ 3 (2) KOG

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Austria	KommAustria	Chairman of the board	Degree in law or in law & government studies	5 years of professional practice in legal affairs	§ 3 (1) KOG
		Board members			§ 3 (1) KOG
	<del>Federal Communications Board (BKS)</del>	<del>Chairman of the board</del>	<del>Judge (degree in law)</del>	<del>Professional experience in administrative matters, jurisprudence, science or in matters related to the competences of BKS</del>	<del>§ 37 (1) KOG; § 37 (4) KOG</del>
		<del>Board members</del>	<del>2 more judges and 2 more persons with degree in law.</del>		<del>§ 37 (4) KOG</del>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Austria	KommAustria	All members		<input type="checkbox"/>				yes, if there is no doubt about incompatibility	yes, if there is no doubt about incompatibility	<del>Incompatibility rules for BKS (§ 37 (5) KOG) apply to the term of office, but not to the appointment process. § 4 (1) 7 KOG (referring to incompatibility with professional practices exerted during the last year before term of office starts - 'cool off phase' )</del>
	Federal Communications Board (BKS)	Chairman	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	yes, if there is no doubt about incompatibility	yes, if there is no doubt about incompatibility	<del>§ 4 (7) KOG (referring to incompatibility with professional practices exerted during the last year before term of office starts - 'cool off phase' )</del>
		Board members	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	yes, if there is no doubt about incompatibility	yes, if there is no doubt about incompatibility	<del>§ 4 (7) KOG (referring to incompatibility with professional practices exerted during the last year before term of office starts - 'cool off phase' )</del>

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Austria	<del>Federal Communications-Board (BKS)</del>	<del>All members</del>	<del>Yes</del>		<del>Yes</del>	<del>Yes</del>	<del>Yes</del>	<del>§ 37 (5) KOG</del>
	KommAustria	Chairman	Yes		Yes Members of KommAustria must not be at the same time members of the federal government, secretary of state, members of the Parliament, or the European Parliament; they must not be members of minister cabinets;.	Yes Members of KommAustria must not be at the same time working for political parties or hold an employment status in a political party	Yes Members of KommAustria must not be at the same time members of an organ of the ORF and they must not hold any other service-, employment- assignment- in relation with ORF, ORF's subsidiary companies, any other media company and relevant interest groups in the media sector.	§ 4 KOG
		Board members	Yes		Yes Same as above	Yes Same as above	Yes Same as above	§ 4 KOG



**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Austria	<del>Federal</del>	Chairman		No		
	<del>Communication s Board (BKS)</del>	<del>Board members</del>		No		
	KommAustria	Chairman & Board members		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Austria	KommAustria	Chairman	Yes		Whole board	Incompatibility Serious breach of duty Serious physical/psychic infirmity Loss of eligibility to the parliament	Only individual members	§ 5 KOG; § 9 <del>(3S)</del> <u>5</u> KOG
		Individual board members	Yes		Whole board	Incompatibility, Serious breach of duty, Serious physical/psychic infirmity, Loss of eligibility to the parliament		§ 5 KOG; § 9 <del>(3S)</del> <u>5</u> KOG
	<del>Federal</del>	<del>Chairman</del>	<del>Yes</del>		<del>Whole board</del>	<del>Incompatibility, Repeated absence</del>	<del>Only individual members</del>	<del>§ 37 (6) KOG</del>
	<del>Communications Board (BKS)</del>	<del>Individual board members</del>	<del>Yes</del>		<del>Whole board</del>	<del>Incompatibility, Repeated absence</del>		<del>§ 37 (6) KOG</del>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Austria	<del>Federal Communications Board (BKS)</del>	<del>2001-2010</del>	<del>Chairman</del>		<del>No</del>		
			<del>Individual board members</del>		<del>No</del>		
	KommAustria	<del>2005-2009</del> <del>2014-2014</del>	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Austria	<del>Federal Communications Board (BKS)</del>	No	<del>State-funding 100%</del>	No	No	No	No	<del>cf. Latzer, Just, Saurwein &amp; Slominski (2002, p. 166) and notice below table 25.</del>
	KommAustria and RTR-GmbH/broadcasting Division*	Funding contribution of end-user licence fees: €1, <del>432</del> 4m per year; valorisation from 201 <del>0</del> 2	No	No	No	No	Funding contributions from market players based on percentage of revenues. Max. €2, <del>89</del> m per year, valorisation from 201 <del>0</del> forward based on <u>current</u> consumer price index (CPI <del>2010</del> –2007)	Funding of KommAustria and RTR-GmbH is determined by § 35 KOG.
		forward based on consumer price index (CPI) 2007						
<p>* The budget for KommAustria and RTR-GmbH/Broadcasting Division are composed of (1) funding contributions of end-user licenses fees and (2) funding contributions of market players (see § 35 KOG). While the contribution from licence fees is fixed (€1,<del>432</del>4m), the funding contributions of market players are determined and annually adjusted by RTR-GmbH, but limited to a maximum total of €2.89m. The actual annual contribution of the market players may be lower, depending on the RTR-GmbH's funding decision. The relation (percentages) between license fee funding and funding by market players may vary accordingly. The law foresees a maximum distribution of 30% (end-user license fees) to 70% (market players), but the share of market player contribution may decrease at the expense of the share of contributions of end-user license fees. <del>In 2009 market player contributed with 0.4% of their annual revenues in the average. 2014 remains an expenditure of TEUR 2,693 that has to be covered by financial contributions.</del></p>								

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Austria	<del>Federal Communications Board (BKS)</del>	<del>State funding</del>	<del>Yes</del>	<del>Federal Chancellery; Government; Parliament</del>	<del>(impossible to measure)</del>	<del>§§ 36 (1) and 37 (8) KOG</del>
	KommAustria + RTR-GmbH (broadcasting)	RTR-Board of management decides on funding contribution of market players (max €2,88m per year)  Funding contribution from licence fees is fixed (€1,4321m per year).	Yes	<input type="checkbox"/> regulator prepares the budget <input type="checkbox"/> consultation process with the market (industry) <input type="checkbox"/> the board of management decides to take up the budget	(impossible to measure)	§§ 35 (4)—35 ( 7) KOG
<p><del>The Federal Communications Board (BKS) can not resort to a budget in the narrow sense. The BKS is established at the Federal Chancellery (see § 36 (1) KOG), the administrative office of BKS is run by the Department V/4 of the Federal Chancellery and funded by the chancellery /state budget which is adjusted according to procedures of the Bundeshaushaltsgesetz (BHG). Under the terms of § 37 (8) KOG, members of the BKS have the right to receive attendance fees and reimbursement of reasonable travel and cash expenditures. The height/rate of the attendance fee is fixed by the government by means of an ordinance.</del></p>						

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Austria	<del>KommAustria</del> + RTR- GmbH (broadcasting)	yes	Annual	--	private audit firm appointed by the general assembly	--	Limited liability company law (GmbH-Gesetz); <u>§§ 268 ff UGB</u>
	<u>KommAustria; RTR-GmbH</u>	<u>Yes</u>	<u>Annual</u>	<u>The KommAustria and the RTR-GmbH report the Austrian Chancellor about the allocation of resources annually and present a statement of account.</u>			<u>§ 35 (1) KOG; [Compare also § 19 KOG]</u>
	KommAustria	Yes	Not specified	Public Audit Office (Rechnungshof)			§ 15 (2) KOG

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Austria	<del>Federal Communications Board (BKS)</del>	Parliament	Yes	<del>Information right of Parliament restricted to questions of management</del>	<del>Art. 52 B-VG</del>
		<del>Government as a whole</del>	<del>No</del>	<del>N/A</del>	<del>N/A</del>
		<del>Specific ministers (e.g. Media, finance, etc.)</del>	<del>Yes, Federal Chancellor</del>	<del>Information right of Chancellor restricted to questions of management</del>	<del>Art 20 B-VG, § 36 (6) KOG</del>
	KommAustria	Parliament	Yes	Information right of Parliament restricted to questions of management Reporting obligation: Duty to deliver an annual report to the Federal Chancellor who presents the report to the National Assembly. Subsequently the report has to be published.	Art. 52 B-VG (information right); § 19 KOG (reporting obligation)
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	yes, Federal Chancellor	Reporting obligation/Annual report (see above). Federal Chancellor can request information of all matters pertaining to the competence of KommAustria.	§ 19 KOG (reporting obligation); Art. 20 <del>B-VG</del> ; § 15 (1) KOG (information right for the Federal Chancellor)
		Public at large	Yes	Reporting obligation/Annual report (see above).	§ 19 KOG
		Other	Yes, Public Audit Office	KommAustria is subject to audit of the Public Audit Office.	§ 15 (2) KOG

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Austria	KommAustria	Federal Chancellor and Minister for Transport, Innovation and Technology. The Federal Chancellor shall submit the report to the Parliament and, in addition, shall publish the report in an appropriate manner.	Annual	Regulatory environment; decisions taken; information on a multitude of particular regulatory activities (e.g., digital broadcasting, mobile TV, frequency spectrum, licenses, monitoring of advertising, dispute resolution, etc.); market development (data; statistics), staff and budget.	No	No	No	§ 19 KOG  For the latest report see: <a href="http://www.rtr.at/de/komp/KBericht200913/32194-K-Bericht_200913.pdf">www.rtr.at/de/komp/KBericht200913/32194-K-Bericht_200913.pdf</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Austria	<del>KommAustria</del> +RTR-GmbH (broadcasting)	Yes (cf. Table 27)	Annual	No	Yes Private audit firm appointed by the general assembly	No	Limited liability company law (GmbH-Gesetz); § 268 ff UGB

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Austria	KommAustria	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	§ 36 KOG
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	§ 6 (1) KOG. Members of KommAustria are independent in their official activities and not bound to instructions. Formal independence of KommAustria was introduced in 2010 with amendments to the KommAustria Act (BGBl. I 2010/50 of July 19, 2010; in particular: § 6 (1) KOG) which enters into force by October 1, 2010. Hitherto, KommAustria was bound to instructions of the Federal Chancellor.
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions)	N/A	N/A	N/A	N/A	N/A	N/A



Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		which exclude instructions on political grounds)?						
	Federal Communications Board (BKS)	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	§ 36 (3) KOG
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	§ 37 (1) KOG Members of BKS are independent in their official activities and not bound to instructions.
		Are there limitations in the power to overturn (e.g. limited to legal supervision; which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which	N/A	N/A	N/A	N/A	N/A	N/A
		exclude instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Austria	Federal Communications Board (BKS)	External	1 Supreme Administrative Court	No	Party	Art. 130, 144 B-VG (Federal Constitutional Law)
			2 Constitutional Court			
	KommAustria	External	1 <del>Federal Communications Board</del> Federal Administrative Court	No	Party	§ 36 KOG Art. 133 <del>0</del> , 144 B-VG (Federal Constitutional Law) The Federal <del>Communications Board</del> Administrative Court is set up at the Federal Chancellery to control the decisions of the KommAustria. It decides as the highest appellate authority on appeals against decisions of KommAustria, with the exception of appeals in administrative penal cases. The decisions of the Federal Communications Board are not subject to revocation or amendment by administrative action. Appeals against decisions of the Federal <del>Communications Board</del> Administrative Court may be filed with the Supreme Administrative Court or the Constitutional Court. In matters concerning KommAustria, the Federal Communications Board is the superior authority within the meaning of the regulations governing the proceedings.
			2 Supreme Administrative Court			
			3 Constitutional Court			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Austria	Federal Communications Board (BKS)			☐	N/A
	KommAustria	☐			N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Austria	Federal Communications Board (BKS)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		N/A
	KommAustria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Austria	<del>Federal Communications Board (BKS)</del>	1 <del>Supreme Administrative Court</del>		<input checked="" type="checkbox"/>	<del>The Supreme Administrative Court has the power to cancel the decision and remit it back to the Federal Communications Board for new decision.</del>
		2 <del>Constitutional Court</del>		<input checked="" type="checkbox"/>	<del>The Constitutional Court has the power to cancel the decision and remit it back to the Federal Communications Board for new decision.</del>
	KommAustria	1 Federal <del>Communications Board</del> <u>Administrative Court</u>	<input type="checkbox"/>		The Federal <del>Communications Board</del> <u>Administrative Court</u> has the power to replace the original decision with its own.
		2 Supreme Administrative Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Supreme Administrative Court has the power to cancel the decision and remit it back to the Federal Communications Board for new decision <u>or the Court can give judgment on the merits of the case.</u>
		3 Constitutional Court		<input type="checkbox"/>	The Constitutional Court has the power to cancel the decision and remit it back to the Federal Communications Board for new decision.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Austria	KommAustria/RTR-GmbH	Yes	As regards activities related to the <u>competence centre</u> : Maximum: 10% of the sectoral expenditure of RTR-GmbH's broadcasting division (see Table 5)	Yes Requirements according to Public Procurement Law (Bundesvergabegesetz BVergG 2006, BGBl. I 2006/17)	As regards funds from the -Digitalisierungsfonds! Requirements according to §§ 23—25 KOG.	Yes e.g., Working Group Digital Platform Austria e.g., expert studies (see: <a href="http://www.rtr.at/en/komp/Studien">www.rtr.at/en/komp/Studien</a> e.g. <a href="#">the program and communications analysis of the Austrian non-commercial broadcast in the change of media</a> )
	<p>RTR-GmbH and KommAustria are able to take outside advice regarding regulatory questions:</p> <p>According to § 20 (2) KOG the RTR-GmbH fulfils the function of a competence centre for matters pertaining to the sectors of audio-visual media and telecommunication. In this context, RTR-GmbH shall commission scientific analyses to be conducted in respect of matters connected with the tasks of the regulatory authorities assisted by it, in particular with regard to issues of frequency planning and frequency optimization, the introduction of digital broadcasting in Austria, national and European advertising regulation, protection of minors, access to services, the employment of new technologies and services as well as market conditions.</p> <p>According to § 20 (1) KOG the expenses for the competence center as regards broadcasting issues are limited with a maximum of 10% of the sectoral expenditure of RTR-GmbH's broadcasting division.</p> <p>According to § 21 AMD-G KommAustria is to compile a Digitization Concept for the introduction and the development of digital broadcasting. Based on § 21 (1) AMD-G the Working Group Digital Platform Austria (Arbeitsgemeinschaft Digitale Plattform Austria) was set up by the Austrian Federal Chancellery in 2001. The Working Group supports the regulatory authority.</p> <p>Activities of the Working Group Digital Platform Austria are funded by the -Digitalisierungsfonds! (§ 21 KOG). The Digitalisierungsfonds may also be used to commission scientific analyses on technical, economic, program-related and consumer-oriented questions regarding the introduction of digital broadcasting (see § 22 KOG).</p>					

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Austria	KommAustria	market definition ordinance (identification of the relevant national markets)	interested persons	within a reasonable period (4 weeks)	Yes		§ 128 TKG (Telecommunications Act 2003)
	KommAustria	public value test	Federal Competition Authority, advisory board concerning questions of journalism	6 weeks	-	-	§ 6a ORF-G

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Austria	KommAustria	2009	1
		<a href="#">2011</a>	<a href="#">2</a>
		<a href="#">2012</a>	<a href="#">1</a>
		<a href="#">2013</a>	<a href="#">4</a>
		<a href="#">2014</a>	<a href="#">2 currently ongoing procedures</a>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Austria	KommAustria	Decisions of KommAustria have to <u>be</u> published in an appropriate way in due consideration of data protection regulations (§ 19 (1) KOG).	Yes: Obligations according to § 58 (2) and § 60 AVG		
	<del>Federal Communications Board (BKS)</del>	<del>Decisions of BKS have to published in an appropriate way in due consideration of data protection regulations (§ 19 (1) KOG).</del>	<del>Yes: Obligations according to § 58 (2) and § 60 AVG</del>		

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Austria	KommAustria	RTR Operative arm of KommAustria; Administration of selected funds for promotion of the media	See § 16—18 KOG	Yes, instructions from KommAustria according to § 18 (3) 1 KOG	
		Advertising Council Self-regulation for the advertising sector	Optional: Financial subsidies from KommAustria according to § 33 KOG	No	
		Journalism Council - <del>since 2002 not active, re-activation is planned</del> <u>reactivated since November 2010</u> Self-regulation for print journalism (not broadcasting journalism)	Optional: Financial subsidies from KommAustria according to § 12a Act for the promotion of the press (Presseförderungsgesetz 2004)	No	The Austrian Journalism Council quote to exist in 2002. The introduction of the option for financial subsidies from KommAustria may be referred to as an attempt to stimulate the re-activation process— <del>with however limited success so far (Sept. 2010)</del> <u>that succeeded in November 2010</u>
	ORF-Foundation Council Regulatory body of ORF		Power for KommAustria to annul any decision of the institutions of the ORF in case of consequent violation of ORF-G; Power to dismiss the accountable ORF organs according to § 37 (2) ORF-G	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Austria	KommAustria	yes, e.g. <a href="#">EPRA</a> , CEPT, <a href="#">BEREC</a> , <a href="#">IRG</a> and other institutions of international cooperation		



## Belgium (de)

Note that the tables in this section, although containing information on all three Communities of Belgium, do exclusively highlight changes in the legal framework of the German-speaking Community.

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Belgium</b>	<b>BE-Flanders</b> 64 (national) 10 (regional)	<b>BE-Flanders</b> ( <a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a> ) 16	<b>BE-Flanders</b> ( <a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a> ) 3 2 non-linear
	<b>BE-French community</b> 23 national 12 regional/local	<b>BE-French community</b> ( <a href="http://www.csa.be">www.csa.be</a> ) 4	<b>BE-French community</b> ( <a href="http://www.csa.be">www.csa.be</a> ) 4
	<b>BE-German speaking community</b>	<b>BE-German speaking community</b> ( <a href="http://www.medienrat.be">www.medienrat.be</a> )	<b>BE-German speaking community</b> ( <a href="http://www.medienrat.be">www.medienrat.be</a> ) 1 (+1 <del>öffentlicher</del> Offener Kanal, organised as a private association without profit objective)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Belgium</b>	Information requirements (art. 5 AVMS Directive)	<b>BE-VL</b> : VL-media-act (40)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (6, 36-38)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (6.3)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Audiovisual commercial	<b>BE-VL</b> : VL-media-act (47-101)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<b>BE-FR:</b> FR-media-act (10-32)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (6, 6.1, 7, 10, 10.1)	<b>BE-DE :</b> MRat	<b>BE-DE :</b> MRat	<b>BE-DE :</b> MRat
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<b>BE-VL :</b> VL-media-act (151)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (33)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE:</b> DE-media-act (10.2)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Broadcasting of major events (Art. 14 AVMS Directive)	<b>BE-VL :</b> VL-media-act (153)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (3-4)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (14)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Access to short news reports (Article 15 AVMS Directive)	<b>BE-VL :</b> VL-media-act (118)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (4)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (14.1)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<b>BE-VL :</b> VL-media-act (154-157)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (44-46)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (12, 40)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Hate speech (Art. 12 and 6 AVMS Directive)	<b>BE-VL :</b> VL-media-act (38-39)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (9)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (4, 80.1)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<b>BE-VL :</b> VL-media-act (78-84)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (18-24, 31-31)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (7, 15)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Protection of minors (Art. 27 AVMS Directive)	<b>BE-VL :</b> VL-media-act (41-45)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (9)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (4, 6, 6.2)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Right of reply (Art. 28 AVMS Directive)	<b>BE-VL :</b> VL-media-act (102-117)	<b>BE-VL :</b> VRM / President of court of first instance	<b>BE-VL :</b> VRM / President of court of first instance	<b>BE-VL :</b> VRM / President of court of first instance
		<b>BE-FR :</b> federal act of 23/6/1961 ( <i>BS 8/7/1961</i> )	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (11, 15.1 (non-linear))	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<b>BE-VL</b> : no general provision, specific provisions in some cases (e.g. 44 VL-media-act on minors, art. 154 on EU quota, art. 176, 221-222)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (140) and 57 rules of procedure	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (107.1)	<b>BE-DE</b> : MRat/government	<b>BE-DE</b> : MRat/government	<b>BE-DE</b> : MRat/government

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
<b>Belgium</b>	BE-VL : VRM	<a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a>	16 December 2005, Decreet betreffende de radio-omroep en de televisie van 27 maart 2009, <i>BS</i> 30 april 2010 (successor of the previously existing “Vlaams Commissariaat voor de Media”)  Entered into force February 10, 2006	Vlaamse Regulator voor de Media Koning Albert II-laan 20 - bus 21 B-1000 Brussel  Tel : +32 2 553.45.04 Fax : +32 2 553.45.06 e-mail: <a href="mailto:vrn@vlaanderen.be">vrn@vlaanderen.be</a>
	BE-FR : CSA	<a href="http://www.csa.be">www.csa.be</a>	Originally Act of 24 July 1997, later taken over by Décret coordonné sur les services de médias audiovisuels du 30 avril 2009, <i>BS</i> 27 juillet 2009	Conseil supérieur de l'audiovisuel 13, Boulevard de l'Impératrice B-1000 Bruxelles  Tel : +32 2 349.58.80 Fax : +32 2 349.58.97 email: <a href="mailto:info@csa.be">info@csa.be</a>

Country	Name of regulatory body	Link to website	Date of establishment	Location
	BE-DE : MRat	<a href="http://www.medienrat.be">www.medienrat.be</a>	Dekret vom 27. Juni 2005 über <a href="#">den Rundfunk</a> die <a href="#">audiovisuellen Mediendienste</a> und die <a href="#">Kinovorstellungen</a> , <i>BS</i> 6 september 2005	Ministerium der Deutschsprachigen Gemeinschaft Belgiens Gospertstraße 1 B-4700 Eupen  Tel.: +32 87 59 63 00 Fax: +32 87 55 28 91 email- <a href="mailto:info@medienrat.be">info@medienrat.be</a>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
<b>Belgium</b>	BE-VL: VRM	Yes	Yes	Yes	No	No	No
	BE-FR : CSA	Yes	Yes	Yes	No	No	No
	BE-DE : MRat	Yes	Yes	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Belgium	BE-VL: VRM	20	20, excluding chambers (head count: 5 + 13) and management board (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> <li>subsidies</li> </ul>	Total: €2.041m 1. €1.187m	VL-media-act (art. 232)  2009 ( <a href="#">public report VRM 2009</a> )
				<ul style="list-style-type: none"> <li>licence fees</li> <li>other</li> </ul>	2. €854,000	
	BE-FR : CSA	26	26 staff members, excluding collège (head count: 6) and bureau (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> <li>General subsidy</li> <li>Specific subsidy</li> <li>Gifts</li> <li>Own income</li> </ul>	Total 2009: €2.2m (yearly indexed at 1%)	2009 (art. 139, 151 FR-media-act and <a href="#">website CSA</a> )  Budget is part of the overall (yearly approved) state budget; CSA and government negotiate 5-year plan (covering 2009-2013)
	BE-DE : MRat	<del>Not specified in law.</del> The regulatory chamber (MRat-REG) has 3 members (art. 90 DE-media-act).  The number of members of the advisory chamber (MRat- ADV) is not defined by law (art. 111 DE-media-act) but has <a href="#">currently 22 members.</a>  <a href="#">The bureau should have 3 members (art. 116.1 DE-media-act).</a>	MRat has no specific or own staff members, <del>but can rely on the services of the administration (= +/- 0.5 FTE).</del>  The <del>current head count of the</del> regulatory chamber (MRat- REG) <del>is has</del> 3 members, and <del>The current head count of the advisory chamber (MRat-ADV) is</del> 1822 members.  <a href="#">The bureau has a head count of 2 persons (= altogether in theory 0.75 FTE). They are staff members of the Ministry of the German-speaking Community (administration).</a>	Not fixed, budget comprised of (art. 111 DE-media-act): <ul style="list-style-type: none"> <li>General subsidy</li> <li>Gifts</li> <li>Own income</li> <li>Administrative fees</li> </ul>	<del>N/A</del> Total 2014: €15.000	<del>2009</del> 2014, DE-media-act (90, 111, <a href="#">116.1</a> , <a href="#">116.2</a> ), <a href="#">www.medienrat.be</a>  <a href="#">Budget is part of the overall (yearly approved) state budget.</a>



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Belgium	BE-VL: VRM	Articles 215-235 VL-media-act	<ul style="list-style-type: none"> <li>management contract VRM <a href="http://www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf">www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf</a></li> </ul>
			<ul style="list-style-type: none"> <li>rules of procedure management board <a href="http://www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27">www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27</a></li> <li>rules of procedure chambers <a href="http://www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf">www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf</a></li> </ul>
	BE-FR : CSA	Articles 131-158 FR-media-act, art. 20 rules of procedure (specific deontology provisions applicable to members of the CSA), including the following issues: <ul style="list-style-type: none"> <li>obligation of professional secrecy</li> <li>obligation to notify problems of independence to Bureau</li> <li>prohibition to seek or follow instructions or than following from the regulatory framework</li> <li>obligation to notify possible conflicts of interest</li> <li>rules on accepting gifts and specific conflicts of interests</li> </ul>	<ul style="list-style-type: none"> <li>rules of procedure Bureau <a href="http://www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27">www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27</a></li> <li>rules of procedure collège d'autorisation et de contrôle du CSA (CAC) <a href="http://www.csa.be/documents/categorie/25">www.csa.be/documents/categorie/25</a></li> <li>financial 5-year plan 2009-2013</li> </ul>
	BE-DE : MRat	Articles 86-116 DE-media-act	<ul style="list-style-type: none"> <li>rules of procedure MRat (15/5/2007) <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2007051564&amp;table_name=wet_or">www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2007051564&amp;table_name=wet_or</a> <a href="http://www.medienrat.be/files/Geschaeftsordnung2007.pdf">http://www.medienrat.be/files/Geschaeftsordnung2007.pdf</a></li> </ul>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Belgium	BE-VL: VRM	Independent agency	Yes		<ul style="list-style-type: none"> <li>Created within the broader framework of regulatory agencies, but with extra guarantees on independence for regulatory chambers</li> <li>No hierarchic relation between (administrative) management board and (regulatory) chambers</li> </ul>	VL-media-act (215)
	BE-FR : CSA	Independent agency	Yes		Highest organ of the CSA is the bureau, under the authority of which two collèges function (one advisory, CAV) and one regulatory, CAC)	FR-media-act (133-150)
					Government has to approve the rules of procedure of CSA and organises the legal position of all members CSA	FR-media-act (145)
	BE-DE : MRat	Independent agency	Yes		<p><del>MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The MRat consists of a regulatory chamber (MRat-REG) and an advisory chamber (MRat-ADV), the bureau (management board) and the auditorat (instruction service).</del></p> <p><u>MRat has no specific or own staff members. The bureau is composed of 2 staff members of the Ministry of the German-speaking Community. No hierarchic relation between (administrative) management board and chambers.</u></p>	<del>Articles 86-116-DE-media-act, art. 3 rules of procedure (86-111-116.1-116.2)</del>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Belgium	BE-VL: VRM		Yes, explicit	VL-media-act (215, 218 §2 & §3)
	BE-FR : CSA		Yes, explicit	FR-media-act (133)
	BE-DE : MRat		Yes, explicit	DE-media-act (86), <u>art. 3 rules of procedure</u>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Belgium	BE-VL: VRM		N/A (constitutional concerns); however, VRM can advise government on appropriateness of regulatory framework	√ (VL-media-act, 218) General act	√
	BE-FR : CSA		N/A (constitutional concerns); however, Bureau can advise government on appropriateness of regulatory framework (141 FR-media- act)	√ (FR-media-act, 135) General act	√ Separate college competent for advising on media policy issues (CAV)
	BE-DE : MRat		N/A (constitutional concerns); <u>however, Bureau can advise government on appropriateness of regulatory framework (116.1 DE-media- act)</u>	√ (DE-media-act, 86, 89, 97, 98, 114) General act	√ Separate chamber competent for advising on media policy issues (MRat-ADV)

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Belgium	BE-VL: VRM	Quotas	√	√	√		Broadcasting networks and associated facilities, must-carry, API, EPG	VL-media-act (154-157, 220 §1 en §2)
		Advertising	√	√	√			VL-media-act (47-101, 220 §1 en §2)
		Protection of minors	√	√	√			VL-media-act (41-45, 220 §1 en §2)
	BE-FR : CSA	Quotas	√	√	√			FR-media-act (40, 44-46, 143): yearly, complaint, own initiative
		Advertising	√	√	√			FR-media-act (10, 40, 78-84, 143, 159-162): : yearly, complaint initiative
		Protection of minors	√	√	√			FR-media-act (10, 40, 78-84, 143, 159-162) : yearly, complaint own initiative
	BE-DE : MRat	Quotas	√ (120-121)	√ (120-121)	√ (102)		<del>MRat ADV has the task to develop models of deontology rules in the area of protection of minors and commercial communication (114)</del>	DE-media-act (12, 40)
		Advertising	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (7, 15)
		Protection of minors	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (4, 6, 6.2)

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Belgium	BE-VL: VRM	Quotas	√  In all cases and for all regulators, the regulator decides on a case by case basis on the sanctions, they are therefore discretionary within the limits of the act	√ (up to €125k)	√	√	√	Suspension of distribution
		Advertising	√	√ (up to €125k)	√	√	√	
		Protection of minors	√	√ (up to €125k)	√		√	
	BE-FR : CSA	Quotas	√	√ (from €250 to 3% of turnover)	√	√	√ government collects fines (FR-media-act, 160)	Suspension of distribution (FR-media-act, 159)
		Advertising	√	√ (from €250 to 3% of turnover	√	√	√	
				of turnover			government collects fines (FR-media-act, 160)	
		Protection of minors	√	√ (from €250 to 3% of turnover	√	√	√ government collects fines (FR-media-act, 160)	
	BE-DE : MRat	Quotas	√ DE-media-act (12, 40 & 120)	√ up to €25k DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	<u>N/A</u> √ <a href="#">bureau collects fines (DE-media-act, 122)</a>	<a href="#">Sanctions by MRat – REG only possible after advice by MRat – ADV (120-121)</a>
		Advertising	√ DE-media-act (7, 15 & 120)	√ up to €100k DE-media-act (120 & 124)	√ DE-media-act (7, 15 & 120)	√ DE-media-act (7, 15 & 120)	<u>N/A</u> √ <a href="#">bureau collects fines (DE-media-act, 122)</a>	
		Protection of minors	√ DE-media-act (4, 6, 6.2 & 120)	√ up to €25k DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	<u>N/A</u> √ <a href="#">bureau collects fines (DE-media-act, 122)</a>	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Belgium	BE-VL: VRM	No	√	√	√	√	√	√
	BE-FR : CSA	No	√	√	√	√	√	√
	BE-DE : MRat	No	√	√	<del>√</del> No	<del>√</del> No	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Belgium	BE-VL: VRM	√ 2009: 17 2008: 27 2007: 6	√ 2009: €83k 2008: €105k 2007: €121k	No	√ Yes, 2009: revocations: 6 (5 frequency licenses of local radios revoked because of unused radio spectrum, 1 TV-station bankruptcy)	No Fines paid on time
	BE-FR : CSA	√ 2009: 5	√ 2009: 5	√ 2009: 3	√ 2009: 3 (revocation of license of frequency spectrum use)	No Fines paid on time
	BE-DE : MRat	No	No	No	No	<del>N/A</del>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Belgium	BE-VL: VRM	Yes, complaints are examined by the staff of the VRM and then forwarded to the relevant chamber (government decree on VRM-procedure, art. 12)	<a href="http://www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx">www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx</a>
	BE-FR : CSA	Yes, complaints are forwarded to the instruction service, which examines them; it can decide whether or not to go to a second instruction phase and compiles a file which it forwards to the CAC	<a href="http://www.csa.be/guichet/plainte">www.csa.be/guichet/plainte</a> , art. 29-42 rules of procedure Bureau et CAC
	BE-DE : MRat	Yes, <del>when</del> complaints are <del>not within the legal powers of the forwarded</del> MRat-REG, <del>they are registered and send</del> to the <del>president and the permanent commission of the</del> instruction service MRat-ADV, which examines <del>them</del> ; it <del>and prepares</del> can decide <del>whether or not to go to a draft decision for the</del> MRat-ADV, second instruction phase and compiles a file which <del>decides about the</del> complaint and possible sanctions it forwards to the MRat-REG.	Art. <del>114</del> <a href="#">116.2-122-127</a> DE-media-act, <del>23, 31-32</del> rules of procedure

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Belgium	BE-VL: VRM	Management: board	3	0%	0%	0%	0%	66%	Director: 33% Requirements on more equal participation of male and female: (D 13/07/2007 )	n/a	VL-media-act (224)
		General chamber: board	5	0%	0%	0%	0%	60% (3)	40% (2 judges, including chairman)	n/a	VL-media-act (216)
		Chamber impartiality and minors: board	9	n/a	n/a	n/a	n/a	n/a	min. 44% (4 professional journalists); in case of complaints about minor protection, 4 extra members (2 psychologists & 2 family representation)	n/a	VL-media-act (216)
	BE-FR : CSA	Bureau: board	4	n/a	n/a	n/a	n/a	n/a	Nominations have to respect federal act on ideological and philosophical	n/a	FR-media-act (140-142)



Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
									groups in public functions (16/07/1973)		
		CAC: board	6 (+bureau)	n/a	Yes, one representative of administration attends the meetings of the CAC, except when ascertain infractions (147 §2). They are not formal members, but they attend meetings.	n/a	n/a	Yes, but no formal quota (“expert in law, audiovisual or communication”)	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (139)
		CAV: board	30 (+bureau)	Yes, should be member of 15 specific socio-economic categories (society, operational, PBS, labour unions, etc.). At least one representative per specified group.	Yes, two representatives of government and administration and three representatives from the Council for media- education attend the meetings of the CAV (147§2). They are not formal members, but they attend meetings	n/a	Yes, but no formal quota	n/a	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (138)
	BE-DE : MRat	MRat-REG: board	3	0%	0%	0%	0%	100%	n/a	n/a	DE-media-act (90)
		MRat-ADV: board	<del>48</del> 22 (including 6 members on behalf of the Parliament)	<del>40%</del> 5/22 (23%)	0%	<del>45%</del> 6/22 (27%)	<del>45%</del> 11/22 (50%)	0%	0%	n/a	DE-media-act (111)
		<u>MRat-Bureau: board</u>	<u>3 (in practice: 2)</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>1 (legal expert)</u>	<u>n/a</u>	<u>n/a</u>	<u>DE-media-act (116.1)</u>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Belgium	BE-VL: VRM	Management board: administration and management of VRM	Majority vote (quorum: 66%, casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		General chamber: general regulatory supervision and enforcement powers	Majority vote (quorum: 3/5 (=60%), casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		Chamber impartiality and minors: regulatory powers in the field of impartiality of the media and protection of minors	Majority vote (quorum: 5/9 (=55%), casting vote of president (FR media-act 149)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
	BE-FR : CSA	Bureau: general management and representation of CSA; coordinating and organising the work of the CSA	Majority vote (quorum: 3, (=50%)), casting vote of president)	Yes, bureau meeting reports contain minority opinions and notes and are made public (art. 145 FR-media-act, art. 12, 54 rules of procedure)	No (only decisions and minority notes are made public, cf. art. 8, 54-55 rules of procedure)
		CAC: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement; formulating advice to government on specific issues (e.g. on radio frequencies)	Majority vote (quorum: 50%), casting vote of president (FR-media-act 148, 161)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act, art. 12, 54 rules of procedure)	No (only decisions and minority notes are made public, cf. art. 54-55 rules of procedure)
		CAV: formulate advice to government, parliament and develop co-regulatory measures on advertising, protection of human dignity & minors, access for disabled	Majority vote (quorum: 20%), casting vote of president, (FR-media-act 148)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act,	No (only decisions and minority notes are made public, cf. art. 54-55 rules of procedure)

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		people, extracts of public events and political speech.		art. 12, 54 rules of procedure)	
	BE-DE : MRat	MRat-REG: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement ( <a href="#">art. 97 DE-media-act</a> )	Consensus (quorum: 50%), art. 98 DE-media-act, art. 10 and 19 rules of procedure	No specific transparency measures (cf. DE-media-act 105: general <del>publication</del> <a href="#">information obligation</a> ). <a href="#">Meetings are in principle confidential</a> ( <a href="#">art. 86 §4 DE-media- act</a> )	<del>No</del> <a href="#">No (only decisions are made public)</a>
		MRat-ADV: <del>general</del> advisory role, incl. advice on <a href="#">some</a> decisions <del>and sanctions</del> <a href="#">listed in art. 114 DE-media-act</a>	Majority vote, casting vote president, quorum: 50% art. 115 DE-media-act, art. 10 and 22 rules of procedure	No specific transparency measures; meetings are in principle confidential ( <a href="#">art. 86 §4 &amp; <del>12</del></a> DE-media- act)	<del>No</del> <a href="#">No (only decisions are made public)</a>
		<a href="#">MRat-Bureau: general management and representation</a>	<a href="#">Consensus</a> <a href="#">Art. 116.1 DE-media-act</a>	<a href="#">No specific transparency measures, except for budget and annual statement of accounts (art. 110-110.1 DE-media-act)</a>	<a href="#">No</a>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body			Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Belgium	BE-VL: VRM	Management board	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		general chamber	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		chamber impartiality and minors	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
	BE-FR:	Bureau	Board	No	n/a	Government	n/a	FR-media-act (142)
	CSA		Chairman	No	n/a	Government	n/a	FR-media-act (142)
		CAC	Board	No	n/a	50% Parliament, 50% Government	n/a	FR-media-act (139)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAC	n/a	FR-media-act (142)
		CAV	Board	No	n/a	Government	n/a	FR-media-act (138)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAV	n/a	FR-media-act (142)

Country	Body			Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
	BE-DE: MRat	Chairman MRat-REG- <del>&amp;</del> <del>MRat-ADV</del>	Chairman	No	n/a	Government	n/a	DE-media-act (86 <a href="#">§2</a> )
		<a href="#">Chairman MRat-ADV</a>	<a href="#">Chairman</a>	<a href="#">No</a>	<a href="#">n/a</a>	<a href="#">MRat-ADV</a>	<a href="#">n/a</a>	<a href="#">DE-media-act (86 §2)</a>
		MRat-REG	Board	No	n/a	Government	n/a	DE-media-act (86)
		MRat-ADV	Board	No	n/a	Government	n/a	DE-media-act (86)
		<a href="#">MRat-Bureau</a>	<a href="#">Board</a>	<a href="#">No</a>	<a href="#">n/a</a>	<a href="#">Government</a>	<a href="#">n/a</a>	<a href="#">Erlass der Regierung vom 21. Mai 2012 zur Bezeichnung der Personen, die mit der Betreuung des Medienrats der Deutschsprachigen Gemeinschaft beauftragt sind (MB. 15/06/2012); no prescription in DE-media-act.</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Belgium	BE-VL: VRM	Management board	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	Art. 17-18 act administrative governance (18/07/2003)
		General chamber	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
		Chamber impartiality and minors	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
	BE-FR : CSA	Bureau	5 years	No specific rules	Yes, unlimited	FR-media-act (142)
		CAC	4 years	No specific rules	Yes, unlimited	FR-media-act (139)
		CAV	4 years	No specific rules	Yes, unlimited	FR-media-act (138)
	BE-DE : MRat	President <a href="#">MRat-REG</a>	<del>5</del> 4 years	<del>The terms explicitly have to coincide with the election cycle</del> No specific rules	<del>Yes, unlimited</del> <a href="#">No, only once</a>	DE-media-act (87)
		MRat-REG	<del>5</del> 4 years	<del>The terms explicitly have to coincide with the election cycle</del> No specific rules	Yes, unlimited	DE-media-act (87)
		President <a href="#">MRat-ADV</a>	<a href="#">4</a> years	<a href="#">No specific rules</a>	<a href="#">No, only once</a>	<a href="#">DE-media-act (87)</a>
		MRat-ADV	<del>5</del> 4 years	<del>The terms explicitly have to coincide with the election cycle</del> No specific rules	Yes, unlimited	DE-media-act (87)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Belgium	BE-VL : VRM	Management board: members	n/a	n/a	n/a
		Management board: chairman	n/a	n/a	n/a
		general chamber: members	<ul style="list-style-type: none"> <li>2 magistrates/judges</li> <li>3 scientific experts</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
		general chamber: chairman	<ul style="list-style-type: none"> <li>Magistrate</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
		chamber impartiality and minors: members and chairman	<ul style="list-style-type: none"> <li>Magistrates/judges</li> <li>scientific experts</li> <li>professional journalists</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
	BE-FR : CSA	Bureau (members & chairman)	No specific provisions	No specific provisions	FR-media-act (140-142)
		CAC (members & chairman)	No specific provisions	Expertise in law, audiovisual and/or communication	FR-media-act (139)
		CAV (members & chairman)	Should be member of 15 specific socio-economic categories (e.g. society, operational, PBS, labour unions). At least one representative per specified group.	No specific provisions	FR-media-act (138)
	BE-DE : MRat	MRat-REG	No specific provisions	Scientific, legal, economic and technical knowledge in media or expert in electronic communications	DE-media-act (91)

Country	Body		Qualifications	Professional expertise	Source
		<a href="#">MRat-ADV</a>	<a href="#">Should be member of one of many specific socio-economic categories</a>	<a href="#">No specific provisions</a>	<a href="#">DE-media-act (111-112)</a>
		<a href="#">MRat-ADV Bureau</a>	<a href="#">No specific provisions, but one member must be a lawyer</a>	No specific provisions	DE-media-act ( <del>111-112</del> 116.1)
		<a href="#">MRat-Instruction service</a>	<a href="#">No specific provisions</a>	<a href="#">No specific provisions</a>	<a href="#">DE-media-act (116.2)</a>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Belgium	BE-VL : VRM	Management board	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	No	No	No	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		No Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)
		chamber impartiality and minors	Yes		Members cannot also be member	No specific provisions on political	Prohibition to have links with or economic	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					of any government	party links; rules limited to active functions in parliaments	participation in any media or advertising company and/or any distribution company (not applicable to journalists to whom a specific prohibition applies: no management functions in those companies			
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	Yes, members cannot be member of staff or administration board of public or private market players	No	No	FR-media-act (142), rules of procedure (22) act administrative governance (18/07/2003)
		CAC	Yes		Members cannot also be member of any government or staff of government	No specific provisions, to the opposite: nominations have to respect	Yes, members cannot be member of staff or administration board of public or private	No	No	FR-media-act (139), rules of procedure (22) act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					members	federal act on ideological and philosophical groups in public functions	market players			
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	No, to the opposite. Some members have to represent industry	No	No	FR-media-act (138), rules of procedure (22) act administrative governance (18/07/2003)
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	<del>No</del> <a href="#">No specific provisions</a>	No	DE-media-act (91)
		MRat-ADV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: every political party in parliament	No, to the opposite. Some members have to represent industry	<del>No</del> <a href="#">No specific provisions</a>	No	DE-media-act (111)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
						can appoint one non-voting member		<a href="#">No specific provisions</a>	No	
		<a href="#">MRat-Bureau</a>	<a href="#">Yes</a>			<a href="#">No specific provisions</a>	<a href="#">Yes</a>	<a href="#">No specific provisions</a>	No	<a href="#">DE-media-act (91-116.1)</a>
		<a href="#">MRat-Instruction service</a>	<a href="#">Yes</a>		<a href="#">Members cannot also be member of any government or staff of government members</a>	<a href="#">No specific provisions</a>	<a href="#">Yes</a>	<a href="#">No specific provisions</a>	No	<a href="#">DE-media-act (91-116.2)</a>

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Belgium	BE-VL : VRM	All management board and chambers members and chairmen	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	Board members cannot take part in decisions when they have direct or indirect interest.	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 Art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	VL-media-act (216 §1), act administrative governance (18/07/2003)
		Chamber impartiality and minors	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company (not applicable to journalists, to whom a specific prohibition applies: no management functions in those companies).	VL-media-act (216 §2), act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
		Senior staff	Yes		Internal deontological code			website VRM
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (142), rules of procedure (22)
		CAC	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (139), rules of procedure (22)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	No, to the opposite: some members have to represent industry	FR-media-act (138), rules of procedure (22)
		Senior staff	Yes		No information available	No information available	No information available	FR-media-act (144), rules of procedure (23-48)
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	<del>Yes</del> <a href="#">Yes, members must be independent of all organisations providing electronic communications network</a>	DE-media-act (91-93)
		MRat-ADV	Yes		Members cannot also	No specific provisions,	No, to the opposite: some	DE-media-act (111)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
					be member of any government or staff of government members	to the opposite: every political party in parliament can appoint one non-voting member	members have to represent industry	
		<a href="#">MRat-Bureau</a>	<a href="#">Yes</a>		<a href="#">Yes</a>	<a href="#">No specific provisions</a>	<a href="#">Yes</a>	<a href="#">DE-media-act (91-116.1)</a>
		<a href="#">MRat-Instruction service</a>	<a href="#">Yes</a>		<a href="#">Yes</a>	<a href="#">No specific provisions</a>	<a href="#">Yes</a>	<a href="#">DE-media-act (91-116.2)</a>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Belgium	BE-VL : VRM	Management board (members and chairman)		No		
		General chamber (members and chairman)		No		
		chamber impartiality and minors (members and chairman)		No		
	BE-FR : CSA	Bureau (members and chairman)		No		
		CAC (members and chairman)		No		
			Yes	No		
		CAV (members and chairman)		No		
	BE-DE : MRat	MRat-REG		No		
		MRat-ADV		No		
		<a href="#">MRat-Bureau</a>		No		
		<a href="#">MRat-Instruction service</a>		No		



**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Belgium	BE-VL : VRM	Management board		No	Government	No	Individual members Independent expert members (not present in the board of VRM): dismissal only with 2/3 majority in board	Art. 18 act administrative governance (18/07/2003)
		Chambers	Yes		Members: Government (in case of breach of the deontology: only after proposition of the committee of presidents of both chambers)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individual members	VL-media-act 216-217

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					Presidents : Government (in case of breach of the deontology: only after proposition of the general council of the VRM)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individuals	VL-media-act 216-217
	BE-FR : CSA	Bureau (members and chairman)	Yes		Parliament , after a proposition of government	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (142)
		CAC (members)	Yes		Government (own initiative, or after request of CAC)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (139)
		CAV (members)	Yes		Government (own initiative, or after request of CAV)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (138)

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	BE-DE : MRat	MRat-REG	Yes		Government	Yes, non-compliance with rules on conflict of interest or confidentiality obligation	Individual members	DE-media-act (91, 93, 108)
		MRat-ADV	Yes		Members themselves (or represented organisation)	Yes, non-compliance with rules on conflict of interest or in case of long absence	Individual members	DE-media-act (111-113)
		<a href="#">MRat-Bureau</a>	<a href="#">Yes</a>		<a href="#">Government</a>	<a href="#">Yes, non-compliance with rules on conflict of interest or confidentiality obligation</a>	<a href="#">Individual members</a>	<a href="#">DE-media-act (93, 96, 116.1)</a>
		<a href="#">MRat-Instruction</a>	<a href="#">Yes</a>		<a href="#">Government</a>	<a href="#">Yes, non-compliance with rules on conflict of interest or confidentiality obligation</a>	<a href="#">Individual members</a>	<a href="#">DE-media-act (93, 96, 116.2)</a>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Belgium	BE-VL: VRM	2008	Replacement of president, vice-president and one member of the general chamber	Yes		Mutual agreement	Replacement because of internal problems and conflicts in general chamber
	BE-FR : CSA	2007	Non-prolongation of bureau of CSA		No	End of second term	Political reasons <a href="http://www.lalibre.be/economie/actualite/article/372867/evelyn-lentzen-bientot-debarquee-du-csa.html">www.lalibre.be/economie/actualite/article/372867/evelyn-lentzen-bientot-debarquee-du-csa.html</a>
				Yes	No		
	BE-DE : MRat	<del>2007</del> 2015	Replacement of president <a href="#">MRat-REG</a> by vice-president <a href="#">MRat-REG</a>	<del>Yes</del>	<del>No</del>	<del>Mutual agreement</del> Dismissal after end of second term	Personal dismissal during period after end of second term (in principle, members stay in their position until a new MRat-REG is formed, DE-media-act, art. 87), internal problems

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Belgium	BE-VL: VRM	No	State funding 58%	42%	No	No	No	Public report VRM 2009
	BE-FR : CSA	No	State funding 100%	No	No	No	No	FR-media-act (151), <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	No	State funding <del>MRat-ADV:</del> 100% <del>(no own budget)</del>	No	No	No	No	DE-media-act ( <a href="#">110</a> , <a href="#">116</a> )

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Belgium	BE-VL: VRM	Parliament, after proposition of government	Yes, the regulator has to propose its budget to the minister (art. 18 management agreement VRM)	Only public stakeholders: <ul style="list-style-type: none"> <li>• Regulator</li> <li>• Minister</li> <li>• Government</li> <li>• parliament</li> </ul>	Limited	VL-media-act (232)
	BE-FR : CSA	Parliament, after proposition of government	Yes, the CSA and the government conclude a 5 year budget plan (2009-2013)	Only public stakeholders: <ul style="list-style-type: none"> <li>• Regulator</li> <li>• Minister</li> <li>• Government</li> <li>• parliament</li> </ul>	Limited	FR-media-act (151), <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	Parliament, after proposition of government	MRat-REG: <del>president of MRat-Bureau</del> prepares a draft of -a financial plan (over two years)- and <del>proposes for approval to MRat general meeting-</del> which sends it to the relevant minister for approval by budget minister, government and parliament (art. 75-78 administrative	Media minister prepares draft act on budget adjustment, sends it to budget minister for approval by government and information of parliament (art. 78 administrative governance act of 25-05-2009)	Limited	DE-media-act (110, <a href="#">110.1</a> , <del>116 and 15 rules of procedure</del> )  Art. 75-78 administrative governance act of 25-05-2009
		<a href="#">Parliament, after proposition of government</a>	<a href="#">MRat-ADV: no own budget, costs are carried by administration</a>	<a href="#">Media minister prepares draft act on budget adjustment, sends it to budget minister for approval by government and information of parliament (art. 78 administrative governance act of 25-05-2009)</a>	<a href="#">Limited</a>	<a href="#">DE-media-act (116)</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board regulator, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM, art. 33-34 act on administrative management)
	BE-FR : CSA	Yes	Continuous	Yes Financial and administrative supervision by government representative. Budget supervision by Rekenhof	Yes Budget supervision commissioner-revisor	No	FR-media-act (153) <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	Yes	Continuous	Yes Internal control service and internal audit service of the German speaking community; budget supervision by Rekenhof	<del>No information available</del> No	No	Art. 44-47 administrative governance act of 25-05-2009

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Belgium	BE-VL: VRM	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> </ul>	VL-media-act (218 §4 en 5); art. 15 act administrative governance (18/07/2003)
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Policy supervision (incl. “general interest considerations”) by government representative in management board (1/3), possibility to appeal and suspend a decision</li> <li>Specific reporting obligations regarding personnel and finances and evaluation of management agreement</li> </ul>	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Minister Media: receives copy of every decision of VRM</li> <li>Supervision over decisions with financial or budget impact by government representative in management board</li> </ul>	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Website</li> </ul>	VL-media-act (218 §4 en 5), management agreement
		Other	No	N/A	N/A
	BE-FR: CSA	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly report on financial aspects</li> <li>Yearly activity report on performing of tasks and sanctions</li> </ul>	FR-media-act (146, 153)
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>government commissioner: supervision of administrative and financial management (can issue appeal to government)</li> <li>Yearly activity report</li> <li>2 representatives of government and/or administration and 3 representatives of council of media-education participate in meetings CAV</li> <li>1 representative of administration participates in meetings CAC</li> </ul>	FR-media-act (146, 152)



Country	Body	Body accountable to		Accountability means	Legal basis
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Yearly activity report on performing of tasks and sanctions</li> </ul>	FR-media-act (146)
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report on performing of tasks and sanctions</li> <li>Website and information bulletin</li> </ul>	FR-media-act (146), rules of procedure (56)
		Other	No	N/A	N/A
	BE-DE: MRat	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> </ul>	DE-media-act (88), art. 14 rules of procedure
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>MRat under <a href="#">hierarchical</a> supervision of government</li> </ul>	DE-media-act (96)
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Specific financial and budget reporting obligations</li> </ul>	DE-media-act (88), art. 14 rules of procedure
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Publication of information about regulatory framework, decisions, authorisations etc. on internet</li> </ul>	DE-media-act (88), art. 14 rules of procedure DE-media-act (104)
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Belgium	BE-VL: VRM	Parliament / government / general public	Annual	General reporting obligation (activities, budget, finances...) art. 15 adm. governance act 18/7/2003	No	No	No	2009: <a href="http://www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009.pdf">www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009.p df</a> Source: art. 218 VL-media-act
		Minister Media	Sending copy of every decision	“Every decision”	No	No	No	VL-media-act (218 §4 en 5)
		Different ministers	Different periodicities	<ul style="list-style-type: none"> <li>• Staff and HR decisions</li> <li>• Reporting on progress management contract</li> </ul>	Yes	No	No	Art. 20 management contract VRM
	BE-FR : CSA	Parliament / government	Annual	<ul style="list-style-type: none"> <li>• Report on financial aspects</li> <li>• Activity report on performing of tasks and sanctions</li> </ul>	Yes, about complaints handling	No	No	FR-media-act (146)
	BE-DE : MRat	Parliament / Government	Annual	<ul style="list-style-type: none"> <li>• <a href="#">Activity report</a></li> <li>• <a href="#">Financial and budget report</a></li> </ul>	No	No	No	DE-media-act (88, <a href="#">110.1</a> ), art. 14 rules of procedure

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board VRM, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM
	BE-FR : CSA	Yes	Continuous	Yes Bureau CSA (internal), government representative (presence at meetings), revisor, administration of finance and budget, inspection of finance, Rekenhof (monitoring financial reporting), government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 152-152 FR-media-act
	BE-DE : MRat	Yes	Continuous	Yes Internal audit	No	N/A	Art. 44-47 act on administrative management (25-05-2009)
				service <a href="#">of the Ministry of the German-speaking Community</a> & budget and financial supervision by Rekenhof			

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Belgium	BE-VL: VRM	Does anybody have the power to overturn decisions of the regulator?	Management board	Yes	No	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	No	Not without changing regulatory framework	No	VL-media-act (218)
		Does anybody have the power to give instructions to the regulatory body?	Management board	No	Yes, at least indirect via management contract	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	Yes, government can assign specific tasks	Not without changing regulatory framework	No	VL-media-act (218)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	Management board	No (supervision including legality check, general interest check ...)	N/A	N/A	N/A	VL-media-act (218)
			Chambers	N/A	N/A	N/A	N/A	VL-media-act (218)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Management board	N/A	Yes, limitations formulated by legal framework for management agreement	N/A	N/A	VL-media-act (218)
			Chambers	N/A	No, government can issue tasks "when needed"	N/A	N/A	VL-media-act (218)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
	BE-FR: CSA	Does anybody have the power to overturn decisions of the regulator?	Bureau	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
			CAC & CAV	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No	FR-media-act (135-136, 152)
		Does anybody have the power to give instructions to the regulatory body?	Bureau	No	Yes at least indirect via financial long-term contract	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
			CAC & CAV	No	Yes at least indirect via financial long-term contract, government can also ask CAC to investigate issues or ask CAV to give advice	Not without changing regulatory framework; parliament can ask CAV for advice on specific issues	No	FR-media-act (135-136, 152)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	Bureau	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (135-136, 152)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Bureau	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (135-136, 152)
	BE-DE: MRat	Does anybody have the power to overturn decisions of the regulator?	MRat-REG	No	Yes, limited to violations of legal acts <a href="#">or by non action</a>	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	<del>No</del> <a href="#">Not without changing regulatory framework</a>	N/A	DE-media-act (111-116)
			<a href="#">MRat-Bureau</a>	<a href="#">No</a>	<a href="#">No</a>	<a href="#">Not without changing regulatory framework</a>	<a href="#">No</a>	<a href="#">DE-media-act (116.1)</a>
			<a href="#">MRat-Instruction service</a>	<a href="#">No</a>	<a href="#">No</a>	<a href="#">Not without changing regulatory framework</a>	<a href="#">No</a>	<a href="#">DE-media-act (116.2)</a>
		Does anybody have the power to give instructions to the regulatory body?	MRat-REG	No	Yes, government can point MRat-REG to infractions on legal framework; also indirect influence via negotiations on budget or staff	Not without changing regulatory framework	No	DE-media-act (96, <a href="#">110</a> )
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
			<a href="#">MRat-Bureau</a>	No	No	Not without changing regulatory framework	No	<a href="#">DE-media-act (116.1)</a>
			<a href="#">MRat-Instruction service</a>	No	No	Not without changing regulatory framework	No	<a href="#">DE-media-act (116.2)</a>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	MRat-REG	N/A	Yes, limited to violations of legal acts	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
			<a href="#">MRat-Bureau</a>	No	No	Not without changing regulatory framework	No	<a href="#">DE-media-act (116.1)</a>
			<a href="#">MRat-Instruction service</a>	No	No	Not without changing regulatory framework	No	<a href="#">DE-media-act (116.2)</a>
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	MRat-REG	N/A	Yes, limitations	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
			<a href="#">MRat-Bureau</a>	No	No	Not without changing regulatory framework	No	<a href="#">DE-media-act (116.1)</a>
			<a href="#">MRat-Instruction service</a>	No	No	Not without changing regulatory framework	No	<a href="#">DE-media-act (116.2)</a>

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?		Who has the right to lodge an appeal?	Legal basis
Belgium	BE-VL: VRM (chambers)  Note: Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No		All concerned parties	General principle of administrative law
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal			All concerned parties	General administrative and civil procedure law
	BE-FR : CSA	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No		All concerned parties	General principle of administrative law
		External: appeal of government representative to government	1	Administrative appeal	No		Government representative	152 FR-media-act
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal	Yes		All concerned parties, also specific explicit possibility for government	General administrative and civil procedure law, 137 FR- media-act
	BE-DE : MRat-REG	Internal: request for reconsidering	1	Informal appeal	No		All concerned parties	<a href="#">General principle of administrative law</a> <a href="#">Art. 95 DE-media-act</a>
		<del>All decisions of the MRat-REG can be appealed</del>	1	Administrative <u>and civil</u> appeal	No	All concerned parties	Art. 95 DE-media-act <a href="#">General administrative and civil procedure law</a>	



**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Belgium	BE-VL: VRM (chambers)			√	Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
	BE-FR : CSA			√	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Belgium	BE-VL: VRM (chambers)	√	√	√ (in case of informal internal appeal)	Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
	BE-FR : CSA	√	√	√ (in case of informal internal appeal)	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	√	√	√ (in case of informal internal appeal)	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Belgium	BE-VL: VRM (chambers)	Internal (chambers)	√		Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
		External: council of state and courts		√	Courts in principle cannot replace original administrative decisions with their own.
	BE-FR : CSA	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: appeal at government by its representative	√		The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		<del>External: government can suspend decision because non-compliance with the law</del>		√	<del>Art. 96 DE media act. Government can only suspend a decision of MRat REG, but not take new decision itself.</del>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Belgium	BE-VL: VRM (chambers)	VRM can decide over the allocation of its budget  <u>Note:</u> Art. 15 internal rules chambers 18/5/2009: chambers can request for external advice	Management board decides about necessity	Yes	N/A	Yes, also in preparing regulatory decisions
	BE-FR : CSA	No specific budget, but bureau can decide about its own external support	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), 13 rules of procedure
		CAC: no specific budget; bureau decides about external support for CAC	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), 13 rules of procedure
	BE-DE : MRat	MRat-REG: no specific budget (cf. principle: 94 DE-media-act)	N/A	Yes	N/A	<del>No information available but probably not, because of its small size</del> No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Belgium	BE-VL: VRM (chambers)	Market definition and analysis and imposing obligations on network operators  Note: VRM is aiming at consulting more than it is legally required, up till now in a informal way	Public consultation	Not defined	Yes	N/A	Art 192 VL-media-act
	BE-FR : CSA	Market definition and analysis and imposing obligations on network operators	Public consultation	1 month	Yes	Yes	Art. 94-95 FR-media-act, art. 53 rules of procedure
		CAC & CAV can organise further public consultations when they consider it useful	Public consultation	> 8 weeks	Yes	Yes	Art. 94-95 FR-media-act, art. 53 rules of procedure
	BE-DE : MRat-REG	Market definition and analysis and imposing obligations on network operators	Public consultation	<del>In principle: 1 month</del> Not defined	Yes	Yes	Art. 103 DE-media-act
		Obligation to take into account consumers perspective in decisions on e- communications	<del>Public consultation</del> No specific requirements	No specific requirements	N/A	N/A	Art. 104 DE-media-act

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Belgium	BE-VL: VRM (chambers)	2009	1 (product placement)
		2008	1 (broadcasting transmission)
		2005-2007	No
	BE-FR : CSA	2009	1 (product placement)
		2008	2 (broadcasting transmission)
		2007	1
		2006	2
		2005	2
	BE-DE : MRat	<del>2009</del> 2014	0
		<del>2008</del> 2013	1 (broadcasting transmission)
		2012	1 (broadcasting transmission)
		<del>2005-2007</del> 2011-2010	0

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Belgium	BE-VL: VRM (chambers)	All regulatory decisions of the chambers (art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	All regulatory decisions of the VRM have to be motivated according to general administrative law (see also art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	No specific provisions	No specific provisions
	BE-FR : CSA	Activities, decisions and advices of CSA via the 3-monthly information bulletin and website Yearly activity report (art. 145, FR-media-act, art. 46, 54 and 56 rules of procedure)	Yes (art. 136, 145, FR-media-act, art. 46, rules of procedure)	No specific provisions	No specific provisions
	BE-DE : MRat	Decisions on transmission of signals (e-communications): art. 105 DE-media-act	Yes, based on general <del>principles of</del> administrative law_ ( <a href="#">Federal Act of 29 July 1991 about formal motivation of administrative acts</a> )	No specific provisions	No specific provisions

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Belgium	BE-VL: VRM	<ul style="list-style-type: none"> <li>With other national media regulators (joint networks or services)</li> <li>With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors)</li> <li>With Commission and international media regulators (market definition, analysis and imposing of obligations)</li> <li>With administration</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration agreement between governments, approved by parliament</li> <li>Art. 218 VL-media-act</li> <li>Art. 192 and 218 VL-media-act</li> <li>Art. 25 management contract</li> </ul>	No	n/a
	BE-FR : CSA	<ul style="list-style-type: none"> <li>With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors)</li> <li>collaboration with competition authorities in monitoring media pluralism</li> <li>bureau can contact any other authority when relevant for fulfilling its tasks</li> <li>voluntary collaboration with MRat</li> </ul>	<ul style="list-style-type: none"> <li>FR-media-act (94-95) , 49 and 57 rules of procedure</li> <li>FR-media-act (7), 48 and 57 rules of procedure</li> <li>FR-media-act (140) and 57 rules of procedure</li> <li>Collaboration protocol: <a href="http://www.medienrat.be/pdf/Bericht2006-2007.pdf">www.medienrat.be/pdf/Bericht2006-2007.pdf</a></li> </ul>	No	n/a
	BE-DE : MRat-REG	<ul style="list-style-type: none"> <li>With competition authority</li> <li>With regulators in other economic sectors</li> <li>With EU-commission and other regulators (e-communications market regulation)</li> <li>With consumer protection authorities</li> <li><a href="#">voluntary collaboration with CSA</a></li> </ul>	<p><del>Art. 94</del> DE-media-act, (94), exchanging view on draft decisions, concluding agreements or collaboration protocols</p> <ul style="list-style-type: none"> <li><a href="http://www.medienrat.be/files/CSA_Medienrat.pdf">Collaboration protocol with CSA :</a> <a href="http://www.medienrat.be/files/CSA_Medienrat.pdf">http://www.medienrat.be/files/CSA_Medienrat.pdf</a></li> <li><a href="http://www.medienrat.be/files/Regulatoren.pdf">Collaboration agreement of 17 November 2006 about co-operation between Belgian regulators IBPT, CSA, VRM :</a> <a href="http://www.medienrat.be/files/Regulatoren.pdf">http://www.medienrat.be/files/Regulatoren.pdf</a></li> </ul>	No	n/a
		<ul style="list-style-type: none"> <li>With EU-commission and audiovisual media regulators</li> </ul>	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	No	n/a

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Belgium	BE-VL: VRM	Yes, collaboration with Commission and international media regulators (on market definition, analysis and imposing of obligations)	Art. 192 and 218 VL-media-act	VRM participates in EPRA and Euregiolators
	BE-FR : CSA	Specific collaboration procedures in market regulation of networks and associated facilities	FR-media-act (94-95), 49 and 57 rules of procedure	CSA participates in EPRA
		Bureau can contact any other authority when relevant for fulfilling its tasks	FR-media-act (140) , 53 and 57 rules of procedure	
	BE-DE : MRat	<ul style="list-style-type: none"> <li>With regulators in other economic sectors</li> <li>With EU-commission and other regulators (e-communications market regulation)</li> <li>With consumer protection authorities</li> </ul>	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	<a href="#">n/a MRat participates in EPRA, ERGA and Euregiolators</a>
		<ul style="list-style-type: none"> <li>With EU-commission and audiovisual media regulators</li> </ul>	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	n/a



## Belgium (fl)

Note that the tables in this section, although containing information on all three Communities of Belgium, do exclusively highlight changes in the legal framework of the Flemish-speaking Community.

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## I. GENERAL INFORMATION

**Table 1 - Market data: no significant market changes**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Belgium</b>	<b>BE-Flanders</b> 64 (national) 10 (regional)	<b>BE-Flanders</b> ( <a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a> ) 16	<b>BE-Flanders</b> ( <a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a> ) 3 2 non-linear
	<b>BE-French community</b> 23 national 12 regional/local	<b>BE-French community</b> ( <a href="http://www.csa.be">www.csa.be</a> ) 4	<b>BE-French community</b> ( <a href="http://www.csa.be">www.csa.be</a> ) 4
	<b>BE-German speaking community</b>	<b>BE-German speaking community</b> ( <a href="http://www.medienrat.be">www.medienrat.be</a> )	<b>BE-German speaking community</b> ( <a href="http://www.medienrat.be">www.medienrat.be</a> ) 1 (+1 öffener Kanal, organised as a private association without profit objective)

**Table 2 - Audiovisual laws and regulatory bodies: no changes**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Belgium</b>	Information requirements (art. 5 AVMS Directive)	<b>BE-VL</b> : VL-media-act (40)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (6, 36-38)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (6.3)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Audiovisual commercial	<b>BE-VL</b> : VL-media-act (47-101)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<b>BE-FR</b> : FR-media-act (10-32)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (6, 6.1, 7, 10, 10.1)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<b>BE-VL</b> : VL-media-act (151)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (33)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (10.2)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Broadcasting of major events (Art. 14 AVMS Directive)	<b>BE-VL</b> : VL-media-act (153)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (3-4)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (14)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Access to short news reports (Article 15 AVMS Directive)	<b>BE-VL</b> : VL-media-act (118)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (4)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (14.1)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<b>BE-VL</b> : VL-media-act (154-157)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (44-46)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (12, 40)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Hate speech (Art. 12 and 6 AVMS Directive)	<b>BE-VL</b> : VL-media-act (38-39)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (9)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (4, 80.1)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<b>BE-VL</b> : VL-media-act (78-84)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (18-24, 31-31)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (7, 15)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Protection of minors (Art. 27 AVMS Directive)	<b>BE-VL</b> : VL-media-act (41-45)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (9)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (4, 6, 6.2)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Right of reply (Art. 28 AVMS Directive)	<b>BE-VL</b> : VL-media-act (102-117)	<b>BE-VL</b> : VRM / President of court of first instance	<b>BE-VL</b> : VRM / President of court of first instance	<b>BE-VL</b> : VRM / President of court of first instance
		<b>BE-FR</b> : federal act of 23/6/1961 ( <i>BS 8/7/1961</i> )	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (11, 15.1 (non-linear))	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<b>BE-VL</b> : no general provision, specific provisions in some cases (e.g. 44 VL-media-act on minors, art. 154 on EU quota, art. 176, 221-222)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (140) and 57 rules of procedure	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (107.1)	<b>BE-DE</b> : MRat/government	<b>BE-DE</b> : MRat/government	<b>BE-DE</b> : MRat/government

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
<b>Belgium</b>	BE-VL : VRM	<a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a>	<u>Established by</u> 16 December 2005, Decreet betreffende de radio- omroep en de televisie van 27 maart 2009, <i>BS</i> 30 april 2010 (successor of the previously existing “Vlaams Commissariaat voor de Media”); <u>Entered into force February 10, 2006</u>  <del>Entered into force February 10, 2006</del> <u>Currently integrated in articles 215 – 235 of the VL-media-act</u>	Vlaamse Regulator voor de Media Koning Albert II-laan 20 - bus 21 B-1000 Brussel  Tel : +32 2 553.45.04 Fax : +32 2 553.45.06 e-mail: <a href="mailto:vrn@vlaanderen.be">vrn@vlaanderen.be</a>
	BE-FR : CSA	<a href="http://www.csa.be">www.csa.be</a>	Originally Act of 24 July 1997, later taken over by Décret coordonné sur les services de médias audiovisuels du 30 avril 2009, <i>BS</i> 27 juillet 2009	Conseil supérieur de l'audiovisuel 13, Boulevard de l'Impératrice B-1000 Bruxelles  Tel : +32 2 349.58.80 Fax : +32 2 349.58.97 email: <a href="mailto:info@csa.be">info@csa.be</a>

Country	Name of regulatory body	Link to website	Date of establishment	Location
	BE-DE : MRat	<a href="http://www.medienrat.be">www.medienrat.be</a>	Dekret vom 27. Juni 2005 über den Rundfunk und die Kinovorstellungen, <i>BS</i> 6 september 2005	Ministerium der Deutschsprachigen Gemeinschaft Belgiens Gospertstraße 1 B-4700 Eupen  Tel.: +32 87 59 63 00 Fax: +32 87 55 28 91 email: <a href="mailto:info@medienrat.be">info@medienrat.be</a>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
<b>Belgium</b>	BE-VL: VRM	Yes	Yes	Yes	No	No	<del>No</del> <u>Note: VRM does allocate media spectrum</u>
	BE-FR : CSA	Yes	Yes	Yes	No	No	No
	BE-DE : MRat	Yes	Yes	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Belgium	BE-VL: VRM	20	20, excluding chambers (head count: 5 + 13) and management board (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> <li>subsidies</li> </ul>	Total: <del>€2.044</del> 6.456 m (of which €3.889 m are reserves of previous years, €900k from private and €1.600k from public funding)	VL-media-act (art. 232) <del>2009-2013</del> (public report VRM <del>2009</del> 2013)
				<ul style="list-style-type: none"> <li>licence fees</li> <li>other</li> </ul>	<del>2.044</del> €854,000	<u>Imposed fines explicitly no longer included in VRM receivables, but added to general state budget.</u>
	BE-FR : CSA	26	26 staff members, excluding collège (head count: 6) and bureau (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> <li>General subsidy</li> <li>Specific subsidy</li> <li>Gifts</li> <li>Own income</li> </ul>	Total 2009: €2.2m (yearly indexed at 1%)	2009 (art. 139, 151 FR-media-act and <a href="#">website CSA</a> )  Budget is part of the overall (yearly approved) state budget; CSA and government negotiate 5-year plan (covering 2009-2013)
	BE-DE : MRat	Not specified in law. The regulatory chamber (MRat-REG) has 3 members (art. 90 DE-media-act). The number of members of the advisory chamber (MRat- ADV) is not defined by law (art. 111 DE-media-act).	MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The current head-count of the regulatory chamber (MRat-REG) is 3 members. The current head-count of the advisory chamber (MRat-ADV) is 18 members.	Not fixed, budget comprised of (art. 111 DE-media-act): <ul style="list-style-type: none"> <li>General subsidy</li> <li>Gifts</li> <li>Own income</li> <li>Administrative fees</li> </ul>	N/A	2009, DE-media-act (90, 111), <a href="http://www.medienrat.be">www.medienrat.be</a>



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Belgium	BE-VL: VRM	Articles 215-235 VL-media-act	<ul style="list-style-type: none"> <li>management contract VRM <a href="http://www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf">www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf</a></li> </ul>
			<ul style="list-style-type: none"> <li>rules of procedure management board (2013): - <a href="http://www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27">www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27</a> <a href="http://www.vlaamseregulatormedia.be/sites/default/files/raad_van_bestuur_reglement_van_orde.pdf">http://www.vlaamseregulatormedia.be/sites/default/files/raad_van_bestuur_reglement_van_orde.pdf</a></li> <li>rules of procedure chambers <a href="http://www.vlaamseregulatormedia.be/sites/default/files/reglement_van_orde.pdf">http://www.vlaamseregulatormedia.be/sites/default/files/reglement_van_orde.pdf</a> <a href="http://www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf">www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf</a></li> <li>● <b>Framework decision on monitoring (2014):</b> <a href="http://www.vlaamseregulatormedia.be/sites/default/files/kaderbesluit_monitoring_0.pdf">http://www.vlaamseregulatormedia.be/sites/default/files/kaderbesluit_monitoring_0.pdf</a></li> <li>● <b>Charter on good governance:</b> <a href="http://www.vlaamseregulatormedia.be/sites/default/files/charter_deugdelijk_bestuur.pdf">http://www.vlaamseregulatormedia.be/sites/default/files/charter_deugdelijk_bestuur.pdf</a></li> </ul>
	BE-FR : CSA	Articles 131-158 FR-media-act, art. 20 rules of procedure (specific deontology provisions applicable to members of the CSA), including the following issues: <ul style="list-style-type: none"> <li>obligation of professional secrecy</li> <li>obligation to notify problems of independence to Bureau</li> <li>prohibition to seek or follow instructions or than following from the regulatory framework</li> <li>obligation to notify possible conflicts of interest</li> <li>rules on accepting gifts and specific conflicts of interests</li> </ul>	<ul style="list-style-type: none"> <li>rules of procedure Bureau <a href="http://www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27">www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27</a></li> <li>rules of procedure collège d'autorisation et de contrôle du CSA (CAC) <a href="http://www.csa.be/documents/categorie/25">www.csa.be/documents/categorie/25</a></li> <li>financial 5-year plan 2009-2013</li> </ul>
	BE-DE : MRat	Articles 86-116 DE-media-act	<ul style="list-style-type: none"> <li>rules of procedure MRat (15/5/2007) <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2007051564&amp;table_name=wet">www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2007051564&amp;table_name=wet</a></li> </ul>

**Table 7 - Legal status: no changes**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Belgium	BE-VL: VRM	Independent agency	Yes		<ul style="list-style-type: none"> <li>Created within the broader framework of regulatory agencies, but with extra guarantees on independence for regulatory chambers</li> <li>No hierarchic relation between (administrative) management board and (regulatory) chambers</li> </ul>	VL-media-act (215)
	BE-FR : CSA	Independent agency	Yes		Highest organ of the CSA is the bureau, under the authority of which two collèges function (one advisory, CAV) and one regulatory, CAC)	FR-media-act (133-150)
					Government has to approve the rules of procedure of CSA and organises the legal position of all members CSA	FR-media-act (145)
	BE-DE : MRat	Independent agency	Yes		MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The MRat consists of a regulatory chamber (MRat-REG) and an advisory chamber (MRat-ADV)	Articles 86-116 DE-media-act, art. 3 rules of procedure

**Table 8 - Independence as a value: no changes**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Belgium	BE-VL: VRM		Yes, explicit	VL-media-act (215, 218 §2 & §3)
	BE-FR : CSA		Yes, explicit	FR-media-act (133)
	BE-DE : MRat		Yes, explicit	DE-media-act (86), art. 3 rules of procedure

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Belgium	BE-VL: VRM		N/A (constitutional concerns); however, VRM can <del>advise</del> advise government on appropriateness of regulatory framework	√ (VL-media-act, 218) General act <u>Example: see framework decision on monitoring (2014):</u> <a href="http://www.vlaamseregulatormedia.be/sites/default/files/kaderbesluit_monitoring_0.pdf">http://www.vlaamseregulatormedia.be/sites/default/files/kaderbesluit_monitoring_0.pdf</a>	√
	BE-FR : CSA		N/A (constitutional concerns); however, Bureau can advise government on appropriateness of regulatory framework (141 FR-media- act)	√ (FR-media-act, 135) General act	√ Separate college competent for advising on media policy issues (CAV)
	BE-DE : MRat		N/A (constitutional concerns)	√ (DE-media-act, 86, 89, 97, 98, 114) General act	√ Separate chamber competent for advising on media policy issues (MRat-ADV)

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Belgium	BE-VL: VRM	Quotas	√	√	√		Broadcasting networks and associated facilities, must-carry, API, EPG, <u>signal integrity</u> , <u>remuneration of regional broadcasters</u> , <u>investment in content</u>	VL-media-act (154-157, 220 §1 en §2)
		Advertising	√	√	√			VL-media-act (47-101, 220 §1 en §2)
		Protection of minors	√	√	√			VL-media-act (41-45, 220 §1 en §2)
	BE-FR : CSA	Quotas	√	√	√			FR-media-act (40, 44-46, 143): yearly, complaint, own initiative
		Advertising	√	√	√			FR-media-act (10, 40, 78-84, 143, 159-162): : yearly, complaint initiative
		Protection of minors	√	√	√			FR-media-act (10, 40, 78-84, 143, 159-162) : yearly, complaint own initiative
	BE-DE : MRat	Quotas	√ (120-121)	√ (120-121)	√ (102)		MRat-ADV has the task to develop models of deontology	DE-media-act (12, 40)
		Advertising	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (7, 15)
		Protection of minors	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (4, 6, 6.2)
							rules in the area of protection of minors and commercial communication (114)	

**Table 11 - Powers of sanctions: no changes**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Belgium	BE-VL: VRM	Quotas	√ In all cases and for all regulators, the regulator decides on a case by case basis on the sanctions, they are therefore discretionary within the limits of the act	√ (up to €125k)	√	√	√	Suspension of distribution
		Advertising	√	√ (up to €125k)	√	√	√	
		Protection of minors	√	√ (up to €125k)	√		√	
	BE-FR : CSA	Quotas	√	√ (from €250 to 3% of turnover)	√	√	√ government collects fines (FR-media-act, 160)	Suspension of distribution (FR-media-act, 159)
		Advertising	√	√ (from €250 to 3%	√	√	√	
				of turnover			government collects fines (FR-media-act, 160)	
		Protection of minors	√	√ (from €250 to 3% of turnover	√	√	√ government collects fines (FR-media-act, 160)	
	BE-DE : MRat	Quotas	√ DE-media-act (12, 40 & 120)	√ up to €25k DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	N/A	Sanctions by MRat – REG only possible after advice by MRat- ADV (120-121)
		Advertising	√ DE-media-act (7, 15 & 120)	√ up to €100k DE-media-act (120 & 124)	√ DE-media-act (7, 15 & 120)	√ DE-media-act (7, 15 & 120)	N/A	
		Protection of minors	√ DE-media-act (4, 6, 6.2 & 120)	√ up to €25k DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	N/A	

**Table 12 - De facto use of formally granted competences and monitoring powers: no changes**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Belgium	BE-VL: VRM	No	√	√	√	√	√	√
	BE-FR : CSA	No	√	√	√	√	√	√
	BE-DE : MRat	No	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Belgium	BE-VL: VRM	√ <a href="#">2013: 8</a> <a href="#">2012: 11</a> <a href="#">2011: 14</a> <a href="#">2010: 12</a> 2009: 17 2008: 27 2007: 6	√ <a href="#">2013: 13,5k</a> <a href="#">2012: 70k</a> <a href="#">2011: €19k</a> <a href="#">2010: €100k</a> 2009: €83k 2008: €105k 2007: €121k	No  <a href="#">2013: 1</a> <a href="#">2012: 1</a>	√ Yes, 2009: revocations: 6 (5 frequency licenses of local radios revoked because of unused radio spectrum, 1 TV-station bankruptcy)	No Fines paid on time
	BE-FR : CSA	√ 2009: 5	√ 2009: 5	√ 2009: 3	√ 2009: 3 (revocation of license of frequency spectrum use)	No Fines paid on time
	BE-DE : MRat	No	No	No	No	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Belgium	BE-VL: VRM	Yes, complaints are examined by the staff of the VRM and then forwarded to the relevant chamber (government decree on VRM-procedure, art. 12)	<a href="http://www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx">www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx</a> <a href="http://www.vlaamseregulatormedia.be/nl/contact">http://www.vlaamseregulatormedia.be/nl/contact</a>
	BE-FR : CSA	Yes, complaints are forwarded to the instruction service, which examines them; it can decide whether or not to go to a second instruction phase and compiles a file which it forwards to the CAC	<a href="http://www.csa.be/guichet/plainte">www.csa.be/guichet/plainte</a> , art. 29-42 rules of procedure Bureau et CAC
	BE-DE : MRat	Yes, when complaints are not within the legal powers of the MRat-REG, they are registered and send to the president and the permanent commission of the MRat-ADV, which examines it and prepares a draft decision for the MRat-ADV, which decides about the complaint and possible sanctions.	Art. 114 DE-media-act, 23, 31-32 rules of procedure

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition: no changes**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
Belgium	BE-VL: VRM	Management: board	3	0%	0%	0%	0%	66%	Director: 33% Requirements on more equal participation of male and female: (D 13/07/2007 )	n/a	VL-media-act (224)
		General chamber: board	5	0%	0%	0%	0%	60% (3)	40% (2 judges, including chairman)	n/a	VL-media-act (216)
		Chamber impartiality and minors: board	9	n/a	n/a	n/a	n/a	n/a	min. 44% (4 professional journalists); in case of complaints about minor protection, 4 extra members (2 psychologists & 2 family representation)	n/a	VL-media-act (216)
	BE-FR : CSA	Bureau: board	4	n/a	n/a	n/a	n/a	n/a	Nominations have to respect federal act on ideological and philosophical	n/a	FR-media-act (140-142)



Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
									groups in public functions (16/07/1973)		
		CAC: board	6 (+bureau)	n/a	Yes, one representative of administration attends the meetings of the CAC, except when ascertain infractions (147 §2). They are not formal members, but they attend meetings.	n/a	n/a	Yes, but no formal quota (“expert in law, audiovisual or communication”)	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (139)
		CAV: board	30 (+bureau)	Yes, should be member of 15 specific socio-economic categories (society, operational, PBS, labour unions, etc.). At least one representative per specified group.	Yes, two representatives of government and administration and three representatives from the Council for media-education attend the meetings of the CAV (147§2). They are not formal members, but they attend meetings	n/a	Yes, but no formal quota	n/a	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (138)
	BE-DE : MRat	MRat-REG: board	3	0%	0%	0%	0%	100%	n/a	n/a	DE-media-act (90)
		MRat-ADV: board	18	40%	0%	15%	45%	0%	0%	n/a	DE-media-act (111)

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Belgium	BE-VL: VRM	Management board: administration and management of VRM	Majority vote (quorum: 66%, casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		General chamber: general regulatory supervision and enforcement powers	Majority vote (quorum: 3/5 (=60%), casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		Chamber impartiality and minors: regulatory powers in the field of impartiality of the media and protection of minors	Majority vote (quorum: 5/9 (=55%), casting vote of president (FR-media-act 149)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
BE-FR : CSA	BE-FR : CSA	Bureau: general management and representation of CSA; coordinating and organising the work of the CSA	Majority vote (quorum: 3, (=50%)), casting vote of president)	Yes, bureau meeting reports contain minority opinions and notes and are made public (art. 145 FR-media-act, art. 12, 54 rules of procedure)	No (only decisions and minority notes are made public, cf. art. 8, 54-55 rules of procedure)
		CAC: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement; formulating advice to government on specific issues (e.g. on radio frequencies)	Majority vote (quorum: 50%), casting vote of president (FR-media-act 148, 161)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act, art. 12, 54 rules of procedure)	No (only decisions and minority notes are made public, cf. art. 54-55 rules of procedure)
		CAV: formulate advice to government, parliament and develop co-regulatory measures on advertising, protection of human dignity & minors, access for disabled	Majority vote (quorum: 20%), casting vote of president, (FR-media-act 148)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act,	No (only decisions and minority notes are made public, cf. art. 54-55 rules of procedure)

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		people, extracts of public events and political speech.		art. 12, 54 rules of procedure)	
	BE-DE : MRat	MRat-REG: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement	Consensus (quorum: 50%), art. 98 DE-media-act, art. 10 and 19 rules of procedure	No specific transparency measures (cf. DE-media-act 105: general publication obligation)	No
		MRat-ADV: general advisory role, incl. advice on decisions and sanctions	Majority vote, casting vote president, quorum: 50% art. 115 DE-media-act, art. 10 and 22 rules of procedure	No specific transparency measures; meetings are in principle confidential (art. 4 & 12 DE-media-act)	No

**Table 17 - Highest decision-making organ – appointment process: no changes**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source	
Belgium	BE-VL: VRM	Management board	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		general chamber	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		chamber impartiality and minors	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
	BE-FR:	Bureau	Board	No	n/a	Government	n/a	FR-media-act (142)

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source	
	CSA		Chairman	No	n/a	Government	n/a	FR-media-act (142)
		CAC	Board	No	n/a	50% Parliament, 50% Government	n/a	FR-media-act (139)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAC	n/a	FR-media-act (142)
		CAV	Board	No	n/a	Government	n/a	FR-media-act (138)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAV	n/a	FR-media-act (142)
		BE-DE: MRat	Chairman MRat-REG & MRat-ADV	Chairman	No	n/a	Government	n/a
MRat-REG	Board		No	n/a	Government	n/a	DE-media-act (86)	
MRat-ADV	Board		No	n/a	Government	n/a	DE-media-act (86)	

**Table 18 - Term of office and renewal: no changes**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Belgium	BE-VL: VRM	Management board	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	Art. 17-18 act administrative governance (18/07/2003)
		General chamber	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
		Chamber impartiality and minors	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
	BE-FR : CSA	Bureau	5 years	No specific rules	Yes, unlimited	FR-media-act (142)
		CAC	4 years	No specific rules	Yes, unlimited	FR-media-act (139)
		CAV	4 years	No specific rules	Yes, unlimited	FR-media-act (138)
	BE-DE : MRat	President	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)
		MRat-REG	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)
		MRat-ADV	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)

**Table 19 - Professional expertise/qualifications: no changes**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Belgium	BE-VL : VRM	Management board: members	n/a	n/a	n/a
		Management board: chairman	n/a	n/a	n/a
		general chamber: members	<ul style="list-style-type: none"> <li>2 magistrates/judges</li> <li>3 scientific experts</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
		general chamber: chairman	<ul style="list-style-type: none"> <li>Magistrate</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
		chamber impartiality and minors: members and chairman	<ul style="list-style-type: none"> <li>Magistrates/judges</li> <li>scientific experts</li> <li>professional journalists</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
	BE-FR : CSA	Bureau (members & chairman)	No specific provisions	No specific provisions	FR-media-act (140-142)
		CAC (members & chairman)	No specific provisions	Expertise in law, audiovisual and/or communication	FR-media-act (139)
		CAV (members & chairman)	Should be member of 15 specific socio- economic categories (e.g. society, operational, PBS, labour unions). At least one representative per specified group.	No specific provisions	FR-media-act (138)
	BE-DE : MRat	MRat-REG	No specific provisions	Scientific, legal, economic and technical	DE-media-act (91)
				knowledge in media or expert in electronic communications	
		MRat-ADV	No specific provisions	No specific provisions	DE-media-act (111-112)

**Table 20 - Rules to guard against conflicts of interest – Appointment process: no changes**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Belgium	BE-VL : VRM	Management board	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	No	No	No	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		No Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)
		chamber impartiality and minors	Yes		Members cannot also be member	No specific provisions on political	Prohibition to have links with or economic	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)
					of any government	party links; rules limited to active functions in parliaments	participation in any media or advertising company and/or any distribution company (not applicable to journalists to whom a specific prohibition applies: no management functions in those companies			

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	Yes, members cannot be member of staff or administration board of public or private market players	No	No	FR-media-act (142), rules of procedure (22) act administrative governance (18/07/2003)
		CAC	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	Yes, members cannot be member of staff or administration board of public or private market players	No	No	FR-media-act (139), rules of procedure (22) act administrative governance (18/07/2003)



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	No, to the opposite. Some members have to represent industry	No	No	FR-media-act (138), rules of procedure (22) act administrative governance (18/07/2003)
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	No	No	DE-media-act (91)
		MRat-ADV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: every political party in parliament can appoint one non-voting member	No, to the opposite. Some members have to represent industry	No	No	DE-media-act (111)

**Table 21 - Rules to guard against conflicts of interest – during term of office: no changes**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Belgium	BE-VL : VRM	All management board and chambers members and chairmen	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	Board members cannot take part in decisions when they have direct or indirect interest.	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 Art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	VL-media-act (216 §1), act administrative governance (18/07/2003)
		Chamber impartiality and minors	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company (not applicable to journalists, to whom a specific prohibition applies: no management functions in those companies).	VL-media-act (216 §2), act administrative governance (18/07/2003)
		Senior staff	Yes		Internal deontological code			website VRM

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (142), rules of procedure (22)
		CAC	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (139), rules of procedure (22)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	No, to the opposite: some members have to represent industry	FR-media-act (138), rules of procedure (22)
		Senior staff	Yes		No information available	No information available	No information available	FR-media-act (144), rules of procedure (23-48)
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	DE-media-act (91)
	BE-DE : MRat	MRat-ADV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: every political party in parliament can appoint one non-voting member	No, to the opposite: some members have to represent industry	DE-media-act (111)

**Table 22 - Rules to guard against conflicts of interest – after term of office: no changes**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Belgium	BE-VL : VRM	Management board (members and chairman)		No		
		General chamber (members and chairman)		No		
		chamber impartiality and minors (members and chairman)		No		
	BE-FR : CSA	Bureau (members and chairman)		No		
		CAC (members and chairman)		No		
		CAV (members and chairman)		No		
	BE-DE : MRat	MRat-REG		No		
		MRat-ADV		No		

**Table 23 - Rules to protect against dismissal: no changes**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Belgium	BE-VL : VRM	Managem ent board		No	Government	No	Individual members Independent expert members (not present in the board of VRM): dismissal only with 2/3 majority in board	Art. 18 act administrative governance (18/07/2003)
		Chambers	Yes		Members: Government (in case of breach of the deontology: only after proposition of the committee of presidents of both chambers)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individual members	VL-media-act 216-217

Country	Body	Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
		Yes	No				
				Presidents: Government (in case of breach of the deontology: only after proposition of the general council of the VRM)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individuals	VL-media-act 216-217
	BE-FR : CSA	Bureau (members and chairman)	Yes	Parliament, after a proposition of government	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (142)
		CAC (members)	Yes	Government (own initiative, or after request of CAC)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (139)
		CAV (members)	Yes	Government (own initiative, or after request of CAV)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (138)

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	BE-DE : MRat	MRat-REG	Yes		Government	Yes, non-compliance with rules on conflict of interest or confidentiality obligation	Individual members	DE-media-act (91, 93, 108)
		MRat-ADV	Yes		Members themselves (or represented organisation)	Yes, non-compliance with rules on conflict of interest or in case of long absence	Individual members	DE-media-act (111-113)

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Belgium	BE-VL: VRM	2008	Replacement of president, vice-president and one member of the general chamber	Yes		Mutual agreement	Replacement because of internal problems and conflicts in general chamber NOTE: In 2013, all members of general chamber were re-appointed except for the chairman (but NO dismissal before end of term)
	BE-FR : CSA	2007	Non-prolongation of bureau of CSA		No	End of second term	Political reasons <a href="http://www.lalibre.be/economie/actualite/article/372867/evelyne-lentzen-bientot-debarquee-du-csa.html">www.lalibre.be/economie/actualite/article/372867/evelyne-lentzen-bientot-debarquee-du-csa.html</a>
	BE-DE : MRat	2007	Replacement of president	Yes		Mutual agreement	



## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Belgium	BE-VL: VRM	No	State funding <del>58</del> 63%	<del>42</del> 37%	No	No ( <a href="#">go to general state budget, cf. supra</a> )	No	Public report VRM <del>2009</del> 2013
	BE-FR : CSA	No	State funding 100%	No	No	No	No	FR-media-act (151), <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	No	State funding MRat- ADV: 100% (no own budget)	No	No	No	No	DE-media-act (116)

**Table 26 - Annual budget: no changes**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Belgium	BE-VL: VRM	Parliament, after proposition of government	Yes, the regulator has to propose its budget to the minister (art. 18 management agreement VRM)	Only public stakeholders: <ul style="list-style-type: none"> <li>• Regulator</li> <li>• Minister</li> <li>• Government</li> <li>• parliament</li> </ul>	Limited	VL-media-act (232)
	BE-FR : CSA	Parliament, after proposition of government	Yes, the CSA and the government conclude a 5 year budget plan (2009-2013)	Only public stakeholders: <ul style="list-style-type: none"> <li>• Regulator</li> <li>• Minister</li> <li>• Government</li> <li>• parliament</li> </ul>	Limited	FR-media-act (151), <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	Parliament, after proposition of government	MRat-REG: president of MRat prepares a draft of a financial plan (over two years) and proposes for approval to MRat general meeting; which sends it to the relevant minister for approval by budget minister, government and parliament (art. 75-78 administrative governance act of 25-05-2009)  MRat-ADV: no own budget, costs are carried by administration	Media minister prepares draft act on budget adjustment, sends it to budget minister for approval by government and information of parliament (art. 78 administrative governance act of 25-05-2009)	Limited	DE-media-act (110, 116 and 15 rules of procedure)  Art. 75-78 administrative governance act of 25-05-2009

**Table 27 - Financial accountability – auditing: no changes**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board regulator, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM, art. 33-34 act on administrative management)
	BE-FR : CSA	Yes	Continuous	Yes Financial and administrative supervision by government representative. Budget supervision by Rekenhof	Yes Budget supervision commissioner-revisor	No	FR-media-act (153) <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	Yes	Continuous	Yes Internal control service and internal audit service of the German speaking community; budget supervision by Rekenhof	No information available	No	Art. 44-47 administrative governance act of 25-05-2009

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Belgium	BE-VL: VRM	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> </ul>	VL-media-act (218 §4 en 5); art. 15 act administrative governance (18/07/2003)
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Policy supervision (incl. “general interest considerations”) by government representative in management board (1/3), possibility to appeal and suspend a decision</li> <li>Specific reporting obligations regarding personnel and finances and evaluation of management agreement</li> </ul>	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Minister Media: receives copy of every decision of VRM</li> <li>Supervision over decisions with financial or budget impact by government representative in management board</li> </ul>	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li><a href="#">Yearly VRM symposium</a></li> <li><a href="#">Regular information documents and meetings</a></li> <li>Website</li> </ul>	VL-media-act (218 §4 en 5), management agreement
		Other	No	N/A	N/A
	BE-FR: CSA	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly report on financial aspects</li> <li>Yearly activity report on performing of tasks and sanctions</li> </ul>	FR-media-act (146, 153)
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>government commissioner: supervision of administrative and financial management (can issue appeal to government)</li> <li>Yearly activity report</li> <li>2 representatives of government and/or administration and 3 representatives of council of media-education participate in meetings CAV</li> <li>1 representative of administration participates in meetings CAC</li> </ul>	FR-media-act (146, 152)

Country	Body	Body accountable to		Accountability means	Legal basis
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Yearly activity report on performing of tasks and sanctions</li> </ul>	FR-media-act (146)
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report on performing of tasks and sanctions</li> <li>Website and information bulletin</li> </ul>	FR-media-act (146), rules of procedure (56)
		Other	No	N/A	N/A
	BE-DE: MRat	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> </ul>	DE-media-act (88), art. 14 rules of procedure
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>MRat under hierarchical supervision of government</li> </ul>	DE-media-act (96)
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Specific financial and budget reporting obligations</li> </ul>	DE-media-act (88), art. 14 rules of procedure
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Publication of information about regulatory framework, decisions, authorisations etc. on internet</li> </ul>	DE-media-act (88), art. 14 rules of procedure DE-media-act (104)
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Belgium	BE-VL: VRM	Parliament / government / general public	Annual	General reporting obligation (activities, budget, finances...) art. 15 adm. governance act 18/7/2003	No	No	No	<a href="http://www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009-p4#2013">2009: www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009-p4#2013:</a> <a href="http://www.vrmrapporten.be/sites/default/files/pdfversions/vlaamse_regulator_voor_de_media_-_jaarverslag_2013_definitief.pdf">http://www.vrmrapporten.be/sites/default/files/pdfversions/vlaamse_regulator_voor_de_media_-_jaarverslag_2013_definitief.pdf</a> Source: art. 218 VL-media-act
		Minister Media	Sending copy of every decision	“Every decision”	No	No	No	VL-media-act (218 §4 en 5)
		Different ministers	Different periodicities	<ul style="list-style-type: none"> <li>• Staff and HR decisions</li> <li>• Reporting on progress management contract</li> </ul>	Yes	No	No	Art. 20 management contract VRM
	BE-FR : CSA	Parliament / government	Annual	<ul style="list-style-type: none"> <li>• Report on financial aspects</li> <li>• Activity report on performing of tasks and sanctions</li> </ul>	Yes, about complaints handling	No	No	FR-media-act (146)
	BE-DE : MRat	Parliament / Government	Annual	Activity report	No	No	No	DE-media-act (88), art. 14 rules of procedure

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board VRM, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	<del>No</del> VRM has performed an online self-evaluation survey: <a href="http://www.vlaamseregulatoremedia.be/nl/nieuws/2013/resultaten-online-enquete-nieuwsbrief">http://www.vlaamseregulatoremedia.be/nl/nieuws/2013/resultaten-online-enquete-nieuwsbrief</a>	Art. 19 management agreement VRM
	BE-FR : CSA	Yes	Continuous	Yes Bureau CSA (internal), government representative (presence at meetings), revisor, administration of finance and budget, inspection of finance, Rekenhof (monitoring financial reporting), government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 152-152 FR-media-act
	BE-DE : MRat	Yes	Continuous	Yes Internal audit service & budget and financial supervision by Rekenhof	No	N/A	Art. 44-47 act on administrative management (25-05-2009)

**Table 31 - Power to overturn/instruct: no changes**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Belgium	BE-VL: VRM	Does anybody have the power to overturn decisions of the regulator?	Management board	Yes	No	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	No	Not without changing regulatory framework	No	VL-media-act (218)
		Does anybody have the power to give instructions to the regulatory body?	Management board	No	Yes, at least indirect via management contract	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	Yes, government can assign specific tasks	Not without changing regulatory framework	No	VL-media-act (218)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	Management board	No (supervision including legality check, general interest check ...)	N/A	N/A	N/A	VL-media-act (218)
			Chambers	N/A	N/A	N/A	N/A	VL-media-act (218)



Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Management board	N/A	Yes, limitations formulated by legal framework for management agreement	N/A	N/A	VL-media-act (218)
			Chambers	N/A	No, government can issue tasks "when needed"	N/A	N/A	VL-media-act (218)
	BE-FR: CSA	Does anybody have the power to overturn decisions of the regulator?	Bureau	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
				CAC & CAV	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No
		Does anybody have the power to give instructions to the regulatory body?	Bureau	No	Yes at least indirect via financial long-term contract	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
				CAC & CAV	No	Yes at least indirect via financial long-term contract, government can also ask CAC to investigate issues or ask CAV to give advice	Not without changing regulatory framework; parliament can ask CAV for advice on specific issues	No

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	Bureau	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (135-136, 152)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Bureau	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (135-136, 152)
	BE-DE: MRat	Does anybody have the power to overturn decisions of the regulator?	MRat-REG	No	Yes, limited to violations of legal acts	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Does anybody have the power to give instructions to the regulatory body?	MRat-REG	No	Yes, government can point MRat-REG to infractions on legal framework; also indirect influence via negotiations on budget or staff	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	MRat-REG	N/A	Yes, limited to violations of legal acts	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	MRat-REG	N/A	Yes, limitations formulated by legal framework	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Belgium	BE-VL: VRM (chambers)  Note: Decisions of management board ( <u>i.e. administrative, organizational decisions, not regulatory decisions of the chambers</u> ) can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No	All concerned parties	General principle of administrative law
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal		All concerned parties	General administrative and civil procedure law
	BE-FR : CSA	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No	All concerned parties	General principle of administrative law
		External: appeal of government representative to government	1	Administrative appeal	No	Government representative	152 FR-media-act
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal	Yes	All concerned parties, also specific explicit possibility for government	General administrative and civil procedure law, 137 FR- media-act
	BE-DE : MRat-REG	Internal: request for reconsidering	1	Informal appeal	No	All concerned parties	Art. 95 DE-media-act
		All decisions of the MRat- REG can be appealed before the Council of State	1	Administrative appeal	No	All concerned parties	Art. 95 DE-media-act

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Belgium	BE-VL: VRM (chambers)			√	Decisions of management board <u>board (i.e. administrative, organizational decisions, not regulatory decisions of the chambers)</u> can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
	BE-FR : CSA			√	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG			√	N/A

**Table 34 - Accepted grounds for appeal: no changes**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Belgium	BE-VL: VRM (chambers)	√	√	√ (in case of informal internal appeal)	Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
	BE-FR : CSA	√	√	√ (in case of informal internal appeal)	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	√	√	√ (in case of informal internal appeal)	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own? No changes**

Country	Body	Appeal stage	Yes	No	Comments
Belgium	BE-VL: VRM (chambers)	Internal (chambers)	√		Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
		External: council of state and courts		√	Courts in principle cannot replace original administrative decisions with their own.
	BE-FR : CSA	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: appeal at government by its representative	√		The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: government can suspend decision because non-compliance with the law		√	Art. 96 DE-media-act. Government can only suspend a decision of MRat-REG, but not take new decision itself.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Belgium	BE-VL: VRM (chambers)	VRM can decide over the allocation of its budget  Note: Art. 15 internal rules chambers 18/5/2009: chambers can request for external advice	Management board decides about necessity	Yes	N/A	Yes, also in preparing regulatory decisions  <u>(e.g. Bhaalu decision: <a href="http://www.vlaamseregulatormedia.be/nl/beslissingen/2015/vrm-verklaart-klacht-van-medialaan-sbs-belgium-en-vrt-tegen-right-brain-interface">http://www.vlaamseregulatormedia.be/nl/beslissingen/2015/vrm-verklaart-klacht-van-medialaan-sbs-belgium-en-vrt-tegen-right-brain-interface</a>)</u>
	BE-FR : CSA	No specific budget, but bureau can decide about its own external support	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), 13 rules of procedure
		CAC: no specific budget; bureau decides about external support for CAC	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), 13 rules of procedure
	BE-DE : MRat	MRat-REG: no specific budget (cf. principle: 94 DE-media-act)	N/A	Yes	N/A	No information available but probably not, because of its small size

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Belgium	BE-VL: VRM (chambers)	Market definition and analysis and imposing obligations on network operators	Public consultation	Not defined	Yes	N/A	Art 192 VL-media-act
		<u>Note: VRM is aiming at consulting more than it is legally required, up till now in a informal way (e.g. <a href="#">VRM symposium</a>, <a href="#">VRM information documents</a>, <a href="#">VRM information meetings</a>)</u>					
	BE-FR : CSA	Market definition and analysis and imposing obligations on network operators	Public consultation	1 month	Yes	Yes	Art. 94-95 FR-media-act, art. 53 rules of procedure
		CAC & CAV can organise further public consultations when they consider it useful	Public consultation	> 8 weeks	Yes	Yes	Art. 94-95 FR-media-act, art. 53 rules of procedure
	BE-DE : MRat-REG	Market definition and analysis and imposing obligations on network operators	Public consultation	In principle: 1 month	Yes	Yes	Art. 103 DE-media-act
		Obligation to take into account consumers perspective in decisions on e- communications	No specific requirements	No specific requirements	N/A	N/A	Art. 104 DE-media-act



**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Belgium	BE-VL: VRM (chambers)	<del>2009</del>	<del>1 (product placement)</del>
		2010 - 2014	VRM is not formally obliged to consult (except in case of market analyses before imposing access obligations in the context of the e-communications regulatory framework), but nevertheless tries to inform relevant stakeholders of its interpretations and priorities through 1° drafting of information documents and 2° organizing of information meetings.  See: <a href="http://www.vlaamseregulatormedia.be/nl/over-vmr/documentatie/informatiedocumenten-vmr">http://www.vlaamseregulatormedia.be/nl/over-vmr/documentatie/informatiedocumenten-vmr</a> <a href="http://www.vlaamseregulatormedia.be/nl/over-vmr/documentatie/informatievergaderingen-vmr">http://www.vlaamseregulatormedia.be/nl/over-vmr/documentatie/informatievergaderingen-vmr</a>
		<del>2009</del>	<del>1 (product placement)</del>
		<del>2008</del>	<del>1 (broadcasting transmission)</del>
		<del>2005-2007</del>	<del>No</del>
	BE-FR : CSA	2009	1 (product placement)
		2008	2 (broadcasting transmission)
		2007	1
		2006	2
		2005	2
	BE-DE : MRat	2009	0
		2008	1 (broadcasting transmission)
		2005-2007	0

**Table 39 - Publication of regulator's decisions: no changes**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
<b>Belgium</b>	BE-VL: VRM (chambers)	All regulatory decisions of the chambers (art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	All regulatory decisions of the VRM have to be motivated according to general administrative law (see also art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	No specific provisions	No specific provisions
	BE-FR : CSA	Activities, decisions and advices of CSA via the 3-monthly information bulletin and website Yearly activity report (art. 145, FR-media-act, art. 46, 54 and 56 rules of procedure)	Yes (art. 136, 145, FR-media-act, art. 46, rules of procedure)	No specific provisions	No specific provisions
	BE-DE : MRat	Decisions on transmission of signals (e-communications): art. 105 DE-media-act	Yes, based on general principles of administrative law	No specific provisions	No specific provisions

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities: no changes

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Belgium	BE-VL: VRM	<ul style="list-style-type: none"> <li>With other national media regulators (joint networks or services)</li> <li>With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors)</li> <li>With Commission and international media regulators (market definition, analysis and imposing of obligations)</li> <li>With administration</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration agreement between governments, approved by parliament</li> <li>Art. 218 VL-media-act</li> <li>Art. 192 and 218 VL-media-act</li> <li>Art. 25 management contract</li> </ul>	No	n/a
	BE-FR : CSA	<ul style="list-style-type: none"> <li>With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors)</li> <li>collaboration with competition authorities in monitoring media pluralism</li> <li>bureau can contact any other authority when relevant for fulfilling its tasks</li> <li>voluntary collaboration with MRat</li> </ul>	<ul style="list-style-type: none"> <li>FR-media-act (94-95) , 49 and 57 rules of procedure</li> <li>FR-media-act (7), 48 and 57 rules of procedure</li> <li>FR-media-act (140) and 57 rules of procedure</li> <li>Collaboration protocol: <a href="http://www.medienrat.be/pdf/Bericht2006-2007.pdf">www.medienrat.be/pdf/Bericht2006-2007.pdf</a></li> </ul>	No	n/a
	BE-DE : MRat-REG	<ul style="list-style-type: none"> <li>With competition authority</li> <li>With regulators in other economic sectors</li> <li>With EU-commission and other regulators (e-communications market regulation)</li> <li>With consumer protection authorities</li> </ul>	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	No	n/a
		<ul style="list-style-type: none"> <li>With EU-commission and audiovisual media regulators</li> </ul>	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	No	n/a

**Table 41 - International cooperation: no changes**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Belgium	BE-VL: VRM	Yes, collaboration with Commission and international media regulators (on market definition, analysis and imposing of obligations)	Art. 192 and 218 VL-media-act	VRM participates in EPRA and Euregiolators
	BE-FR : CSA	Specific collaboration procedures in market regulation of networks and associated facilities	FR-media-act (94-95), 49 and 57 rules of procedure	CSA participates in EPRA
		Bureau can contact any other authority when relevant for fulfilling its tasks	FR-media-act (140) , 53 and 57 rules of procedure	
	BE-DE : MRat	<ul style="list-style-type: none"> <li>• With regulators in other economic sectors</li> <li>• With EU-commission and other regulators (e-communications market regulation)</li> <li>• With consumer protection authorities</li> </ul>	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	n/a
		<ul style="list-style-type: none"> <li>• With EU-commission and audiovisual media regulators</li> </ul>	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	n/a

## Belgium (fr)

Note that the tables in this section, although containing information on all three Communities of Belgium, do exclusively highlight changes in the legal framework of the French-speaking Community.

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Belgium</b>	<b>BE-Flanders</b> 64 (national) 10 (regional)	<b>BE-Flanders</b> ( <a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a> ) 16	<b>BE-Flanders</b> ( <a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a> ) 3 2 non-linear
	<b>BE-French community</b> <del>2023</del> national 12 regional/local	<b>BE-French community</b> ( <a href="http://www.csa.be">www.csa.be</a> ) <del>26</del> 4	<b>BE-French community</b> ( <a href="http://www.csa.be">www.csa.be</a> ) <del>3</del> <u>1 non-linear</u> 4
	<b>BE-German speaking community</b>	<b>BE-German speaking community</b> ( <a href="http://www.medienrat.be">www.medienrat.be</a> )	<b>BE-German speaking community</b> ( <a href="http://www.medienrat.be">www.medienrat.be</a> ) 1 (+1 öffener Kanal, organised as a private association without profit objective)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Belgium</b>	Information requirements (art. 5 AVMS Directive)	<b>BE-VL</b> : VL-media-act (40)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (6, 36-38)	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (6.3)	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat	<b>BE-DE</b> : MRat
	Audiovisual commercial	<b>BE-VL</b> : VL-media-act (47-101)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<b>BE-FR:</b> FR-media-act (10-32)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (6, 6.1, 7, 10, 10.1)	<b>BE-DE :</b> MRat	<b>BE-DE :</b> MRat	<b>BE-DE :</b> MRat
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<b>BE-VL :</b> VL-media-act (151)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (33)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE:</b> DE-media-act (10.2)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Broadcasting of major events (Art. 14 AVMS Directive)	<b>BE-VL :</b> VL-media-act (153)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (3-4)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (14)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Access to short news reports (Article 15 AVMS Directive)	<b>BE-VL :</b> VL-media-act (118)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (4)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (14.1)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<b>BE-VL :</b> VL-media-act (154-157)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (44-46)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (12, 40)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Hate speech (Art. 12 and 6 AVMS Directive)	<b>BE-VL :</b> VL-media-act (38-39)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (9)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (4, 80.1)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<b>BE-VL :</b> VL-media-act (78-84)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (18-21 <del>4</del> , 32 <del>1-34</del> )	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (7, 15)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Protection of minors (Art. 27 AVMS Directive)	<b>BE-VL :</b> VL-media-act (41-45)	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM	<b>BE-VL :</b> VRM
		<b>BE-FR :</b> FR-media-act (9)	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA	<b>BE-FR :</b> CSA
		<b>BE-DE :</b> DE-media-act (4, 6, 6.2)	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat
	Right of reply (Art. 28 AVMS Directive)	<b>BE-VL :</b> VL-media-act (102-117)	<b>BE-VL :</b> VRM / President of court of first instance	<b>BE-VL :</b> VRM / President of court of first instance	<b>BE-VL :</b> VRM / President of court of first instance
		<b>BE-FR :</b> federal act of 23/6/1961 ( <i>M.B.</i> <del>CS</del> 8/7/1961)	<b>BE-FR :</b> <del>Civil courts</del> <b>CSA</b>	<b>BE-FR :</b> <del>Civil courts</del> <b>CSA</b>	<b>BE-FR :</b> <del>Civil courts</del> <b>CSA</b>
		<b>BE-DE :</b> DE-media-act (11, 15.1 (non-linear))	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat	<b>BE-DE:</b> MRat

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<b>BE-VL</b> : no general provision, specific provisions in some cases (e.g. 44 VL-media-act on minors, art. 154 on EU quota, art. 176, 221-222)	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM	<b>BE-VL</b> : VRM
		<b>BE-FR</b> : FR-media-act (140) and <a href="#">49 CAC57</a> rules of procedure	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA	<b>BE-FR</b> : CSA
		<b>BE-DE</b> : DE-media-act (107.1)	<b>BE-DE</b> : MRat/government	<b>BE-DE</b> : MRat/government	<b>BE-DE</b> : MRat/government

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
<b>Belgium</b>	BE-VL : VRM	<a href="http://www.vlaamseregulatormedia.be">www.vlaamseregulatormedia.be</a>	16 December 2005, Decreet betreffende de radio-omroep en de televisie van 27 maart 2009, <i>BS</i> 30 april 2010 (successor of the previously existing "Vlaams Commissariaat voor de Media")  Entered into force February 10, 2006	Vlaamse Regulator voor de Media Koning Albert II-laan 20 - bus 21 B-1000 Brussel  Tel : +32 2 553.45.04 Fax : +32 2 553.45.06 e-mail: <a href="mailto:vrn@vlaanderen.be">vrn@vlaanderen.be</a>
	BE-FR : CSA	<a href="http://www.csa.be">www.csa.be</a>	Originally Act of 24 July 1997, later taken over by Décret coordonné sur les services de médias audiovisuels du <del>26 mars</del> <sup>30 avril</sup> 2009, <i>M.B.S.</i> , <del>247</del> juillet 2009	Conseil supérieur de l'audiovisuel 13, Boulevard de l'Impératrice B-1000 Bruxelles  Tel : +32 2 349.58.80 Fax : +32 2 349.58.97 email: <a href="mailto:info@csa.be">info@csa.be</a>
	BE-DE : MRat	<a href="http://www.medienrat.be">www.medienrat.be</a>	Dekret vom 27. Juni 2005 über den Rundfunk und die Kinovorstellungen, <i>BS</i> 6 september 2005	Ministerium der Deutschsprachigen Gemeinschaft Belgiens Gospertstraße 1 B-4700 Eupen  Tel.: +32 87 59 63 00 Fax: +32 87 55 28 91 email: <a href="mailto:info@medienrat.be">info@medienrat.be</a>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
<b>Belgium</b>	BE-VL: VRM	Yes	Yes	Yes	No	No	No
	BE-FR : CSA	Yes	Yes	Yes	No	No	No
	BE-DE : MRat	Yes	Yes	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
<b>Belgium</b>	BE-VL: VRM	20	20, excluding chambers (head count: 5 + 13) and management board (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> <li>subsidies</li> </ul>	Total: €2.041m 1. €1.187m	VL-media-act (art. 232) 2009 ( <a href="#">public report VRM 2009</a> )

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
				<ul style="list-style-type: none"> <li>• licence fees</li> <li>• other</li> </ul>	2. €854,000	
	BE-FR : CSA	26	256 staff members, excluding <del>CACeollege</del> (head count: 6) and bureau (head count: 4)	Not specified, budget comprised of: <ul style="list-style-type: none"> <li>• General subsidy</li> <li>• Specific subsidy</li> <li>• Gifts</li> <li>• Own income</li> </ul>	Total 201409: €2.250 m (yearly indexed + annual increase of <del>at</del> 1%)	<del>2009</del> (art. 139, 151 FR-media-act and website CSA)  Budget is part of the overall (yearly approved) state budget; CSA and government negotiate -5-year plan (covering 201409-20183)
	BE-DE : MRat	Not specified in law. The regulatory chamber (MRat-REG) has 3 members (art. 90 DE-media-act). The number of members of the advisory chamber (MRat- ADV) is not defined by law (art. 111 DE-media-act).	MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The current head-count of the regulatory chamber (MRat-REG) is 3 members. The current head-count of the advisory chamber (MRat-ADV) is 18 members.	Not fixed, budget comprised of (art. 111 DE-media-act): <ul style="list-style-type: none"> <li>• General subsidy</li> <li>• Gifts</li> <li>• Own income</li> <li>• Administrative fees</li> </ul>	N/A	2009, DE-media-act (90, 111), <a href="http://www.medienrat.be">www.medienrat.be</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Belgium	BE-VL: VRM	Articles 215-235 VL-media-act	<ul style="list-style-type: none"> <li>management contract VRM <a href="http://www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf">www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvrm.pdf</a></li> </ul>
			<ul style="list-style-type: none"> <li>rules of procedure management board <a href="http://www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27">www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27</a></li> <li>rules of procedure chambers <a href="http://www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf">www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf</a></li> </ul>
	BE-FR : CSA	Articles 133 <del>4</del> -153 <del>8</del> FR-media-act, <del>art. 20 R</del> rules of procedure of the <u>different bodies</u> (specific deontology provisions applicable to members of the CSA), including the following issues: <ul style="list-style-type: none"> <li>obligation of professional secrecy</li> <li>obligation to notify problems of independence to Bureau</li> <li>prohibition to seek or follow instructions or than following from the regulatory framework</li> <li>obligation to notify possible conflicts of interest</li> <li>rules on accepting gifts and specific conflicts of interests</li> </ul>	<ul style="list-style-type: none"> <li><del>Rules of procedure Bureau: <a href="http://www.csa.be/documents/2192-Bureau-">http://www.csa.be/documents/2192-Bureau-</a></del> <del><a href="http://www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27">www.juridat.be/cgi_loi/loi_a.pl?language=nl&amp;caller=list&amp;la=n&amp;fromtab=wet&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1&amp;cn=2006042139&amp;sql=dd+=+date%272006-4-21%27</a></del></li> <li><del>Rules of procedure CAC: <a href="http://www.csa.be/documents/2188">http://www.csa.be/documents/2188</a></del></li> <li><del>Rules of procedure CAV: <a href="http://www.csa.be/documents/2187">http://www.csa.be/documents/2187</a></del></li> <li><del>Rules of procedure Plenary Assembly: <a href="http://www.csa.be/documents/categorie/25">http://www.csa.be/documents/categorie/25</a></del></li> <li><del>Rules of procedure collège d'autorisation et de contrôle du CSA (CAC) <a href="http://www.csa.be/documents/categorie/25">www.csa.be/documents/categorie/25</a></del></li> </ul>
	BE-DE : MRat	Articles 86-116 DE-media-act	<ul style="list-style-type: none"> <li>rules of procedure MRat (15/5/2007) <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2007051564&amp;table_name=wet">www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2007051564&amp;table_name=wet</a></li> </ul>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Belgium	BE-VL: VRM	Independent agency	Yes		<ul style="list-style-type: none"> <li>Created within the broader framework of regulatory agencies, but with extra guarantees on independence for regulatory chambers</li> <li>No hierarchic relation between (administrative) management board and (regulatory) chambers</li> </ul>	VL-media-act (215)
	BE-FR : CSA	Independent agency	Yes		Highest organ of the CSA is the bureau, under the authority of which two <u>“collèges/collèges” (committees)</u> function (one advisory, CAV) and one regulatory, CAC)	FR-media-act (133-1530)
					Government has to approve the rules of procedure of CSA and organises the legal position of all members <u>of the CSA</u>	FR-media-act (145)
	BE-DE : MRat	Independent agency	Yes		MRat has no specific or own staff members, but can rely on the services of the administration (= +/- 0.5 FTE). The MRat consists of a regulatory chamber (MRat-REG) and an advisory chamber (MRat-ADV)	Articles 86-116 DE-media-act, art. 3 rules of procedure

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Belgium	BE-VL: VRM		Yes, explicit	VL-media-act (215, 218 §2 & §3)
	BE-FR : CSA		Yes, explicit	FR-media-act (133)
	BE-DE : MRat		Yes, explicit	DE-media-act (86), art. 3 rules of procedure

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Belgium	BE-VL: VRM		N/A (constitutional concerns); however, VRM can advice government on appropriateness of regulatory framework	√ (VL-media-act, 218) General act	√
	BE-FR : CSA		N/A (constitutional concerns); however, Bureau can advice government on appropriateness of regulatory framework (141 FR-media- act)	√ (FR-media-act, 135) General act	√ Separate college competent for advising on media policy issues (CAV)
	BE-DE : MRat		N/A (constitutional concerns)	√ (DE-media-act, 86, 89, 97, 98, 114) General act	√ Separate chamber competent for advising on media policy issues (MRat-ADV)

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Belgium	BE-VL: VRM	Quotas	√	√	√		Broadcasting networks and associated facilities, must-carry, API, EPG	VL-media-act (154-157, 220 §1 en §2)
		Advertising	√	√	√			VL-media-act (47-101, 220 §1 en §2)
		Protection of minors	√	√	√			VL-media-act (41-45, 220 §1 en §2)
	BE-FR : CSA	Quotas	√	√	√			FR-media-act (40, 44-46, 143): yearly, complaint, own initiative
		Advertising	√	√	√			FR-media-act (10, 40, <del>78-84</del> , 143, 159-162)-: yearly, complaint, <u>own</u> initiative
		Protection of minors	√	√	√			FR-media-act (10, 40, <del>78-84</del> , 143, 159-162)-: yearly, complaint, <u>own</u> initiative
	BE-DE : MRat	Quotas	√ (120-121)	√ (120-121)	√ (102)		MRat-ADV has the task to develop models of deontology	DE-media-act (12, 40)
		Advertising	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (7, 15)
		Protection of minors	√ (120-121)	√ (120-121)	√ (102)			DE-media-act (4, 6, 6.2)
							rules in the area of protection of minors and commercial communication (114)	



**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Belgium	BE-VL: VRM	Quotas	√ In all cases and for all regulators, the regulator decides on a case by case basis on the sanctions, they are therefore discretionary within the limits of the act	√ (up to €125k)	√	√	√	Suspension of distribution
		Advertising	√	√ (up to €125k)	√	√	√	
		Protection of minors	√	√ (up to €125k)	√		√	
	BE-FR : CSA	Quotas	√	√ (from €250 to 3% of turnover)	√	√	√ government collects fines (FR-media-act, 160)	Suspension of distribution (FR-media-act, 159)
		Advertising	√	√ (from €250 to 3%	√	√	√	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
				of turnover			government collects fines (FR-media-act, 160)	
		Protection of minors	√	√ (from €250 to 3% of turnover)	√	√	√ government collects fines (FR-media-act, 160)	
	BE-DE : MRat	Quotas	√ DE-media-act (12, 40 & 120)	√ up to €25k DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	√ DE-media-act (12, 40 & 120)	N/A	Sanctions by MRat – REG only possible after advice by MRat- ADV (120-121)
		Advertising	√ DE-media-act (7, 15 & 120)	√ up to €100k DE-media-act (120 & 124)	√ DE-media-act (7, 15 & 120)	√ DE-media-act (7, 15 & 120)	N/A	
		Protection of minors	√ DE-media-act (4, 6, 6.2 & 120)	√ up to €25k DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	√ DE-media-act (4, 6, 6.2 & 120)	N/A	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Belgium	BE-VL: VRM	No	√	√	√	√	√	√
	BE-FR : CSA	No	√	√	√	√	√	√
	BE-DE : MRat	No	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Belgium	BE-VL: VRM	√ 2009: 17 2008: 27 2007: 6	√ 2009: €83k 2008: €105k 2007: €121k	No	√ Yes, 2009: revocations: 6 (5 frequency licenses of local radios revoked because of unused radio spectrum, 1 TV-station bankruptcy)	No Fines paid on time
	BE-FR : CSA	√ <del>2014: 15</del> 2013: 6	√ <del>2014: 05</del> 2013: 0	√ <del>2014: 03</del> 2013: 0	√ 2009: 3 (revocation of license of frequency spectrum use)	No <u>Fines paid on time</u>
	BE-DE : MRat	No	No	No	No	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Belgium	BE-VL: VRM	Yes, complaints are examined by the staff of the VRM and then forwarded to the relevant chamber (government decree on VRM-procedure, art. 12)	<a href="http://www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx">www.vlaamseregulatormedia.be/nl/faq/klacht-indienen-bij-de-vlaamse-regulator-voor-de-media.aspx</a>
	BE-FR : CSA	Yes, complaints are forwarded to the instruction service, which examines them; it can decide whether or not to go to a second instruction phase and compiles a file which it forwards to the CAC	<a href="http://www.csa.be/guichet/plainte">www.csa.be/guichet/plainte</a> , <a href="#">art. 161 FR-media-act</a> , <a href="#">art. 3229-3542</a> rules of procedure Bureau, <a href="#">art. 30-47 rules of procedure CAC</a> <del>et CAC</del>
	BE-DE : MRat	Yes, when complaints are not within the legal powers of the MRat-REG, they are registered and send to the president and the permanent commission of the MRat-ADV, which examines it and prepares a draft decision for the MRat-ADV, which decides about the complaint and possible sanctions.	Art. 114 DE-media-act, 23, 31-32 rules of procedure

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
Belgium	BE-VL: VRM	Management: board	3	0%	0%	0%	0%	66%	Director: 33% Requirements on more equal participation of male and female: (D 13/07/2007 )	n/a	VL-media-act (224)
		General chamber: board	5	0%	0%	0%	0%	60% (3)	40% (2 judges, including chairman)	n/a	VL-media-act (216)
		Chamber impartiality and minors: board	9	n/a	n/a	n/a	n/a	n/a	min. 44% (4 professional journalists); in case of complaints about minor protection, 4 extra members (2 psychologists & 2 family representation)	n/a	VL-media-act (216)
	BE-FR : CSA	Bureau: board	4	n/a	n/a	n/a	n/a	n/a	Nominations have to respect federal act on ideological and philosophical	n/a	FR-media-act (140-142)

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
									groups in public functions (16/07/1973)		
		CAC: board	6 (+bureau)	n/a	Yes, one representative of administration attends the meetings of the CAC, except when ascertain infractions (147 §2). They are not formal members, but they attend meetings.	n/a	n/a	Yes, but no formal quota (“expert in law, audiovisual or communication”)	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (139)
		CAV: board	30 (+bureau)	Yes, should be member of 15 specific socio-economic categories (society, operational, PBS, labour unions, etc.). At least one representative per specified group.	Yes, two representatives of government and administration and three representatives from the Council for media-education attend the meetings of the CAV (147§2). They are not formal members, but they attend meetings	n/a	Yes, but no formal quota	n/a	Nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	n/a	FR-media-act (138)
	BE-DE : MRat	MRat-REG: board	3	0%	0%	0%	0%	100%	n/a	n/a	DE-media-act (90)
		MRat-ADV: board	18	40%	0%	15%	45%	0%	0%	n/a	DE-media-act (111)

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Belgium	BE-VL: VRM	Management board: administration and management of VRM	Majority vote (quorum: 66%, casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		General chamber: general regulatory supervision and enforcement powers	Majority vote (quorum: 3/5 (=60%), casting vote of president)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
		Chamber impartiality and minors: regulatory powers in the field of impartiality of the media and protection of minors	Majority vote (quorum: 5/9 (=55%), casting vote of president (FR media-act 149)	No specific transparency measures (VL-media-act 220 §4 + governmental decree)	No (confidential by law)
	BE-FR : CSA	Bureau: general management and representation of CSA; coordinating and organising the work of the CSA	Majority vote (quorum: 3, (=50%)), casting vote of president)	<del>Yes, bureau meeting reports contain minority opinions and notes</del> <del>Yes, bureau meeting reports contain minority opinions and notes and are made public</del>	No ( <del>only</del> decisions of the Bureau are not made public, cf. art. 39 and minority notes are made public, cf. art. 8, 54-55 rules of procedure Bureau)
		CAC: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement; formulating advice to government on specific issues (e.g. on radio frequencies)	Majority vote (quorum: 50%), casting vote of president (FR-media-act 148, 161)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art.-145 FR-media-act, art. 11, 12, <del>66</del> 54 rules of procedure CAC)	No (only decisions and minority notes are made public, cf. art. <del>54-55</del> 66 rules of procedure CAC)
		CAV: formulate advice to government, parliament and develop co-regulatory measures on advertising, protection of human dignity & minors, access for disabled	Majority vote (quorum: 20%), casting vote of president, (FR-media-act 148)	Yes, meeting reports of the bureau contain minority opinions and notes and are made public (art. 145 FR-media-act,	No (only decisions and minority notes are made public, cf. art. 11, 12, 20 <del>54-55</del> rules of procedure CAV)

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		people, extracts of public events and political speech.		art. 12, 54 rules of procedure)	
	BE-DE : MRat	MRat-REG: general supervisory role, taking decisions about market entry, market regulation, violation of the legal framework and enforcement	Consensus (quorum: 50%), art. 98 DE-media-act, art. 10 and 19 rules of procedure	No specific transparency measures (cf. DE-media-act 105: general publication obligation)	No
		MRat-ADV: general advisory role, incl. advice on decisions and sanctions	Majority vote, casting vote president, quorum: 50% art. 115 DE-media-act, art. 10 and 22 rules of procedure	No specific transparency measures; meetings are in principle confidential (art. 4 & 12 DE-media-act)	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source	
Belgium	BE-VL: VRM	Management board	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		general chamber	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
		chamber impartiality and minors	Board	No	n/a	Government	n/a	VL-media-act (215-223)
			Chairman	No	n/a	Government	n/a	VL-media-act (215-223)
	BE-FR:	Bureau	Board	No	n/a	Government	n/a	FR-media-act (142)

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source	
	CSA		Chairman	No	n/a	Government	n/a	FR-media-act (142)
		CAC	Board	No	n/a	50% Parliament, 50% Government	n/a	FR-media-act (139)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAC	n/a	FR-media-act (142)
		CAV	Board	No	n/a	Government	n/a	FR-media-act (138)
			Chairman	No	n/a	Chairman of Bureau (appointed by government) <i>de iure</i> = chairman CAV	n/a	FR-media-act (142)
		BE-DE: MRat	Chairman MRat-REG & MRat-ADV	Chairman	No	n/a	Government	n/a
MRat-REG	Board		No	n/a	Government	n/a	DE-media-act (86)	
MRat-ADV	Board		No	n/a	Government	n/a	DE-media-act (86)	



**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Belgium	BE-VL: VRM	Management board	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	Art. 17-18 act administrative governance (18/07/2003)
		General chamber	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
		Chamber impartiality and minors	5 years	No specific rules	Yes, unlimited	VL-media-act (215-223)
	BE-FR : CSA	Bureau	5 years	No specific rules	Yes, unlimited	FR-media-act (142)
		CAC	4 years	No specific rules	Yes, unlimited	FR-media-act (139)
		CAV	4 years	No specific rules	Yes, unlimited	FR-media-act (138)
	BE-DE : MRat	President	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)
		MRat-REG	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)
		MRat-ADV	5 years	The terms explicitly have to coincide with the election cycle	Yes, unlimited	DE-media-act (87)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Belgium	BE-VL : VRM	Management board: members	n/a	n/a	n/a
		Management board: chairman	n/a	n/a	n/a
		general chamber: members	<ul style="list-style-type: none"> <li>2 magistrates/judges</li> <li>3 scientific experts</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
		general chamber: chairman	<ul style="list-style-type: none"> <li>Magistrate</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
		chamber impartiality and minors: members and chairman	<ul style="list-style-type: none"> <li>Magistrates/judges</li> <li>scientific experts</li> <li>professional journalists</li> </ul>	5 years of relevant professional experience	VL-media-act (215-223)
	BE-FR : CSA	Bureau (members & chairman)	No specific provisions	No specific provisions	FR-media-act (140-142)
		CAC (members & chairman)	No specific provisions	Expertise in law, audiovisual and/or communication	FR-media-act (139)
		CAV (members & chairman)	Should be member of 15 specific socio- economic categories (e.g. society, operational, PBS, labour unions). At least one representative per specified group.	No specific provisions	FR-media-act (138)
	BE-DE : MRat	MRat-REG	No specific provisions	Scientific, legal, economic and technical	DE-media-act (91)
				knowledge in media or expert in electronic communications	
		MRat-ADV	No specific provisions	No specific provisions	DE-media-act (111-112)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Belgium	BE-VL : VRM	Management board	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	No	No	No	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		No Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)
		chamber impartiality and minors	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company (not applicable to journalists to whom a specific prohibition applies: no management functions in those companies)	No	No	VL-media-act (216 §1), act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	Yes, members cannot be member of staff or administration board of public or private market players	No	No	FR-media-act (142), <del>rules of procedure (22)</del> <del>act administrative governance (18/07/2003)</del>
		CAC	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	Yes, members cannot be member of staff or administration board of public or private market players	No	No	FR-media-act (139), rules of procedure <u>CAC</u> (26-27) (22) <del>act administrative governance (18/07/2003)</del>

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions	No, to the opposite. Some members have to represent industry	No	No	FR-media-act (138), rules of procedure <a href="#">CAV (18) (22)</a> <a href="#">act administrative governance (18/07/2003)</a>
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	No	No	DE-media-act (91)
		MRat-ADV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: every political party in parliament can appoint one non-voting member	No, to the opposite. Some members have to represent industry	No	No	DE-media-act (111)

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Belgium	BE-VL : VRM	All management board and chambers members and chairmen	Yes		Members cannot also be member of any government or staff of government members	No specific provisions on political party links; rules limited to active functions in parliaments	Board members cannot take part in decisions when they have direct or indirect interest.	Art. 19, 21 act administrative governance (18/07/2003); art. 49 gov. decree VRM-procedure 18/5/2009 Art. 21 §1, adm. proc act. 18/7/2003
		General chamber	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company.	VL-media-act (216 §1), act administrative governance (18/07/2003)
		Chamber impartiality and minors	Yes		Members cannot also be member of any government	No specific provisions on political party links; rules limited to active functions in parliaments	Prohibition to have links with or economic participation in any media or advertising company and/or any distribution company (not applicable to journalists, to whom a specific prohibition applies: no management functions in those companies).	VL-media-act (216 §2), act administrative governance (18/07/2003)

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
		Senior staff	Yes		Internal deontological code			website VRM
	BE-FR : CSA	Bureau	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (142), rules of procedure <a href="#">Bureau (24-31)</a> <del>(22)</del>
		CAC	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	Yes, members cannot be member of staff or administration board of public or private market players	FR-media-act (139), rules of procedure <a href="#">CAC (20-29)</a> <del>(22)</del>

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
		CAV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: nominations have to respect federal act on ideological and philosophical groups in public functions (16/07/1973)	No, to the opposite: some members have to represent industry	FR-media-act (138), rules of procedure <a href="#">CAV (15-18)(22)</a>
		Senior staff	Yes		<a href="#">Internal deontological code</a> <del>No</del>	<a href="#">Internal deontological code</a> <del>No</del>	<a href="#">Internal deontological code</a> <del>No</del>	<a href="#">Website CSA</a> , FR-media-act (144), <del>rules of procedure (23-48)</del>
	BE-DE : MRat	MRat-REG	Yes		Members cannot also be member of any government or staff of government members	No specific provisions	Yes	DE-media-act (91)
		MRat-ADV	Yes		Members cannot also be member of any government or staff of government members	No specific provisions, to the opposite: every political party in parliament can appoint one non-voting member	No, to the opposite: some members have to represent industry	DE-media-act (111)



**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Belgium	BE-VL : VRM	Management board (members and chairman)		No		
		General chamber (members and chairman)		No		
		chamber impartiality and minors (members and chairman)		No		
	BE-FR : CSA	Bureau (members and chairman)		No		
		CAC (members and chairman)		No		
		CAV (members and chairman)		No		
	BE-DE : MRat	MRat-REG		No		
		MRat-ADV		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Belgium	BE-VL : VRM	Management board		No	Government	No	Individual members Independent expert members (not present in the board of VRM): dismissal only with 2/3 majority in board	Art. 18 act administrative governance (18/07/2003)
		Chambers	Yes		Members: Government (in case of breach of the deontology: only after proposition of the committee of presidents of both chambers)	Yes (physical or mental illness, conflict of interest, request of board member, mutual agreement, long absence, deontological sanction as proposed by committee of presidents)	Individual members	VL-media-act 216-217

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
					Presidents : Governme	Yes (physical or mental illness, conflict of interest, request of board member,	Individuals	VL-media-act 216-217
					Parliament , after a proposition of government	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (142)
	BE-FR : CSA	Bureau (members and chairman)	Yes		Government (own initiative, or after request of CAC)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (139)
		CAC (members)	Yes		Government (own initiative, or after request of CAV)	Yes, in case of criminal prosecution, non-compliance with rules on conflict of interests, or deontology rules	Individual members	FR-media-act (138)
		CAV (members)	Yes					
	BE-DE : MRat	MRat-REG	Yes		Government	Yes, non-compliance with rules on conflict of interest or confidentiality obligation	Individual members	DE-media-act (91, 93, 108)
		MRat-ADV	Yes		Members themselves (or represented organisation)	Yes, non-compliance with rules on conflict of interest or in case of long absence	Individual members	DE-media-act (111-113)

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Belgium	BE-VL: VRM	2008	Replacement of president, vice-president and one member of the general chamber	Yes		Mutual agreement	Replacement because of internal problems and conflicts in general chamber
	BE-FR : CSA	201 <del>07</del> <sup>207</sup>	Non-prolongation of <a href="#">the president of the CSA and one member bureau of the Bureau CSA</a>		No	End of <del>second</del> term	<del>Personal reasons: <a href="http://www.lalibre.be/culture/medias-tele/le-bureau-du-csa-est-renouvele-51b8f3d2e4b0de6db9c8813b&amp;sa=U&amp;ei=pLj9VJ7EDO-U7Qa6gIHICg&amp;ved=0CCMQFjAD&amp;usg=AFQjCNEccgTRGqWZmzf6kBMmK8xS_vL69w">http://www.lalibre.be/culture/medias-tele/le-bureau-du-csa-est-renouvele-51b8f3d2e4b0de6db9c8813b&amp;sa=U&amp;ei=pLj9VJ7EDO-U7Qa6gIHICg&amp;ved=0CCMQFjAD&amp;usg=AFQjCNEccgTRGqWZmzf6kBMmK8xS_vL69w</a></del> <del>Political reasons: <a href="http://www.lalibre.be/economic/actualite/article/372867/evelyne">www.lalibre.be/economic/actualite/article/372867/evelyne</a></del>
	BE-DE : MRat	2007	Replacement of president	Yes		Mutual agreement	

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Belgium	BE-VL: VRM	No	State funding 58%	42%	No	No	No	Public report VRM 2009
	BE-FR : CSA	No	State funding 100%	No	No	No	No	FR-media-act (151), <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	No	State funding MRat-ADV: 100% (no own budget)	No	No	No	No	DE-media-act (116)

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Belgium	BE-VL: VRM	Parliament, after proposition of government	Yes, the regulator has to propose its budget to the minister (art. 18 management agreement VRM)	Only public stakeholders: <ul style="list-style-type: none"> <li>Regulator</li> <li>Minister</li> <li>Government</li> <li>parliament</li> </ul>	Limited	VL-media-act (232)
	BE-FR : CSA	Parliament, -after proposition of government	Yes, the CSA and the government conclude a 5 year budget plan (2014 <del>09</del> -2018 <del>3</del> )	Only public stakeholders: <ul style="list-style-type: none"> <li>Regulator</li> <li>Minister</li> <li>Government</li> <li>Parliament</li> </ul>	Limited	FR-media-act (151), <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	Parliament, after proposition of government	MRat-REG: president of MRat prepares a draft of a financial plan (over two years) and proposes for approval to MRat general meeting; which sends it to the relevant minister for approval by budget minister, government and parliament (art. 75-78 administrative governance act of 25-05-2009)  MRat-ADV: no own budget, costs are carried by administration	Media minister prepares draft act on budget adjustment, sends it to budget minister for approval by government and information of parliament (art. 78 administrative governance act of 25-05-2009)	Limited	DE-media-act (110, 116 and 15 rules of procedure)  Art. 75-78 administrative governance act of 25-05-2009

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board regulator, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM, art. 33-34 act on administrative management)
	BE-FR : CSA	Yes	Continuous	Yes Financial and administrative supervision by government representative. Budget supervision by Rekenhof	Yes Budget supervision commissioner-revisor	No	FR-media-act ( <a href="#">152-153</a> ) <a href="http://www.csa.be">www.csa.be</a>
	BE-DE : MRat	Yes	Continuous	Yes Internal control service and internal audit service of the German speaking community; budget supervision by Rekenhof	No information available	No	Art. 44-47 administrative governance act of 25-05-2009

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Belgium	BE-VL: VRM	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> </ul>	VL-media-act (218 §4 en 5); art. 15 act administrative governance (18/07/2003)
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Policy supervision (incl. “general interest considerations”) by government representative in management board (1/3), possibility to appeal and suspend a decision</li> <li>Specific reporting obligations regarding personnel and finances and evaluation of management agreement</li> </ul>	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Minister Media: receives copy of every decision of VRM</li> <li>Supervision over decisions with financial or budget impact by government representative in management board</li> </ul>	VL-media-act (218 §4 en 5), art. 15 & 23 act administrative governance (18/07/2003), art. 20 management agreement
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Website</li> </ul>	VL-media-act (218 §4 en 5), management agreement
		Other	No	N/A	N/A
	BE-FR: CSA	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly report on financial aspects</li> <li>Yearly activity report on performing of tasks and sanctions</li> </ul>	FR-media-act (146- <del>153</del> )
		Government as a whole	Yes	<ul style="list-style-type: none"> <li><u>G</u>overnment commissioner: supervision of administrative and financial management (can issue appeal to government); <u>participates in meetings of the Bureau</u></li> <li>Yearly activity report</li> <li>2 representatives of government and <u>one representative of the</u><del>or</del> administration and 3 representatives of council of media-education participate in meetings CAV</li> <li>1 representative of administration participates in meetings CAC</li> </ul>	FR-media-act (146- <u>147</u> , 152- <u>153</u> )



Country	Body	Body accountable to		Accountability means	Legal basis
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Yearly activity report on performing of tasks and sanctions</li> </ul>	FR-media-act (146)
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report on performing of tasks and sanctions</li> <li>Website and information bulletin</li> </ul>	FR-media-act (146), rules of procedure (56)
		Other	No	N/A	N/A
	BE-DE: MRat	Parliament	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> </ul>	DE-media-act (88), art. 14 rules of procedure
		Government as a whole	Yes	<ul style="list-style-type: none"> <li>MRat under hierarchical supervision of government</li> </ul>	DE-media-act (96)
		Specific ministers (e.g. Media, finance, etc.)	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Specific financial and budget reporting obligations</li> </ul>	DE-media-act (88), art. 14 rules of procedure
		Public at large	Yes	<ul style="list-style-type: none"> <li>Yearly activity report</li> <li>Publication of information about regulatory framework, decisions, authorisations etc. on internet</li> </ul>	DE-media-act (88), art. 14 rules of procedure DE-media-act (104)
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Belgium	BE-VL: VRM	Parliament / government / general public	Annual	General reporting obligation (activities, budget, finances...) art. 15 adm. governance act 18/7/2003	No	No	No	2009: <a href="http://www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009.pdf">www.vlaamseregulatormedia.be/media/12535/jaarverslag%202009.p df</a> Source: art. 218 VL-media-act
		Minister Media	Sending copy of every decision	“Every decision”	No	No	No	VL-media-act (218 §4 en 5)
		Different ministers	Different periodicities	<ul style="list-style-type: none"> <li>• Staff and HR decisions</li> <li>• Reporting on progress management contract</li> </ul>	Yes	No	No	Art. 20 management contract VRM
	BE-FR : CSA	Parliament / government	Annual	<ul style="list-style-type: none"> <li>• Report on financial aspects</li> <li>• Activity report on performing of tasks and sanctions</li> </ul>	Yes, about complaints handling	No	No	FR-media-act (146)
	BE-DE : MRat	Parliament / Government	Annual	Activity report	No	No	No	DE-media-act (88), art. 14 rules of procedure

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Belgium	BE-VL: VRM	Yes	Continuous, after request of the minister or government	Yes Management board VRM, government representative, revisor, administration of finance and budget, internal audit Flemish community, inspection of finance, Rekenhof, government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 19 management agreement VRM
	BE-FR : CSA	Yes	Continuous	Yes Bureau CSA (internal), government representative (presence at meetings), revisor, administration of finance and budget, inspection of finance, Rekenhof (monitoring financial reporting), government, parliament	Yes Budget has to be checked by commissioner-revisor	No	Art. 152-152 FR-media-act
	BE-DE : MRat	Yes	Continuous	Yes Internal audit	No	N/A	Art. 44-47 act on administrative
				service & budget and financial supervision by Rekenhof			

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Belgium	BE-VL: VRM	Does anybody have the power to overturn decisions of the regulator?	Management board	Yes	No	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	No	Not without changing regulatory framework	No	VL-media-act (218)
		Does anybody have the power to give instructions to the regulatory body?	Management board	No	Yes, at least indirect via management contract	Not without changing regulatory framework	No	VL-media-act (218)
			Chambers	No	Yes, government can assign specific tasks	Not without changing regulatory framework	No	VL-media-act (218)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude	Management board	No (supervision including legality check, general interest check ...)	N/A	N/A	N/A	VL-media-act (218)
			Chambers	N/A	N/A	N/A	N/A	VL-media-act (218)

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		political supervision)?						
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Management board	N/A	Yes, limitations formulated by legal framework for management agreement	N/A	N/A	VL-media-act (218)
			Chambers	N/A	No, government can issue tasks "when needed"	N/A	N/A	VL-media-act (218)
	BE-FR: CSA	Does anybody have the power to overturn decisions of the regulator?	Bureau	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
				CAC & CAV	No	Yes, via appeal lodged by government representative	Not without changing regulatory framework	No
		Does anybody have the power to give instructions to the regulatory body?	Bureau	No	Yes at least indirect via financial long-term contract	Not without changing regulatory framework	No	FR-media-act (140-142, 152)
				CAC & CAV	No	Yes at least indirect via financial long-term contract, government can also ask CAC to investigate issues or ask CAV to give	Not without changing regulatory framework; parliament can ask CAV for advice on specific issues	No

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
					advice			
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	Bureau	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes Limited to decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium	N/A	N/A	FR-media-act (135-136, 152)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Bureau	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (140-142, 152)
			CAC & CAV	N/A	Yes, limitations formulated by legal framework	N/A	N/A	FR-media-act (135-136, 152)
	BE-DE: MRat	Does anybody have the power to overturn decisions of the regulator?	MRat-REG	No	Yes, limited to violations of legal acts	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	No	No	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Does anybody have the power to give instructions to the regulatory body?	MRat-REG	No	Yes, government can point MRat-REG to infractions on legal framework; also indirect influence via negotiations on budget or staff	Not without changing regulatory framework	No	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	MRat-REG	N/A	Yes, limited to violations of legal acts	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	MRat-REG	N/A	Yes, limitations formulated by legal framework	N/A	N/A	DE-media-act (96)
			MRat-ADV	No	No	No	N/A	DE-media-act (111-116)

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Belgium	BE-VL: VRM (chambers)  Note: Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No	All concerned parties	General principle of administrative law
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal		All concerned parties	General administrative and civil procedure law
	BE-FR : CSA	Internal: request for reconsidering by relevant chamber	1	Informal appeal	No	All concerned parties	General principle of administrative law
		External: appeal of government representative to government	1	Administrative appeal	No	Government representative	152 FR-media-act
		External: appeal at council of State (administrative court) or civil courts	1	Administrative and civil appeal	Yes	All concerned parties, also specific explicit possibility for government	General administrative and civil procedure law, 137 FR-media-act
	BE-DE : MRat-REG	Internal: request for reconsidering	1	Informal appeal	No	All concerned parties	Art. 95 DE-media-act



Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
		All decisions of the MRat-REG can be appealed before the Council of State	1	Administrative appeal	No	All concerned parties	Art. 95 DE-media-act

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Belgium	BE-VL: VRM (chambers)			√	Decisions of management board can be overruled and suspended by minister, including because of "reasons of general interest" and/or legality concerns
	BE-FR : CSA			√	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Belgium	BE-VL: VRM (chambers)	√	√	√ (in case of informal internal appeal)	Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
	BE-FR : CSA	√	√	√ (in case of informal internal appeal)	The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	√	√	√ (in case of informal internal appeal)	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	N	Comments
Belgium	BE-VL: VRM (chambers)	Internal (chambers)	√		Decisions of management board can be overruled and suspended by minister, including because of “reasons of general interest” and/or legality concerns
		External: council of state and courts		√	Courts in principle cannot replace original administrative decisions with their own.
	BE-FR : CSA	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: appeal at government by its representative	√		The government representative in CSA can lodge appeal (at the government) against decisions and functioning of CSA contrary to regulatory framework or endangering financial equilibrium
	BE-DE : MRat-REG	Internal	√		General administrative law
		External: council of state and courts		√	General administrative and civil procedure law. Courts in principle cannot replace original administrative decisions with their own.
		External: government can suspend decision because non-compliance with the law		√	Art. 96 DE-media-act. Government can only suspend a decision of MRat-REG, but not take new decision itself.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Belgium	BE-VL: VRM (chambers)	VRM can decide over the allocation of its budget  <u>Note:</u> Art. 15 internal rules chambers 18/5/2009: chambers can request for external advice	Management board decides about necessity	Yes	N/A	Yes, also in preparing regulatory decisions
	BE-FR : CSA	No specific budget, but bureau can decide about its own external support	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), <del>13</del> -rules of procedure <a href="#">Bureau (12)</a>
		CAC: no specific budget; bureau decides about external support for CAC	N/A	Yes	N/A	Yes, also in preparing regulatory decisions FR-media-act (141), <del>13</del> -rules of procedure <a href="#">Bureau (12)</a>
	BE-DE : MRat	MRat-REG: no specific budget (cf. principle: 94 DE-media-act)	N/A	Yes	N/A	No information available but probably not, because of its small size

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Belgium	BE-VL: VRM (chambers)	Market definition and analysis and imposing obligations on network operators  Note: VRM is aiming at consulting more than it is legally required, up till now in a informal way	Public consultation	Not defined	Yes	N/A	Art 192 VL-media-act
	BE-FR : CSA	Market definition and analysis and imposing obligations on network operators	Public consultation	1 month <u>(min)</u> to 2 <u>months (max)</u>	Yes	Yes	Art. 94-95 FR-media-act, art. <del>4953</del> rules of procedure <u>CAC</u>
		CAC & CAV can organise further public consultations when they consider it useful	Public consultation	> <del>48</del> weeks	Yes	Yes	Art. 94-95 FR-media-act, art. <del>6553</del> rules of procedure <u>CAC</u>
	BE-DE : MRat-REG	Market definition and analysis and imposing obligations on network operators	Public consultation	In principle: 1 month	Yes	Yes	Art. 103 DE-media-act
		Obligation to take into account consumers perspective in decisions on e- communications	No specific requirements	No specific requirements	N/A	N/A	Art. 104 DE-media-act

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Belgium	BE-VL: VRM (chambers)	2009	1 (product placement)
		2008	1 (broadcasting transmission)
		2005-2007	No
	BE-FR : CSA	<del>2014</del> 09	<del>01 (product placement)</del>
		<del>2013</del> 08	<del>02 (broadcasting transmission)</del>
		<del>2012</del> 07	<del>04</del>
		2011	1 (scope of regulation of audio-visual media services) <del>2</del>
		<del>2010</del> 05	<del>02</del>
	BE-DE : MRat	2009	0
		2008	1 (broadcasting transmission)
		2005-2007	0

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Belgium	BE-VL: VRM (chambers)	All regulatory decisions of the chambers (art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	All regulatory decisions of the VRM have to be motivated according to general administrative law (see also art. 219 VL-media-act, art. 11 procedural rules decree 30/6/2006; art. 9-15 and 33 internal rules chambers 18/5/2009)	No specific provisions	No specific provisions
	BE-FR : CSA	Activities, decisions and advices of CSA via the <a href="#">newsletter</a> <del>3-monthly information bulletin</del> and website Yearly activity report (art. 146 <del>5</del> , FR-media-act, art. 348 <a href="#">Rules of procedure Bureau, article 13 Rules of procedure Plenary Assembly</a> ); <del>54 and 56 rules of procedure</del> )	Yes (art. 136, 145, FR-media-act, art. 46, rules of procedure)	No specific provisions	No specific provisions
	BE-DE : MRat	Decisions on transmission of signals (e-communications): art. 105 DE-media-act	Yes, based on general principles of administrative law	No specific provisions	No specific provisions

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Belgium	BE-VL: VRM	<ul style="list-style-type: none"> <li>With other national media regulators (joint networks or services)</li> <li>With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors)</li> <li>With Commission and international media regulators (market definition, analysis and imposing of obligations)</li> <li>With administration</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration agreement between governments, approved by parliament</li> <li>Art. 218 VL-media-act</li> <li>Art. 192 and 218 VL-media-act</li> <li>Art. 25 management contract</li> </ul>	No	n/a
	BE-FR : CSA	<ul style="list-style-type: none"> <li>With other national media regulators, telecom regulators, competition authority, other regulators (when needed in case of decisions about networks or distributors)</li> <li>collaboration with competition authorities in monitoring media pluralism</li> <li>bureau can contact any other authority when relevant for fulfilling its tasks</li> <li>voluntary collaboration with MRat</li> </ul>	<ul style="list-style-type: none"> <li>FR-media-act (94-95) , 49 and 57 rules of procedure</li> <li>FR-media-act (7), 48 and 57 rules of procedure</li> <li>FR-media-act (140) and 57 rules of procedure</li> <li>Collaboration protocol: <a href="http://www.medienrat.be/pdf/Bericht2006-2007.pdf">www.medienrat.be/pdf/Bericht2006-2007.pdf</a></li> </ul>	No	n/a
	BE-DE : MRat-REG	<ul style="list-style-type: none"> <li>With competition authority</li> <li>With regulators in other economic sectors</li> <li>With EU-commission and other regulators (e-communications market regulation)</li> <li>With consumer protection authorities</li> </ul>	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	No	n/a
		<ul style="list-style-type: none"> <li>With EU-commission and audiovisual media regulators</li> </ul>	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	No	n/a

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Belgium	BE-VL: VRM	Yes, collaboration with Commission and international media regulators (on market definition, analysis and imposing of obligations)	Art. 192 and 218 VL-media-act	VRM participates in EPRA and Euregiolators
	BE-FR : CSA	Specific collaboration procedures in market regulation of networks and associated facilities	FR-media-act (94-95), 49 and 57 rules of procedure	CSA participates in EPRA
		Bureau can contact any other authority when relevant for fulfilling its tasks	FR-media-act (140) , 53 and 57 rules of procedure	
	BE-DE : MRat	<ul style="list-style-type: none"> <li>• With regulators in other economic sectors</li> <li>• With EU-commission and other regulators (e-communications market regulation)</li> <li>• With consumer protection authorities</li> </ul>	Art. 94 DE-media-act, exchanging view on draft decisions, concluding agreements or collaboration protocols	n/a
		<ul style="list-style-type: none"> <li>• With EU-commission and audiovisual media regulators</li> </ul>	Art. 107.1 DE-media-act: communication and cooperation with other European regulation bodies and the Commission (cf. art. 30 AVMS Directive)	n/a



Bulgaria

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Bulgaria</b>	<p><del>24 licensed 3 commercial-national TV-digital terrestrial services, 8 of them are broadcasted currently</del>  <a href="http://www.cem.bg/linear_reg.php">http://www.cem.bg/linear_reg.php</a>  <a href="http://www.cifrovizacia.bg">http://www.cifrovizacia.bg</a>                      63 national and regional services broadcasted by cable  <a href="http://www.cem.bg/linear_reg.php?cat=1&amp;filter=1&amp;fType=1&amp;Range=0&amp;fSpread=2&amp;filterName=&amp;fCity=">http://www.cem.bg/linear_reg.php?cat=1&amp;filter=1&amp;fType=1&amp;Range=0&amp;fSpread=2&amp;filterName=&amp;fCity=</a>  <del>95123 commercial-audiovisual-national and regional services broadcasted by cable and /satellite</del></p>	<p><del>5 29 commercial non-linear services</del>  <a href="http://www.cem.bg/public_reg.php?action=5">www.cem.bg/public_reg.php?action=5</a>  <a href="http://www.cem.bg/services_reg.php">http://www.cem.bg/services_reg.php</a></p>	<p><del>46 public service channels of Bulgarian-the Bulgarian National Television (BNT) -- BNT 1, BNT 2, BNT HD and BNT World 1-national, 1-satellite channel- and 4 regional stations</del>  <a href="http://www.bnt.bg">www.bnt.bg</a>  <a href="http://www.cem.bg/linear_reg.php">http://www.cem.bg/linear_reg.php</a>  <a href="http://www.cem.bg/public_reg.php?action=6">www.cem.bg/public_reg.php?action=6</a></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Bulgaria</b>	Information requirements (art. 5 AVMS Directive)	<p>Law on Radio and Television <del>(State Gazette No. 138 from 24 November 1998, last amendments State Gazette No. 107 from 24 December 2014), last amended on 12.02.2010,</del>  <a href="http://lex.bg/laws/ldoc/2134447616">State Gazette, issue 12/2010, http://lex.bg/laws/ldoc/2134447616</a></p> <p>The Bulgarian Council for the Electronic Media (CEM) is responsible in relation to all the areas listed and for all the categories of services.</p>			
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

### Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Bulgaria	Council for Electronic Media	<a href="http://www.cem.bg">www.cem.bg</a>	2001 (to replace its predecessor called NCRT, National Council on Radio and TV)	Sofia, 69 Shipcenski prohod St.

### Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Bulgaria	CEM	Yes	No	<del>No</del> Yes (must-carry)	No	<del>No</del>	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Bulgaria	CEM	<u>95 Board members</u>	<u>95 Board members</u> <u>56 administrative and technical staff</u>	Not specified	Approx. € <del>614716</del> ,000  <del>Approx. €623,776</del>	201 <del>4</del> <sup>0</sup> , CEM Budget 201 <del>5</del> <sup>0</sup> as foreseen in state budget law <a href="http://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=2B718179ADFF51EE2B737C5070ED902C?idMat=90900">http://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=2B718179ADFF51EE2B737C5070ED902C?idMat=90900</a> <u>2014</u> , <a href="http://www.cem.bg/activitybg/1438">http://www.cem.bg/activitybg/1438</a> <del>Actualised CEM budget 2010</del>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Bulgaria	Council for Electronic Media, CEM	<del>Law for radio and television, 24.11. 1998-</del> <a href="#">Law on Radio and Television (State Gazette No. 138 from 24 November 1998, last amendments State Gazette No. 107 from 24 December 2014).</a>	<del>Law for radio and television, 12.02.2010</del> <a href="#">Law on Radio and Television (State Gazette No. 138 from 24 November 1998, last amendments State Gazette No. 107 from 24 December 2014)</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristic	Source
Bulgaria	Council for Electronic Media, CEM	CEM is an independent specialized body that regulates the media services as defined by this law (Art. 20 of the <del>Law onfor</del> <a href="#">Law on Radio and Television</a> <del>), last amended on 12.02.2010</del> ). It is a separate legal entity, with its own budget and is based in Sofia (Art.21).	Yes			<del>Law for Radio and TV,</del> <a href="#">Law on Radio and Television (State Gazette No. 138 from 24 November 1998, last amendments State Gazette No. 107 from 24 December 2014)</a> <a href="http://lex.bg/laws/ldoc/2134447616">http://lex.bg/laws/ldoc/2134447616</a>



### Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Bulgaria	CEM		√	Law <del>on</del> Radio and Television <del>Y</del> , Art.20 claiming explicitly that CEM is an independent body.

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Bulgaria	CEM	Tick boxes	No	√	√
		Areas		Supervision and monitoring of the activities of the operators Organizes surveys and research in regard to public assessment of electronic media services Keeps public register of all linear and non-linear services and providers of media services Publishes a list with all the events of major importance to guarantee. Coordinates activities between public institutions and NGOs in regard to electronic media related policies Safeguards the protection of minors and of people with disabilities Safeguards consumers rights Supervises providers of media services in regard to advertising and product placement policies	Appointment of DG of the PSB (Bulgarian National Radio, BNR and Bulgarian National Television, BNT) Approves the Governing Bodies of BNR and BNT Decides on licensing of operators (issuing, transferring, revoking, cancelling) Appeals to state institutions in cases of breaching of media law (and its subsequent regulations) on behalf of the electronic media
		Source		General act <a href="#">Law on Radio and TV</a>	General act <a href="#">Law on Radio and TV</a> , Art.32 and art.33

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Bulgaria	CEM	Quotas	√	√	√	↘		Law on Radio and TV
		Advertising	√	√	√	↘	Including sponsorship, advertising and products' placement	Law on Radio and TV
		Protection of minors	√	√	√	↘		Law on Radio and TV

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Bulgaria	CEM	Quotas	√ discretionary	√ Min. BGN 3,000 - approx. €1,500 Max. BGN 20,000 - approx. €10,250	√ The decision is published on CEM website, CEM's monthly bulletin as well as by the respective media	√ In case of <u>serious</u> and systemic violations	√ <u>Min. BGN 6,000 - approx. €3,000</u> <u>Max. BGN 640,000</u> or <u>€3020,680500</u>	
		Advertising	√ discretionary	√ <u>Same as above</u> <u>Min. BGN 3,000 - approx. €1,500</u> <u>Max. BGN 30,000 - approx. €15,340</u>	√ Same as above	√ Same as above	√ Same as above	
		Protection of minors	√ discretionary	√ <u>Same as above</u> <u>Min. BGN 3,000 - approx. €1,500</u> <u>Max. BGN 30,000 - approx. €15,340</u>	√ Same as above	√ Same as above	√ Same as above	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Bulgaria	CEM	N/A	√	√	√	√	√	√
Such data appear sporadically and in an unstructured way in CEM annual reports, in its category REPORTS. Since 2010, CEM publishes reports on its activities every six months. These reports have a better structure than the reports in 2008 and 2009, <a href="http://www.cem.bg/activitiesbg/16">http://www.cem.bg/activitiesbg/16</a> - <a href="http://www.cem.bg/cat.php?id=110">www.cem.bg/cat.php?id=110</a> .								

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Bulgaria	CEM	√ 2008 – 40  2009 – 25 2010 – 146 warnings 01.01.2011-30.06.2011 – the report is not publicly available 01.07.2011-31.12.2011- 15 warnings 2012 – 38 warnings 2013 – 38 warnings 2014 – 28 warnings	√ 2008 – data not available  2009 – 163,231 BGN, approx. €82,000 2010 – 68 fines (BGN 184,225 or € 94,194) 01.07.2011-31.12.2011 – 25 fines (BGN 152,611 or € 78,030) 2012 – 62 fines (BGN 248,735 or € 127,178) 2013 – 79 fines (BGN 286,691 or € 146,585) 2014 – 55 fines (BGN 107,964 or € 55,202)	√ 2008 – 40  2009 – 25 No	Information not available No	√ Detailed information not available
Such data appears sporadically and in an unstructured way in the CEM semi-annual reports, in its category REPORTS ( <a href="http://www.cem.bg/activitiesbg/16">http://www.cem.bg/activitiesbg/16</a> ). Those annual reports refer to 2008 and 2009, <a href="http://www.cem.bg/cat.php?id=110">www.cem.bg/cat.php?id=110</a>						

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Bulgaria	CEM	<p>Yes. Those procedures are regimented both on regulation and self- regulation level. The first one is tackled by Art. 16, 17 and 18 of the Law <del>for on R</del>radio and <del>Television</del>TV- obliging operators to give the right of reply and/or submit official excuses to concerned sides, and those obligations do not exempt them from subsequent court proceedings.</p> <p><u><a href="http://www.cem.bg/files/ad207cc070.pdf">CEM adopted on 11 December 2012 internal regulations on procedures for dealing with complaints from viewers or other public institutions. They revoked the guidelines from 23 September 2009.</a></u></p> <p>–</p> <p>Same obligations exist on self-regulation level, tackled by the Professional</p>	<p><a href="http://lex.bg/laws/ldoc/2134447616">http://lex.bg/laws/ldoc/2134447616</a></p> <p><a href="http://www.cem.bg/files/ad207cc070.pdf">http://www.cem.bg/files/ad207cc070.pdf)</a></p> <p><a href="http://www.mediaethics-bg.org/index.php?do=23&amp;lang=bg">www.mediaethics-bg.org/index.php?do=23&amp;lang=bg</a></p>
		<p>Code of Ethics of the Journalists in Bulgaria, 1.2.1. and 1.2.2. The self-regulation envisages a special ethical commission to deal with complaints, and its decisions are mandatory to all media signatory to the Code.</p> <p><u><a href="http://bmu.bg/bg/code-of-conduct">Since December 2013 there is a second Code of Ethics as a self-regulatory instrument, namely the “Code of Professional Conduct of the Bulgarian Media” adopted by the Bulgarian Media Union. Art. 4 regulates the right to reply. The procedure for dealing with complaints has been regulated by the Regulation for the implementation of the Code of Professional Conduct. The decisions of the Ethic Commission are mandatory for implementation by the members of the Bulgarian Media Union.</a></u></p>	<p><a href="http://bmu.bg/bg/code-of-conduct">http://bmu.bg/bg/code-of-conduct</a></p>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
Bulgaria	CEM	Board	59	No	No	Yes, 35 55%	No	Normally all CEM members are media related experts	24, nominated by the President 45%	No	Law for on Radio and Television TV, Art.24

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Bulgaria	CEM	Supervision over activities of all electronic media operators	Majority vote	Complete transparency became possible only	Those amendments allow public presence at all meetings of the Council
		Appeals to state institutions in cases of breach of media law Coordination of activities between public institutions and NGOs e.g. -in regard to electronic media related policies and product placement		with the latest amendments to the Radio and Television Law, done on 12.12.2009.	as well as requires it to publish complete minutes and agendas (§ 94 of the transitional and final provisions of the law that came into force as from 12.03.2010, <a href="http://lex.bg/laws/ldoc/2134447616">http://lex.bg/laws/ldoc/2134447616</a> )

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Bulgaria	CEM	Chairman	No	No	Chairman is elected among the members of the body by themselves	n/a	<del>Radio and TV</del> <a href="#">Law on Radio and Television</a>
		Board members	Yes	Civil society, political parties, professional associations	Parliament (35) and President (24)	Yes	<del>Radio and Television</del> <a href="#">Law on Radio and Television</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Bulgaria	CEM	Chairman of the board	1 (Chairman is elected among CEM members by them)	Yes	<del>Maximum 2 consecutive times</del> <a href="#">No restrictions.</a>	<del>Law for radio and TV</del> <a href="#">Regulation for the structure and the activities of the CEM and its administration</a>
		Board members including the Chairman	6	Yes	Maximum 2. <a href="#">The mandates may not be consistent consecutive times</a>	<del>Law for radio and TV</del> <a href="#">Law on Radio and Television</a>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Bulgaria	CEM	Chairman of the board	Higher education, <u>social prestige and professional recognition</u> <del>and outstanding public record</del>	Electronic media, communications, journalism, law and economics	Law <u>on Radio and Television</u> <del>for Radio and TV</del> , art. 25
		Board members	Higher education, <u>social prestige and professional recognition</u> <del>and outstanding public record</del>	Electronic media, communications, journalism, law and economics	Law <u>on Radio and Television</u> <del>for Radio and TV</del> , art. 25



**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Bulgaria	CEM	Chairman	Yes	No	Yes art. 27 and 29	Yes art. 27	Yes art. 27	No	Once nominated for CEM each member signs a declaration for non-participation	Law for Radio and TV, Art. 27 and 28 <a href="http://lex.bg/laws/ldoc/213444">http://lex.bg/laws/ldoc/213444</a>
		Board members	Yes	No	Yes art. 27 and 29	Yes art. 27	Yes art. 27	No	Once nominated for CEM each member signs a declaration for non-participation	Law for Radio and TV, Art. 27 and 28 <a href="http://lex.bg/laws/ldoc/213444">http://lex.bg/laws/ldoc/213444</a>
		Senior staff	Yes	No	Not specified	Not specified	Not specified	Not specified	CEM Internal Rules and Regulations	Law for Radio and TV, art. 22 and 23 <a href="http://www.bulnao.government.bg/files/_bg/Doklad-post-kontrol-FU-SEM-2008-odob%5B1%5D.doc">www.bulnao.government.bg/files/_bg/Doklad-post-kontrol-FU-SEM-2008-odob%5B1%5D.doc</a>

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Bulgaria	CEM	Chairman	Yes		<a href="#">Yes, art. 27 and art. 28</a>	<a href="#">Yes, art. 27 and art. 28</a>	<a href="#">Yes, art. 27, art. 28 and 28a</a>	Law <del>on</del> Radio and Television <del>V</del> , Art. 27, 28 and 28a <sup>9</sup> <a href="http://lex.bg/laws/ldoc/213444">http://lex.bg/laws/ldoc/213444</a>
		Board members	Yes		<a href="#">Yes, art. 27 and art. 28</a>	<a href="#">Yes, art. 27 and art. 28</a>	<a href="#">Yes, art. 27, art. 28 and art. 28a</a>	Law <del>on</del> Radio and Television <del>V</del> , Art. 27, 28 and 28a <sup>9</sup> <a href="http://lex.bg/laws/ldoc/213444">http://lex.bg/laws/ldoc/213444</a>
		Senior staff	Yes		Not specified	Not specified	<del>Not specified</del> <sup>Yes</sup>	<del>Law for Radio and TV, art. 22 and 23</del> <a href="http://www.bulnao.government.bg/files/_bg/Doklad_post_kontrol-FU_SEM_2008-odob%5B1%5D.doc">www.bulnao.government.bg/files/_bg/Doklad_post_kontrol-FU_SEM_2008-odob%5B1%5D.doc</a> <a href="http://www.cem.bg/files/cc6787002a.pdf">Ethic Code of conduct for the administration http://www.cem.bg/files/cc6787002a.pdf</a> <a href="http://www.cem.bg/files/1413364837_pravila-antikoruptionsia.pdf">Internal Regulation for implementation of anti-corruption procedures http://www.cem.bg/files/1413364837_pravila-antikoruptionsia.pdf</a>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Bulgaria	CEM	Chairman	Yes		Yes, during 2 years after expiration of term <u>for media service providers and advertising agencies</u> and 1 year for media service providers as a non-profit organizations	Law <del>on</del> for Radio and Television <del>V</del> , Art. 27 <del>and 28</del> <a href="http://lex.bg/laws/ldoc/213444">http://lex.bg/laws/ldoc/213444</a>
		Board members	Yes		Yes during 2 years after expiration of term <u>term for media service providers and advertising agencies</u> and 1 year for media service providers as a non-profit organizations	Law <del>on</del> for Radio and Television <del>V</del> , Art. 27 <del>and 28</del> <a href="http://lex.bg/laws/ldoc/213444">http://lex.bg/laws/ldoc/213444</a>
		Senior Staff	Yes		Not specified	<u>Ethic Code of conduct for the administration</u> <a href="http://www.cem.bg/files/cc6787002a.pdf">http://www.cem.bg/files/cc6787002a.pdf</a>  <del>Law for Radio and TV, art. 22 and 23- www.bulnao.government.bg /files/_bg/Doklad-post-kontrol-FU-SEM-2008-odob%5B1%5D.doc</del>

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Bulgaria	CEM	Chairman	Yes		CEM itself	Permanent disability (over 6 months) impeding the member to fulfil his/her duties Proven incompatibilities with the requirements for CEM membership In case of and effective sentence for imprisonment resulting from a deliberate crime After proven existence of conflict of interests with the requirements of the Law for prevention of conflict of interests	Only individual members if they submit request for dismissal, resulting from one of the listed reasons in grounds for dismissal	Law <del>on</del> Radio and <del>Television</del> <sup>V</sup> , art. 30
		Individual board members	Yes		CEM itself	Same rules as those listed above		Law <del>on</del> Radio and <del>Television</del> <sup>V</sup> , art. 30

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Bulgaria	CEM	2008	Chairman		No		
			Individual board members	Yes		Proven incompatibility with CEM membership, Art. 26 <u>III</u> of the Law <del>on</del> <u>for</u> <u>Radio and Television (The Bulgarian Constitutional Court has declared this legal requirement in 2013 as unconstitutional and inconsistent with international treaties.)</u>	CEM member Liudmil Staykov was found in breach of the membership requirements as Special Parliamentary Committee for Archive Files proved his affiliation with the former State Security Services.

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Bulgaria	CEM	No, though the Radio and Television Law (since its first adoption in 1998) envisages such fees (currently stated in Art. 40 of the Law for radio and TV, so far they have never been collected due to no mechanism for that. Hence every year the Law is amended in terms that the collection of that fee is postponed for the future. For 2015 the issue is tackled in § 2 in the Transitional and Final Provisions of the Law for Radio and TV	State funding <del>100%</del> <del>2015 - BGN 4.23m</del> <del>(€61327,560263)</del> 2014 - BGN 1.3m (€ 664.689)	No	No, though the Radio and Television Law (since its first adoption in 1998) envisages such fees (currently stated in Art. 40 of the Law for radio and TV, so far they have never been collected due to no mechanism for that. Hence every year the Law is amended in terms that the collection of that fee is postponed for the future. For 2010 the issue is tackled in § 2 in the Transitional and Final Provisions of the Law for Radio and TV.  Yes License and registration fees and annual fees <del>01.01.2014 - 30.06.2014 -</del> <del>BGN 671,852 (€ 343,548)</del> BGN 1,104,133 (€ 564,543) Law for Radio and TV.	Yes 2014 BGN 107,964 (€ 55,202) <del>01.01.2014 - 30.06.2014 -</del> BGN 41,584 (€ 21,262)  BGN 680,000 (€ 348,000)	No	Decree of Council of Ministers No.27 from 2009, published in State Gazette, issue 13 from 17.02.2009 <a href="http://www.cem.bg/cat.php?id=138">www.cem.bg/cat.php?id=138</a> Law on the State Budget <a href="http://dv.parliament.bg/DVWeb/showMaterialID_V.jsp;jsessionid=2B718179ADFF51EE2B737C5070ED902C?idMat=90900">http://dv.parliament.bg/DVWeb/showMaterialID_V.jsp;jsessionid=2B718179ADFF51EE2B737C5070ED902C?idMat=90900</a>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Bulgaria	CEM	Each year public Radio and TV (i.e. BNR and BNT) managements submit a draft budget request to CEM. CEM on its turn submits it together with its own draft budget to the Ministry of Finance. Then this budget is reviewed and consulted in the Ministry of finance, similar to the process taking place with all other state institutions, and then the approved draft goes to Parliament where MPs vote the entire state annual budget, part of which is the budget of BNR and BNT.	Yes, on annual basis CEM prepares its draft budget	The draft budget, prepared by CEM is reviewed by the Ministry of Finance and is included in the Draft annual state budget to be voted in Parliament	No	Law <del>on</del> Radio and <del>Television</del> , § 2 in the Transitional and Final Provisions

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Bulgaria	CEM	Yes	Annual	Yes by the National Audit Office	No	<del>No</del> <del>Yes</del> Internal Audit, see next table	Art. 5, Law for the Chamber of Audit, published in State Gazette, issue 109, 18.12.2001 <a href="http://zsp.atspace.com/">http://zsp.atspace.com/</a>

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Bulgaria	CEM	Parliament	Yes	<a href="#">Semi-annual Reports</a>	Art. 39, Law <del>for-on</del> Radio and <del>TV</del> <a href="#">television</a>
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	Up to this March CEM would hold 2 public discussions per year. Since this March its meetings are public, i.e. everyone could attend. <a href="#">Monthly newsletter (Bulletin)</a> <a href="#">The semi-annual reports to the parliament and the bulletins are publicly available on the CEM's web site.</a>	As in the Law <del>for-on</del> Radio and <del>Television</del> <a href="#">TV</a> , art.-1, paragraph 2 it is said that “ in its activities takes into consideration the public interest, by defending the freedom of speech, pluralism of information and the independence of the providers of the media services”
		<del>Other</del>	<del>Yes</del>	<del>Reports to Parliamentary Media Committee</del>	<del>Law for the Internal Auditing in the Public Sector, published in State Gazette, issue 27, 31.03.2006</del>



**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Bulgaria	CEM	Parliament	Twice a year: by October 31 and by March 31.	Main activities: <ul style="list-style-type: none"> <li>• licensing</li> <li>• monitoring</li> <li>• digitalization</li> <li>• regulation</li> </ul> Financial activities International cooperation	Yes Though this is not specified. The statistics always cover decision taken by the Council, number of monitored operators, number of complaints, number of sanctions (and fines), number of sanctions appealed etc.	Not specified	No	<a href="http://www.cem.bg/cat.php?id=106">www.cem.bg/cat.php?id=106</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Bulgaria	CEM	Yes	Annual	Yes National Audit Office	No	<del>Yes</del> Internal audit No	<del>Law for the Internal Auditing in the Public Sector</del> <a href="#">Law on the National Audit Office</a>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Bulgaria	CEM	Does anybody have the power to overturn decisions of the regulator?	No CEM decisions are subjected to appeals in front of the Supreme Administrative Court.	No	No	No	No	Art. 38 of Law <a href="#">on Radio and Television</a> <del>for radio and TV</del>
		Does anybody have the power to give instructions to the regulatory body?	Yes	No	No	No	Yes National Audit Office	Art. <del>31 and 36 of Law for the Internal Auditing in the Public Sector</del> <a href="#">41 of the Law on the National Audit Office</a>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	<del>N/A</del> Yes <a href="#">The power of the National Audit Office is limited to legal supervision.</a>	N/A	N/A	N/A	N/A	<del>N/A</del> <a href="#">Art. 4 of the Law on the National Audit Office</a>
		Are there limitations in the power to give instructions	Yes Guarantees against any political (and economic)	N/A	N/A	N/A	Yes See first column	Art 20 and 36 of Law <del>for radio and TV</del> <a href="#">on the Radio and Television</a>
		(e.g. limited to legal instructions which exclude instructions on political grounds)?	interference are given in the Law for radio and TV.					

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Bulgaria	CEM	External	1	Supreme Administrative Court-3 member chamber	No internal procedures	The <del>operator</del> <u>media service provider</u>	Art. 38 of the Law <del>for radio and TV</del> <u>on Radio and Television</u>
			2	Supreme Administrative Court-5 member chamber		Both sides, i.e. <del>operator</del> <u>the media service provider</u> or <u>the CEM</u>	

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Bulgaria	CEM			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Bulgaria	CEM	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Bulgaria	Supreme Administrative Court	1 Three member chamber		√	No. It has the power to accept or cancel the decision. In case of procedural breaches, the appeal body has the power to cancel the decision and remit it back to regulator to remove those breaches and take same or new decision.
		2 Five member chamber		√	No. It has the power to accept or cancel the decision. In case of procedural breaches, the appeal body has the power to cancel the decision and remit it back to regulator to remove those breaches and take same or new decision.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Bulgaria	CEM	No	No	Yes. As an Institution using public budget CEM is obliged to follow all procedures valid for the public institutions.	-	No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Bulgaria	CEM	Not specified There is no legal requirement obliging CEM to participate in consultations.	Not specified	Not specified			Not specified

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Bulgaria	CEM	<del>2009</del>	<del>There was one public meeting, organized by CEM to present its half-year report there was a discussion on AVMS. The discussion, held in the presence of heads of main operators, leading journalists, media NGOs, was open to general public. In addition, there were 5 specialized discussions with PSB and national commercial operators as well as with representatives of the Telecom (Bulgarian Telecommunications Company and State Agency for Information Technologies)</del>
		<del>2012</del>	<del>Surreptitious advertising, Product Placement and Sponsorship</del>
		<del>2011</del>	<del>Events of major importance for society Protection of minors – the criteria for assessing the content</del>
		<del>2009</del>	<del>1 There was one public meeting, organized by CEM to present its half-year report there was a discussion on AVMS. The discussion, held in the presence of heads of main operators, leading journalists, media NGOs, was open to general public. In addition, there were 5 specialized discussions with PSB and national commercial operators as well as with representatives of the Telecom (Bulgarian Telecommunications Company and State Agency for Information Technologies)</del>
		2008	6 Discussions on AVMSD organized by the Association radio and TV operators (ABBRO) with the presence of CEM representatives
		2007	2
		2006	2
		2005	2

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Bulgaria	CEM	Art. 39 of the Law for Radio and TV obliges CEM to publish in its monthly bulletin all its decisions, results of the monitoring, all sanctions, fines and decisions, appealed against in front of the Supreme Administrative Court, as well as the subsequent court decisions Publication of decisions on CEM’s website within three days (art.35).	Yes	Not specified in the law	Not specified in the law

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Bulgaria	CEM	In regard to technological aspects of regulation CEM cooperates with the Communications Regulation Commission (CRC). This cooperation is regulated by the Law <u>for Radio and TV on Radio and Television</u>	Art. 32, 116, 121, 123, 125 of Radio and TV Law. This cooperation relates to the exchange of information and to the specific obligations of CRC once competitions for licenses has been announced as well as when a licence has to be issued or revoked/cancelled. <u>Their cooperation refers only to the license procedure of analog radio.</u>	No	<u>As digitalization process has been delayed in Bulgaria and licensing of digital operators is still to happen it is not possible to assess the cooperation between CEM and CRC.</u>
		<u>With</u> regard to the self-regulation, CEM is obliged to impose fines between BGN 2,000 and 5,000 on media service providers who do not comply promptly with resolutions of the self-regulatory authorities – Ethic Commission of the “National Council for Journalistic Ethics” Foundation and/or National Council for Self-Regulation. <u>cooperates with the Ethical commission and has the right to sanction (apply fines) to operators, signatories to the Professional Code of ethics who refuse to abide to a decision, taken by the Commission</u>  Note: In a report undertaken by the Audit Office the Audit Report stresses the fact that CEM has no working agreements for cooperation with other institutions and organizations on its supervision obligations	Art. 126g of Law <u>for radio and TV on Radio and Television</u>		<u>This is a new provision (in force from this year) so it has not yet been implemented and it is hardly possible to assess its effectiveness. For the first time CEM issued 7 Acts for violation for non-complying with resolutions of the self-regulatory authority - National Council for Self-Regulation regarding the commercial communication during the period 01.01.2014 – 30.06.2014.</u>
		<u>CEM and the State Agency for child protection shall develop assessment criteria of content, which might seriously impair or is likely to impair minors. According to these criteria the CEM, media service providers and the State Agency for child protection shall conclude annually by 31 March agreement to protect minors.</u>	Art. 32, para. 5 and 6 of the Law on Radio and Television	No	<u>The criteria are adopted on 25 October 2011 and are entered into force on the same date. There is one agreement according to Art. 32 para. 6 concluded on 2 March 2013.</u>



**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Bulgaria	CEM	Yes	Art. 31, 32, 116 and 117 of Law for radio and TV.	<p><del>CEM's recent annual report (2009), issued on 30 March 2010 allocates only one paragraph on the International cooperation (p.13) to mention just the international forums with CEM members participation.</del></p> <p><u>The Board Members of the CEM participates the annual meetings of EPRA and other international or European conferences.</u></p>

Cyprus

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Cyprus	<u>7</u> Following the switch-over to the digital era, in July 2011, all <b>four</b> island-wide commercial channels, <b>one</b> of the two pay-tv providers with <b>multiple</b> thematic channels, and <b>two</b> of the seven local channels continued operation. The rest ceased to exist, while channels <i>Music TV</i> and <i>IPTV NRG</i> started operation. <b>Two</b> network service providers (IPTV) were also licensed, one for <b>multiple</b> thematic channels. The latter to enter the stage was a <i>CySports</i> channel. In September 2014 <i>LTV</i> pay-tv channel closed down and sold its rights to <i>Cytavision</i> (IPTV) that operates <b>five</b> sports channels. Thus, from 20 channels in late 2011, there remained today 14 (6 IPTV).	0	2

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Cyprus	Information requirements (art. 5 AVMS Directive)	<p><u>1. Art 30A of the</u> Radio and Television Stations Law of 1998, Law N. 7(I)/1998) as amended, for commercial channels, <a href="http://www.cylaw.org/nomoi/enop/non-ind/1998_1_7/full.html">www.cylaw.org/nomoi/enop/non-ind/1998_1_7/full.html</a>, in Greek -</p> <p><u>2. Art. 18A of the</u> Cyprus Broadcasting Corporation Law Cap 300A (as amended) for the PSB, <a href="http://www.cylaw.org/nomoi/enop/non-ind/0_300A/full.html">www.cylaw.org/nomoi/enop/non-ind/0_300A/full.html</a>, in Greek</p>	Cyprus Radio-Television Authority (CRTA) <a href="http://www.crta.org.cy">www.crta.org.cy</a>	<u>CRTA,</u> <a href="http://www.crta.org.cy">www.crta.org.cy</a> <u>y</u> <u>Not decided</u>	CRTA

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<p>1. Arts 30E, 30F, 30G, 30H, 30I, 30J, 30K of the Law N. 7(I) of 1998 as above,</p> <p>2. Arts 18F, 18G, 18H, 18I <del>Cyprus Broadcasting Corporation of the Law Cap 300A (as above</del></p> <p><a href="http://www.cрта.org.cy/documents/cрта_new/nomos">www.cрта.org.cy/documents/cрта_new/nomos</a></p>			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<p>1. Art. 30B of the Radio and Television Stations Law of 1998, Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. Art. 18C, of the Cyprus Broadcasting Corporation Law Cap 300A as amended, <i>idem</i></p>			
	Broadcasting of major events (Art. 14 AVMS Directive)	<p>1. <del>Art. 28A of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. Radio and Television Stations (Major Importance Events) Regulations of 2004</p> <p>3. <del>Art. 19B of Cyprus Broadcasting Corporation Law</del> Cap 300A (as amended, <i>idem</i>)</p>	CRTA	CRTA	CRTA
	Access to short news reports (Article 15 AVMS Directive)	<p>1. <del>Art. 28B of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. Art. 17E, of <del>Cyprus Broadcasting Corporation Law</del> Cap 300A (as amended, <i>idem</i>)</p> <p><a href="http://www.cрта.org.cy/documents/cрта_new/nomo">www.cрта.org.cy/documents/cрта_new/nomo</a></p>			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<p>1. <del>Arts 31A(2), 27, of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. Arts 18H(3), 19A of <del>Cyprus Broadcasting Corporation Law</del> Cap 300A (as amended) <i>idem</i></p>			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Hate speech (Art. 12 and 6 AVMS Directive)	<p>1. <del>Arts 32(2)(4), 30, of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. <del>Arts 18B, 19 of Cyprus Broadcasting Corporation Law Cap 300A (as amended),</del> <i>idem</i></p> <p><a href="http://www.erta.org.cy/documents/crta_new/nomo%9c">www.erta.org.cy/documents/crta_new/nomo%9c</a></p>			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<p>1. <del>Arts 32D, 33, 34A, 34B, 34C of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. <del>Arts 18F, 18G, 18H, 18I, of Cyprus Broadcasting Corporation Law Cap 300A (as amended),</del> <i>idem</i></p>			
	Protection of minors (Art. 27 AVMS Directive)	<p>1. <del>Art 29 of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p>2. <del>Art of Cyprus Broadcasting Corporation Law Cap 300A (as amended),</del> <i>idem</i></p>			
	Right of reply (Art. 28)	<p>1. <del>Art. 42 of Radio and Television Stations Law of 1998,</del></p>			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<p>1. <del>Art. 3(2)(n) of Radio and Television Stations Law of 1998,</del> Law N. 7(I) of 1998 as amended, <i>idem</i></p> <p><del>AVMS Directive not implemented yet. All above answers relate to the TWF Directive The wording is 'exchange of information deemed necessary for better implementation of the present law'</del></p>			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Cyprus	Cyprus Radio-Television Authority	<a href="http://www.crta.org.cy">www.crta.org.cy</a>	1998	<a href="#">Athalassis av. 42, 2012, Nicosia</a> <a href="#">POB.23377, 1682 Nicosia,</a> <a href="#">32 Nikis Avenue</a> <a href="#">P.O.Box 23377</a> <a href="#">1682 Nicosia</a>  Cyprus

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Cyprus	Cyprus Radio-Television Authority	Yes	<del>No</del> Yes	No	No / <a href="#">It's Ministry of Communications and Works</a>	No / <a href="#">It's the Ministry of CW and the Office of the Commissioner of Electronic Communications &amp; Postal Regulation</a>	No / <a href="#">For postal Services is the Commissioner of Electronic Communications and Postal Services</a>



**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count (2011 in brackets)	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Cyprus	Cyprus Radio-Television Authority Cyprus Radio-Television Authority	<del>Not specified – Staff is determined in the CRTA's budget voted into law annually. Any new posts must be voted by the Parliament in the budget (composed of the Chairman, Vice-Chairman and five members. It also has additional staff but their number is not available on line or from other public sources)</del>	<del>Information not available</del>  Current (2011) Executive Chairman 1(0) Director 1(1) Senior Officer 1(1) Officers 17(18) Secretarial 5(7) Clerk 1(1)	<del>Not specified</del> <b>1.6€m in 2014 (1.8€m in 2013 and 2.1€m in 2012)</b>	<del>Depends on Parliament's approval every year</del> 2015 budget not voted yet (as of 10 March 2015)	<u>Budgets for 2013 and 2014 comprising tables for 2011 and 2012.</u> <u>1. Law N. 33(II)/2013, Official Gazette, 30.04.2013, appendix I, section II, pp. 540-553</u> <u>2. Law N. 15(II)/2014, Official Gazette, 31.03.2014, appendix I, section II, pp. 251-263</u> <u>N/A</u>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Cyprus	Cyprus Radio-Television Authority	<p>Radio and Television Stations Law of 1998, Law N. 7(I) of 1998, <a href="#">Official Gazette, 30.01.1998, appendix I, section I, pp. 17-53 as amended by: <u>www.cylaw.org/nomoi/arith/1998_I_007.pdf</u></a>, in Greek</p> <p>N. 88(I)/1998, N. 13(I)/1999, N. 159(I)/1999, N. 23(I)/2000, N. 55(I)/2000, N. 134(I)/2000, N. 18(I)/2001, N. 53(I)/2001, N. 65(I)/2001, N. 78(I)/2001, N. 126(I)/2001, N. 102(I)/2002, N. 186(I)/2002, N. 24(I)/2003, N. 97(I)/2004, N. 84(I)/2006, N. 85(I)/2006, N. 170(I)/2006, N. 117(I)/2008, N. 17(I)/2009, N. 136(I)/2009</p> <p>- <a href="#">Regulations on Radio-Television Authority (Terms of Hiring and Service) Regulations of 1999, KDP [Normative Administrative Acts] 35/1999, Official Gazette, 05.03.1999, appendix III, section I, pp. 111-127</a></p> <p>- <a href="#">Regulations on The Radio Television Advisory Committee, KDP 154/1999</a></p>	<p><a href="#">Law on Radio and Television Stations Law of 1998</a>, Law N. 7(I) of 1998 as amended by <a href="#">Laws</a>: N. 88(I)/1998, N. 13(I)/1999, N. 159(I)/1999, N. 23(I)/2000, N. 55(I)/2000, N. 134(I)/2000, N. 18(I)/2001, N. 53(I)/2001, N. 65(I)/2001, N. 78(I)/2001, N. 126(I)/2001, N. 102(I)/2002, N. 186(I)/2002, N. 24(I)/2003, N. 97(I)/2004, N. 84(I)/2006, N. 85(I)/2006, N. 170(I)/2006, N. 117(I)/2008, N. 17(I)/2009, N. 136(I)/2009, <a href="#">N. 118(I)/2010, N.73(I)/2011, N. 88(I)/2012, N. 46(I)/2013, and N. 86(I)/2014</a></p> <p>- <a href="#">Law on Cyprus Broadcasting Corporation, N. Cap. 300A as amended through to 2010 (latest amendment)</a></p> <p>- <a href="#">Regulations on Radio-Television Authority (Terms of Hiring and Service), KDP 35/1999</a></p> <p>- <a href="#">Regulations on The Radio Television Advisory Committee, KDP 154/1999 <u>www.erta.org.cy/documents/erta_new/nomos%20mas%202009.pdf</u></a></p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Cyprus	Cyprus Radio-Television Authority	The Cyprus Radio-Television Authority is <del>an independent regulatory body</del> a public law independent organisation	Yes	-----	<ul style="list-style-type: none"> <li>- <u>Public Law Organisation /Public Corporate Body</u></li> <li>- <u>Public Service Status of Staff</u></li> <li>- <u>Independent Government Body</u></li> <li>- <u>Own budget, prepared, voted according to rules governing the State budget</u></li> </ul>	<p>- The Constitution, art. 25 and 122, <a href="http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\$file/CY_Constitution.pdf">http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\$file/CY_Constitution.pdf</a></p> <p><u>Act Law, N. 7(I)/98/1998</u> <a href="http://www.cra.org.cy">www.cra.org.cy</a>  <a href="http://www.cylaw.org/nomoi/arith/1998_1_007.pdf">www.cylaw.org/nomoi/arith/1998_1_007.pdf</a>, in Greek</p>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Cyprus	Cyprus Radio-Television Authority		<u>Art. 3 of the Law N. 7(I)/1998 states "An Independent Authority is Established, named 'Radio Television Authority'"</u>	Legislation: <u>Art.s.3(1)</u> of the Radio and Television Stations Law of 1998

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Cyprus	Cyprus Radio-Television Authority	Tick boxes	No	√	√
		Areas	<p><u>The relevant policy orientations are set in the law and the regulations. The Authority can alone or in cooperation with government offices draft policy documents that have to be adopted by the executive and voted by the House of Representatives.</u></p> <p><u>But authority:</u></p> <ul style="list-style-type: none"> <li>▪ <u>issue orders and recommendations on code of practice of press and advertising, etc</u></li> <li>▪ <u>ensure press independence</u></li> </ul>	<ul style="list-style-type: none"> <li>• <del>Examine the actual status of radio stations</del></li> <li>- <u>The Authority can issue circulars, guidelines and recommendations for compliance with the law and regulations</u></li> <li>- <u>The Authority can issue regulations for better implementation of the law, subject to approval by the Council of Ministers (&amp; voted by the Parliament)</u></li> </ul>	<ul style="list-style-type: none"> <li>• <del>Follow international developments and make recommendations to the Council of Ministers for modernising legislation</del></li> <li>• Grant or recall or amend licenses in the event of violation of the provisions of the law and the relevant codes of practice.</li> <li>• <u>Monitor compliance with the law and the terms of licenses. Examine and decide on cases of breaches of the Law, complaints regarding offending content in media programs, unfair treatment and violation of privacy by stations, broadcasting excessive violence in info</u></li> </ul> <p>- Impose <u>administrative fines/sanctions</u> to stations</p> <p>- <u>Supervision and decision-making on PSB for compliance with the law and its PS remit</u></p> <p>- <u>Monitors compliance with AVMS Directive of all providers under the jurisdiction of the Republic</u></p> <p>- <u>Exercise control on ownership to avoid oligo- or monopolies for violation of the provisions of the Law</u></p>

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
		Source		<a href="#">- Art.3 of the Radio and Television Stations Law of 1998</a> <a href="#">- Art 51 of the same Law</a>	<a href="#">General act Aet 7(I)/98/1998</a> <a href="#">- Art.3 and art. 41 of the Law N. 7(I)/1998</a> <a href="#">- Art. 22B of Law Cap.300A on the Cyprus Broadcasting Corporation</a>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Cyprus	Cyprus Radio-Television Authority	Quotas	√		√			<a href="#">- Arts 31A(2), 27 of AetN. 7(I)/1998 and 18H(3), 19A of Cap. 300A on PSB</a>
		Advertising	√	√	√			<a href="#">AetN. 7(I)/1998 and Cap. 300A</a> <a href="#">- Decisions on cases for 2013, 2014</a>
		Protection of minors	√	√	√			<a href="#">AetN. 7(I)/1998 and Cap. 300A</a> <a href="#">- Decisions on cases for 2013, 2014</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Cyprus	Cyprus Radio-Television Authority	Quotas	√	√ up to €8,9500 max-per breach / per day Administrative fine (sanction is discretionary)	√ (if ordered by a court)  At the discretion of the regulator	√ (if ordered by a court) At the discretion of the regulator	√ €35,000 penalty or imprisonment up to 2 years (sanction is discretionary)  - This may lead to a new case for breach of the law or the authority may ask for a court decree or order calling for compliance.  - In case of non-payment of a fine the Authority can bring the case before a court	<ul style="list-style-type: none"> <li>Impose obligation on a station to give Copies of broadcasts to offended persons</li> <li><del>€35,000 penalty or imprisonment up to 3 years for violation of the law as penalty. Deleted as</del></li> </ul> <p><u>IRRELEVANT</u> (sanction is discretionary)</p>
		Advertising	√	√ €8,540 max. Administrative fine <del>sanction is discretionary</del>	√  (if ordered by a court) at the discretion of the Authority	√  At the discretion of the Authority	√  €35,000 penalty or imprisonment. This may lead to a new case for breach of the law or the authority may ask for a court decree or order calling for compliance.  - In case of non-payment of a fine the Authority can bring the case before a court	<ul style="list-style-type: none"> <li>Impose obligation on a station to give Copies of broadcasts to offended persons</li> <li><del>€35,000 penalty or imprisonment up to 3 years for violation of the law as penalty (sanction is discretionary)</del></li> </ul>
		Protection of minors	√	√ €8,540 max. Administrative fine <del>sanction is discretionary</del>	√ (if ordered) At the discretion of the Authority	√	√  Same as above	<ul style="list-style-type: none"> <li><del>Impose obligation on a station to give Copies of broadcasts to offended persons</del></li> <li><del>€35,000 penalty or imprisonment up to 3 years for violation of the law as penalty (sanction is discretionary)</del></li> </ul>

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Cyprus	Cyprus Radio-Television Authority	<del>N/A</del> <u>Draft Proposals for Law amendment and transposition of AVMS</u>	✓ <u>Only reminders of law provisions</u>	✓ (non-binding) <u>reminders of law</u>	✓ <u>No, mostly incidental</u>	✓ <u>Rarely</u>	✓	✓

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Cyprus	Cyprus Radio-Television Authority	✓	✓	✓ (ordered by a court) <u>There was no case</u>	<del>The authority has imposed administrative fines and has given warnings instead of suspending or revoking a licence</del>  <u>No case</u>	<del>No data available</del> <del>Data available only until 2005-</del> <del><a href="http://www.erta.org.cy/documents/">www.erta.org.cy/documents/</a></del> <del>ts/</del>  <u>Apologismos2005.pdf</u>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Cyprus	Cyprus Radio-Television Authority	<p>Yes. <u>The quasi-judicial procedure is set in regulation 42 of Regulations KDP 10/2000 and shaped also through relevant case-law. After examination and report by a staff member, CRTA decides if there is a case. If yes, the provider is informed, a first hearing takes place, where witnesses may be invited, defendant presents also his case. Decision for dismissal or guilty, then apology and finally a decision about sanction. Decision is immediately executable even in case of appeal for judicial review.</u></p> <p><del>According to s.41F of the Radio Television Stations Law, any person affected by a violation of the Law may file a complaint before the Authority and request same to take measures for compliance with the Law. Otherwise, according to this section, any person may file an application before the Courts.</del></p>	<p><a href="http://www.cрта.org.cy/images/users/1/kanonismoi/KANONISMOI.pdf">www.cрта.org.cy/images/users/1/kanonismoi/KANONISMOI.pdf</a></p> <p>This is not available on the CTRA website but in the law.</p>



#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Cyprus	Cyprus Radio-Television Authority	Board	7	<del>Yes</del> No 7 100%	No	No	No	Yes <del>7</del> Not specified	<del>Representatives</del> May come from the fields of education, arts, science, technology andOR- with expertise in mass media matters	No	Art. 4 of Law, N. Aet. 7(I)/1998

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Cyprus	Cyprus Radio-Television Authority_ (7 member s)	<ul style="list-style-type: none"> <li>• Grant, revoke or amend licences</li> <li>• <del>Issue orders recommendations on code of practice for press and advertising, etc.</del></li> <li>• <del>Examine violations of the Monitor compliance with the law and the terms of licenses, examine and decide on cases of breaches of the Law.</del></li> <li>- <u>Impose sanctions to stations</u></li> <li>- <u>Supervision and decision-making on PSB for compliance with the law and its PS remit</u></li> <li>- <u>Monitors compliance with AVMS Directive of all providers under the jurisdiction of the Republic</u></li> <li>- <u>Exercise control on ownership to avoid oligo- or monopolies</u></li> <li>• <del>Follow international developments and make recommendations to the Council of Ministers for modernising legislation</del></li> <li>• <u>Ensure press independence</u></li> <li>• <u>Impose administrative fines for violation of the provisions of the Law.</u></li> <li>- <u>Supervision of PSB</u></li> </ul>	<p>Majority. The chairing person’s vote has a casting vote</p> <p>There must be a presence quorum of 4 members</p>	<p><del>No</del><u>Yes, it is governed by the Law on the General Principles of Administrative Law, 158(I)/1999 and relevant case-law</u></p> <p>-<u>Examination of cases for law-breaches follows procedure set in the Regulations on Radio Television Stations KDP 10/2010, regulation 42.</u></p>	<p><u>Only decisions; Press releases. Full text of decisions published on website and sent to interested parties and, eventually to the person having made a complaint.</u> <del>No</del></p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Cyprus	Cyprus Radio-Television Authority	Chairman ( <u>Full-time executive since 2011</u> )	No		Council of Ministers	n/a	<u>Art. 4, of Law N. 7(I)/1998</u>
		Board members	No		Council of Ministers	n/a	<del>Art.</del> <u>Art. 4, of Law 7(I)/1998</u>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Cyprus	Cyprus Radio-Television Authority	Chairman of the board	6 years	<del>Not related</del> <u>Yes, mandate is longer than elections' periodicity</u>	<del>Not covered in the law but is possible</del> <u>Yes, once only</u>	<del>Art.</del> <u>Art. 4 of Law, N. 7(I)/98/1998</u>
		Board members	6 years	<del>Not related</del> <u>Yes, mandate is longer than elections' periodicity</u>	<del>Not covered in the law but is possible</del> <u>Explicit mention to chairman only</u>	<del>Art.</del> <u>Art. 4 of Law, N.7(I)/98/1998</u>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Cyprus	Cyprus Radio-Television Authority	Chairman of the board	Must originate from the sectors of arts and humanities, science or technology. Or must be a person with special recognised experience in mass media having high professional and moral level.		<del>Act</del> -Art. 4 of Law, N.7(I) <del>/98/1998</del>
		Board members	Must originate from the sectors of arts and humanities, science or technology. Or must be a person with <del>special</del> recognised <del>special</del> <u>knowledge or</u> experience in <u>the field of</u> mass media having high professional and moral level.		<del>Act</del> -Art. 4 of Law, N.7(I) <del>/98/1998</del>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Cyprus	Cyprus Radio-Television Authority	Chairman	<u>Yes</u>	<del>No</del>	<del>No</del> Yes, constitutional incompatibility prohibits holding concurrently a public office and a post in the public, municipal or other service	<del>No</del> but Yes, can be removed from office if a member <del>he</del> takes up a position in a political party	<del>No</del> Yes, there should be no in/direct interest in PSB broadcaster or other AVMS provider	<del>n/a</del> No, there is incompatibility clause in the Constitution	See conflict of interest with industry <del>No</del>	- The Constitution - Art. 4 of Law N. 7(I)/98/1998
		Board members	<u>Yes</u>	<del>No</del>	Same as above <del>No</del>	Same as above	Same as above <del>No</del>	<del>n/a</del> Same as above	<del>No</del> Same as above	The Constitution Reply-CRTA: Act- - Art. 4 of Law N. 7(I)/98/1998
		Senior staff		<del>No</del>	Same as above and prohibition of holding two posts /offices	Yes some limitations in art. 71 of Law on public Service, N. 1/1990	Yes, in connection to art. 65 of Law on Public Service, N. 1/1990	Same as above	Yes, in connection to art. 65 of Law on Public Service, N. 1/1990	- Law on Public Service N. 1/1990, <a href="http://www.cylaw.org/nomoi/enop/non-ind/1990_1_1/full.html">http://www.cylaw.org/nomoi/enop/non-ind/1990_1_1/full.html</a> - Regulations on Radio Television Authority (Hiring and terms of service), KDP. 35/1999

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Cyprus	Cyprus Radio-Television Authority	Chairman	Yes		<u>Incompatibility of taking up another post or elected office</u> <del>No</del>	Yes A board member including the Chairman may be removed from office in the event of taking up a position within a political party.	<u>Yes, art. 5(6) provides that those appointed should continue to meet the requirements set before appointment</u> <del>No</del>	<u>Art. 5 of the Law N. 7(I)/98/1998</u> <del>section 5 of the Radio and Television Stations Law</del>
		Board members	Yes		<del>No</del> Same as above	Yes A board member may be removed from office in the event of taking up a position within a political party.	<del>No</del> Same as above	<u>Art. 5(6) of Law N. 7(I)/98/1998</u> <del>section 5 of the Radio and Television Stations Law</del>
		Senior staff	Yes		<u>Same as previous Q</u> <del>No</del>	<del>No</del> Same as Previous Q	<u>Art. 65 of Law on Public service 1/1990 legislation</u>	<del>Legislation</del> Same as previous Q

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Cyprus	Cyprus Radio-Television Authority	Chairman		No	<a href="#">No</a>	<a href="#">No provision made in the Law</a>
		Board members		No	<a href="#">No</a>	<a href="#">No provision made in the law</a>
		Senior Staff		No	<a href="#">No</a>	<a href="#">No provision made in the aw</a>

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Cyprus	Cyprus Radio-Television Authority	Chairman	Yes		Council of Ministers	- Taking up position within a political party or improper behaviour <a href="#">- If requirements before appointment are no more met</a>	Only individual members	<a href="#">Legislation Reply-CRTA: Act-Art. 5 of Law N.7(I)/98/1998</a>
		Individual board members	Yes		Council of Ministers	- Taking up position within a political party or improper behaviour <a href="#">- If requirements before appointment are no more met</a>		<a href="#">Legislation Reply-CRTA: Act-Art. 5 of Law N.7(I)/98/1998</a>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Cyprus	Cyprus Radio-Television Authority	<del>2005-</del>	Chairman		No		
		<del>2009</del> 2010-2014	Individual board members		No		



## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Cyprus	Cyprus Radio-Television Authority	No	<del>State funding, grants or other income (not specified)</del> Only during first years of CRTA life	No	Yes Licence fees <del>start at</del> <u>is €752,0500</u> for stations covering the whole of Cyprus. Lower fees apply for local stations.	Yes, different levels of fines apply depending on the flagrancy of the violation	- Funds from using own property. - <u>Levy on income from advertising</u>  - <u>Fees for the examination of applications for licensing, renewal or amendments</u> -	- <u>Arts.38 and 56</u> of the Radio and Television Law <del>Act</del> <u>N. 7(I)/98/1998</u>  - <u>Reg. 5 of the</u> Radio and Television Regulations <del>of</del> <u>KDP 10/2000 as amended</u>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Cyprus	CRTA	The <del>Auditor General</del> provides the budget is prepared by CRTA and sent through the Minister of Interior to the Council of Ministers. <del>And</del> The Parliament approves <del>same</del> it as a Law every year.	Yes <del>the regulator drafts it</del> it makes proposals	Regulator, ministry of <del>finance</del> Interior and Parliament	<del>No</del> Yes, the Ministry, the Council of Ministers and the Parliament can amend the draft in the process	- Art. 36 of the Law, N. <del>Act</del> 7(I)/98/1998 - General provisions for the drafting of the State budget

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Cyprus	Cyprus Radio-Television Authority	Yes	Annual	Yes By the Auditor General of the Republic	No	No	<del>Constitution</del> Art. 37 of Law N. <del>Act</del> 7(I)/98/1998

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Cyprus	Cyprus Radio-Television Authority	Parliament	Yes	Audit report <u>sent to Parliament &amp; response during examination of annual budget</u>	<u>Art. 37 Act of Law N. 7(I)/98/1998</u>
		Government as a whole	Yes	Audit report <u>sent to Council of Ministers</u>	<u>Act 7(I)/98 Idem</u>
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	<u>Yes</u> <u>No</u>	<u>Supreme Court</u>	<u>Article 146 of the Constitution of Cyprus</u>
		Other	<u>Yes</u> <u>No</u>	<u>Audit report of the Auditor General of the Republic</u>	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Cyprus	Cyprus Radio-Television Authority	<del>Only Audit of Accounts to sent to Parliament and Auditor General of the Republic</del> and Cabinet of ministers	Annual	<del>No information available</del> <u>Audit of Accounts</u>	Not provided in the Law	<del>Yes</del> <u>No</u>	<del>No information available</del> <u>N/A</u>	<del>No information available</del> <u>Art. 37 of Law N. 7(I)/1998</u>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Cyprus	Cyprus Radio-Television Authority	<del>Yes</del> <u>No</u>	<del>N/A</del> <u>Annual</u>	<del>Yes</del> <u>Auditor General of the Republic</u>  <u>No</u>	No	No	<del>Constitution-Reply CRTA-Act 7(IV)98</del> <u>No provision in the Law</u>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Cyprus	Cyprus Radio-Television Authority	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available provision in the law subjects the Authority's decisions to the approval of any other authority. Thus, the only instance that can review the regulator's decisions is the</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes. The Minister of Interior may give instructions of general nature to the authority in relation to the exercise of its competence which are necessary for the general interest of the Republic. The Minister of Education and Culture also has power to give instructions in <del>the field of the protection which s/he defines</del> <u>criteria for the protection of the quality of language used in programs in accordance with the language policy of the Republic.</u>	<del>Yes. The Minister of Interior is the head of the Ministry of Interior which is part of the Government. The Council of Ministers may by order define the issues which pertain to the exercise of public authority and the preservation of general state interests. No</del> <u>No</u>	<del>Yes, in the sense that the Parliament approves legislation delineating the competence of the authority.</del> <u>No</u>	No	<u>Section Art. 10 and art. 312, of the Law on Radio and Television Act N. 7(I)/98/1998</u>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	<del>N/A</del> <u>Yes</u>	<del>Yes. N/A</del> <u>Instructions by the Interior minister must be "of General nature@ and linked to the interests of the Republic; Instructions by the Education minister must simple define language quality criteria to be followed in program(s).</u>	N/A	N/A	N/A	<del>N/A</del> <u>Art. 10 and art. 31 of the Law N. 7(I)/1998</u>

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Cyprus	Cyprus Radio-Television Authority	External	<u>2</u> Supreme Court <u>First and Second Instance (Revisional &amp; Appellate)</u>	No	<del>Party affected by a violation</del> The service provider affected by a decision	Art. 146 of the Constitution

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Cyprus	Cyprus Radio-Television Authority	<u>YES</u>		√ <u>Only in case of Injunction /interim decision by the Supreme Court</u>	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Cyprus	Cyprus Radio-Television Authority	√	√	Yes	<u>Decision body not legally constituted (unjustifiably abstaining members, absences during process etc)</u> N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Cyprus	Cyprus Radio-Television Authority	1 Supreme Court ( <u>revisional</u> ) 2 Supreme Court ( <u>appellate</u> )		√  √	<ul style="list-style-type: none"> <li>- <u>The Court may uphold, vary or set aside the decision appealed from, or it may order a re-trial</u>N/A</li> <li>- <u>The Court may vary the decision, for example set a lower /higher fine</u></li> <li>- <u>In the sense of the above, this can be <b>partly</b> a replacement of the original</u></li> </ul>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Cyprus	Cyprus Radio-Television Authority	Yes	<del>Not specified- Legal expenses/advice</del> <u>2012 -€86K, 2013-€75K, 2014-€55K</u> <del>- Experts – 2012-€80K, 2013-€55K, 2014-€30K</del>	<del>Not specified in the law, but administrative bodies may employ outside persons without undertaking a public tender, if a certain budget is not exceeded</del> <u>Yes</u>	-	<del>Yes, legal and other expert advice</del> <u>No</u>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Cyprus	Cyprus Radio-Television Authority	N/A The law does not include any provisions on direct public consultation <del>but the authority may establish a consultative committee (the Radio and Television Consultative Committee) which reflects public opinion and includes various organisations such as consumer associations, the chamber of commerce, publishers union, the church and more.</del> <u>[deleted part is irrelevant]</u>	<del>The law provides that the authority may establish a Radio and Television Consultative Committee in order to advise on the exercise of its competence.</del> <u>No provision in the law</u>	Not specified in the law	<u>No provision in the law</u>	<u>No provision in the law</u>	<u>Section 11, Radio and Television Law, 7(I)/98</u>



**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Cyprus	Cyprus Radio-Television Authority	2005-2009  <u>2010-2014</u>	<u>A public consultation was conducted in early 2009 on the transposition of the AVMS. No report or results have been ever made public.</u>  <u>NO public consultation took place.</u>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Cyprus	Cyprus Radio-Television Authority	<del>Not required in general. However, the authority may issue a decision regarding a violation of the applicable legislation and at the same time imposing an obligation on a respondent to broadcast or make known the decision of the authority.</del>  <u>- The list of major events</u> <u>- The plan of radio frequencies</u>	Yes. <u>According to</u>  <u>- Articles 26-32 of Law on the General Rules Principles of Administrative Law, Law of 1991 Law-N. 158(I)/1999 determined the rules and conditions to the obligation to motivate decisions by administrative bodies.</u> <u>- This is also required by regulation 42(8) of the Radio and Television Regulations KDP 10/2000 as amended.</u>	Not specified in the law	Not specified in the law

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Cyprus	Cyprus Radio-Television Authority	<del>Information not available</del> <u>The Authority is since 2000 a member of international organisations of regulatory bodies. It also has bilateral relations with national regulators</u>	<del>Information not available</del> <u>Membership to international organisations of regulators. Meetings, conferences, consultation, exchange of know-how and experience</u>	<del>Information not available</del> <u>No</u>	<del>There is no provision in the Radio and Televisions Law</del>

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Cyprus	Cyprus Radio-Television Authority	<del>Information not available but it would seem that it does cooperate in practice at the EU level.</del> <u>Yes</u>	<u>CRTA is since 2000 an active member of various organisations uniting regulators, such as EPRA – the European Platform of Regulatory Authorities, of the Mediterranean Regulatory Authorities Network and since 2011 of the Network of EU Audiovisual Regulatory Authorities. It also entertains bilateral relations of cooperation with country regulators.</u>	<del>There is no provision in the Radio and Televisions Law</del> <u>Art. 2(n) of the law provides that the CRTA cooperates with regulatory authorities at the European level, which would help in better implementation of the Law on R Tv Organisations N. 7(I)/1998.</u>

Czech Republic

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Czech Republic</b>	435 <u>This includes also small local city or info cable 322</u> 172 licensed TV channels <u>which are (among them 46 national and regional terrestrial channels) and 150 registered at the Broadcasting Council, but produce almost no content cable and satellite</u>	0 <u>(AVMS directive not implemented yet) 158 registered, operated by 109 service operators</u>	46

The database of European Audiovisual Observatory register 290 licensed TV channels, among them international satellite ventures directed to other territories (e.g. HBO for Central Europe, AMS Network/Chello, UPC) as well as the local city or info TV channels with almost no original content.

Annual Report of the Czech Broadcasting Council (RRTV) in 2014 lists 172 licensed TV channels (among them 46 national and regional terrestrial channels) and 150 registered cable and satellite channels. (Broadcasting is authorized by grating broadcasting license by RRTV, cable retransmission is authorized by mere act of registration of the cable operator by RRTV) The public service broadcaster Czech Television (Česká televize) extended its services of existing four national TV channels (CT1, CT2, CT24, CT4 Sport) by launching two new channels CT:D (children) and cultural channel CT Art, both launching on 31 August 2013.

As regards non-linear audiovisual media services on-demand, the Mavise database registers 76 services available in the country and 64 services established in the country. On the other hand the RRTV Annual report 2014 informs about 158 registered on-demand audiovisual media services in the country, operated by 109 service providers.

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Czech Republic</b> <u>CZECH REPUBLIC</u>	Information requirements <u>(art. 5 AVMS Directive)</u>	Act of 17 May 2001 No. 231/2001 Coll., on Radio and Television Broadcasting Operation (Broadcasting Act) <u>Act of 13 April No. 132/2010 Coll., on on-demand audiovisual media services and amending certain laws (AVMS Act)</u>	<u>Council for Radio and TV Broadcasting (Broadcasting Council - RRTV)</u>	<u>Broadcasting Council is responsible for all areas Radio and for all the categories of audiovisual media services-TV Broadcasting (Broadcasting Council - RRTV) (AVMS Act)</u>	<u>Broadcasting Council regulates broadcasting in general + Czech Television Council (supervisory body of the CT – appoints and recalls the director general of CT)</u>
	Audiovisual	Broadcasting Act <u>Art. 48-53a</u>	<u>Broadcasting Council</u>	<u>Broadcasting Council (AVMS</u>	<u>Broadcasting Council</u> <sup>2</sup>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	+AVMS Act Articles .8-10		Act)	
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Broadcasting Act, Art.32/2 + Czech Television Act No. 483/1991 Coll. for PSB, Art 3/1k +AVMS Act Art.6/5	<u>Broadcasting Council</u>		<u>Broadcasting Council + Czech TV Council</u>
	Broadcasting of major events (Art. 14 AVMS Directive)	Broadcasting Act, Art. 33	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Access to short news reports (Article 15 AVMS Directive)</u>	<u>Broadcasting Act, Art. 34</u>	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Promotion of European works (Art. 13, 16, 17 AVMS Directive)</u>	<u>Broadcasting Act, Art. 42</u> +AVMS Act Art.7	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Hate speech (Art. 12 and 6 AVMS Directive)</u>	<u>Broadcasting Act, Art. 32/1</u> +AVMS Act Art 6/2	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)</u>	<u>Broadcasting Act, Art.48-53</u> + ACMS Act Art..8_10	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Protection of minors (Art. 27 AVMS Directive)</u>	<u>Broadcasting Act,Ar. 32/1</u> +AVMS Act 6/3	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Right of reply (Art. 28 AVMS Directive)</u>	<u>Broadcasting Act, Art.35</u>	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>
	<u>Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)</u>	<u>Broadcasting Act, Art. 5(u)y)v)w)x)y)</u> + AVMS Act Art. 4/děř	<u>Broadcasting Council</u>		<u>Broadcasting Council</u>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Access to short news reports (Article 15 AVMS Directive)	Broadcasting Act, Art. 34			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Broadcasting Act, Art. 42			
	Hate speech (Art. 12 and 6 AVMS Directive)	Broadcasting Act, Art. 32/4			
	Television advertising and teleshopping, (Art. 19—26 AVMS Directive)	Broadcasting Act, Art. 48-53			
	Protection of minors (Art. 27 AVMS Directive)	Broadcasting Act, Art. 32/4			
	Right of reply (Art. 28 AVMS Directive)	Broadcasting Act, Art. 35			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Broadcasting Act			

The new Act of 13 April No.132/2010 Coll., on on-demand audiovisual media services and amending certain laws (the On-demand Audiovisual Media Services Act - AVMS Act) was adopted as a complementary law to the Act of 17 May 20012 No. 231/2001 Coll., on Radio and Television Broadcasting Operation (Broadcasting Act). The AVMS Act came into force in January 2011.



**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Czech Republic	Council for Radio and TV Broadcasting (Broadcasting Council) (Rada pro rozhlasové a televizní vysílání - RRTV)	<a href="http://www.rrtv.cz">www.rrtv.cz</a>	1992	Prague

No change

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Czech Republic	RRTV <u>CTU</u>	Yes		Yes (must carry, EPG, <u>API</u> )	<u>CTU</u>	<u>CTU</u>	

No change - Note: Hans Bredow INDIREG study did not mention the telecommunication regulator CTU (Czech Telecommunication Office) in those tables. Should not the CTU be inserted into the table? If not, then the fields in Table 4 about transmission, spectrum an communications networks remains empty.

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Czech Republic	RRTV	Not foreseen in statutes/law	<del>4445</del> + 13 council members	Not foreseen in statutes/law	CZK <del>58,957,000</del> <u>54.816.604</u> (approx. <del>€2.3m</del> <u>million</u> )	<del>2010</del> <u>2015</u> state budget bill

In comparison with 2009, the budget was cut by 4 million CZK, the fines imposed by RRTV for infringement of the regulations belong to State Budget.

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
<b>Czech Republic</b>	Council for Radio and TV Broadcasting (Rada pro rozhlasové a televizní vysílání - RRTV)	Act of 17 May 2001 No. 231/2001 Coll., on Radio and Television Broadcasting Operation (Broadcasting Act)	Act of 17 May 2001 No. 231/2001 Coll., on Radio and Television Broadcasting Operation (Broadcasting Act)

No change

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
<b>Czech Republic</b>	RRTV	Independent state office	Yes		<u>Definition in the Broadcasting Act:: independent body with responsibility for state administration of broadcasting and audiovisual media services</u>	Act No. 231/2001 Coll.

No change

## Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly ~~recognised~~recognized as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly <del>recognised</del> <u>recognized</u> as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Czech Republic	RRTV		<input type="checkbox"/>	Act No.231/2001

No change

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Czech Republic	RRTV	Tick boxes	No	<input type="checkbox"/>	<input type="checkbox"/>
		Areas	-	Under art. 5 of the Broadcasting Act, powers and duties of the Council include <ul style="list-style-type: none"> <li><input type="checkbox"/> preparing opinions and proposals, thus contributing to the development of principles of the government policy of the Czech Republic with regard to broadcasting and to the concepts of its future development- <u>and with regard to enhancing media literacy</u></li> <li><input type="checkbox"/> <u>issue opinions expressing the Council's legal views in respect of matters within the range of its competence</u></li> <li><input type="checkbox"/> supervising compliance with legal regulations in the area of broadcasting</li> </ul>	licensing of radio and TV operators, setting of licence conditions
		Source	-	<u>Broadcasting Act No. 231/2001 Coll. As amended</u>	General act Act No. 231/2001 Coll. <u>As amended</u>

Paragraph 5/m was added into Broadcasting Act with media literacy and new paragraph 5/y was introduced:

m) prepare opinions and proposals, thus contributing to the development of principles of the government policy of the Czech Republic with regard to broadcasting and to the concepts of its future development, and with regard to enhancing media literacy,

y) issue opinions expressing the Council's legal views in respect of matters within the range of its competence,

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Czech Republic	RRTV	Quotas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Broadcasting Act
		Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Broadcasting Act
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Broadcasting Act

No change

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Czech Republic	RRTV	Quotas	<input type="checkbox"/> discretionary	<input type="checkbox"/> CZK 10,000-5,000,000 (approx €390 - 195,000)	<input type="checkbox"/>			
		Advertising	<input type="checkbox"/> discretionary	<input type="checkbox"/> CZK 5,000-2.5m (approx. €195-€97,000)	<input type="checkbox"/>			
		Protection of minors	<input type="checkbox"/> discretionary	<input type="checkbox"/> CZK 20,000-10,000,000 (approx. €780-€390,000)	<input type="checkbox"/>	<input type="checkbox"/> when the infringement <del>was repeated</del> of certain obligations occurred repeatedly.		

No change

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Czech Republic	RRTV	N/A			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No change

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Czech Republic	RRTV	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<del>N/A</del> <input type="checkbox"/>

No change

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Czech Republic	RRTV Broadcasting Council	Yes	<a href="http://www.rrtv.cz/cz/dynamic/methods.aspx">www.rrtv.cz/cz/dynamic/methods.aspx</a>

No change

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Czech Republic	RRTV	Board	13	No	No	<del>13</del> No	No	No	No	No <del>information available</del>	<del>No information available</del> Broadc

The law does not set any preliminary requirements as to the competence of the Board members. Deputies in Chamber of Deputies shall decide. See the Article 7/1 of the Broadcasting Act: (1) The Council consists of 13 members who are appointed and removed by the Prime Minister based on proposal made by the Chamber of Deputies; the appointment shall be carried out immediately after receiving the proposal. Membership in the Council is a public service position.

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Czech Republic	RRTV	Competences include: a) supervise compliance with legal regulations and licence conditions b) grant, change and withdraw licences for radio and television broadcasting c) grant, change and cancel decisions on registration to operate retransmission d) impose sanctions e) monitor the broadcasting radio and television content f) authorise the Czech Telecommunication Office to issue individual authorisation to use radio frequencies for other radio communications services from sections of the frequency spectrum exclusively reserved for radio and television broadcasting g) prepare opinions and proposals, h) issue Statutes and Rules of Procedure of the Council and Organisation Rules of the Council Office	No information available	Partially <del>Information-only</del> Decision is made public by press releases published after and by minutes of each meeting published on the web site of the RRTV-Council	Minutes published <u>at the web page</u> (the law requires the publication of Council resolutions, annual reports and minutes of Council meetings)

The AVMS Act No.132/2010 Coll. amended and extended the RRTV competences with paragraphs u), v), w), x), y), i.e. responsibility for cooperation with EU authorities and EU member states' regulators, for development of self-regulation and media literacy. Formalities of decision-making process are incorporated in the Statutes and Rules of Procedure of the Council and Organization Rules of the Council Office. Transparency of the process – no change.

The full text of Article 5: Powers and duties of the Council: The Council shall:

- a) supervise compliance with legal regulations in the field of radio and television broadcasting and the conditions stipulated in the decision on granting the licence or in the decision on registration,
- b) grant, change and withdraw licences for the operation of radio and television broadcasting,
- c) grant, change and cancel decisions on registration to operate rebroadcasting,
- d) keep a register of broadcasters and rebroadcasters,
- e) publish on a regular basis – doing so in a manner facilitating remote access – a list of licence and registration applications, list of licences granted and changes thereto, and list of registrations granted and changes thereto,
- f) impose penalties under the present Act,
- g) monitor the content of radio and television broadcasting,
- h) grant consent to the Czech Telecommunication Office to issue individual authorisations to use radio frequencies for other radio communication services from spectrum bands exclusively reserved for radio and television broadcasting.



- i) require an opinion from the Czech Telecommunication Office containing co-ordinated frequencies for analogue radio and television broadcasting, including the technical parameters thereof; in its request for an opinion, the Council must indicate the area to be covered by the transmission and the requested location of the transmitter,
- j) require an opinion from the Czech Telecommunication Office in respect of the process of the awarding of licences for radio and television broadcasting or for changes to licence conditions in its request for an opinion, the Council must indicate the area to be covered by the transmission,
- k) set the territorial area of broadcasting for broadcasters under Section 3(1)(b) in compliance with the opinion of the Czech Telecommunication Office, work with the Czech Telecommunication Office to the extent set out in specific legislation,
- m) prepare opinions and proposals, thus contributing to the development of principles of the government policy of the Czech Republic with regard to broadcasting and to the concepts of its future development, and with regard to enhancing media literacy,
- n) determine programmes and the services directly related thereto to be mandatorily distributed in public interest over electronic communications networks for radio and television broadcasting, review whether the mandatory distribution of such programmes is still necessary and submit to the Czech Telecommunication Office binding opinions in respect of the imposition or lifting of such mandatory distribution under specific legislation,
- o) issue Statutes and Rules of Procedure of the Council and Organisation Rules of the Council Office, p) submit its draft budget and final financial statements to the Ministry of Finance and to the appropriate body of the Chamber of Deputies,
- r) publish Council resolutions, Council annual report, minutes of Council meetings (if not in contradiction with specific legislation), and other information as the case may be, using methods that facilitate for remote access,
- s) publish court rulings on judicial remedies and on law suits against Council decisions; this shall be without prejudice to the provisions of specific legislation,
- t) provide supervision in transborder co-operation schemes in compliance with the applicable legislation of the European Communities<sup>5a</sup>) within the scope of the specific legislation reflecting the guidance specified in Point 4 of the Appendix to the given regulation,
- u) cooperate with European Union authorities and with the regulatory bodies of EU Member States with a similar field of competence, focusing in particular on obtaining and providing data and information required by law, by decisions issued on the basis of law or decisions made on the basis of law, or by the legal acts of the European Union, and carry out other tasks resulting from the membership of the Czech Republic in the European Union,
- v) ensure that the obligations based on the European Convention on Transfrontier Television are discharged and represent the Czech Republic on the Standing Committee established under Article 20 of the European Convention on Transfrontier Television,
- w) cooperate in the field of television broadcasting regulation with the relevant bodies of the states that are not Member States of the European Union or State-parties to the European Convention on Transfrontier Television,
- x) cooperate within the range of its competence with Czech legal persons whose activities include selfregulation in any of the fields to which this Act or specific legislation<sup>1e</sup>) apply, such self-regulation involving active participation of broadcasters, rebroadcasters or on-demand audiovisual media service providers (hereinafter referred to as “self-regulatory bodies”), provided that such cooperation is requested in writing by such a self-regulatory body, especially in developing effective self-regulatory systems and in implementing measures supporting media literacy; publish a list of the cooperating self-regulatory bodies (hereinafter referred to as “list of self-regulatory bodies”), using methods that facilitate remote access,
- y) issue opinions expressing the Council’s legal views in respect of matters within the range of its competence,
- z) carry out other tasks resulting from this Act or other legal provisions.

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Czech Republic	RRTV	Chairman	No	n/a	Broadcasting Council - board	n/a	Broadcasting Act
		Board members	Yes	Political party clubs in Chamber of Deputies (lower chamber of the Parliament)	Voting in the Chamber of Deputies	No information available	Broadcasting Act

No change

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Czech Republic	RRTV	Chairman of the board	2 <del>6</del> years <i>Note: Not regulated in law. <del>Two years is an internal agreement (status) of the RRTV, it is set by the councillors (the Board).</del></i>	Yes <i>Note: The election cycle of the Parliament (Chamber of Deputies) is 5 years, the election cycle of the councillors of the RRTV is 6 years. (Chamber of Deputies) is 5 years, the election cycle of the councillors of the RRTV is 6 years.</i>	Yes, no limitation	Broadcasting Act
		Board members	6 years	Yes <i>Note: The election cycle of the Parliament (Chamber of Deputies) is 5 years; the election cycle of the councillors of the RRTV is 6 years.</i>	One renewal only	Broadcasting Act

Internal agreement about two years term of Chairman of the board is no more valid.

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Czech Republic	RRTV	Chairman of the board	Not defined	Not defined	Broadcasting Act
		Board members			Broadcasting Act

No change

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Czech Republic		Chairman	Yes		Yes The membership in the Council is incompatible with the capacity of the President, Deputy, Senator, Member of the Government, Judge, Public Prosecutor, Member of the Supreme Audit Office, Member of the Bank Council of the CNB, Member of the Czech Press Agency Council, Member of the Czech Television Council and Member of the Czech Radio	Yes Council Members shall execute their functions personally; they shall not accept any directions or instructions for the execution of their functions. Council Members shall not hold an office in political parties or movements and act in their favour.	Yes Neither Council Members nor persons closely related to them may assume any capacities, including unpaid ones, in any statutory bodies of companies that carry out business in the area of mass media, audiovisual products and advertising. Furthermore, neither Council Members nor persons closely related to them may participate in the business of commercial companies that carry out their activities in the area of mass media or in the area of audiovisual products and	Yes  <b>Note:</b> No other public offices can be held, but the position is compatible with all other positions.	If Council Members execute any paid employment or activity besides their capacity in the Council, they shall conduct such activity in a way not threatening to affect the appropriate discharge of their capacity as Council Member. Not even scientific, teaching, journalistic and artistic activities may be carried out by Council Members in a way which could damage or challenge the trust in the independence and impartiality of	Broadcasting Act, Article 7

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					Council		consultancy or other assistance to broadcasters in return for payment. Not even scientific, teaching, journalistic and artistic activities may be carried out by Council Members in a way which could damage or challenge the trust in the independence		the Council.	
		Board members	Yes		Same as above	Same as above	Same as above			
		Senior staff		No	No	No	n/a.	No		

No change

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Czech Republic	RRTV + CTU	Chairman	Yes		Yes	Yes	Yes	see Table 20
		Board members	Yes		Yes	Yes	Yes	see Table 20
		Senior staff		No				see Table 20

No change

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Czech Republic	RRTV	Chairman		No		Broadcasting Act
		Board members		No		Broadcasting Act
		Senior Staff		n/a		Broadcasting Act

No change

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Czech Republic	RRTV	Chairman	Yes		Board Members	Incompatibility, 3 months inactivity, complaints + grounds for board members – see below	Individually + whole body	Broadcasting Act, Article 9
		Individual board members	Yes		Chamber of Deputies	The <del>House</del> Chamber of Deputies may propose to the Prime Minister to remove a Council Member from his/her capacity for the following reasons: a) if the functions pertaining to the capacity are not duly executed b) if the conditions for assuming the capacity, as stipulated in this Act, are not fulfilled c) if he/she commits a conduct that challenges his/her impartiality or independence or the impartiality of the Council d) if proposed by the House of Deputies, the Prime Minister shall suspend the discharge of the function of the Council Member who was taken into custody in connection with a criminal prosecution.	In case the Council repeatedly and seriously infringes the obligations laid down by this Act, or if the annual report fails repeatedly to be approved due to serious faults, the House of Deputies may propose to the Prime Minister to remove the Council.	Broadcasting Act, Article 6+7

No change



**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Czech Republic	RRTV	<del>2005-2009</del> 2014	Chairman		No		
			Individual board members		No		

No change

In 2014 the Chairwoman of the Broadcasting Council Ms. Kateřina Kalistová finished her term after four and half years in office, because she was appointed Deputy Minister of Culture.

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user State funding/broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters/operators		Fines	Other fees, e.g., 'market surveillance fee' based on % of market players' revenues of broadcasters (or other operators—e.g. in case of converged regulators)	Source	
Cyprus <u>CZECH REPUBLIC</u>	Cyprus Radio–Television Authority <u>RRTV</u>	None, fully			State funding: grants or other are income (not specified) of the State budget	No	Yes Licence fees start at €7,500 for stations covering the whole of Cyprus. Lower fees apply for local stations.	Yes, different levels are income of fines apply depending on the flagrancy of the violation state budget	Funds from using own property.	s.38 of the Radio and Television Law Act 7(I)/98 Radio and Television Regulations of 2000 as amended

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry)?	De facto influence of third parties on budget amounts	Source
<del>Cyprus</del> <u>CZECH REPUBLIC</u>	<del>CRTA</del> <u>RRTV</u>	<del>The Auditor General provides the budget and Parliament approves same every year.</del> <u>Ministry of Finance submits the draft (after consultation with RRTV) to the Parliament, Chamber of Deputies decide</u>	<del>Yes it makes proposals</del> <u>yes</u>	<del>Regulator, ministry of finance and parliament</del> <u>Ministry of Finance and Parliament</u>	No	<del>Act 7(I)/98</del> <u>Broadcasting Act, State Budget Act 345/2014 Coll.</u>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
<del>Cyprus</del> <u>CZECH REPUBLIC</u>	<del>Cyprus Radio-Television Authority</del> <u>RRTV</u>	<del>Yes</del> <u>yes</u>	<del>Annual</del> <u>annually</u>	<del>Yes</del> <u>By the Auditor General of the Republic if necessary, there is a possibility of ad hoc control by Supreme Audit Office</u>	<del>No</del> <u>Yes</u> <u>RRTV makes internal independent audit of its own</u>	<del>No</del>	<del>Constitution</del> <u>Broadcasting Act 7(I)/98</u>

No change.

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Czech Republic	RRTV	Parliament	Yes	Annual Report about the state of broadcasting in the Czech Republic and about the activities of the Broadcasting Councils	Broadcasting Act , Article 6
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

No change

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Czech Republic	RRTV	Chamber of Deputies	Annual	Activities, state of affairs	Yes	Yes	Yes – in the past Consequence: After repeated disapproval by Parliament (Chamber of Deputies), the whole Czech Broadcasting Council is dismissed.	<del>www.rrtv.cz/cz/static/zpravvy/index.htm</del> <a href="http://www.rrtv.cz/cz/static/orade/vyrocnizpravvy/index.htm">http://www.rrtv.cz/cz/static/orade/vyrocnizpravvy/index.htm</a>

No change

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Czech Republic	RRTV	<del>No</del> Yes	N/A	N/A	<del>N/A</del> Yes	N/A	<del>N/A</del> Internal rules: Statutes and Rules of Procedure of the Council and Organization Rules of the Council Office

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/ <del>Minister</del> <del>Minister</del>	Government	Parliament	Other	Source
Czech Republic	RRTV <del>CTU</del>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Broadcasting Act
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<del>No information available</del> <u>Broadcasting Act</u>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would <del>exclude political supervision</del> ?)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

No changes

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis	
Czech Republic	RRTV	Internal	None	No	Participants involved	<i>No information available</i> <a href="#">Broadcasting Act, Art. 66</a> <a href="#">Act No. 150/2002 Coll., Code of Administrative Justice, Art. 65, 81-102 and 152</a>	
		External	1				Municipal Court
			2				Supreme Administrative Court
			3				Constitutional Court

*[Broadcasting Act, Article 66, Unless otherwise provided herein, any proceedings shall be as stipulated in the Rules of Administrative Procedure, except for the provisions therein on appellate procedure, procedure for appeals on a point of law, review procedure and revision. Complaint may be filed on the basis of specific legislation \(Act No. 150/2002 Coll., Code of Administrative Justice\) \(...\) The filing of the complaint has a suspensive effect. The court must decide on the complaint within 90 days.](#)*

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Czech Republic	RRTV	<input type="checkbox"/>			N/A

No change

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Czech Republic	RRTV	<input type="checkbox"/>	<input type="checkbox"/> errors in procedure	<input type="checkbox"/>	N/A

No change

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Czech Republic	RRTV	1 Municipal Court		<input type="checkbox"/>	N/A
		2 Supreme Administrative Court		<input type="checkbox"/>	

No change



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Czech Republic	RRTV	No <del>information-</del> available	No information available	Yes	-	Yes

No change

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Czech Republic	RRTV	No	<i>Note: from time to time the self-regulatory body of advertisers is consulted, but is not a duty.</i>				

No change

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Czech Republic	RRTV		0

No change

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Czech Republic	RRTV	Council resolutions, Council annual report, minutes of Council meetings, if not in contradiction with specific legal regulations, and other information as the case may be; the mode of publishing must allow remote access to the published items.  Information about decisions is published in the minutes, the full text is later published at the webpage – but it is not prescribed by any law.	Yes Broadcasting Act, Article 5/ <del>n</del> <u>o</u>	No	No

No change, with the exception of numbering of the relevant Article 5 of the Broadcasting Act (former 5/n changed to 5/o)

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Czech Republic	RRTV	<p>h) grant <del>approval for consent to</del> the Czech Telecommunication Office to issue <del>permits for the operation of transmitters</del> <u>individual authorizations to use radio frequencies</u> for other radio communication services <del>within the part of frequency range dedicated to from spectrum bands exclusively reserved for</del> radio and television broadcasting,</p> <p>i) <del>prepare, in co-operation with</del> <u>require an opinion from the Czech Telecommunication Office, containing co-ordinated frequencies for analogue radio and television broadcasting, including the technical parameters thereof; in its request for an opinion, the Council must indicate the part area to be covered by the transmission and the requested location of the transmitter,</u></p> <p>j) <u>require an opinion from the Czech Telecommunication Office in respect of the process of allocation plan for the frequency range</u> <del>the awarding of licences for radio and television broadcasting or for changes to licence conditions; in its request for an opinion, the Council must indicate the area to be covered by the transmission,</del></p> <p>k) <u>set the territorial area of broadcasting for broadcasters under Section 3(1)(b) in compliance with the opinion of the Czech Telecommunication Office,</u></p> <p>l) <u>work with the Czech Telecommunication Office to the extent set out in specific legislation</u> dedicated to radio and television broadcasting,</p>	<p>basis for the cooperation is set by law <del>—see the quotation</del> <u>Broadcasting Act, Article 5/h-1</u>  <u>Electronic Communication Act 127/2005 Coll. Article 112</u></p>	<p>see the quotations</p>	<p><del>Broadcasting Act, Article 6</del></p>

The cooperation RRTV with CTU was specified more precisely in amendments to Broadcasting Act in 2010

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Czech Republic	RRTV	yes RRTV participates in activities of European platform of regulatory authorities <a href="http://www.epra.org">www.epra.org</a> <a href="#">RRTV is member of European Regulators Group for Audiovisual Media Services (ERGA - created on 3rd February 2014)</a> <a href="https://ec.europa.eu/digital-agenda/en/avmsd-audiovisual-regulator">https://ec.europa.eu/digital-agenda/en/avmsd-audiovisual-regulator</a>	Central European Regulatory Forum EU AVMS Directive, CoE Convention on Transfrontier TV, Broadcasting Act	

Germany

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Germany	<a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">394 http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> <a href="http://www.alm.de/55.html">74 www.alm.de/55.html</a>	<a href="http://mavise.obs.coe.int">389 http://mavise.obs.coe.int</a>	23 35 non linear services under the responsibility of ARD-PSB



**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Germany</b>	Information requirements (art. 5 AVMS Directive)	§ 9 (b) Interstate Broadcasting Treaty, August 31, 1991. <a href="#">15th amendment: 01.01.2013 (vgl. GVBl. Berlin 2011 S. 211)</a> <del>13th amendment: 10.03.2010 (vgl. GBl. S. 307)</del> (Rundfunkstaatsvertrag – RStV)	14 State Media Authorities (Landesmedienanstalten - LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies of the public service broadcasters (Rundfunkräte, Gremienvorsitzendenkonferenz – GVK, ZDF-Fernsehrat)
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	§§ 7, 7a, 8, 15, 44 RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Accessibility to people with a disability (Art. 7 AVMS Directive)	§ 3 (2) RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Broadcasting of major events (Art. 14 AVMS Directive)	§ 4 RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Access to short news reports (Article 15 AVMS Directive)	§ 5 RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	§ 6 RStV; Filmförderungsgesetz	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Hate speech (Art. 12 and 6 AVMS Directive)	§ 3 RStV; § 4, 5 JMStV	Competent State Media Authority (LMA) ; KJM (Commission for the Protection of Minors in the Media)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	§§ 7, 7a, 8; 15, <a href="#">16</a> , <a href="#">44</a> 45, 45a RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies
	Protection of minors (Art. 27 AVMS Directive)	Interstate Treaty for the Protection of Minors in the Media, September 22, 2002 in the version of the 11 <sup>th</sup> Treaty for amending the Interstate Treaties with regard to broadcasting law (13h Interstate Broadcasting Treaty) in force since April 1, 2010 (Jugendmedienschutz-Staatsvertrag – JMStV)	Competent LMA and Commission for the Protection of Minors in the Media (Kommission für Jugendmedienschutz, KJM) as a central regulatory body; KJM is responsible for the investigation of programming complaints and serves the respective competent State Media Authority as an organ in the fulfilment of its tasks; the KJM shall be in charge of the definitive assessment of content pursuant to this Interstate Treaty (§ 16 JMStV); the decisions of the KJM shall be binding upon the other bodies of the competent State Media Authority and they shall be taken as a basis for the decisions of the State Media Authority (§ 17 (1) JMStV)	Competent LMA and KJM	Internal supervisory bodies
	Right of reply (Art. 28 AVMS Directive)	§ 56 RStV and state broadcasting laws (e.g. § 44 LMG NRW; § 9 WDR-law)	According to § 56 (3) RStV: enforcing the claim to the right of reply by civil courts	According to § 56 (3) RStV: enforcing the claim to the right of reply by civil courts	According to § 56 (3) RStV: enforcing the claim to the right of reply by civil courts
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	§ 9 RStV	Competent State Media Authority (LMA)	Competent State Media Authority (LMA)	Internal supervisory bodies

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		<a href="http://www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Gesetze_aktuell/15_RStV_english_01-01-2013.pdf">Interstate Broadcasting Treaty (RStV)</a> <a href="http://www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Gesetze_aktuell/15_RStV_english_01-01-2013.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Gesetze_aktuell/15_RStV_english_01-01-2013.pdf</a>			
		<a href="#">Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (JMStV)</a>	<a href="http://www.kjm-online.de/files/pdf1/JMStV_Stand_13_RStV_mit_Titel_english.pdf">www.kjm-online.de/files/pdf1/JMStV_Stand_13_RStV_mit_Titel_english.pdf</a>		
	<a href="#">Media Law of Baden-Württemberg (LMedienG)</a>		<a href="http://www.lfk.de/fileadmin/media/recht/2009_September_LmedienG.pdf">www.lfk.de/fileadmin/media/recht/2009_September_LmedienG.pdf</a>		
	<a href="#">Bavarian Media Law (BayMG)</a>		<a href="http://www.blm.de/files/pdf1/BayMG_Nov121.pdf">http://www.blm.de/files/pdf1/BayMG_Nov121.pdf</a>		
	<a href="#">Interstate Treaty on Media in Berlin and Brandenburg (MStV)</a>		<a href="http://www.mabb.de/files/content/document/Rechtsgrundlagen/Gesetze/01-MStV.pdf">http://www.mabb.de/files/content/document/Rechtsgrundlagen/Gesetze/01-MStV.pdf</a>		
	<a href="#">State Media Law of Bremen (BremLMG)</a>		<a href="http://www.bremische-landesmedienanstalt.de/fileadmin/user_upload/content/dateien/20120925_G_BremLandesmedienG_In_Kraft_getretene_Fassung_Stand_August_2012.pdf">http://www.bremische-landesmedienanstalt.de/fileadmin/user_upload/content/dateien/20120925_G_BremLandesmedienG_In_Kraft_getretene_Fassung_Stand_August_2012.pdf</a>		
	<a href="#">Interstate Treaty on Media in Hamburg and Schleswig-Holstein (Medienstaatsvertrag HSH)</a>		<a href="http://www.ma-hsh.de/cms/upload/downloads/Rechtsvorschriften/1.1_5_MStV_HSH_Web.pdf">http://www.ma-hsh.de/cms/upload/downloads/Rechtsvorschriften/1.1_5_MStV_HSH_Web.pdf</a>		
	<a href="#">State Media Law of Hessen (HPRG)</a>		<a href="http://www.lpr-hessen.de/files/HPRG_291114.pdf">http://www.lpr-hessen.de/files/HPRG_291114.pdf</a>		
	<a href="#">State Media Law of Mecklenburg-Western Pomerania (RundfG M-V)</a>		<a href="http://www.medienanstalt-mv.de/media/legal/48/RundfunkgesetzMVzuletztgeaendert11Maerz2010.pdf">www.medienanstalt-mv.de/media/legal/48/RundfunkgesetzMVzuletztgeaendert11Maerz2010.pdf</a>		
	<a href="#">State Media Law of Lower Saxony (NMedienG)</a>		<a href="http://www.nlm.de/fileadmin/dateien/infothek/pdf/NMedien_01.01.2011.pdf">http://www.nlm.de/fileadmin/dateien/infothek/pdf/NMedien_01.01.2011.pdf</a>		
	<a href="#">State Media Law of Northrhine-Westfalia (LMG NRW)</a>		<a href="http://www.lfm-nrw.de/fileadmin/lfm-nrw/Medienrecht/Dokumente_2014/Lesefassung-LMG_Dezember_2014_Aenderung.pdf">http://www.lfm-nrw.de/fileadmin/lfm-nrw/Medienrecht/Dokumente_2014/Lesefassung-LMG_Dezember_2014_Aenderung.pdf</a>		
	<a href="#">State Media Law of Rhineland-Palatinate (LMG)</a>		<a href="http://www.lmk-online.de/service/rechtsgrundlagen/landesmediengesetz/">www.lmk-online.de/service/rechtsgrundlagen/landesmediengesetz/</a>		
	<a href="#">State Media Law of Saarland (SMG)</a>		<a href="http://www.lmsaar.de/wp-content/uploads/2014/01/I_2_SMG.pdf">http://www.lmsaar.de/wp-content/uploads/2014/01/I_2_SMG.pdf</a>		
	<a href="#">State Media Law of Saxony (SächsPRG)</a>		<a href="http://www.slm-online.de/wp-content/uploads/2014/08/i1-2-saechsprg.pdf">http://www.slm-online.de/wp-content/uploads/2014/08/i1-2-saechsprg.pdf</a>		
	<a href="#">State Media Law of Saxony-Anhalt (MedienG LSA)</a>		<a href="http://www.landesrecht.sachsen-anhalt.de/jportal/?quelle=jlink&amp;query=MedienG+ST&amp;psml=bssahprod.psml&amp;max=true&amp;aiz=true">http://www.landesrecht.sachsen-anhalt.de/jportal/?quelle=jlink&amp;query=MedienG+ST&amp;psml=bssahprod.psml&amp;max=true&amp;aiz=true</a>		
	<a href="#">State Media Law of Thuringia (ThürLMG)</a>		<a href="http://www.tlm.de/tlm/die_tlm/rechtsgrundlagen/gesetze/thueringer_landesmediengesetz/index.php">http://www.tlm.de/tlm/die_tlm/rechtsgrundlagen/gesetze/thueringer_landesmediengesetz/index.php</a>		
	<a href="#">Interstate Broadcasting Treaty (RStV)</a>		<a href="http://www.alm.de/fileadmin/Download/Gesetze/13_RStV_english.pdf">www.alm.de/fileadmin/Download/Gesetze/13_RStV_english.pdf</a>		
	<a href="#">Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (JMStV)</a>		<a href="http://www.kjm-online.de/files/pdf1/JMStV_Stand_13_RStV_mit_Titel_english.pdf">www.kjm-online.de/files/pdf1/JMStV_Stand_13_RStV_mit_Titel_english.pdf</a>		
	<a href="#">Media Law of Baden-Württemberg (LMedienG)</a>		<a href="http://www.lfk.de/fileadmin/media/recht/04_2010/2010_April_LmedienG.pdf">www.lfk.de/fileadmin/media/recht/04_2010/2010_April_LmedienG.pdf</a>		
	<a href="#">Media Law (BayMG)</a>		<a href="http://www.blm.de/apps/documentbase/data/pdf1/BayMG_2009_12_10.pdf">www.blm.de/apps/documentbase/data/pdf1/BayMG_2009_12_10.pdf</a>		
	<a href="#">Interstate Treaty on Media in Berlin and Brandenburg (MStV)</a>		<a href="http://www.mabb.de/fileadmin/user_upload/pdf/Rechtsgrundlagen_pdf/01-MStV_Fassung_4_Novelle.pdf">www.mabb.de/fileadmin/user_upload/pdf/Rechtsgrundlagen_pdf/01-MStV_Fassung_4_Novelle.pdf</a>		
	<a href="#">State Media Law of Bremen (BremLMG)</a>		<a href="http://www.bremische-landesmedienanstalt.de/images/BREMAL/DLR2005/BremLMGGB.pdf">www.bremische-landesmedienanstalt.de/images/BREMAL/DLR2005/BremLMGGB.pdf</a>		
	<a href="#">Interstate Treaty on Media in Hamburg and Schleswig-Holstein (Medienstaatsvertrag HSH)</a>		<a href="http://www.ma-hsh.de/cms/upload/downloads/Rechtsvorschriften/3_MStV_Internet.pdf">www.ma-hsh.de/cms/upload/downloads/Rechtsvorschriften/3_MStV_Internet.pdf</a>		
	<a href="#">State Media Law of Hesse (HPRG)</a>		<a href="http://www.lpr-hessen.de/files/hprg_190609.pdf">www.lpr-hessen.de/files/hprg_190609.pdf</a>		
	<a href="#">State Media Law of Mecklenburg-Western Pomerania (RundfG M-V)</a>		<a href="http://www.medienanstalt-mv.de/media/legal/48/RundfunkgesetzMVzuletztgeaendert11Maerz2010.pdf">www.medienanstalt-mv.de/media/legal/48/RundfunkgesetzMVzuletztgeaendert11Maerz2010.pdf</a>		
	<a href="#">State Media Law of Lower Saxony (NMedienG)</a>		<a href="http://www.nlm.de/fileadmin/dateien/infothek/pdf/NMedien_13.05.09.pdf">www.nlm.de/fileadmin/dateien/infothek/pdf/NMedien_13.05.09.pdf</a>		
	<a href="#">State Media Law of Northrhine-Westfalia (LMG NRW)</a>		<a href="http://www.lfm-nrw.de/downloads/medienrecht/lmg2009.pdf">www.lfm-nrw.de/downloads/medienrecht/lmg2009.pdf</a>		
	<a href="#">State Media Law of Rhineland-Palatinate (LMG)</a>		<a href="http://www.lmk-online.de/service/rechtsgrundlagen/landesmediengesetz/State-Media-Law-of-Saarland-(SMG).pdf">www.lmk-online.de/service/rechtsgrundlagen/landesmediengesetz/State-Media-Law-of-Saarland-(SMG).pdf</a>		
	<a href="#">Media Law of Saarland (SMG)</a>		<a href="http://www.lmsaar.de/die_lms/rechtsgrundlagen/I_1_SMG_Stand_2008.pdf">www.lmsaar.de/die_lms/rechtsgrundlagen/I_1_SMG_Stand_2008.pdf</a>		
	<a href="#">Media Law of Saxony (SächsPRG)</a>		<a href="http://www.slm-online.de/psk/slmo/dokukategorien/dokumanagement/psfile/docfile/85/S_achsische4a9526aa5ba0f.pdf">www.slm-online.de/psk/slmo/dokukategorien/dokumanagement/psfile/docfile/85/S_achsische4a9526aa5ba0f.pdf</a>		
	<a href="#">State Media Law of Saxony-Anhalt (MedienG LSA)</a>		<a href="http://www.lra.de/download/MedienG_LSA_10_2008.pdf">www.lra.de/download/MedienG_LSA_10_2008.pdf</a>		
	<a href="#">State Media Law of Thuringia (ThürLMG)</a>		<a href="http://www.tlm.de/tlm/die_tlm/rechtsgrundlagen/gesetze/thueringer_landesmediengesetz/TLMG_neu.pdf">www.tlm.de/tlm/die_tlm/rechtsgrundlagen/gesetze/thueringer_landesmediengesetz/TLMG_neu.pdf</a>		

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Germany	Commission on the Protection of Minors from harmful Media Content (Kommission für Jugendmedienschutz, KJM)	<a href="http://www.kjm-online.de">www.kjm-online.de</a>	2003	München, <del>Erfurt</del> Berlin
	State Media Authority of Baden--Württemberg (Landesanstalt für Kommunikation Baden-Württemberg, LFK)	<a href="http://www.lfk.de">www.lfk.de</a>	1986	Stuttgart
	Bavarian regulatory authority for commercial broadcasting (Bayerische Landeszentrale für neue Medien, BLM)	<a href="http://www.blm.de">www.blm.de</a>	1984	München
	Media Authority Berlin-Brandenburg (Medienanstalt Berlin- Brandenburg, mabb)	<a href="http://www.mabb.de">www.mabb.de</a>	1992	Berlin
	State Media Authority of Bremen (Bremische Landesmedienanstalt, brema)	<a href="http://www.bremische-landesmedienanstalt.de">www.bremische-landesmedienanstalt.de</a>	1989	Bremen
	Media Authority Hamburg/Schleswig-Holstein (Medienanstalt Hamburg/Schleswig-Holstein, MA HSH)	<a href="http://www.ma-hsh.de">www.ma-hsh.de</a>	2007	Norderstedt
	Regulatory Authority for Commercial Broadcasting Hesse (Hessische Landesanstalt für privaten Rundfunk und neue Medien, LPR Hessen)	<a href="http://www.lpr-hessen.de">www.lpr-hessen.de</a>	1988	Kassel
	Media Authority Mecklenburg- Western Pommerania (Medienanstalt Mecklenburg-Vorpommern, mmv)	<a href="http://www.medienanstalt-mv.de">www.medienanstalt-mv.de</a>	1991	Schwerin
	The State Media Authority of Lower Saxony (Niedersächsische Landesmedienanstalt, NLM)	<a href="http://www.nlm.de">www.nlm.de</a>	1984	Hannover
	Media Authority of Northrhine- Westfalia (Landesanstalt für Medien Nordrhein-Westfalen, LfM)	<a href="http://www.lfm-nrw.de">www.lfm-nrw.de</a>	1987	Düsseldorf
	The State Media Authority of Rhineland-Palatinate (Landeszentrale für Medien und Kommunikation Rheinland-Pfalz (LMK)	<a href="http://www.lmk-online.de">www.lmk-online.de</a>	1987	Ludwigshafen

Country	Name of regulatory body	Link to website	Date of establishment	Location
	State Media Authority of Saarland (Landesmedienanstalt Saarland, LMS)	<a href="http://www.lmsaar.de">www.lmsaar.de</a>	1984	Saarbrücken
	Saxon regulatory authority for commercial broadcasting and new media (Sächsische Landesanstalt für privaten Rundfunk und neue Medien, SLM)	<a href="http://www.slm-online.de">www.slm-online.de</a>	1991	Leipzig
	Media Authority of Saxony-Anhalt (Medienanstalt Sachsen-Anhalt, MSA)	<a href="http://www.lra.de">www.lra.de</a>	1991	Halle/Saale
	Thuringian State Media Authority (Thüringer Landesmedienanstalt, TLM)	<a href="http://www.tlm.de">www.tlm.de</a>		Erfurt
	Broadcasting Council of Bayerischer Rundfunk (Rundfunkrat des Bayerischen Rundfunks)	<a href="http://www.br-online.de/rundfunkrat">www.br-online.de/rundfunkrat</a>	1949	München
	Rundfunkrat (Broadcasting Council) des Westdeutschen Rundfunks Köln	<a href="http://www.wdr-rundfunkrat.de">www.wdr-rundfunkrat.de</a>	1955	Köln
	Rundfunkrat (Broadcasting Council) of Mitteldeutschen Rundfunks	<a href="http://www.mdr-rundfunkrat.de">www.mdr-rundfunkrat.de</a>	04.11.1991	Leipzig
	Rundfunkrat (Broadcasting Council) of Rundfunk Berlin-Brandenburg (rbb)	<a href="http://www.rbb-rundfunkrat.de">www.rbb-rundfunkrat.de</a>	01.05.2003	Berlin
	Broadcasting Council of Südwestrundfunk (SWR)	<a href="http://www.swr-rundfunkrat.de">www.swr-rundfunkrat.de</a>	1998	Stuttgart
	Broadcasting Council of Hessischen Rundfunk (HR)	<a href="http://www.hr-rundfunkrat.de">www.hr-rundfunkrat.de</a>	1948	Frankfurt am Main
	Broadcasting Council of Norddeutschen Rundfunk (NDR)	<a href="http://www.ndr-rundfunkrat.de">www.ndr-rundfunkrat.de</a>	1991	Hamburg
	Broadcasting Council of Radio Bremen (RB)	<a href="http://www.radiobremen.de/unternehmen/gremien/rundfunkrat">www.radiobremen.de/unternehmen/gremien/rundfunkrat</a>	1993	Bremen
	Broadcasting Council of Saarländischer Rundfunk (SR)	<a href="http://www.sr-online.de/dersr/608/">www.sr-online.de/dersr/608/</a>	1957	Saarbrücken
	Television Council of Zweites Deutsches Fernsehen (ZDF)	<a href="http://www.fernsehrat.zdf.de">www.fernsehrat.zdf.de</a>	1991	Mainz

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Germany	Respective State Media Authority	Yes	Together with Federal Network Agency (BNetzA)	Yes	Federal Network Agency Bundesnetzagentur (BNetzA)	Federal Network Agency Bundesnetzagentur (BNetzA)	Federal Network Agency Bundesnetzagentur (BNetzA)
	Broadcasting Council	Yes (only for PSB)	No	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Germany	State Media Authority of Baden- Württemberg (Landesanstalt für Kommunikation Baden-Württemberg, LFK)	No information available	<a href="#">No information available</a> <sup>25</sup>	Mainly financed from the licensing fee (§ 46 (1) <del>LM</del> MedienG <del>B-W</del> ; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total € <del>9.18</del> <sup>10.65</sup> m (€ <del>8.49</del> <sup>10.16</sup> m share of the <del>license-fee</del> <sup>broadcasting contribution</sup> )	<del>2009</del> <sup>2014</sup> ; <del>ALM-LMA</del> yearbook 2008 <sup>14</sup> - ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> ) ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	Bavarian regulatory authority for commercial broadcasting (Bayerische Landeszentrale für neue Medien, BLM)	No information available	<del>No information available</del> <sup>75</sup>	Mainly financed from the licensing fee (§ 21 (1) BayMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total <del>€26.4928.32m</del> (€22.6m-96m share of the <del>license-fee</del> <sup>broadcasting contribution</sup> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )
	Media Authority Berlin-Brandenburg (Medienanstalt Berlin-Brandenburg, mabb)	No information available	<del>No information available</del> <sup>18,7</sup> ( <a href="#">licensing and regulation</a> ) <sup>18,6</sup> (citizen broadcasting = <a href="#">Offener Kanal</a> )	Mainly financed from the licensing fee (§ 15 (1) MStV; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total <del>€8.49.0m</del> (€6.89m-6.42m share of the <del>license-fee</del> <sup>broadcasting contribution</sup> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )
	State Media Authority of Bremen (Bremische Landesmedienanstalt, brema)	No information available	<del>No information available</del> <sup>12</sup> ( <a href="#">licensing and regulation</a> ) <sup>9</sup> (citizen broadcasting = <a href="#">Bürgerrundfunk</a> )	mainly financed from the licensing fee (§ 54 (1) BremLMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €1.84m (€1.59m-55m share of the <del>license-fee</del> <sup>broadcasting contribution</sup> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )
	Media Authority Hamburg/Schleswig-Holstein (Medienanstalt Hamburg/Schleswig-Holstein, MA HSH)	No information available	<del>No information available</del> <sup>21</sup>	mainly financed from the licensing fee (§ 48 (1) Medienstaatsvertrag HSH; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €3.09m-1766m (€1.99m-87m share of the <del>license-fee</del> <sup>broadcasting contribution</sup> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )

	Regulatory Authority for Commercial Broadcasting Hesse (Hessische Landesanstalt für privaten Rundfunk und neue Medien, LPR Hessen)	No information available	<a href="#">No information available23 (licensing and regulation) 17 (citizen broadcasting)</a>	mainly financed from the licensing fee (§ 57 HPRG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total € <del>7.75m-29m</del> (€ <del>6.72m-64m</del> share of the <del>license-fee</del> <a href="#">broadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf</a> )
	Media Authority Mecklenburg-Western Pomerania (Medienanstalt Mecklenburg-Vorpommern, mmv)	No information available	<a href="#">No information available9 (licensing and regulation) 11 (citizen broadcasting )- Offener Kanal)</a>	mainly financed from the licensing fee (§§ 59,60 LRundfG M-V; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total € <del>2.65m-82m</del> (€2.58m share of the <del>license-fee</del> <a href="#">broadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf</a> )
	The State Media Authority of Lower Saxony (Niedersächsische Landesmedienanstalt, NLM)	No information available	<a href="#">No information available28</a>	mainly financed from the licensing fee (§ 51 (1) NMedienG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total € <del>9.36m-46m</del> (€8.6m share of the <del>license-fee</del> <a href="#">broadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf</a> )
	Media Authority of Northrhine-Westfalia (Landesanstalt für Medien Nordrhein-Westfalen, LfM)	No information available	<a href="#">No information available57</a>	mainly financed from the licensing fee (§ 116 (1) LMG NRW; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total € <del>21.59m-19.36m</del> (€ <del>16.44m-15.89m</del> share of the <del>license-fee</del> <a href="#">broadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf</a> )
	The State Media Authority of Rhineland-Palatinate (Landeszentrale für Medien und Kommunikation Rheinland-Pfalz, LMK)	No information available	<a href="#">No information available41</a>	mainly financed from the licensing fee (§ 48 (1) LMG <del>Rh-Pf</del> ; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total € <del>7.95m-97m</del> (€ <del>7.37m-21m</del> share of the <del>license-fee</del> <a href="#">broadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch-2008/ALM_Jahrbuch_2008.pdf</a> )



Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	State Media Authority of Saarland (Landesmedienanstalt Saarland, LMS)	No information available	<a href="#">No information available 15 (licensing and regulation) 3 (media competence)</a>	mainly financed from the licensing fee (§ 61 SMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €2.43m (€2.22m-31m share of the <a href="#">license-feebroadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )
	Saxon regulatory authority for commercial broadcasting and new media (Sächsische Landesanstalt für privaten Rundfunk und neue Medien, SLM)	No information available	<a href="#">No information available 25</a>	mainly financed from the licensing fee (§ 35 (1) SächsPRG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €6.62m-47m (€5.845m share of the <a href="#">license-feebroadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )
	Media Authority of Saxony-Anhalt (Medienanstalt Sachsen-Anhalt, MSA)	No information available	<a href="#">No information available 22,75</a>	mainly financed from the licensing fee (§ 51 MedienG LSA; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €4.89m (€4.32m-23m share of the <a href="#">license-feebroadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )
	Thuringian State Media Authority (Thüringer Landesmedienanstalt, TLM)	No information available	<a href="#">No information available 21 (licensing and regulation) 9 (citizen broadcasting = Offener Kanal)</a>	mainly financed from the licensing fee (§ 5350 ThürLMG; §§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt)	Total €4.79m-27m (€4.239m share of the <a href="#">license-feebroadcasting contribution</a> )	2014; LMA yearbook 2014 ( <a href="http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf">http://www.die-medienanstalten.de/fileadmin/Download/Publikationen/ALM-Jahrbuch/Jahrbuch_2014/Jahrbuch_2013-14_Druckversion.pdf</a> )2009; ALM yearbook 2008 ( <a href="http://www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf">www.alm.de/fileadmin/Download/Jahrbuch_2008/ALM_Jahrbuch_2008.pdf</a> )

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	Broadcasting Council of Bayerischer Rundfunk (Rundfunkrat des Bayerischen Rundfunks)	No information available	No information available	No information available	€88840.65m-955m (PSB in total, budget of council unknown)	2014; <a href="http://www.br.de/unternehmen/inhalt/organisation/geschaeftsbericht-br-2014-zahlen102.html">http://www.br.de/unternehmen/inhalt/organisation/geschaeftsbericht-br-2014-zahlen102.html</a> 2009; ARD-yearbook-2008- ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> )
	Rundfunkrat (Broadcasting Council) des of Westdeutscher Rundfunks Köln	No information available	No information available	No information available	€1.334281m (PSB in total, budget of council unknown)	20092013; ( <a href="http://www1.wdr.de/unternehmen/service/publikumsservice/infomaterial/geschaeftsbericht136.pdf">http://www1.wdr.de/unternehmen/service/publikumsservice/infomaterial/geschaeftsbericht136.pdf</a> ARD-yearbook-2008-
	Rundfunkrat (Broadcasting Council) of Mitteldeutscher Rundfunks	No information available	No information available	No information available	€63649m (PSB in total, budget of council unknown)	20099; ARD yearbook 2008- ( <a href="http://www.ard.de/intern/publikationen2010">www.ard.de/intern/publikationen2010</a> ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> ))
	Rundfunkrat (Broadcasting Council) of Rundfunk Berlin-Brandenburg (rbb)	No information available	No information available	No information available	€395m-405m (PSB in total, budget of council unknown)	2009; ARD yearbook 201008 ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> )
	Broadcasting Council of Südwestrundfunk (SWR)	No information available	No information available	No information available	€1.14952m (PSB in total, budget of council unknown)	2009; ARD yearbook 201008 ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> )
	Broadcasting Council of Saarländischer Rundfunk (SR)	No information available	No information available	No information available	€10946m (PSB in total, budget of council unknown)	2009; ARD yearbook 201008 ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> )
	Broadcasting Council of Hessische Rundfunk (HR)	No information available	No information available	No information available	€464m-481m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008- ( <a href="http://www.ard.de/intern/publikationen2010">www.ard.de/intern/publikationen2010</a> ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> ))
	Broadcasting Council of Norddeutsche Rundfunk (NDR)	No information available	No information available	No information available	€1.056m-083m (PSB in total, budget of council unknown)	2009; ARD yearbook 201008 ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> )
	Broadcasting Council of Radio Bremen (RB)	No information available	No information available	No information available	€947m (PSB in total, budget of council unknown)	2009; ARD yearbook 2008- ( <a href="http://www.ard.de/intern/publikationen2010">www.ard.de/intern/publikationen2010</a> ( <a href="http://www.ard.de/intern/publikationen">www.ard.de/intern/publikationen</a> ))
	Television Council of Zweites Deutsches	No information available	No information available	No information available	€+2.959032m (PSB in total, budget of council unknown)	200912; ZDF yearbook 2008-2013 (I. Jahresabschluss 2007); <a href="http://www.zdf-jahrbuch.de/2013/index.php">http://www.zdf-jahrbuch.de/2013/index.php</a> ( <a href="http://www.zdf-jahrbuch.de/2008/finanzen/abschluss_2007">www.zdf-jahrbuch.de/2008/finanzen/abschluss_2007</a> )

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Germany	eCompetent State Media Authority (LMA)	§ 35 (1) RStV;; § 48 HPRG; §§ 10,11 BayMG; § 45 BremLMG; § 55 SMG; § 38 LMG Rh-Pf; §§ 29,30 LMedienG B-W; §§ 87,88 LMG NRW; §§ 7,8 MStV; §§ 40,41 MedienG LSA; §§ 38,39 Medienstaatsvertrag HSH; §§ 37,38,39 NMedienG; § 51 RundfG M-V; §§ 27,28 SächsPRG; §§ 44, 44a Thür LMG	§ 35 ff. RStV with regard to individual state media or broadcasting laws
	ZAK; KJM	§ 35 (2) RStV; § 14 (2) JMStV	§ 35 ff. RStV, § 13 ff. JMStV
	Broadcasting Council of the BR	Articles 6 and 7 BayRG (Bayerisches Rundfunkgesetz) and Art. 5 BR-Satzung	
	Broadcasting Council of the WDR	§§ 13 ff WDR-Gesetz and WDR-Satzung	
	Broadcasting Council of rbb	§§ 12 ff. rbb-Interstate Treaty on Broadcasting	
	Rundfunkrat (Broadcasting Council) of Mitteldeutsche Rundfunks	§§ 18 ff. MDR-interstate treaty	
	Broadcasting Council of Südwestrundfunk (SWR)	§§ 13 ff. SWR-interstate treaty	
	Broadcasting Council of Saarländischer Rundfunk (SR)	§§ 25 ff. SMG	
	Broadcasting Council of Hessische Rundfunk (HR)	§§ 4 ff. HR-law	
	Broadcasting Council of Norddeutsche Rundfunk (NDR)	§§ 16 ff. NDR-interstate treaty	
	Broadcasting Council of Radio Bremen (RB)	§§ 7 ff. RB-law	
	Television Council of Zweites Deutsches Fernsehen (ZDF)	§§ 19 ff. ZDF-interstate treaty	

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Germany	State Media Authorities	Legal entities under public law (Anstalten des öffentlichen Rechts)	Yes		Regulatory bodies are organized as independent legal entities under public law and they are authorized to self-government; the state government provides a legal supervision with only limited powers.	e.g. § 29 (1) LMedienG <a href="#">B-W, 19.07.1999</a>
	Public Service Broadcasting Councils	Broadcasting councils are internal organs of the public service broadcaster (with the broadcasters themselves being legal entities under public law)	No		Councils are organized as internal organs; The Constitutional Court stated in the first broadcasting judgement that the public service broadcasting corporations must be free of governmental influence and at the most under governmental supervision limited to the question of legality of administrative activities. Based on that statement, the supervision of the federal states is limited in essential points: they only supervise compliance with the (media) law, not the suitability of decisions. Once again, it should be noted that the measures of the governmental supervision can only be taken in case the internal supervision is not effective or sufficient.	e.g. § 54 WDR-Gesetz; c.f. Art. 24 Abs. 1 BayRG

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Germany	Public Service Broadcaster, State Media Authorities		<p>√ Constitutional Court has upheld the principle that broadcasting should be independent from the state (1961, BVerfGE 12, 205). This independence is explained by principle of broadcasting freedom as set out article 5, para. 1, sentence 2 of the Constitution. Broadcasting freedom applies to public service broadcasters, which include internal supervisory bodies, and State Media Authorities.</p> <p>§ <del>38</del>37 see-(1) NMedienG</p> <p>§ 40 Abs. 7 S. 2 LMG Rh-Pf</p> <p>§ 95 Abs. 1 S. 2 LMG NRW</p> <p>§ 40 Abs. 2 S. 1 MedienG LSA</p> <p>§ <del>44</del>40 Abs. 2 ThürLMG</p> <p>§ 34 Abs. 3 LMedienG B-W</p> <p>§ 54 Abs. 2 RundfG M-V</p> <p>Art. 13 Abs. 2 BayMG</p> <p>§ 28 Abs. 4 SMG</p> <p>§ 9 Abs. 2MStV</p> <p>§ 48 Abs. 2 HPRG; § 49 Abs. 6 S. 2 HPRG</p> <p>§ 27 Abs. 2; § 29 Abs. 7 SächsPRG</p> <p>§ 45 Abs. 2 BremLMG</p> <p>§ 44 Abs. 2 Medienstaatsvertrag HSH</p>	Art. 5 (1) S. 2 of the Constitution (GG)

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Germany	LMA	Tick boxes	No	√ (Legally binding guidelines issued by the State Media Authorities, very narrow and specific)	√
		Areas		Directives for Advertising, for the Implementation of the Separation of Advertising and Programme and for Sponsoring, for Protection of Human Dignity and the Protection of Minors	If the competent state media authority finds that a provider has violated the provisions of the RStV or respective state media law, it shall take the measures required. Measures include in particular admonition, prohibition, withdrawal and revocation. They are legally effective administrative acts.
		Source		Joint Directives of the State Media Authorities on the Guarantee of the Protection of Human Dignity and the Protection of Minors) dating from 8th/9th March 2005, effective June 2, 2005 Joint Directives of the State Media Authorities for Advertising, for the Implementation of the Separation of Advertising and Programme and for Sponsoring in Television/Radio, <a href="#">21.02.2000/18.09.2012</a>	§ 38 RStV; e. g. § 32 LMedienG <a href="#">B-W</a>
	Broadcasting Councils	Tick boxes	No	√ (Internal binding guidelines decided by the board, issued by the “intendant”, again very specific)	√
		Areas		The Broadcasting Councils possess advisory and supervisory powers. They may focus on both individual programmes as well as the general	Take part in programming-related decisions on personnel, organization and budgetary matters are therefore endowed with considerable

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
				structure of programming (decisions on guidelines for programming).	powers of intervention.
		Source		Article 6 Abs. 1 and article 7 Abs. 3 BayRG; § 20 Abs. 4 S. 2 MDR-interstate treaty	Article 6 Abs. 1 and article 7 Abs. 3 BayRG; § 20 Abs. 4 S. 2 MDR-interstate treaty

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Germany	LMA	Quotas	√	√	√			§ 31 LMedienG <a href="#">B-W</a>
		Advertising	√ (competent LMA and Regulatory Affairs Commission (ZAK))	√	√	√ Monitoring <b>not only</b> after complaints		§§ 21-23, 35,36 RStV; e. g. § 31 LMedienG <a href="#">B-W</a>
		Protection of minors	√ (competent LMA and KJM)	√	√	√ Monitoring <b>not only</b> after complaints		§§ 35,36 RStV, § 14 JMStV, § 31 LMedienG <a href="#">B-W</a>
	Broadcasting Councils	Protection of minors and separation of advertisement and programme			√	√	Advisory and supervisory powers	§§ 13,14 NDR-Interstate treaty

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Germany		Quotas	√					
	LMA	Advertising	√	√ €50,000 up to €500,000	√	√	√ Up to €500,000	
		Protection of minors	√	√ Up to €500,000	√	√	√ Up to €500,000	
	Broadcasting Councils		N/A	N/A	N/A	N/A	N/A	Broadcasting Councils are entitled by the respective Landesrundfunkgesetz (e.g Art. 7 Abs. 3 Nr. 8 BayRG, § 20 MDR-interstate treaty) to “advise” the PSB Chairman or to order him to remedy an ascertained breach of the law or the programming principles. While the advice has no binding character (in contrast to an order), past experience has shown that its factual influence can hardly be overestimated. Mostly the Broadcasting Councils together with the Administrative Board select and dismiss the PSB Chairman. Thus, a strong factual pressure is on the head.



**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Germany	LMA	No The states ( <i>Länder</i> ) have jurisdiction over broadcasting. State parliaments adopt the media laws.	√	√	√	√	√	√
	Broadcasting Councils			√			√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Germany	LMA	√	√		√	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Germany	State Media Authority (LMA)	Everyone has the right to complain about the program organized by commercial broadcasters, and in which someone suspect that their content legally questionable can be (e.g. § 42 LMG NRW, § 17 BayMG, § 25 (3) HPRG).	<a href="http://www.programmbeschwerde.de">www.programmbeschwerde.de</a>
	BR	For BR such a procedure is laid down in Art. 19 BayRG and especially in § 8 Geschäftsordnung des BR-Rundfunkrats. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified, the Broadcasting Council has to be informed.	No special website available

Country	Body	Do complaints handling procedures exist?	Link to website
	WDR	For WDR such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 10 WDR-Gesetz in combination with § 33 WDR-Satzung. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within one month, the Broadcasting Council has to be informed.	No special website available
	rbb	For rbb such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 10 rbb-Interstate Treaty on Broadcasting in combination with § 23 rbb-Satzung. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within one month, the Broadcasting Council has to be informed.	No special website available
	SWR	For SWR such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 11 SWR-interstate treaty. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within two months, the Broadcasting Council has to be informed.	No special website available
	HR	For HR such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 4 HR-Satzung. According to § 9 HR-law the Broadcasting Council decides final on complaints.	No special website available
	MDR	For MDR such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 16 MDR-interstate treaty. According to that procedure everyone has the right to complain about the program. First the head has to check the complaint. If the program complaint is not rectified within two months, the Broadcasting Council has to be informed.	No special website available
	NDR	For NDR such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 13 NDR-interstate treaty and in § 6 Geschäftsordnung des NDR-Rundfunkrates. According to that procedure everyone has the right to complain about the program. The complaint has to be addressed to the Head or the Broadcasting Council.	No special website available
	RB	For RB such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 23 RB-law. According to that everyone has the right to complain about the program. According to § 8 Abs. 4 RB-Geschäftsordnung the Broadcasting Council decides on complaints.	No special website available
	SR	For SR such a procedure (“Programmbeschwerde” = programming complaint) is laid down in §§ 8, 28 <del>SR-law</del> SMG. According to that the Broadcasting Council decides on complaints.	No special website available
	ZDF	For ZDF such a procedure (“Programmbeschwerde” = programming complaint) is laid down in § 15 ZDF-interstate treaty. According to that everyone has the right to complain about the program. According to § 28 ZDF-Satzung the head has to check the complaint. If the program complaint is not rectified within one month, the Broadcasting Council has to be informed and decides on the complaint.	No special website available

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Germany	Executive Board (Vorstand) of the LfK	Board	5	No	No	No	No	No	No	No information available	§ 34 LMedienG <a href="#">B-W</a>
	Media council of the BLM	Board	47	34	1	12	No	No	No	No information available	§ 13 BayMG
	Media council of the mabb	Board	7	No	No	No	No	7	No	No information available	§ 9 (1) MStV
	State broadcasting committee of the brema	Board	<del>26</del> 30	<del>24</del>	No	<del>5</del> 6	No	No	No	No information available	§ 49 (1) BremLMG
	Media council of the MA HSH	Board	14	No	No	No	No	14	No	No information available	§ 41 (1) Medienstaatsvertrag HSH
	Assembly of the LPR Hessen	Board	30	25	No	5	No	No	No	No information available	§ 49 (1) HPRG
	Media council of the mmv	Board	11	11	No	No	No	No	No	No information available	§ 52 (1) RundfG M-V

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
	Assembly of the NLM	Board	<del>23</del> 26	<del>18</del> 21	No	5	No	No	No	No information available	§ 40-39 (1) NMedienG
	Media commission of the LfM	Board	<del>23</del> 41	<del>18</del> 20	No	<del>5</del> 8	No	No	No	No information available	§ 93 LMG NRW
	Assembly of the LMK	Board	42	35	No	7	No	No	No	No information available	§ 40 (1) LMG <u>Rh-Pf</u>
	Broadcasting council of the LMS	Board	<del>35</del> 34	<del>29</del> 28	1	5	No	No	No	No information available	§ 27 (1) SMG
	Assembly of the SLM	Board	<del>33</del> 35	28	1	<del>4</del> 6	No	No	No	No information available	§ 29 (1) SächsPRG
	Media Council of the SLM	Board	5	No	No	No	No	5	No	No information available	§ 31 (1) SächsPRG
	Assembly of the MSA	Board	25	20	<u>No</u>	5	No	No	No	No information available	§ 42 (1) MedienG LSA
	Assembly of the TLM	Board	<del>25</del> 34	<del>21</del> 27	1 (currently no member)	<del>3</del> 6	No	No	No	No information available	§ 45 <del>2</del> (1) ThürLMG
	Broadcasting council of the Bayerische Rundfunk (BR)	Board	47	34	1	12	No	No	No	No information available	§ 6 (3) Bavarian Broadcasting Law, BayRG
	Broadcasting council of the Südwestrundfunk (SWR)	Board	74	<del>59</del> 62	<del>3</del> No	12	No	No	No	No information available	§ 14 Interstate treaty for SWR
	Broadcasting council of the Hessischen Rundfunk (HR)	Board	30	<del>2</del> 34	1	<del>6</del> 5	No	No	No	No information available	§ 5 (2) HR-law
	Broadcasting council of the Mitteldeutschen Rundfunk (MDR)	Board	43	31	3	9	No	No	No	No information available	§ 19 (1) Interstate Treaty for MDR
	Broadcasting council of the Norddeutschen Rundfunk	Board	58	<del>49</del> 47	No	<del>9</del> 11	No	No	No	No information available	§ 17 (1) Interstate Treaty for NDR

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
	Broadcasting council of the Rundfunk Berlin-Brandenburg (rbb)	Board	<del>30</del> <u>29</u>	<del>22</del> <u>3</u>	No	7	No	No	No	No information available	§ 14 (1) Interstate Treaty for rbb
	<del>h</del> Broadcasting council of the Radio Bremen (RB)	Board	<del>25</del> <u>6</u>	21	No	<del>4</del> <u>5</u>	No	No	No	No information available	§ 9 (1) RB-law
	Broadcasting council of the Westdeutscher Rundfunk Köln (WDR)	Board	<del>47</del> <u>51</u>	<del>34</del> <u>36</u>	No	<del>13</del> <u>15</u>	No	No	No	No information available	§ 15 WDR-law
	Television council of the Zweites Deutsches Fernsehen (ZDF)	Board	<del>77</del> <u>*</u>	46	19	12	No	No	No	No information available	§ 21 (1) Interstate Treaty for ZDF
		* The number of the Council's members (in particular regarding representatives of the government and the parliament) for the sake of comparability with the other countries analysed in this study does not reflect the changes brought by the last amendment of the Treaty in 2015 (still to be ratified by the Länder). For a brief note on these changes see the additional questions on Germany in annex 5.									
	Regulatory Affairs Commission (ZAK)	Board	14	No	No	No	No	No	Comprises the legal representatives (Directors, Presidents) of the 14 State Media Authorities	Comprises the legal representatives (Directors, Presidents) of the 14 State Media Authorities	§ 36 (2) RStV (interstate broadcasting treaty)
	Commission for the Protection of Minors in the Media (KJM)	Board	12	No	No	No	No	Yes. 6 (delegated by the highest state or federal authorities for the protection of minors)	6 delegated by the state media authorities	Six of twelve members of the commission are Directors of the State Media Authorities.	Art. 14 (3) JMStV (protection of minors treaty)
	Commission on Concentration in the Media (KEK)	<u>Board</u>	12	N/A				Yes, 6	6 representatives of the regional media authorities	Comprises the legal representatives (Directors, Presidents) of the Media Authorities	interstate broadcasting treaty

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Germany	Executive Board of directors (Vorstand) of the LfK	<p>Vorstand carries out the following tasks of the LfK (§§ 32,35 LMedienG <a href="#">B-W</a>):</p> <ul style="list-style-type: none"> <li>Licensing and supervision of commercial broadcasting</li> <li>Control of compliance with freedom of speech and protection of minors and advertising regulations</li> <li>Assignment of broadcasting capacities and regulation of broadcasting distribution on cable networks (decision to be approved by Media Council)</li> <li>Provision of rules on protection of minors (to be approved by Media Council) and advertising</li> <li>Imposition of sanctions in case of infringements of laws</li> <li>Determination of general broadcasting requirements and measures to guarantee diversity of opinions and freedom of speech</li> <li>Ensuring diversity of opinion and protection of minors</li> <li>Approval of the annual budget</li> </ul> <p>The media council decides rules of procedure.</p>	<p>The following decisions require approval of the Media Council: allocation of transmission capacity and its withdrawal and revocation, adoption of directives and decisions in individual cases, submission of proposals for decisions.</p> <p>The media council decides on rules of procedure with a majority of two thirds of his members (§ 45 (5) LMedienG <a href="#">B-W</a>).</p> <p>The media council adopts decisions with the majority of the votes cast (simple majority). (§ 45 (3) LMedienG <a href="#">B-W</a>).</p>	<p>No protocols available until now.</p> <p>Neither statute nor rules of internal procedure are available.</p>	<p>No, except general annual reports.</p>

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Media council of the BLM	<ul style="list-style-type: none"> <li>Decides on the transmission and retransmission of broadcasting services licensed under the Bavarian Media law</li> <li>Adopts directives on programme organisation</li> <li>Approves the annual budget</li> <li>Decides on the promotion of programmes and technical infrastructure</li> </ul> <p>The Council has the right to determine its own rules of procedure (§ 10 (3) BayMG)</p>	The media council takes decisions with the majority of the votes cast. (§ 5 (2) rules of procedure of the media council of the BLM)	Rules of procedure are available	Reports and results of the meetings published
	Media council of the mabb	The Media Council carries out the tasks of the mabb (§ 12 MStV). It has the right to determine its own rules of procedure (§ 12 (65) MStV) and approves the annual budget (§ 16 (1) MStV).	Decisions of the media council require the approval of at least four members (§ 12 (4) MStV).	Rules of procedure are available	Only general reports and press releases are published
	State broadcasting committee of the brema	The Media Council carries out the tasks of the <del>mabb</del> brema (§ 51 BremLMG). It has the right to determine its own rules of procedure (§ 51 (9) BremLMG).	In general the state broadcasting committee adopts decisions by simple majority; at least ten members have to be present.	No information available	Decisions are released as press releases
	Media council of the MA HSH	The Media Council carries out the tasks of the MA HSH (§ 39 Abs. 2 Medienstaatsvertrag HSH). <u>For example:</u> <ul style="list-style-type: none"> <li><u>Licensing, withdrawing or revoking licences</u></li> <li><u>Imposition of sanctions in case of infringements of laws</u></li> <li><u>Decides on the transmission and retransmission of broadcasting services</u></li> </ul> <p><del>#</del>The Media Council has the right to determine its own rules of procedure and approves the annual budget.</p>	In general the media council takes decisions by simple majority.	No information available	Decisions are released as reports and press releases
	Assembly of the LPR Hessen	<ul style="list-style-type: none"> <li>Licensing, withdrawing or revoking licences (§ 51 Abs. 1 HPRG)</li> <li>Right to determine its own rules of procedure</li> <li>Approval of the annual budget</li> </ul>	In general the assembly takes decisions by simple majority.	No information available	Decisions are released as reports and press releases
	Media council of the mmv	<ul style="list-style-type: none"> <li>Licensing, withdrawing or revoking licences (§ 53 RundfG M-V)</li> <li>Assigning broadcasting capacities</li> <li>Right to determine its own rules of procedure</li> <li>Approving the annual budget</li> </ul>	In general the media council takes decisions by simple majority.	No information available	Decisions are released as press releases

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Assembly of the NLM	<ul style="list-style-type: none"> <li>Licensing, withdrawing or revoking licences (§ 4443 NMedienG)</li> <li>Assigning broadcasting capacities</li> <li>Right to determine its own rules of procedure</li> <li>Approving the annual budget</li> </ul>	In general the assembly takes decisions by simply majority.	No information available	Decisions are released as reports and press releases
	Media commission of the LfM	<ul style="list-style-type: none"> <li><del>Carrying out the tasks of the LfM</del> <del>Decisions on broadcasting capacities</del> (§ 4294 LMG NRW)</li> <li>Right to determine its own rules of procedure</li> <li>Approval of the annual budget</li> </ul>	In general the media commission takes decisions by simply majority.	No information available	Only general reports and press releases are published
	Assembly of the LMK	<ul style="list-style-type: none"> <li><del>Licensing, withdrawing or revoking licences (§ 42 LMG Rh-Pf)</del></li> <li><del>Imposition of sanctions in case of infringements of laws</del></li> <li><del>Assigning broadcasting capacities</del></li> <li>Right to determine its own rules of procedure</li> <li>Approval of the annual budget</li> </ul>	In general the assembly takes decisions by simply majority.	No information available	Decisions are released as press releases
	Broadcasting council of the LMS	<ul style="list-style-type: none"> <li>Licensing, withdrawing or revoking licences (§ 57 SMG)</li> <li>Assigning broadcasting capacities</li> <li>Decisions on violation of media law</li> <li>Right to determine its own rules of procedure</li> <li>Approving the annual budget</li> </ul>	In general the broadcasting council takes decisions by simply majority.	No information available	Decisions are released as press releases
	Media council of the SLM	<ul style="list-style-type: none"> <li>Licensing, withdrawing or revoking licences (§ 32 Abs. 7 SächsPRG)</li> <li>Decisions on supervisory measures and complaints</li> <li>Right to determine its own rules of procedure</li> <li>Approving the annual budget</li> <li>Decisions on staff issues/human resources</li> </ul>	In general the media council takes decisions by simply majority.	No information available	Decisions are released as annual reports and press releases
	Assembly of the MSA	<ul style="list-style-type: none"> <li>Licensing of commercial broadcasters (§ 43 MedienG LSA)</li> <li>Right to determine its own rules of procedure</li> <li>Approval of the annual budget</li> </ul>	In general the assembly takes decisions by simply majority.	No information available	Decisions are released as press releases



Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Assembly of the TLM	<ul style="list-style-type: none"> <li>• <u>Licensing, withdrawing or revoking licences (§ 44 ThürLMG)</u></li> <li>• <u>Imposition of sanctions in case of infringements of laws</u></li> </ul> <ul style="list-style-type: none"> <li>• Right to determine its own rules of procedure</li> <li>• Approval of the annual budget</li> <li>• Monitoring of program principles</li> </ul> <p>The director decides on supervisory measures and complaints; the decisions require the approval of the board of the assembly.</p>	In general the assembly takes decisions by simply majority. Half of all members of the assembly have to be present.	No information available	Decisions are released as press releases
	Broadcasting council of the Bayerische Rundfunk (BR)	<p>Tasks of the broadcasting council in general:</p> <ul style="list-style-type: none"> <li>• Monitoring <u>compliance with</u> the legal requirements and ensuring that diversity in programming is achieved</li> <li>• Advising the Intendant on program-related decisions</li> </ul> <p>Regarding internal organisation and procedures and human and financial resources:</p> <ul style="list-style-type: none"> <li>• Election and dismissal of the Intendant (head) and executive staff</li> <li>• Approves the annual budget</li> <li>• Determine its own rules of procedure</li> </ul> <p>(§ 7 BayRG)</p>		The Broadcasting Council generally meets publicly, but is entitled to exclude the public, if he considers it necessary or if it deals with personnel matters.	There is no obligation to publish agendas and minutes of the meetings, but the agenda is always published on the homepage of the Broadcasting Council.
	Broadcasting council of the Südwestrundfunk (SWR)	<ul style="list-style-type: none"> <li>• <u>Monitoring compliance with the legal requirements</u></li> <li>• <u>Advising the Intendant on program-related decisions</u></li> </ul> <ul style="list-style-type: none"> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 15 Interstate treaty for SWR)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Hessischen Rundfunk (HR)	<ul style="list-style-type: none"> <li>• <u>Advising the Intendant on program-related decisions</u></li> </ul> <ul style="list-style-type: none"> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§§ 7 and 9 HR-law)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Mitteldeutschen Rundfunk (MDR)	<ul style="list-style-type: none"> <li>• <u>Monitoring compliance with the legal requirements</u></li> </ul> <ul style="list-style-type: none"> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 20 Interstate Treaty for MDR)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	There is no obligation to publish agendas and minutes of the meetings.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Broadcasting council of the Norddeutschen Rundfunk (NDR)	<ul style="list-style-type: none"> <li>• <a href="#">Monitoring compliance with the legal requirements</a></li> <li>• <a href="#">Advising the Intendant on program-related decisions</a></li> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 18 Interstate Treaty for NDR)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Rundfunk Berlin-Brandenburg (rbb)	<ul style="list-style-type: none"> <li>• <a href="#">Monitoring compliance with the legal requirements</a></li> <li>• <a href="#">Advising the Intendant on program-related decisions</a></li> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 13 Interstate Treaty for rbb)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	There is no obligation to publish agendas and minutes of the meetings.
	Broadcasting council of the Radio Bremen (RB)	<ul style="list-style-type: none"> <li>• <a href="#">Monitoring compliance with the legal requirements</a></li> <li>• <a href="#">Advising the Intendant on program-related decisions</a></li> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 8 RB-law)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Broadcasting council of the Westdeutsche Rundfunk Köln (WDR)	<ul style="list-style-type: none"> <li>• <a href="#">Monitoring compliance with the legal requirements</a></li> <li>• <a href="#">Advising the Intendant on program-related decisions</a></li> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul>	In general the broadcasting council takes decisions by simply majority.	The Broadcasting Council is entitled to decide if it wants to meet publicly.	There is no obligation to publish agendas and minutes of the meetings.
	Broadcasting council of the Saarländischer Rundfunk (SR)	<ul style="list-style-type: none"> <li>• <a href="#">Monitoring compliance with the legal requirements</a></li> <li>• <a href="#">Advising the Intendant on program-related decisions</a></li> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 28 SMG)</p>	In general the broadcasting council takes decisions by simply majority.	No information available	No information available
	Television council of the Zweites Deutsches Fernsehen (ZDF)	<ul style="list-style-type: none"> <li>• <a href="#">Monitoring compliance with the legal requirements</a></li> <li>• <a href="#">Advising the Intendant on program-related decisions</a></li> <li>• Approves the annual budget</li> <li>• Determines its own rules of procedure</li> </ul> <p>(§ 20 Interstate Treaty for ZDF)</p>	In general the television council takes decisions by simply majority.	No information available	No information available

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Regulatory Affairs Commission (ZAK)	<p>According to § 36 Abs. 2 S.1 Nr. 1 - 9 RStV:</p> <ul style="list-style-type: none"> <li>• Licensing, withdrawing or revoking the licences of national service providers</li> <li>• Supervisory measures concerning national commercial broadcasters</li> <li>• Development of common standards for all states</li> </ul> <p>Regarding internal organisation and procedures and human and financial resources:</p> <ul style="list-style-type: none"> <li>• Approves own budget</li> <li>• Determines its own rules of procedure</li> </ul>	The commission takes decisions with the majority of the votes of the statutory members.	No information available	Only general reports and press releases are published.
	Commission for the Protection of Minors in the Media (KJM)	<ul style="list-style-type: none"> <li>• Serving the State Media Authority in the fulfilment of their tasks to verify compliance with the provisions of the JMStV (§ 14 (2) JMStV)</li> <li>• Monitoring the application of the provisions of the JMStV (§ 16 JMStV)</li> <li>• Certifying voluntary self-regulation organisations and taking back or revoking the certification (§ 16 JMStV).</li> </ul> <p>Regarding internal organisation and procedures and human and financial resources:</p> <ul style="list-style-type: none"> <li>• Approves own budget</li> <li>• Determines its own rules of procedure</li> </ul>	The commission takes decisions with the majority of the votes of the statutory members; in the case of parity of votes, the chairperson has the decisive vote.	No information available	Only general reports and press releases are published.

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Germany	LfK	Chairman (head of the authority)	Yes	Election by parliament of the State	Election by parliament of the State and is appointed by the Minister President of the State.	No	§ 36 LMedienG B_W
		Board of Directors (Vorstandsmitglieder)	No		Board members are elected by the State Parliaments with a majority of two thirds of the parliamentary members.	N/A	§ 36 LMedienG B_W
	BLM	Chairman (head of the authority)	Yes	Members of the media council bring proposals	Election of the president (head) by the media council	No	§ 15 BayMG in accordance <del>to</del> with § 18 GOMR (rules of procedure)
		Board members	No		Socially relevant groups and parliamentary groups choose representatives.	N/A	§ 13 (1) BayMG
	mabb	Chairman (head of the authority)	<del>No</del> Yes	<u>Media Council</u>	<u>Chairman of the Media Council</u> <del>The chairman is elected by both the State</del>	<del>N/A</del> No	§ 13 (1) MSTV

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					<del>with a majority of two thirds of the votes of the statutory members.</del>		
		Board members	No		Experts are elected by the State Parliament of Berlin (3 persons) or the State Parliament of Brandenburg (3 persons) with a majority of two thirds of the votes of the statutory members.	N/A	§ 10 (1) MStV
	brema	Chairman (head of the authority)	No		The director of the brema is elected by the <del>state broadcasting committee</del> Media Council.	N/A	§ 53 BremLMG
		Board members	<del>No</del> Yes- Nomination stage for 13 members	<del>Socially relevant groups and organizations propose representatives to the State Parliament.</del>	Socially relevant groups and parliamentary groups send representatives to the <del>state broadcasting committee</del> Media Council; <del>representatives who are proposed by socially relevant</del>	<del>No information available</del> N/A	§ 4950a BremLMG

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					<del>groups are elected by the State Parliament.</del>		
	MA HSH	Chairman (head of the authority)	No		The director of the MA HSH is elected by the media council.	N/A	§ 47 Medienstaatsvertrag HSH
		Board members	Yes	Socially relevant groups and organizations proposes representatives (= experts) to the State Parliament.	Representatives are elected by the State Parliament.	No information available	§ 42 Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	Open call		The director of the LPR is elected by the assembly with a majority of the votes of the statutory members.	N/A	§ 53 HPRG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the assembly.	N/A	§ 49 HPRG
	mmv	Chairman (head of the authority)	Open call	<u>The director of the mmv is elected by the by the Media Council with a majority of the votes of the statutory members.</u>	<u>Appointed by the Chairman of the Media Council</u> <del>The director of the mmv is elected by the by the board with a majority</del>	<del>N/A</del> <u>No</u>	§ 57 RundfG M-V

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					<del>of the votes of the statutory members.</del>		
		Board members	No		Socially relevant groups send representatives to the board.	N/A	§ 52 RundfG M-V
	NLM	Chairman (head of the authority)	No		The director is elected by the board.	N/A	§ <del>48</del> 47 NMedienG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ <del>40</del> 39 NMedienG
	LfM	Chairman (head of the authority)	Open call		The director is elected by the board.	N/A	§ 100 LMG NRW
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 93 LMG NRW
	LMK	Chairman (head of the authority)	No		The director is elected by the board.	N/A	§ 44 LMG <u>Rh-Pf</u>
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 40 LMG <u>Rh-Pf</u>

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
	LMS	Chairman (head of the authority)	No		The director is elected by the State Parliament with a majority of two thirds of the votes of the statutory members.	N/A	§ 58 SMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 56 SMG
	SLM	President (head of the authority)	<del>Yes</del> No	<del>Socially relevant groups and organizations proposes representatives (= experts) to the State Parliament.</del>	<del>The representatives are elected by the State Parliament. Following they</del> Members of the Media Council elect the President from their midst.	<del>No information available</del> N/A	§ 32 SächsPRG
		Board members	Yes	Bodies of the SLM, media organisations of supra-regional importance and socially relevant groups and organizations, who are authorized to send representatives to the board.	The members of the Media Council are elected by the State Parliament with a majority of two thirds of the votes of the statutory members.	No information available	§ 31 SächsPRG



Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
	MSA	Chairman (head of the authority)	No		The director is appointed by the board.	N/A	§ 43 (3) MedienG LSA
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 42 MedienG LSA
	TLM	Chairman (head of the authority)	Open call		The director is elected by the board with the majority of the votes of the statutory members.	N/A	§ <del>49</del> 46 Thür LMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 45 Thür LMG
	BR	Chairman (Intendant)	No		Intendant is elected by the board with <u>simple</u> majority.	N/A	<del>§ 12 BR law</del> ; Art. 7 <del>Abs. (1)</del> BayRG combined with § 2 Geschäftsordnung des BR- Rundfunkrats
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 6 <del>BR law</del> BayRG

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
	SWR	Chairman (Intendant)	No		Intendant is elected by the media council <del>and the administrative council together</del> with the majority of the votes of the statutory members. <u>The Administrative Council shall be included in the election.</u>	N/A	§ 26 SWR-interstate treaty
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 14 SWR-interstate treaty
	HR	Chairman (Intendant)	No		Intendant is elected by the media council with <del>simple</del> majority.	N/A	§ 16 HR-law
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 5 HR-law
	MDR	Chairman (Intendant)	Yes	Proposal by the administrative board.	Intendant is elected by the media council with the majority of the votes of the statutory members.	No information available	§ 30 MDR-interstate treaty

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 19 MDR-interstate treaty
	NDR	Chairman (Intendant)	Yes	Proposal by the administrative board.	Intendant is elected by the media council.	No information available	§ 28 NDR-interstate treaty
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 17 NDR-interstate treaty
	rbb	Chairman (Intendant)	No		Intendant is elected by the media council.	N/A	§ 22 rbb-interstate treaty
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 14 rbb-interstate treaty
	RB	Chairman (Intendant)	Yes	Finding commission is set up <u>by the media council together with the administrative council</u>	Intendant is elected by the media council.	N/A	§ 15 RB-law

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 10 RB-law
	WDR	Chairman (Intendant)	No		Intendant is elected by the media council.	N/A	§ <del>24</del> 16 (2) WDR-law
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board.	N/A	§ 15 WDR-law
	SR	Chairman (Intendant)	No		Intendant is elected by the media council with a majority of two thirds of the votes of the statutory members.	N/A	§ 34 SMG
		Board members	No		Socially relevant groups and parliamentary groups send representatives to the board in their own responsibility.	N/A	§ 27 SMG
	ZDF	Chairman (Intendant)	No		Intendant is elected by the media council with the majority of three fifth of <del>the votes of</del> the statutory members.	N/A	§ 26 ZDF-interstate treaty

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Board members	Yes	Socially relevant groups and organizations propose representatives.	Representatives of the socially relevant are appointed by the respective Minister President.	No information available	§ 14 ZDF-interstate treaty
	ZAK	Chairman	N/A		The chairman of ZAK is the chairman of the Directors' Conference of the State Media Authorities (DLM)	N/A	§ 2 (2) rules of procedure (GVO-ZAK)
		Board members	N/A		Comprises the legal representatives (Directors, Presidents) of the 14 State Media Authorities	N/A	§ 2 (1) rules of procedure (GVO-ZAK)
	KJM	Chairman	No information available		A director of a State Media Authority shall act as chairman.	No information available	§ 14 JMStV

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Board members	N/A		The KJM consists of 12 experts. Of these, six members shall be delegated by the directors of the State Media Authorities following consensual appointment by the State Media Authorities, four members shall be delegated by the supreme state youth authorities in charge of the protection of minors, two members shall be delegated by the supreme federal authority in charge of the protection of minors.	N/A	§ 14 JMStV

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Germany	LfK	Chairman of the LfK	6 years	No information available	Once	§ 36 LMedienG B_W
		Board of Directors (Vorstand) members	6 years	No information available	<del>Once</del> Yes	§ 36 LMedienG B_W
	BLM	Chairman (head of the authority)	5 years	No information available	No information available	§ 15 BayMG
		Board members	5 years	No information available	No information available	§ 13 BayMG
	mabb	Chairman (head of the authority)	5 years	<del>No information available</del>	Yes	§ 13 MStV
		Board members	5 years	No information available	No information available	§ 9 MStV
	brema	Chairman (head of the authority)	5 years	No information available	Yes	§ 53 BremLMG
		Board members	4 years	No information available	<del>No information available</del> Yes, max. 12 years	§ 4950a BremLMG
	MA HSH	Chairman (head of the authority)	5 years	No information available	<del>Yes</del> No information available	§ 4847 Medienstaatsvertrag HSH
		Board members	5 years	No information available	No information available	§ 44 Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	<del>No information available</del> 6 years	No information available	No information available	§ 44 HPRG
		Board members	45 years	No information available	No information available	§ 4940 HPRG
	mmv	Chairman (head of the authority)	6 years	No information available	<del>No information available</del> Once (then a period of up to 12 years is possible)	§ 57 RundfG M-V

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
		Board members	5 years	No information available	<del>No information available</del> Once	§ 54 RundfG M-V
	NLM	Chairman (head of the authority)	5 years	No information available	Yes	§ <del>48</del> 47 NMedienG
		Board members	6 years	No information available	No information available	§ <del>40</del> 39 NMedienG
	LfM	Chairman (head of the authority)	6 years	No information available	Yes	§ 100 LMG NRW
		Board members	6 years	No information available	No information available	§ 96 LMG NRW
	LMK	Chairman (head of the authority)	6 years	No information available	No information available	§ 44 LMG <u>Rh-Pf</u>
		Board members	5 years	No information available	No information available	§ 40 LMG <u>Rh-Pf</u>
	LMS	Chairman (head of the authority)	7 years	No information available	<del>Yes-</del>	§ 58 SMG
		Board members	4 years	No information available	No information available	§ 56 SMG
	SLM	President	6 years	No information available	<del>Yes-Once-</del>	§ 31 SächsPRG
		Board members	6 years	No information available	<del>Yes-Once-</del>	§ 31 (10) SächsPRG



Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
	MSA	President of the board of the directors	6 years	No information available	No information available	§ 45 MedienG LSA
		Board members	6 years	No information available	No information available	§ 42 MedienG LSA
	TLM	Chairman (head of the authority)	6 years	No information available	No information available	§ <del>49</del> 46 Thür LMG
		Board members	4 years	No information available	No information available	§ <del>45</del> 42 Thür LMG
	BR	Chairman (Intendant)	5 years	No information available	Yes	§ 12 <del>BR-law</del> BayRG
		Board members	5 years	No information available	No information available	§ 6 <del>BR-law</del> BayRG
	SWR	Chairman (Intendant)	5 years	No information available	Yes	§ 26 SWR-interstate treaty
		Board members	5 years	No information available	<del>No information available</del> Twice	§ 14 SWR-interstate treaty
	HR	Chairman (Intendant)	5-9 years	No information available	Yes	§ 16 HR-law
		Board members	4 years	No information available	No information available	§ <del>5</del> 6 HR-law
	MDR	Chairman (Intendant)	6 years	No information available	Yes	§ <del>21</del> ,30 MDR-interstate treaty
		Board members	6 years	No information available	No information available	§ <del>19</del> 21 MDR-interstate treaty

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
	NDR	Chairman (Intendant)	6 years	No information available	Yes	§ 28 NDR-interstate treaty
		Board members	5 years	No information available	<del>No information available</del> Once	§ 4719 NDR-interstate treaty
	rbb	Chairman (Intendant)	5 years	No information available	Yes	§ 22 rbb-interstate treaty
		Board members	4 years	No information available	No information available	§ 14 rbb-interstate treaty
	RB	Chairman (Intendant)	5 years	No information available	Yes	§ 15 RB-law
		Board members	4 years	No information available	Yes- <del>Twice</del> - (up to 12 years)	§ 10 RB-law
	WDR	Chairman (Intendant)	6 years	No information available	Yes	§ 24 WDR-law
		Board members	6 years	No information available	<del>No information available</del> Yes	§ 15 WDR-law
	SR	Chairman (Intendant)	6 years	No information available	<del>No information available</del> Yes	§ 34 SMG
		Board members	4 years	No information available	<del>No information available</del> Yes	§ 27 SMG
	ZDF	Chairman (Intendant)	5 years	No information available	Yes	§ 26 ZDF-interstate treaty
		Board members	4 years	No information available	No information available	§ 14 ZDF-interstate treaty

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Germany	<del>LMA</del> (LfK)	Chairman of the board	The chairman of the board shall have the qualification for <u>judgeship</u> <sup>higher administrative service</sup>	Not required	§ 34 (2) LMedienG <u>B-W</u>
		Board members	Not required	Not required	N/A
	BLM	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	mabb	Chairman (head of the authority)	Shall have the qualification for judgeship	Not required	§ 13 (2) MStV
		Board members	The chairman of the board shall have the qualification for judgeship	Requisite professional expertise explicit as necessary stated	§ 9 (1); § 12 (3) MStV
	brema	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	MA HSH	Chairman (head of the authority)	Shall have the qualification for judgeship	Not required	§ 47 Medienstaatsvertrag HSH
		Board members	Shall have the qualification for judgeship	Requisite experience in the media sector	§ 41 (1) Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	Not required	Requisite experience in the media sector	§ 53 (1) HPRG
		Board members	Not required	Not required	N/A

Country	Body		Qualifications	Professional expertise	Source
	mmv	Chairman (head of the authority)	Not required	Expertise <u>in broadcasting and administration</u> necessary	§ 57 (1) RundfG M-V
		Board members	Not required	Not required	N/A
	NLM	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	LfM	Chairman (head of the authority)	<del>Not required</del> <u>Qualification for judgeship</u>	Not required	<del>N/A</del> <u>§ 100 (1) LMG NRW</u>
		Board members	Not required	Not required	N/A
	LMK	Chairman (head of the authority)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	LMS	Chairman (head of the authority)	Shall have the qualification for judgeship <u>or for higher administrative service</u>	Not required	§ 58 SMG
		Board members	Not required	Not required	N/A
	SLM	President (head of the authority)	Shall have the qualification for judgeship	Not required	§ 32 (1) SächsPRG
		Board members	Not required	Requisite professional expertise in the media sector- <u>explicit as necessary stated</u>	§ 31 (1) SächsPRG

Country	Body		Qualifications	Professional expertise	Source
	MSA	Chairman (head of the authority)	<del>Not required</del> Shall have the qualification for <u>judgeship</u>	Not required	<del>N/A</del> § 49 (1) MedienG LSA
		Board members	Not required	Not required	N/A
	TLM	Chairman (head of the authority)	<del>Not required</del> Qualification for judgeship or for <u>higher administrative activities or similar qualification</u>	<del>Not required</del> Expertise in <u>media law</u>	<del>N/A</del> § 46 Thür LMG
		Board members	Not required	Not required	N/A
	BR	Chairman (Intendant)	Not required	Not required	Verordnung über die Wahlen zum Rundfunkrat des Bayerischen Rundfunks und zum Medienrat der Bayerischen Landeszentrale für Medien (act on elections to the broadcasting council and the media board of the Bavarian regulatory authority for commercial broadcasting)
		Board members	Not required	Not required	N/A
	SWR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	HR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	MDR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	NDR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	rbb	Chairman (Intendant)	Not required	Not required	N/A

Country	Body		Qualifications	Professional expertise	Source
		Board members	Not required	Not required	N/A
	RB	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	WDR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Requisite experience in the broadcasting sector	15 Abs. 12 WDR- <del>law</del> Gesetz
	SR	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A
	ZDF	Chairman (Intendant)	Not required	Not required	N/A
		Board members	Not required	Not required	N/A

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Germany	LfK	Chairman of the board	Yes		Yes Cannot be members of the federal and state constitutional organs.	No	Yes Cannot be members of the governing bodies or employees of public broadcasting entities, commercial broadcasters or telemedia providers.	Yes, but there is a set of exceptions: see incompatibilities in left columns plus officials of the European Union	No information available	§ 34 (4) LMedienG <u>B-W</u>
		Board members	Yes		Yes	No	Yes	Same as above (s.o.)	No information available	§ 34 (4) LMedienG <u>B-W</u>
	BLM	Chairman (head of the authority)	Yes		<u>YesNo</u>	No	<u>YesNo</u>	<u>s.o. (LfK)</u>	No information available	§ 15 BayMG
		Board members	Yes		Yes (except from one member from government that has to be appointed)	No	Yes	<u>s.o. (LfK)</u>	Prohibition to represent interests that are in conflict with board objectives	§ 13 BayMG
	mabb	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 11 MStV
	brema	Chairman (head of the authority)	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>s.o. (LfK)</u>	<u>Prohibition to represent interests that are in conflict with board objectives</u>	<u>§ 50 BremLMG</u>
		Board members	Yes		Yes	No information available	Yes	s.o. (LfK)	<u>No information available Prohibition to represent interests that are in conflict with board objectives</u>	§ 50 BremLMG

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	MA HSH	Chairman (head of the authority)	Yes	No	Yes	No	Yes		No information available	<a href="#">§ 47 in combination with § 43 Medienstaatsvertrag HSH</a>
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 43 Medienstaatsvertrag HSH
	LPR Hessen	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 54 HPRG
		Board members	Yes		No	No	Yes		No information available	§ 49 HPRG
	mmv	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No-information available	Yes	s.o. (LfK)	No information available	§ 54 RundfG M-V
	NLM	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ <del>44</del> 40 NMedienG
	LfM	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 101 LMG NRW <a href="#">in combination with § 91 LMG NRW</a>
		Board members	Yes		Yes	No	Yes		No information available	§ 91 LMG NRW
	LMK	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	No information available	§ 44 LMG <a href="#">Rh-Pf in combination with § 41 LMG Rh-Pf</a>
		Board members	Yes		Yes	No	Yes		No information available	§ 41 LMG <a href="#">Rh-Pf</a>
	LMS	Chairman (head of the authority)	Yes	No	Yes	No	Yes	s.o. (LfK)	No information available	§ 58 SMG <a href="#">in combination with § 56 SMG</a>



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		Board members	Yes		Yes	No information available	Yes	s.o. (LfK)	No information available	§ 56 SLMG
	SLM	President (head of the authority)	Yes		Yes	No information available	Yes	s.o. (LfK)	No information available	§ 31 (5) SLM SächsPRG
		Board members	Yes		Yes	No information available	Yes		No information available	§ 31 (5) SLM SächsPRG
	MSA	Chairman (head of the authority)		No						
		Board members	Yes		Yes	No Yes (no member of parliament)	Yes	s.o. (LfK)	No information available	§ 42 MedienG LSA
	TLM	Chairman (head of the authority)	Yes		Yes	No	Yes	s.o. (LfK)	Not possible in case of person's negative past (in particular Stasi-past)	§ 4547 ThürLMG
		Board members	Yes		No	No	Yes		Not possible in case of person's negative past (in particular Stasi-past) Centre of life to be in Thuringia	§ 5042 ThürLMG
	BR	Chairman (Intendant)		No	No					
		Board members	Yes		Yes. Certain members (non- government representatives) may not be members of the state government.	No	YesNo	No information available	No information available	§ 6 BR-law
	SWR	Chairman (Intendant)		No						
		Board members	Yes		NoYes	No	Yes	No information available	No information available	§ 13 SWR-Interstate Treaty

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	HR	Chairman (Intendant)		No						
		Board members	Yes		No	No	Yes	No information available	Prohibition to represent interests that are in conflict with board objectives	§ 5 HR-law
	MDR	Chairman (Intendant)	<u>Yes</u>	<u>No</u>					<u>Not possible in case of person's negative past (in particular Stasi-past)</u>	<u>§ 18 MDR-Interstate Treaty</u>
		Board members	Yes		Yes (except for members from government that have to be appointed)	No	Yes	No information available	Not possible in case of person's negative past (in particular Stasi-past)	§ 18 MDR-Interstate Treaty
	NDR	Chairman (Intendant)		No					No information available	
		Board members	Yes		Yes	No	Yes	No information available	Centre of life to be in NDR's broadcasting area	§ 16 NDR-Interstate Treaty
	<del>Rrb</del>	Chairman (Intendant)	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No information available</u>	<u>No information available</u>	<u>§ 12 rbb-Interstate Treaty</u>
		Board members	Yes		Yes	No	<u>No</u> Yes	<u>No information available</u>	No information available	§ 12 rbb-Interstate Treaty
	RB	Chairman (Intendant)		No						
		Board members	Yes		Yes	No	<u>No</u> Yes	No information available	No information available	§ 9 RB-law
	WDR	Chairman (Intendant)		No						
		Board members	Yes		Yes	<u>No</u> Yes (no member of parliament)	Yes	s.o. (LfK)	No information available	§ 13 WDR-law

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	SR	Chairman (Intendant)	<del>Yes</del>	<u>No</u>	<del>Yes</del>	<del>No</del>	<del>Yes</del>	<del>No information available</del>	<del>No information available</del>	<del>§ 6 SMG</del>
		Board members	Yes		Yes (except for one member from government that has to be appointed)	No	Yes	<u>No information available</u>	No information available	<u>§ 26 SMG</u>
	ZDF	Chairman (Intendant)		No						
		Board members	Yes		No	No information available	Yes	No information available	Prohibition to represent interests that are in conflict with board objectives	§ 21 (9) ZDF-Interstate Treaty
	KJM	Chairman		No						
		Board members	Yes		Yes	No information available	Yes	No information available	No information available	§ 14 JMStV

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Germany	Competent State Media Authorities	Chairman	Yes		Yes	No	Yes	<a href="#">e.g.</a> § 37 LMedienG B-W See Table 20: Following persons may not be Chairman or members of the board: members and employees of the institutions of the European Union, the federal and state constitutional organs, members of the governing bodies and employees of the public broadcasting entities and the commercial broadcasters or telemedia providers.
		Board members	Yes		Yes	No	Yes	see above
		Senior staff		No				
	BR	Chairman and Board Members	Yes		Yes. Certain members (non-government representatives) may not be members of the state government.	No	No	Art. 6 Abs. 3 - 5 BayRG; Verordnung über die Wahlen zum Rundfunkrat des Bayerischen Rundfunks und zum Medienrat der Bayerischen Landeszentrale für Medien (act on elections to the broadcasting council and the media board of the Bavarian regulatory authority for commercial broadcasting)
	WDR	Chairman and Board Members	Yes		Yes	No	Yes	§ 13 Abs. 3 – 4 WDR- <a href="#">Gesetzlaw</a>
	<a href="#">Rbb</a>	Chairman and Board Members	Yes		Yes	No	Yes	§ 12 rbb Interstate Treaty on Broadcasting
	SWR	Chairman and Board Members	Yes		Yes	No	<del>No</del> Yes	§ 13 SWR-Interstate Treaty
	HR	Chairman and Board Members	Yes		Yes	No	No	§ 5 HR-law
	MDR	Chairman and Board Members	Yes		Yes	No	<del>No</del> Yes	§ 18 MDR-Interstate Treaty
	NDR	Chairman and Board Members	Yes		Yes	No	<del>No</del> Yes	§ 16 NDR-Interstate Treaty
	RB	Chairman and Board Members	Yes		Yes	No	<del>No</del> Yes	§ 9 RB-law
	SR	Chairman and Board Members	Yes		Yes	No	<del>No</del> Yes	§ <u>26</u> SMG
	ZDF	Chairman and Board Members	Yes		No information available	No	Yes	§ 21 (9) ZDF-Interstate Treaty

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Germany	competent State Media Authorities (no evidences found)	Chairman		No		
		Board members		No		
		Senior Staff		No		
	BR			No		
	WDR			No		
	rbb			No		
	SWR			No		
	HR			No		
	MDR			No		
	NDR			No		
	RB			No		
	SR			No		
	ZDF			No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Germany	LfK	Chairman of the board	Yes		Parliament	Violation of obligations	Only individual members	§ 36 LMedienG <a href="#">B-W</a>
		Board members	Yes		Parliament (dismissal by qualified two third-majority vote)	Violation of obligations		§ 36 LMedienG <a href="#">B-W</a>
	BLM	Chairman	Yes		Media council (board)	Dismissal for an important reason.	Only individual members	§ 15 BayMG
		Board members	Yes		<del>Appointing bodies Socially relevant groups and organizations</del>	Leaving the respective organization or group.		§ 13 BayMG
	mabb	Chairman	Yes		Media council (board)	Dismissal for an important reason.	Only individual members	§ 103 MStV
		Board members	Yes		Media council (board)	Subsequent occurrence of incompatibility.		§ 130 MStV
	brema	Chairman	Yes		State broadcasting committee (board)	Subsequent occurrence of incompatibility; violation of obligations	Only individual members	§§ 50, 53 BremLMG
		Board members	Yes		State broadcasting committee (board); <del>Appointing bodies Socially relevant groups and organizations</del>	Subsequent occurrence of incompatibility		§§ 49, 50 BremLMG
	MA HSH	Chairman	Yes		President of the respective State Parliament	Subsequent occurrence of incompatibility	No information available	§ 43 Medienstaatsvertrag HSH
		Board members	No information available					

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	LPR Hessen	Chairman	Yes		A majority of two third of the assembly may dismiss the Chairman	No information available		§ 53 HPRG
		Board members	Yes		<del>Appointing bodies</del> <del>Socially relevant groups</del> <del>and organizations</del>	Leaving the respective organization or group	Only individual members	§ 49 HPRG
	mmv	Chairman	Yes		Media council	Dismissal for an important reason		§ 57 RundfG M-V
		Board members	No information available					
	NLM	Chairman	<del>No</del> <del>information</del> <del>available</del> Yes		<u>Assembly</u>	<u>Important grounds</u>		<u>§ 47 (1) NMedienG</u>
		Board members	Yes		Assembly	Subsequent occurrence of incompatibility	Only individual members	§ 41 NMedienG
	LfM	Chairman	<del>No</del> <del>information</del> <del>available</del> Yes		<u>Media commission (two- thirds of members)</u>	<u>Important grounds</u>		<u>§ 100 (2) LMG NRW</u>
		Board members	Yes		Media commission; <del>appointing bodies</del> <del>socially</del> <del>relevant groups</del> <del>and organizations</del>	Subsequent occurrence of incompatibility; leaving the respective organization or group	Only individual members	§§ 91, 96 LMG NRW
	LMK	Chairman	<del>No</del> <del>information</del> <del>available</del> Yes		<u>Assembly</u>	<u>Important grounds</u>		<u>§ 44 (1) LMG Rh-Pf</u>
		Board members	Yes		<del>Appointing</del> <del>bodies</del> <del>Socially relevant</del> <del>groups and organizations</del>	Leaving the respective organization or group	Only individual members	§ 40 LMG Rh-Pf
	LMS	Chairman	Yes		Upon application by the board, the State Parliament may dismiss the director	Violation of obligations		§ 58 SMG
		Board members	No information available					
	SLM	President	Yes		Media council	Subsequent occurrence of incompatibility	No information available	§ 31 (5) SächsPRG

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
		Board members	Yes		Media council	Subsequent occurrence of incompatibility		§ 31 (5) SächsPRG
	MSA	Chairman	No information available					
		Board members						
	TLM	Chairman	Yes		A majority of two third of the assembly may dismiss the Chairman	No information available	No information available	§ 49 ThürLMG
		Board members	No information available					
	BR	Chairman (Intendant)	Yes		Broadcasting council;	Dismissal for an important reason	Only individual members	§ 12 BR-law; § 2 Abs. 6 Geschäftsordnung BR- Rundfunkrat (rules of internal procedure of the Bavarian Broadcasting Council)
		Board members	Yes		<del>Appointing bodies</del> <del>Socially relevant groups and organizations</del> and State parliament	Leaving the respective organization, group or party		§ 6 BR-law
	SWR	Chairman (Intendant)	Yes		Joint decision of broadcasting council and administrative council	<del>No information available</del> <del>No specific grounds mentioned</del>	Only individual members	§ 26 SWR-Interstate Treaty
		Board members	Yes.		Broadcasting council or administrative council	Conflicts of interest		§ 13 SWR-Interstate Treaty
	HR	Chairman (Intendant)	Yes.		Joint decision of broadcasting council and administrative council	<del>No information available</del> <del>Severe and deliberate violation of obligations</del>	No information available	§ 16 HR-law
		Board members	No information available					



Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
	MDR	Chairman (Intendant)	<u>Yes</u>		Upon proposal by the administrative board, the broadcasting council may dismiss the Intendant	<del>No information available</del> <u>No specific grounds mentioned</u>	Only individual members	§ 30 MDR-Interstate Treaty
		Board members	Yes.		<u>Appointing bodies</u> <del>Socially relevant groups and organizations</del>	Leaving the respective organization or group		§ 19 MDR-Interstate Treaty
	NDR	Chairman (Intendant)	Yes		Upon proposal by the administrative board, the broadcasting council may decide the dismissal of the Intendant	<del>No information available</del> <u>No specific grounds mentioned</u>	No information available	§ 28 NDR-Interstate Treaty
		Board members	No information available					
	Rbb	Chairman (Intendant)	Yes		Broadcasting council	<del>No information available</del> <u>No specific reasons mentioned</u>	Only individual members	§ 22 rbb- Interstate Treaty
		Board members	Yes		Broadcasting council	Incompatibility		§ 14 rbb- Interstate Treaty
	RB	Chairman (Intendant)	Yes		<del>B</del> Broadcasting council		Only individual members	§ 15 RB-law
		Board members	Yes		<u>Appointing bodies</u> <del>Socially relevant groups and organizations</del>	Leaving the respective organization or group		§ 10 RB-law
	WDR	Chairman (Intendant)	Yes		Broadcasting council	dismissal for an important reason	No information available	§ 24 WDR-law; § 14 WDR-law
		Board members	Yes		Broadcasting council; <u>appointing bodies</u> <del>socially relevant groups and organizations</del>	subsequent occurrence of incompatibility; leaving the respective organization or group		§§ 14,15 WDR-law
	SR	Chairman (Intendant)	Yes		Broadcasting council	<del>No information available</del> <u>No specific grounds mentioned</u>	Only individual members	§ 34 SMG
		Board members	Yes		Broadcasting council	Subsequent occurrence of incompatibility		§ 27 SMG
	ZDF	Chairman (Intendant)	Yes		Broadcasting council and administrative Council	<del>No information available</del> <u>No specific grounds mentioned</u>	Only individual members	§ 26 ZDF-Interstate Treaty
		Board members	Yes		Broadcasting council; <u>appointing bodies</u> <del>socially relevant groups and organizations</del>	Conflict of interest		§ 21 ZDF-Interstate Treaty

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Germany	competent State Media Authorities	2008-2009 <sup>14</sup>	Chairman		No		
			Individual board members		No		
		2007	Chairman	Yes		Hamburg and Schleswig-Holstein because of the fusion of the two media authorities	
			Individual board members	Yes		Hamburg and Schleswig-Holstein because of the fusion of the two media authorities	
		2005-2006	Chairman		No		
			Individual board members		No		
	BR			No		There have been no dismissals before term in the past 5 years	
	WDR			No		There have been no dismissals before term in the recent past	
	MDR			No		There have been no dismissals before term in the recent past	
	rbb			Yes		Once – The rbb Broadcasting Council does not know the reasons for this	
	SWR					Unknown	
	HR					Unknown	
	NDR					Unknown	
	RB					Unknown	
	SR					Unknown	

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Germany	State Media Authority of Baden-Württemberg (Landesanstalt für Kommunikation Baden-Württemberg, LFK)	€8.4910.16m (952.45%)	No	No	License feeBroadcasting contributions are included in "other fees" and not published specifically. The highest decision-making organ decides on	No	Administration fees, revenue from reserves, cost revenues (see § 46 (1) LMedienG; Gebühren VO)	<a href="#">LMA yearbook 2014</a> <del><a href="#">ALM annual report 2008</a></del>
	Bavarian regulatory authority for commercial broadcasting (Bayerische Landeszentrale für neue Medien, BLM)	€22.6m96m (816.13%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <del><a href="#">ALM annual report 2008</a></del>
	Media Authority Berlin-Brandenburg (Medienanstalt Berlin- Brandenburg, mabb)	€6.89m42m (8271.3%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <del><a href="#">ALM annual report 2008</a></del>
	State Media Authority of Bremen (Bremische Landesmedienanstalt, brema)	€1.595m (846.24%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <del><a href="#">ALM annual report 2008</a></del>
	Media Authority Hamburg/Schleswig- Holstein (Medienanstalt Hamburg/Schleswig- Holstein, MA HSH)	€1.8799m (64.459.0%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <del><a href="#">ALM annual report 2008</a></del>
	Regulatory Authority for Commercial Broadcasting Hesse (Hessische Landesanstalt für privaten Rundfunk und neue Medien, LPR Hessen)	€6.6472m (86.791.1%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <del><a href="#">ALM annual report 2008</a></del>

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
	Media Authority Mecklenburg-Western Pomerania (Medienanstalt Mecklenburg-Vorpommern, mmv)	€2.58m (917.54%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	The State Media Authority of Lower Saxony (Niedersächsische Landesmedienanstalt, NLM)	€8.6m (904.29%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	Media Authority of Northrhine-Westfalia (Landesanstalt für Medien Nordrhein-Westfalen, LfM)	€16.4115.89m (8274.16%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	The State Media Authority of Rhineland-Palatinate (Landeszentrale für Medien und Kommunikation Rheinland-Pfalz, LMK)	€7.2137m (920.57%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	State Media Authority of Saarland (Landesmedienanstalt Saarland, LMS)	€2.3122m (925.15%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	Saxon regulatory authority for commercial broadcasting and new media (Sächsische Landesanstalt für privaten Rundfunk und neue Medien, SLM)	€5.854m (8890.3%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
	Media Authority of Saxony-Anhalt (Medienanstalt Sachsen-Anhalt, MSA)	€4.2332m (88.13%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	Thuringian State Media Authority (Thüringer Landesmedienanstalt, TLM)	€4.2329m (989.61%)	No	No	See above	No	See above	<a href="#">LMA yearbook 2014</a> <a href="#">ALM annual report 2008</a>
	Broadcasting Council of WDR	Indirectly	No	No	No	No	The WDR Broadcasting Council is financed through the broadcasting fees income of WDR	
	Bavarian Broadcasting Council	Indirectly	No	No	No	No	The BR Broadcasting Council is financed through the broadcasting fees income of BR	
	rbb Broadcasting Council	Indirectly	No	No	No	No	The rbb Broadcasting Council is financed through the broadcasting fees income of rbb	
	Broadcasting council of the Südwestrundfunk (SWR)	Indirectly	No	No	No	No	The SWR Broadcasting Council is financed through the broadcasting fees income of SWR	
	Broadcasting council of the Hessischen Rundfunk (HR)	Indirectly	No	No	No	No	The HR Broadcasting Council is financed through the broadcasting fees income of HR	
	Broadcasting council of the Mitteldeutschen Rundfunk (MDR)	Indirectly	No	No	No	No	The MDR Broadcasting Council is financed through the broadcasting fees income of MDR	

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
	Broadcasting council of the Norddeutschen Rundfunk (NDR)	Indirectly	No	No	No	No	The NDR Broadcasting Council is financed through the broadcasting fees income of NDR	
	Broadcasting council of the Radio Bremen (RB)	Indirectly	No	No	No	No	The RB Broadcasting Council is financed through the broadcasting fees income of RB	
	Television council of the Zweites Deutsches Fernsehen (ZDF)	Indirectly	No	No	No	No	The ZDF Television Council is financed through the broadcasting fees income of ZDF	

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Germany	State Media Authorities and public broadcasting entities	The annual budget is prepared by the director and is approved by the decision-making body of the respective State Media Authority. They <u>are</u> mainly financed by the broadcasting <u>feecontribution</u> , the licence fees as well as administrative fees and fines. Less than two percent of the licensing fee is used for the funding the bodies set up to supervise the private broadcasters (§§ 35 (10), 40 (1) RStV with regard to § 10 RFinSt).	Yes	head of the authority and the decision-making board(s)	No	e.g. § 16 MStV; §§ 15,25,34 SWR- Interstate Treaty
	BR	The annual budget for BR (including the budget allocated to the Broadcasting Council) is prepared by the BR chairman. It is then transmitted to the Administrative Council, which prepares an assessment for the Broadcasting Council. This assessment can include changes and additions. The Budget and Finance committee (Ausschuss für Wirtschaft und Finanzen) does a preliminary examination for the Broadcasting Council. It is then up to the Broadcasting Council to approve the budget.	Yes	Chairman, Administrative Council, Broadcasting Council, The Budget and Finance committee	No	Art. 7 Abs. 3 Nr. 6 BayRG
	WDR	The annual budget for WDR (including the budget allocated to the Broadcasting Council) is prepared by the WDR chairman. It is then transmitted to the Administrative Council, which prepares an assessment for the Broadcasting Council. This assessment can include changes and additions (including the budget allocated to the Broadcasting Council). It is then up to the Broadcasting Council to approve the budget	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 35 <a href="#">WDR-Gesetz</a> law

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
	rbb	The annual budget for rbb (including the budget allocated to the Broadcasting Council) is prepared by the rbb chairwoman. It is then transmitted to the Administrative Council, which prepares an assessment for the Broadcasting Council. This assessment can include changes and additions. It is then up to the Broadcasting Council to approve the budget.	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 26 rbb Interstate Treaty
	MDR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 20, 26, 32 ff. MDR-interstate treaty
	SWR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 34 SWR-interstate treaty
	HR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 9, 15 HR-law
	NDR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 33 NDR-
	RB	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 8, 13 RBG
	SR	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§ 38 SRG
	ZDF	See above	Yes	Chairman, Administrative Council, Broadcasting Council	No	§§ 20, 23 ZDF- interstate treaty



**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Germany	State Media Authorities and public broadcasting entities	Yes	Annual	State audit offices/financial auditor and audit court	No	No	e. g. § 17 MStV
	BR as body itself(including Broadcasting Council)	Yes	Annual	Highest court of auditors.	No	No	Art. 13 Abs. 2 BayRG
	WDR as body itself (including Broadcasting Council)	Yes	Annual	Federal state government and respective court of auditors	No	No	§ 41 Abs. 7 WDR-lawGesetz
	rbb as body itself (including Broadcasting Council)	Yes	Annual	Federal state government and respective court of auditors	No	No	§ 30 rbb-Interstate Treaty on Broadcasting
	MDR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 35 MDR-interstate treaty
	SWR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 35 SWR-interstate treaty
	HR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§§ 19 HR-law
	NDR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 34 NDR-interstate treaty
	RB as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	Accountant	No	§ 21 RBG
	SR as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 21 SRG
	ZDF as body itself (including Broadcasting Council)	Yes	Annual	Respective court of auditors	No	No	§ 30 Abs. 3 ZDF-Interstate treaty

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Germany	State Media Authorities and public broadcasting entities	Parliament	No	N/A	N/A
		Government as a whole	No	State government provides a legal supervision with limited powers	e.g. § 18 MStV BB; § 37 MDR-Interstate Treaty
		Specific ministers (e.g. Media, finance, etc.)	Yes	The regulation bodies are under legal supervision of certain state ministries, usually the State Chancellery of the Minister President (“Staatskanzlei”); respective government agency is responsible for ensuring that the regulatory bodies exercise their powers within the framework of the established legal and regulatory provisions. Reports	e.g. § 18 MStV BB; § 37 MDR-Interstate Treaty
		Public at large	Yes	Reports	Media laws
		Other	No	N/A	N/A
	BR council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	Art. 6 Abs. 1 BayRG
	WDR council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	§ 15 Abs. 12 Satz 2 WDR-Gesetz
	MDR council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	<a href="#">§ 18 Abs. 7 MDR-Saatsvertrag</a>
	Rbb council	Public at large	Yes	There is no formal means of reporting, such as reports or parliamentary questions	§ 12 rbb-Interstate Treaty on Broadcasting
	(...)*				

\* Due to very similar regimes governing broadcasting councils of public service broadcasters in this regard, tables in this chapter VI are only giving information on selected entities.

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Germany	SMA	Parliament/ministry/body/sect or/public (if more than one, cover in separate rows)	Between annual and five years	<i>No information available</i>	Yes	No	No	reports on financing and activities; see e.g. <a href="http://www.lpr-hessen.de/default.asp?m=309">www.lpr-hessen.de/default.asp?m=309</a> or the "Schlussberichte" at <a href="http://www.alm.de/258.html">http://www.alm.de/258.html</a>
	BR council	no formal reporting obligation to a parliament, ministry, government body or specific sector exists	N/A	N/A	N/A	N/A	N/A	N/A
	WDR council	no formal reporting obligation to a parliament, ministry, government body or specific sector exists	N/A	N/A	N/A	N/A	N/A	N/A
	rbb council	no formal reporting obligation to a parliament, ministry, government body or specific sector exists	N/A	N/A	N/A	N/A	N/A	N/A
	(...)							

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Germany	SMA	Yes	<i>No information available</i>	Yes Audit court	No	No	e.g. § 113 LMedienG NRW; § <a href="#">5451</a> Abs. 2 ThürLMG; § 49 Abs. 4 MStV HSH
	BR as body itself (including Broadcasting Council)	Yes	Annual	Yes Audit court	No	No	Art. 13 <del>BR-GBayRG</del>
	WDR as body itself (including Broadcasting Council)	Yes	Annual	Yes Audit court	No	No	§ 42 WDR- <del>Gl</del> aw
	rbb as body itself (including Broadcasting Council)	Yes	Annual	Yes Audit court	Possible:, audit courts decides	No	§ 30 rbb StV
	<a href="#">(...)</a>						

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Germany	State Media Authorities and Public Broadcasting Entities	Does anybody have the power to overturn decisions of the regulator?	No LMA are independent of the state and outside of the control of the government.	No	No	No	No	e.g. § 18 MStV; § 37 MDR-Interstate Treaty
		Does anybody have the power to give instructions to the regulatory body?	No Legal supervision by state government is limited to obvious breaches of legal provisions (limited ex post supervision, no ex ante instructions)	No	No	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	BVerfGE 73, S. 118ff. (165).
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body	Ministry/Minister	Government	Parliament	Other	Source
	BR	There is no authority that can instruct the BR Broadcasting Council or its members to make a specific decision or give a specific order; the Bavarian State Ministry of Sciences, Research and the Arts is only entitled to take measures, if the competent organs of the BR (including the internal pluralistic supervisory body of the Broadcasting Council) have failed to fulfil at all or sufficiently their duties within an adequate period of time.				<i>No information available</i>
	WDR	No, see above				
	rbb	There is no authority that can instruct the rbb Broadcasting Council or its members to make a specific decision or give a specific order.				
	(...)					

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Germany	SMA	Internal	1	Respective SMA	Objection (procedures based on administration laws)	Addressee of the measures	Media and administration laws
		External	1	Administrative court		Court proceedings	Addressee of the measures; partially competitors, e.g. related to selections; SMA
			2	Higher Administrative Court (Appeal)			
			3	Federal Administrative Court (Appeal)			

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
	PSBs	No appeal procedure Decisions by the council are not binding third parties; hence, there are no external addresses; internally the head of the broadcaster (Intendant) is bound to the decision of the board	N/A	N/A	N/A	N/A

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Germany	SMA			√	N/A
	BR (No external appeals)	N/A	N/A	N/A	N/A
	WDR (No external appeals)	N/A	N/A	N/A	N/A
	Rtrbb (No external appeals)	N/A	N/A	N/A	N/A
	(...)				

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Germany	State Media Authorities	√	√	√ mostly	Scope of court examination depends on grounds and type of body decisions of the Law of Administrative Proceedings of the State
	BR (No external appeals)	N/A	N/A	N/A	N/A
	WDR (No external appeals)	N/A	N/A	N/A	N/A
	Rbb (No external appeals)	N/A	N/A	N/A	N/A
	(...)				

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Germany	State Media Authorities	1 Body itself (SMA)	√		Situation depends on interpretation of the Law of Administrative Proceedings of the State.
		2 Administrative court		√	Court can repeal decision of SMA. SMA is obliged to decide again.
		3 Higher administrative court		√	Court can repeal decision of administrative court; administrative court is obliged to decide again
	BR	No external appeals	N/A	N/A	N/A
	WDR	No external appeals	N/A	N/A	N/A
	Rbb	No external appeals	N/A	N/A	N/A
	(...)				



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Germany	SMA	No concrete budget foreseen, SMA decides	Depending on needs of SMA	Yes (above certain amounts of money)	Administrative Procedures Act	Yes
	BR	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)	The Broadcasting Council can solicit external advice or expertise, if it deems so necessary in regard to the fulfilment of its duties. In carrying out the Public-Value-Test (Drei-Stufen-Test) it is even obliged to order an external report of experts for a market impact assessment (c.f. § 11 f Abs. 5 RStV).	Yes
	WDR	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)	According to § 16 Abs. 8 WDR-Gesetz, the Broadcasting Council can solicit external advice or expertise, if it deems so necessary in regard to the fulfilment of its duties.	Yes
	rtbb	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)		Yes
	(...)*					

\* Due to very similar regimes governing broadcasting councils of public service broadcasters in this regard, tables in this chapter VII are only giving information on selected entities.

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Germany	SMA	Formally: none; de facto consultations take place in the fields of allocation of channels; regulations & guidelines; no single decisions	Formally: none de facto: Broadcasters, media associations and consumers / public at large			Yes	Media laws
	BR	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemedia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	WDR	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemedia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	MDR	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemedia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	rrbb	Prior public consultation requirements are foreseen since June 1, 2009 if PSB plans a new online services (telemedia)	Public at large (online consultation)	At least 6 weeks		Yes	§ 11 f RStV
	(...)						

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Germany	SMA	<del>2009</del> 2005-2014	All in all about 1-5 per year; see <a href="http://www.alm.de">www.alm.de</a> <a href="http://www.die-medienanstalten.de">www.die-medienanstalten.de</a>
		2008	All in all about 1-5; see <a href="http://www.alm.de">www.alm.de</a>
		2007	All in all about 1-5; see <a href="http://www.alm.de">www.alm.de</a>
		2006	All in all about 1-5; see <a href="http://www.alm.de">www.alm.de</a>
		2005	All in all about 1-5; see <a href="http://www.alm.de">www.alm.de</a>
	BR	<del>2005</del> -2009-2014	No public consultation has taken place despite the consultation within the § 11 f RStV procedure, which is not in the range of the application of the AVMS directive
	WDR	<del>2005</del> -2009-2014	Same as above
	MDR	<del>2005</del> -2009-2014	Same as above
	rbb	<del>2005</del> -2009-2014	Same as above
	(...)		

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Germany	SMA	None	Yes, general administrative law requires reasoning and naming grounds for decisions.	Yes, impact assessment has to be considered, especially in view of proportionality of decision; however, publication of this is not necessary; basis is general administrative law	
	BR	None	Yes, internal statutes require reasoning	No	
	WDR	None	Yes, internal statutes require reasoning	No	
	rbb	None	Yes, internal statutes require reasoning	No	
	(...)				

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Germany	State Media Authorities	<p>Cooperation with the Regulatory Authority for Telecommunications (Federal Network Agency – BNetzAg) and with the Federal Cartel Office (§ 39a (1) RStV); the technical aspect (frequency management) is regulated by the BNetzAg, whereas the State Media Authorities have the competence for allocating spectrum to private broadcasters</p> <p>For the coordination and agreement on basic questions of national importance the State Media Authorities work together within the framework of the Association of State Media Authorities in the Federal Republic of Germany (ALM)</p> <p>The Commission on the Protection of Minors from harmful Media Content (KJM) is responsible for the investigation of programming complaints and serves the relevant responsible State Media Authority as an organ in the fulfillment of its tasks and provides for the implementation of the JMStV in commercial broadcasting and telemedia; the KJM shall be in charge of the definitive assessment of content pursuant to this Interstate Treaty (§ 16 JMSTV); the decisions of the KJM shall be binding upon the other bodies of the competent State Media Authority. They shall be taken as a basis for the decisions of the State Media Authority (§ 17 (1) JMStV)</p> <p>The Regulatory Affairs Commission (ZAK) has the competence for licensing national broadcasters (§ 36 (2) RStV); the State Media Authorities shall provide the bodies pursuant with the necessary human and material resources</p> <p>The State Media Authorities also cooperate with the Representative for Programme and Advertising regarding observation and analysis of programming</p> <p><a href="#">ALM-GVK</a></p>	<p>- §§ 35-38 RStV, § 17 JMStV: cooperation concerning protection of minors and concerning licensing and supervision of national broadcasters require national regulation</p> <p>- § 39a RStV: cooperation with the Regulatory Authority for Telecommunications (BNetzA)</p>	<p>- KJM- decisions shall be binding upon the other bodies of the competent State Media Authority</p>	

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
	Public Broadcasting Entities	The regional public broadcasters formed an association of public-service broadcasters in Germany ("Arbeitsgemeinschaft der Landesrundfunkanstalten, ARD"). The Committee Chairpersons' Conference and of the ARD coordinates the work of the broadcasting councils and the administrative council, e.g. organization and budgetary matters			§ 5a Statue of the ARD
	BR	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz" (GVK)		No	
	WDR	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz" (GVK)		No	
	MDR	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz". Other cooperations and interactions with other regulatory authorities are conducted informally.			
	rbb	The Broadcasting Councils of ARD's regional Broadcasters cooperate via the so called "Gremienvorsitzendenkonferenz". Other cooperations and interactions with other regulatory authorities are conducted informally and in an ad-hoc manner.			
	(...)*				

\* Due to very similar regimes governing broadcasting councils of public service broadcasters in this regard, table 40 in this chapter VIII are only giving information on selected entities.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Germany	ALM/DLM	EPRA; Tripartite; in single cases with Switzerland and Austria	European rules and regulations	The Directors' Conference of the State Media Authorities (DLM) has established a Commissioner for European Affairs.

Denmark

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Denmark	<p><del>TV: 5 digital tv channels, 19 satellite/cable channels</del></p> <p><del>50 local television channels-</del></p> <p><del><a href="http://kum.dk/kulturpolitik/medier/">http://kum.dk/kulturpolitik/medier/</a></del></p> <p><del>Radio: 3 nationwide, approx. 50 regional/local</del></p> <p><del><a href="http://kum.dk/kulturpolitik/medier/radio/">http://kum.dk/kulturpolitik/medier/radio/</a></del></p> <p><del><a href="http://www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/">www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/</a></del></p>	0	<p><del>TV: 178</del> (of which 8 are regional channels)</p> <p>Including one Parliamentary Channel</p> <p><del><a href="http://kum.dk/kulturpolitik/medier/tv/">http://kum.dk/kulturpolitik/medier/tv/</a></del></p> <p><del>Radio: 5 national, 9 regional</del></p> <p><del><a href="http://kum.dk/kulturpolitik/medier/radio/">http://kum.dk/kulturpolitik/medier/radio/</a></del></p> <p><del><a href="http://www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/">www.bibliotekogmedier.dk/medieomraadet/radio-og-tv/landsdaekkende-og-regional/</a></del></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Denmark	Information requirements (art. 5 AVMS Directive)	The Broadcasting Act	RTB	RTB	RTB/Ministry of Culture
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)	Not implemented in Radio and Television Broadcasting Act. However right of reply is established according to the Media Liability Act. <a href="http://www.pressnaevnet.dk/Information-in-English/The-Media-Liability-Act.aspx">www.pressnaevnet.dk/Information-in-English/The-Media-Liability-Act.aspx</a> (Part of <a href="http://www.pressnaevnet.dk/Information-in-English.aspx">http://www.pressnaevnet.dk/Information-in-English.aspx</a> )	The Press Council	The Press Council	The Press Council
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	The Broadcasting Act + The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – <del>16.12.2013</del> <del>28.01.2010</del> )	RTB	RTB	RTB/Ministry of Culture

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Denmark	The Radio and Television Board (RTB) („Radio- og TV-Nævnet“)	<a href="http://www.kulturstyrelsen.dk/english/media/the-radio-and-television-board/">http://www.kulturstyrelsen.dk/english/media/the-radio-and-television-board/</a> <a href="http://www.bibliotekogmedier.dk/english/radio-and-tv/">www.bibliotekogmedier.dk/english/radio-and-tv/</a>	2001	<a href="#">Kulturstyrelsen</a> <a href="#">H.C. Andersens Boulevard 2</a> <a href="#">1553 Copenhagen V.</a> <del>Denmark</del> <del>Radio- og TV-Nævnet, Styrelsen for</del>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Denmark	The Radio And Television Board	Yes	<del>Yes</del> No	No	<del>Yes</del> No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Denmark	RTB	Not foreseen in statutes/law	<del>Information not available</del> Estimate: 2014: 5 man-year	Not foreseen in law – but for 2015 the total amount available for subsidies to community media and Radio 24/7 (PSB – private radio) is: 19 M EUR <u>Administrative costs (staff salaries etc) not included.</u>	Information not available <u>[a budget is set each year for The Danish Agency for Culture as a whole – followed by flexible internal distribution, depending on the workload in the different offices.]</u>	<u>The Finance Act 2015:</u> <a href="http://www.fm.dk/publikationer/2015/finanslov-2015">http://www.fm.dk/publikationer/2015/finanslov-2015</a> , <u>The Ministry of Culture, p.7</u>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Denmark	RTB	The Broadcasting Act (20.03.2014) <a href="http://www.kum.dk/sww4498.asp">www.kum.dk/sww4498.asp</a>	<a href="#">The Broadcasting Act</a> + The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – 16.12. 2013)

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Denmark	RTB	Independent regulatory board	Yes			<a href="http://www.kulturstyrelsen.dk/english/media/the-radio-and-television-">http://www.kulturstyrelsen.dk/english/me dia/the-radio-and-television-</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Denmark	RTB		Yes (§ 11 in The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – <del>16.12.2013</del> <sup>28.01.2010</sup> )	<a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130031">https://www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- “ general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- “ general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- “ third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Denmark	RTB	Tick boxes	No	“	“
		Areas	-	In all areas linked to linear and non-linear audiovisual services	Linear and non-linear audiovisual services Licensing, Registration, monitoring compliance with Radio and Television Broadcasting Act and Executive Orders laid down according to the Act. Please see explanatory note about PSB
		Source	-	General act and specific legislation The Radio and Television Broadcasting Act <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=126149">www.retsinformation.dk/Forms/R0710.aspx?id=126149</a> (link to promulgation of the Act 827 of 26 August 2009 – not available in English), changed by Act 1269 of 16 December 2009 (implementation of the AVMS Directive) <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=129087">www.retsinformation.dk/Forms/R0710.aspx?id=129087</a> A number of Executive Orders concerning different types of television :non commercial (mostly regional), satellite and cable-stations and PSB (not available in English)	

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Denmark	RTB	Quotas	“	“	“			<p><u>Public Service Reports:</u>  <a href="http://www.kulturstyrelsen.dk/medier/tv/dr/public-service-redegoerelse/">http://www.kulturstyrelsen.dk/medier/tv/dr/public-service-redegoerelse/</a>  <u>Advertising:</u>  <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=152695">https://www.retsinformation.dk/Forms/R0710.aspx?id=152695</a>  <u>Protection of minors:</u>  <a href="https://www.retsinformation.dk/forms/r0710.aspx?id=161625#Kap12">https://www.retsinformation.dk/forms/r0710.aspx?id=161625#Kap12</a> (§ 48)  <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=126149">www.retsinformation.dk/Forms/R0710.aspx?id=126149</a>                      (link to promulgation of the Act 827 of 26 August 2009 — not available in English), changed by Act 1269 of 16 December 2009 (implementation of the AVMS Directive)  <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=129087">www.retsinformation.dk/Forms/R0710.aspx?id=129087</a>                      A number of Executive Orders concerning different types of television: non-commercial (mostly regional), satellite and cable stations and PSB (not available in English)</p>
		Advertising	“	“	“			
		Protection of minors	“	“	“			

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Denmark	RTB	Quotas	“ all sanctions are discretionary	N/A	“	“	N/A	According to RTB it can impose penalties under certain circumstances to TV2, which became a government-owned broadcaster in 2003.
		Advertising	“	N/A	“	“	N/A	
		Protection of minors	“	N/A	“	“	N/A	



**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Denmark	RTB	N/A	No New powers (enacted in 2009)	No New powers (enacted in 2009)	No New powers (enacted in 2009)	“	“	

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Denmark	RTB	“	N/A	No <del>New powers (enacted in 2009)</del>	“ <del>A few cases during recent years concerning local radio and television stations. Very few cases over the years, with one exception — a suspension of 1 hour more than 5 years ago — only a couple of local television stations have had their licence suspended or revoked.</del>	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Denmark	RTB	Yes, they are described in §§ 5-11 in The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – <del>16.12.2013</del> <del>28.01.2010.</del> ) Complaints are addressed in writing and must be sent to the RTB no later than 3 months after the incident; 4 weeks for complaints about advertisements.	<a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=160510">https://www.retsinformation.dk/Forms/R0710.aspx?id=160510</a> <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Denmark	RTB	Board	<del>10</del> 8	1	No	No	No	<del>9</del> 7	No	No information available	<a href="http://www.kulturstyrelsen.dk/medier/radio-og-tv-naevnet/www.retsinformatio">http://www.kulturstyrelsen.dk/medier/radio-og-tv-naevnet/www.retsinformatio</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Denmark	RTB	Implement regulation, monitor, decide	Decisions are taken by majority and the chairman has a casting vote.	No	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Denmark	RTB	Chairman	No	n/a	The Minister of Culture	n/a	<a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>
		Board members	No	n/a	The Minister of Culture	n/a	<a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130031">https://www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Denmark	RTB	Chairman of the board	4 years	No	Yes, no limits	The Broadcasting Act
		Board members	4 years	No	Yes, no limits	The Broadcasting Act

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Denmark	RTB	Chairman of the board	General-not specified	Legal, financial, administrative, business and media/cultural affairs	The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – <del>28.01.2010</del> )16.12.2013  <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130031">https://www.retsinformation.dk/Forms/R0710.aspx?id=130031</a>
		Board members	General –not specified	Legal, financial, administrative, business and media/cultural affairs	No information available

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Denmark	RTB	Chairman		No						n/a
		Board members		No						n/a
		Senior staff		No						n/a

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Denmark	RTB	Chairman		No				
		Board members		No				
		Senior staff		No				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Denmark	RTB	Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Denmark	RTB	Chairman		No				Only the general rules for public administration apply to the situation of possible dismissal of a board member.
		Individual board members		No				

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Denmark		<del>2014-09</del>	Chairman		No		
			Individual board members	Yes		<del>Conflict of interest. One board member stepped down when she took a position in DR (Danish Broadcasting company) 1 member was dismissed 2013</del>	<del>The member was relieved of duty at his own request. A new member was appointed by the Minister of Culture.</del>
		<del>2005-2008</del>	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Denmark	Radio And Television Board	No	State funding 100%	No	No	No	No	Yearly Finance Act <a href="#">Annual report, (Recent 2014)</a> <a href="#">Annual Report 2009</a> The secretariat of the Board is part of <a href="#">The Agency for Culture, the Agency for Libraries and Media</a> . It is not possible to break down the budget of the Agency to show the budget of the

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Denmark	RTB	Parliament	Only as provider of information to the Ministry of Finance	The Ministry of Finance, The Government and the Parliament	No	About the Danish Parliament (Folketinget) <a href="http://www.ft.dk/Folketinget/Arbejde_og_opgaver.aspx">www.ft.dk/Folketinget/Arbejde_og_opgaver.aspx</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Denmark	RTB	Yes	Annual	Yes National Audit Office (Rigsrevisionen)	No	No	The Danish Parliament – National Audit Law <a href="http://www.rigsrevisionen.dk/www.rigsrevisionen.dk/composite-">http://www.rigsrevisionen.dk/www.rigsrevisionen.dk/composite-</a>



## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Denmark	The Radio And Television Board	Parliament	No	N/A	N/A
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	(Annual report – the same as to the public in large – to the Minister of Culture)	
		Public at large	Yes	Annual report + press releases after meetings or in special cases	The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – <a href="#">28.01.2010-16.12.2013</a> )
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Denmark	The Radio And Television Board	The Radio And Television Board	Annual	The Board's activities within the areas covered by the Board's regulation	No	No	No	Executive Order Concerning rules of procedure for the Radio And Television Board <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130031">https://www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> (not available in English) Section 18 The newest available annual report is from 201409, see <a href="http://www.kulturstyrelsen.dk/medier/radio-og-tv-">http://www.kulturstyrelsen.dk/medier/radio-og-tv-</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Denmark	The Radio And Television Board	No	N/A	N/A	N/A	N/A	N/A

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Denmark	The Radio And Television Board	Does anybody have the power to overturn decisions of the regulator?	Yes	Yes If the Minister of Culture delegates a specific task to the RTB outside the specified and defined area for the RTB, the Minister can overturn decisions or recommendations. In other cases: No	No	No	No	The Broadcasting Act § 40, 5.
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes See above	No	No	No	The Broadcasting Act § 40, 5.
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	Yes	Yes See above	N/A	N/A	N/A	The Broadcasting Act § 40, 5.
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes	Yes See above	N/A	N/A	N/A	The Broadcasting Act § 40, 5.

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Denmark	The Radio And Television Board	Internal	1	None	Not relevant	Not relevant	Executive Order Concerning rules of procedure for the Radio And Television Board <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> (not available in English). Section 11
		External	1	(Usually two stages in court cases, special cases may apply for third stage) City court			
			2	Regional court			
			3	High court (in some cases)			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Denmark	The Radio And Television Board	''			N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Denmark	The Radio And Television Board	“	“	“	No legal practice in these areas and nothing specified in law.

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Denmark	The Radio And Television Board	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Denmark	The Radio And Television Board	No	N/A	Yes Not for advice in legal matters, though	-	Legal advice <a href="#">from the Ministry of Culture</a> in relation with <a href="#">Business for law</a>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepare	
Denmark	RTB	Change in regulations/law	Yes Decision taken according to subject matter	Varies	Yes	Yes	The Order of Business of the RTB („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – 28.01.2010)

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Denmark	The Radio And Television Board	<del>2005-2009</del> 2010-2015	<del>No information available (annual reports have not been published since 2007).</del> Five consultation in 2013-2014 concerning a regulation of local radio and television.

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Denmark	The Radio And Television Board	The Board statements about public value tests*  Decisions and statements of principle importance  Executive Order Concerning rules of procedure for the Radio And Television Board Section 10 and Section 14(3)	Yes Executive Order Concerning rules of procedure for the Radio And Television Board <a href="http://www.retsinformation.dk/Forms/R0710.aspx?id=130031">www.retsinformation.dk/Forms/R0710.aspx?id=130031</a> (not available in English) Section 9 And Public Administration Act. Part 6	No	No
*the existing public value test does not contain a market impact assessment, but it is likely that future rules about public value test will contain a market impact assessment.					

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Denmark	The Radio And Television Board				Cases can be described -recent:
	Cooperation with the IT and Telecom Agency	The Board cooperates with the <del>IT and Telecom Agency</del> <a href="#">Danish Business Authority</a> about allocation of frequencies. The frequency permission is conditioned of permission to broadcast (according to the Radio and Television Broadcasting Act), which means that the Radio And Television Board has “the upper hand” in relation to the <del>IT and Telecom Agency</del> <a href="#">Danish Business Authority</a> .	Frequency Act <a href="https://erhvervsstyrelsen.dk/frekvensloven-hovedpunkter-i-frekvensloven">https://erhvervsstyrelsen.dk/frekvensloven-hovedpunkter-i-frekvensloven</a>  <a href="http://en.itst.dk/spectrum-equipment/frequency-legislation/Act%20No.%20475%20on%20Radio%20Frequencies.pdf">http://en.itst.dk/spectrum-equipment/frequency-legislation/Act%20No.%20475%20on%20Radio%20Frequencies.pdf</a>	No	Report on FM spectrum reorganisation
	Cooperation with the Consumer Ombudsman	In cases pertaining to consumer law, the Board shall obtain a prior opinion from the Consumer Ombudsman	Executive Order concerning Advertising and Sponsoring of Radio and Television Programmes and of On-demand Audiovisual Services and Conclusion of Partnerships. — <a href="https://www.retsinformation.dk/forms/r0710.aspx?id=152695">https://www.retsinformation.dk/forms/r0710.aspx?id=152695</a> <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=130045">www.retsinformation.dk/Forms/R0710.aspx?id=130045</a> (not available in English)	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Denmark	RTB	Yes	The Broadcasting Act, § 40, 6. (See Art.30, AVMS Directive) + The Order of Business of the RTB. („Bekendtgørelse om forretningsorden for Radio- og tv-nævnet” – <del>28.01.2010</del> 16.12.2013 - §§ 19-20	Names of regulatory bodies not listed



Estonia

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Estonia	<del>133</del>	<del>24</del>	2

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Estonia	Information requirements (art. 5 AVMS Directive)	<del>The Broadcasting Act</del> Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> The Public Broadcasting Council
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>The Broadcasting Act</del> Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> No requirement	<del>The Technical Surveillance Authority</del> No	<del>The Technical Surveillance Authority</del> The Public Broadcasting Council
	Broadcasting of major events (Art. 14 AVMS Directive)	Media Services Act <del>The Broadcasting Act</del> Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of	<del>The Technical Surveillance Authority</del> Ministry of Culture
	Access to short news reports (Article 15 AVMS Directive)	<del>No requirement</del> Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> N/A	<del>The Technical Surveillance Authority</del> N/A	<del>The Technical Surveillance Authority</del>
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<del>The Broadcasting Act</del> Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of	<del>The Technical Surveillance Authority</del>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Hate speech (Art. 12 and 6 AVMS Directive)	<del>The Broadcasting Act</del> Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del>
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<del>The Broadcasting Act</del> Media Services Act Estonian Public Broadcasting Act Medicinal Products Act Advertising Act	<del>The Technical Surveillance Authority</del> Ministry of Culture State Agency of Medicines (for Art. 21) Consumer Protection Board (for Art. 22)	<del>The Technical Surveillance Authority</del> Ministry of Culture State Agency of Medicines (for Art. 21) Consumer Protection Board (for Art. 22)	<del>The Technical Surveillance Authority</del> (except for Art.23, 24)-
	Protection of minors (Art. 27 AVMS Directive)	<del>The Broadcasting Act</del> Media Services Act Estonian Public Broadcasting Act	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del>
	Right of reply (Art. 28 AVMS Directive)	Media Services Act Estonian Public Broadcasting Act <del>The Broadcasting Act</del>	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del>
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	-	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> Ministry of Culture	<del>The Technical Surveillance Authority</del> The Estonian Public Broadcasting Council

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Estonia	Ministry of Culture of the Republic of Estonia (Department of media and copyright and neighbouring rights) The Technical Surveillance Authority	<a href="http://www.kul.ee/index.php?path=0x1377x1037www.tja.ee/en">www.kul.ee/index.php?path=0x1377x1037www.tja.ee/en</a>	2008	Suur-Karja Street 23 15076 Tallinn Estonia Sõle 23A 10614 Tallinn Estonia
	The Estonian Public Broadcasting Council	<a href="http://www.err.ee/default-en.aspx?s=31&amp;a=77">www.err.ee/default-en.aspx?s=31&amp;a=77</a>	1994 (renamed in 2007)	Gonsiori 27 15029 Tallinn Estonia

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Estonia	<a href="#">The Technical Surveillance Authority</a>	Yes	Yes	Yes	<del>No</del> Yes	<del>No</del> Yes	<del>No</del> Transport, industrial safety
	<a href="#">The Estonian Public-Broadcasting Council</a>	Yes	No	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority.

The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture of the Republic of Estonia	Not foreseen in the statutes of The Technical Surveillance Authority. Internal statute of the Department of media and copyright and neighbouring rights states that there are five appointments. Today from these five four are filled, one is vacant.	69 (4 persons in Department of media and copyright and neighbouring rights)94	<del>EEK 1 522,114,962 (€97,259,742)</del> figures cover the overall situation Per statutes of The Technical Surveillance Authority, the authority's expenses are covered from the state budget. Due to this, there is no fixed annual budget and the budget depends every year on the State Budget Act.	3 418 934 EUR (according to 2015 State Budget Act) <del>EEK 1,522,114,962 (€97,259m)</del> figures cover the overall situation (Source: research of the consortium)	2015 <a href="https://www.riigiteataja.ee/akt/102072014002">https://www.riigiteataja.ee/akt/102072014002</a> <a href="http://www.riigiteataja.ee/ert/act.jsp?id=13252314">http://www.riigiteataja.ee/ert/act.jsp?id=13252314</a> <a href="http://www.tja.ee/contacts/">http://www.tja.ee/contacts/</a> <a href="https://www.riigiteataja.ee/akt/129122014079">https://www.riigiteataja.ee/akt/129122014079</a>

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
	The Estonian Public Broadcasting Council	Depends on number of parliamentary fractions. One member from each fraction plus 4 experts. At present moment there are 10 members. (6 MPs and 4 experts)	10 members + 0.25 adviser. No full time employees	Not foreseen in law	EEK 1,558,000- (€94,424)	2010- <a href="http://err.ee/files/ERR%20eelarve%202010%20(kinnit%20RRHN%2015.12.2009).pdf">http://err.ee/files/ERR%20eelarve%202010%20(kinnit%20RRHN%2015.12.2009).pdf</a>



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
<b>Estonia</b>	<i>(There is no independent regulatory body as foreseen in AVMS Directive Article 30)</i>		
	<u>Estonian Public Broadcasting Council</u>	<u>Parliament Decree</u>	<u>Estonian Public Broadcasting Act</u> <a href="http://www.riigiteataja.ee/ert/aet.jsp?id=12786086">www.riigiteataja.ee/ert/aet.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
	<u>The Technical Surveillance Authority</u> <u>Ministry of Culture</u>	<u>The Decree of The Government of the Republic of Estonia</u> <u>Regulation of the Minister of Economic Affairs and Communications</u> <a href="https://www.riigiteataja.ee/akt/102072014002">https://www.riigiteataja.ee/akt/102072014002</a> <a href="http://www.riigiteataja.ee/ert/aet.jsp?id=12891729">www.riigiteataja.ee/ert/aet.jsp?id=12891729</a>	<u>Government of the Republic Act</u> <u>Constitution of the Republic of Estonia</u> <a href="https://www.riigiteataja.ee/en/eli/527032015005/consolidate">https://www.riigiteataja.ee/en/eli/527032015005/consolidate</a> <a href="http://www.president.ee/en/estonia/constitution.php">www.president.ee/en/estonia/constitution.php</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
<b>Estonia</b>	<u>The Technical Surveillance Authority</u>	<u>Part of Ministry Governmental Authority within the area of government of the ministry of Economic Affairs and Communications</u>	<u>Yes</u> <u>No</u>	<u>Ministry of Culture</u> <u>N/A</u>	State	<a href="http://www.tja.ee/en">http://www.tja.ee/en</a> <a href="http://www.kul.ee">www.kul.ee</a>
	<u>Estonian Public Broadcasting Council</u>	<u>PSB</u>	<u>No</u>	<u>Estonian Public Broadcasting</u>	<u>PSB</u>	<u>Estonian Public Broadcasting Act</u> <a href="http://www.riigiteataja.ee/ert/aet.jsp?id=12786086">www.riigiteataja.ee/ert/aet.jsp?id=12786086</a> English:

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
<u>Estonia</u>	<u>Public Broadcasting Council</u>	<input checked="" type="checkbox"/>		<u>Estonian Public Broadcasting Act</u> <a href="http://www.riigiteataja.ee/ert/aet.jsp?id=12786086">www.riigiteataja.ee/ert/aet.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
<u>Estonia</u>	<u>The Technical Surveillance Authority</u>	<input type="checkbox"/>		<u>Government of the Republic Act</u> <a href="https://www.riigiteataja.ee/en/eli/527032015005/consolide">https://www.riigiteataja.ee/en/eli/527032015005/consolide</a>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Estonia	<a href="#">The Technical Surveillance Authority</a>	Tick boxes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Areas	Terms of private broadcasters licenses ( <a href="#">the necessity of setting secondary conditions to the activity license is decided by the minister responsible for the area</a> )	Quotas, advertising, protection of minors	<a href="#">Issuing precepts, imposing fines etc. for not complying with the laws</a> <del>No information available</del>
		Source	<del>Media Services Act Broadcasting Act</del> <a href="https://www.riigiteataja.ee/en/eli/511052015002/consolidewww.riigiteataja.ee/ert/aet.jsp?id=831359">https://www.riigiteataja.ee/en/eli/511052015002/consolidewww.riigiteataja.ee/ert/aet.jsp?id=831359</a>	Estonian Public Broadcasting Act <a href="https://www.riigiteataja.ee/en/eli/527062014005/consolidewww.riigiteataja.ee/ert/aet.jsp?id=12786086">https://www.riigiteataja.ee/en/eli/527062014005/consolidewww.riigiteataja.ee/ert/aet.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a> <del>Media Services Act Broadcasting Act</del> <a href="https://www.riigiteataja.ee/en/eli/511052015002/consolidewww.riigiteataja.ee/ert/aet.jsp?id=831359">https://www.riigiteataja.ee/en/eli/511052015002/consolidewww.riigiteataja.ee/ert/aet.jsp?id=831359</a> <del>Broadcasting Act EN translation from 2006 (has been amended after 2006)</del> <a href="http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&amp;dok=">www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&amp;dok=</a>	<a href="#">Media Services Act</a> <a href="https://www.riigiteataja.ee/en/eli/511052015002/consolidewww.riigiteataja.ee/ert/aet.jsp?id=831359">https://www.riigiteataja.ee/en/eli/511052015002/consolidewww.riigiteataja.ee/ert/aet.jsp?id=831359</a>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Estonia	<a href="#">The Technical Surveillance Authority</a> <a href="#">Ministry of Culture</a>	Quotas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<a href="#">Practice described at www.kul.ee</a> Estonian Public Broadcasting Act
		Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
		Protection of minors						<a href="https://www.riigiteataja.ee/en/eli/527062014005/consolidated/rt/act.jsp?id=12786086">https://www.riigiteataja.ee/en/eli/527062014005/consolidated/rt/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a> <a href="#">Media Services Act</a> <a href="#">Broadcasting Act</a> <a href="https://www.riigiteataja.ee/en/eli/511052015002/consolidated/rt/act.jsp?id=831359">https://www.riigiteataja.ee/en/eli/511052015002/consolidated/rt/act.jsp?id=831359</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture	Quotas	<input type="checkbox"/> discretionary	<input type="checkbox"/> Up to €2,556 (EEK 40,000)		<input type="checkbox"/>	<a href="#">Upon failure to comply with the precept, a penalty payment of up to 15 000 EUR may be applied. For repeated failure, the penalty payment may be up to 30 000 EUR</a>	
		Advertising	<input type="checkbox"/> discretionary (except for misdemeanour procedures, in which case commencing proceedings is obligatory)	<input type="checkbox"/> For natural persons from 12 EUR to 1200 EUR, for legal persons from 100 EUR to 32 000 EUR Same as above		<input type="checkbox"/>		
		Protection of minors	<input type="checkbox"/> Same as above discretionary	<input type="checkbox"/> Same as above		<input type="checkbox"/>		





**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Estonia	<a href="#">The Technical Surveillance Authority</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Estonia	<u>The Technical Surveillance Authority</u> <del>Ministry of Culture</del>	 	  Up to €2,556 (40,000 EEK)	-	There has not been any violation that <u>The Technical Surveillance Authority</u> <del>Ministry of Culture</del> had considered to be worth of such retribution	<del>N/A</del>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Estonia	<u>The Technical Surveillance Authority</u> <del>Ministry of Culture</del>	<del>Yes Citizens</del> All persons can send their complaints to the <u>Technical Surveillance Authority</u> <del>MoC</del> (letter, e-mail, phone call, via <del>MoC</del> home pages). All complaints are handled by <del>Media Department</del> . Reply is given in proper time (max 30 days).	<del>-</del> <a href="http://www.kul.ee/index.php?path=0x6x108">www.kul.ee/index.php?path=0x6x108</a>
	<u>Ethics adviser of Estonian Public Broadcasting Council</u>	<del>Yes Citizens</del> can send their complaints to the <u>BC</u> (letter, e-mail, phone call, via <u>ERR</u> home pages). <del>Council</del> looks into all complaints and responds in written form. All persons can submit their objections and challenges against the content of a programme or programme service of Public Broadcasting to the ethics adviser. Ethics adviser analyses the objection or challenge usually within 10 days, and if the adviser finds the objection or challenge grounded, steps will be taken by Public Broadcasting to apologize etc.	<a href="http://info.err.ee/v/eetikanounik/71a6b9de-46a7-4df7-ab7b-36acafdd340d">http://info.err.ee/v/eetikanounik/71a6b9de-46a7-4df7-ab7b-36acafdd340d</a> (only Estonian version available) <a href="http://www.err.ee/sisu.aspx?s=18&amp;a=44">www.err.ee/sisu.aspx?s=18&amp;a=44</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Estonia	<u>The Technical Surveillance Authority</u> Ministry of Culture	<del>There is no special-independent body</del> Communications and Media Services Department	<u>Currently 9</u> No	No	No	No	No	No	No	No	<a href="http://www.tja.ee/contacts/">http://www.tja.ee/contacts/</a> No information available
	<u>The Technical Surveillance Authority</u> Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	<del>Board</del> Director General	10	No	No	<del>Yes</del> No	No	<del>No</del> Yes	No	No	Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/aet.jsp?id=12786086">www.riigiteataja.ee/ert/aet.jsp?id=12786086</a>  English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a> See above

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Estonia	<u>The Technical Surveillance Authority</u> Ministry of Culture	Licensing of commercial broadcasters	<del>No information publicly available</del> <del>Consultation with representatives of industry and civil society</del>	No	<del>No</del> Yes
	<u>The Technical Surveillance Authority</u> Ministry of Culture	AVMS fulfilment control	<del>Decisions are adopted by the Media Department.</del> <del>In some cases higher authorisation is foreseen and approval/signature by the minister is required.</del> <del>No information publicly available</del>	No	No
	Estonian Public Broadcasting Council	Only responsible for Estonian Public Broadcasting	By majority vote, at least 50% members must be present Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a>  English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>	Yes	Yes



**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Estonia	<u>The Technical Surveillance Authority</u> Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	<u>Chairman</u> <u>Director General</u>	Yes	<del>Any member of the board can apply for the position of chairman.</del> In practice, members of Broadcasting Council nominate a candidate for the position. Then the board votes. The candidate who gets majority of votes is elected (appointed) for the position. <u>The chancellor of the relevant ministry recommends a person to the minister for appointment</u>	<u>Acting on a recommendation of the chancellor, the minister appoints the director general.</u> Estonian Public Broadcasting Council	Yes	<u>The statutes of the Technical Surveillance Authority</u> <a href="https://www.riigiteataja.ee/akt/12897112?leiaKehtiv">https://www.riigiteataja.ee/akt/12897112?leiaKehtiv</a> <u>Estonian Public Broadcasting Act</u> <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
		<u>Communications and Media Services Department</u>	<del>Yes</del> No	<u>The Parliament's Committee of Cultural Affairs</u> N/A	<del>The Parliament</del> Appointed by the director general.	<del>Yes</del> N/A	<u>Government of the Republic Act</u> <a href="https://www.riigiteataja.ee/en/eli/527032015005/consolide">https://www.riigiteataja.ee/en/eli/527032015005/consolide</a> <u>Estonian Public Broadcasting Act</u> <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Estonia	<u>The Technical Surveillance Authority</u> Estonia n-Public-Broadcasting-Council (only responsible for Estonian Public-Broadcasting)	<u>Director General</u> Chairman of the board	<del>If expert, then for five years. If MEP, then until the end of their Parliament-membership period.5 years</del>	<del>Four independent experts are appointed for 5 years period. Parliament members until the end of their Parliament-membership period.N/A</del>	<del>Yes, not limited</del> <u>Yes</u>	<del>Estonian Public Broadcasting Act</del> <del>www.riigiteataja.ee/ert/act.jsp?id=12786086</del>  <del>English: www.kul.ee/index.php?path=0x296x323N/A</del>
		<u>Communications and Media Services Department officials</u>	<del>If expert, then for five years. If MEP, then until the end of their Parliament-membership period. Without a term</del>	<del>Four independent experts are appointed for 5 years period. Parliament members until the end of their Parliament-membership period.N/A</del>	<del>Yes, not limited</del> N/A	<u>Civil Service Act</u> <del>https://www.riigiteataja.ee/en/eli/509072014003/consolide</del> Estonian Public Broadcasting Act <del>www.riigiteataja.ee/ert/act.jsp?id=12786086</del>  <del>English: www.kul.ee/index.php?path=0x296x323</del>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Estonia	The Technical Surveillance Authority Estonia a Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Director General/Chairman of the board	No information available Sufficient foreign language skills and education	For MEPs, no specific criteria. If expert, then he must be expert in areas of public broadcasting Sufficient leading experience	Regulation of the Government of the Republic “The requirements to the secretary general and the deputy secretary general of a ministry, Director of the Government Office, directors general of an executive agency and inspectorate and the heads of other government authorities, specified in the same regulation, the procedure for recruitment and selection and the development and evaluation thereof.” <a href="https://www.riigiteataja.ee/akt/128062013036EstonianPublicBroadcastingAct">https://www.riigiteataja.ee/akt/128062013036EstonianPublicBroadcastingAct</a> <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
		Communications and Media Services Department officials/Board members	No information available At least secondary education	For MEPs, no specific criteria. If expert, then he must be expert in areas of public broadcasting N/A	Regulation of the Government of the Republic “The requirements for the education, work experience and foreign language skills of officials” <a href="https://www.riigiteataja.ee/akt/121122012037EstonianPublicBroadcastingAct">https://www.riigiteataja.ee/akt/121122012037EstonianPublicBroadcastingAct</a> <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Estonia	The Technical Surveillance Authority (Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting))	Director General Chairman	Yes		Yes	No	<del>Yes</del> No	<del>Yes</del> No	No	<a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">Civil Service Act</a> <a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">https://www.riigiteataja.ee/en/eli/509072014003/consolide</a> <del>Estonian Public Broadcasting Act</del>
		Communications and Media Services Department officials Board members	Yes		Yes	No	<del>Yes</del> No	<del>Yes</del> No	No	<a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">Civil Service Act</a> <a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">https://www.riigiteataja.ee/en/eli/509072014003/consolide</a> <del>Estonian Public Broadcasting Act</del> <a href="http://www.riigiteataja.ee/ert/aet.jsp?id=12786086">www.riigiteataja.ee/ert/aet.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
		Senior staff	No information available		N/A					

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Estonia	The Technical Surveillance Authority Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Director General/Chairman	Yes		Yes	No	Yes	Civil Service Act <a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">https://www.riigiteataja.ee/en/eli/509072014003/consolide</a> Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
		Communications and Media Services Department officials/Board members	Yes		Yes Council members cannot be members of the government	No	Yes Council members cannot be the owner of a broadcaster, have contractual relationships with broadcasters, be a shareholder, partner or member of a broadcaster, a member of the management body of a broadcaster.	Civil Service Act <a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">https://www.riigiteataja.ee/en/eli/509072014003/consolide</a> Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
		Senior staff	n/a	N/A				There is no 'senior staff' from legal point of view N/A

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Estonia	The Technical Surveillance Authority Estonia n-Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Director General Chairman		No		Estonian Public Broadcasting Act- www.riigiteataja.ee/ert/act.jsp?id=12786086 English: www.kul.ee/index.php?path=0x296x323
		Communications and Media Services Department officials Board members		No		Estonian Public Broadcasting Act- www.riigiteataja.ee/ert/act.jsp?id=12786086 English: www.kul.ee/index.php?path=0x296x323
		Senior Staff		No		Estonian Public Broadcasting Act- www.riigiteataja.ee/ert/act.jsp?id=12786086 English: www.kul.ee/index.php?path=0x296x323

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Estonia	The Technical Surveillance Authority Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Director General Chairman		No	Minister responsible for the area Parliament Council itself	YesNo	Only individual members	Government of the Republic Act <a href="https://www.riigiteataja.ee/en/eli/527032015005/consolide">https://www.riigiteataja.ee/en/eli/527032015005/consolide</a>
		Communications and Media Services Department officials Individual board members		No	Director General of the Technical Surveillance Authority	YesNo		The statutes of the Technical Surveillance Authority <a href="https://www.riigiteataja.ee/akt/12897112?leiaKehativ">https://www.riigiteataja.ee/akt/12897112?leiaKehativ</a> Civil Service Act <a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">https://www.riigiteataja.ee/en/eli/509072014003/consolide</a> Civil Service Act <a href="https://www.riigiteataja.ee/en/eli/509072014003/consolide">https://www.riigiteataja.ee/en/eli/509072014003/consolide</a> Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Estonia	The Technical Surveillance Authority Estonia Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	2010-2014	Director General/Chairman		No		
			<a href="#">Communications and Media Services Department officials</a>	No information	No information		



## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Estonia	The Technical Surveillance Authority Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	No	State funding 100%	No	No	No	No	<p>State Budget Act  <a href="https://www.riigiteataja.ee/en/eli/504072014004/consolide">https://www.riigiteataja.ee/en/eli/504072014004/consolide</a>            State Budget Act for year 2015  <a href="https://www.riigiteataja.ee/akt/129122014079Estonian%20Public%20Broadcasting%20Act-English">https://www.riigiteataja.ee/akt/129122014079Estonian Public Broadcasting Act-English</a>  <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a>            English:  <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a></p>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Estonia	The Technical Surveillance Authority Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Parliament	Yes	Ministry of Economic Affairs and Communications Ministry of Culture, Ministry of Finances, Government of the Republic, -Parliament	No	State Budget Act <a href="https://www.riigiteataja.ee/en/eli/504072014004/consolide">https://www.riigiteataja.ee/en/eli/504072014004/consolide</a> Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Estonia	The Technical Surveillance Authority Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Yes	Annual	Yes/No	No/Yes	No	National Audit Office Act <a href="https://www.riigiteataja.ee/en/eli/513032014001/consolide">https://www.riigiteataja.ee/en/eli/513032014001/consolide</a> Estonian Public Broadcasting Act

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Estonia	The Technical Surveillance Authority Estonia Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Parliament	No	N/A	N/A
		The Parliament's Committee of Cultural Affairs	Yes	Yearly report	Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.) Minister of Economic Affairs and Communications	Yes/No	N/A/Activity and statistical reports	The statutes of the Technical Surveillance Authority <a href="https://www.riigiteataja.ee/akt/12897112?leiaKehtiv">https://www.riigiteataja.ee/akt/12897112?leiaKehtiv</a>  Government of the Republic Act <a href="https://www.riigiteataja.ee/en/eli/527032015005/consolide">https://www.riigiteataja.ee/en/eli/527032015005/consolide</a>
		Public at large	Yes	Yearly report	Estonian Public Broadcasting Act <a href="http://www.riigiteataja.ee/ert/act.jsp?id=12786086">www.riigiteataja.ee/ert/act.jsp?id=12786086</a> English: <a href="http://www.kul.ee/index.php?path=0x296x323">www.kul.ee/index.php?path=0x296x323</a>

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Estonia	<u>The Technical Surveillance Authority</u> Estonia n Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	<u>Minister of Economic Affairs and Communications</u> The Parliament's Committee of Cultural Affairs.	Annual	<u>Activity and statistics of the Authority</u> Fulfilment of PoB remit	Not specifiede	No	No	

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Estonia	<u>The Technical Surveillance Authority</u> Estonia n Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Yes	Annual	<u>Yes</u> No	<u>No</u> Yes	No	National Audit Office Act <a href="https://www.riigiteataja.ee/en/eli/513032014001/consolidate">https://www.riigiteataja.ee/en/eli/513032014001/consolidate</a> Estonian Public Broadcasting Act

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Estonia	The Technical Surveillance Authority Estonia Public Broadcasting Council (only responsible for Estonian Public Broadcasting)	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture	No appeal procedure in relation to the enforcement of the rules listed in the AVMS, there is no appeal procedure. Challenge proceedings within the Authority	One stage N/A	N/A Challenge proceedings are optional, a person may opt to turn to administrative court directly.	A person who finds that his or her rights are violated or his or her freedoms are restricted by an administrative act or in the course of administrative proceedings N/A	Administrative Procedure Act <a href="https://www.riigiteataja.ee/en/eli/530102013037/consolide">https://www.riigiteataja.ee/en/eli/530102013037/consolide</a> N/A
		Judicial proceedings in administrative court	Three stages (administrative court, circuit court and the Supreme Court)	N/A	See above.	Code of Administrative Court Procedure <a href="https://www.riigiteataja.ee/en/eli/530032015001/consolide">https://www.riigiteataja.ee/en/eli/530032015001/consolide</a>

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture No appeal procedure in place	N/A <input type="checkbox"/>	N/A	N/A <input type="checkbox"/>	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Estonia	<u>The Technical Surveillance Authority</u> Ministry of Culture No appeal procedure in place	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	N/A as this is not grounds for appeal	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Estonia	<u>The Technical Surveillance Authority</u> Ministry of Culture No appeal procedure in place	N/A Challenge proceedings	<input type="checkbox"/> N/A	N/A	N/A
	Courts	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> instance (administrative, circuit and Supreme court, respectively)	<input type="checkbox"/>		

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of	No	N/A	Yes	-	<u>No information-</u>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture	No	No	No	No	No	No

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture	2009	Several consultations have taken place with broadcasters and media specialists from academic circles to launch a functioning self-regulation system in media sector. Broadcasters have been encouraged to adopt common guidelines among themselves and for themselves in certain areas (disabled people, protection of minors (fatty food ads) etc



**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Estonia	<a href="#">The Technical Surveillance Authority</a> Ministry of Culture	All Decrees of the Ministry, including licensing tenders, Activity permits	Yes, legal basis Administrative Proceedings Act	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
<b>Estonia</b>	<a href="#">The Technical Surveillance Authority</a> <del>Ministry of Culture</del>	Ad-hoc	Meetings and Consultation in written forms	No	
	<del>Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)</del>	<del>Ad-hoc</del>	<del>Meetings and Consultation in written forms</del>	<del>No</del>	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
<b>Estonia</b>	<del>Estonian Public Broadcasting Council (only responsible for Estonian Public Broadcasting)</del>	Yes	<del>European Platform of Regulatory Authorities</del>	
	<a href="#">The Technical Surveillance Authority</a> <del>Ministry of Culture</del>	Yes	European Commission, European Council, <a href="#">European Platform of Regulatory Authorities</a>	

Spain

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Spain	15 <u><a href="#">national: Telecinco, Cuatro, FDF, Divinity, Boing, Energy, Antena 3, laSexta, Neox y Nova, Gol (payment tv), 13TV, Discovery Max, Disney Channel, Paramount Channel</a></u> <del>(National channels)</del>	Information not available	5 <del>(National channels):</del> <u><a href="#">La 1, La 2, 24H, Teledporte, Clan</a></u>
	Regional channels: <u><a href="#">Catalonia: 8TV, Barça TV, RAC105</a></u>	Information not available	<u><a href="#">Regional channels:</a></u> <u><a href="#">Catalonia: TV3, 33, Sport 3, 3/24, Super 3</a></u> <u><a href="#">Andalucía: Canal Sur and Canal Sur 2</a></u>
	<u><a href="http://www.televisiondigital.gob.es/TDT/Paginas/canales-tdt.aspx">-National data: http://www.televisiondigital.gob.es/TDT/Paginas/canales-tdt.aspx</a></u> <u><a href="http://www.cac.cat/web/prestadors/index.jsp?MzQ%3D&amp;MQ%3D%3D&amp;L3dlYi9wcmVzdGFkb3JzL2luZGV4Q29udGVudA%3D%3D">-Cataluña data: http://www.cac.cat/web/prestadors/index.jsp?MzQ%3D&amp;MQ%3D%3D&amp;L3dlYi9wcmVzdGFkb3JzL2luZGV4Q29udGVudA%3D%3D</a></u> <u><a href="http://www.canalsur.es/rtva/%C2%BFQuienes_Somos?/210924.html">-Andalucia: http://www.canalsur.es/rtva/%C2%BFQuienes_Somos?/210924.html</a></u> and <u><a href="http://www.tdt1.com">http://www.tdt1.com</a></u>		

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Spain	Information requirements (art. 5 AVMS Directive)	Original name: « Ley General de la Comunicación Audiovisual » Short name: Law 7/2010 of 31st March.	<del>CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)</del> National Commission on Markets and Competition	National Commission on Markets and Competition (CNMC) <del>CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)</del>	National Commission on Markets and Competition <del>CONSEJO ESTATAL DE MEDIOS AUDIOVISUALES (CEMA)</del>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Unofficial Translation : « General Audiovisual Communication Act » Date of adoption: March 31, 2010.			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf			
	Broadcasting of major events (Art. 14 AVMS Directive)	<p><del>Navarra (all issues except short news, European works and cooperation and communication): Regional Law 18/2001, of 5 July, which regulates audiovisual activity in Navarra and establishes the Audiovisual Council of Navarra</del></p> <p>Catalonia (all issues except access to short news) Catalan Audiovisual Council Law 2/2000 of 4th May and Law 22/2005, of 29<sup>th</sup> December 2005, on Audiovisual Communication in Catalonia</p> <p>Andalusia: competences only on monitoring advertising, protection of minors and communications and cooperation with other authorities.</p> <p>Law 1/2004 of 17<sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”.</p>	Audiovisual Council of Navarra (CoAN)		
	Access to short news reports (Article 15 AVMS Directive)		Audiovisual Council of Catalonia (CAC)		
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)		Audiovisual Council of Andalusia (CAA)		
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)					

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Spain	<del>National Commission on Markets and Competition (CNMC) CONSEJO-ESTATAL DE MEDIOS-AUDIOVISUALES (CEMA)</del>	<del>www.cnmc.es</del>	<del>June 4, 2013</del> <del>March 31, 2010</del>	<del>Madrid and Barlelona</del> <del>Madrid?</del>
	<del>COMISIÓN DEL MERCADO DE LAS TELECOMUNICACIONES (CMT)</del>	<del>www.emt.es</del>	<del>June 7, 1996</del>	<del>Barcelona</del>
Catalonia	CONSELL DE L' AUDIOVISUAL DE CATALUNYA (CAC)	<a href="http://www.cac.cat">www.cac.cat</a>	May 4, 2000	Barcelona
Navarra	<del>CONSEJO AUDIOVISUAL DE NAVARRA (CoAN)</del>	<del>www.consejoaudiovisualdenavarra.es/</del>	<del>July 5, 2001</del>	<del>Pamplona</del>
Andalucía	CONSEJO AUDIOVISUAL DE ANDALUCÍA (CAA)	<a href="http://www.consejoaudiovisualdeAndalusia.es/">www.consejoaudiovisualdeAndalusia.es/</a>	December 17, 2004	Sevilla

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Spain	<del>CEMAC</del> <del>CNMC</del>	√	<del>√</del>	√	√	√	
	<del>CMT</del>			<del>√</del>	<del>√</del>	<del>√</del>	<del>Competition issues on Audiovisual Services as PPV</del>
	CAC	√					
	<del>CoAN</del>	<del>√</del>					
	CAA	√					



**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Spain	CEMA	No information available	No information available	No information available	No information available	N/A
	CNMCCMT	160	Approx. 160 (Directorate of Audiovisual and Telecommunications Services) and a whole of 500 in the CNMC+29	52.767,16 million euros €36m	52.767,16 million euros €36m	<a href="http://www.sepg.pap.minhap.gob.es/Presup/PGE2014Proyecto/MaestroDocumentos/PGE-ROM/doc/2/1/4/10/1/N_14_A_V_1_104_2_1_427_1_1302_2_2_1.PDF">http://www.sepg.pap.minhap.gob.es/Presup/PGE2014Proyecto/MaestroDocumentos/PGE-ROM/doc/2/1/4/10/1/N_14_A_V_1_104_2_1_427_1_1302_2_2_1.PDF</a> 2008*,
	CAC	No information available	10477	€10.67m 5.264.816.76 million euros for 2013	5.264.816.76 €10.67m	<a href="http://www.cac.cat/web/informacio/index.jsp?MTE%3D&amp;MQ%3D%3D&amp;L3dlYi9pbmZvcmlhY2lvL2NvbnRlbnRNZW1vcmlleW%3D%3D2007">http://www.cac.cat/web/informacio/index.jsp?MTE%3D&amp;MQ%3D%3D&amp;L3dlYi9pbmZvcmlhY2lvL2NvbnRlbnRNZW1vcmlleW%3D%3D2007</a> <a href="http://www.cac.cat/pfw_files/ema/informacio/memoria/memCAC07.pdf">www.cac.cat/pfw_files/ema/informacio/memoria/memCAC07.pdf</a>
	CoAN	7	14 (including technical staff)	€0.645m	€0.645m	2008 <a href="http://www.consejoaudiovisualdenavarra.es/sobre_CAN/documents/InformeAnualCAN2008_versionintegra_CD.pdf">www.consejoaudiovisualdenavarra.es/sobre_CAN/documents/InformeAnualCAN2008_versionintegra_CD.pdf</a>
	CAA	43	3235	4.621.639 million euros €7.9m	4.621.639 million euros €7.9m	<a href="http://www.juntadeandalucia.es/haciendayadministracionpublica/planif_presup/presupuesto2014/memoria/memoria-a_and4.pdf">http://www.juntadeandalucia.es/haciendayadministracionpublica/planif_presup/presupuesto2014/memoria/memoria-a_and4.pdf</a>  <a href="http://www.consejoaudiovisualdeandalucia.es/sites/default/files/publicacion/pdf/1410/a_me_moria_2013_ultima.pdf">http://www.consejoaudiovisualdeandalucia.es/sites/default/files/publicacion/pdf/1410/a_me_moria_2013_ultima.pdf</a> .

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Spain	CEMA	Law 7/2010 of March 31, 2010	NA
	CMFCNMC	Act 3/2013, June the 4 <sup>th</sup> , on the foundation of the National Commission on Market and Competition. Law 12/1997 of 24 <sup>th</sup> April 1997 "Ley General de	Royal Decree 1994/1996 of September 6. Royal Decree 657/2013, August the 30 <sup>th</sup> , on the approval of the organic statute of the CNMC
	CAC	Catalan Audiovisual Council Law 2/2000 of May 4, 2000	"Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya", approved the February 28, 2001
	CoAN	Regional Law 18/2001, of July 5, 2001, which regulates audiovisual activity in Navarra and establishes the Audiovisual Council of Navarra ("Ley Foral 18/2001, de 5 de julio, por la que se regula la actividad audiovisual en Navarra y se crea el Consejo Audiovisual de Navarra")	"Estatuto orgánico y de funcionamiento del Consejo Audiovisual de Navarra"
	CAA	Law 1/2004 of December 17, 2004 "Creación del Consejo Audiovisual de Andalucía".	Decree 219/2006 December 19, 2006 "Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía"

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Spain	CEMACNMC	Public Entity (Independent from State with a specific funding and legal personality but under the State regulation on public entities; it's not a private organisation)	Yes			Art. 44. Law 7/2010 of 31st March 2010. Art. 2 of the Act 3/2013, June the 4 <sup>th</sup> , on the foundation of the National Commission on Market and Competition.
	CMF	Public Entity	Yes			Art. 48.1 of Law 22/2003 of 3rd November 2003- "Ley General de Telecomunicaciones"
	CAC	Public Entity	Yes			Art. 1.1. Catalan Audiovisual Council Law 2/2000 of 4th May
	CoAN	Public Entity	Yes			Art. 21.1 Foral Law 18/2001 of 5 <sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
	CAA	Public Entity	Yes			Art. 1.2. Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía".

## Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Spain	<del>CEMACNMC</del>		√	<del>Art. 2 and 3 of the Act 3/2013, June the 4<sup>th</sup>, on the foundation of the National Commission on Market and Competition, Law 7/2010 of 31<sup>st</sup> March 2010, Preamble and Chapter 3.</del>
	<del>CMF</del>		√	<del>Preamble and Article 3. Royal Decree 1994/1996, of the 6<sup>th</sup> of September</del>
	CAC		√	Preamble and Art. 1.1. Catalan Audiovisual Council Law 2/2000 of 4 <sup>th</sup> May
	<del>CoAN</del>		√	<del>Preamble IV.6 and Arts. 20, 21, 23.7 and 31 Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</del>
	CAA		√	Preamble and Art. 1.1. Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía".

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Spain	CEMACNMC		√	√	√
		Areas	<a href="#">Pricing policy in interconnection, access and networks costs.</a>		
		Source	<a href="http://normativa.cnmc.es/documento.asp?id=LE0000506796_20141017.html">http://normativa.cnmc.es/documento.asp?id=LE0000506796_20141017.html</a>		
			<del>disagreement between operators</del>		
	CAC			√	√
		Areas		No information available	No information available
		Source		Same as above	Same as above
	CAA		No	No	√
		Areas			No information available
		Source			Same as above

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Spain	<del>CEMACNM</del> <del>C</del>	Quotas	√		√			<a href="#">Art. 9 of the Act 3/2013, June the 4<sup>th</sup>, on the foundation of the National Commission on Market and Competition Article 5.3 Law 7/2010 of March</a>
		Advertising	√		√			<a href="#">Act 3/2013, June the 4<sup>th</sup>, on the foundation of the National Commission on Market and Competition Implicit at art 56.6 Law 7/2010 of March 31, 2010</a>
		Protection of minors	√		√			<a href="#">Act 3/2013, June the 4<sup>th</sup>, on the foundation of the National Commission on Market and Competition Implicit at Art-7.6 and 57.4 Law 7/2010 of March 31, 2010</a>
								<a href="http://www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf">www.boe.es/boe/dias/2010/04/01/pdfs/BOE-A-2010-5292.pdf</a>
	CAC	Quotas	√					Art. 127. Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia. Art 13. Instruction on Catalan language and culture presence on media. 28.12.2007
		Advertising	√					Art. 127. Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia. Art 24. Instruction on protection of minors and teenagers, signalling and freedom of information. 28.12.2007
		Protection of minors	√					Art. 127. Law 22/2005, of 29 <sup>th</sup> December 2005, on Audiovisual Communication in Catalonia. Art 24. Instruction on protection of minors and teenagers, signalling and freedom of information. 28.12.2007
	CAA	Quotas						
		Advertising						
		Protection of minors	√					Art. 26 Decree 219/2006 of December 19, "Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía <a href="http://www.consejoaudiovisualdeandalucia.es/opencms/export/sites/caa/Galerias/archivos_legislacion/ReglamentoCAA.pdf">www.consejoaudiovisualdeandalucia.es/opencms/export/sites/caa/Galerias/archivos_legislacion/ReglamentoCAA.pdf</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Spain	CEMACNMC	Quotas	√	√ Qualified as serious infraction if there is more than 10% of non compliance: €500,001 to €1m	√ discretionary	√ Revocation	No But non-compliance with any decision from CEMA is a major infraction (€100,001-500,000).	Fine: automatic but discretionary on the exact amount Discretionary on Revocation of licence
		Advertising	√	√ Qualified as major infraction: €100,001 to €500,000, but if repeated twice in a day but the same channel, it becomes a serious infraction: €500,001 to €1m	√ discretionary	√ Revocation if it's a serious infraction	No Same as above	Fine: automatic but discretionary on the exact amount. Discretionary on Revocation of licence
		Protection of minors	√	√ Qualified as serious infraction: €500,001 to 1m	√ discretionary	√ Revocation	No Same as above	Fine: automatic but discretionary on the exact amount. Discretionary on Revocation of licence
	CAC	Quotas	√	√ Qualified as major infraction: €12,001 to €90,000	√ mandatory	√ If repeated 3 times in a year, CAC can impose a suspension of the licence for 3 months. If another serious infraction is repeated, then a revocation of the licence is possible.		Fine: automatic but discretionary on the exact amount. Discretionary on suspension of licence

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
		Advertising	√	√ Qualified as serious infraction: €90,001 to €300,000	√ mandatory	√ Up to 3 months of suspension. If another serious infraction is repeated, then a revocation of the licence is possible.		Fine: automatic but discretionary on the exact amount. Discretionary on suspension and revocation of licence
		Protection of minors	√	√ Qualified as serious infraction: €90,001 to €300,000	√ mandatory	√ Same as above		Fine: automatic but discretionary on the exact amount. Discretionary on suspension and revocation of licence
	CAA	Quotas						
		Advertising						
		Protection of minors	√	√				The CAA has no specific charter of sanctions. It acts in a case-by-case basis, according to Spanish general administrative law.

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Spain	<del>CEMACNMC</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>√/N/</del>	<del>N/A</del>	<del>√/N/</del>	<del>N/A</del>
	CAC			<del>√</del> <del>Instruction on Quotas (2008) and Instruction on Protection of Minors (2007) and 2 other instructions non-related with AVMS</del>	√		<del>√/√</del> <del>Instruction on creation of a telematic register</del> <del>General Instruction on creation and regulation of a Register of private audiovisual operators</del>	
	<del>CoAN</del>		<del>√</del>	<del>√</del> <del>Co-regulation Code on Broadcasting</del>	<del>√</del>	<del>√</del>	<del>√</del>	<del>√</del>
	CAA			<del>√</del> <del>Recommendation on toys advertising</del> <del>Recommendation on protection on minors in special or tragic events</del> <del>and 6 other instructions non-related with AVMS</del>	√		√	



**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Spain	CEMACNMC	2013: 6 informative proceedings on protection of minors; 3 informative proceedings in commercial communications; 21 informative proceedings in quotas of European Audiovisual works  N/A	2013: Protection of minors: 3 fines for a whole of 510.600 euros; commercial communications: 4 fines for a whole of 197.000 euros N/A	√N/A	N / A	N / A
	CAC	(2011-2013) Protection of Minors: 15 informative proceedings; commercial communications: 6 informative proceedings 2007: 6 informative proceedings on protection of minors 22 informative proceedings on advertising 2007-2010: Protection of minors: 4 Final decisions, 3 agreements Commercial Broadcasting: 17 Final decisions and 5 agreements	(2011-2013) Protection of minors: 2 fines for a whole 102.000 euros; commercial communications: 5 fines for a whole of 84.000 euros 1 fine (2007-2010): €90,000 Commercial Broadcasting (2007-2010): 5 fines (Total Amount: €58,600)	√No	N o	N o
	CoAN	No instances. There are only 3 regional TV stations covered by CoAN.	No instances	No instances	No instances	No instances

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
	CAA	<p><u>-2014: 36 decisions concerning advertising; 8 of them, concerning also the protection of youth and children.</u></p> <p><u>-2013: 1 decision concerning the protection of youth and children and advertising;</u> <del>2007 (p.82):</del></p> <p><del>47 requests of information and 22 procedures of sanctioning, of which 3 were closed with fines, 19 were still pending</del></p> <p><del>In 2010 16 closed procedures of sanctioning</del></p>	<p><u>2011-2014: Protection of minors: 3 fines for a whole amount of 567.500 euros; commercial communications: 1 fine for an amount of 137.000 euros.</u></p>	<p><del>Yes</del></p>	<p>No</p>	<p>No</p>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Spain	<del>CEMACNMC</del>	<del>Yes, through the Electronic Management Web Site, a citizen can show a claim or complaint in respect of an illegal action</del> N/A	<del>http://sede.cnmc.es/es-es/mapasede.aspx</del> N/A
	CAC	Yes, the Office for the Protection of the Audience, which is a special office attached to CAC, receives and deals with complaints, demands or suggestion on broadcasting content from citizens.	Website (with electronic form), e-mail, Free phone Number, 901 100 321 <del>535 complaints in 2007 (p. 67)</del>
	<del>CoAN</del>	<del>Yes, the Office for the Protection of the Audience, which is a special office attached to CoAN, receives and deals with complaints, demands or suggestion on broadcasting content from citizens</del>	<del>Website, e mail, Free phone number 900 841 014</del> <del>46 complaints in 2008 (p. 30)</del>
	CAA	Yes, the Office for the Protection of the Audience, which is a special office attached to CAA, receives and deals with complaints, demands or suggestion on broadcasting content from citizens.	Website (with electronic form), Free phone Number, 900 159 159 <del>126 Complaints in 2008, (p. 13)</del>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Spain	<del>CEMAC</del> <del>NMC</del>	Board	<del>9</del> 10	<del>Yes, but not mandatory. According to the law, the members of the board have to be chosen among people with</del> No prestige and related to the audiovisual sector.	No	No	Yes, but not mandatory. According to the law, the members of the board have to be chosen among people with prestige and related to the audiovisual sector.	Yes, but not mandatory. According to the law, the members of the board have to be chosen among people with prestige and related to the audiovisual sector.	No information available	No	<a href="#">Art. 10 of the Act 3/2013, June the 4<sup>th</sup>, on the foundation of the National Commission on Market and Competition Law-7/2010 of 31st March 2010, art 49</a>
	CAC	Board	<del>4</del> 6	No	No	No	No	<del>Yes. According to the law, the members of the board have to be chosen among people with prestige</del> No	No	No	<a href="#">Act 2/2012, February 22<sup>nd</sup>, on modifying several acts regulating the audiovisual market. Its articles 2 to 5 modify the Act 2/2000, May 4<sup>th</sup>, on the Audiovisual Council of Cataluña Art. 4- Catalan</a>

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
											Audiovisual Council Law 2/2000 of 4th May
	CoAN	Board	7	No	No	No	No	No	No	No	Art. 23. Foral Law 18/2001 of 5 <sup>th</sup> July. "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
	CAA	Board	11	No	No	No	No	No	The composition of the board has to respect a genre quota: no more than 5 members of the same genre.	No	Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía". Art. 5

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Spain	<del>CEMACNM</del> C	<del>The CNMC adopts the past functions of the Ministry of Industry and Tourism, as well as the past functions of the State Council on Audiovisual Media:</del>  <del>-Supervising the fulfillment of quotas of European Audiovisual works broadcasting.▲</del>	<del>Simple majority. There is no quorum required in the general law, but this should be defined by regulation.</del>	<del>N/A</del>	<del>N/A</del>
		<del>-Supervising the fulfillment of transparency in the audiovisual sector.</del>  <del>-Supervising the fulfillment of duties concerning the protection of minors and disabled</del>  <del>-Supervising the adequacy of audiovisual content broadcastings with the existent self-regulatory codes.</del>  <del>-Supervising the fulfillment of legal requirements for the broadcasting of commercial communications.</del>  <del>-Supervising the acquirement of exclusive rights by broadcasters</del>  <del>-Supervising the fulfillment of public service duties by the public broadcasters.▲ To write a list of events of special interest</del>  <del>▲ To set a register of broadcasters</del> <del>▲ To monitor media ownership rules, including thresholds on audience.</del> <del>▲ To report on tenders of broadcasting licences made by Government and reporting the Government about each offer.</del> <del>▲ To renew or not broadcasting licences.</del> <del>▲ To monitor if public service broadcasters are fulfilling their mission (and within the economic resources assigned to their mission).</del> <del>Art. 47. Law 7/2010 of 31st March 2010</del> <del>▲ To approve and define its own internal rules of procedure and organisation (including the distribution of competences within CEMA) but needs the approval of the Government. Art. 49.2 Law 7/2010 of 31st March 2010</del>	<del>-In the event of a tie in the voting, the President vote+vote decides (quality vote).-decisive (counts as two).</del>  <del>Art 49. Law 7/2010 of 31st March 2010</del>	<del>No</del>	<del>Disposable at the website of the CNMC: <a href="http://www.cnmc.es">www.cnmc.es</a></del>

Country	Body	Competences	Decision-making process	Is the decision making	Minutes and agendas published?
	CAC	<ul style="list-style-type: none"> <li>To grant broadcasting licence.</li> <li>To ensure compliance with the regulations on audiovisual content, in particular the principles of political, social, religious, cultural and philosophical pluralism.</li> <li>To adopt binding general instructions addressed to operators to ensure they comply with prevailing legislation within CAC sphere of competence.</li> <li>To ensure that linguistic pluralism and the regulations on the use of the languages of Catalonia and La Vall d'Aran are complied with.</li> <li>To ensure compliance with the legislation on the protection of minors and on advertising.</li> <li>To guarantee that the missions of public service assigned to the public media are complied with.</li> </ul>	<p>Absolute majority in key decisions: approval or modification of CAC internal regulation, internal budget and concessions/ revocation of broadcasting licences.</p> <p>On all other questions, it is implicit that no absolute majority is required. There is a required quorum of 6 members. In the event of a tie in the voting, the President vote is decisive (counts as two).</p> <p>Art 8.3. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a> and art. 5.3 of the <a href="#">Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya</a>", approved the 28th February 2001</p>	No	Yes, but after 5 years.
		<ul style="list-style-type: none"> <li>To issue preliminary reports on foreseen laws related to the audiovisual sector.</li> <li>To issue reports, on its own initiative, to the Parliament or the Government.</li> <li>To issue an annual report on its activities and on the situation of the audiovisual sector in Catalonia.</li> <li>To promote the adoption of co-regulation and self-regulation measures in the audiovisual sector.</li> <li>To exercise mediation functions.</li> </ul> <p>Art. 10. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a></p> <ul style="list-style-type: none"> <li>To approve and define its own internal rules of procedure and organisation.</li> </ul> <p>Art. 14 <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a></p>			

Country	Body	Competences	Decision-making process	Is the decision making	Minutes and agendas published?
	CoAN	<ul style="list-style-type: none"> <li>● <del>To advise the Government on audiovisual matters and issue reports, on its own initiative, to the Parliament or the Government.</del></li> <li>● <del>To report positively or negatively on the tenders of broadcasting licences prepared by the Government.</del></li> <li>● <del>To Report positively or negatively to the Government on each offer applying for a broadcasting licence.</del></li> <li>● <del>To report positively or negatively on licences renewals and on shareholders changes.</del></li> <li>● <del>To monitor governmental advertising.</del></li> <li>● <del>To issue an annual report on the action of the CoAN and the situation of the audiovisual sector in Navarra.</del></li> <li>● <del>To ensure that the legislation on the protection of minors and minorities are complied with.</del> <ul style="list-style-type: none"> <li>● <del>To make sure that the regulations governing audiovisual content are complied with, in particular the principles of political, social, religious, cultural and philosophical pluralism.</del></li> </ul> </li> <li>● <del>To guarantee that the missions of public service assigned to the public and private media are complied with.</del></li> <li>● <del>To exercise mediation functions.</del></li> <li>● <del>To ensure the compliance with the rules on advertising and European works and to fine if necessary.</del></li> <li>● <del>To promote the adopting of co-regulation and self-regulation measures in the audiovisual sector.</del></li> <li>● <del>To approve and if appropriate to amend the Organic and Operation Statute.</del></li> </ul> <p><del>Art. 26. Foral Law 18/2001 of 5<sup>th</sup> July, “Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council” and art. 15 of the “Estatuto orgánico y de funcionamiento del Consejo Audiovisual de Navarra”.</del></p>	<p><del>Absolute majority in key decisions: approval or modification of CoAN-internal regulation, concessions/revocation of broadcasting licences and if a serious fine on a broadcaster is to be voted.</del></p> <p><del>On all other questions, it is implicit that no absolute majority is required. There is a quorum of a half plus one of the members required to take decisions.</del></p> <p><del>Art 27. Foral Law 18/2001 of 5<sup>th</sup> July, “Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council”</del></p> <p><del>However, in almost all cases decisions are adopted by consensus.</del></p>	No	No



Country	Body	Competences	Decision-making process	Is the decision making	Minutes and agendas published?
	CAA	<p>To issue preliminary reports on foreseen laws related to the audiovisual sector and to advise the Government, the regional Parliament and the Andalusian Council on audiovisual matters.</p> <p>To ensure that the regulations governing audiovisual content are complied with, in particular the principles of political, social, religious, cultural and philosophical pluralism.</p> <p>To promote local pluralism.</p> <p>To ensure that the legislation on the protection of human dignity, gender equality and minors as well as on advertising is complied with.</p> <p>To report positively or negatively on the tenders of broadcasting licences prepared by the Government</p> <p>To Report positively or negatively to the Government about each offer applying for a broadcasting licence.</p> <p>To report positively or negatively on licence renewals or on shareholders changes.</p> <p>To promote the adopting of co-regulation and self-regulation measures in the audiovisual sector.</p> <p>To exercise mediation functions.</p> <p>Art. 4. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”</a>.</p> <p>To approve and define its own internal rules of procedure and organisation. Art. 14. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”</a>.</p>	<p>Simple majority, except for decisions related to appointment of CAA president, to the internal CAA regulation, to the approval of the annual report and to the dismissal of a member of the Board, where an absolute majority is required.</p> <p>The CAA President and at least five others members of the board have to be present for decisions to be valid.</p> <p><a href="#">Art. 9. Law 1/2004 of 17<sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”</a>.</p> <p>In the event of a tie in the voting, the President vote is decisive (counts as two)</p> <p><a href="#">Art. 9. Law 1/2004 of 17<sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”</a>.</p>	No	Yes, but after 5 years.

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Spain	CEMACNMC	Chairman	Yes	Parliament (by a <del>3/5</del> <u>absolute majority</u> )	Government (no decisive say, formal appointment)	No	<a href="#">Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition Law 7/2010 of 31st March 2010, art 49.1</a>
		Board members	Yes	Parliament (by a <del>3/5</del> <u>absolute majority</u> )	Government (no decisive say, formal appointment)	No	
	CAC	Chairman	Yes	Government, after receiving the opinion of the 9 other members of	Government	N/A	Art. 4 Catalan Audiovisual Council Law 2/2000 of 4th May
		Board members	Yes	Parliament (by a 2/3 majority and with a support of at least <del>three</del> <u>two</u> political parties).	Government (no decisive say, formal appointment)	No	
	CAA	Chairman	Yes	Members of the Board	Regional Government (no decisive say, formal appointment)	No	Art. 5. Law 1/2004 of 17 <sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”.
		Board members	Yes	Parliament (by a 3/5 majority)	Government (no decisive say, formal appointment)	No	

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Spain	CEMACNMC	Chairman of the board	6 years	Yes, partial renewal every <del>3 years by groups of 4 or 5 members</del> ; <u>2 years</u>	No	<a href="#">Art. 15, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</a> <del>Law 7/2010 of 31st March 2010, art 50.</del>
		Board members	6 years			
	CAC	Chairman of the board	6 years	Yes, partial renewal of a <del>third of the board every two years</del> <u>half of the board in the third year</u>	No	<a href="#">Art. 3. Act 2/2012, February 22<sup>nd</sup>, on modifying several acts regulating the audiovisual market. Its articles 2 to 5 modify the Act 2/2000, May 4<sup>th</sup>, on the Audiovisual Council of Cataluña:</a>  <a href="#">Art. 5 Catalan Audiovisual Council Law 2/2000 of 4th May</a>
		Board members	6 years			
		Board members	6 years			
	CAA	Chairman of the board	5 years	Not explicit in the law, but as elections take place every 4 years, it does not coincide.	Yes, 1.	<a href="#">Art. 5. Law 1/2004 of 17<sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía"</a> .
		Board members	5 years		Yes, 1.	

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Spain	CEMACNMC	Chairman of the board	Members of the board have to be chosen among people <del>related to the audiovisual sector and with a high degree of prestige with professional prestige within the markets supervised by the authority</del>	Not defined.	<a href="#">Art. 15, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</a> <a href="#">Law 7/2010 of 31st March</a>
		Board members			
	CAC	Chairman of the board	“Members of the board have to be chosen among very prestigious and well-known	Yes “...and with professional experience in the audiovisual sector”	Art. 5 <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>
		Board members	people, who can offer full independence...”		
		Board members			
	CAA	Chairman of the board	“Members of the board have to be chosen among very prestigious people in the audiovisual, scientific, educative cultural or social fields”.	No	Art. 5. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004</a> “Creación del Consejo Audiovisual de Andalucía”.
		Board members			

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Spain	<del>CEMACNM</del> <u>C</u>	Chairman	Yes		<del>No</del> No member of the Board can be a member of the high Government staff	No	<del>No</del> Member of the Board could have any direct or indirect economic interest within any audiovisual or information society firm. Art. 50.5 No possibility of working in the markets covered by the Commission within the next 2 years following the term of office	No, art. 50.4.	<del>No member of the Board could be member of other public body</del> Yes	<u>Art. 22, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</u>  <u>Arts. 5 to 13 of the Act 5/2006, April the 10<sup>th</sup>, on the regulation of conflicts of interest concerning members of the Government or High Staff of the Public Administration</u> <u>Law 7/2010 of 31st March 2010, art 50.5</u>
		Board members	Yes		<del>No</del> No member of the Board can be a member of the high Government	No	<u>within the next 2 years following the term of office</u>	No, art. 50.4.	<del>No member of the Board could be member of other public</del> Yes	<u>Art. 22, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</u>  <u>Arts. 5 to 13 of the Act 5/2006, April the 10<sup>th</sup>, on the regulation of conflicts of interest concerning members of the Government or High Staff of the Public Administration</u> <u>Law 7/2010 of 31st March 2010, art 50.5</u>

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
					staff				body	
		Senior staff		Not explicit					As a civil servant, it is not possible to have two positions in the public sector at the same time	
	CAC	Chairman	Yes		No Member of the Board could be a member of the high Regional Government staff	Yes No member of the Board could hold a senior or management position on any political party or union.	Yes No member of the Board could hold any direct or indirect interests in audiovisual, cinema, video, newspaper, advertising, computer, telecommunications or internet industries or hold a senior or management position in an industry organisation.	No	No member of the Board could be a member of other public body or private firm	Art.6. <a href="#">Catalan Audiovisual Council Law 2/2000 of 4th May</a>
Board members		Yes								
Senior staff			Not explicit				No	As a civil servant, it is not possible to have two positions in the public sector at the same time		
Board										

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
	CAA	Chairman	Yes		Yes A member of the Board could not be a member of the high staff of the regional Government.	Yes A member of the Board could not hold any management or appointed position in a political party or union	Yes A member of the Board could not hold direct or indirect interest in companies in the audiovisual, cinema, video, newspaper, advertising, computer, telecommunications and internet sectors and cannot hold any senior or management position in an industry organisation	No	No information available	Art. 8. <a href="#">Law 1/2004 of 17<sup>th</sup> December 2004</a> "Creación del Consejo Audiovisual de Andalucía".
		Board members								
		Senior staff		Not defined				As a civil servant, it is not possible to have two positions in the public sector at the same time.		

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Spain	<del>CEMACNMC</del>	Chairman	Yes					<a href="#">Art. 22, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</a>  <a href="#">Arts. 5 to 13 of the Act 5/2006, April the 10<sup>th</sup>, on the regulation of conflicts of interest concerning members of the Government or High Staff of the Public</a> <del>The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20.</del> <a href="#">Law 7/2010 of 31st March 2010, art 50.5</a>
		Board members	Yes					
		Senior staff	Yes					
	CAC	Chairman	Yes					The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20.
Board members								
Senior staff		Not defined						
Board members								
Senior staff								
	CAA	Chairman	Yes					The rules against conflicts of interest during term of office are the same as those on the appointment process. See Table 20.
Board members								
Senior staff		Not defined						



**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Spain	<a href="#">CEMACNMC</a>	Chairman	Yes		Yes, two years.	<a href="#">Art. 22, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</a>
		Board members				
		Senior Staff		No		
	CAC			No		
	CoAN			No		
	CAA			No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Spain	<del>CEMACNMC</del>	Chairman	Yes		A court, if a member of the Board has committed a wilful offence and has been sentenced with a final judgement.	Yes (see previous column)	Only individual members	<del>Law 7/2010 of 31st March</del>
		Individual board members			<del>The Board, if a member decides to resign.</del> The Government, <del>if the Parliament agrees by a 3/5 majority if a member of the Board has unfulfilled seriously</del>			<del>Art. 23, Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition 2010, art 50.3</del>
	CAC		Yes		A court, if a member of the Board has committed a wilful offence. The Parliament could dismiss a member of the Council if it reaches a 2/3 majority, the same majority required for its appointment.	Yes (see previous column)	Only Individual members	Art.7. Catalan Audiovisual Council Law 2/2000 of 4th May Law 14/2005 of 27 <sup>th</sup> December 2005 on Catalan Parliament Intervention in the appointment of authorities and post appointed by Parliament and on criteria and proceedings to assess their competences
	<del>CAN</del>		<del>Yes</del>		<del>A court, if a member of the Board has committed a wilful offence.</del>	<del>Yes (see previous column)</del>	<del>Only Individual members</del>	<del>Art. 25. Foral Law 18/2001 of 5<sup>th</sup> July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"</del>
	CAA		Yes		A court, if a member of the Board has committed a wilful offence. The Board if a member fails to fulfil its obligations in a serious way.	Yes (see previous column)	Only Individual members	Art. 8. Law 1/2004 of 17 <sup>th</sup> December 2004 "Creación del Consejo Audiovisual de Andalucía".

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Spain	<del>CEMACNMC</del>	<del>2005-2009</del> 2013-2014	Chairman	<del>N/A</del>	<del>No</del> N/A		
			Individual board members	<del>N/A</del>	<del>No</del> N/A		
	CAC	<del>2009</del> 2012	Chairman		No		<del>Voluntary resignation in order to become president of a private foundation</del> Voluntary resignation to facilitate the
Individual board members				No			
		<del>2006-2008</del> 2013	Chairman		No		
			Individual board members		No		<u>1 member resigned in order to retire</u>
	CAA	<del>2009</del> 2011-14	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Spain	<del>CEMACNMC</del>	No	State Funding explicit as a funding source	Not explicit in the law	Not explicit, <del>but see other fees</del>	Not explicit, <del>but see other fees</del>	<del>"Fees received by its services or activities"</del>	<del>Article 33 of the Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition Law 7/2010 of March 31, 2010, art 52.2</del>
	CAC	No	<del>Yes</del> 98.87%	<del>0%</del> Yes	<del>0.97%</del> Yes	<del>0.15%</del> Yes	<del>0.01% (Taxes)</del> Yes	<del>2010 Catalonia budget page 705 Article 15 of the Act 2/2000, May 4<sup>th</sup>, on the Audiovisual Council of Catalunya states different sources of financing, but does not fix any mandatory percentage</del>
	<del>CoAN</del>	<del>No</del>	<del>100%</del>	<del>0%</del>	<del>0%</del>	<del>0%</del>	<del>0%</del>	
	CAA	No	100%	0%	0%	0%	0%	Decree 219/2006 of 19 December, "Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía", art. 43

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Spain	<del>CEMACNMC</del>	The Board presents a pre-budget to the Government, who decides to include it in the General Budget State Law	Yes	Board and Government	No	<a href="#">Article 33 of the Act 3/2013, June 4th, on the foundation of the</a>
	CoAN	<del>The CoAN presents a preliminary draft of its annual budget by August of the previous year. The Government of Navarra includes it as an independent line in the annual Draft of Regional Law of Budget of Navarra The Parliament adopts the Regional Law of Budget of Navarra.</del>	<del>Yes, with the elaboration of the draft of the budget.</del>	<del>CoAN, Government of Navarra and regional parliament.</del>	<del>No</del>	<del>Regional Law 18/2001, Art. 31.</del>
	CAC	The CAC presents a preliminary draft of its annual budget by August of the previous year. The Government of Catalonia includes it as an independent line in the annual Draft of Regional Law of Budget of Catalonia The Parliament adopts the Regional Law of Budget of Navarra.	Yes, with the elaboration of the draft of the budget.	CAC, Catalonia Government and regional parliament	No	Art. 15.2 of Catalan Audiovisual Council Law 2/2000 of May 4
	CAA	The CAA presents a preliminary draft of by August of the previous year. The Government of Andalusia includes it as an independent line in the annual Draft of Regional Law of Budget of Andalusia The Parliament adopts the Regional Law of Budget of Navarra.	Yes, with the elaboration of the draft of the budget.	CAA, Andalusia Government and regional parliament	No	Decree 219/2006 of December 19, “Reglamento Orgánico y de Funcionamiento del Consejo Audiovisual de Andalucía”, art. 44

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Spain	<del>CEMACNMC</del>	Yes	Not defined	National Audit Office (Intervención General de la Administración del Estado) Tribunal de Cuentas (Account Court)			<a href="#">article 34 of the Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition Law 7/2010 of 31st March 2010, Art. 52.3</a>
	CAC	Yes	Annual	Regional Audit Office, “Intervenció General”			Art. 15.3 of Catalan Audiovisual Council Law 2/2000 of 4th May
	<del>CoAN</del>	<del>Yes</del>	<del>Annual</del>	<del>“Cámara de Comptos” (regional Chamber of Accounting)</del>	-	-	<del>Art. 59. “Estatuto orgánico y de funcionamiento del Consejo Audiovisual de Navarra”</del>
	CAA	Yes	Annual	Regional Audit Office, “Intervención General”			Art. 18.3 Law 1/2004 of 17 <sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”.

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Spain	<del>CEMA</del> CNMC	Parliament	Yes	Presentation to the Parliament of an Annual Report, which has to include a description of <del>CEMA's</del> CNMC activities and spending of budget.	<del>article 37 of the Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition Law-7/2010 of March 31, 2010, Art. 53</del>
				<del>activities and of the Spanish audiovisual sector. Parliament (and specifically the Committee in charge of audiovisual matters) has the right to ask questions to CEMA on audiovisual matters or the activities of the authority.</del>	
		Government as a whole	No	N/A	
		Specific ministers (e.g. Media, finance, etc.)	<del>No</del> Ministry of <u>Economy and Competition</u>	N/A	
		Public at large	No	N/A	
	CAC	Parliament	Yes	Presentation to the Parliament of an Annual Report, which has to include a description of CAC's activities and of the audiovisual sector in Catalonia.	Art.12. <u>Catalan Audiovisual Council Law 2/2000 of May 4</u>
		Government as a whole	Yes	Presentation to the Government of an Annual Report.	
		Specific ministers(e.g. Media, finance, etc.)	No	N/A	

Country	Body	Body accountable to		Accountability means	Legal basis
		Public at large	No	N/A	
	CAA	Parliament	Yes	Presentation to the Parliament of an Annual Report. This report has to include a description of CAA activities.	<a href="#">Art. 11. Law 1/2004 of December 17, 2004 “Creación del Consejo Audiovisual de Andalucía”.</a>
		Government as a whole	No	N/A	
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	
		Public at large	No	N/A	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Spain	<a href="#">CEMACNMC</a>	Parliament	Annual + a every-three-year balance of fulfillment of objectives	Description of its activities and analysis of audiovisual sector	No explicit rule	No	<del>N/A</del> NO	<a href="#">article 37 of the Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition Art. 53 Law 7/2010 of March 31 2010</a>
	CAC	Parliament/Government	Annual	Description of its activities and analysis of audiovisual sector	No explicit rule	No	N/A	<a href="#">Art.8.3 Catalan Audiovisual Council Law 2/2000 of May 4</a>
	CAA	Parliament	Annual	Description of its activities	No explicit rule	No	N/A	<a href="#">Art. 11. Law 1/2004 of December 17, 2004 “Creación del Consejo Audiovisual de Andalucía”.</a>



**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Spain	<del>CEMACNMC</del>	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A
	CAC	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A
	<del>CoAN</del>	<del>No, except for financial accountability, see Table 27</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>
	CAA	No, except for financial accountability, see Table 27	N/A	N/A	N/A	N/A	N/A

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Spain	<del>CEMACNMC</del>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	S o u
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	CAC	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	CAA	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Spain	<a href="#">CEMACNMC</a>	Internal (with the exception of the Board's decisions)	<a href="#">Administrative appeal following the general Act on Public Administration and Administrative Proceedings (1992)</a> <del>(N/A as internal</del>	Yes	<a href="#">Any legal or natural person with a legitimate interest</a>	<a href="#">Article 36 of the Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition</a>  <a href="#">General Act on Public Administration and Administrative Proceedings (1992)</a>

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
		External		<del>procedures have not been adopted yet</del>			
	CAC	Internal			Yes. Internal Procedure: Before a sanction is issued, an informative period of 20 days is open to hear all parties in conflict. However, not an internal appeal procedure as such is envisaged.		
		External	1	Administrative Court proceedings		Any person/organisation can lodge an appeal against a decision of the regulatory bodies	Art. 34.2. “Estatut orgànic i de funcionament del Consell de Audiovisual de Catalunya”, approved the 28th February 2001
	CAA	External	1	Administrative Court proceedings	Yes Same as above	Any person/organisation can lodge an appeal against a decision of the regulatory bodies	Art. 13 Law 1/2004 of 17 <sup>th</sup> December 2004 “Creación del Consejo Audiovisual de Andalucía”.

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Spain	<del>CEMACNMC</del>	N/A	N/A	YesN/A	Not defined in the law. Pending regulation.
	CAC, CoAN, CAA		√		N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Spain	<del>CEMACNMC</del> , CAC, CoAN, CAA	Yes General provisions of Spanish Administrative law	Yes General provisions of Spanish Administrative law	Yes General provisions of Spanish Administrative law	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Spain	<del>CEMACNMC</del>	1 Administrative Court proceedings		√	The appeal body has the power to cancel the decision and remit it back to the regulator for a new decision.
	CoAN	1 Administrative Court proceedings		√	
	CAC	1 Administrative Court proceedings		√	
	CAA	1 Administrative Court proceedings		√	

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Spain	CEMACNMC	<del>N/A</del> Not mentioned specifically, but there is a budget for "technical reports"	6.198.000,00 million euros (2014) <del>N/A</del>	<del>N/A</del> Yes, public tender must be done when the value of the contract is over 18.000 euros	Not specified <del>N/A</del>	<del>N/A</del> Yes
	CoAN	Yes	€27,000	Yes, if the procedure exceeds more than €3,000.	Agreement of the CoAN's Board	Yes
	CAC	Yes	€150.000 for- 20105.000 euros (2011) 150.000 (2012 and 2013) 15.000 (2014)	Yes, if the procedure exceeds more than €30,000. Yes, public tender must be done when the value of the contract is over 18.000 euros	Agreement of the CAC's Board	Yes
	CAA	Yes	€763,300 for- 2010763.000 euros (2012) 563.353 (2013)	<del>Yes</del> Yes, public tender must be done when the value of the contract is over 18.000 euros, if the procedure exceeds more than €30,000.	Agreement of the CAA's Board	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Spain	<del>CEMACNMC</del>	Not defined explicitly	<del>The Consultative Committee (a new body created together with CEMA) must be consulted. It has to be composed of broadcasters, producers, advertisers or members from audience or consumer associations. The number of members and the selections process of the committee will be defined by regulation. Not defined explicitly</del>	<del>The Consultative Committee has to provide its opinion on the criteria to follow to apply fines and sanctions or on any topic upon request of the Board. Not defined</del>	Not defined	Not defined	<del>Act 3/2013, June 4th, on the foundation of the National Commission on Markets and Competition Law 7/2010 of 31st March 2010, Art. 51.3</del>
	CoAN	None	N/A	N/A	N/A	N/A	
	CAC	Any "Instrucció", (instruction), which constitutes general mandatory guidelines for broadcasters	Sectors affected by the instruction.	15 days	No	No	Art. 32.2 "Estatut orgànic i de funcionament del Consell del Audiovisual de Catalunya", approved on February 28, 2001
	CAA	None	N/A	N/A	N/A	N/A	

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Spain	<del>CEMACNMC</del>	<del>2005-2009</del> 2013-2014	<del>N/A</del> Not available yet
	CAC	<del>2009</del> 2011-2014	<del>0</del> Not given
	CAA	<del>2009</del> 2011-2014	<del>Not given</del> +

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Spain	<del>CEMACNMC</del>	Not defined, but it has to follow the principles of Administrative Law of 1992, which impose to publish decisions within a specific timeframe.	<del>All the decisions must be motivated.</del> Not defined	Not defined	Not Defined
	<del>CoAN</del>	<del>Decisions on internal organization, public employment, public contracting, and the annual budget.</del>	<del>All the decisions must be motivated.</del>	<del>Yes, it would be necessary in case of a specific decision</del>	
	CAC	Mandatory general guidelines to any broadcaster, called “instruccions”, particular agreements (called “accords”), affecting broadcasters and “sancions” (sanctions). A part from that, any public tender and the annual budget.	All the decisions must be motivated.	Yes, explicitly, in “instruccions”.	
	CAA	Decision affecting a third party (decisions, recommendations and sanctions). A part from that, public tenders and the annual budget.	All the decisions must be motivated.	No	



## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Spain	<del>CEMACNMC</del>	<del>Not specified, but general cooperation with the Ministry of Economy and Tourism; or any other governmental department when needed.</del>	<del>Not specified</del>	<del>No, as it is an independent body</del>	<del>Law 7/2010 of 31st March 2010, Art. 47.4 states that CEMA could coordinate its activity with other</del>
					<del>European and Spanish regional authorities, with which it could sign agreements of cooperation. It states as well that CEMA will collaborate with two state bodies: the State Agency of Radiocommunications and the CMT.</del>
	CAC- CAA	Spanish Platform of Audiovisual Councils (PECA)	An agreement signed in 2007	No	Mission: Only exchange of information and debate of ideas on the audiovisual sector and its regulation
	CoAN	Spanish Platform of Audiovisual Councils (PECA) Collaboration agreements with departments of the Government of Navarre Collaboration agreement with Autocontrol, the Spanish advertising self-regulation organisation.	Periodical meetings with the state authority	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Spain	<del>CEMAC</del> NMC	<del>N/A</del> European Platform of Regulatory Authorities (EPRA)	Membership <del>N/A</del>	
	CAC	EPRA Mediterranean Network of Regulatory Authorities <u>Iberian Conference of Audiovisual Councils</u>	Membership Membership <u>Membership</u>	
	<del>CoAN</del>	<del>EPRA</del>	<del>Membership</del>	
	CAA	EPRA Mediterranean Network of Regulatory Authorities <u>Iberian Conference of Audiovisual Councils</u>	Membership Membership	

Finland

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Finland</b>	<p>DVB-T (Digital terrestrial TV)            “ <del>281</del>8 programme licences  <a href="http://www.lvm.fi/web/en/96">www.lvm.fi/web/en/96</a><a href="http://www.lvm.fi/en/programme_licences">http://www.lvm.fi/en/programme_licences</a></p> <p>DVB-T2H (mobile TV, simulcast with DVB-T)(Digital terrestrial TV)            “ <del>321</del> programme licences  <a href="http://www.mobility.fi/MobilityTV/9355">www.mobility.fi/MobilityTV/9355</a></p>	<p>Information not available.            However, most commercial broadcast stations have non-linear services on the Internet.</p> <p><del>(Act 306/2010 transposing the AVMS Directive entered into force on May 1, 2010. It amended the Act on radio and television operations 744/1998)</del></p>	<p>“ 4 nationwide TV channels on DVB-T            “ <del>42</del> channels on DVB-T2H (coverage of DVB-H currently not nationwide)(simulcast with DVB-T, coverage of DVB-T2 currently not nationwide)</p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Finland	Information requirements (art. 5 AVMS Directive)	<a href="#">Tietoyhteiskuntakaari (7.11.2014/917)</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a> (Information Society Code; unofficial English translation <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a> ) <a href="#">Valtioneuvoston asetus televisio- ja radiotoiminnasta (1245/2014;)</a> <a href="https://www.finlex.fi/fi/laki/alkup/2014/20141245">https://www.finlex.fi/fi/laki/alkup/2014/20141245</a> (Government decree on Television and radio operations) Act on Television and Radio Operations 9.10.1998/744 <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish)	Finnish Communications Regulatory Authority (FICORA) <a href="http://www.ficora.fi/en/index.html">www.ficora.fi/en/index.html</a>	FICORA	FICORA
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<a href="#">Tietoyhteiskuntakaari (7.11.2014/917)</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a> (Information Society Code; unofficial English translation <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a> ) As above	As above	As above	As above (But advertising or sponsorship not allowed for PSB)
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<a href="#">Tietoyhteiskuntakaari (7.11.2014/917)</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a> (Information Society Code; unofficial English translation <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a> ) <a href="#">Valtioneuvoston asetus televisio- ja radiotoiminnasta (1245/2014;)</a> <a href="https://www.finlex.fi/fi/laki/alkup/2014/20141245">https://www.finlex.fi/fi/laki/alkup/2014/20141245</a> Government decree on Television and radio operations) As above	As above	As above	As above

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	<p><u>As above</u>  <u>Tietoyhteiskuntakaari (7.11.2014/917)</u>  <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a>            (Information Society Code; unofficial English translation  <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a>)  <u>Valtioneuvoston asetus televisio- ja radiotoiminnasta (1245/2014; Government decree on Television and radio operations)</u></p>	As above	As above	As above
	Access to short news reports (Article 15 AVMS Directive)	<p><u>Tekijänoikeuslaki 8.7.1961/404; Copyright Act</u>  <a href="https://www.finlex.fi/fi/laki/ajantasa/1961/19610404">https://www.finlex.fi/fi/laki/ajantasa/1961/19610404</a>  <u>Unofficial English translation</u>  <a href="https://www.finlex.fi/fi/laki/kaannokset/1961/en19610404.pdf">https://www.finlex.fi/fi/laki/kaannokset/1961/en19610404.pdf</a><u>As above</u></p>	As above	As above	As above
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<p><u>Tietoyhteiskuntakaari (7.11.2014/917)</u>  <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a>            (Information Society Code; unofficial English translation  <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a>)  <u>Valtioneuvoston asetus televisio- ja radiotoiminnasta (1245/2014); Government decree on Television and radio operations</u>  <a href="https://www.finlex.fi/fi/laki/alkup/2014/20141245">https://www.finlex.fi/fi/laki/alkup/2014/20141245</a>  <u>Act on Television and Radio Operations</u>  <u>9.10.1998/744</u>  <a href="http://www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html">www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html</a> (in Finnish)  <u>Government Decree on Television and Radio</u>  <u>10.7.2003/698</u>  <a href="http://www.ficora.fi/en/index/saadokset/lait/tvjaradiotoiminta.html">www.ficora.fi/en/index/saadokset/lait/tvjaradiotoiminta.html</a> (in English)  <a href="http://www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html">www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html</a> (in Finnish)</p>	As above	As above	As above



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Hate speech (Art. 12 and 6 AVMS Directive)	Chapter 11 §10 <a href="#">and 10a (511/2011)</a> of the Penal Code 39/1889 <a href="https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001">https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001</a> unofficial English translation <a href="https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf">https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf</a>	Judicial authorities	Judicial authorities	Judicial authorities
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<i>General</i> <a href="#">Tietoyhteiskuntakaari (7.11.2014/917)</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a> (Information Society Code; unofficial English translation <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a> ) <a href="#">Act on Television and Radio Operations 9.10.1998/744</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in-Finnish)	FICORA	FICORA	FICORA (But advertising not allowed for PSB)
		<i>Unfair advertising (i.e. content)</i> <a href="#">Kuluttajansuojalaki (20.1.1978/38)</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/1978/19780038">https://www.finlex.fi/fi/laki/ajantasa/1978/19780038</a> The Consumer Protection Act 38/1978 <a href="http://www.kuluttajavirasto.fi/Page/0e2e6b01-04e9-4d81-9e03-4d78a7892151.aspx">www.kuluttajavirasto.fi/Page/0e2e6b01-04e9-4d81-9e03-4d78a7892151.aspx</a> (in English) Unofficial English translation <a href="https://www.finlex.fi/fi/laki/kaannokset/1978/en19780038.pdf">https://www.finlex.fi/fi/laki/kaannokset/1978/en19780038.pdf</a> <a href="http://www.kuluttajavirasto.fi/fi-FI/kuluttajaneuvonta/kuluttajan-oikeudet/">www.kuluttajavirasto.fi/fi-FI/kuluttajaneuvonta/kuluttajan-oikeudet/</a> (in Finnish)	The Consumer Ombudsman (who in practice is the Director General of <a href="#">the Finnish Competition and Consumer Agency</a> <del>the Consumer Agency</del> ) <a href="http://www.kkv.fi/en/">http://www.kkv.fi/en/</a> <a href="http://www.kuluttajavirasto.fi/Page/16a2f111-3b55-462d-b14f-3e2662a56b29.aspx">www.kuluttajavirasto.fi/Page/16a2f111-3b55-462d-b14f-3e2662a56b29.aspx</a>	The Consumer Ombudsman	The Consumer Ombudsman

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Protection of minors (Art. 27 AVMS Directive)	<p><a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">Tietoyhteiskuntakaari (7.11.2014/917)</a>  <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a>            Information Society Code; unofficial English translation  <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a>            Kuluttajansuojalaki (20.1.1978/38)  <a href="https://www.finlex.fi/fi/laki/ajantasa/1978/19780038">https://www.finlex.fi/fi/laki/ajantasa/1978/19780038</a>            The Consumer Protection Act 38/1978            Unofficial English translation  <a href="https://www.finlex.fi/fi/laki/kaannokset/1978/en19780038">https://www.finlex.fi/fi/laki/kaannokset/1978/en19780038</a>            Kuvaohjelmalaki 17.6.2011/710  <a href="http://www.finlex.fi/fi/laki/alkup/2011/20110710">http://www.finlex.fi/fi/laki/alkup/2011/20110710</a>            Act on Television and Radio Operations 9.10.1998/744  <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish)    <i>On-demand services:</i>            As above            Act on the Classification of Audiovisual Programmes 775/2000  <a href="http://www.vet.fi/english/lait_kuvaohjelmien_tarkastaminen.php">www.vet.fi/english/lait_kuvaohjelmien_tarkastaminen.php</a> (in English)  <a href="http://www.minedu.fi/OPM/Lainsaadaentoe/voimassa_oleva_lainsaadaentoe/kulttuuri/?lang=fi">www.minedu.fi/OPM/Lainsaadaentoe/voimassa_oleva_lainsaadaentoe/kulttuuri/?lang=fi</a> (in Finnish)</p>	<p><del>FI</del>CORA            Kansallinen audiovisuaalinen instituutti; National Audiovisual Institute  <a href="https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko">https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko</a></p>	<p><del>The Finnish Board of Film Classification</del>            Kansallinen audiovisuaalinen instituutti; National Audiovisual Institute  <a href="http://www.vet.fi/english/">www.vet.fi/english/</a>  <a href="https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko">https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko</a></p>	<p><del>FI</del>CORA            Kansallinen audiovisuaalinen instituutti; National Audiovisual Institute  <a href="https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko">https://kavi.fi/fi/kansallinen-audiovisuaalinen-instituutti/mediakasvatus-ja-kuvaohjelmayksikko</a></p>
	Right of reply (Art. 28 AVMS Directive)	<p><a href="http://www.finlex.fi/fi/laki/ajantasa/2003/20030460">Laki sananvapauden käyttämisestä joukkoviestinnässä (13.6.2003/460);</a>  <a href="https://www.finlex.fi/fi/laki/ajantasa/2003/20030460">https://www.finlex.fi/fi/laki/ajantasa/2003/20030460</a>            Act on the Exercise of Freedom of Expression in Mass Media            Unofficial English translation  <a href="http://www.finlex.fi/fi/laki/kaannokset/2003/en20030460.pdf">http://www.finlex.fi/fi/laki/kaannokset/2003/en20030460.pdf</a>  <a href="http://www.finlex.fi/en/laki/kaannokset/2003/en20030460.pdf">www.finlex.fi/en/laki/kaannokset/2003/en20030460.pdf</a> (in English)</p>	As above	As above	As above

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<a href="#">As above</a>	<a href="#">Ficora</a> <a href="#">As above</a>	<a href="#">The Finnish Board of Film Classification</a> <a href="#">Ficora</a> <a href="#">Kansallinen audiovisuaalinen instituutti</a> ; <a href="#">National Audiovisual Institute</a>	<a href="#">Ficora</a> <a href="#">As above</a>

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
<b>Finland</b>	<a href="#">Viestintävirasto</a> ; Finnish Communications Regulatory Authority (FICORA)	<a href="https://www.viestintavirasto.fi/en/index.html">https://www.viestintavirasto.fi/en/index.html</a>	1998 (then named the Telecommunications Administration Centre) <a href="#">Radio Act 517/1998 as amended by Act 1015/2001</a>	Finnish Communications Regulatory Authority (FICORA) Itämerenkatu 3 A P.O. Box 313 FI-00181 HELSINKI Finland
	<a href="#">Kuluttaja-asiamies</a> ; The Consumer Ombudsman (who is the Director General of consumer affairs of the Finnish Competition and Consumer Authority) - in practice is the Director General of the Consumer Agency)	<a href="http://www.kkv.fi/en/about-us/the-consumer-ombudsman/www.kuluttajavirasto.fi/en/GB/consumer-agency/">http://www.kkv.fi/en/about-us/the-consumer-ombudsman/www.kuluttajavirasto.fi/en/GB/consumer-agency/</a>	The Consumer Ombudsman was established in 1978. But the issues have been covered by other authorities since 1973.  <a href="#">Laki kilpailu- ja kuluttajavirastosta 30.11.2012/661</a> <a href="#">Act 40/1978, repealed by the Act on Consumer Agency 1056/1998</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19981056">www.finlex.fi/fi/laki/ajantasa/1998/19981056</a> (in Finnish)  <a href="#">See also the government Decree on Consumer Agency</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19981057">www.finlex.fi/fi/laki/ajantasa/1998/19981057</a> (in Finnish)	<a href="#">Consumer Agency</a> <a href="#">Finnish Competition and Consumer Authority</a> P. O. Box 5, FI-00531 Helsinki, Finland Visiting address: Siltasaarenkatu 12 A, 00530 Helsinki <del>Haapaniemenkatu 4 A, Box 5, 00531</del> Helsinki Finland

Country	Name of regulatory body	Link to website	Date of establishment	Location
	<a href="#">Kansallinen audiovisuaalinen instituutti</a> ; National audiovisual Institute <del>The Finnish Board of Film Classification</del> (classification of	<a href="https://kavi.fi/en/www.vet.fi">https://kavi.fi/en/www.vet.fi</a>	<u>March 1946</u> <a href="http://www.vet.fi/tiedotteet/vet_tiedote_2006_6_8.php">www.vet.fi/tiedotteet/vet_tiedote_2006_6_8.php</a> (in Finnish) National Audiovisual Institute was formed in 2014 as a result of a merger between the National Audiovisual Archive (formerly Finnish Film Archive, 1957-2007) and the Centre for Media Education and Audiovisual Media (formerly Finnish Board of Film Classification, 1946-2011).	<a href="#">Sörnäisten rantatie 25 A / P.O. Box 16, 00501 Helsinki</a> <a href="#">Jaakonkatu 5-B</a> 00100 Helsinki Finland
	<a href="#">Ministry of Transport and Communications</a>	<a href="http://www.lvm.fi/en/home">http://www.lvm.fi/en/home</a>	<u>The Ministry dates back to 1892, when a transport system committee was set up in the Senate of Finland, then an autonomous Grand Duchy of the Russian empire. The committee later became the Ministry of Transport and Public Works which was further divided into the Ministry of Labour and the Ministry of Transport and Communications in 1970.</u>	<a href="#">Eteläesplanadi 16, Helsinki, PO Box 31, FI-00023 Government</a>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Finland	FICORA	Yes	Yes	Yes	Yes	Yes	Yes <ul style="list-style-type: none"> <li>“ <a href="#">television fees</a></li> <li>“ post</li> <li>“ information security</li> <li>“ operations of .fi-domain name registry</li> </ul>

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Finland	FICORA	Not foreseen in law	<p><i>For audiovisual matters</i> 3-4 (according to FICORA)</p> <p><i>Overall</i> 245 <u>243</u> (currently committed to reduce staff / man- years with 19 from the level of 2006 [229] by 2015 )</p>	<p><i>For audiovisual matters</i> ~ €700,000 (according to FICORA)</p>	<p><i>For audiovisual matters</i> €623,000 (according to FICORA) <u>€789.000 (2014)</u></p> <p><i>Overall</i> €36.6m (2010) <u>€31,4m (2014)</u></p>	<p>2009: €34m</p> <p>Sources: " 2010 Budget agreement between Ficora and the Ministry of Communications <a href="http://www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-_ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf">www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-_ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf</a> " FICORA</p>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Finland	Finnish Communications Regulatory Authority (FICORA)	<p><a href="#">Laki viestintähallinnosta</a> Act on Communications Administration 625/2001 <a href="http://www.finlex.fi/fi/laki/ajantasa/2001/20010625">www.finlex.fi/fi/laki/ajantasa/2001/20010625</a> (in Finnish)</p> <p><del>Predecessor of FICORA, the Telecommunications Administration Centre was established in 1988 based on Radio Act 517/1998 as amended by Act 1015/2001 <a href="http://www.finlex.fi/fi/laki/kaannokset/1988/en19880517.pdf">www.finlex.fi/fi/laki/kaannokset/1988/en19880517.pdf</a> (in English) <a href="http://www.finlex.fi/fi/laki/alkup/2001/20011015">www.finlex.fi/fi/laki/alkup/2001/20011015</a> (in Finnish)</del></p>	<p>Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009 In Finnish: <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a> <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a> <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a></p> <p>Decree on certain fees of FICORA 1058/2009 <a href="http://www.finlex.fi/fi/laki/alkup/2009/20091058">www.finlex.fi/fi/laki/alkup/2009/20091058</a> (in Finnish)</p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Finland	FICORA	Agency	Legal entity, but under the management of the Ministry of Transport and Communications For more information see here: <a href="http://www.lvm.fi/web/en/40">www.lvm.fi/web/en/40</a> (in English)	The Finnish Communications Regulatory Authority is an agency under the Ministry of Transport and Communications	<p><del>FICORA has seven divisions. Four of them - Markets, National Cyber Security Centre, Spectrum Management and Stakeholders - are external. Administration, Information Management and Communications are FICORA's internal divisions. The Director-General is the head of FICORA. FICORA is divided into seven profit areas. In addition to these, the units of International Affairs and Development function directly under the Director-General. The external profit areas are Communications Markets and Services, Networks and Security, Radio Frequencies and Television Fees. The internal profit areas are Development and Support, Information Technology and Communications.</del></p>	<p><del><a href="http://www.ficora.fi/en/index/viestintavirasto/esittely/historia.html">www.ficora.fi/en/index/viestintavirasto/esittely/historia.html</a> (in English) <a href="http://www.ficora.fi/en/index/viestintavirasto/esittely/organisaatio.html">www.ficora.fi/en/index/viestintavirasto/esittely/organisaatio.html</a> (in English) <a href="https://www.viestintavirasto.fi/en/ficora/presentationandduties/organisation.html">https://www.viestintavirasto.fi/en/ficora/presentationandduties/organisation.html</a></del></p>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly ~~recognised~~recognized as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Finland	FICORA		<p>Implicitly recognised.</p> <p>The Council of State – i.e. the Finnish cabinet appoints the Director-General of FICORA, but after that the Director-General is able to independently decide on almost everything, even about the organisation of the agency.</p> <p><u><a href="#">According to the Government Decree on Communications Administration "matters within the scope of the Finnish Communications Regulatory Authority are resolved by the Director-General or some other civil servant at the Finnish Communications Regulatory Authority who has been issued the decision-making power required for the matter in question".</a></u></p>	<p>Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009</p> <p>In Finnish:  <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a>  <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a>  <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a>  <a href="#">Government Decree on Communications Administration (697/2001)</a>  <a href="https://www.finlex.fi/fi/laki/kaannokset/2001/en20010697.pdf">https://www.finlex.fi/fi/laki/kaannokset/2001/en20010697.pdf</a></p>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- “ general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- “ general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- “ third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Finland	FICORA	Tick boxes	No	“	“
		Areas	-	For example: “ deciding on the use of radio spectrum based on a frequency plan accepted by the Council of State “ setting the definition of what is sponsoring and what is advertising in radio <a href="#">and television</a>	In areas under FICORA’s supervision based on the audiovisual media legislation (e.g. advertising insertion and quotas, promotion of European works etc.).
		Source	-	Legislation governing the fields under FICORA’s responsibility collected on its website: <a href="http://www.ficora.fi/index/saadokset/lait.html">www.ficora.fi/index/saadokset/lait.html</a> (in Finnish, extensive list) - <a href="https://www.viestintavirasto.fi/en/steeringandsupervision/actsregulationsdecisions.html">https://www.viestintavirasto.fi/en/steeringandsupervision/actsregulationsdecisions.html</a> <a href="http://www.ficora.fi/en/index/saadokset/lait.html">www.ficora.fi/en/index/saadokset/lait.html</a> (in English, limited list)	General act See previous column. The main piece of legislation is the <a href="#">Act on Television and Radio Operations-9.10.1998/744-Tietoyhteiskuntakaari (7.11.2014/917)</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a> (Information Society Code; unofficial English translation) <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a> <a href="http://www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html">www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html</a> (in Finnish)



**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Finland	FICORA	Quotas	“	“	“			<a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27">Tietoyhteiskuntakaari 7.11.2014/917 https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27</a> For practice, see: <a href="https://www.viestintavirasto.fi/en/aboutthesector/studiesandsurveys/tv-ohjelmieneurooppalaisuusjaraiippumattomuus.html">https://www.viestintavirasto.fi/en/aboutthesector/studiesandsurveys/tv-ohjelmieneurooppalaisuusjaraiippumattomuus.html</a> § 35 of the Act on Television and Radio Operations 9.10.1998/744 <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish) For practice, see: <a href="http://www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/eurooppalaisuusjaraiippumattomuus.html">www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/eurooppalaisuusjaraiippumattomuus.html</a> (in Finnish)
		Advertising	“	“	“			§ 35 of the Act on Television and Radio Operations 9.10.1998/744 <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish) Tietoyhteiskuntakaari 7.11.2014/917 <a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27">https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27</a> For practice, see: <a href="https://www.viestintavirasto.fi/en/tvradio/programmes/advertisingsponsorshipandproductplacement.html">https://www.viestintavirasto.fi/en/tvradio/programmes/advertisingsponsorshipandproductplacement.html</a> For practice, see: <a href="http://www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/mainonnankestoja-sijoittelu.html">www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/mainonnankestoja-sijoittelu.html</a> (in Finnish)
		<a href="#">Director General of consumer affairs of the Finnish Competition and Consumer Authority, is the current Consumer Ombudsman</a> .Protection of minors; (marketing)	“	“	“			<a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27">Tietoyhteiskuntakaari 306 § 7.11.2014/917 https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27</a> § 35 of the Act on Television and Radio Operations 9.10.1998/744 <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish) For practice, see: <a href="http://www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/lapsetjamedia.html">www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/lapsetjamedia.html</a> (in Finnish)

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Finland	FICORA	Quotas	“ <del>all sanctions are discretionary.</del>		“ (All <u>major</u> decisions are published on the FICORA website)	“ <a href="#">Tietoyhteiskuntaari (7.11.2014/917) 32 §</a>	“ <u>Conditional Fine (uhkasakko):</u> A conditional fine, a threat of termination or a threat of having the act done at the defaulter’s expense may be imposed in support of the obligation.  <a href="#">Tietoyhteiskuntaari (7.11.2014/917) 32 and 3342 §</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L42P332">https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L42P332</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27">https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27</a> in § 35 of the Act on Television and Radio Operations 9.10.1998/744 <a href="http://www.finlex.fi/fi/laki/ajantasa/1998/19980744">www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish)  <u>Act on Conditionally Imposed Fines</u> <u>Penalty Payments</u> 1113/1990 <a href="http://www.finlex.fi/fi/laki/ajantasa/1990/19901113">www.finlex.fi/fi/laki/ajantasa/1990/19901113</a> (in Finnish)	“ <u>Penalty payment (seuraamusmaksu):</u> If a television/radio broadcaster fails to rectify its actions within a period set by an authority, it may be ordered to pay penalty.  <a href="#">Tietoyhteiskuntaari (7.11.2014/917) 334 §</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L42P334">https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L42P334</a> in Finnish)

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Finland	FICORA	N/A	“	“	“	“	“	“

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Finland	FICORA	“	N/A	“ (But FICORA publishes its <u>major</u> decisions on its website).	N/A	“ <u>A conditional fine</u> has been set only once during the last 5 years. See FICORA press release of April 6, 2010 (in Finnish) on this case relating to the protection of minors: <a href="https://www.viestintavirasto.fi/viestintavirasto/jankohtaista/2010/T_28.html">https://www.viestintavirasto.fi/viestintavirasto/jankohtaista/2010/T_28.html</a> <a href="http://www.ficora.fi/index/viestintavirasto/">www.ficora.fi/index/viestintavirasto/</a> <a href="http://lehdistotiedotteet/2010/P_28.html">lehdistotiedotteet/2010/P_28.html</a> The broadcaster then followed FICORA’s decision, so the <u>penalty payment</u> <u>conditional fine</u> was not put into force.

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Finland	FICORA	Yes there are – but they are not very formal. Basically anyone can send a letter of complaint via normal mail or a request for actions via FICORA customer website. Then FICORA decides whether it is going to proceed with the complaint/request and ask the operators to provide more information about the case.	<a href="http://www.viestintavirasto.fi/index/asiointi-info/yhteydenotto/lapsillehaitallisetohjelmat.html">www.viestintavirasto.fi/index/asiointi-info/yhteydenotto/lapsillehaitallisetohjelmat.html</a> (in Finnish) <a href="http://www.viestintavirasto.fi/index/asiointi-info/yhteydenotto/rekisteriseloste.html">www.viestintavirasto.fi/index/asiointi-info/yhteydenotto/rekisteriseloste.html</a> (in Finnish) <a href="https://www.viestintavirasto.fi/en/ourservices/contactus.html">https://www.viestintavirasto.fi/en/ourservices/contactus.html</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts		
Finland	FICORA	Individual Director-General <a href="#">Ms. Rauni Hagman Asta Sihvonen-Punkka</a>	n/a							Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009 In Finnish: <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a> <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a> <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Finland	FICORA	<p>The Director-General has the power to decide over the organisation and procedures of FICORA, but the decisions about human resources (and budget) are made by the Ministry of Transport and Communications.</p> <p>In general, the main competences of FICORA (and hence the Director-General) are listed in § 1 of the Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009.</p> <p>In Finnish:  <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a>  <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a>  <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a></p>	<p>Basically Director-General has the highest decision-making power in FICORA, However each civil servant working in FICORA may make decisions on those issues which have been delegated to him or her.</p>	<p><del>Not really</del>The process is under the Laki viranomaisten toiminnan julkisuudesta <a 1999="" en19990621.pdf"="" fi="" href="http://www.finlex.fi/fi/laki/ajantasa/1999/19990621?search%5Btype%5D=pika&amp;search%5Bpika%5D=Laki%20viranomaisten%20toiminnan%20julkisuudesta; Act on the Openness of Government Activities (621/1999); unofficial translation &lt;a href=" http:="" kaannokset="" laki="" www.finlex.fi="">http://www.finlex.fi/fi/laki/kaannokset/1999/en19990621.pdf</a></p>	<p>Only the final decisions</p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Finland	FICORA	Director-General	No	n/a	Appointed by the Council of State. The Ministry of Traffic and Communications is involved (according to FICORA).	n/a	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a> <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a> <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Finland	FICORA	Director-General	No set term, stays in office until retires or resigns	n/a	n/a	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a> <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a> <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Finland	FICORA	Director-General	Higher university degree (= at least MA degree) Current DG is a <a href="https://www.viestintavirasto.fi/en/ficora/news/2011/P4.html">Licentiate in Economic Sciences</a> <a href="https://www.viestintavirasto.fi/en/ficora/news/2011/P4.html">https://www.viestintavirasto.fi/en/ficora/news/2011/P4.html</a> lawyer.	Good knowledge in the responsibilities of the agency as well as in leadership. Director-General is also required to have managerial experience.	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: <a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a> <a href="http://www.finlex.fi/fi/laki/alkup/2006/20060761">www.finlex.fi/fi/laki/alkup/2006/20060761</a> <a href="http://www.finlex.fi/fi/laki/alkup/2009/20090447">www.finlex.fi/fi/laki/alkup/2009/20090447</a>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Finland	FICORA	Director-General	Yes		Yes	Yes	Yes	No	Yes	The Civil Servant Act 750/1994, section 8 <a href="http://www.finlex.fi/fi/laki/ajantasa/1994/19940750">www.finlex.fi/fi/laki/ajantasa/1994/19940750</a> (in Finnish) “... a person to be nominated for an office must present prior to the appointment a statement on business activities, shareholdings and other forms of wealth as well as duties which are non-assigned to that post, any ancillary activities (§ 18 ) and other interests which may be relevant in assessing his ability to manage the tasks of the post to be filled.” (unofficial translation)



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Finland	FICORA	Director General	Yes		Yes	Yes	Yes	The Civil Servant Act 750/1994, sections 15, 16 and 18 <a href="http://www.finlex.fi/fi/laki/ajantasa/1994/19940750">www.finlex.fi/fi/laki/ajantasa/1994/19940750</a> (in Finnish) Additional information on the website of the ministry of finance (in Finnish): <a href="http://www.vm.fi/vm/fi/04_julkaisut_ja_asiakirjat/02_henkilostohallinnon_asiakirjat/04_muut_henkilostohallinnon_asiakirjat/7278/name.jsp">www.vm.fi/vm/fi/04_julkaisut_ja_asiakirjat/02_henkilostohallinnon_asiakirjat/04_muut_henkilostohallinnon_asiakirjat/7278/name.jsp</a>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Finland	FICORA	Director-General		No		(The Civil Servant Act does not provide any „cooling-off period“ or restrictions for employment of former civil servants.)

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Finland	FICORA	Director-General	Yes		The government In practice, the DG of FICORA can be dismissed by the government only if he/she seriously neglects his/her duties or has committed a crime – or the whole agency is shut down.	Yes	n/a	The Civil Servant Act 750/1994/750 <a href="http://www.finlex.fi/fi/laki/ajantasa/1994/19940750">www.finlex.fi/fi/laki/ajantasa/1994/19940750</a>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Finland	FICORA	200 <del>9</del> <sup>5</sup> – today	Director-General		No		No set term for the Director-General who stays in office until retires or resigns. The term of the current Director-General began in 20 <del>1</del> <sup>0</sup> 1

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Finland	FICORA	<del>There is not licence fee anymore. Public broadcasting is funded by a special tax that is collected by the state. End-user TV broadcasting licence fees collected by FICORA are passed to the State Television and Radio Fund, which is the source of funding for YLE: €10.4m</del>	FICORA is a net budgeted agency in the state budget. Any deficit is financed from the state funds, while any surplus is being transferred to the state budget <a href="#">National Cyber Security Centre</a> €3.0m	Spectrum fees €9.8m: 30% of revenues <a href="#">€10.0m</a>	No	No	Tax-like payments €5.2m, 16% of revenues: <ul style="list-style-type: none"> <li>“ Communications market fees: €2.56m <a href="#">€3.0m</a></li> <li>“ TV and radio sector surveillance fees: €0.66m <a href="#">€1.25m</a></li> <li>“ Information security fees: €0.44m <a href="#">€0.42m</a></li> <li>“ Post sector surveillance fees: €1.3m <a href="#">€1.53m</a></li> </ul> Other fees €18.0m, 54% of revenues: <ul style="list-style-type: none"> <li>“ Numbering fees: €2.75m <a href="#">€2.75m</a></li> <li>“ Internet domain name fees: €3.4m <a href="#">€3.78m</a></li> <li>“ End-user TV licence fees (see 2<sup>nd</sup> column)</li> <li>“ Spectrum auction registration fees: €0.35m</li> <li>“ Other similar fees: €1.5m</li> </ul>	<a href="#">Tietoyhteiskuntakaari 306 § 7.11.2014/917</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27">https://www.finlex.fi/fi/laki/ajantasa/2014/20140917#L4P27</a> <a href="#">FICORA annual accounts 2009, p.33- www.ficora.fi/attachments/suomiry/5oFRkPpiC/Viestintaviraston_tilinpaaotos_2009.pdf</a> (in Finnish)  Legal basis: <a href="#">Act on Television and Radio Operations 9.10.1998/744- www.finlex.fi/fi/laki/ajantasa/1998/19980744</a> (in Finnish) <a href="#">The Communications Market Act 393/2003- www.finlex.fi/fi/laki/kaannokset/2003/en20030393.pdf</a> (in English) <a href="#">www.finlex.fi/fi/laki/ajantasa/2003/20030393</a> (in Finnish)  Decree on certain fees of FICORA 1058/2009 <a href="#">www.finlex.fi/fi/laki/alkup/2009/20091058</a> (in Finnish)

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Finland	FICORA	Falls under the state budget, which has to be accepted by Parliament	Yes, proposal for annual budget	The Ministry of Transport and Communications sets in practice the economic goals for FICORA. These goals are evaluated and set every year.	No	<a href="http://www.ficora.fi/2008/en-economy.html">www.ficora.fi/2008/en-economy.html</a> (in English) <a href="http://www.ficora.fi/attachments/suomia/5oLBIVTjD/-Liikenne-ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf">www.ficora.fi/attachments/suomia/5oLBIVTjD/-Liikenne-ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf</a> (in Finnish)

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Finland	FICORA	Yes	Annual	Yes		Internal auditing is apparently being conducted by KPMG <a href="#">BDO Oy</a> (according to the annual report of Ficora <a href="http://www.ficora.fi/attachments/suomiry/5oFRkPpiC/-Viestintaviraston_tilinpaaotes_2009.pdf">www.ficora.fi/attachments/suomiry/5oFRkPpiC/-Viestintaviraston_tilinpaaotes_2009.pdf</a> )	<a href="#">Laki</a> valtionalouden tarkastuksesta 23.12.1947 <a href="http://www.finlex.fi/fi/laki/alkup/1947/19470967">www.finlex.fi/fi/laki/alkup/1947/19470967</a>

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Finland	FICORA	Parliament	No	N/A	<i>No information available</i>
		Government as a whole	No	<del>FICORA is responsible for running the State Television and Radio Fund for Council of State and the Ministry of Transport and Communications—and reports to them. However, FICORA does not have to report about every issue to the whole government.</del>	
		Specific ministers (e.g. Media, finance, etc.)	Yes	The Finnish Communications Regulatory Authority is an agency under the Ministry of Transport and Communications. The Ministry sets yearly general goals to the regulator in a form of a contract.	
		Public at large	No	N/A	
		Other	No	N/A	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Finland	FICORA	Ministry of Transport and Communications	Plan of annual objectives every year Report every 6 months Financial statements every year	“ internal financial auditing “ performance linked to objectives/clearly defined indicators	Yes: detailed information about functions and services	No The Ministry gives a statement to the report, not a formal approval/disapproval. (But if FICORA would fail to reach the goals really badly, that could be a reason to give the director general a warning for neglecting his/her duties).	No	<a href="http://www.ficora.fi/index/viestintavirasto/suunnittelujaseuranta.html">www.ficora.fi/index/viestintavirasto/suunnittelujaseuranta.html</a> (in Finnish) <a href="http://www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-ja_viestintaministerion_ja_Viestintaviraston_valinen_tulosraportti_vuodelle_2010.pdf">www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-ja_viestintaministerion_ja_Viestintaviraston_valinen_tulosraportti_vuodelle_2010.pdf</a> (in Finnish)

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Finland	FICORA	Yes	Annual	Yes National Audit Office of Finland " financial audit " performance audit <a href="http://www.vtv.fi/en">www.vtv.fi/en</a> (in English)	Yes KPMG Oy	No	The Constitution Act on the National Audit Office 676/2000 <a href="http://www.finlex.fi/fi/laki/ajantasa/2000/20000676">www.finlex.fi/fi/laki/ajantasa/2000/20000676</a> (in Finnish)

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Finland	FICORA	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes Ministry of Transport and Communications The ministry sets the goals for agencies under its supervision.	No	No	No	See for example <a href="http://www.lvm.fi/web/en/40">www.lvm.fi/web/en/40</a>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes	Yes There is a certain procedure how the Ministry of Transport and Communications supervises FICORA via the annual negotiations on setting the goals for the regulator.	N/A	N/A	N/A	<a href="http://www.ficora.fi/index/viestintavirasto/suunnittelujasuranta.html">www.ficora.fi/index/viestintavirasto/suunnittelujasuranta.html</a>



**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis	
Finland	FICORA	External	1	Administrative Court <a href="#">Hallinto-oikeuslaki 26.3.1999/430</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/1999/19990430">https://www.finlex.fi/fi/laki/ajantasa/1999/19990430</a> <a href="http://www.oikeus.fi/17598.htm">www.oikeus.fi/17598.htm</a>	No	Person or company whom the agency decisions concern	The Constitution of Finland <a href="#">Administrative Court</a> <a href="#">Hallinto-oikeuslaki 26.3.1999/430</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/1999/19990430">https://www.finlex.fi/fi/laki/ajantasa/1999/19990430</a> <a href="#">The Supreme Administrative Court</a> <a href="#">Laki korkeimmasta hallinto-oikeudesta 22.12.2006/1265</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/2006/20061265">https://www.finlex.fi/fi/laki/ajantasa/2006/20061265</a>
			2	<a href="#">The Supreme Administrative Court</a> <a href="#">Laki korkeimmasta hallinto-oikeudesta 22.12.2006/1265</a> <a href="https://www.finlex.fi/fi/laki/ajantasa/2006/20061265">https://www.finlex.fi/fi/laki/ajantasa/2006/20061265</a> <del>The Supreme Administrative Court</del> <a href="http://www.kho.fi/en/21404.htm">www.kho.fi/en/21404.htm</a>			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Finland	FICORA			“	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Finland	FICORA	“	“	“	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Finland	FICORA	1 Administrative Court <a href="http://www.oikeus.fi/17598.htm">www.oikeus.fi/17598.htm</a>		“	The appeal body has the power to cancel the decision and remit it back to regulator for new decision. Section 67 of the Administrative Judicial Procedure Act 586/1996 <a href="http://www.finlex.fi/fi/laki/kaannokset/1996/en19960586.pdf">www.finlex.fi/fi/laki/kaannokset/1996/en19960586.pdf</a> (in English) <a href="http://www.finlex.fi/fi/laki/ajantasa/1996/19960586">www.finlex.fi/fi/laki/ajantasa/1996/19960586</a> (in Finnish)
		2 The Supreme Administrative Court <a href="http://www.kho.fi/en/21404.htm">www.kho.fi/en/21404.htm</a>		“	Same as above

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Finland	FICORA	Yes	About €150,000 per year (according to FICORA)	Yes, if a certain threshold is exceeded <a href="#">Laki julkisista hankinnoista 30.3.2007/348</a> ; The Act on Public Contracts 348/2007 <a href="http://www.finlex.fi/fi/laki/kaannokset/2007/en20070348.pdf">www.finlex.fi/fi/laki/kaannokset/2007/en20070348.pdf</a> (in English) <a href="http://www.finlex.fi/fi/laki/ajantasa/2007/20070348">www.finlex.fi/fi/laki/ajantasa/2007/20070348</a> (in Finnish)	-	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Finland	FICORA	Before giving any binding decision or imposing a fine all the interested parties must be given a possibility to give a statement	All interested parties	“Sufficient”, not determined by legislation		A summary as a part of the decision	Administrative law

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Finland	FICORA	2005-2009	0

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Finland	FICORA	<a href="#">There is not any obligation to publish the decisions, but according to the Act on the Openness of Governmental Activities the decisions are publicly available. A#</a>	According to <a href="#">Laki viranomaisten toiminnan julkisuudesta, 21.5.1999/621</a> ; the Act on the Openness of Government Activities; -all decisions must be justified. <a href="http://www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf">www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf</a> (in English) <a href="http://www.finlex.fi/fi/laki/ajantasa/1999/19990621">www.finlex.fi/fi/laki/ajantasa/1999/19990621</a> (in Finnish)	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Finland	FICORA	<p>For example both the <a href="#">Finnish Competition and Consumer Authority Consumer Agency</a> and FICORA has the right to monitor telecom operators' contract terms.</p> <p>Regular change of information, meetings and, written advice with the <del>from the</del> <a href="#">National Audiovisual Institute (MEKU)</a> <del>innish Board of Film Classifications</del>.</p>	<p>Tietoyhteiskuntaaari (7.11.2014/917)  <a href="http://www.finlex.fi/fi/laki/ajantasa/2014/20140917">http://www.finlex.fi/fi/laki/ajantasa/2014/20140917</a> (Information Society Code; unofficial English translation  <a href="https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf">https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf</a>)            Communications Market Act since 2007  <a href="http://www.finlex.fi/fi/laki/kaannokset/2003/en20030393.pdf">www.finlex.fi/fi/laki/kaannokset/2003/en20030393.pdf</a> (in English)  <a href="http://www.finlex.fi/fi/laki/ajantasa/2003/20030393">www.finlex.fi/fi/laki/ajantasa/2003/20030393</a> (in Finnish)</p>	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Finland	FICORA	<p>Yes, for example</p> <p><a href="#">ITU</a> International Telecommunication Union</p> <p><a href="#">ETSI</a> European Telecommunications Standards Institute</p> <p><a href="#">ECC</a> Electronic Communications Committee</p> <p><a href="#">ECO</a> European Communications Office <a href="#">EU</a> European Union (RSPG, <del>ja</del> RSC, COCOM, TCAM)</p> <p><del>IRG</del> Independent Regulators Group</p> <p><a href="#">BEREC</a> Body of European Regulators for Electronic Communications</p> <p><a href="#">ERGP</a> European Regulators Group for Postal Services</p> <p><del>ERG</del> European Regulators Group</p> <p><a href="http://www.ficora.fi/index/viestintavirasto/esittely">www.ficora.fi/index/viestintavirasto/esittely</a></p> <p><a href="#">ERGA</a> European Regulators Group for audiovisual Media Services</p> <p><a href="#">EPRA</a> European Platform for Regulatory Authorities</p> <p><a href="#">Informal Nordic Co-operation</a></p> <p><a href="https://www.viestintavirasto.fi/en/steeringand-supervision/cooperation/kansainvalinenyhteisty.html">https://www.viestintavirasto.fi/en/steeringand-supervision/cooperation/kansainvalinenyhteisty.html</a></p>	<p>Government Decree on Communications Administration 60/2004</p> <p><a href="http://www.finlex.fi/fi/laki/alkup/2004/20040060">www.finlex.fi/fi/laki/alkup/2004/20040060</a> (in Finnish)</p>	

France

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
France	More than 350 channels, including <del>3220</del> terrestrial TV channels See the <a href="#">CSA website</a> for a list of the channels	<u>Since the Law n°2009-258 of March 5, 2009, on demand AVM services must file a declaration to the CSA. For the year 2011, 44 companies have declared 106 services (source, CSA report of December 2013 on on-demand AVM services).</u> <del>Not relevant (no declaration or authorisation required for such services)</del>	5 public channels (France2, France 3, France 4, France5, France O)+ regional PSB services (France 3 regions)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
France	Information requirements (art. 5 AVMS Directive)	Law 86-1067, September 30, 1986, « relative à la liberté de communication », as subsequently amended by various laws, including the Law 2009-258, March 5, 2009, “relative à la communication audiovisuelle et au nouveau service public de la télévision” which has incorporated the last version of the AVMS directive <u>and by Law n°2013-1028 of November 15, 2013 “relative à l’indépendance de l’audiovisuel public”, which inter alia, reinforces the independence of the CSA.</u> Please note that there is also an English translation in this link but that the English version does not incorporate changes made after November 2001 <a href="http://www.csa.fr/infos/textes/textes_detail.php?id=116517">www.csa.fr/infos/textes/textes_detail.php?id=116517</a> Article 43.1 page 55 (unless advised differently, page numbers refer to the 1986 law and the related texts as published by the CSA in the link here above)	Conseil Supérieur de l’Audiovisuel (CSA)	CSA	CSA

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<p>Law 86-1067, September 30, 1986 as amended by law 2009-258, March 5, 2009</p> <p>Articles 14 and 14.1 page 16</p> <p>Article 28, page 25</p> <p>Article 33 page 39</p> <p>Article 33-2 page 41</p> <p>Article 43 page 55</p> <p>Law 2009-258, March 5, 2009 (rules not incorporated in Law 86-1067 but still forming part of the body of regulation):</p> <p>Article 28, page 111</p> <p>Code la santé Publique (Public Health Code)</p> <p>Article 2133-1 page 199</p> <p>Article 3323-2 and sq. page 200-201-202</p> <p>Article 3511-3 and sq. page 203-204</p>	<ul style="list-style-type: none"> <li>CSA</li> <li>The self regulation fostered by the AVMS directive (article 9-2) and mentioned in the 1986 law (article 14) is the <a href="#">Autorité de Regulation Professionnelle de la Publicité</a></li> </ul>	CSA ARPP	CSA ARPP
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<p>Law 86-1067:</p> <p>Article 28, Para. 5bis, 5 ter (private operators)</p> <p>Articles 43-11 et 53 (PSB)</p> <p>Article 81 (Yearly consultation on the Conseil national consultatif des personnes handicapées by the CSA on the application of accessibility rules and conventions)</p> <p>Law 2009-258</p> <p>Article 54 (Report by the CSA to the Parliament on the status of application of accessibility rules by broadcasters)</p>	CSA	CSA	CSA
	Broadcasting of major events (Art. 14 AVMS Directive)	<p>Law 1986-1067 Article 20-2</p> <p>Decree 2004-1392, December 22, 2004 (List of major events)</p> <p><a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000786247&amp;fastPos=1&amp;fastReqId=132624247&amp;categorieLien=cid&amp;oldAction=rechTexte">www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000786247&amp;fastPos=1&amp;fastReqId=132624247&amp;categorieLien=cid&amp;oldAction=rechTexte</a></p>	CSA	CSA	CSA
	Access to short news reports (Article 15 AVMS Directive)	<p>Code du sport</p> <p>Article 33-7 as amended by the 2009-258 law, page 210</p>	CSA	CSA	CSA
	Promotion of European works (Art. 13,	<p>Law 86-1067</p> <p>Article 27 page 23 (60% of transmission time devoted to European programs and 40% to French programs-production)</p>	CSA	CSA	CSA

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	16, 17 AVMS Directive)	requirements, contribution to production including independent production) Article 33 page 39 (applicability to non terrestrial broadcasting) Article 33-2 page 41 (contribution of on-demand AMS to original production, independent production and promotion of European and French originated programs) Article 70 page 77 (broadcasting of European and French speaking movies) Article 71 page 77 (contribution to independent movie production)			
	Hate speech (Art. 12 and 6 AVMS Directive)	<u>Law 86-1067</u> Article 1 page 11 Article 15 page 16	CSA	CSA	CSA
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<u>Law 86-1067</u> Article 27 Para. 1 referring to 2 decrees: <ul style="list-style-type: none"> <li>92-280, March 27, 1992 (general) as amended by Decree 2001-1331, December 28, 2001 relating to television:</li> <li><a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000346165&amp;fastPos=1&amp;fastReqId=889794558&amp;categorieLien=cid&amp;oldAction=rechTexte">www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000346165&amp;fastPos=1&amp;fastReqId=889794558&amp;categorieLien=cid&amp;oldAction=rechTexte</a></li> <li>87-239, April 6, 1987 (rules regulating radio):</li> <li><a href="http://www.csa.fr/infos/textes/textes_detail.php?id=13111">http://www.csa.fr/infos/textes/textes_detail.php?id=13111</a></li> </ul>	CSA	CSA	CSA
	Protection of minors (Art. 27 AVMS Directive)	<u>Law 86-1067</u> Article 15 pages 16-17 Article 41-9 (sanctions relating to breach by on-demand AMS)	CSA	CSA	CSA
	Right of reply (Art. 28 AVMS Directive)	<u>Law 82-652</u> as amended in 1992, 2000 and 2004 Article 6 page 97 (no link to full text of 82-652 available)	Judicial procedures	Judicial procedures	Judicial procedures
	Communication and cooperation	<u>Law 86-1067</u> Article 9, page 15			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
France	Conseil Supérieur de l'Audiovisuel (CSA)	<a href="http://www.csa.fr/">www.csa.fr/</a>	1989 (established by the Law 89-25, January 17, 1989) succeeding the Commission Nationale de la Communication et des Libertés (established by the Law 86-1067, September 30, 1986) and the Haute Autorité de la Communication Audiovisuelle established by the law 82-652, July 29, 1982	Tour Mirabeau 39-43 Quai André Citroën 75739 Paris Cedex 15 Tel : 33 1 40 58 38 00 Fax : 33 1 45 79 00 00

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
France	CSA	Yes	Yes (Planification and coordination role for frequencies within spectrum allocated to broadcasting services by the Government). Adoption of technical norms and standards remains a government prerogative.	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
France	CSA	<del>283 in 2009, 293 in 2010</del> (Budget Law adopted by Parliament on a yearly basis)	2013: 308 2012: 310 Average 2009: 300 Average 2010: 310	2012: € 38,m 2013: € 37m €34.4m (2008) €34.78m (2009)	2012: € 36.4m 2013: € 35,1m €34.4m (2008) €35m (2009)	Annual Reports of the CSA Year <u>2012</u> and <u>2013</u> <del>2008</del> and <del>2009</del>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
France	CSA	<a href="#">Law 89-25, January 17, 1989</a> , amending the 86-1067 fundamental law on audiovisual communication <a href="http://www.csa.fr/infos/textes/textes_detail.php?id=116517">www.csa.fr/infos/textes/textes_detail.php?id=116517</a>	<a href="#">Law 86-1067, September 30, 1986</a> Articles 3-1, 4 to 9. <a href="#">Decree n°2014-382 of 28 March 2014 relating to the organization and functioning of the CSA</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
France	CSA	<a href="#">Autorité publique indépendante (independent public authority)</a> <del><a href="#">Autorité Administrative Indépendante (AAI)</a></del> <del><a href="#">Independent Administrative Authority</a></del>	Yes		<ul style="list-style-type: none"> <li>Capacity to take autonomous decisions</li> <li>Responsible for all aspects of audiovisual communication in relation to content, authorizations, licenses and conventions</li> <li>Power to compel, require and sanction</li> <li>Members are independent and non revocable during their mandate</li> <li>Specific resources and funding</li> <li>Decisions can be contested within administrative law (Tribunal Administratif, Conseil d'Etat)</li> </ul>	<a href="#">Law 2013-1028 of November 15, 2013</a> "relative à l'indépendance de l'audiovisuel public" <a href="#">Jurispedia</a> <a href="http://fr.jurispedia.org/index.php/Autorit%C3%A9_administrative_ind%C3%A9pendante_%28fr%29">http://fr.jurispedia.org/index.php/Autorit%C3%A9_administrative_ind%C3%A9pendante_%28fr%29</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
France	CSA		<ul style="list-style-type: none"> <li>At the heart of the law establishing the first regulation body in 1982 and at the centre of the discussion regarding audiovisual regulation since</li> <li>Various items in the 1986 law to ensure independence of the institution and its members.  <a href="#">The Law 2013-1028 of November 15, 2013 “relative à l’indépendance de l’audiovisuel public” reinforced the independence of the CSA through a new legal status as “Independent Public authority” (which implies a legal personality distinct from the State, more freedom in administrative and financial management as well as responsibility for its decisions) and through modification regarding the appointments of its members. Appointment procedures (see Article 4) and relative lack of means of investigation and research still makes it an issue</a> </li> </ul>	<a href="#">Law 86-1067, Articles 3-1, 4, 5, 7, 8 and 9</a> <a href="#">Law 2013-1028 of November 15, 2013 “relative à l’indépendance de l’audiovisuel public”</a> <a href="#">Articles 3-1, 4, 5, 7, 8 and 9</a>



### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
France	CSA	Tick boxes ✓	No General policy is defined by law and application decrees, but official advice from the CSA is required on any issue, project or decree affecting audiovisual issues.	✓	✓
		<u>Areas</u> Content/distribution policy  Pluralism, diversity, protections of minors and human integrity  Regulation of relations between channels and bouquet operators  Advertising/Sponsorship/Product placement		Specific rules governing the application of quota (production and programming) over the years, the coverage areas, the absolute and relative amounts of production spending committed by majorbroadcasters and cab/sat broadcasters based in France  Definition of categories of programming (such as genres, formats, etc) for the purpose of law enforcement  Law 86-1067, article 17-1  Definition of practical rules	Decision power on all issues where the CSA is endowed with a regulation and monitoring issue, including quotas, advertising breaches, license infringements, relations between channels and distributors.
		Source	Law 86-1067	Law 86-1067	Law 86-1067

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
France	CSA	Quotas  All channels have to declare their quotas fulfilment on a regular basis and register their broadcast content (15 days logs)	√ for major channels	√ Sampling on thematic channels	√	√ Also used in practice as a cross check especially on small channels		Legislation Law 86-1067 articles 27,33, 70 and 71
		Advertising	√ for major channels (time length and duration of breaks)	√ Same as above	√	√ Same as above		Legislation Law 86-1067 Articles 28,33,43
		Protection of minors	√ for major channels	√ Same as above	√	√ Same as above		Legislation Law 86-1067 Article 15

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
France	CSA  Sanction power applying to broadcasters, distributors/, satellite networks operators and on-demand audiovisual media service providers	Quotas	Yes (Mise en demeure: Articles 42 and 48-1 of the <u>86-1067 Law</u> )  Formal objections have to be systematically published by the CSA	Yes (not exceeding 3% of the turnover, 5% in case of second breach)  Articles 42-2, 48-2 and 48-6	At the discretion of the CSA but only in the regulatee concerned by the sanction Article 48-3	Yes (Articles 42-1 and 48-2) <ul style="list-style-type: none"> <li>for less than one month</li> <li>.between one month and one year</li> <li>For the remaining time of the licence (revocation)</li> </ul>	?	
		Advertising	Same as above	Same as above	Same as above	Same as above		
		Protection of minors	Same as above	Same as above	Same as above	Same as above		

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
France	CSA	N/A	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
France	CSA	√ 48 in 2008 73 (2009)	√ 1 (€200k)	√ (for some)	√ (2)	No

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
France	CSA	Yes Complaints are handled by the 'Service d'Information et de Documentation' of the CSA, which reports directly to the director general. <u>In 2013, the CSA has received 7,790 letters, calls or emails of viewers (TV) and listeners (radio). 5,255 complaints concern audiovisual programs. 40% of which relate to facts of violence, vulgarity or sex. 26% to lack of deontology, 4% to lack of pluralisme (source CSA annual report 2013).</u> <del>In 2008, 8700 complaints were received (mostly by mail) and handled the service</del>	Example of protection of minors <a href="http://www.csa.fr/protection_mineurs_TV/alerter.html">www.csa.fr/protection_mineurs_TV/alerter.html</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)			
France	CSA	Board	97		3 members are appointed by the President of the Republic, among which the Chairman of the CSA	3 members appointed by the President of the National assembly (Low chamber) 3 members appointed by the President of the Senate (High chamber)					Members are not supposed to represent any power or lobby but act in their own conscience to implement the CSA's missions and role. In practice, members tend to be mostly professionals such as engineers, producers, journalists or media experts. None of these qualifications is explicitly defined.	<a href="#">Modifications by Law 2013-1028 of November 15, 2013</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
France	CSA	<ul style="list-style-type: none"> <li>Content regulation(pluralism, quotas on broadcasting and production)</li> <li>Licensing</li> <li>Monitoring of obligations</li> <li>Sanction power</li> </ul>	<ul style="list-style-type: none"> <li>Quorum of <u>46</u> members present</li> <li>Majority vote (the Chairman has a casting vote in case of deadlock of a public vote - i.e. not made by secret ballot. Such secret ballot can be required by any member).</li> </ul> <p>Rules governing the functioning of the Conseil are set up in the <a href="#">Decree n°2014-382 of 28 March 2014 relating to the organisation and functioning of the CSA</a><del>decree 89-518 (see pages 239-240)</del></p> <p>Internal set of rules (“Règlement Intérieur”) as established in deliberations of <a href="#">April 9, 2014 (OJ of May 7, 2014)</a><del>July 2001 and February 2008 (see pages 241 to 252)</del></p>	No (secret of deliberations)	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	
France	CSA	Chairman	Yes	The president of the Republic who chooses the chairman of the CSA	The president of the Republic formally appoints the chairman and all board members	No	Law 86-1067 Article 4
		Board members	Yes	<del>The President of the republic</del>		No	Law 86-1067 Article 4

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				<del>(3 members including the chairman)</del> <del>The president of the National Assembly (3 members)</del> <del>The President of the Senate (3 members)</del> <u>Nominated by the president of the National Assembly (3 members) and the President of the Senate (3 members), after validation by the parliamentary commission of cultural affairs.</u>			

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
France	CSA	Chairman of the board	6 years	No	No	Article 4 of Law 86-1067
		Board members	6 years	No	No	Same as above

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
France	CSA	Chairman of the board	None in theory. In practice, media professional or high civil servant	<p>No in theory. In practice, the CSA has had <del>43</del> chairmen since 1989:</p> <ul style="list-style-type: none"> <li>Hervé Bourges (former CEO of a major commercial channel)</li> <li>Dominique Baudis (former TV journalist)</li> <li>Michel Boyon (civil servant and prime Minister's cabinet member)</li> <li><a href="#">Olivier Schrameck</a> (since January 2013) (civil servant)</li> </ul>	The law says nothing about qualifications or professional expertise to be chairman or member of the board of the CSA. It only defines the nomination/appointment process.
		<a href="#">Board members</a>	<a href="#">Article 4 of the Law 86-1067 provides that board members “are designated by reason of their competence in economic, legal or technical matters or of their professional experience in the domain of communication, in particular in the audiovisual or electronic communications sectors”</a>		<a href="#">Modified by Law 2013-1028 of November 15, 2013.</a>



**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
France	CSA	Chairman	Yes		Civil servants can be appointed but must give up their position once appointed. The position of board member/chairman is incompatible with any elective membership and any public office.	No	Members of the industry can be appointed but once appointed, cannot, <u>directly or indirectly</u> , carry out functions for or have an interest in <u>or contract with or receive fees from</u> an audiovisual, cinema, publishing, press, advertising or telecommunications company.	No	Yes: Obligation to disclose direct and indirect interests in the industry and to sell them within 3 months of appointment. Prohibition to hold any electoral mandate and any other public office or mandate	Article 5 of <u>Law 86-1067</u>
		Board members	Yes		Same as above	Same as above	Same as above	No	Same as above	Article 5 of <u>Law 86-1067</u>
		Senior staff		No	General principles and rules regarding public service agents employed by administrative independent authorities	General principles and rules regarding public service agents employed by administrative independent authorities	General principles and rules regarding public service agents employed by administrative independent authorities	Not in principle	Senior staff can keep interests they had in the industry when they enter the CSA staff but shall not buy or sell these interests during their tenure	

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
France	CSA	Chairman	Yes		The position of board member/chairman is incompatible with any elective membership and any public office.	The position of board member/chairman is incompatible with any elective membership.	Prohibition to <u>directly or indirectly</u> carry out functions for or have an interest in <u>or contract with or receive fees from</u> an audiovisual, cinema, publishing, press, advertising or telecommunications	Article 5 of the law 86-1067 <a href="http://www.csa.fr/infos/textes/textes_detail.php?id=116517">www.csa.fr/infos/textes/textes_detail.php?id=116517</a> Deontology Code (Internal set of rules adopted by the CSA regarding in particular conflicts of interest) and published in the Official Journal of February 23, 2003 <a href="http://www.csa.fr/conseil/composition/organisation_textes_deontologie_1.php">www.csa.fr/conseil/composition/organisation_textes_deontologie_1.php</a> (applicable to all public agents) <a href="http://www.csa.fr/conseil/composition/organisation_textes_deontologie_2.php">www.csa.fr/conseil/composition/organisation_textes_deontologie_2.php</a> (specific rules applicable to CSA members)
		Board members	Yes		Same as above	Same as above	Same as above	
		Senior staff	Yes					<a href="http://www.csa.fr/conseil/composition/organisation_textes_charte.php">www.csa.fr/conseil/composition/organisation_textes_charte.php</a>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
France	CSA	Chairman	Yes		Period of 3 years after exit from the CSA during which any member cannot be employed by regulated companies. One year period <u>for the other prohibitions during which the exiting member cannot work in a media/telecommunications company.</u>	Article 5 Law 86-1067
		Board members	Yes		Same as above	Same as above
		Senior Staff		No	No but such employment is submitted to the Commission of Deontology which can oppose it for civil servants being poached by private entities	

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
France	CSA	Chairman	Yes		2/3 majority of the Board	Non Compliance with the rules of the Deontology Code	Only individual members	Deontology Code
		Individual board members	Yes		2/3 majority of the Board	Non Compliance with the rules of the Deontology Code	Only individual members	Deontology Code

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
France	CSA	2010-2015	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
France	High Council for Broadcasting	No	State funding 100% Approved annually by Parliament	No	No	No	No	Law 86-1067, Article 7

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry)?	De facto influence of third parties on budget amounts	Source
France	CSA	Parliament approves the budget proposed by the government	Yes as it “negotiates” its budget with the government (in effect the Ministry of Budget)	Government	High as the CSA has no independent access to funding	<u>Law 86-1067</u> Article 7

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
France	CSA	Yes: supervision by the Cour des Comptes endowed with control of public expenses)	As decided by the Cour des Comptes	Yes	No	No	General legal framework on supervision by public bodies

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
France	CSA	Parliament	Yes	Annual report on activity and various reports on sector-related issues	Article 18, law 86-1067
		Government as a whole	Yes	Idem	Article 18, law 86-1067
		Specific ministers	No	No, though relation with the Ministry of Culture and Communication (which provides a lot of bodies and expertise to the CSA and drafts the laws) is very close to the Council.	
		Public at large	No	(No in addition to complaints handling procedure).	
		Other	No	N/A	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
France		Parliament	Yearly	Activities	No (some information contained in the annual Loi de Finances	No	N/A	?
		Government as a whole	<a href="#">Same?</a>	<a href="#">?Same</a>	<a href="#">?Same</a>	<a href="#">?Same</a>	<a href="#">?Same</a>	?

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
France	CSA	No	N/A	N/A	N/A	N/A	N/A

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/ Minister	Government	Parliament	Other	Source
France	CSA	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No (unless through a change of the law)		
		Does anybody have the power to give instructions to the regulatory body?	No	No	Yes to a limited extent. The prime minister can ask a second deliberation on some very specific issues which have frequency implications or involve local governments- Article 6) (In theory there is no room for any power or entity to give instructions to the CSA (within the framework of its prerogatives as defines by the law). Obviously as the CSA depends on parliament and government for its funding, the government's position is rarely ignored).	Yes Can require specific reports on dedicated issues	No	

Country	Body			Ministry/ Minister	Government	Parliament	Other	S o u
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A		N/A	
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
France	CSA	Internal		None	No, but the process is generally the following: Letter to the regulatee reminding it of the law and its obligations If breach continues, official notification (“mise en demeure”) The regulatee can then lodge a « recours gracieux” If such recourse is not accepted by the CSA and the alleged breach continues, the CSA can take a sanction Such a sanction can be directly appealed before the Conseil d’Etat (no intermediate chamber) <u>“Sanctions procedures have been amended by Law 2013-1028 of November 15 2013, through a more formal separation between instruction and decision phases.”</u>	The entity concerned by the decision	General Administrative Law
		External	1	Conseil d’Etat			



**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
France	CSA		√		N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
France	CSA	√	√	√	√ (No legal competence)

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
France	CSA	1 Conseil d'Etat		√ (in most cases)	No in most cases. In case of annulment of the decision, the Conseil d'Etat sends it back the decision to the CSA for a new decision. But in some cases Conseil d'Etat has power to replace the original decision (conflicts between channels and operators; Sanctions)

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
France	CSA	Yes	Not disclosed	Yes	No	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
France	CSA	<ul style="list-style-type: none"> <li>Use of spectrum allocated to audiovisual services</li> <li>Plan for switch off of analogue frequencies and transition to digital broadcasting</li> </ul>	No	No formal prescription but generally three months	Yes	Yes	Law 86-1067 Article 31

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
France	CSA	<del>2009</del> 2010	<u>2</u>
		<del>2008</del> 2011	<u>40</u>
		<del>2007</del> 2012	<u>04</u>
		<del>2006</del> 2013	1
		<del>2005</del> 2014	<u>04</u>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
France	CSA	All decisions and publications are published in the Journal Officiel  Article 6 of Law 86-1067	Yes	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
France	CSA	Cooperation with ARCEP (Autorité de Régulation des Communications Electroniques et des Postes) ANFR (Agence nationale des Fréquences) and Autorité de la Concurrence (competition issues)	Official consultation/advice required by Law or decrees Exchange of information	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
France	CSA	√ Participational in 3 international bodies and platforms for cooperation between regulators: <ul style="list-style-type: none"> <li>• EPRA (European Platform of Regulation Authorities)</li> <li>• Réseau des Institutions de Régulation Méditerranéennes (RIRM)</li> <li>• Réseau Francophone des régulateurs des Médias (REFRAM)</li> <li>• Tripartite meetings with regulation authorities of Germany and UK</li> </ul>	Ad hoc voluntary cooperation	

Greece

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Greece	<del>135-160</del> TV stations	6 (OnTelecoms, Vivondi, HellasOnline, ConnexTV)	<del>4-1</del> in total ( <del>ERT, NET, ERT3, Parliament Channel, NERIT</del> )

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Greece	Information requirements (art. 5 AVMS Directive)	All the areas are covered by Presidential decree 100/2000, and the National Council for Radio and Television (NCRTV) is the responsible authority for all the categories.			
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Greece	National Council for Radio and Television ( <a href="#">NCRTV</a> )	<a href="http://www.esr.gr">www.esr.gr</a>	1989	Panepistimiou&Ameriki s 5 10564 ATHENS/GR Tel. 0030-210-3354500

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Greece	NCRTV	Yes	No	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Greece	NCRTV	81 (40 admin staff; 40 experts; 1 manager) (Law 2863/2008, Law 3592/2007, Art.19)	4741	€2.492m€3.126m	€2.492m€3.039m	<del>2010</del> 2014. For the total number of staff, see art. 7 min. Act 2/95354/0021/09.03.2009. For the state budget approved in Parliament, see law 3813/2009. See also min. Act 2/4431/25.01.2010

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Greece	NCRTV	Law 1866/1989	Laws 2863/2000,3052/2002,2328/1995,2644/1998,3021/2002,Presidential decrees310/1996, 100/2000

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Greece	NCRTV	Independent authority	Yes			Art. 15 § 2, Constitution of Greece

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Greece	NCRTV		Yes	Constitution Art.101A

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Greece	NCRTV		No	√	√
		Areas		1.Regulation of television and radio sectors 2.Supervision of the implementation of media ownership regulations by the Competition Commission	Anti-trust regulation in communications sector
		Source		Laws 3592/2007, 2863/2000	Law 3592/2007, Articles 3 and 5 (specific media ownership regulation) <u>as amended by Act - 1688/135</u> . Until today the Competition Commission is inactive in the implementation of the media ownership rules and the NCRTV is inactive in the supervision of the implementation of media ownership rules

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Greece	NCRTV	Quotas	√	√	√			Art. 4 § 1, law 2328/1995, art. 12, law 2644/1998, art. 4 law 2863/2000
		Advertising	√	√	√			Art. 4 § 1, law 2328/1995, art. 12, law 2644/1998, art. 4 law 2863/2000
		Protection of minors	√	√	√			Art. 4 § 1, law 2328/1995, art. 12 & 15 § 3, law 2644/1998, art. 4 law 2863/2000

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Greece	NCRTV	Quotas						
		Advertising	√ all sanctions are discretionary	√ €20,000-€50,000 (source: research of the consortium)	√	√	√	According to NCRTV, fines can range from €14,673.51 (5.000.000 drachmas) to €1,467,351.43 (500.000.000 drachmas). See art. 16 § 1 law 2644/1998.
		Protection of minors	√	√ €15,000-€80,000 (source: research of the consortium)	√	√	√	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Greece	NCRTV		√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Germany	LMA	√	√		√	√
Greece	NCRTV	√	√	√	√	√
Hungary	National Radio and Television Board (ORTT)	√	√	√	suspending the broadcasting rights for different periods	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Greece	NCRTV	Yes. They follow the provisions of the code of administrative procedures (law 2690/1999) and of the law 2863/2000 according to the internal regulation of NCRTV ratified by the ministerial Act 2020/E/6.9.2002	<a href="http://www.esr.gr">www.esr.gr</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Greece	NCRTV	Board	7	No	No	No	No	<i>Sui generis</i> legal requirements Distinguished scientists, professionals or public personae coming <i>mainly</i> from areas of activity which are related, directly or indirectly, to the mission and the powers of the independent authority 7 100%	No	Implicit proportional party representation	Annual Report 2009 Art. 2 § 3, law 2863/2000

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Greece	NCRTV	<ul style="list-style-type: none"> <li>Audiovisual content regulation (radio &amp; TV)</li> <li>Power to grant, renew or revoke licences (radio &amp; TV)</li> <li>Post-licensing audiovisual market regulation (e.g. application of media ownership rules)</li> <li>Sanction powers</li> <li>Elaboration of the codes on advertisement, information and entertainment programs (ratification by a presidential decree).</li> <li>Consultative competence</li> </ul> <p>The NCRTV is competent to determine its internal organisation and procedures following the provisions of the code of administrative procedure (law 2690/1999) and the law 2863/2000. Its internal regulation is ratified by a ministerial Act (see art. 5 § 1 law 2863/2000, art. 2 § 7 law 3051/2002).</p> <p>The NCRTV does not have a decision making power on human resources. The regulatory body submits a proposal to the Minister of Economy and Finances who decides after consulting the Minister of Internal Affairs (see art. 2 § 5 law 3051/2002).</p>	<p>Majority vote (art. 5 § 6, law 2863/2000, art. 16 § 2 min. Act 20291/E)</p> <p>Presence quorum (art. 5 § 6, law 2863/2000, art. 8 § 1 min. Act 20291/E)</p>	<p>Yes (art. 14 § 4 min. Act 20291/E)</p>	<p>The agendas of the NCRTV's plenary sessions are published (see <a href="http://www.esr.gr">www.esr.gr</a>)</p> <p>After the plenary sessions, the President of the NCRTV gives a press conference (art. 11 § 7 min. Act 20291/E)</p>



**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Greece	NCRTV	Chairman	Yes	The President of the Hellenic Parliament	The Hellenic Parliament's Conference of Presidents	Yes	Art. 101A § 2 Constitution of Greece, art. 14 standing orders of the Hellenic Parliament, art. 2 § 2 law 2863/2000
		Board members	Yes	The President of the Hellenic Parliament	The Hellenic Parliament's Conference of Presidents	Yes	Art. 101A § 2 Constitution of Greece, art. 14 standing orders of the Hellenic Parliament, art. 2 § 2 law 2863/2000

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Greece	NCRTV	Chairman of the board	4 years	No	Yes, once	Art. 2 § 4 law 2863/2000
		Board members	4 years	No	Yes, once	Art. 2 § 4 law 2863/2000

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Greece	NCRTV	Chairman of the board	Eminent scientist		Law 2863/2000, Art.2(3)
		Board members	Scientist or eminent person of public life		Law 2863/2000, Art.2(3)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Greece		Chairman	Yes		The rules on incompatibilities concern: Minister, Deputy Minister, Secretary General and Undersecretary	The rules on incompatibilities concern the members of the Hellenic Parliament, and, also, the persons who hold office or position in the political parties	The Chairman and the Board Members must not have any legal relationship with the media industry during the term office and 3 years after.	No	The obligation to disclose participations in companies is a general transparency rule during the term of office that is applied also to the chairman and to the board members of the NCRTV and not a special rule to avoid conflicts of interests in the appointment process (see art. 3 § 9 law 2863/2000, art. 2 law 3213/2003)	Art. 3 §§ 1 & 3 law 2863/2000, art. 3 § 5 law 3051/2002
		Board members	Yes		Same as above	Same as above	Same as above	Same as above		Art. 3 §§ 1 & 3 law 2863/2000, art. 3 § 5 law 3051/2002
		Senior staff	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	No information available

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Greece	NCRTV	Chairman	Yes		On top of the incompatibility rules at the appointment stage: The Chairman of the regulatory authority cannot be subject to supervision or control by governmental or administrative authorities. He/she is bound not to disclose confidential information that comes to his/her knowledge during the exercise of duties, unless to a competent court or a special Parliamentary Committee	Board members cannot hold office or position in political parties.	The Chairman of the regulatory authority cannot be a partner, a stock holder, a member of the board or occupy, with or without remuneration, any other position in a company or an enterprise whose activities are subject, directly or indirectly, to NCRTV's supervision	Art. 2 § 1, 3 § 5 law 3051/2002, art. 1 § 1, 3 §§ 4 & 7 law 2863/2000
		Board members	Yes		Same as above	No information available	Same as above	Art. 2 § 1, 3 § 5 law 3051/2002, art. 1 § 1, 3 § 4 law 2863/2000
		Senior staff	Yes		Same as above	No information available	Same as above	Art. 6 §§ 4 & 7, 3 § 4 law 2863/2000

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Greece	NCRTV	Chairman	Yes		Yes, for 3 years	Art. 3 § 4 law 2863/2000
		Board members	Yes		Yes, for 3 years	Art. 3 § 4 law 2863/2000
		Senior Staff	Yes		Yes, for 4 years	Art. 6 § 4, 3 § 4 law 2863/2000

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Greece	NCRTV	Chairman		No	In the present state of the Greek law no one can dismiss the NCRTV's Chairman	There are only grounds for forfeiture from office if the NCRTV's Chairman and Board members are condemned with final sentence for felony or for a series of criminal offences (see art. 3 §§ 4 & 6 law 3051/2002, art. 14 standing orders of the Hellenic Parliament)	No information available	Law 2863/2000, Art.3(5)
		Individual board members		No	In the present state of the Greek law no one can dismiss the NCRTV's Board members		No information available	Law 2863/2000, Art.3(5)

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Greece	NCRTV	<del>2005-2009</del> 2009-2014	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Greece	NCRTV	No	State funding (100%)	Since its establishment (1989) the NCRTV has allocated only provisional radio and TV licenses (Annual Report 2009, p.67), which is why spectrum fees have not been paid.	Since its establishment (1989) the NCRTV has allocated only provisional radio and TV licences (Annual Report 2009 of NCRTV, p.67), which is why authorisation/license fees have not been paid by operators.	NCRTV decides on the amount of fines which are paid to the public treasury after a final court case (Annual Report 2009 of NCRTV, p.26)	No	Law 2863/2000, Art.1(2), Art.4§2, Annual Report of 2009 of NCRTV

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Greece	NCRTV	The Minister of Economy and Finances	Yes. The NCRTV's Chairman submits to the Minister of Economy and Finances an annual budget plan. A copy of the budget plan is presented to the President of the Hellenic Parliament.	The Minister of Economy and Finances	No	Art. 2 § 2 law 3051/2002, art. 138A § 7β standing orders of the Hellenic Parliament

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Greece	NCRTV	Yes	For each expenditure	Yes The General State Accounts Office The Audits State Council	No	No	Art. 1 § 2 law 2863/2000

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Greece	NCRTV	Parliament	Yes	<ul style="list-style-type: none"> <li>The NCRTV presents an annual report to the President of the Hellenic Parliament who forwards it to a Parliamentary Committee (e.g. the Permanent Committee of Institutions &amp; Transparency).</li> <li>The Committee's deliberations are submitted to the President of the Hellenic Parliament who forwards them to the NCRTV and, also, to the Minister who is competent for the Media sector. The Committee's deliberations may be debated at the Plenary, without a vote procedure.</li> <li>Besides, the Committee hold hearings of the NCRTV's Chairman and members of the Board and may render a report with recommendations to the regulatory authority (the minority's opinions are included).</li> </ul> <p>The Committee's report, as a result of the hearings, is submitted to the Parliament's Plenary and it may become an object of a parliamentary control session, without a vote procedure.</p>	Law 2863/2000, Art.4 (4) Art. 101A § 3 Constitution of Greece, art. 2 § 1 law 3051/2002, art. 138A, 38 § 1a, 41A, 43A §§ 2 <sup>a</sup> & 6 standing orders of the Hellenic Parliament
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	<del>The Media Minister</del> Minister for the Press and Mass Media	Law 2863/2000, Art.4(4)
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A



**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Greece	NCRTV	Annual report: The Hellenic Parliament & also the Minister <del>who is competent for the Media sector</del> for the Press and the Mass Media Special reports: The Hellenic Parliament ( <i>N.B.</i> Optional)	Annual	Supervision activities Annual report: scope not defined Special reports: scope not defined	No	No	No	<a href="http://www.esr.gr">www.esr.gr</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Greece	NCRTV	No	No	No	No	No	No

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Greece	NCRTV	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Art. 101A § 1 Constitution of Greece, art. 1 § 1 law 2863/2000, art. 2 § 1 law 3051/2002
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	Art. 101A § 1 Constitution of Greece, art. 1 § 1 law 2863/2000, art. 2 § 1 law 3051/2002
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Greece	NCRTV	Internal	1 NCRTV <i>Comment:</i> A formal complaint is brought before the authority which issued the act based on the general right to petition public authorities, as guaranteed by article 10 of the Constitution	No	Those who can plausibly claim that the NCRTV's contested acts cause material or moral damage to their legal interests	Art. 10 Constitution of Greece, art. 24 law 2690/1999
		External	1 Administrative Courts/Interim Relief Committee of the Council of State: Application for the suspension of execution of the NCRTV's contested acts  2 Administrative Courts/ The Council of State: Application for substantive judicial review/Application for annulment of the NCRTV's acts		The persons who can plausibly claim that the NCRTV's contested acts violate their legal interests  II. The Minister who is competent for the Media sector	Art. 5 § 8, law 2863/2000

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Greece	NCRTV			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Greece	NCRTV	√	√	√ <i>Comment:</i> <i>Internal stage</i> The formal complaint leads not only to an examination of the act under legal aspects but also to a substantive control <i>External stage</i> i) Application for annulment: One single ground for annulment: the violation of law, with four different sides <ul style="list-style-type: none"> <li>• The lack of competence</li> <li>• The infringement of an essential formal or procedural requirement</li> <li>• The violation of a substantive provision of law</li> <li>• The abuse of power</li> </ul> ii) The application for substantive judicial review is examined by the court not only with regard to the lawfulness but also with regard to the substantive propriety of the contested administrative act.	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Greece	NCRTV	1 Internal	√		N/A
		2 External		√	The NCRTV is obligated to take the measures called for by the court's judgement, or to refrain from any action declared to be unlawful.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Greece	NCRTV	Yes	€54,000/2010 (budget codes 0871, 0873)	Yes	-	No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Greece	NCRTV	NCRTV's decisions concerning the three codes of regulation (see table 16) must be subject to public consultation. In practice, prior public consultations do not take place (source: <del>research of the consortium</del> ) According to NCRTV, a public consultation was organised in relation to the last NCRTV code that was ratified by a presidential decree in 2003 (code on information programmes, P.D. 77/2003).	<ul style="list-style-type: none"> <li>Federation of the Greek Editors Unions <ul style="list-style-type: none"> <li>Greek Advertisers Association</li> </ul> </li> <li>Hellenic Advertising Agencies Association</li> <li><u>ERT S.A. NERIT</u> (state radio &amp; television company)</li> <li>The private television stations</li> <li>The two most representative Unions of the local radio stations</li> </ul>	Not defined	Not required	Not required	Art. 3 § 15 Law 2328/1995, art. 4 § 3 Law 2863/2000

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Greece	NCRTV	<del>2005-2009</del> 2009-2014	None <del>(source: research of the consortium)</del> According to NCRTV, a public consultation was organised in relation to the last NCRTV code that was ratified by a presidential decree in 2003 (code on information programmes, P.D. 77/2003).

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Greece	NCRTV	All decisions are published according to the internal order of NCRTV ratified by the ministerial Act 20291/E/6.9.2002	Yes, according to law 2983/2000, Art. 5(7) all the decisions of NCRTV must be motivated	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Greece	NCRTV	Consultations with the National Commission of Telecommunications and Post Open channel of communication, cooperation & assistance (see art. 4 § 2 law 2863/2000)	Concerning the licensing of digital media services Law 3592/2007, Art.15, (4, 10, 13). Ad hoc manner	No	Generally there are only potential cooperation possibilities, not realized

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Greece	NCRTV	Yes, e.g.: <ul style="list-style-type: none"> <li>• European Platform of Regulatory Authorities – EPRA</li> <li>• Mediterranean Network of Regulatory Authorities</li> <li>• Contact Committee of EU for the implementation of the AVMS Directive</li> <li>• Network of Independent Broadcasting Authorities of Euxinus Pontus</li> </ul>	Art. 4 § 2 law 2863/2000	

Croatia



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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Croatia	<p><del>2023</del> 275            (2023 local and regional, 72 national– Nova TV, Doma TV and RTL TV, RTL 2 TV, RTL Kockica, CMC, Sportska televizija.)  <a href="http://www.e-mediji.hr/hr/pruzatelji-medijskih-usluga/televizijski-nakladnici/">http://www.e-mediji.hr/hr/pruzatelji-medijskih-usluga/televizijski-nakladnici/</a>  <a href="http://www.e-mediji.hr/nakladnici/televizijski_nakladnici.php">www.e-mediji.hr/nakladnici/televizijski_nakladnici.php</a></p>	<p>62            Max TV (<del>ip tv with video on demand</del>)  <a href="http://www.tportal.hr/maxtv/fset.html">www.tportal.hr/maxtv/fset.html</a>            Iskon TV (<del>ip tv with video on demand</del>)  <a href="http://www.iskon.hr/za_kuce/telefon_internet_tv/iskon_tv/vise/videoteka">www.iskon.hr/za_kuce/telefon_internet_tv/iskon_tv/vise/videoteka</a>            Bnet            DigiTV            MUX            TotalTV            (<a href="http://www.e-mediji.hr/files/repozitorij/Kanali_hrvatskih_pay-tv_operatera.pdf">http://www.e-mediji.hr/files/repozitorij/Kanali_hrvatskih_pay-tv_operatera.pdf</a><del>the official list has not yet been published</del>)</p>	<p>42            (HTV1, &amp; HTV 2, HTV 3, HTV 4)  <a href="http://www.hrt.hr/">www.hrt.hr/</a></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Croatia	Information requirements (art. 5 AVMS Directive)	<a href="#">Zakon o elektroničkim medijima (NN 153/09, 84/11, 94/13, 136/13)</a>	Agency for electronic media is responsible for all areas and sectors covered.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>Zakon o elektroničkim medijima (Law on electronic media- Official Gazette 153/09</del> <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html</a> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a>			
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<a href="#">Zakon o elektroničkim medijima (Law on electronic media Official Gazette 153/09, 84/11, 94/13, 136/13)</a> - <a href="#">Zakon o Hrvatskoj radioteleviziji (NN 137/10, NN 76/12)(Law on HRT Official Gazette)</a> <del>Zakon o elektroničkim medijima (Law on electronic media- Official Gazette 153/09)</del>			
	Hate speech (Art. 12 and 6 AVMS Directive)	<del>Zakon o elektroničkim medijima (Law on electronic media Official Gazette 153/09, 84/11, 94/13)</del>			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)					

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Croatia	Agency for electronic media	<a href="http://www.e-mediji.hr/">www.e-mediji.hr/</a>	2007	Jagićeva 31 10 000 ZAGREB HRVATSKA Tel. – +385 (0)1 4882610 Fax - +385 (0)1 4882614 E.mail: <a href="mailto:info@e-mediji.hr">info@e-mediji.hr</a>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Croatia	Agency for electronic media	Yes	Yes	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Croatia	Agency for electronic media	Not foreseen	<del>15</del> + 7 council members	0.5 % of the annual gross revenue of radio, television and other electronic media in the preceding year	HRK <del>11.451.341</del> <del>12.490.800.51</del> (app. €1.57m)	2013 <del>08</del> , Annual report for 2013 <del>08</del> <a href="http://www.sabor.hr/fgs.axd?id=40001">http://www.sabor.hr/fgs.axd?id=40001</a> <del>www.e-</del>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Croatia	Agency for electronic media	Zakon o izmjenama i dopunama zakona o elektroničkim medijima (Law amending the Law on electronic media Official Gazette 79/07 <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_79_2493.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_79_2493.html</a>	Zakon o elektroničkim medijima (Law on electronic media, -Official Gazette 153/09, 84/11, 94/13, 136/13) <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Croatia	Agency for electronic media	The Agency for Electronic Media is an independent legal entity with public authority, run by the Council for Electronic Media	Yes			Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13) <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> (Law on electronic media, Official Gazette 153/09- <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html</a>

### Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Croatia	Agency for electronic media		<input type="checkbox"/>	<a href="#">(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</a> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> Zakon o elektroničkim medijima

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Croatia	Agency for electronic media	Tick boxes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Areas	Co and self regulation for radio and television, approval of Council	Quotas, advertising, protection of minors	All areas covered by the Law on electronic media (e.g. licensing, advertising, protection of minors)
		Source	General act <a href="#">(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</a> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <del>Law on electronic media, Official Gazette 153/09</del>	<del>(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</del> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <del>Law on electronic media, Official Gazette 153/09</del> <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html</a>	General act <del>(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</del> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <del>Law on electronic media, Official Gazette 153/09</del>



**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Croatia	Agency for electronic media	Quotas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-		<a href="#">(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</a> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <del>Zakon o elektroničkim medijima</del> <del>(Law on electronic media, Official Gazette</del>
		Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-		<a href="#">(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</a> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <del>Zakon o elektroničkim medijima</del> <del>(Law on electronic media, Official Gazette</del>
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	-		<a href="#">(Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13)</a> <a href="http://www.min-kulture.hr/default.aspx?id=84">http://www.min-kulture.hr/default.aspx?id=84</a> <del>Zakon o elektroničkim medijima</del> <del>(Law on electronic media, Official Gazette</del>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Croatia	Agency for electronic media	Quotas	<input type="checkbox"/> all sanctions are discretionary	<input type="checkbox"/> (€14.000-140.000)		<input type="checkbox"/>	<input type="checkbox"/>	
		Advertising	<input type="checkbox"/>	<input type="checkbox"/> same as above		<input type="checkbox"/>	<input type="checkbox"/>	
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/> same as above	-	<input type="checkbox"/>	<input type="checkbox"/>	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Croatia	Agency for electronic media			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> - (applies to the TWFD as the present Law with the transposed AVMS was only adopted on 17	<input type="checkbox"/>	<input type="checkbox"/>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Croatia	Agency for electronic media	<input type="checkbox"/>	<input type="checkbox"/>	<del>no</del> A	<input type="checkbox"/>	Decision are being implemented

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Croatia	Agency for electronic media	There is an online complaint form available on the website. After receiving a complaint, the Department for supervision and monitoring program assesses the seriousness of the complaint. Depending on the assessment of the Department for supervision, the complaint is referred to the Council for Electronic Media to decide on the type of measures to take. The end decision is published on the website of the Agency.	<a href="http://www.e-mediji.hr/hr/gradjani/prituzbe-gradjana/www.e-mediji.hr/kontakt/prituzbe.php">http://www.e-mediji.hr/hr/gradjani/prituzbe-gradjana/www.e-mediji.hr/kontakt/prituzbe.php</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Croatia	Council for Electronic Media*	board	7	No	No	No	No	Yes 100%	No	No	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09, 84/11, 94/13, 136/13 <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/">http://narodne-novine.nn.hr/clanci/sluzbeni/</a>
	<p><i>*The Council for Electronic Media is the body referred to in this section as it is the highest decision-making organ. article 67.</i></p> <p><i>(1) «The Council runs the Agency and fulfills the tasks of the regulatory body in the area of electronic media. The Council has in its work the authority of the management board in terms of the Law on public institution. The Chairman of the Council is the signatory of the decisions of the Council»</i></p>										

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Croatia	Council for Electronic Media	<input type="checkbox"/> Giving and revoking, concessions for audiovisual media services <input type="checkbox"/> Issuing warnings <input type="checkbox"/> In charge of the register of the active electronic media <input type="checkbox"/> Overseeing and monitoring the legal provisions on program obligations, incentives to co and self regulation of the media, compliance with AVMS <input type="checkbox"/> Reporting to the Croatian Parliament	Majority vote. There is no presence quorum  Zakon o elektroničkim medijima Law on electronic media, Official Gazette 153/09 <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html</a> The Statute of the Agency for Electronic media <a href="http://www.e-mediji.hr/files/podzakonski/2009_39.pdf">www.e-mediji.hr/files/podzakonski/2009_39.pdf</a>	Yes	Yes  <a href="http://www.e-mediji.hr/hr/aem/sjednice">http://www.e-mediji.hr/hr/aem/sjednice</a> = <a href="http://www.e-mediji.hr/rad_agencije/sjednice_vijeca.php">www.e-mediji.hr/rad_agencije/sjednice_vijeca.php</a>

# Hungary

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**Note: The tables for Hungary have been amended without using the track changes mode since the changes are of an extent which would render the information contained unreadable otherwise.**

## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Provide a link to where these services are listed.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Hungary	13 national <sup>1</sup> , 18 regional <sup>2</sup> , several local <sup>3</sup>	123 <sup>4</sup>	5

**Table 2 - Audiovisual laws and regulatory bodies**

### Audiovisual laws

- List the main implementing acts of the provisions contained in the Audiovisual Media Services (AVMS) Directive
- If the country has not yet implemented the AVMS Directive, give the names of the implementing acts of the Television Without Frontiers Directive
- For countries outside the European Union, list the main broadcasting act
- Provide name, date of adoption and link to acts (in English, where available, if not provide link to laws in original language).

### Regulatory bodies

- Name the regulatory bodies in charge of overseeing the application of the national rules implementing the AVMS Directive (or if not implemented, the TWF Directive) by commercial broadcasters, non-linear audiovisual services providers and public service broadcasters (PSB).

NB The study focuses on the regulatory bodies competent for regulating the areas addressed in the AVMS Directive. The study is not aimed at examining the bodies exclusively in charge of substantiating and/or supervising of the public service remit of PSBs.

<sup>1</sup> [http://mediatanacs.hu/dokumentum/163974/bejelentes\\_alapjan\\_mukodo\\_orzagos\\_linearis\\_audiovizualis\\_mediaszolgalatasok.pdf](http://mediatanacs.hu/dokumentum/163974/bejelentes_alapjan_mukodo_orzagos_linearis_audiovizualis_mediaszolgalatasok.pdf)

<sup>2</sup> [http://mediatanacs.hu/dokumentum/163973/bejelentes\\_alapjan\\_mukodo\\_korzeti\\_linearis\\_audiovizualis\\_mediaszolgalatasok.pdf](http://mediatanacs.hu/dokumentum/163973/bejelentes_alapjan_mukodo_korzeti_linearis_audiovizualis_mediaszolgalatasok.pdf)

<sup>3</sup> [http://mediatanacs.hu/dokumentum/163972/bejelentes\\_alapjan\\_mukodo\\_helyi\\_linearis\\_audiovizualis\\_mediaszolgalatasok.pdf](http://mediatanacs.hu/dokumentum/163972/bejelentes_alapjan_mukodo_helyi_linearis_audiovizualis_mediaszolgalatasok.pdf); There are no statistical data in the pdf file.

<sup>4</sup> [http://mediatanacs.hu/dokumentum/163976/lekerheto\\_audiovizualis\\_mediaszolgalatasok.pdf](http://mediatanacs.hu/dokumentum/163976/lekerheto_audiovizualis_mediaszolgalatasok.pdf)



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Hungary</b>	Information requirements (art. 5 AVMS Directive)	Act CLXXXV of 2010 <sup>5</sup> Section 37	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Act CLXXXV of 2010 (Sections 23-25) Act CIV of 2010 <sup>6</sup> (Section 1 (9)-(12), Section 20)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Act CLXXXV of 2010 (Section 39, Section 83 (1) f, Section 184 (1) cc)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Broadcasting of major events (Art. 14 AVMS Directive)	Act CLXXXV of 2010 (Section 101 (1) e) Act CIV of 2010 (Section 10, 13)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Access to short news reports (Section 15 AVMS Directive)	Act CLXXXV of 2010 (Section 19)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Act CLXXXV of 2010 (Section 20, Section 22 (2), (5), Section 203 (9))	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Hate speech (Art. 12 and 6 AVMS Directive)	Act CLXXXV of 2010 (Section 177 (1) a, Section 178 (1) a) Act CIV of 2010 (Section 17)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)

<sup>5</sup> Act CLXXXV of 2010 on Media Services and Mass Media

<sup>6</sup> Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Act CLXXXV of 2010 (Section 33) Act CIV of 2010 (Section 1 (9)-(12), Section (20))	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Protection of minors (Art. 27 AVMS Directive)	Act CLXXXV of 2010 (Section 9) Act CIV of 2010 (Section 19)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)
	Right of reply (Art. 28 AVMS Directive)	Act CIV of 2010 Section 12	The competent court	The competent court	The competent court
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Act CLXXXV of 2010 (Section 183 (2), Section 230) Act CIV of 2010 (Section 25)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)	Media Council of the National Media and Infocommunications Authority (NMHH)

**Table 3 - Regulatory bodies – general information**

For the main regulatory body (i.e. the one in charge of supervising the application of the rules in relation to most of the areas listed above, for commercial audiovisual media service providers and public service broadcasters) please fill in the tables below. Use several rows if there are several main regulatory bodies.

Country	Name of regulatory body	Link to website	Date of establishment	Location
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	<a href="http://nmhh.hu">http://nmhh.hu</a>	2010	HU – 1015 Budapest, Ostrom street 23-25.

**Table 4 - Sectors covered**

The aim of this table is to see if the regulatory body is a converged regulator.

For spectrum, please specify if it is spectrum used for broadcasting, or for all services, including for electronic communications services.

Tick boxes ✓ if the regulatory body has competence over the listed fields.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	✓	✓	✓	✓	✓	✓ postal services, electronic signatures

**Table 5 - Staff and overall budget\***

If the regulatory body is a converged body or has many responsibilities not specifically linked to audiovisual matters, please indicate figures allocated for audiovisual matters. If a breakdown is not available, please state that the figures cover the overall situation.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	No rule.	No data available.	No rule.	The planned personal cost of the NMHH's office was 8 billion HUF (25,8 million EUR) in 2014.  7 million EUR is the contribution from the state budget	2014, Act CLXXXI from 2013 on the budget of NMHH

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

Provide name and date of adoption of, and link to:

- legislation establishing the regulatory body
- legislation governing the functioning of the regulatory body.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	Act CLXXXV of 2010	Act CLXXXV of 2010 Act CIV of 2010 Act CXL of 2004 on the General Rules of Administrative Proceedings and Services

**Table 7 - Legal status**

Please state the legal form of the regulatory body and explain what this means.

If the regulatory body is not a separate legal entity please specify to what entity it is part of (ministry, government, PSB, etc.). Also specify if there are organisational characteristics that lead to an exceptional position of the regulatory body compared to others divisions of that entity and if so, which ones.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Hungary	National Media and Infocommunications Authority (NMHH)	Autonomous regulatory agency	Yes		Competences are shared between the president and the office	Act CLXXXV of 2010
	Media Council of the National Media and Infocommunications Authority (NMHH)	Body of the Authority (vested with independent jurisdiction)	Yes		Its president is the president of NMHH. Media Council does not have own office. Some of the media competences belong to the office.	Act CLXXXV of 2010

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework. Tick boxes  and if it is recognised as a value, briefly explain how.

In the source, please list the highest formal legal level where this value is recognised. If it is a guiding value, but with no formal origin, please tick no and explain.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council		<input checked="" type="checkbox"/> National Media and Infocommunications Authority is an autonomous regulatory agency subordinated solely to the law. The NMHH shall exercise its powers and jurisdiction independently, in accordance with the law.  The Media Council is an independent body of the Authority reporting to Parliament, vested with legal personality. The Media Council and its members are subject only to Hungarian law, and cannot be instructed within their official capacity.	Act CLXXXV of 2010 (Section 109 (1), (6) and Section 123)

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

If the body has rule making and/or policy setting powers, indicate if this power derives from a general act (e.g. governing the powers of the body) or if this power comes from specific legislation in a particular area. Please also indicate the areas where the regulatory body can exercise these powers.

Tick boxes ✓

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	Tick boxes	✓	✓	✓
		Areas	Concept of frequency management	Protection of minors and product placement; Program quotas; Listing of events considered to be of major importance for society	Proceedings of Media Council for action in dispute between media service providers, publishers of press products or signal transfer operators in any media law conflict. Dispute resolution in cases of must carry and must offer. Proceedings of NMHH for action in dispute between electronic communications providers.
		Source	Act CLXXXV of 2010 Section 183 (1) i)	Act CLXXXV of 2010 (Section 9-11, 16, 20, 22, 31 and 183)	Act CLXXXV of 2010 (Sections 76, 80, 172) Act C of 2003 on Electronic Communications

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

We have taken quotas, advertising and the protection of minors as examples of the areas where these powers can be exercised.

Please also specify under 'others' if the regulatory body has other supervision powers in the areas covered by the AVMS Directive.

This table is not concerned with how these powers are used in practice.

Tick boxes .

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)	Quotas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Act CLXXXV of 2010 (Section 20-22)
		Advertising	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Act CLXXXV of 2010 (Sections 23-25, Section 33) Act CIV of 2010 (Section 20)
		Protection of minors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Act CLXXXV of 2010 (Section 9) Act CIV of 2010 (Section 19)
		Hate speech	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Act CIV of 2010 (Section 17)

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors. For each of them, specify if the sanctions are non-discretionary/automatic or if the regulatory body has some discretion in deciding on whether or not adopt a sanction and on the type and amount of the sanction.

This table is not concerned with how these powers are used in practice.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council and Office	Quotas	√ Where the infringement is considered insignificant and no re-occurrence is established, the Media Council and/or the Office shall establish the infringement and shall issue a warning, and, furthermore, may order the infringer to discontinue the unlawful conduct within a time limit of up to thirty days, to refrain from any further infringement in the future and act in a law-abiding manner, and may also set the conditions thereof. (Act CLXXXV of 2010 Section 186 (1))	√ In case of repeat offenders, the Media Council and the Office shall have powers to impose a fine upon the executive officer of the infringing entity in an amount up to two million forints, consistent with the gravity and nature of the infringement and the circumstances of the case.  The Media Council and the Office shall impose a fine on the infringer subject to the following limits:  ba) in case of infringement by an SPI media service providers or a media service provider to whom the regulations on the limitation of media market concentration apply, the fine shall be of an amount up to two hundred million forints,  bb) in case of infringement by a media service provider not covered by Subparagraph ba), the fine shall be of an amount up to fifty million forints,	√ The infringer may be ordered to publish a notice or the resolution on the home page of its website, in a press product or in a designated program in the manner and for the period of time specified in the resolution.  (Act CLXXXV of 2010 Section 187 (3) c)	√ The Media Council and the Office shall suspend the exercise of the right to provide media services for a specific period of time, where:  <i>da</i> ) the period of suspension may last from fifteen minutes up to twenty-four hours,  <i>db</i> ) the period of suspension in case of grave infringement may last from one hour up to forty-eight hours,  <i>dc</i> ) the period of suspension in case of repeated and grave infringement may last from three hours up to one week;  The Media Council and the Office shall remove the media service from the register specified in Subsection (4) of Section 41, in which the infringement was committed, and may terminate the public	√ (1) In case of obstruction of the proceedings, the Authority shall have the right to impose an administrative fine upon the client, and any other party to the proceedings, and any person who is required to cooperate in the process to ascertain the relevant facts of the case if, during the course of the proceedings, such parties act or behave in such a manner as to prolong or obstruct the proceedings or to prevent the actual facts of the case from being established.  (2) The maximum amount of the administrative fine shall be twenty-five million forints, one million forints in the case of natural persons.  (3) In addition to what is contained in Subsections (1)-(2), the Authority shall have powers - and in case of repeated offence, shall be obliged - to impose a fine upon the infringer's executive officer for any case of obstruction of the proceedings or for breaching or non-compliance with the obligation to data disclosure in an amount up to three million forints.  (4) When setting the amount of the administrative fine, the Authority shall take into account the infringer's net	√ The Media Council and the Office shall exclude the infringer from participating in the tender procedures published by the Fund for a fixed period of time.  (Act CLXXXV of 2010 Section 187 (3) a)



Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
				<p>bc) in case of a newspaper of nation-wide distribution, the fine shall be of an amount up to twenty-five million forints,</p> <p>bd) in case of a weekly periodical of nation-wide distribution, the fine shall be of an amount up to ten million forints,</p> <p>be) in case of other newspaper or weekly newspaper or periodical, the fine shall be of an amount up to five million forints,</p> <p>bf) in case of an online press product, the fine shall be of an amount up to twenty-five million forints,</p> <p>bg) in case of a broadcaster, the fine shall be an amount up to five million forints,</p> <p>bh) in case of an intermediary service provider, the fine shall be of an amount up to three million forints;</p> <p>(Act CLXXXV of 2010 Section 187 (1), (3) b)</p>		<p>contract concluded for the right to provide media services with immediate effect on repeated grave infringement by the infringer. The media service stricken from the register may not be made accessible for the public once it was deleted.</p> <p>(Act CLXXXV of 2010 Section 187 (3) d)</p>	<p>turnover from the previous year and the fact whether the offense was committed on one or more occasions.</p> <p>(Act CLXXXV of 2010 Section 156)</p>	
		Advertising	√ Same as above	√ Same as above	√ Same as above	√ Same as above	√ Same as above	√ Same as above
		Protection of minors	√ Same as above	√ Same as above	√ Same as above	√ Same as above	√ Same as above	√ Same as above

**Table 12 -De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years. If it has not made use of them, explain why. If there is any statistical data on these questions, please add.

Tick boxes .

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 13 -De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted powers within the past 5 years. If it has not made use of them, explain why. If there is any statistical data on these questions, please add.

Tick boxes .

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Hungary	National Media and Infocommunications Authority and its Council (NMHH)	<p>Yes</p> <p>Anyone not deemed to be a client for the purposes of the subject of the notification or otherwise under the law may submit a notification addressed to the Authority in matters falling within the scope of responsibilities and competence of the Authority defined in the act, alleging infringement of media regulations.</p> <p>The Authority shall have the right to open proceedings <i>ex officio</i> on the basis of the notification at its discretion. If the Authority declines to open proceedings on the basis of the notification, it shall duly inform the notifier accordingly, by way of official correspondence, without having to specify the reasons therefor.</p> <p>With a view to ascertaining the relevant facts of the case, the Authority shall have the right to inspect, examine and make duplicates and extracts of any and all medium containing data, document and written instrument - even if containing business secrets - related to media services, publication of press products and/or broadcasting.</p> <p>With a view to ascertaining the relevant facts of the case, the Authority may order:</p> <p>a) the client, and</p> <p>b) other parties to the proceedings, the agents and employees of the client and other parties to the proceedings and persons in other relationships with the client and other parties to the proceedings, and, furthermore, in exceptional and justified cases, other persons and organizations, to make a statement and to supply data and information in a comparable format defined by the Authority, as well as other information either verbally or in writing.</p> <p>In case of obstruction of the proceedings, the Authority shall have the right to impose an administrative fine upon the client, and any other party to the proceedings, and any person who is required to cooperate in the process to ascertain the relevant facts of the case if, during the course of the proceedings, such parties act or behave in such a manner as to prolong or obstruct the proceedings or to prevent the actual facts of the case from being established.</p> <p>(Act CLXXXV of 2010 Sections 144-166)</p> <p>When detecting any conduct in the provision of a media service, press product and electronic news service that is not considered to constitute an infringement of the regulations on media governance or electronic communications and that falls outside the scope of competence of the Media Council, the President or the Office, that, however, is or may be suitable for causing harm to the equitable interests of users, subscribers, viewers, readers, listeners, consumers of media services and press products and electronic communications services,</p> <p>a) the aggrieved party or any person who is likely to be exposed directly to the effects of such infringement (in the application of this Chapter hereinafter referred to as “infringement”), or</p> <p>b) the association for the protection of consumers, subscribers, users, or viewers, listeners and readers, shall have the right to lodge a complaint with the Media Commissioner’s Office.</p> <p>The Media Commissioner shall have the right to request data, information and statements related to the infringement from any electronic communications service provider. The electronic communications service provider affected shall supply to the Media Commissioner the data, information, document or other similar instrument requested within fifteen days even if the particular data are deemed business secrets.</p> <p>(Act CLXXXV of 2010 Sections 139-143)</p>	<p>Nmhh.hu</p> <p>Mediatanacs.hu</p> <p>Mediaeshirkozlesibiztos.hu/tart/index/974/Panaszbejelentés</p>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

- Please state if the highest decision-making organ of the regulatory body/bodies is an individual or a board/commission and if it is a board/commission, tick the relevant representative components (specify the number of representatives per category and the proportion of that category in the whole composition).
- The highest decision-making organ is the organ responsible for regulatory tasks, namely supervision and enforcement. The highest decision-making organ can also be an internal body to the public service broadcaster if it has the power to issue binding decisions. 'Representation' does not necessarily mean formal representation (delegation) of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate (common practice).

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions, or in particular areas such as quotas, advertising and the protection of minors) please fill out for each organ, by using different rows.

Country	Body	Individual or Board	Number of Board members	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source
				Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)	Board	5 (4 members + chairman)	No	No	No	No	No	No	Nominating and election of members by the Parliament	Act CLXXXV of 2010 Sections 111/A and 124-126

**Table 16 - Highest decision-making organ – competences and decision making process and transparency**

This table is intended to show the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision making process.

- For the competences, please list main competences and specify if the body is competent to determine its internal organisation and procedures and whether it has a decision making power on human resource.
- On the decision making process, please specify how decisions are taken: by majority vote, consensus, whether there a presence quorum. Please indicate source and/or link.
- Is the decision making process transparent and does the highest decision making body publish agendas and minutes of its meetings? If so, please provide link.

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions) please fill out for each organ, by using different rows.

Country	Body	Competences	Decision making process	Is the decision making process transparent?	Minutes and agendas published?
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)	<p>Acting within its vested competence, the Media Council shall:</p> <p><i>a)</i> exercise general administrative supervision relating to the public contracts it has concluded;</p> <p><i>b)</i> exercise administrative supervision regarding the following statutory provisions defined in this Act:</p> <p><i>ba)</i> provisions on the protection of children and minors,</p> <p><i>bb)</i> provisions on the broadcast of events considered to be of major importance,</p> <p><i>bd)</i> provisions on media services concerning extraordinary situations,</p> <p><i>be)</i> requirements on program quotas,</p> <p><i>bf)</i> requirements relating to commercial communications,</p> <p><i>bg)</i> provisions on product placement,</p> <p><i>bh)</i> provisions on political advertisements, public service announcements and community facility advertisements,</p> <p><i>bi)</i> requirements on advertisements and teleshopping set out under Section 33,</p> <p><i>bj)</i> provisions relating to the must carry obligations of broadcasters, <i>bk)</i> requirements concerning the offering of media services, <i>bl)</i> provisions on the diversity of broadcasting, <i>bm)</i> rules concerning the performance of tasks in public media services;</p> <p><i>c)</i> monitor compliance with the requirements set out in Section 14 and Sections 16-20 of the Act CIV of 2010;</p> <p><i>d)</i> exercise the regulatory powers in relation to infringements committed by media content providers established in other Member States;</p> <p><i>e)</i> adopt an official decision on the rating of a program, at the request of a media service provider;</p>	<p>The Media Council shall adopt its decisions requiring simple majority of all members of the Media Council, including the chairperson of the Media Council.</p> <p>(Act CLXXXV of 2010 Section 144 (4))</p> <p>In the case of the decisions of the office the Media Council is the second instance.</p>	<p>Partly – the explanations of the decisions are often not published</p> <p>The decisions of the office are not public available.</p>	Yes

		<p><i>f)</i> conclude a public contract with the media service provider on exemption from the requirements on program quotas;</p> <p><i>g)</i> determine the amount of the basic media service license fee;</p> <p><i>h)</i> perform the tasks relating to tender procedures for rights to provide radio media services and for rights to provide media services in connection with public duties;</p> <p><i>i)</i> proceed in official matters related to the renewal of rights to provide analogue and linear media services;</p> <p><i>j)</i> proceed in official matters related to media services in connection with public contracts;</p> <p><i>k)</i> perform the tasks related to the networking of media service providers and extension of their area of transmission;</p> <p><i>l)</i> exercise the powers on the classification of a media service as a community media service, and shall oversee their operations;</p> <p><i>m)</i> identify the media service providers with significant powers of influence and defines the obligations imposed upon SPI media service providers;</p> <p><i>n)</i> proceed in the context of fulfillment of obligations imposed upon SPI media service providers, excluding the obligations defined in Section 39;</p> <p><i>o)</i> perform the official tasks related to the control of market concentrations;</p> <p><i>p)</i> conduct a sectoral inquiry in the media market;</p> <p><i>q)</i> conduct market surveillance proceedings;</p> <p><i>r)</i> proceed in disputes defined in this Act;</p> <p><i>s)</i> perform the tasks related to public contracts on temporary media services;</p> <p><i>t)</i> functions as at authority of competence in cases defined in this Act and the Competition Act;</p> <p><i>u)</i> proceed in relation to complaints on imbalanced information that may arise in media services provided by SPI media service providers and by public media service providers;</p> <p><i>x)</i> define by means of an official decision public service and community media services falling under must carry obligation [Subsection (3) of Section 75];</p> <p><i>y)</i> perform the regulatory functions related to the actions and decisions of self-regulatory bodies;</p> <p><i>z)</i> exercise other regulatory powers conferred by law.</p> <p>(Act CLXXXV of 2010 Section 182)</p> <p>The Office, within its regulatory powers, shall:</p>			
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		<p><i>a)</i> maintain the administrative registers defined in the act;</p> <p><i>b)</i> determine the amount of the media service license fee payable by media service providers having acquired the right to provide media services through registration;</p> <p><i>c)</i> monitor compliance with the following provisions of the act:</p> <p><i>ca)</i> the provisions on political advertisements, public service announcements and community facility advertisement,</p> <p><i>cb)</i> regulations on advertisements published in public and community media service and public service announcements,</p> <p><i>cc)</i> regulations on programs made accessible to people with a hearing disability,</p> <p><i>cd)</i> regulations on changes in the ownership structure and other data of media service providers, publishers of press products and providers of complementary media services, and on the reporting and disclosure of such data,</p> <p><i>ce)</i> regulations on the ownership structure of linear media service providers and ownership concentration of companies,</p> <p><i>cf)</i> provisions on media content with violence or that is suitable to raise disturbance, and regulations on the protection of religious convictions,</p> <p><i>cg)</i> provisions on advertisement and teleshopping,</p> <p><i>ch)</i> regulations on the sponsorship of media services and programs,</p> <p><i>ci)</i> data disclosure obligations;</p> <p><i>d)</i> perform the tasks related to the discontinuation and termination of rights to provide media services in the event of failure to commence the service;</p> <p><i>e)</i> act in the settlement of complaints regarding the obligation of balanced information;</p> <p><i>f)</i> monitor compliance with the obligations on the forwarding of public media services;</p> <p><i>g)</i> monitor compliance with the provisions on general contractual framework within the context of offering media services;</p> <p><i>h)</i> exercise other powers conferred by law.</p> <p>(Act CLXXXV of 2010 Section 184)</p>			
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**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions) please fill out for each organ, by using different rows to the extent that different rules apply.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)		Yes (different in cases of the president and them members)	<p>Members of the Media Council shall be nominated by an <i>ad hoc</i> nominations committee comprised of one member from each Parliament faction by unanimous vote:</p> <p><i>a)</i> not more than sixty and not less than thirty days before the expiry of the members' term in office;</p> <p><i>b)</i> in cases not covered by Paragraph <i>a)</i>, within thirty days of the time of receiving notice concerning the termination of mandate.</p> <p>The voting power of members of the nominations committee shall be weighted consistent with the number of members of the Parliament faction on whose behalf they were elected.</p> <p>The Parliament resolution on setting up the nominations committee shall also provide for the time available for Parliament factions to make their nominations for the members of the nominations committee. The nomination process may be opened in the event if either of the factions fail to make a nomination for the nominations committee within the timeframe prescribed by the said Parliament resolution.</p>	<p>The president is appointed by the Prime Minister for a term of nine years on a recommendation by the Prime Minister.</p> <p>The authority's president appointed by the President of the Republic shall automatically become nominated for the office of chairperson of the Media Council at the time of appointment.</p> <p>The Prime Minister - before making the recommendation, at least sixty days prior to the expiry of the term of the incumbent President, or within fifteen days in other cases of termination of the presidential mandate - shall request the Public Service Board, the Nemzeti Hírközlési és Informatikai Tanács (<i>National Council for Communications and Information Technology</i>), and the nation-wide self-regulatory trade organizations or interest groups of communications service providers, media content providers, broadcasters and journalists existing for at least five years to make a recommendation for the person of the president candidate.</p>	Yes	Act CLXXXV of 2010 (Section 111/A (1), Section 124-126)



				<p>If the nominations committee is unable to present four nominees in the cases referred to in Paragraph <i>a)</i> of Subsection (3) within the prescribed time limit, the nominations committee shall be authorized to make nomination in the second round requiring at least two-thirds of the weighted votes.</p> <p>If the nominations committee remains unable in the second round to present four nominees in the case referred to in Paragraph <i>a)</i> of Subsection (3) within eight days, its mandate shall terminate and a new nominations committee shall be installed.</p> <p>If the nominations committee is unable to propose a nominee in the case referred to in Paragraph <i>b)</i> of Subsection (3) within the time limit prescribed therein, the nominations committee shall be authorized to make nomination requiring at least two-thirds of the weighted votes.</p> <p>If the nominations committee remains unable in the second round to present a nominee within eight days, its mandate shall terminate and a new nominations committee shall be installed.</p>			

\*Generally, decisions are taken by simple majority. In case of equality of votes, that of the President is preponderant (Art. 6 Règlement 1992)

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions) please fill out for each organ, by using different rows to the extent that different rules apply.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)		9 years	Yes	No	Act CLXXXV of 2010 (Section 124-126)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)		<p>Candidates for the office of chairperson and members of the Media Council shall have the right to stand as a candidate in parliamentary elections, must have no prior criminal record, must not be restrained by court order from exercising the profession required for holding an executive office, and must have a university or college degree, and:</p> <p><i>a)</i> at least five years of previous experience in the supervisory control of media services or press products, or in the supervisory control of the communications sector; or</p> <p><i>b)</i> specializing in media or communications,</p> <p><i>ba)</i> an academic degree recognized in Hungary, or</p> <p><i>bb)</i> at least ten years of experience in teaching in an institution of higher education.</p>	<p>The optional experience requirement in particular, be considered satisfied by the following:</p> <p><i>a)</i> regulatory activities at the Office or the Nemzeti Hírközlési Hatóság (<i>National Communications Authority</i>) in the field of communications in a management position or as an administrative officer;</p> <p><i>b)</i> participating in redress procedures relating to the decisions of the Office or the Nemzeti Hírközlési Hatóság in the capacity of a judge, public prosecutor or legal counsel;</p> <p><i>c)</i> work performed at the Országos Rádió és Televízió Testület (<i>National Radio and Television Board</i>) or its bodies, or at the Media Council relating to the supervision of media services in a management position or as an administrative officer;</p> <p><i>d)</i> participating in redress procedures relating to the decisions of the Országos Rádió és Televízió Testület or its bodies in the capacity of a judge, public prosecutor or legal counsel;</p> <p><i>e)</i> membership in the board of trustees of the Magyar Rádió Public Foundation, the Magyar Televízió Public Foundation or in the Hungária Televízió Public Foundation under Act I of 1996 on Radio and Television Broadcasting, or in the Board of Trustees referred to in Section 85.</p>	Act CLXXXV of 2010 (Section 124-126)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest. For the rules on incompatibilities, please also specify if civil servants/members of other public bodies can enter the regulatory body.

Country	Body		Do such rules exist?		Rules to ensure conflicts of interest with government	Rules to ensure conflicts of interest with political parties	Rules to ensure conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH) and its Media Council		√		<p>The following may not be appointed to the office of president and members of Media Council:</p> <ul style="list-style-type: none"> <li>- the President of the Republic, the Prime Minister, members of the Government, state secretaries, state secretaries for public administration and deputy state secretaries, mayors of communities and metropolitan areas and their deputies, chairmen of the county general assemblies and their deputies, Member of Parliament, spokesman for the nationality, and Members of the European Parliament,</li> <li>- local or county-level municipal representatives, government officials,</li> </ul>	<p>The president and the members may not be engaged in party politics or make representations on behalf of political parties.</p> <p>They cannot be officials of the national or territorial units of political parties, and persons engaged in any form of employment with political parties.</p>	<p>The following may not be appointed to the office of president and members of Media Council:</p> <ul style="list-style-type: none"> <li>- senior officials, management board members, supervisory board members of communications and media service providers, broadcasters, advertising agencies, press publishing and newspaper distribution companies;</li> <li>- persons engaged in any form of employment or other work arrangement with a communications or media service provider, broadcaster, program distributor, advertising agency, press publishing and newspaper distribution company;</li> </ul>	<p>following may not be appointed to the office of president and members of Media Council:</p> <ul style="list-style-type: none"> <li>- the chairperson of the Board of Trustees of the <i>Közszolgálati Közalapítvány</i> (Public Service Foundation) and the chairperson and members of the Public Service Board, the executive director and deputy director of the Fund, the President, Vice President and members of the <i>Nemzeti Hírközlési és Informatikai Tanács</i> (National Council for Communications and Information Technology), the executive director of the public service media service provider, the chairperson and members of the supervisory board thereof, members of the Media Council, with the exception of the Authority's President, and persons in the employment of any of the aforesaid organizations</li> </ul>	<p>following may not be appointed to the office of president and members of Media Council:</p> <ul style="list-style-type: none"> <li>- persons with a direct or indirect ownership interest in a communications company, media service provider, broadcaster, program distributor, press publishing company, advertising agency or newspaper distribution company;</li> <li>- any person holding a direct or indirect ownership interest in a business association - in the case of public limited companies, holding a share of over five per cent -, as well as any person engaged under contract for some form of employment with such companies, where such company is engaged with the bodies referred to in Paragraph d) under agency or service contract;</li> </ul>	Act CLXXXV of 2010 (Section 118, Section 127)

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions) please fill out for each organ, by using different rows to the extent that different rules apply.

Country	Body		Do such rules exist?		Rules to ensure conflicts of interest with government	Rules to ensure conflicts of interest with political parties	Rules to ensure conflicts of interest with industry	Source
			Yes	No				
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH) and its Media Council		√		Same as above (Table 20)	Same as above (Table 20)	Same as above (Table 20)	Act CLXXXV of 2010 (Section 118, Section 127)

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions) please fill out for each organ, by using different rows to the extent that different rules apply.

Country	Body		Do such rules exist?		Do rules exist to prevent chairman/board members/senior staff from being employed by former regulatees?	Is a cooling-off period foreseen?	Others	Source
			Yes	No				
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)		√		<p>The chairperson and members of the Media Council, for one year following termination,</p> <p><i>a)</i> may not engage in employment relationship or any other form of work related relationship with a business association,</p> <p><i>b)</i> may not establish regular economic ties, as the executive officer or owner of a business association, with a business association, and</p> <p><i>c)</i> may not acquire any share in a business association,</p> <p>if any right or lawful interest of this business association was affected by a previous decision made in the capacity of chairperson or member of the Media Council.</p>			Act CLXXXV of 2010 (Section 129)

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

If there is more than one organ responsible within a regulatory body (for instance one organ in charge of management questions, and one in charge of regulatory questions) please fill out for each organ, by using different rows to the extent that different rules apply.

Tick boxes .

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)		<input checked="" type="checkbox"/>		<p>If any conflict of interest arises in respect of the chairperson or any member of the Media Council, and the conflict of interest is not eliminated within thirty days of the time of the meeting establishing the conflict of interest, the plenary meeting of the Media Council shall adopt a resolution to terminate the membership of the chairperson or the member in question. The chairperson or member of the Media Council may not exercise his vested powers as of the date of the adoption of the resolution establishing the conflict of interest.</p> <p>The termination of membership of any member of the Media Council shall be established and announced by the chairperson of the Media Council in the cases listed under Paragraphs <i>b</i>) and <i>f</i>) of Subsection (1), or by the plenary meeting of the Media Council in the cases referred to in Paragraphs <i>c</i>), <i>d</i>) and <i>e</i>) of Subsection (1). Termination of the mandate of the chairperson of the Media Council shall be established and announced by the plenary meeting of the Media Council.</p> <p>If the chairperson of the Media Council is affected, the member designated in the rules of procedure shall substitute the chairperson in the proceedings under Subsections (3), (6) and (7).</p>	<p>The chairperson and members of the Media Council shall be dismissed in connection with any conflict of interest arising concerning the chairperson or member, or if the chairperson or member refuse to file a compulsory declaration of personal wealth, or fail to file one in due time, or have knowingly disclosed false data or information in the declaration, furthermore, if they fail to comply with the requirement of verification described in Subsection (1) of Section 126 for reasons within their control.</p> <p>The chairperson or any member of the Media Council shall be dismissed if being placed under guardianship affecting legal capacity.</p>	Only individual members	Act CLXXXV of 2010 (Section 129)

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)						There was no dismissal. In 2010, the members of the old media authority were dismissed with the new law,



## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

Provide percentages of total budget, reference year (unless 2009) + link to source where information is published.

For other fees, please also add who can decide on the amount of these fees and if there is a requirement that they should be cost-oriented.<sup>7</sup>

Country	Body	State funding/broadcasting fees (max level)	Spectrum fees	Authorisation/licence fees paid by operators	Fines	Other fees, e.g., 'market surveillance fee' based on % of market players' revenues	Source
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	2.2 billion HUF (7.3 million EUR) (NMHH) + 174 million HUF (560 000 EUR) (Media Council)	18 billion HUF (58 million EUR) (NMHH)	1 billion HUF (3.2 million EUR) (Media Council)	150 million HUF (480 000 EUR)	2.3 billion HUF (7,4 million EUR)	Act CLXXXV of 2010 (Section 134-135) Act CLXXXI of 2013

<sup>7</sup> See in the Questionnaire.

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	The Parliament	Yes	<p>The Authority's consolidated budget shall be approved by Parliament in a separate act. The president shall be entitled to restructure the resources between the approved allotment accounts of the integrated budget, with the provision that the Media Council's authorization shall be required for re-allocations affecting its own budget. Within the Authority's integrated budget, the Media Council enjoys financial independence.</p> <p>The Parliament's budgetary committee shall submit to Parliament the bill comprising the Authority's integrated budget by 31 October of the previous year, based on the President's proposal delivered by September 15, which includes the draft budget of the Media Council as approved by the Media Council. The Authority and the Media Council shall operate on the basis of their previous budget until the new budget is approved.</p>	No information	Act CLXXXV of 2010 (Section 134-135) Act LXIV of 2014

**Table 27 - Financial accountability – auditing\***

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Hungary	National Media and Infocommunications Authority (NMHH)	Yes	Ad hoc	State Audit Office	No		Act CLXXXV of 2010

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Hungary	National Media and Infocommunications Authority (NMHH)	Parliament		Reports, parliamentary questions	Act CLXXXV of 2010 Section 133
		State Audit Office		Ad hoc external auditing	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Please indicate the areas (scope) covered by the reporting obligation (financial auditing, performance linked to objectives/clearly defined indicators, etc.).

Please also state if a report has been disapproved in the past 10 years.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)	The Parliament	For the previous year by 31 May of each year.	In this report the Media Council shall evaluate: <i>a)</i> the current status of freedom of speech, opinion and the press, as well as the freedom of information; <i>b)</i> changes in the ownership structure of media	Yes	Yes	No	(Act CLXXXV of 2010 (Section 119 and 133)) <a href="http://mediatanacs.hu/tar/index/993/Orszaggyulesi_beszamolok">http://mediatanacs.hu/tar/index/993/Orszaggyulesi_beszamolok</a>

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
				<p>service providers and broadcasters;</p> <p><i>c)</i> the status quo of frequency management serving to satisfy existing needs for media services;</p> <p><i>d)</i> the economic situation and changes in the financial conditions of media services.</p> <p>(1) The President of the Authority shall submit a report to Parliament to give account of the Authority's activities for the previous year by 31 May of each year. In this report the President of the Authority shall:<sup>8</sup></p> <p><i>a)</i> evaluate the operations and development of the electronic communications market;</p> <p><i>b)</i> evaluate decisions adopted with a view to protecting the interests of providers of electronic communications services and the end-users, and to maintain and uphold fair and effective competition in the electronic communications sector;</p> <p><i>c)</i> provide information on monitoring the conduct of organizations and persons engaged in electronic communications activities for compliance with the relevant legislation; and</p> <p><i>d)</i> evaluate the results of its management of State-owned limited resources.</p> <p>The report shall be published both in printed format and on the websites of the Authority and of the ministry governed by the minister in charge of electronic communications.</p>				

<sup>8</sup> Established: by paragraph (6) Section 389 of Act CCI of 2011. In force: as of 1. 01. 2012.

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Hungary	Media Council of the National Media and Infocommunications Authority (NMHH)	Yes	Ad hoc	State Audit Office	No		Act LXVI of 2011 on State Audit Office

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions If you answer yes (√) state who can overturn and give short explanation (areas, conditions if any, examples).

Country	Body	Does anybody have the power to overturn decisions of the regulator?	Ministry/Minister	Government	Parliament	Other	Source
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	Yes The competent court	No	No	No	The court may overturn the resolution of the Media Council.	Act CLXXXV of 2010 (Section 70 (9) a, Section, 164 (3))

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages includes the internal stages.

Please specify clearly who will decide the appeal in case of internal appeal. We also want to know whether there is any requirement to exhaust internal appeal before turning to a court.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	Court	(1)	Media Council	In case of the own decisions of the office. In these cases Media Council is the second instance.	The resolutions adopted by the Media Council in its regulatory capacity in the first instance may not be appealed. The resolution of the Media Council may be challenged in court by the client, - and as regards the provisions expressly applicable to him - the witness, the official witness, the expert, the interpreter, the owner of the object for inspection, the representative of the client and the official mediator, alleging infringement of the law.	Act CLXXXV of 2010 Section 163 and 165
			1 or 2	Court			

**Table 33 - Does the regulator's decision stand pending appeal?**

Please indicate if the situation varies according to the appeal stages.

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council				Submission of the claim shall not have suspensory effect on the execution of the resolution; the court may be requested to suspend the execution of the challenged decision (Act CLXXXV of 2010 Section 163)

**Table 34 - Accepted grounds for appeal**

Please indicate if the situation varies according to the appeal stages.

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	The competent court	The competent court	The competent court	

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Please indicate if the situation varies according to the appeal stages.

Country	Body	Appeal stage	Yes	No	Comments
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	The competent court	√		



## VII: PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	No		Yes		No information. The authority has to publish all contracts in value of min. 5 million HUF. There are some contracts on advice in the published list. <sup>9</sup>

**Table 37 - Public consultations**

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	The media law prescribes public consultation in the following cases: - in connection to the drawing of recommendations on minority protection and product placement of the Media Council, - before compiling the list of designated events considered to be of major	No requirements.	Ad hoc. In the case of the frequency tenders, a public hearing must be held in all procedures.	Ad hoc <sup>10</sup>	Ad hoc	Act CLXXXV of 2010 Section 10-11, 16, 31, 50, 157

<sup>9</sup> <http://nmhh.hu/tart/index/1419/Uvegzebe>

<sup>10</sup> There is only one video on the website of the authority on a public hearing: [http://mediatanacs.hu/tart/index/695/Nyilvanos\\_meghallgatások\\_konzultációk](http://mediatanacs.hu/tart/index/695/Nyilvanos_meghallgatások_konzultációk)

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		<p>importance for society, - on the draft tender notice in the procedure of frequency tenders</p> <p>In addition to the concrete cases of consultation, the law entitles the Media Council to hold a public hearing in every cases when it deems necessary and justified to perform its duties, to consult on issues of media regulations and the measures to enforce thereof, or to obtaining the experts' positions and opinions on laying down the groundwork for the proper application of media regulations.</p>					

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council		No data available.

**Table 39 - Publication of regulator’s decisions\***

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	<p>There is a general obligation to publish the decisions of any authorities in the law on the General Rules of Administrative Proceedings and Services:</p> <p>The authority shall make available to the general public the final resolution and those declared enforceable irrespective of any appeal:</p> <p>a) pertaining to the activities of state or local public authorities and agencies and other bodies attending to the public duties specified by law;</p> <p>b) that may be contested on behalf of the public;</p> <p>c) adopted in cases where the owners and legitimate users - registered in the real estate register - of real estate properties which are located inside the impact area are treated as clients by virtue of the relevant legislation;</p> <p>d) adopted in cases where more than fifty clients participate in the proceedings, or more than five bodies;</p> <p>e) adopted in connection with the distribution and use of natural resources of limited availability;</p> <p>f) adopted in cases where the client was granted some exclusive or special right;</p> <p>g) adopted with a view to preventing any life-threatening or potentially devastating situation effecting a large number of people or that is likely to strike in a place that cannot be accurately defined, or to mitigate any detrimental consequences of such situations;</p> <p>h) adopted for reasons of public security and public order;</p> <p>i) adopted in connection with the regulatory inspection of the business activities of legal persons, business associations lacking the legal status of a legal person and private entrepreneurs; or</p> <p>j) which are to be published as prescribed by law.</p> <p>(Act CXL of 2001 Sections 80/A)</p>	<p>There is a general obligation to motivate the decisions of any authorities in the law on the General Rules of Administrative Proceedings and Services.</p> <p>(Act CXL of 2001 Sections 72)</p>		

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
		<p>There some specific obligations in the Media Act:</p> <p>Recommendations of the Media Council (Act CLXXXV of 2010 Section 10-11, 16, 31, 50)</p> <p>List of events considered to be of major importance for society (Act CLXXXV of 2010 Section 17)</p> <p>The Media Council shall publish its decision regarding the frequency tenders. (Act CLXXXV of 2010 Section 62)</p> <p>The Media Commissioner shall publish his report when it covers issues that affect or may affect a large number of consumers or may issue a recommendation or information for the consumers with a view to avoiding further injuries.</p> <p>(Act CLXXXV of 2010 Section 142)</p>			

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Where in a country, there are more than one regulatory body, describe the mechanisms of cooperation between the bodies, including self and co-regulation bodies. State if the process is formalised in a cooperation agreement, or if the cooperation takes place in an ad-hoc manner (source of cooperation). Please also indicate if the regulatory body can receive any instructions from another regulatory body.

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	<p>The Gazdasági Versenyhivatal (<i>Hungarian Competition Authority</i>) shall obtain the opinion of the Media Council for the approval of concentration of enterprises, such enterprises or the affiliates of two groups of companies bearing editorial responsibility and the primary objective of which is to distribute media content to the general public via an electronic communications network or a printed press product.</p> <p>Media Council initiate proceedings related to the protection of consumers and to the prohibition of unfair market practices.</p> <p>NMHH and the competition authority shall closely cooperate to enforce the protection of competition under uniform principles in the electronic communications market and to apply uniform construction in the justice system, such as in procedures:</p> <ul style="list-style-type: none"> <li>a) for defining the relevant markets of the electronic communications sector;</li> <li>b) for analyzing competition in the relevant markets;</li> <li>c) for the identification of service providers with significant market power and for defining the obligations conferred upon these service providers;</li> </ul> <p>NMHH and the consumer protection authority cooperate in matters affecting the electronic communications market and information society services to the extent where consumers are concerned.</p> <p>NMHH and the Office of the Nemzeti Adatvédelmi és Információszabadság Hatóság shall cooperate in matters affecting the electronic communications market and information society services in cases of personal data breach.</p>	<p>Act CLXXXV of 2010 Section 171; Section 132 h)</p> <p>Act C of 2003 Sections 20-22</p>	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Hungary	National Media and Infocommunications Authority (NMHH) and its Media Council	Yes	<p>The Media Council shall cooperate with the media authorities of other Member States;</p> <p>The implementation of Regulation (EC) No. 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws shall be conferred upon the Media Council with a view to any intra-Community infringements of national laws on the transposition of Sections 19-26 of Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services. In connection with the implementation referred to above, as regards mutual assistance the Media Council shall proceed in accordance with Commission Decision 2007/76/EC.</p> <p>(Act CLXXXV of 2010 Section 183)</p> <p>The Media Council takes part in the Central European Regulatory Forum (CERF). CERF was set up on the 15th of December 2009 by the regulatory authorities supervising the electronic media of the Czech Republic (Council for Radio and Television Broadcasting), Hungary (Media Council of the National Media and Infocommunications Authority), Poland (National Broadcasting Council), Romania (National Audiovisual Council), Serbia (Republic Broadcasting Agency) and Slovakia (Council for Retransmission of the Slovak Republic with an aim to enhance the cooperation among the regulatory authorities of Central Europe.<sup>11</sup></p>	

<sup>11</sup> <http://cerfportal.org/>

**Ireland**

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Ireland</b>	14 in total 1 National broadcaster (TV3) + <a href="#">UTV (Ireland) since January 2015</a> 3 satellite services (Setanta Sports, NASN, NASN TV) <a href="#">check these and following with BAI</a> 2 satellite PPV services (Setanta PPV1, Setanta PPV 2) 5 cable services (3e, Chorus TV, City Channel Dublin, City Channel Waterford, City Channel Galway) 3 community services (DCTV, P5TV, Cork Community TV)	No information unavailable	3 in total RTE 1, RTE 2, TG4

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Ireland</b>	Information requirements (art. 5 AVMS Directive)	Broadcasting Act of 2009 is the relevant legislation the Broadcasting Authority of Ireland is the authority of all the issues and sectors listed. <a href="#">Supplemented by Statutory Instrument, e.g. The European Communities (Audiovisual Media Services) Regulations 2010 (S.I. No. 258 of 2010), further amended by EUROPEAN COMMUNITIES (AUDIOVISUAL MEDIA SERVICES) (AMENDMENT) REGULATIONS 2012 (regarding short extracts)</a>			
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Ireland	Broadcasting Authority of Ireland	<a href="http://www.bai.ie">www.bai.ie</a>	October 1, 2009	2-5 Warrington Place, Dublin, Ireland
	The Broadcasting Authority of Ireland (BAI) was established on October 1, 2009 following the enactment of the Broadcasting Act of 2009, replacing the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission as the regulator of public and commercial broadcasting in Ireland. As the BAI has only recently been set up, its website has not been populated fully with the details of its activities, obligations and enforcement activities. Therefore, the majority of the information provided in relation to the Irish regulator's previous activities and its current obligations has been taken from the legacy regulators' sites. In the absence of confirmation from the BAI, we have assumed that this information remains accurate and relevant for the BAI.			

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Ireland	Broadcasting Authority of Ireland	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Ireland	BAI	25 (board members)	Information not yet publicly available: Staff at legacy regulator was 39	Not specified	Revised 2010 budget: €5.7m	2010 (Business&Leadership.com)

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Ireland	Broadcasting Authority of Ireland	Broadcasting Act 2009	Broadcasting Act 2009

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Ireland	Broadcasting Authority of Ireland	It is a body corporate, which consists of three separate boards: The Authority, The Contract Awards Committee and The Compliance Committee.	Yes			Broadcasting Act 2009, Part 2,Section 7

### Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Ireland	Broadcasting Authority of Ireland		√	Broadcasting Act 2009, Part 2, Section 24

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Ireland	Broadcasting Authority of Ireland	Tick boxes	√	√	√
		Areas	Licensing Editorial codes Advertising Codes Right of Reply	Licensing Editorial codes Advertising Codes Right of Reply	Licensing Editorial codes Advertising Codes Right of Reply <a href="#">role also in respect of complaints</a> .
		Sources	Powers derived from Broadcasting Act 2009, which consolidates powers granted to previous regulators in 1988, 2001 and 2007)	Powers derived from Broadcasting Act 2009, which consolidates powers granted to previous regulators in 1988, 2001 and 2007)	Powers derived from Broadcasting Act 2009, which consolidates powers granted to previous regulators in 1988, 2001 and 2007)

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Ireland	Broadcasting Authority of Ireland	Quotas	√	√	√	√		Broadcasting Act 2009
		Advertising	√	√	√	√		Broadcasting Act 2009
		Protection of minors	√	√	√	√		Broadcasting Act 2009

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Ireland	BAI	Quotas	√ discretionary	√ (The Compliance Committee may make a recommendation to the High Court who then determines an appropriate find – with a maximum €250,000)	√ discretionary	√ (The Compliance Committee may make a recommendation to the main Authority Board to suspend the licences)	√	Broadcasting Act 2009
		Advertising	As above	As above	As above	As above	As above	As above
		Protection of minors	As above	As above	As above	As above	As above	As above

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Ireland	Broadcasting Authority of Ireland	√	√	√	√	√	√	√



**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Ireland	BAI (Previously the Broadcasting Complaints Committee and the Broadcasting Commission of Ireland)	√	This power was not available to the BCC, the previous regulator, which was replaced by the BAI in October 2009: <del>no fines have yet been</del> issued by the BAI <u>in case of current affairs programme about Father Kevin Reynolds (defamation, invasion of privacy) following external report and monetary settlement of the defamation allegation.</u>	√	No	Power not available to the BCC and <del>not yet not-</del> <del>yet</del> exercised by the BAI

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Ireland	Broadcasting Authority of Ireland	<p>Yes</p> <p>Complaints must be in writing and within 30 days of the transmission of the relevant content</p> <p>The matter is first referred to the broadcaster for comment and resolution. If the complainant is not satisfied with the broadcaster’s response, the complaint is then assessed by the Executive Complaint Forum. If they judge that the code has been breached, or that there is an issue which merits consideration, then it is referred to the BCI’s Compliance Committee who will decide.</p> <p>Committee decisions must be published and, where a complaint is upheld against a broadcaster wholly or in part, the broadcasters is statutorily required to publish the decision</p>	<a href="http://www.bai.ie/broadcasting_complaints.html">www.bai.ie/broadcasting_complaints.html</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Ireland	Broadcasting Authority of Ireland	BAI main Authority	9	No legal requirement. However, currently 3 board members are representatives of civil society	No There is a legal requirement that no member of Government can act on the Board's main Authority.	No There is a legal requirement that no member of Parliament can act on the Board's main Authority.	No legal requirement. Currently 2 board members are representatives of industry	No legal requirement. 4 board members are experts	Requirement for gender balance: Not less than 4 members must be men and not less than 4 must be women	No information available	Broadcasting Act 2009 BAI website
		BAI Compliance Committee	8	No legal requirement	No There is a legal requirement that no member of Government can act on the Compliance Committee.	No There is a legal requirement that no member of Parliament can act on the Compliance Committee.	No legal requirement	No legal requirement	No legal requirement	No information available	Broadcasting Act 2009 BAI website
		BAI Contract Awards Committee	8	No legal requirement	No There is a legal requirement that no member of government can act on the Contract Awards Committee.	No There is a legal requirement that no member of Parliament can act on the Contract Awards Committee.	No legal requirement	No legal requirement	No legal requirement	No information available	Broadcasting Act 2009 BAI website

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Ireland	BAI – Main Authority Board	Responsible for developing overall organisation strategy and codes of practice, issuing guidance, licensing services, reporting to Government and Ministry.	Majority vote In case of equal division of votes, the Chairperson shall have second and casting vote	Yes	No
	BAI – Contract Awards Committee	Responsible for selecting and awarding contracts and licences	Majority vote In case of equal division of votes, the Chairperson shall have second and casting vote	Yes	No
	BAI – Compliance Committee	Responsible for determining whether a breach has taken place and making recommendations to the Authority Board and the High Court regarding sanctions	Majority vote In case of equal division of votes, the Chairperson shall have second and casting vote	Yes	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Ireland	BAI	Main Board	Yes	There are 9 members. 5 are nominated by the Minister and 4 are nominated as follows: A joint chamber (Senate and Parliament – Seanad and Oireachtas) committee is set up by the Minister to advise him/her on his/her nomination. The Minister has regard to the committee’s advice but has the final decision regarding who should be nominated.	Government appoints on the nomination of the Minister	Yes: the legislation allows the Minister not to take the advice of the nominating parliamentary committee	Broadcasting Act 2009, Part 2, Section 8
		Chairman	Yes	The Minister nominates an individual – who is already a member of the Authority.	Government appoints on the nomination of the Minister	No	Broadcasting Act 2009, Part 2, Section 11
		Contract Awards Committee	Yes	There are 8 members of this Committee- 4 are nominated by the Minister, the remaining 4 are appointed directly by the Authority Main Board.	4 members of the board are appointed by the Government on the nomination of the Minister. The other 4 members are appointed directly by the Authority Main Board.	No	Broadcasting Act 2009, Part 2, Section 8

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Compliance Committee	Yes	There are 8 members of this Committee- 4 are nominated by the Minister, the remaining 4 are appointed directly by the Authority Main Board.	4 members of the board are appointed by the Government on the nomination of the Minister. The other 4 members are appointed directly by the Authority Main Board.	No	Broadcasting Act 2009, Part 2, Section 8

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Ireland	BAI	Chairman of the board	5 years	This issue is not addressed in legislation	A member may not serve more than 2 consecutive terms	Broadcasting Act, Part 2, Section 9
		Board members	5 years	This issue is not addressed in legislation	A member may not serve more than 2 consecutive terms	Broadcasting Act, Part 2, Section 9

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Ireland	BAI	All members of the Main Board, Compliance Committee and Contract Awards Committee	No information available	All members of these boards and committees must have experience or show capacity in one or more of the following: <ul style="list-style-type: none"> <li>• Media affairs</li> <li>• PSB, commercial broadcasting or community broadcasting</li> <li>• Broadcast content production</li> <li>• Digital media technologies</li> <li>• Trade union affairs</li> <li>• Business or commercial affairs</li> <li>• Matters pertaining to the development of the Irish language</li> <li>• Matters pertaining to disability</li> <li>• Arts, music, sport or culture</li> <li>• Science, technology or environmental matters</li> <li>• Legal or regulatory affairs</li> <li>• Social, educational or community affairs or Gaeltacht affairs</li> </ul>	Broadcasting Act 2009, Part 2, Section 9

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Ireland	BAI	Chairman	Yes		No information available	No member of the authority may be a member of any parliament	No member of the authority may hold a position, or have an interest in, a broadcasting or newspaper company	Yes, subject to categories covered by the code of conduct	BAI required to draw up and implement Code of Conduct to cover potential conflicts of interest with industry	Broadcasting Act 2009 s.12
		Board members	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	Same as above
		Senior staff	Yes		Same as above	Same as above	Same as above	Same as above	Same as above	Same as above



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Ireland	BAI	Chairman	Yes		Yes Same as table 20	Same as table 20	Yes Same as table 20	Broadcasting Act ss.12, 22
		Board members	Yes		Same as above	Same as above	Same as above	Same as above
		Senior staff	Yes		Same as above Staff and contracted consultants have additional disclosure requirements	Same as above	Same as above	Same as above

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Ireland		Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Ireland	BAI	Chairman	Yes		Removal by the Minister following affirmative resolution of both houses of parliament	Yes: <ul style="list-style-type: none"> <li>• ill-health</li> <li>• stated misbehaviour</li> <li>• removal necessary for effective performance by the Authority of its duties</li> <li>• bankruptcy</li> <li>• composition arrangement with creditors</li> <li>• conviction of fraud or dishonesty</li> <li>• disqualification as a company director</li> <li>• imprisonment for criminal offence</li> </ul>	Only individual members	Broadcasting Act 2009
		Individual board members	Yes		Same as above	Same as above		

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Ireland	BAI	2009 <del>5</del> - 2009 <sup>1</sup> 1 <sup>5</sup> 4	Chairman		No		<del>No information available</del>
			Individual board members		No	One member resigned. Member has allegedly be part in a legal battle over an interview aired on RTÉ's The Saturday Night Show; see <a href="http://businessetc.thejournal.ie/john-waters-bai-1279068-Jan2014">http://businessetc.thejournal.ie/john-waters-bai-1279068-Jan2014</a>	

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Ireland	BAI	No	No Exchequer funding only to cover costs incurred in performing functions and duties on an exceptional nature	No	Industry levy (100%) Authority has the power to devise levy methodology funding must be on cost recovery basis only any surplus must be returned either directly or via reduced levy in subsequent years	No	No	Broadcasting Act 2009, Part 2, Section 33

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Ireland	BAI	BAI	Yes	On the day the BAI imposes its levy on industry, it must present it to the Houses of Parliament. They have 21 days to annul the order if they wish.	Yes – in light of the financial crisis of 2008/2009 and increasing industry pressure, the BAI was forced to revise its levy order.	The Broadcasting Act, Part 2, Section 33

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Ireland	Broadcasting Authority of Ireland	Yes	An external audit can take place at any time – on the direction of the Minister	Yes (statutory annual obligation of audit by Comptroller and Auditor General)	If appointed by the minister under their powers in s. 37 of the Broadcasting Act 2009	May be carried out by any person appointed by the Minister	Requirement set out in the Broadcasting Act 2009, Section 37 (3) (a)

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Ireland	BAI	Parliament	Yes	The Joint Parliament/Senate Committee receives the Authority's annual report as provided by the Minister	Broadcasting Act 2009, Part 2, Section 37
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Minister for Communications, Energy and National Resources The Minister reviews an annual report and financial report provided by the BAI.	Broadcasting Act 2009, Part 2, Section 37
		Public at large	Yes	The BAI must publish its financial accounts publicly on an annual basis	Broadcasting Act 2009, Part 2, Section 37
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Ireland	BAI	Minister for Communications, Energy and National Resources – Financial report submitted	Annual	Financial auditing, income and expenditure	All financial records must be made available	No	No	Broadcasting Act 2009, Part 2, Section 37
		Minister for Communications, Energy and National Resources - Annual Report	Annual	A progress report on BAI's activities, its strategies for the future and records of board and committee attendance	Details of board attendance required	No	No	Broadcasting Act 2009, Part 2, Section 37

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Ireland	BAI	Yes	The Minister can determine the frequency.	No	No	Yes Any individual appointed by the Government	Broadcasting Act 2009, Part 2, Section 37

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Ireland	Broadcasting Authority of Ireland	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes The Minister may confer on the Authority by order any additional functions as he or she may deem necessary	No	No	No	Broadcasting Act 2009, Part 2, Section 26
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	See above	See above	N/A	N/A	N/A	N/A



**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Ireland	BAI	Internal	1	Authority	No	The licence holder	Broadcasting Act 2009, Part 5, Section 54
		External	1	The High Court			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Ireland	BAI	√			No specific detail given on whether or not decision stands pending appeal process. However, absence of any detail suggests that the decision must stand. <a href="#">yes</a>

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Ireland	BAI			√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Ireland	BAI	1 The High Court	√		The High Court can consider an appeal against the Authority's decision to revoke a contractor's licence and can overturn the decision

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Ireland	Broadcasting Authority of Ireland	No	-	Yes		The BAI took external advice from PwC in relation to the methodology for the broadcasting levy. <u>Yes + other</u>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Ireland	Broadcasting Authority of Ireland	Broadcasting Code: Before preparing a broadcasting Code or making a broadcasting rule, the Authority shall make available for inspection a draft of any code or the changes it is seeking to make.	Any individual may request to view the possible changes and the draft changes must be made available for public inspection	To be determined by the Authority as it sees fit	Full responses have been published in the past but there is no legal basis for this.		Broadcasting Act 2009, Part 3, Section 43 (however, no legal basis to publish responses)
		Strategy Statement: Prior to the adoption of a strategy statement to the Minister, the Authority shall launch a public consultation process on the draft of the strategy statement.	Public	Not specified	No information available		

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Ireland	Broadcasting Authority of Ireland	2009	2 [ <a href="#">best to consult with BAI regarding 2010-2015</a> ]
	Broadcasting Commission of Ireland	2008	0
		2007	1
		2006	2
		2005	Information unavailable

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Ireland	BAI – The Compliance Committee	Complaints decision: Unless they consider it inappropriate to do so, the Compliance Committee shall publish the particulars of their decision on a complaint	Legal basis – Broadcasting Act 2009, Part 4, Section 48 sets this obligation out.	No	Yes

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Ireland	Broadcasting Authority of Ireland	The Communications regulator is responsible for issuing broadcasting licences to the BAI. The BAI then allocates the licences to broadcasters.	The Broadcasting Act of 2009 sets out that the BAI should liaise and consult with the Communications Regulator (Comreg) in the preparation of the allocation plan for the frequency range dedicated to sound and television broadcasting.	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Ireland	Broadcasting Authority of Ireland	Yes	Broadcasting Act 2009, Part 2, Section 26 (f) sets out that the BAI must cooperate with other bodies outside the state which perform similar functions to the Authority.	The BAI is a member of the European Platform of Regulatory Authorities (EPRA) and its CEO was Chairperson for a 2 year term. Members of the BCI frequently participate at EPRA meetings.

Iceland

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Iceland	18 <sup>1,2</sup> 46*	<del>Not regulated</del> Not registered or licensed separately. <sup>2</sup>	4 <sup>2</sup>
	<p><sup>1</sup> Collective number of all AVMS licensed by the Media Commission, cf. its web site <a href="http://fjolmidlanefnd.is/leyfi-og-skraning/listi-yfir-leyfishafa/">fjolmidlanefnd.is/leyfi-og-skraning/listi-yfir-leyfishafa/</a> (22 February 2015), and by separate legislation, cf. . Only AVMS requiring allocation of transmission frequencies are licensed by the commission.</p> <p><sup>2</sup> Registration and licensing requirements do not distinguish between linear and non-linear services og commercial and public services. * Valid licenses for a long term television license by the end of 6 April 2010 according to information from the Broadcast License Committee; No distinction is made in laws between commercial services and non-profit services (e.g. services by associations, religious groups, the Parliament, municipalities, etc.). No link listing the services is available.</p>		

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Iceland</b>	Broadcasting of major events (Art. 3 TWF Directive)	<a href="#">Broadcasting Media Act, No. 38/2011, Chapter VIII.</a> <sup>1</sup>	<a href="#">Broadcast Licensing Committee Media Commission, cf. the Media Act, Art. 7, 10, and 49.</a>	<a href="#">Not regulated Media Committee.</a> <sup>1</sup>	<a href="#">Ministry of Education, Sciences and Culture Media Commission.</a> <sup>1</sup>
	Promotion of European works and works by independent producers (Art. 4 –6 TWF Directive)*	<a href="#">Broadcasting Media Act, 2000 Art. 33-34.</a> <sup>1</sup>	<a href="#">Media Commission, cf. the Media Act, Art. 7 and 10.</a>		
	Television advertising and teleshopping, (Art. 10 – 19 TWF Directive)	<a href="#">Broadcasting Media Act, 2000 Chapter VI.</a> <sup>1</sup>	<a href="#">Media Commission, in co-operation with the Consumer Agency, cf. the Media Act, Art. 7, 10, 12 and 54.</a>		
	Protection of minors (Art. 22 TWF Directive)	<a href="#">Broadcasting Media Act, 2000 Art. 28.</a> <sup>1</sup>	<a href="#">Media Commission, cf. the Media Act, Art. 5, 7, 10, and 54.</a>		
	Right of reply (Art. 23 TWF Directive)	<a href="#">Broadcasting Media Act, 2000 Art. 36.</a> <sup>1</sup>	<a href="#">Media Commission, cf. the Media Act Art. 7, 10, 53 and 54.</a>		
<p><a href="#">Note: Iceland has not yet implemented the AVMS Directive. A Government Bill has been introduced to the Parliament proposing necessary changes in laws to implement the AVMS Directive.</a></p> <p><sup>1</sup>The <a href="#">TVWF implementing act on the Television without Frontiers Directive</a> was implemented with the <a href="#">Broadcasting Act, No. 53/2000, now repealed</a> (for an English translation, see: <a href="http://eng.menntamalaraduneyti.is/Acts/nr/2429">http://eng.menntamalaraduneyti.is/Acts/nr/2429</a>), further explained with a <a href="#">regulation on Broadcasting Activities, 2002</a> (for an English translation, see <a href="http://eng.menntamalaraduneyti.is/Acts/nr/2437">http://eng.menntamalaraduneyti.is/Acts/nr/2437</a>). However, the AVMS Directive is implemented with the <a href="#">Media Act, No. 38/2011</a> (for an English translation, see <a href="http://eng.menntamalaraduneyti.is/media/MRN-pdf/Media-Act-38-English-translation-nov-2011.pdf">http://eng.menntamalaraduneyti.is/media/MRN-pdf/Media-Act-38-English-translation-nov-2011.pdf</a>)</p> <p><sup>2</sup>The <a href="#">Media Act</a> applies equally to linear and non-linear services, and commercial and public services, cf. Art. 3. Hence, the Media Commission oversees both types of services.</p>					

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Iceland	<del>Broadcast Licensing Committee</del> Media Commission	<a href="http://fjolmidlaneftnd.is/english/">http://fjolmidlaneftnd.is/english/</a> <del>Website not available</del>	<del>1 September 2011</del> January 1, 1986	Borgartún 21 105 Reykjavík Iceland Tel.: +354 415 0415 E-mail: <a href="mailto:info@mediacommission.is">info@mediacommission.is</a> Útvarpsráttarnefnd- (Broadcast Licensing- Committee) Kringlan 4-12 Reykjavík IS-103 Iceland Tel. +354 551 2114 (mid-week between 10 PM and 11 PM, except Thursdays) Fax +354 533 5578

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Iceland	<a href="#">Broadcast Licensing Committee</a> <a href="#">Media Commission</a>	√ Yes (except on demand media)	⌘	⌘	⌘	⌘	√ (commercial communications)
	Post- and Telecommunication Administration (PTA), cf. the Electronic Communications Act, No. 81/2003 ( <a href="http://www.pfs.is/english/legislation/">http://www.pfs.is/english/legislation/</a> )		√	√	√	√	
	Consumer Agency, cf. Media Act, No. 38/2011, Art. 7 and the Act on the Consumer Agency, No. 62/2005 ( <a href="http://www.neytendastofa.is/lisalib/getfile.aspx?itemid=1402">http://www.neytendastofa.is/lisalib/getfile.aspx?itemid=1402</a> )						√ (commercial communications)
	Competition Authority, cf. Media Act, No. 38/2011, Art. 62 a-b						√ (anti-trust)
	⌘ The Post and Telecom Administration ( <a href="http://www.pta.is">www.pta.is</a> ) supervises the technical characteristics of transmissions. Spectrum and other transmission issues which are regulated by specific laws, the electronic Communications Act, 2003 ( <a href="http://pta.is/upload/files/Electronic%20Communications%20Act%202003.pdf">http://pta.is/upload/files/Electronic%20Communications%20Act%202003.pdf</a> ).						

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<del>3*None (left open)</del>	<del>2+part-time**</del>	<del>289.6m ISK (201108)*** (€0.060m)</del>	<del>38.6+0.2m ISK (2010) (€0.19064m)</del>	<del>2015</del> The National Budget for Year 2015, <a href="http://www.althingi.is/altext/pdf/144/s/0801.pdf">http://www.althingi.is/altext/pdf/144/s/0801.pdf</a> p.480; The State Account for Year 2008
<p>* <a href="http://www.althingi.is/altext/139/s/0215.html">Media Act Bill, Attachment II, cf. http://www.althingi.is/altext/139/s/0215.html</a> p.374. The commission itself is comprised of five members, with five alternates, cf. the Media Act, Art. 8. According to Art. 9, the commission may hire a manager and "other staff". According to <a href="#">Regulation on Broadcasting Activities, 2003</a>, says: 'The Broadcast Licensing Committee shall engage an employee or employees as necessary and permitted by financial allocations' (Art. 3, Para 5).</p> <p>** The employee is shared with the Ministry of Education, Sciences and Culture, and is on the payroll of the Ministry.</p> <p>*** Costs are paid directly out from the National Treasury (cf. <a href="#">The Broadcasting Act, 2000, Art. 6, Para 3</a>; <a href="#">Regulation on Broadcasting Activities, 2002, Art 3, Para 6</a>). Actual costs in the financial year 2008 were 17.5m ISK (€0.11m)</p>						

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<a href="#">Media Act, No. 38/2011</a> (for an English translation, see <a href="http://eng.menntamalaraduneyti.is/media/MRN-pdf/Media-Act-38-English-translation-nov-2011.pdf">http://eng.menntamalaraduneyti.is/media/MRN-pdf/Media-Act-38-English-translation-nov-2011.pdf</a> ) <del><a href="#">The Broadcasting Act (2000)</a></del> <del><a href="#">The Broadcasting Act (2000)</a></del>	

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Independent supervising and administrative authority	Yes		None	<a href="#">Media Act, No. 38/2011, Art. 3</a> <del><a href="#">The Broadcasting Act (2000)</a></del>

## Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Iceland	<a href="#">Media Commission Broadcast</a>		√ <sup>*</sup>	<a href="#">Media Act, No. 38/2011, Art. 3.</a> <del>The Broadcasting Act (2000)</del>
	* The independence is recognized in law as ‘the decisions of the committee are final administrative rulings and cannot be the subject of an administrative appeal’ (The Broadcasting Act, 2000, Art. 6, Para 6).			

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Tick boxes	<del>No</del>	√	<del>√</del> No
		Areas		All areas <del>of the Media Act in national rules implementing the TWF Directive (except Arts. 4-6)*</del>	<a href="#">Alleged infractions against the statutes of the Media Act.</a>
		Source		<a href="#">Media Act, No. 38/2011, Art. 10</a> <del>The Broadcasting Act 2000</del>	<a href="#">Media Act, No. 38/2011, Art. 11</a>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Quotas		√	√	*		<a href="#">Media Act, No. 38/2011, Art. 10 and 23.</a> <del>The Broadcasting Act (2000); Regulation on</del>
		Advertising		√	√	√		<a href="#">Media Act, No. 38/2011, Art. 7 and 10 and Chapter VI.</a> <del>The Broadcasting Act (2000); Regulation on</del>
		Protection of minors		√	√	√		<a href="#">Media Act, No. 38/2011, Art. 10 and 28.</a> <del>The Broadcasting Act (2000); Regulation on Broadcasting Activities (2002)</del>



**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Quotas	No	No			Not applicable	
		Advertising	√	√ (max. ISK 10m (€49k), no minimum the fines can be between twice and ten times the revenue)	√	√ (is a possibility in case of serious and repeated infringement)	√	<a href="#">Fines subject to default interests if unpaid after 1 month.</a> <a href="#">Prison sentences up to 6 months.</a>
		Protection of minors	√	√ Same as above.	√	√ same as above	√	<a href="#">Same as above.</a>

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<a href="#">Information is not available, as the commission has not begun publishing annual reports.</a> <del>(information not available, the committee has not published any reports over the last five years)</del> N/A	<del>No as the committee only reacts after complaints</del> <del>(information not available, the committee has not published any reports over the last five years)</del>					

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	√ (1 0) (for- implementation-	√ (1 ) (for- implementation-		√ (for implementation of the TWF Directive)	
*Note: Not applicable as the AVMS Directive has not been implemented yet (see note to Table 2).						

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Yes. <u>The commission hears complaints of alleged infractions of the provisions of the Media Act, No. 38/2011, cf. the commission's operating rules No. 1363/2011, and promptly decides whether they merit formal processing. In case they do not, the complaining parties are informed thereof. In case they are, complaints should be signed and in written form, and an investigative process follows, ending with a formal decision.</u> <u>Note: according to the Broadcasting Act, 2000, states: 'The Broadcast Licensing Committee shall rule on complaints contending that a broadcaster has not honoured democratic principles, respected freedom of speech or encouraged the expression of different opinions on controversial issues' (Art. 2, Para 4); further: 'A party who considers that a broadcaster has not fulfilled the requirements of Articles 9 (on Democratic Principles) and 11 (on Right of Reply) as far as that party is concerned, and has been refused the opportunity of presenting its views in a broadcast in a manner that it deems satisfactory, may refer the matter to the Broadcast Licensing Committee. The Committee shall rule on the complaint within the shortest possible delay, and such ruling shall be binding for all parties.'</u>	<a href="http://fjolmidlanefnd.is/eftirlit/kvartanir/">http://fjolmidlanefnd.is/eftirlit/kvartanir/</a> (in Icelandic) <del>No website available</del>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Board	<del>5</del> 3	Yes (1, <a href="#">nominated by academia</a> <sup>2</sup> )	Yes (1) <del>and behaves independently</del>	No	<del>No</del> Yes (1, <a href="#">nominated by the Journalists' Association</a> )	<del>Yes (3) and Chair must meet the eligibility requirements req. of district court judges.</del> Others be <a href="#">experts</a> .	Yes (2, <a href="#">nominated by the Supreme Court</a> )	No	<a href="#">Media Act, No. 38/2011, Art. 8, The Broadcasting Act (2000)</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Iceland	Media Commission Broadcast-Licensing-Committee	<p><del>The Broadcast Licensing Committee has competence to</del> Regulatory powers limited to determining its own internal organisation and procedures and <del>decide</del> on human resources, cf. Art. 8, cf. Procedural Rules No. 1363/2011.</p> <p>Monitor media services' compliance with the Act; status and developments on the media market; registration obligations and the granting of licenses for the provisions of AVMS; and the contents and presentation of av, print and electronic text commercial communications, cf. Art 10.</p> <p>Take decisions in matters covered by the Act and apply sanctions were appropriate, cf. Art 10 and 56.</p>	<p>The commission is under a wide-ranging confidentiality duty regarding information regarding the “standing and internal affairs of individual media service providers”, cf. Media Act, No. 38/2011, Art. 11.</p> <p><del>The meetings are not open to the public. Three members form a quorum and decisions are taken by majority vote, cf. Procedural Rules No. 1363/2011, Art. 11.</del></p> <p>Decisions are published as they are reached, and the commission intends to publish annual reports. <del>Decisions are taken by majority vote. A decision by the Committee is only legitimate if a majority of its members are present and participate to the voting. The chairman does not have a casting vote.</del></p>	No.	<p>No.</p> <p><del>4</del> minutes and agendas of the commission's meetings are not published. <del>However, Regulation on Broadcasting Activities, 2003 claims: “Minutes shall be kept of meetings of the Broadcast Licensing Committee. They must give an account of the matters dealt with at the Committee meeting, the results and rulings of the Broadcast Licensing Committee, as well as other matters considered to be of significance” (Art. 3, Para 4).</del></p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Chairman	No	n/a	Minister of Education, Sciences and Culture	n/a	<a href="#">Media Act, No. 38/2011, Art. 8.</a> <del><a href="#">The Broadcasting Act (2000)</a></del> <del><a href="#">The Broadcasting Act (2000)</a></del>
		Board members	Yes	<del>One is nominated by the Minister of Education, Science and Culture and</del> Two nominated by the by Supreme Court, one by the <a href="#">academia</a> and one by the <a href="#">Journalists' Association</a> (cf. <del>The Broadcasting Act, 2000, Art 6, Para 2).</del>	Minister of Education, Sciences and Culture	No	

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Chairman	4 years	No	<a href="#">Yes, not regulated.No</a>	<a href="#">Media Act, No. 38/2011, Art. 8.</a> <del><a href="#">The Broadcasting Act (2000)</a></del>
		Board members	4 years	No	<a href="#">Yes, not regulated.No</a>	
		Note: Same rules apply for <del>the three</del> alternate <del>members</del> (cf. <del>The Broadcasting Act, 2000, Art 6, Para 2</del> ).				

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Chairman	<del>Eligibility requirements</del> req. of district court	Lawyer (implied) <del>The Broadcasting Act,</del>	<a href="#">Media Act, No. 38/2011, Art. 8.</a> <del><a href="#">The Broadcasting Act (2000)</a></del> <del><a href="#">The Broadcasting Act (2000)</a></del>
		Board members	<a href="#">Expert knowledge of media, undefined.</a>	<del>2000, Art 6, Para 2</del> No specific expertise required.↵	

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Chairman		No. <a href="#">General competency rules apply (Administrative Procedures Act No. 37/1993). Civil servants/members of other public bodies can enter. (in the sense that there are no specific rules, the general rules to guard against conflicts of interest apply)</a>	No	No	No	Yes	No	<a href="#">Media Act, No. 38/2011</a> <del>The Broadcasting Act, 2000</del> <a href="#">The Broadcasting Act, 2000</a> <a href="#">The Broadcasting Act, 2000</a>
		Board members		<a href="#">Same as above.</a> No	No	No	No	Yes	No	
		Senior staff		<a href="#">Same as above.</a> No	No	No	No	Yes	No	

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Chairman		No. General competency rules apply. (Administrative Procedures Act). (but there are special rules in				<a href="#">Media Act, No. 38/2011</a> <del>The Broadcasting Act, 2000</del> <del>The Broadcasting Act, 2000</del> <del>The Broadcasting Act, 2000</del>
		Board members		No (Same as above.)				
		Senior staff		No (Same as above.)				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Iceland	<a href="#">Media Commission Broadcast Licensing</a>	Chairman		<input checked="" type="checkbox"/> No*		<a href="#">Media Act, No. 38/2011</a> <del>The Broadcasting Act, 2000</del>
		Board members		<input checked="" type="checkbox"/> No*		<del>The Broadcasting Act, 2000</del>
		Senior Staff		<input checked="" type="checkbox"/> No*		<del>The Broadcasting Act, 2000</del>



**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Chairman		<input checked="" type="checkbox"/> (Fixed term) <input type="checkbox"/> No				<a href="#">Media Act, No. 38/2011, Art. 8.</a>
		Individual board members		<input type="checkbox"/> No				

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Iceland	<a href="#">Broadcast Licensing Committee</a>	2010-2011	<a href="#">Chairman</a>		<input checked="" type="checkbox"/>		
			<a href="#">Individual board members</a>		<input checked="" type="checkbox"/>		
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	201105-201509	Chairman		<input checked="" type="checkbox"/> No		
			<a href="#">Individual board members</a> <del>Individual board members</del>		<input checked="" type="checkbox"/> No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	No	100%ISK-10.2m (€63,820) (2010), according to The National Budget	No (is paid directly to the state treasury)	No (is paid directly to the state treasury)	No (is paid directly to the state treasury)	No	The National Budget for Year 2015, <a href="http://www.althingi.is/altext/pdf/144/s/0801.pdf">http://www.althingi.is/altext/pdf/144/s/0801.pdf</a> p.48 <i>Lög um aukatekjur ríkissjóðs, 1994</i> Upplýsingar til umsækjenda um útvarpsleyfi, <a href="http://www.utvarpsrettarnefnd.is/Upplýsingar/nr/2890">www.utvarpsrettarnefnd.is/Upplýsingar/nr/2890</a> English translation is not available

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	The Parliament	Yes, submits proposals. <del>No formal involvement</del>	<del>Government</del> (Ministry of Educations, Sciences and Culture, <u>government, and parliament.</u> )	Not known	Government Financial Reporting Act No. 88/1997, Art. 20 ( <a href="http://eng.fjarmalaraduneyti.is/legislation/nr/563">http://eng.fjarmalaraduneyti.is/legislation/nr/563</a> ). <u>Relevant laws</u>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Yes	Annual	Yes, <a href="#">National Audit Office</a>	No	No	<del>Law on the</del> The National Audit Act <del>Office</del> , No. 86/1997 (English translation <del>not available</del> , <a href="http://www.rikisendurskodun.is/index.php?id=183">http://www.rikisendurskodun.is/index.php?id=183</a> )

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis	
Iceland	<a href="#">Media Commission</a> <a href="#">Broadcast Licensing Committee</a>	Parliament	No	<a href="#">N/A</a>	<a href="#">N/A</a>	
		Government as a whole	No	<a href="#">N/A</a>	<a href="#">N/A</a>	
		Specific ministers (e.g. Media, finance, etc.)	<a href="#">Yes, to the Minister of Education, Sciences and Culture</a>	<a href="#">Budgetary accountability</a>	<a href="#">N/A</a>	<a href="#">Government Financial Reporting Act No. 88/1997, Art. 49 (http://eng.fjarmalaraduneyti.is/legislation/nr/563)</a> <a href="#">N/A</a>
		Public at large	No	<a href="#">N/A</a>	<a href="#">N/A</a>	
		Other	No	<a href="#">N/A</a>	<a href="#">N/A</a>	

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Iceland	<a href="#">Media Commission</a> <a href="#">Broadcast Licensing Committee</a>	<a href="#">State Accounting Office</a> <a href="#">Parliament/ministry/body/sect or public (if more than one, cover in separate rows)</a>	<del>None</del> Annually	<del>None</del> Annual accounts.	<a href="#">Not by law</a> <a href="#">N/A</a>	<a href="#">No</a> <a href="#">N/A</a>	N/A	<a href="#">Government Financial Reporting Act No. 88/1997, Art. 20. (http://eng.fjarmalaraduneyti.is/legislation/nr/563)</a> <a href="#">Broadcast Licensing Committee</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	Yes	Annually	Yes, <a href="#">Ríkisendurskoðun</a> (The Icelandic National Audit Office)	No	No	<a href="#">The National Audit Act, No. 86/1997</a> (English translation, <a href="http://www.rikisendurskodun.is/index.php?id=183">http://www.rikisendurskodun.is/index.php?id=183</a> ) <del>Law on the National Audit Office 1997 (English translation not available)</del>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Iceland	<a href="#">Media Commission</a> <del><a href="#">Broadcast Licensing Committee</a></del>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<a href="#">Media Act, No. 38/2011, Art. 55</a> , <del><a href="#">The Broadcasting Act (2000)</a></del>
		Does anybody have the power to give instructions to the regulatory body?	No	<del>No</del>	No	No	No	<a href="#">Media Act, No. 38/2011, Art. 62</a> , <del><a href="#">The Broadcasting Act (2000)</a></del>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	<del>N/A</del>	N/A	N/A	N/A	<a href="#">Media Act, No. 38/2011, Art. 62</a> , <del>N/A</del>

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	No appeal procedure The Rulings of the <a href="#">Commission</a> are final administrative rulings which cannot be the subject of an administrative appeal. Hence, they can be challenged directly in district courts. The verdict of district courts can be appealed to the Supreme Court. subject to certain exceptions (see last column)	N/A	No/A	Those that can show legitimate interests in bringing the case to court. generally a party to the conflict that the ruling was meant to settle. N/A	<del>Media Act, No. 38/2011, Art. 55, Broadcasting Act 2000, art. 30 para 4 The Rulings of the Committee are final administrative rulings which cannot be the subject of an administrative appeal. However, there are certain limitations to exclusive broadcasting rights to important events: 'The ruling of the Broadcast Licensing Committee as regards the price may be appealed to a court of law. However, an appeal to a court does not postpone the implementation of the Committee's ruling, and the right to broadcast the event in question shall be granted to the television broadcaster who fulfils the coverage requirement, provided that a deposit considered adequate by the Broadcast Licensing Committee is lodged to ensure payment of the price fixed' (The Broadcasting Act, 2000, Art. 23, Para 5). Rulings of the Committee regarding administrative fines against broadcasters who do not follow instructions contained the Broadcasting Act 2000, in Art. 9 (on Democratic Principles) and Art. 11 (on Right of Reply) (Art. 11) and Chapter VI in the Act (advertising, sponsoring and teleshopping) are subject to appeal by broadcasters to a court of law within a three months time limit 'after the party concerned gained knowledge of the Broadcast Licensing Committee's ruling. An appeal suspends the enforcement' (Art. 30, Para 4).</del>

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Iceland	<a href="#">Media Commission</a> <del>No appeal procedure</del>	<del>N/A</del>	N/A	N/A	<a href="#">No appeals process. However, if external recourse is pursued, i.e. invalidation by a court, regarding a decision to impose per diem fines, then such fines can continue to accrue but cannot be collected until judgement has been passed.</a> <del>N/A</del>

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Iceland	<a href="#">Media Commission</a> <del>No appeal</del>	N/A	N/A	N/A	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Iceland	<a href="#">Media Commission</a> <del>Broadcast Licensing Committee</del>	N/A	<del>N/A</del>	<del>N/A</del>	The Rulings of the Committee are final administrative rulings which cannot be the subject of an administrative appeal. <del>Rulings that impose fines on broadcasters can be appealed by broadcasters within three months, in which case the appeal suspends the enforcement. The appeal body is a court of law.</del>



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<del>No</del> Shall be paid from the commissions's budget.	No earmarked sum.	Yes, where applicable, if expected costs are above ISK 5m (€31,284)	<del>The Committee may, at its discretion, summon experts to provide advice and assistance as needed' (The Broadcasting Act, 2000, Art. 6, Para 2).</del>	<del>The commission may (1) require that a certification body endorse reports submitted by media service providers, cf. Media Act, No. 38/2011, Art. 23, and (2) shall every 3rd year "have a survey made of public access to television broadcasts", cf. Art. 46.</del> No
					Source: laws on contracts by Public authorities, Lög um opinber innkaup, 2007 Art. 20, Para. 1; English Translation is not available.	

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<del>None, that are stated</del>	<del>No specifications of requirements mentioned</del>	<del>Not stated</del>	<del>Not required</del>	<del>Not required</del>	<del>Media Act, No. 38/2011, The Broadcasting Act (2000)</del>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<a href="#">2011-2015</a> <del>2005-2009</del>	None

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<a href="#">Although not required, the commission may publish its decisions, cf. Media Act, No. 38/2011, Art. 11 and 54, cf. Art. 21. There is no requirement by law of publication of decisions</a>	<a href="#">No requirement to have decisions accompanied by statements of reason. However, general procedural rules provide for the subject's right to call for the rationale for the decision, cf. Administrative Procedure Act, No. 37/1993, Art. 21 (<a href="http://eng.forsaetisraduneyti.is/acts-of-law/nr/17">http://eng.forsaetisraduneyti.is/acts-of-law/nr/17</a>); No</a>	Not required. <del>ment</del>	Not required. <del>ment</del>

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Iceland	<a href="#">Media Commission Broadcast Licensing Committee</a>	<a href="#">In carrying out supervision of certain commercial offers, the commission shall seek collaboration with certain authorities, e.g. the Consumer Agency. <del>None on a regular or formal basis; cooperation more in an ad hoc manner and as needed, such as with The Post and Telecom Administration in Iceland</del></a>	<a href="#">The Media Act, No. 38/2011, Art. 7. N/A</a>	No	
		<a href="#">Before deciding on a licence application, the commission shall seek the comments of the PTA, e.g. regarding available frequencies. The PTA shall consult with the commission in certain cases on must-carry and must-offer obligations.</a>	<a href="#">The Media Act, No. 38/2011, Art. 18 and 46.</a>	Yes	
		<a href="#">The Competition Authority shall consult with the commission before making certain anti-trust decisions relating to media service providers.</a>	<a href="#">The Media Act, No. 38/2011, Art. 62 a and 62 b (not in English translation).</a>	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Iceland	Media Commission Broadcast-Licensing Committee	Yes <del>None on a regular basis</del>	The commission may share information with national authorities in other EEA countries, cf. the Media Act, No. 38/2011, Art. 13. <del>None</del>	
			The commission has applied for membership of the European Platform of Regulatory Authorities (EPRA), cf. <a href="http://fjolmidlaneftnd.is/althjodlegt-samstarf/">http://fjolmidlaneftnd.is/althjodlegt-samstarf/</a> (in Icelandic).	
			The commission participates in an informal co-operation initiative with the national authorities in the other Nordic countries, i.e. <a href="#">Kulturstyrelsen</a> (Denmark), <a href="#">Medietilsynet</a> (Norway), <a href="#">Myndigheten för radio och tv</a> (Sweden), and <a href="#">FICORA</a> (Finland), cf. <a href="http://fjolmidlaneftnd.is/althjodlegt-samstarf/norraent-samstarf/">http://fjolmidlaneftnd.is/althjodlegt-samstarf/norraent-samstarf/</a> (in Icelandic).	

Italy

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Italy	889 total established, national and local (December 2008 - Observatory annual yearbook)	93 (December 2008 - Observatory annual yearbook)	<del>143</del> Major generalist PSM channels: Rai 1; Rai 2; Rai 3; Other generalist PSM channels: Rai 4; Rai 5 Thematic PSM channels: Rai Sport 1; Rai Sport 2; Rai News; Rai Scuola; Rai Storia; Rai Gulp; Rai Movie; Rai Premium; Rai Yoyo. (Rai Uno, Rai Due, Rai Tre)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Italy	Information requirements (art. 5 AVMS Directive)	Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 3 ss.) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)	Agcom is responsible for all areas and for all the categories of audiovisual media services.		



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 36 bis) (for URL, see above)			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 32). (for URL, see above)			

Since 2011, the following amendments to the rules of the Consolidated Law on Audiovisual and Radio Media Services (CLARMS, legislative decree 15 march 2010, no. 44) have been introduced in response to a pre-infringement procedure launched by the European Commission:

- Section 2(1) of Legislative Decree 28 June 2012, no. 120 (Official Journal of the Italian Republic of 30/07/2012, no. 176) amended Section 38, para 12 of the CLARMS, on time limits for advertising. Section 38(12) CLARMS originally exempted “advertising announcements” of books and European works from advertising limits. As that provision was regarded as inconsistent with the AVMS Directive, the legislature amended that exemption, which now applies to “Promotional announcements, in the framework of initiatives promoted by institutions, agencies, associations, publishers, and booksellers to encourage reading, broadcast free of charge or on favourable terms by television and radio broadcasters, either public or private, as well as promotional videos of upcoming European works” (emphasis added). Insofar as those announcements are made free of charge, they lie outside the scope of the AVMSD notion of “television advertising” as defined in Article 1(1)(i) AVMSD and thus do not give rise to consistency issues. However, if those announcements are broadcast “in return for payment or for similar consideration”, no matter if those terms are more favourable than those applicable to “ordinary” advertising, the AVMSD rules on advertising apply. Accordingly, in spite of the cultural aims pursued by the exemption, its consistency with the AVMSD is still doubtful insofar as it sets out a more lenient framework for a certain category of advertising announcements than the one laid down at the EU level.
- Section 1(1) of Legislative Decree 28 June 2012, no. 120 (Official Journal of the Italian Republic of 30/07/2012, no. 176) amended Section 34 of the CLARMS on television broadcasting, concerning the protection of minors. The current provision appears to be consistent with the AVMS Directive, since it unequivocally bans content which might seriously impair minors.
- Sections 3(1) and 3(2) of Legislative Decree 28 June 2012, no. 120 (Official Journal of the Italian Republic of 30/07/2012, no. 176) amended Sections 44(3) 44(8) of the CLARMS on the promotion of European works. Those minor amendments concern, respectively, i) the establishment of a quota, within the one devoted to European works, for the protection of works of original Italian expression; ii) the authorities to be consulted in the context of the procedure required for the adoption of a regulation under which broadcasters can seek waivers from the European works promotion requirements.
- AGCom’s current Regulation on organisation and functioning is attached to Decision no. 223/12/CONS, as amended by Decision no. 536/13/CONS. Cooperation with other European regulatory bodies is the subject of Section 35 of the Regulation in force.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 32 ter). (for URL, see above)			
	Access to short news reports (Article 15 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 32 quater). (for URL, see above)			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 44). (for URL, see above)			
	Hate speech (Art. 12 and 6 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 32). (for URL, see above)			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 37 ss.). (for URL, see above)			
	Protection of minors (Art. 27 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 34). (for URL, see above)			
	Right of reply (Art. 28 AVMS Directive)	Legislative Decree of July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 32 quinquies). (for URL, see above)			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Regulation of Agcom n. 316/02/CONS of October 9, 2002 (art. 33). <a href="http://www2.agcom.it/regol/reg_organ.htm">www2.agcom.it/regol/reg_organ.htm</a>			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Italy	Agcom (Autorità per le garanzie nelle comunicazioni)	<a href="http://www.agcom.it">www.agcom.it</a>	July 31, 1997 by law, active since March 1998	Naples, Rome

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Italy	Agcom	Yes <input type="checkbox"/>	Yes (together with government) <input type="checkbox"/>	Yes	Yes (together with government )	Yes <input type="checkbox"/>	Publishing

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Italy	Agcom	419	<del>348372 (as of 15 Aprile 2014)</del>	<del>0.14% of the revenues made by media operators 1.50% of operators' yearly revenues (In 2010 the annual</del> the sectors under its responsibility is 1.50% (1.45% in 2009 and 2008). Source: AGCOM decision 722/09/CONS	€65m ( <del>€75,462m</del> from operators and <del>€3m-280k</del> from sale of broadcasting rights + €222 from the state budget)	<del>2009 — Ageom annual report</del> <del>www.ageom.it/Default.aspx?message=viewrelazioneannuale&amp;idRelazione=17</del> Budget 2014 (in Italian)

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Italy	Agcom	Law August 31, 1997 n. 249 <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)	Law August 31, 1997 n. 249 (for URL, see previous column)  <a href="#">AGCom Regulation on organization and functioning: Regulation attached to Decision no. 223/12/CONS. amended by Decision no. 536/13/CONS. Regulation of Ageom n. 316/02/CONS of October 9, 2002</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Italy	Agcom	Administrative independent authority	Yes			Law n. 249/1997 (Art. 1, co. 1) <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Italy			<input type="checkbox"/> <p>The law provides measures to assure the independence of the Authority.</p> <p>Legislation setting up Agcom states that Agcom operates in full autonomy and with independence of judgment and evaluation.</p>	<p>Law n. 249/1997  <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)</p> <p>Law n. 481/1995  <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)</p>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Italy	AGCOM	Tick boxes <input type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/>
		Areas	N/A	Broadcasting, electronic communications, publishing	Broadcasting, electronic communications, publishing
		Sources	N/A	General act Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 3 ss.) <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)	General act Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 3 ss.) <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Italy	Agcom	Quotas	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	Extra monitoring is carried out after complaints		Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 44). <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-09-07&amp;redaz=005G0206&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian) Art. 1(6) lit. B), n. 13, law no. 249/97 <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)
		Advertising	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	Same as above		Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 37 ss.). Art. 1(6) lit. B), n. 13, law no. 249/97 (for URLS, see above)
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above		Legislative Decree July 31, 2005 n. 177, as amended by Legislative Decree 15 march 2010 n. 44 (art. 34). Art. 1(6) lit. B), n. 13, law no. 249/97 (for URLS, see above)

In addition to AGCom, surveillance and monitoring powers are also vested in the Surveillance Committee enforcing the “Media and Minors” Self-regulation Code (hereafter: MMSC), which was adopted as a self-regulatory instrument in 2002 but was elevated to co-regulatory status by the Gasparri Law in 2004. The legal basis for the Committee’s surveillance and monitoring powers is Section 34(6) CLARMS, which reads as follows:

“Broadcasters, including analogue broadcasters, employing any transmission platform, shall comply with the provisions on the protection of minors set out in the Media and Minors Self-Regulation Code approved on 29 November 2002, as subsequently amended. Any amendment to the Code or the adoption of new self-regulation acts are acknowledged by a decree of the Minister of economic development, adopted pursuant to Article 17, paragraph 3, the Law of 23 August 1988 no. 400, after consulting the Parliamentary Committee [on Children] established by Law 23 December 1997, n. 451, as subsequently amended.

The Surveillance Committee has not been active since December 2011 due to the failure by the Ministry to appoint its representatives within the Surveillance Committee. At the moment, the MMSC is thus enforced only by AGCom.<sup>1</sup>

<sup>1</sup> [http://www.cnu-agcom.it/pdf\\_file/pdf\\_docs\\_30.html](http://www.cnu-agcom.it/pdf_file/pdf_docs_30.html)



**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Italy		Quotas	<input type="checkbox"/> discretionary	€10,329 – €258,228		<input type="checkbox"/> <input type="checkbox"/>	No According to information provided by AGCOM, penalties are not foreseen. In case of non-compliance or of late payment, interests are due. This is a general administrative provision.	(Sanctions are not automatic, but can be applied only after the violation has been established at the end of a sanctionary proceeding).
		Advertising	<input type="checkbox"/> <input type="checkbox"/>	€10,329 – €258,228		<input type="checkbox"/> <input type="checkbox"/>	No Same as above	(Same as above)
		Protection of minors	<input type="checkbox"/> <input type="checkbox"/>	€25,000 – €350,000	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	No Same as above	(Same as above)

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Italy	Agcom	No	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Italy	Agcom	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> About 40% of handled sanctioning proceedings each year are concluded with a fine (data provided by AGCOM) <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> In all cases concerning protection of minors and right of reply <input type="checkbox"/>	<input type="checkbox"/> Only once since the establishment (pornographic FTA satellite channel)	No  <input type="checkbox"/>

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Italy	Agcom	Yes There are specific procedures only in case of infringements in the field of electronic communications services, pay-tv services and political communication, notwithstanding the general right to present complaints in any form in case of audiovisual issues.	AGCOM regulation n. 136/06/CONS <a href="http://www.agcom.it/default.aspx?message=viewdocument&amp;DocID=2284">www.agcom.it/default.aspx?message=viewdocument&amp;DocID=2284</a> (in Italian) For more information, see AGCOM website (in Italian) <a href="http://www.agcom.it/Default.aspx?message=contenuto&amp;DCId=%20200">www.agcom.it/Default.aspx?message=contenuto&amp;DCId=%20200</a>

Complaints are currently handled by AGCom in accordance with Section 4 of the regulation attached to Decision no. 529/14/CONS, as amended by decision no. 529/14/CONS. In essence, all interested parties and consumers' associations may report alleged violations of media regulation to AGCOM through the forms available on AGCOM's website or via certified e-mail. Under the penalty of inadmissibility, those complaints must include: full contact information of the author of the complaint; the alleged offender; the period during which the offence took place; supporting documents or evidence. The Director of the relevant AGCOM Directorate dismisses the complaints that are inadmissible or manifestly unfounded (e.g. concerning behaviour outside AGCom's jurisdiction). Complaints by law enforcement agencies cannot be dismissed as manifestly unfounded. AGCom may join different complaints concerning similar conducts and may dismiss them jointly. AGCom may rely on complaints as a basis to introduce new regulatory measures. Complainants, in any case, are informed of the receipt of the complaint.

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures ?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Italy	Agcom	President	Not applicable	No	No	No	No	Yes The law requires all members to be experts in Agcom's field of competence	No	<p>Law August, 31 1997 n. 249 (art. 1, co.3)  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)</p> <p>Law November 14, 1995 n. 481 (art. 2, co. 8)  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)</p>	
		Board: Council	95	No	No	No	No	Yes (same as above)	No	<p>Law August, 31 1997 n. 249 (art. 1, co.3) (for URL, see above)</p> <p>Law November 14, 1995 n. 481 (art. 2, co. 8) (for URL see above)</p> <p><u><a href="#">Law 22 December 2011, no. 214, converting into law Decree law 6 December 2011, no. 201, laying down urgent measure for growth, equity and spending review, reduced the number of AGCom commissioners from 9 to 5, including the President.</a></u></p>	

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures ?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
		Board: Commission services and	<del>5</del> 3 (incl. president)	No	No	No	No	Yes (same as above)	No		Same as above
		Board: Commission infrastructures and	<del>5</del> 3 (incl. president)	No	No	No	No	Yes (same as above)	No		Same as above

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Italy	President	Convenes the meetings of the collegial bodies, determines the agenda, chairs the proceedings, and supervises the implementation of decisions.	The deliberations of the Authority are adopted by majority vote of present and may be declared enforceable by the vote of a majority of voters. Those absent are considered present but not voting.  Agcom regulation n. 316/02/CONS of October, 9 2002 <a href="http://www.agcom.it/default.aspx?message=viewdocument&amp;DocID=604">www.agcom.it/default.aspx?message=viewdocument&amp;DocID=604</a> (in Italian)	Yes	No

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
	Council	<p>Main competences include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Expressing views to the Ministry of Communications on the outline of the National plan for the distribution of frequencies</li> <li><input type="checkbox"/> Drawing up the plans for the allocation of frequencies</li> <li><input type="checkbox"/> Advising Government on legislative intervention</li> <li><input type="checkbox"/> Guaranteeing application of provisions on access to media and communication infrastructures, also by the drawing up of specific regulations</li> <li><input type="checkbox"/> Adopting regulations on criteria for licenses and authorizations and on the amount of contributions</li> <li><input type="checkbox"/> Proposing to the Ministry of Communications regulations to be annexed to concessions and authorizations in the field of radio and television broadcasting</li> <li><input type="checkbox"/> Ascertaining the existence of dominant positions in the radio-television sector and adopts the consequent measures</li> <li><input type="checkbox"/> Carrying out the functions and tasks previously assigned to the former Broadcasting and publishing Office (Garante per la radiodiffusione e l'editoria)</li> <li><input type="checkbox"/> Proposing to the Ministry of Communications the outline of the agreement to be annexed to the concession for public radio-television service and monitors implementation of all</li> </ul>	Same as above	<p>The process provided by law is transparent.</p> <p>According to data provided by AGCOM, evidence of the voting process is given in the minutes which are accessible on request.</p> <p>AGCOM publishes every decision on its website, apart from those concerning its personnel.</p> <p>Even though its bulletin is not updated regularly, all regulatory decisions are published in the Official Journal.</p>	No

The tasks of the CSP and the CIN are laid down in Section 1, para 6 of Law no. 249 of 1997 (establishing AGCOM), which, however, empowers AGCOM to reallocate competences among its various organs, if need be, and entrusts AGCom Council with all the powers not expressly attributed to other organs. These changes, as well as the reduction of the members of AGCom Commissions from four to two, has entailed a gradual concentration of powers in the hand of the Council.

Section 34 of decision no. 223/12/CONS, in particular, has transferred to the Council a number of powers previously attributed to the CSP and the CIN. Decision 315/12/CONS also entrusted the Council with powers on media pluralism, equal time, and surveys.

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Italy	Agcom	President	Yes	a) Designation by the President of the Council of Ministers in consultation with the Minister of Economic Development b) Submission of name to the competent parliamentary committees (positive opinion by 2/3 of the members of the competent parliamentary committees)	c) Appointment by decree of President of the Republic	No	Law August 31, 1997 n. 249 (art. 1, co. 3) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)
		Commissions	Yes	The House and Senate each elect 4 Commissioners: each senator and each member expressing a vote indicating two names, one for the networks and infrastructures committee, another one for the committee for services and products.	Appointment by decree of President of the Republic	No	Same as above

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Italy	Agcom	President	7 years	Yes (election cycle is 5 years)	No	Law November 14, 1995 n. 481 (art. 2, co.8) <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)
		Commissioners	7 years	Yes (election cycle is 5 years)	No (apart from cases when a replacement election is made 3 years before the expiry of the ordinary period)	Law November 14, 1995 n. 481 (art. 2, co.8) (for URL, see above)  Law no. 249/97 (art. 1) <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100615</a> (in Italian)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Italy	Agcom	President Commissioners	High and recognised experience and expertise in the sector		Law November 14, 1995 n. 481 (art. 2, co.8) <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Italy	Agcom	President	Yes		Yes (Transition from a governmental position to Agcom is possible, but both positions cannot be held at the same time).	Yes (Positions in political parties have to be left).	Yes (Direct or indirect interests in companies active in Agcom's field of competence must be left).	No	Yes	Law November 14, 1995 n. 481 (art. 2, co.8) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)
		Commissions	Yes <input type="checkbox"/>		Yes Same as above	Yes Same as above	Yes Same as above	No	Yes	Same as above
		Senior staff			No <input type="checkbox"/>					



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Italy	Agcom	President	Yes		Yes <input type="checkbox"/>	Yes (No position can be held in political parties during term of office)	Yes (No interest or working cooperation during term of office)	Law November 14, 1995 n. 481 (art. 2, co.8) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)
		Commissions	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes (same as above)	Yes (same as above)	Same as above
		Senior staff	Yes	<input type="checkbox"/>	No specific provisions	Yes (If elected to positions in political parties, contract with Agcom is suspended)	Yes (No interest or working cooperation during term of office)	Law November 14, 1995 n. 481 (art. 2(31)) (for URL, see above) And general legislation on public servants

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Italy	Agcom	President	Yes		Yes For 4 years (no working relation or cooperation with any company active in Agcom's field of competence). Additionally, the law does not foresee any monetary compensation for the cooling-off period.	Law November 14, 1995 n. 481 (art. 2, co.9) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)
		Commissions	Yes <input type="checkbox"/>		Yes (same as above)	Same as above
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Italy	Agcom	President	Yes	<input type="checkbox"/>	No specific provisions	Automatically without a specific dismissal procedure, if appointed members do not resign from political posts or leave their interests in companies active in Agcom's field of competence. No other grounds for dismissal.	Only individual members in cases of decadence	Law November 14, 1995 n. 481 (art. 2(8)) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)
		Individual Commission members	Yes	<input type="checkbox"/>	Same as above	Same as above		Same as above

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Italy	Agcom	2005- <del>2009</del> 2015	Chairman		No		
			Individual board members		No		

There have not been cases of dismissal before the term in the last five years. Commissioner Maurizio Dècina voluntarily resigned in September 2013 due to 'serious personal reasons' but endorsed the work the AGCom Council had carried out thus far. He was replaced by Commissioner Antonio Nicita, appointed on 26 November 2013.

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Italy	AGCOM Total revenues €66.2m	No	State funding €3.16m (4.8%)	No Spectrum fees go to the government	Yes, but satellite only €1.4m (2.1%)	Aggregate amount not available Average fines from €10,000 to €258,000 and from €25,000 to €350,000 (minors)	Yes €61.64m (93.2%) In 2010 the annual contribution to AGCOM from national operators in the sectors under its responsibility is 1.5 per thousand of the revenues resulting in the last budget approved by each operator.  The amount of contribution is determined by Authority's decision, respecting the limits provided by law. The law does not provide any obligations of cost orientation. (Source: law 266/2005, art. 1, par. 65, 66, 68).	AGCOM annual report 2009 <a href="http://www.agcom.it/Default.aspx?message=viewrelazioneannuale&amp;idRelazione=17">www.agcom.it/Default.aspx?message=viewrelazioneannuale&amp;idRelazione=17</a> (in Italian) Law November 14, 1995 n. 481 (art. 2 (38)) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Italy	Agcom	<p>AGCOM Council decides on the overall budget. The Ministry of Economy can adjust it when necessary.</p> <p>The budget is made up of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> annual contribution from all operators;</li> <li><input type="checkbox"/> state financing, indicated for each year in the State Budget Law.</li> </ul> <p>As indicated in the last Agcom Annual Report (2008):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the aggregate contribution from operators in 2008 was €62.8m</li> <li><input type="checkbox"/> the state funding for the same year was €3.3m.</li> </ul>	<p>Yes</p> <p>See previous column</p> <p>As regards the state contribution, Agcom may intervene during hearings in Parliament or with requests to the government.</p>	<p>Minister of economy decides on the percentage given by the state (c.a. 5% of the overall budget of Agcom)</p>		<p>Law December 23, 2005 n. 266, art. 1, co. 65 ss.  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-12-29&amp;redaz=005G0293&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-12-29&amp;redaz=005G0293&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)</p> <p>Law n. 481/1995 (art. 2, co. 41)  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)</p> <p>Annual Report of Agcom (2008)  <a href="http://www2.agcom.it/rel_08/08_Relaz_part04.pdf">http://www2.agcom.it/rel_08/08_Relaz_part04.pdf</a></p>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Italy	Agcom	Yes	Annual	Yes Auditing committee composed of judges and university professors. The final balance is subject to the control of the Court of auditors.	No	Yes Internal auditing: Commission of guarantee of AGCOM Internal audit service	Law n. 481/1995 (art. 2) <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)  AGCOM Regulation n. 713/00/CONS

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Italy	Agcom	Parliament	Yes	Annual report to Parliament But Parliament has no power to formally adopt or reject it. Annual report to the Parliament presented via the President of the Council of Ministers.	Art. 1(6) lit b), no. 12 , law no. 249/97 <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)
		Government as a whole	No	But see above	
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Italy	Agcom	Parliament	Annual	Evaluation of activities carried out and work programmes  Audiovisual, electronic communications, publishing, human resources and organisation	The report shall contain indication on activities carried out and work programmes; data and statements in the sector of competence, with regard to technological development, resources, revenues and capital, the diffusion potential and actual audience shares, the plurality of views in the information system, the cross-ownership between radio, television, newspapers, magazines and other media.	No	No	<a href="http://www.agcom.it/Default.aspx?message=contenuto&amp;DCId=5">www.agcom.it/Default.aspx?message=contenuto&amp;DCId=5</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Italy	Agcom	No (in addition to budget, see above)	N/A	N/A	N/A	N/A	N/A



**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Italy	Agcom	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Art. 1, para 1, law no. 249/97 <a href="http://www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=ci&amp;connote=false&amp;aggiorn=ci&amp;dataval">www.normattiva.it//dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1997-07-31&amp;redaz=097G0287&amp;parControllo=ci&amp;connote=false&amp;aggiorn=ci&amp;dataval</a>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	Yes (data provided by AGCOM)	No	General principle of constitutional law (data provided by AGCOM)
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	No	N/A	N/A

Please note that also AGCom's measures of general application (not only those involving sanctions) can be challenged before the Latium Regional Administrative Court (and, on appeal, before the Council of State). Accordingly, administrative courts can be regarded as having the power to overturn AGCom decisions.

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Italy	Agcom	External	1	Administrative Court	No	Anybody who has direct interest in the question	Art. 2, Law n. 481/1995 <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)
			2	Council of State			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Italy	Agcom			<input type="checkbox"/>	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Italy	Agcom		<input type="checkbox"/>	<input type="checkbox"/> In cases falling under the electronic communications package and in cases of request of compensation	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Italy	Agcom	1 Administrative court		<input type="checkbox"/>	The appeal body has the power to cancel the decision and remit it back to regulator for new decision.
		2 The Council of State		<input type="checkbox"/>	

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Italy	Agcom	Yes	Each directorate has a certain budget that may be used for outside advice	Yes	-	Yes in cases where the law obliges the use of independent auditors (e.g. net cost calculation for universal service obligations)

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Italy	Agcom	Agcom may conduct public consultations to acquire information and documentation concerning all questions under its competence. This derives from general action by Agcom.	No specific requirement. In practice, anybody with specific interest in the issue to be dealt with by the regulation to be adopted.	The period is fixed for each consultation. Average is 30 days. Might be shortened in urgent matters.	Yes	Yes (most frequent)	AGCOM regulation n. 278/99 <a href="http://www2.agcom.it/provv/D278_99.htm">www2.agcom.it/provv/D278_99.htm</a> (in Italian)

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
<u>Italy</u>	<u>Agcom</u>	<u>2014</u>	<u>8</u>
		<u>2013</u>	<u>7</u>
<b>Italy</b>	<b>Ageom</b>	2010	5 (VOD services, AVMS services on non-traditional networks, short extracts, list of events; European works)
		2009	1 Sports rights on emergent platforms <a href="http://www.agcom.it/default.aspx?message=viewdocument&amp;DocID=3417">www.agcom.it/default.aspx?message=viewdocument&amp;DocID=3417</a> (in Italian)
		2008	2 European works <a href="http://www.agcom.it/default.aspx?message=viewdocument&amp;DocID=2441">www.agcom.it/default.aspx?message=viewdocument&amp;DocID=2441</a> (in Italian) Secondary rights <a href="http://www.agcom.it/default.aspx?message=viewdocument&amp;DocID=2444">www.agcom.it/default.aspx?message=viewdocument&amp;DocID=2444</a> (in Italian)

N.B.: Data on consultations prior to 2013 not available on AGCom's website).

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Italy	Agcom	All decisions (apart from those dealing with human resources and thus not accessible by third parties)  Art. 2, Law n. 481/1995 <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1995-11-18&amp;redaz=095G0522&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100616</a> (in Italian)	Yes  Art. 2, Law August 7, 1990 n. 241 <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1990-08-18&amp;redaz=090G0294&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=1990-08-18&amp;redaz=090G0294&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)	Yes  On the basis of general legislation on regulatory impact assessment  Law no. 229/2003 <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2003-08-25&amp;redaz=003G0223&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2003-08-25&amp;redaz=003G0223&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)	N/A

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Italy	Agcom	Consultations with the competition authority during the market analysis procedures according to the electronic communications package (Agcom leading body) and in cases of unfair commercial practices (Competition authority as leading body)	<p>Electronic communications code Legislative decree no. 259/2003  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2003-09-15&amp;redaz=003G0280&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2003-09-15&amp;redaz=003G0280&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)</p> <p>Consumer code            Legislative decree no. 206/2005  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-10-08&amp;redaz=005G0232&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2005-10-08&amp;redaz=005G0232&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)</p> <p>Audiovisual sports rights Legislative decree no. 9/2008  <a href="http://www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2008-02-01&amp;redaz=008G0019&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618">www.normattiva.it/dispatcher?task=attoCompleto&amp;service=212&amp;datagu=2008-02-01&amp;redaz=008G0019&amp;parControllo=si&amp;connote=false&amp;aggiorn=si&amp;datavalidita=20100618</a> (in Italian)</p>	No	There is only one regulator in the communications field. Cooperation is ensured with other bodies active in other fields (competition and privacy authorities being the main cases)

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Italy	Agcom	<p>Yes</p> <p>As regards audiovisual media regulation, contact committee under AVMSD, all groups and committees coordinated by the European Commission together with governmental representatives, BEREC, EPRA, Standing Committee on transfrontier television</p>	<p>AVMSD and ratification law of the European Convention on Transfrontier Television</p> <p>See also AGCOM Regulation n. 316/02/CONS <a href="http://www2.agcom.it/regol/reg_organ.htm">www2.agcom.it/regol/reg_organ.htm</a> (in Italian)</p>	



Lithuania

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Lithuania	<p><del>59</del> <u>51 channels</u>            (<del>59</del> <u>Total number of services for 2014, including PSB:</u>  <u>42 TV broadcasters broadcasting 56 TV programmes</u>  <u>(24 DTT, 31 cable, 14 broadband, 2 mobile operators) or IPTV, 4 satellite);</u>  <u>46 radio broadcasters broadcasting 52 radio programmes;</u>  <u>49 radio and TV rebroadcasters having 64 licences for rebroadcasting</u></p> <p><u>Source: 2014 Annual activity report of the Radio and Television Commission of Lithuania (LRTK)</u>  <u><a href="http://www.rtk.lt/assets/files/LRTK_ataskaita2014_rev6.pdf">www.rtk.lt/assets/files/LRTK_ataskaita2014_rev6.pdf</a></u></p> <p><u>LRTK supervises more than 200 licences for broadcasting or re-broadcasting of radio or TV programmes</u></p>	<p><del>The legal framework does not distinguish between linear and non-linear commercial services;</del> <u>3 providers registered with the Radio and Television Commission of Lithuania (LRTK)</u></p> <p><u>Source : LRTK website</u>  <u><a href="http://www.rtk.lt/lt/radijas_ir_televizija/audiovizualiniu_paslaugu_tiekejai">http://www.rtk.lt/lt/radijas_ir_televizija/audiovizualiniu_paslaugu_tiekejai</a></u></p>	<p><del>34</del>  <u>LRT Televizija (DTT and satellite),</u>  <u>LRT Kultūra (DTT),</u>  <u>LRT Lituanica (satellite),</u>  <u>LRT HD (cable and IPTV)</u></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). ~~It~~ also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Lithuania	Information requirements (art. 5 AVMS Directive)	<del>Not yet implemented</del> <u>Law on the Provision of Information to the Public (hereinafter PIP), Article 34<sup>2</sup> (“Information about Audiovisual Media Service Provider”)</u>	<del>N/A</del> <u>Radio and Television Commission of Lithuania (<i>Lietuvos radijo ir televizijos komisija</i>, hereinafter LRTK)</u>	<del>N/A</del> <u>LRTK</u>	<del>N/A</del> <u>LRTK</u>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>Not yet implemented</del> <u>Rules for television broadcasters and re-broadcasters:</u> PIP Art. <del>Articles</del> 39, 40 (Note: only sponsorship is regulated for both commercial TV and 40 <sup>1</sup> )	<del>Lithuanian Radio and Television Commission (<i>Lietuvos radijo ir televizijos komisija</i>, hereinafter LRTK)</del> <u>LRTK</u>	<del>N/A</del> <u>LRTK</u>	<u>LRTK;</u> <u>Council of the National Radio and Television (hereinafter –LRT Council)</u>
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<del>Not transposed yet.</del> <u>Rules for television broadcasters and re-broadcasters:</u> PIP Art 34 <del>Part</del> para. 1 provides that “[i]nformation which is being (...) Producers and disseminators of public information, in cooperation with the competent state and municipal institutions and agencies, shall, where possible, ensure that the disseminated <del>must be</del> public information is accessible to the disabled.” <del>NRT</del> <u>Law on LRT Art 5 Part</u> para. 9 states that the national PSB “creates” programmes accessible to people with sight and hearing disabilities. <u>The proportion on such programmes</u>	No enforcement mechanism for compliance is foreseen	<del>N/A</del> <u>No enforcement mechanism for compliance is foreseen</u>	<del>No enforcement mechanism for compliance is foreseen</del> <u>LRT Council sets the proportion of programmes accessible to people with sight and hearing disabilities.</u>
	<u>Broadcasting of major events (Art. 14 AVMS Directive)</u>	<u>PIP Art. 38 para. 6</u>	<u>LRTK</u>	<u>N/A</u>	<u>LRTK</u>
	<u>Access to short news reports (Article 15 AVMS Directive)</u>	<u>PIP Art. 38 para. 1-5</u>	<u>LRTK</u>	<u>N/A</u>	<u>LRTK</u>
	<u>Promotion of European works (Art. 13, 16, 17 AVMS Directive)</u>	<u>PIP Art. 40<sup>1</sup> (for VoD services), Art. 38 para. 8 and 9 (for TV programmes)</u>	<u>LRTK</u>	<u>N/A</u>	<u>LRTK</u>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	<a href="#">Hate speech (6 AVMS Directive)</a>	<a href="#">PIP Art. 19 para. 1 subpara. 3)</a> <a href="#">PIP Art. 50 para. 1 subpara. 8)</a>	<a href="#">LRTK;</a> <a href="#">Inspector of Journalist Ethics (ZEI);</a> <a href="#">Ethics Commission of Lithuanian Journalists and Publishers</a>	<a href="#">LRTK;</a> <a href="#">ZEI;</a> <a href="#">Ethics Commission of Lithuanian Journalists and Publishers</a>	<a href="#">LRTK;</a> <a href="#">ZEI;</a> <a href="#">Ethics Commission of Lithuanian Journalists and Publishers</a>
	<a href="#">Television advertising and teleshopping. (Art. 19 – 26 AVMS Directive)</a>	<a href="#">PIP Art. 39</a>  <a href="#">Law on Alcohol Control, Art. 29 (“Restriction of Alcohol Advertising”)</a>  <a href="#">Law on LRT Art. 6 (Prohibition of advertising on PSB)</a>  <a href="#">Law on Advertising</a>	<a href="#">LRTK;</a>  Also, depending on the issue:  <a href="#">State Consumer Rights Protection Authority;</a> <a href="#">Drug, Tobacco and Alcohol Control Department;</a> <a href="#">State Food and Veterinary Service</a> <a href="#">Competition Council</a>	<a href="#">N/A</a>	<a href="#">LRTK;</a> <a href="#">LRT Council</a>  Also, depending on the issue:  <a href="#">State Consumer Rights Protection Authority;</a> <a href="#">Drug, Tobacco and Alcohol Control Department;</a> <a href="#">State Food and Veterinary Service</a> <a href="#">Competition Council</a>
	<a href="#">Protection of minors (Art. 12 and 27 AVMS Directive)</a>	<a href="#">PIP Art. 17 (general provisions) and 40<sup>3</sup> (VoD)</a>  <a href="#">Law on the Protection of Minors against the Detrimental Effect of Public Information</a>	<a href="#">LRTK;</a> <a href="#">Inspector of Journalist Ethics (ZEI);</a> <a href="#">Ethics Commission of Lithuanian Journalists and Publishers;</a> <a href="#">Children’s Rights Ombudsman Institution;</a> <a href="#">Ministry of Culture</a>	<a href="#">LRTK;</a> <a href="#">ZEI;</a> <a href="#">Ethics Commission of Lithuanian Journalists and Publishers;</a> <a href="#">Children’s Rights Ombudsman Institution;</a> <a href="#">Ministry of Culture</a>	<a href="#">LRTK;</a> <a href="#">LRT Council;</a> <a href="#">ZEI;</a> <a href="#">Ethics Commission of Lithuanian Journalists and Publishers;</a> <a href="#">Children’s Rights Ombudsman Institution;</a> <a href="#">Ministry of Culture</a>
	<a href="#">Right of reply (Art. 28 AVMS Directive)</a>	<a href="#">PIP Art. 15 and Art. 44</a>	<a href="#">No regulatory mechanism exists. The legal framework provides only for individual enforcement of right of reply.</a>	<a href="#">No regulatory mechanism exists. The legal framework provides only for individual enforcement of right of reply.</a>	<a href="#">No regulatory mechanism exists. The legal framework provides only for individual enforcement of right of reply.</a>
	<a href="#">Communication and cooperation with other European regulation bodies and the Commission (Art. 30)</a>	<a href="#">PIP Art. 34<sup>1</sup> and 48 para. 18) and 20)</a>	<a href="#">LRTK</a>	<a href="#">LRTK</a>	<a href="#">LRTK</a>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	Not transposed yet. Rules for television broadcasters and re-broadcasters: PIP Art 38 Part 2	LRTK	N/A	LRTK
	Access to short news reports (Article 15 AVMS Directive)	Not transposed yet.	N/A	N/A	N/A
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Not transposed yet. Rules for television broadcasters and re-broadcasters: PIP Art 38 Parts 3 and 4.	LRTK	N/A	LRTK
	Hate speech (Art. 12 and 6 AVMS Directive)	Not transposed yet. Rules for television broadcasters and re-broadcasters: PIP Art 19 Part 1 Para 3 PIP Art 50 Part 1 Para 8	LRTK Journalists' Ethics Inspector ( <i>Žurnalistų etikos inspektorius</i> , herein, ZEI)	N/A	LRTK ZEI
	Television advertising and teleshopping, (Art. 19–26 AVMS Directive)	PIP Art 39 (advertising, teleshopping, teleshopping window) (Commercial TV) NRT Art 6 (PSB)	LRTK	N/A	LRTK
	Protection of minors (Art. 27 AVMS Directive)	Partly transposed under the Law on the Protection of Minors against the Detrimental Effect of Public Information (herein, Law on Protection of Minors). Suggestions made under the Draft.  Rules for television broadcasters and re-broadcasters: PIP Art 17	LRTK ZEI	N/A	LRTK ZEI
	Right of reply (Art. 28 AVMS Directive)	Not transposed yet. Rules for television broadcasters and re-broadcasters: PIP Art 15 and Art 44	No regulatory mechanism exists. The legal framework provides only for individual enforcement of right of reply.	N/A	No regulatory mechanism exists. The legal framework provides only for individual enforcement of right of reply.
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30	Not transposed yet. Rules for television broadcasters and re-broadcasters: PIP Art 48 Part 1 Para 17	LRTK (LRTK “shall cooperate with the institutions of the European Union and other foreign countries which perform equivalent functions, also	N/A	LRTK (LRTK “shall cooperate with the institutions of the European Union and other foreign countries which perform equivalent functions, also

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	AVMS Directive)		represent, within the sphere of its competence, the Republic of Lithuania in international organisations," PIP Art 48 Part 1 Para 17)		represent, within the sphere of its competence, the Republic of Lithuania in international organisations," PIP Art 48 Part 1 Para 17)

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Lithuania	Lithuanian Radio and Television Commission, <i>Lietuvos radijo ir televizijos komisija</i> , LRTK	<a href="http://www.rtk.lt">www.rtk.lt</a>	1996	Vilnius, Lithuania

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Lithuania	LRTK	Yes	No	Yes	No	No	No



**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Lithuania	LRTK	<del>1332</del> <u>(LRTK members: 11; maximum number of Administration staff, as fixed by the Board of the Parliament: 21)</u>	<del>1529</del> <u>(11 members of the LRTK and 18 members of Administration staff)</u>	<del>Not stipulated</del> <u>Budget allocations for LRTK are set every year in the Law on Approval of the Financial Indicators of the State Budget and Municipal Budgets. They are based on a long-term strategic plan, which prepared by the LRTK and approved by the LRTK Chairman</u>	<del>1,7002,500,000 LtLTL</del> <u>(approx. €485,714724,050 EUR)</u>	<del>2010</del> <u>PIP Art 47 Part 4</u> <u><a href="http://www.rtk.lt/lt/static.php?strid=31366&amp;&amp;addinf=31366">www.rtk.lt/lt/static.php?strid=31366&amp;&amp;addinf=31366</a>Annual budget:</u> Reference year: 2014 Source: Law on Approval of the Financial Indicators of the State Budget and Municipal Budgets for 2014: <u><a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=462848&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=462848&amp;p_tr2=2</a></u>  <u>Number of staff:</u> <u>PIP Art. 47 para. 4 and 15</u> <u>Decision No SV-S-486 of the Board of the Parliament on the maximum number of public servants and employees working under employment contracts at the LRTK Administration, 11 December 2013:</u> <u><a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=461914&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=461914&amp;p_tr2=2</a></u> <u>Current staff – LRTK website</u> <u><a href="http://www.rtk.lt/lt/struktura_ir_kontaktai/kontaktai">http://www.rtk.lt/lt/struktura_ir_kontaktai/kontaktai</a></u>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Lithuania	LRTK	<p><del>PIP Art 47</del></p> <p>Law on the Provision of Information to the Public (PIP), <del>Official Gazette, 27) of 2 July 2006, 1996 No. 82-3254, as I-1418, last amended on 15 July 2009, available in English at <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362353">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362353</a> (accessed 4 April 2010)</del> 18 December 2014:  <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/ZCQmAhfsMw">https://www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/ZCQmAhfsMw</a> (in Lithuanian), English translation only available for the version valid until November 2013: <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=458157">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=458157</a></p>	<p><del>PIP Art 48</del></p> <p>Law on the Provision of Information to the Public (PIP), <del>Official Gazette, 27) Articles 47 and 48</del> July 2006, No. 82-3254, as last amended on 15 July 2009, available in English at <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362353">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362353</a> (accessed 4 April 2010)            Regulations of the Radio and Television Commission of Lithuania (approved by the Parliament Resolution No XII-189 on 12-03-2013): <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444391&amp;p_tr2=2">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=444391&amp;p_tr2=2</a> (in Lithuanian)</p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Lithuania	LRTK	Independent <u>body accountable to the Parliament. It is a public legal entity and a state budgetary institution</u>	Yes			<del>PIP Art 47</del> <u>Law on the Provision of Information to the Public (PIP) Art. 47 para. 1 and 3</u>

## Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Lithuania	LRTK		<input type="checkbox"/>	PIP Article 47 <a href="#">para. 1</a> establishes that LRTK is an independent <del>institution</del> body. It also provides that “ <a href="#">When performing its functions and taking decisions on issues within its remit, the Commission shall act independently</a> ”.

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Lithuania	LRTK	Tick boxes	No	<input type="checkbox"/>	<input type="checkbox"/>
		Areas	<del>LRTK</del> <u>LRTK does not set general policies itself, but</u> participates in the process of setting national audiovisual policy; <del>it does not adopt general policies itself. For example, it participates in,</del> <u>advises the formation</u> <del>Parliament and the Government on the issues of national broadcasting, re-broadcasting and on-demand audiovisual policy</del> <u>media services, and competence to can propose draft legislation concerning broadcasting in this area.</u>	<del>E.g. competence to adopt rules concerning broadcasters` compliance with the statutory requirements related to advertising and sponsorship</del> <u>LRTK establishes the procedure for implementation of the requirements laid down by laws and EU legal acts concerning the structure and content of radio and television programmes, audiovisual commercial communications, and can adopt other legal acts within the scope of its competence.</u>	<del>E.g. competence to control</del> <u>Awarding of broadcasting licences, controlling</u> <del>broadcasters` compliance with statutory requirements concerning protection of minors, advertising, quotas; imposing sanctions, etc.</del>
		Source	<del>PIP Art. 47 Part para. 1 and PIP, Art. 48 Part para. 1</del> <u>Para 12 (general law subpara. 14)</u>	<del>PIP Art. 48 Part para. 1</del> <u>Para 7 (general law subpara. 9)</u>	<del>PIP Art. 48 Part 1</del> <u>Para 5 (general law)</u>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Lithuania	LRTK	Quotas	<input type="checkbox"/>	<input type="checkbox"/>	<del>Just a general power “to collect information about broadcasters”</del> PIP Art 48 Part 1 Para 45 <input type="checkbox"/>		<u>The LRTK has a right, upon receiving court authorisation, to carry out on-the-spot checks</u>  <u>(PIP Art. 48 para. 3 subpara. 3))</u>	<u>Control and monitoring:</u> PIP Art. 48 <del>Part para. 1</del> <u>Paras 8 subpara. 6), 10), 11) and 4512)</u>  <u>Viewer complaints’ investigation:</u> PIP Art. 48 para. 1 subpara. 7)  <u>Information collection powers:</u> PIP Art. 48 para. 3 subpara. 1), 2) and 3)
		Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<del>Just a general power “to collect information about broadcasters”</del> PIP Art 48 Part 1 Para 45 <input type="checkbox"/>		same as above	<u>Control and monitoring:</u> PIP Art. 48 <del>Part para. 1</del> <u>Paras 8 subpara. 6), 10), 11) and 4512)</u>  <u>Viewer complaints’ investigation:</u> PIP Art. 48 para. 1 subpara. 7)  <u>Information collection powers:</u> PIP Art. 48 para. 3 subpara. 1), 2) and 3)
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/>	<del>Just a general power “to collect information about broadcasters”</del> PIP Art 48 Part 1 Para 45 <input type="checkbox"/>		same as above	<u>Control and monitoring:</u> PIP Art. 48 <del>Part para. 1</del> <u>Paras 5-subpara. 6), 8), 11) and 4512)</u>  <u>Viewer complaints’ investigation:</u> PIP Art. 48 para. 1 subpara. 7)  <u>Information collection powers:</u> PIP Art. 48 para. 3 subpara. 1), 2) and 3)

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Lithuania	LRTK	Quotas	<input type="checkbox"/> <u>All sanctions are discretionary, except for the fines which must respect a specific administrative procedure</u> <u>Can issue warnings (PIP Art. 48 para. 1 subpara. 13))</u>	<input type="checkbox"/> <u>LTL 500-7,000 (approx. €150-€144 – 2,000)</u> <sup>27</sup> <u>PIP Art 48 Part 1 Para 11</u> <u>The lump sum of fine is provided under the Lithuanian Code of Administrative Violations Offences (ATPK), Art 214)</u> <u><a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=367883">www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=367883</a></u> <u>Art. 214</u> <sup>21</sup>  <u><a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=493978">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=493978</a> (in Lithuanian)</u>	<u>N/A</u>	<input type="checkbox"/> <u>For serious and repetitive violations of terms and conditions of the licence or obligations concerning the programme.</u> <u>LRTK decision on the suspension or revocation of licence has to be approved by Vilnius Regional Administrative Court.</u> <u>Suspension possible for 3 months maximum.</u> <u>(PIP Art. 31 para. 13, 14 and 15; Art. 48 para. 1 subpara. 13))</u>	<input type="checkbox"/> <u>Non-compliance with the LRTK decision:</u>  <u>€ 144 – 2.027</u>  <u>ATPK Art. 214</u> <sup>20</sup>	
		Advertising	<input type="checkbox"/> <u>same as above</u>	<input type="checkbox"/> <u>LTL 1,000-10,000 (approx. €290-€ 289 – 2,900)</u> <sup>896</sup> <u>Same as above for rest.</u> <u>ATPK Art. 214</u> <sup>22</sup>	<u>N/A</u>	<input type="checkbox"/> <u>same as above</u>	<input type="checkbox"/> <u>same as above</u>	
		Protection of minors	<input type="checkbox"/> <u>same as above</u>	<input type="checkbox"/> <u>LTL 1,000-10,000 (approx. €290-€ 289 – 2,900)</u> <sup>896</sup> <u>Same as above for rest.</u> <u>ATPK Art. 214</u> <sup>19</sup>	<u>N/A</u>	<input type="checkbox"/> <u>same as above</u>	<input type="checkbox"/> <u>same as above</u>	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Lithuania	LRTK  <i>De facto use of LRTK's powers is established in its annual reports presented to the Seimas, which are available in Lithuanian language at <a href="http://www.rtk.lt">www.rtk.lt</a></i>	N/A  Takes part, but does not decide	<input type="checkbox"/>  <u>Examples:</u>  <u>Rules for publishing information about audiovisual media service providers (LRTK Decision No. KS-117, 22 December 2010)</u>  <u>Rules for registration of on-demand audiovisual service providers (LRTK Decision No. KS-120, 29 December 2010)</u>  <u>Rules for implementation of requirements for audiovisual commercial communications, advertising and sponsorship (LRTK Decision No. KS-120, 29 December 2010)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>  <i><u>Although is power does not exist in law, this happens de facto.</u></i>
<i>Source: LRTK annual activity reports, available in Lithuanian at <a href="http://www.rtk.lt/lt/veikla/planavimo_dokumentai/veiklos_ataskaitos">http://www.rtk.lt/lt/veikla/planavimo_dokumentai/veiklos_ataskaitos</a></i>								

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Lithuania	LRTK	<input type="checkbox"/>  <i><u>2014: 10</u></i> <i><u>2013: 7</u></i> <i><u>2012: 8</u></i> <i><u>2011: 7</u></i> <i><u>2010: 5</u></i>	<input type="checkbox"/>  <i>2014: no fines</i> <i><u>2013: 1,000 LTL-42,750- (-€12,214)</u></i> <i><u>2012: 5,250 LTL</u></i> <i><u>2011: 2,500 LTL</u></i> <i><u>2010: 25,000 LTL</u></i> <i><u>(~€ 9,770 in 5 years)</u></i>	N/A	<input type="checkbox"/>  <i>Revocation of licences—67</i> <i>Suspension of licences—9</i> <i>The figures include radio-licences.</i> <i>These decisions need to be approved by a court.</i>	<i>LRTK</i> <i>N/A</i>
<i>Source: LRTK annual activity reports, available in Lithuanian at <a href="http://www.rtk.lt/lt/veikla/planavimo_dokumentai/veiklos_ataskaitos">http://www.rtk.lt/lt/veikla/planavimo_dokumentai/veiklos_ataskaitos</a></i>						

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Lithuania	LRTK	<p><del>No</del>Yes – complaints are handled in accordance with the <a href="#">Rules on examination of applications in public institutions, approved by Government Resolution No. 875, 22-08-2007 and valid for all public institutions</a></p> <p><a href="#">Rules on examination of applications and service to the applicants in public administration institutions (Asmenų prašymų nagrinėjimo ir jų aptarnavimo viešojo administravimo institucijose, įstaigose ir kituose viešojo administravimo subjektuose taisyklės):</a>  <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=430792">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=430792</a> (in Lithuanian)</p>	<p><a href="#">Electronic form to submit a complaint:</a>  <a href="http://www.rtk.lt/lt/naudinga_informacija/pateikti_e-skunda">http://www.rtk.lt/lt/naudinga_informacija/pateikti_e-skunda</a></p>



#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Lithuania	LRTK	Commission	<del>13</del> 11	Yes 9 <del>It is unclear if they need to act independently once appointed. It can be argued both ways.</del> 6	Yes 4 <del>It is unclear if they need to act independently once appointed. It can be argued both ways.</del> 2 (appointed by the President of the Republic)	Yes 3 <del>It is unclear if they need to act independently once appointed. It can be argued both ways.</del>	No	No	No	<del>See left columns</del> No	PIP Art. 47 <del>Part</del> para. 4

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Lithuania	LRTK (Commission)	<ul style="list-style-type: none"> <li><del>LRTK determines the number of employees to be employed by the administration. LRTK determines its own working procedures, organization of meetings and their frequency. (Statute of the LRTK, adopted by LRTK, 27 September 2006, Order No. 97, s32) Licensing</del></li> <li><u>Content regulation</u></li> <li><u>Sanction power</u></li> <li><u>Competence to determine its rules of procedure, the structure and the rules of procedure of LRTK Administration</u></li> </ul> <p><u>LRTK competences are listed in the Article 48 of the Law on Provision of Information to the Public</u></p>	<p><del>Meetings is the</del>The main forms of LRTK's work <u>are meetings and consultations</u> (PIP Art. 47 para. 11). <del>Part 10).</del></p> <p>Meetings are valid upon the presence of at least 2/3 of LRTK's members (PIP Art. 47 <del>Part 12</del> para. 13).</p> <p>Decisions are made by simple majority vote of all the members of LRTK (PIP Art. 47 <del>Part 12</del> para. 13).</p> <p>Exception of vote by 2/3 majority of all the members of LRTK apply to the following decisions on: issuing/refusing to issue a licence, <del>penalties fines for administrative offences</del>, changes in licence conditions, tender conditions and results, suspension/revocation of licence. (PIP Art. 47 <del>Part 12</del> para. 13)</p> <p><del>Regulations and decisions</del>Decision making procedures are determined <del>by</del>in the <u>Rules of Procedure of the LRTK (Statute of the , 22 January 2014, LRTK, adopted by LRTK, 27 September 2006, Order Decision No. 97, s32).KS-25</u> <u>http://www.rtk.lt/lt/komisija/darbo_reglamentas</u></p>	<p>Meetings are open to the public. <u>A meeting may be declared closed by majority voting of not less than two-thirds of LRTK members present at the meeting if there is a need to protect the privacy of a person or a state or commercial secret.</u> (PIP Art. 47 para. 12). <del>Part 11).</del></p> <p><del>All</del>Decisions which are regulations are published in the Register of Legal Acts. Other decisions are published <del>in the Official Gazette "Lietuvos žinios" or in its Annex "Informaciniai pranešimai" as required by Article</del>on the LRTK website (PIP Art. 47 <del>Para 13</del> of the PIP para. 14)</p>	<p><del>Requirement to publish (in printed press or on internet) information about upcoming meetings and their agenda (PIP art 47 Part 10)</del> <u>www.rtk.lt/lt/list2.php?strid=1008 &amp;</u></p> <p><del>The minutes</del>Agendas are published on the LRTK website (<u>Rules of Procedure of the LRTK Art. 36</u>)</p> <p><u>Minutes</u> are available upon request.</p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Lithuania	LRTK	Chairman and Deputy Chairman	<del>No</del> Yes	<del>n/a</del> Chairman and Deputy Chairman are nominated from the Commission members jointly by the Parliament's Committee for Education, Science and Culture and the Information Society Development Committee under the Ministry of Transport and Communications	<del>Members of LRTK elect by majority vote</del> Chairman and Deputy Chairman are appointed by the Parliament	<del>n/a</del> No	PIP Art. 47 <del>Part 9</del> para. 10
		Board Commission members	Yes. <del>Only</del> for the appointment of 3 members appointed by the Seimas, the Lithuanian parliament, Parliament	The 3 members, who are to be appointed by the SeimasParliament, are nominated by the Parliamentarian's Committee for Education, Science and Culture as well asand the Information Society Development Committee under the GovernmentMinistry of Republic of Lithuania. TheTransport and Communications	<del>4 member</del> 2 members – by the President of the Republic 3 members – by the Seimas <del>4 member is appointed by each</del> Parliament (one of them – from the following organizations:opposition) 3 members – by the Lithuanian Artists' Association 1 member – by the Lithuanian Bishops' Conference 1 member – by the Lithuanian Journalists' Union 1 member – by the Lithuanian Journalists' Society	<del>Not specified</del> No	PIP Art. 47 <del>Part</del> para. 4

Country	Body		Nomination stage Yes—No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				Seimas has the decisive say in their appointment.	Association Lithuanian Cinematographers' Union Lithuanian Composers' Union Lithuanian Writers' Union Lithuanian Theatres' Union Lithuanian Journalists' Union Lithuanian Journalists' Society Lithuanian Bishops' Conference Lithuanian Periodical Press Publishers' Association		

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Lithuania	LRTK	Chairman of the board	2 years  <i>(Note: from 01/01/2015, the term is 4 years, Law XII-1489 of 18-12-2014 on the amendment of Article 47 of the Law on the Provision of Information to the Public: <a href="https://www.e-tar.lt/portal/lt/legalAct/de7eb9e090cd11e4bb408baba2bddd3">https://www.e-tar.lt/portal/lt/legalAct/de7eb9e090cd11e4bb408baba2bddd3</a>)</i>	No	<del>No</del> Yes, renewable once	PIP Art. 47 <del>Part 9</del> para. 10
		Deputy Chairman	2 years <i>(Note: 4 years from 01/01/2015)</i>	No	Yes, number of times not specified	PIP Art. 47 para. 10
		Board Commission members	<del>Terms of office are tied to the terms of office of the appointing government institution or to the terms of power of the appointing organization's management body. In practice this means:</del> 1 member, who is appointed by the President of the Republic, serves for 5 years;	No <i>Theoretically, the term could coincide with the parliamentary election cycle, which is also 4 years. However, only 3 members are appointed by the Parliament and one of them must be from opposition. The presidential election cycle is 5 years.</i>	<del>Yes</del> 1 time, renewable once	PIP Art. 47 <del>Part</del> para. 4
			<del>3 members, who are appointed by the Seimas, serve 4 years.</del> <del>9 members, who are appointed by civil society organizations, serve the same term as the management body of the respective organization.</del>			

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Lithuania	LRTK		Chairman and the Board members	No	PIP Art 47 Part 4
<u>Lithuania</u>	LRTK	<u>Administration Chairman and other Commission members</u>	Good reputation, university education	<del>The Director of the Administration establishes rules on qualifications and expertise required for the staff. At least 5 years of experience in the fields of audiovisual policy, production or dissemination of public information; professional or academic experience in the fields of public information, education, culture, science or human rights.</del>	<del>Statute of the LRTK, adopted by LRTK, 27 September 2006, Order No. 97, s53.2</del> PIP Art. 47 para. 4

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Regulatory Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Lithuania	LRTK	Chairman and Deputy Chairman Board members	Yes		<p>Yes. <del>Cannot</del> May not be appointed Commission members:</p> <ul style="list-style-type: none"> <li><del>Members</del> members of the Parliament.</li> <li><del>members</del> of the Government</li> <li><del>Public</del> servants</li> <li><del>MEPS</del> of political / personal confidence</li> </ul>	No, but once appointed <del>they</del> Commission members have to suspend membership and participation in the activities of political parties	<p>Yes. <del>As members cannot</del> May not be appointed as Commission members:</p> <ul style="list-style-type: none"> <li><del>Members</del> persons who less than a year ago held a position in the management bodies of organisations in the sector regulated by the LRTK and who may have interest in those organisations</li> <li><del>members</del> of the Council of the National Radio and Television of Lithuania (<del>LRTT</del>)</li> <li><del>persons employed by broadcasters and re-broadcasters</del></li> <li>persons who themselves or their family members are linked with broadcasters, re-broadcasters or providers of VoD services by employment, copyright agreement relations or other contractual relations have a</li> <li><del>persons who themselves or their family members have a</del> participating interest in the broadcasters and re-broadcasters or VoD service providers</li> </ul>	Yes/No	<p><del>A member of LRTK cannot</del> Cannot be an employee of the Administration of LRTK</p> <p>- Obligation to provide private interest declarations</p>	<p>PIP Art. 47 Part 8 Decision of the Chief Official Ethics Commission, 28 October 2009, Official Gazette, No. 136-5974- <a href="http://www.rtk.lt/en/static.php?strid=316">www.rtk.lt/en/static.php?strid=316</a> 23&amp;para. 4 and 9</p>
		Other Commission members	Yes		Same as above	Same as above	Same as above	Yes	Same as above	PIP Art. 47 para. 4 and 9
		Senior staff/Administration / Administration		No						

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			<u>Yes</u>	No				
Lithuania	LRTK	Chairman and Deputy Chairman	Yes	<del>No</del>	Same as for appointment stage	Commission members have to suspend membership and participation in the activities of political parties	Same as for appointment stage.  Chairman and Deputy Chairman may not work in business, commercial or other enterprises or organisations, and may not receive any other remuneration (except for research and pedagogical work, or for creative activities not related to audiovisual media services providers).	<a href="#">PIP Art. 47 para. 9</a>
		<del>Chairman and Board</del> <del>Other Commission</del> members	Yes		<del>Same as for appointment stage</del> <u>above</u>	<del>A member of LRTK, who is also member of political party, has to suspend his membership and participation in the activities of political party.</del> <u>Same as above</u>	<del>Same as for appointment stage.</del> <del>Also heads of departments are obliged to make their private interests public</del>	<del>PIP Art. 47 Part 8 para. 9</del> <del>Also a member of LRTK cannot be an employee of the Administration of LRTK (PIP Art 47 Part 8)</del>  <del>Decision of the Chief Official Ethics Commission, 28 October 2009, Official Gazette, No. 136-5974</del>
	Senior staff / Administration		No					



**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Lithuania	LRTK	Chairman and Board members		No		
		Senior Staff/ <del>Administratio</del> # / Administration		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Lithuania	LRTK	Chairman, Deputy Chairman and other Commission members	Yes	(Can be dismissed only on the grounds listed in the law)	By majority vote of all Members of LRTK. The dismissed Chairman retains the status as a Member of LRTK. By a respective institution or organisation which appointed the member.  In the case of serious misconduct, it has to be acknowledged by at least two thirds of all Commission members. Then the Commission addresses the respective institution / organisation asking to recall the member in question from the Commission.	Yes <input type="checkbox"/> if the chairman resigns <input type="checkbox"/> if he does <input type="checkbox"/> resignation <input type="checkbox"/> not attend the attending meetings for more than 4 consecutive months without a valid excuse <input type="checkbox"/> if he is convicted <input type="checkbox"/> if he loses <input type="checkbox"/> conviction <input type="checkbox"/> loss of Lithuania citizenship <input type="checkbox"/> if is legally incapable <input type="checkbox"/> if he cannot <input type="checkbox"/> legal incapability <input type="checkbox"/> inability to perform duties for health reasons <input type="checkbox"/> if he discredits the status of the Commission <input type="checkbox"/> serious misconduct in office, declared by at least two-thirds of votes of all Commission members (grounds for dismissal for serious misconduct, as listed in the LRTK Regulations: discredit of the Commission, violations against human dignity and constitutional rights; disclosure of commercial secret of an audiovisual service provider; abuse of office; participation in the activities incompatible with the office; not attending more than 3 meetings per year without a valid excuse; being intoxicated with alcohol, drugs or toxic substances in the office) <input type="checkbox"/> if the annual report of the LRTK or the set of financial statements are not approved by the Parliament, and the institution, which appointed the member, decides not to appoint the same member to continue activities at the LRTK.	Only individual members Both. If the annual report on the LRTK activities or the set of financial statements are not approved by the Parliament, the Parliament asks the organisations which appointed the LRTK members to adopt decisions regarding the continuity of activities of the members appointed by them. If more than half of the members are not appointed to continue activities at the LRTK, the organisations must appoint new members and a new term of office of the LRKT commences.	Statute of the LRTK, adopted by LRTK, 27 September 2006, Order No. 97, s48 PIP Art. 47 para. 5, 6, 7 and 18  Regulations of the Radio and Television Commission of Lithuania (approved by the Parliament Resolution No XII-189 on 12-03-2013)
		Individual board members	Yes		Respective government institution or organization which appointed the member.	Only for "good cause"		PIP Art 47 Part 5
		Administration	No		Dismissal is possible only under the labour contract Chairman or Director of Administration			

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Lithuania	LRTK	<del>2005-2009</del> 2010-2014	Chairman		No		
			<del>Individual board</del> Other Commission members		No		<del>In 2008, one person resigned on his own wish.</del>

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Lithuania	LRTK	No	<del>No</del> <u>Yes.</u> LRTK collects fees from audiovisual services providers (0.6% of their income), transfers them to the state budget and then gets financing from the state budget on the basis of its strategic plan	No	<del>Fees received for examining license applications and change of license conditions (PIP Art 47 Part 15). Amount of such fees is determined by LRTK (PIP Art 48 Part 1 Para3)</del> <u>No</u>	No	<input type="checkbox"/> <del>Every month 0.6% of income of radio and TV broadcasters and re-broadcasters (, rebroadcasters and VoD services providers, except for the public service broadcaster LRT) have to transfer to LRTK's account 0.8% of their earnings (see column "State budget")</del> <input type="checkbox"/> <del>received from advertising, subscription fees and other activities related to broadcasting and/or re-broadcasting</del> <input checked="" type="checkbox"/> <del>other fees for provided services</del> <input checked="" type="checkbox"/> <del>support funds</del> <input type="checkbox"/> <del>publishing activities, etc. (PIP Art 47 Part 15).</del>	PIP Arts. 47 <del>and 48</del> <u>para. 16</u>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Lithuania	LRTK	<del>LRTK drafts and approves its annual estimate of planned expenditure</del> LRTK prepares a strategic plan for 3 years with the expenditure forecast. The strategic plan is approved by the LRTK Chairman. The annual budget is set by the Parliament by law on the basis of that strategic plan.	Yes	<del>Only</del> LRTK and Parliament	No	PIP Art. 47 <del>Part</del> para. 16 and 17  <a href="#">Law on Approval of the Financial Indicators of the State Budget and Municipal Budgets</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Lithuania	LRTK	<del>No</del> Yes	-Yearly	-No, but LRTK is subject to <b>non-periodic</b> audit by National Audit Office	-Yes By an independent auditor, selected by the LRTK in accordance with the Law on Public Procurement		<del>The Radio and Television Commission's of Lithuania Statutes, point 60</del> PIP Art. 47 para. 17

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Lithuania	LRTK	Parliament	Yes	<del>Report</del> Every year before 1 April the LRTK submits its activity report and financial statements of the last year to the Parliament for approval. Every two years the LRTK prepares and submits to the Parliament an analytical survey on the implementation of Lithuania's audiovisual policy, the development of audiovisual media services and statistical data on the providers of audiovisual media services.	PIP Art. 47 <del>Part 1 and Part 17</del> para. 18, <del>PIP</del> Art. 48 <del>Part</del> para. 1 <del>Para 16</del> subpara. 19)
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Lithuania	LRTK	<del>the Seimas during its plenary sitting</del> Parliament	Annual	<del>General</del> Activity report and a <del>statement on</del> financial activities/statements	<del>No</del> Yes	<del>Not specified in laws, but in practice, approval takes place</del> Yes	<del>No information available</del> No	Source: PIP Art. 47 <del>Part 1 and Part 47</del> para. 18 Link to the LRTK annual reports: <a href="http://www.rtk.lt/lt/veikla/planavimo_dokumentai/veiklos_ataskaitos">http://www.rtk.lt/lt/veikla/planavimo_dokumentai/veiklos_ataskaitos</a>
		the SeimasParliament	Every 2 years	Analytical survey on the implementation of Lithuania's audiovisual policy, the development <del>and prospects for expansion of national</del> audiovisual <del>media services`</del> market, statistics and <del>reasoning concerning</del> broadcasters` compliance with requirements and <del>statistical data on European works, necessary remedies</del> the providers of audiovisual media services.	<del>No, — only — about performance — of</del> broadcastersNo	<del>Not specified in laws</del> No	<del>No information available</del> N/A	Source: PIP Art. 48 <del>Part</del> para. 1 <del>Para- 46</del> subpara. 19)

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Lithuania	LRTK	<p><del>No</del></p> <p>Note: LRTK is subject to <b>non-periodic</b> audit by National Audit Office of Lithuania as specified under the Law on State Control, <i>Official Gazette</i>, No. 112-4070, 30 December 2001, last amended on 14 November 2008, No. X-1827, text available in English at <a href="http://www.vkontrolė.lt/en/regulatory_law.shtml">www.vkontrolė.lt/en/regulatory_law.shtml</a> (access 2010-04-06) <del>Yes</del></p>	<del>N/A</del> Annual	<del>N/A</del> No, but LRTK is <u>subject to <b>non-periodic</b> audit by National Audit Office</u>	<del>N/A</del> Yes - an independent private auditor, selected by the LRTK in accordance with the Law on Public Procurement, carries out the audit of the LRTK every <u>year</u>	<del>N/A</del> No	<del>N/A</del> PIP Art. 47 para. 17



**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Lithuania	LRTK	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<a href="#">Art. 47.13 of the Law on Provision of Information to the Public</a> PIP Art. 47 para. 1 (LRTK is independent) and 14 (LRTK decisions are binding on broadcasters, rebroadcasters and VoD service providers, they can appeal against the decisions in court)
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis	
<u>Lithuania</u>	<u>LRTK</u>	<u>External</u>	<u>Appeals concerning LRTK decisions imposing fines (cases of administrative offences)</u>	<u>No</u>	<u>Person who was fined</u>	<u>Code of Administrative Offences (ATPK)</u> <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=493978">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=493978</a>	
			<u>1</u>				<u>District court</u>
			<u>2</u>				<u>Regional court</u>
		<u>LRTK Appeals concerning other LRTK decisions (legal norms, warnings, suspension or revocation of licence, etc.)</u>	<u>No</u>	<u>Those alleging violation of their rights or interests</u>	<u>PIP Art. 47 Part 13 para. 14</u> <u>Lithuanian Law on Administrative Proceedings, as last amended 22 June 2010, Official Gazette, No. 76-3872, available in Lithuanian at</u> <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=377094">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=377094</a> (accessed 06 August 2010) <u>Lithuanian Code of Administrative Violations (ATPK), as last amended on 10 June 2010, Official Gazette, No. 34-4615, available in Lithuanian at</u> <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=376299">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=376299</a> (accessed 06 August 2010) <u>Law on Administrative Proceedings</u> <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=479155">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=479155</a> <u>5</u>		
		<u>1</u>	<u>Vilnius Regional Administrative Court</u>				
		<u>2</u>	<u>Supreme Administrative Court</u>				

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Lithuania	LRTK			<input type="checkbox"/>	<del>N/A</del>

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Lithuania	LRTK	<input type="checkbox"/>	<input type="checkbox"/> <del>Law on Administrative Proceedings- Art 3</del>	<input type="checkbox"/>	<del>N/A</del>

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
<u>Lithuania</u>	<u>LRTK</u>	<u>1 District court</u>	<input type="checkbox"/>		
		<u>2 Regional court</u>	<input type="checkbox"/>		
		1 Vilnius Regional Administrative Court	<input type="checkbox"/>	<input type="checkbox"/>	<u>Administrative Court can rescind the contested LRTK decision or obligate the LRTK to rectify the committed violation. The court can also order compensation of damages sustained by the applicant.</u>
		2 Supreme Administrative Court	<input type="checkbox"/>	<input type="checkbox"/>	<u>(Law on Administrative Proceedings, Article 88)</u>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Lithuania	LRTK	<del>No</del> Not every year. In 2012 and 2013 there was a budget foreseen for experts, consultants and commissions.	2012 – 20,000 LTL (~5,800 EUR) 2013 – 19,000 LTL (~5,500 EUR)	Yes	No	<del>No information available</del> Yes – on a regular basis LRTK asks the Inspector of Journalist Ethics (ZEI) for an expert opinion concerning information that might have a detrimental effect to the minors. Occasionally, LRTK has commissioned research or analysis on regulatory matters (e.g. in 2012, the Law Institute evaluated certain TV programmes with regard to rights of privacy and protection of minors, in 2011 – a psychology professor from Vilnius University presented expert findings on TV coverage of a suicide).

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Lithuania	LRTK	<del>None</del> LRTK decisions that establish legal norms	Public	Minimum 10 days	No	No	<del>No such requirement, but in its annual Report the LRTK admits it has consulted stakeholders</del> PIP Art. 47 para.14

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Lithuania	LRTK	20082010-2014	<p>The fact of holding consultations with market participants is mentioned in the LRTK's annual Report 2008, number of consultations is not specified.</p> <p>Note: LRTK's Annual Report on Activities in 2008, submitted to the Seimas in March, 2009, p. 12, available in Lithuanian at <a href="http://www.rtk.lt/lt/news2.php?strid=1007&amp;id=33242">www.rtk.lt/lt/news2.php?strid=1007&amp;id=33242</a> (accessed 7 April 2010) Exact number not available.</p> <p>Information from LRTK annual reports:</p> <p>2014-2015 - <a href="#">On the draft Procedure of modification of terms and conditions of broadcasting and rebroadcasting licences.</a></p> <p>2011 - <a href="#">On the draft Rules for the Implementation of the Requirements for Audiovisual Commercial Communications and Sponsoring of Audiovisual Media Services</a></p> <p>2011 - <a href="#">On the draft Decision on the definitions used in broadcasting licences</a></p> <p>2010 - <a href="#">On the list of events of major importance for society</a></p>

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Lithuania	LRTK	<del>Normative acts and individual acts</del> <u>Decisions which are regulations are published in the Register of Legal Acts.</u> <u>Individual acts are published on the LRTK website</u> (PIP Art. 47 <del>Part 13</del> para. 14)	Yes (e.g. <del>for</del> individual acts – Article 8 of the Law on Public Administration, <i>Official Gazette</i> , 2006, No. 77-2975, as last amended on <del>Jan. 5, 2010</del> 12 June 2014, available in Lithuanian at <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363063">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363063</a> (access April 10, 2010) <del>))</del> <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=477007">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=477007</a> )	<del>Yes</del> <del>Lithuanian</del> Yes – for decisions establishing legal norms Methods for Impact Assessment of <del>Draft Decisions, adopted by the Regulation, of the Republic of Lithuania, Resolution No. 276, Feb. of 26, February 2003, as last amended Jan. 28, 2010</del> on 11 June 2014, available in Lithuanian at <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=364877&amp;p_daug=2">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=364877&amp;p_daug=2</a> <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=474315">http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=474315</a>	No
				(accessed Aug. 6, 2010) and Rules for Lawmaking by the Government of the Republic of Lithuania, adopted by the Government of the Republic of Lithuania, No. 1244, Sep. 30, 2009, as last amended Jan. 12, 2010, available in Lithuanian <a href="http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363927">www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363927</a> (accessed Aug. 6, 2010)	

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Lithuania	LRTK	<p><del>In areas addressed in other tables:</del></p> <ul style="list-style-type: none"> <li><del>□ with the Ministry of Culture. LRTK participates in the process of national audiovisual policy setting (PIP Art 47 Part 1). Together with the Ministry of Culture adopts an order for the procedure of fixing rates of licence fees and determines the fees (PIP Art 48 Part 1 Para 4).</del></li> <li>• <del>□ with Communications Regulatory Authority (RRT) - cooperates in setting the strategic plan for allocation of spectrum (PIP Art. 48 para. 1 subpara. 1))</del></li> <li>• <del>with Inspector of Journalist Ethics (ZEI - LRTK when performing supervision of implementation of the Law on the Protection of Minors against Detrimental Effect of Public Information-) – LRTK may requestask for a conclusion from ZEI whether a particular information has a detrimental effect on minors. ZEI is obliged to respond to such a request (PIP Art. 48 Partpara. 2)-)</del></li> </ul> <p><del>Other areas:</del></p> <ul style="list-style-type: none"> <li>• <del>E.g. with Communications Regulatory Central Electoral Commission – concerning political advertising</del></li> <li>• <del>concerning complaints from the viewers – with State Consumer Rights Protection Authority (RRT), cooperates in setting the strategic plan, Ethics Commission of Lithuanian Journalists and Publishers, Children’s Rights Ombudsman Institution, State Child Rights Protection and Adoption Service, State Medicines Control Agency, Lithuanian Copyright Protection Association, etc.</del></li> <li>□ <del>with the Ministry of Culture – to fix the amount of annual licence fees for allocation of spectrum licensees (PIP Art. 48 Partpara. 1 Parasubpara. 3) and 4))</del></li> </ul> <p>↳</p>	<p>PIP Art 47 Part 1</p> <p><del>PIP Art. 48 Part 1 Paraspara. 1 and -42</del></p> <p><del>PIP Art 48 Part 2</del>In most cases cooperation is optional and takes place on <i>ad hoc</i> basis, except for RRT and Ministry of Culture, where cooperation with LRTK in drafting the legal acts is established by law.</p> <p>Form of cooperation – meetings and written consultations.</p> <p><del>LRTK may also set up commissions and working groups for drafting legal acts or dealing with other issues falling within its competence, and to include specialists from other institutions in these commissions or groups (PIP Art. 48 para. 3 subpara. 4))</del></p>	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Lithuania	LRTK	Yes	<p><u>Legal basis: PIP Art. 48 <del>Part</del>para. 1 <del>Para-17</del>subpara. 18) and 20)</u></p> <p><u>Form of cooperation – meetings and exchange of information</u></p> <ul style="list-style-type: none"> <li>• <u>EPRA (European Platform of Regulatory Authorities)</u></li> <li>• <u>ERGA (European Regulators Group for Audiovisual Media Services)</u></li> <li>• <u>European Commission Contact Committee (Article 29 AVMSD)</u></li> <li>• <u>Tripartite cooperation agreement between Baltic regulators (Estonia, Latvia and Lithuania)</u></li> <li>• <u>Ad hoc cooperation with foreign regulatory authorities (e.g. concerning law violations in TV programmes licensed in UK, Latvia and Sweden)</u></li> </ul>	<p><u>LRTK “shall consult and exchange information with foreign and international institutions in relation to broadcasters and re-broadcasters of radio and/or television programmes and providers of on-demand audiovisual media services and services provided by them and regulation and control of activities thereof” (PIP Art. 48 para. 1 subpara. 18))</u></p> <p><u>LRTK “shall cooperate with the institutions of the <del>European Union</del>EU Member States and other foreign countries <del>which perform</del>performing equivalent functions, also <del>represent</del>, within the <del>scope</del>here of its competence, <del>represent</del> the Republic of Lithuania <del>in</del>at international organisations;” (PIP Art. 48 <del>Part</del>para. 1 <del>Para-17</del></u></p> <p><u>In addition, LRTK cooperates with European Platform of Regulatory Authorities (EPRA); Council of Europe Standing Committee on Transfrontier Television and EU Commission’s Working group for audiovisual media. (LRTK, annual Report to the Parliament for its activities in 2008, available in Lithuanian at <a href="http://www.rtk.lt/lt/news2.php?strid=1007&amp;id=33242">www.rtk.lt/lt/news2.php?strid=1007&amp;id=33242</a>)subpara. 20))</u></p>



Luxembourg

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Luxembourg	<p><del>33</del> As of February 2015, 63 linear services obtained a Luxembourg license.</p> <p>The complete list is accessible via <a href="http://www.enpl.lu/chaines_sous_surveillance">www.enpl.lu/chaines_sous_surveillance</a></p> <p><a href="http://www.gouvernement.lu/3989414/2014-liste-programmes-tv-luxembourg.pdf">http://www.gouvernement.lu/3989414/2014-liste-programmes-tv-luxembourg.pdf</a></p>	<p>9</p> <p><del>Only one full-service video on demand service in Luxembourg currently (P&amp;T Luxembourg, available at <a href="http://www.pt.lu/portal/lang/en/telecom/tele">www.pt.lu/portal/lang/en/telecom/tele</a>)</del></p> <p><del>Other relevant under Luxembourgish jurisdiction with (AV)M content, e.g. iTunes (<a href="http://www.apple.com/lu/itunes/what-is">www.apple.com/lu/itunes/what-is</a>)</del></p> <p><del>In addition, the main Luxembourgish broadcasters offers non-linear services (livestream and only replays) online. See e.g. RTL (<a href="http://tele.rtl.lu/emissionen/">http://tele.rtl.lu/emissionen/</a> and <a href="http://tele.rtl.lu/livestream/">http://tele.rtl.lu/livestream/</a>); (<a href="http://tele.rtl.lu/waatleef/replay/">http://tele.rtl.lu/waatleef/replay/</a>); others are non-commercial such as Uelzehtkanal (<a href="http://www.uelzehtkanal.lu/UKNEW/Home.html">http://www.uelzehtkanal.lu/UKNEW/Home.html</a>).</del></p> <p><del>Others, such as offering by Numericable are outside of the jurisdiction (in this case Belgian, <a href="http://www.numericable.lu/tv.html">www.numericable.lu/tv.html</a>)</del></p> <p>The list is accessible via <a href="http://www.gouvernement.lu/3989414/2014-liste-programmes-tv-luxembourg.pdf">http://www.gouvernement.lu/3989414/2014-liste-programmes-tv-luxembourg.pdf</a></p>	<p>No real one for audiovisual media (different for radio (“100,7” <a href="http://www.100komma7.lu">www.100komma7.lu</a>)), but private commercial broadcasting company CLT-UFA (=RTL group) who is main holder of television licenses in Luxembourg has committed itself to provide a specific content for the Luxembourg public (“service public”) covering a specific slot in the programme schedule and specific content such as mainly news, culture etc. (<a href="http://www.rtl.lu/home">www.rtl.lu/home</a>/<a href="http://www.rtl.lu/">http://www.rtl.lu/</a>)</p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Luxembourg	Information requirements (art. 5 AVMS Directive)	<del>None</del> Art. <del>6 (6)</del> 34bis (2) Loi du 27 juillet 1991 sur les médias électroniques (Mém. A 47 du 30 juillet 1991 p.972), modifiée par la Loi du 2 avril 2001 (Mém. A- 42 du 17 avril 2001, p.924) <u>as last amended in August 2013 (Mém. A-163 du 9 septembre 2013, p. 3114), hereinafter Law on Electronic Media, LEM</u> <del>Near future</del>	<del>Service de médias et des communications (SMC) Direction Médias, Audiovisuel et Société de l'Information (Art.2 (d)- Règlement 2008) For the Government</del> <u>Autorité luxembourgeoise indépendante de l'audiovisuel (ALIA)</u>	<del>Will only be introduced after e.i.f. of Projet de Loi N°6145, after which the same bodies are competent as for ALIA</del>	Not applicable

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		<p><del>Art. 46</del> <del>Projet de Loi N°6145 portant modification de la loi modifiée du 27 juillet 1991 sur les médias électroniques du 15 juin 2010 (Art. 34bis Loi)</del></p>		<p><del>commercial (linear) services</del></p>	
	<p>Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)</p>	<p>Art. 27bis LEM<del>8</del> <del>Loi du 27 juillet 1991 sur les médias électroniques (Mém. A 47 du 30 juillet 1991 p.972), modifiée par la Loi du 2 avril 2001 (Mém. A 42 du 17 avril 2001, p.924)</del></p> <p><u>Art. 35 (2) d) LEM</u></p> <p><u>Règlement grand-ducal du 17 décembre 2010 portant modification du règlement grand-ducal modifié du 5 avril 2001 fixant les règles applicables en matière de publicité, de parrainage, de télé-achat et d'autoproduction dans les programmes de télévision (Mém. A-241 du 24 décembre 2010, p. 4039)</u></p> <p><u>This regulation modifies Règlement grand-ducal du 5 avril 2001 (Mém. A-N°42 du 17 avril 2001, p.936) which had already been amended by Règlement grand-ducal du 24 juin 2008 portant modification du règlement grand-ducal du 5 avril 2001 (Mém. A-91 du 2 juillet 2008, p. 1243)</u></p> <p><u>A consolidated version is available at p. 94 via <a href="http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PRESSE.pdf">http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PRESSE.pdf</a></u></p> <p><u>An English version is available at <a href="http://www.wen.uni.lu/recherche/fdef/droit_des_medias/texts_fixant_les_rgles_applicables_en_matiere_de_publicite_de_parrainage_de_teleachat_et_dautopromotion_dans_les_programmes_de_tlevision_reputes_relever_de_la_competence_du_luxembourg_conformement_a_la_directive_europeenne_Tlevision_sans_frontieres">http://www.wen.uni.lu/recherche/fdef/droit_des_medias/texts_fixant_les_rgles_applicables_en_matiere_de_publicite_de_parrainage_de_teleachat_et_dautopromotion_dans_les_programmes_de_tlevision_reputes_relever_de_la_competence_du_luxembourg_conformement_a_la_directive_europeenne_Tlevision_sans_frontieres</a></u></p> <p><u>Together with the original Règlement of 2001</u></p> <p><u>Règlement grand-ducal du 5 avril 2001 fixant les règles applicables en matière de publicité, de parrainage, de télé-achat et d'autopromotion dans les programmes de télévision réputés relever de la compétence du Luxembourg conformément à la directive européenne modifiée "Télévision sans frontières" (Mém. A N°42 du 17 avril 2001, p.936)</u></p> <p><u>(in view of the changes in the law forthcoming a new Règlement is in preparation)</u></p> <p><u>Art. 37</u> <del>Projet de Loi No 6145 (which will amend Art. 27bis (7) Loi 1991)</del></p>	<p><del>SMC (if not content related, cf. Country report)</del> <u>ALIA</u></p>	<p><del>SMC (if not content related, cf. Country report)</del> <u>ALIA</u></p>	<p>Not applicable</p>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<a href="#">Art. 35 (2) c) LEM</a>	<a href="#">ALIA</a>	<a href="#">ALIA</a>	<a href="#">Not applicable</a>
	Broadcasting of major events (Art. 14 AVMS Directive)	Art. <del>28bis</del> <a href="#">Loi 1994 LEM</a>	<a href="#">SMCALIA</a>	<a href="#">SMCALIA</a>	<a href="#">Not applicable</a>
	Access to short news reports (Article 15 AVMS Directive)	Art. <del>40</del> <a href="#">Projet de Loi N°6145 (Art. <del>28ter</del> Loi) 28ter LEM</a>	<a href="#">Will be SMCALIA</a>	<a href="#">Will be SMCALIA</a>	<a href="#">Not applicable</a>
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<p>Art. 27 <a href="#">LEM concerning linear services</a> <del>Loi 1994</del></p> <p><a href="#">Art. 35 (2) e) LEM concerning non-linear services</a></p> <p><a href="#">Règlement grand-ducal du 17 décembre 2010 portant modification du règlement grand-ducal du 5 avril 2001 fixant les règles applicables en matière de contenu en œuvres européennes et en œuvres de producteurs indépendants des programmes de télévision réputé relever de la compétence du Luxembourg conformément à la directive européenne “Télévision sans frontières” (Mém. A-241 du 24 décembre 2010, p. 4037).</a></p> <p><del>This regulation amends Règlement grand-ducal du 5 avril 2001 fixant les règles applicables en matière de contenu en œuvres européennes et en œuvres de producteurs indépendants des programmes de télévision réputé relever de la compétence du Luxembourg conformément à la directive européenne “Télévision sans frontières” (Mém. A-N° 42 du 17 avril 2001, p.934), esp. Art. 3, and 4 and 5bis</del></p> <p><a href="#">A consolidated version of the regulation is available at p. 92 via <a href="http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PRESSE.pdf">http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PRESSE.pdf</a></a></p> <p><a href="#">An English version is available at <a href="http://www.en.uni.lu/recherche/fdef/droit_des_medias/texts">http://www.en.uni.lu/recherche/fdef/droit_des_medias/texts</a></a></p> <p><del>Art. 36</del> <a href="#">Projet de Loi N°6145</a></p>	SMC	SMC	not applicable

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Hate speech (Art. 12 and 6 AVMS Directive)	<p>Art. <del>6</del><del>Loi 1991</del><del>26bis</del> LEM (prohibition of incitement to hatred)</p> <p>Art. <del>34</del> <del>Projet de Loi N°6145 (Art. <del>26bis</del> Loi)</del>28quater (protection of minors in on-demand audiovisual media services)</p> <p>Art. <del>40</del> <del>Projet de Loi N°6145 (Art. <del>28</del>quater Loi)</del></p>	<del>CNP</del> ALIA	<del>CNP</del> ALIA	<del>N</del> ot applicable
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<p>Art. <del>7 and</del>28 (1) LEM<del>oi 1991</del></p> <p>Règlement grand-ducal du <del>1724 décembre</del><del>juin</del> 20<del>1008</del> portant modification du règlement grand-ducal du 5 avril 2001 fixant les règles applicables en matière de publicité, de parrainage, de télé-achat et d'autopromotion dans les programmes de télévision réputés relever de la compétence du Luxembourg conformément à la directive européenne "Télévision sans frontières", esp. Art. 2 <del>to</del> <del>6</del><del>4</del> and 6-8, and original</p> <p><del>Règlement grand-ducal du 5 avril 2001 fixant les règles applicables en matière de publicité, de parrainage, de télé-achat et d'autopromotion dans les programmes de télévision réputés relever de la compétence du Luxembourg conformément à la directive européenne modifiée "Télévision sans frontières" (Mém. A N°42 du 17 avril 2001, p.936)</del></p> <p>In addition:  Texte coordonné du 30 avril 2010 de la loi du 4 juin 2004 sur la liberté d'expression dans les médias (Mém. A-85 du 8 juin 2004, p.1202, Mém. A-N°69 du 30 avril 2010, p.1323), this <a href="#">law includes general obligations for journalists and mandates the Press Council, a self-regulatory body to elaborate a code of conduct (Code de déontologie) which contains relevant aspects in Art. 11 (accessible at http://www.press.lu/upload/manager/files/codedeontologie1.pdf)</a> <del>law includes general obligations for journalists and a self-regulatory code of conduct (Code de déontologie) which contains relevant aspects in Art. 11</del></p>	<del>SMC (except, see above)</del> ALIA	<del>SMC (except, see above)</del> ALIA	<del>N</del> ot applicable



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Protection of minors (Art. 27 AVMS Directive)	<p>Art. <del>6 (2) et (3) Loi 1994</del><u>27ter LEM</u></p> <p><u>Règlement grand-ducal relatif à la protection des mineurs dans les services de médias audiovisuels (available at <a href="http://www.legilux.public.lu/leg/a/archives/2015/0007/a007.pdf#page=2">http://www.legilux.public.lu/leg/a/archives/2015/0007/a007.pdf#page=2</a> ). The grand-ducal regulation introduces a system of classifications and specifies, among others, the labels, warnings and watershed rules for each age category.</u></p> <p>In addition: Texte coordonné du 30 avril 2010 de la loi du 4 juin 2004 sur la liberté d'expression dans les médias (Mém. A-85 du 8 juin 2004, p.1202, Mém. A-N°69 du 30 avril 2010, p.1323), this law includes general obligations for journalists, relevant here are Art. 18 and 19</p> <p><u>Art. 37 <del>Projet de Loi N°6145 (Art. 27ter Loi)</del></u></p>	<u>CNPALIA</u>	<u>CNPALIA</u>	<u>Not applicable</u>
	Right of reply (Art. 28 AVMS Directive)	<p>Texte coordonné du 30 avril 2010 de la loi du 4 juin 2004 sur la liberté d'expression dans les médias (Mém. A-85 du 8 juin 2004, p.1202, Mém. A-N°69 du 30 avril 2010, p.1323), this law includes general obligations for journalists, relevant here are Art. 36 et seq. <u>and Art. 61</u></p> <p><u>Art. 23<sup>quater</sup> (4) <del>Projet de Loi N°6145</del>34bis LEM</u></p>	No monitoring specifically, possibility of taking urgent action in front of Président du Tribunal d'arrondissement (Art. 46 et. sec. of Loi 2004)		<u>Not applicable</u>
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<p>Art. 29 (1) (e), (f) <u>Loi 1991</u><u>LEM</u></p>	<u>Service des Médias et des Communications, SMC, in reality shared with CNP and ALIA</u>	<u>SMC, in reality shared with CNP and ALIA</u>	<u>Not applicable</u>
	<p>Loi 1991/<u>LEM as amended</u> available at <a href="http://www.mediacom.public.lu/legislation/textes_nat_vig/Loim_dias_electroniquetextecoordonn_.pdf">http://www.mediacom.public.lu/legislation/textes_nat_vig/Loim_dias_electroniquetextecoordonn_.pdf</a>  <a href="http://www.legilux.public.lu/leg/a/archives/2001/0088/a088.pdf#page=2">http://www.legilux.public.lu/leg/a/archives/2001/0088/a088.pdf#page=2</a></p> <p>Loi 2004 <u>as amended</u> available at <a href="http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PRESSE.pdf">http://www.legilux.public.lu/leg/textescoordonnes/compilation/code_administratif/VOL_5/PRESSE.pdf</a>  <a href="http://www.legilux.public.lu/leg/a/archives/2010/0069/a069.pdf#page=3">http://www.legilux.public.lu/leg/a/archives/2010/0069/a069.pdf#page=3</a></p> <p>Règlement 2001 Advertising (<del>as modified by 2008</del><u>amended</u>) available at <a href="http://www.legilux.public.lu/leg/a/archives/2008/0091/a091.pdf#page=5">http://www.legilux.public.lu/leg/a/archives/2008/0091/a091.pdf#page=5</a></p> <p>Règlement 2001 Quotas <u>as amended</u> available at <a href="http://www.legilux.public.lu/leg/a/archives/2001/0088/a088.pdf#page=20">http://www.legilux.public.lu/leg/a/archives/2001/0088/a088.pdf#page=20</a></p> <p><u>All laws and grand-ducal regulations are available in English at <a href="http://www.wen.uni.lu/recherche/fdef/droit_des_medias/texts">http://www.wen.uni.lu/recherche/fdef/droit_des_medias/texts</a></u></p>				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Luxembourg	<u>Autorité luxembourgeoise indépendante de l'audiovisuel (ALIA)</u> <del>Government, acting on basis of work of Service des médias et des communications (in preparation of ministerial or governmental decisions) (SMC)</del> <del>(Règlement grand-ducal du 14 novembre 2008 fixant l'organisation du Service des médias et de l'audiovisuel créée par l'article 29 de la loi du 27 juillet 1991 sur les médias électroniques)</del>	<del><a href="http://www.alia.lu/holding/www.mediaecom.public.lu">http://www.alia.lu/holding/www.mediaecom.public.lu</a></del>	<del>27 August 2013</del> July 27, 1994	<del>L- 1536 Luxembourg</del> L-1917 Luxembourg
	<del>Government, acting on basis of work of Service des médias et des communications (in preparation of ministerial or governmental decisions) (SMC)</del> <del>(Règlement grand-ducal du 14 novembre 2008 fixant l'organisation du Service des médias et de l'audiovisuel créée par l'article 29 de la loi du 27 juillet 1991 sur les médias électroniques)</del> Commission indépendante de la radiodiffusion (CIR)	<del><a href="https://www.gouvernement.lu/971444/service-des-medias-et-des-communications-smc">https://www.gouvernement.lu/971444/service-des-medias-et-des-communications-smc</a></del> <del><a href="http://www.mediaecom.public.lu">www.mediaecom.public.lu</a></del>	<del>July 27, 1991</del> July 27, 1994	<del>L-1917 Luxembourg</del> L-1917 Luxembourg
	<del>Conseil national des programmes (CNP)</del>	<del><a href="http://www.enpl.lu">www.enpl.lu</a></del>	<del>July 27, 1994</del>	<del>L-1347 Luxembourg</del>
	Institut Luxembourgeois de Régulation (ILR)	<a href="http://www.ilr.public.lu/">www.ilr.public.lu/</a>	March 21, 1997	L-2520 Luxembourg

The Conseil national des programmes (CNP) which regulated certain aspects of the provision of audiovisual media services ceased to exist when ALIA was established. Since the reporting period of this study is from roughly 2011 to the present, some tables refer to the CNP and its activities.

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
<a href="#">Luxembourg</a>	<a href="#">ALIA</a>	√					
<a href="#">Luxembourg</a>	SMC	√	√	√ (Art. 22 (5) <a href="#">Loi 1994LEM</a> )	√	√	
	<a href="#">CNP</a>	✗					
	<a href="#">CIR</a>	✗			✗		
	ILR		√	√	√	√	√

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
<a href="#">Luxembourg</a>	<a href="#">CNPALIA</a>	<p><del>2</del> (secretaries)</p> <p>4: Director (=Manager) and 3 additional staff according to Art. 35quater LEM</p> <p>-</p> <p>The Board of Directors (5 directors) and</p> <p>1 secretary only work for ALIA part time.</p> <p>They receive monthly allowances by the authority pursuant to Art. 35bis A 2) LEM.</p>	24	60.000 (No predefined figure mentioned in law for CNP, but depends on yearly established budget law)	60.000.724.095	Budget de l'Etat, Loi du <del>18</del> 19 décembre 2015-décembre 2009 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 20105, Mém. A - <a href="#">255254</a> , p. <a href="#">51094837</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
<u>Luxembourg</u>	<u>ALIA</u>	<u>Loi du 27.08.2013 portant création de l'établissement public «Autorité luxembourgeoise indépendante de l'audiovisuel (Mém. A-163 du 09.09.2013, p. 3114)</u>	
<u>Luxembourg</u>	SMC / Government	Loi du 27 juillet 1991 sur les médias électroniques (Mém. A – 42 du 30.07.1991, p.972) as amended by Loi du 02.04.2001 (Mém. A - 42 du 17.04.2001, p. 924), Loi du 19.12.2003 (Mém. A - 189 du 31.12.2003, p. 3990), <u>Loi du 08.06.2004 (Mém. A - 85 du 08.06.2004, p. 1202), Loi du 23.04.2008 (Mém. A - 55 du 29.04.2008, p. 760), Loi du 17.12.2010 (Mém. A-241 du 24.12.2010, p. 4024), Loi du 27.08.2013 (Mém. A-163 du 09.09.2013, p. 3114), Law on Electronic Media, LEM 3990), Loi du 08.06.2004 (Mém. A – 85 du 08.06.2004, p. 1202) and Loi du 23.04.2008 (Mém. A - 55 du 29.04.2008, p. 760) (Loi 1991)</u>	Règlement grand-ducal du 14 novembre 2008 fixant l'organisation du Service des médias et de l'audiovisuel créé par l'article 29 de la loi du 27 juillet 1991 sur les médias électroniques ( <u>Règlement-Grand-ducal Regulation 2008</u> )
	CPN	Loi du 27 juillet 1991 sur les médias électroniques (Mém. A – 42 du 30.07.1991, p.972)  <del>Arrêté grand-ducal du 12 septembre 1991 fixant la liste des organisations représentées au sein du Conseil national des programmes, Mém. B – 42 du 17.09.1991, as modified by Arrêté du 24 février 1995, Mém. B – 17 du 24.03.1995</del>  <del>Arrêté grand-ducal du 27 juillet 1997 modifiant la liste des organisations représentées au sein du Conseil national des programmes, Mém. A – 60 du 18.08.1997, p. 1758</del>  <del>Arrêté grand-ducal du 17 septembre 2007 portant nomination des membres du Conseil National des Programmes, Mém. B – 74 du 28.09.2007, page 1052</del>	<del>Règlement grand-ducal du 27 février 1992 fixant les dispositions sur le fonctionnement interne du Conseil National des Programmes, créé par l'article 31 de la loi du 27 juillet 1991 sur les médias électroniques, Mém. A – 13 du 19.03.1992, p. 657 (Règlement 1991)</del>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Luxembourg	<del>CNP</del> ALIA	No specific form Administrative public body	<del>Yes</del> No	Established as advisory body for the governmental dept. responsible for the media (SMC).	ALIA is an independent public body with legal personality. Depend on the government for administrative and budget questions, but is an independent body in its decisions and day to day work.	<del>Confer for more details the country report.</del> Art. 35 LEM

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Luxembourg	<del>CNP</del> ALIA		√ The act of 2013 establishing ALIA explicitly recognizes that ALIA is an “independent administrative public body” which “is financially and administratively independent” and “operates totally independently in pursuance of the objectives” of the LEM. The CNP takes its decisions independently of the government but depends on the governmental budget and administration.	Art. 35 (1) LEM <del>+(1) Loi 1994</del>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Luxembourg	<u>CNPALIA*</u>	Areas	<u>None</u> ✓	<u>None</u> ✓	None
		Source	<u><a href="http://www.enpl.lu/documentation/avis">www.enpl.lu/documentation/avis</a> Art. 35 (1) LEM</u>	<u>Art. 35 (2) LEM</u>	

\*If granting/revoking a license is considered to be a regulatory power, the SMC is competent to do so.

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Luxembourg	<del>ALIASMC</del>	Quotas	√	√	√			<del>Art. 27 LEM concerning linear services Art. 35 (2) e) LEM concerning non-linear services Art. 27 and 29 Loi 1994 in conjunction with Art. 35 (2) b) LEM</del>
	<del>ALIASMC/</del>	Advertising*	√	√	√			<del>Art. 7 Loi 1994 27bis, 35 (2) (d) LEM</del>
	<del>CNP CNP</del>	Protection of minors	√	√	√			<del>Art. 6 and 31 Loi 1994 27ter, 28quater LEM, Art. 35 (2) g) LEM</del>
		<del>* competence of SMC, but if content related question in advertising CNP acts (cf. Country report)</del>						

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Luxembourg	<a href="#">ALIA</a> <a href="#">SMC</a>	Quotas	Art. 35 <del>(2)</del> <sup>bis</sup> <del>sexies</del> (3) a. and b. LEM  and Art. 35 <del>(2)</del> <sup>ter</sup> Loi 1991	<del>Art. 35sexies (3) c. LEM</del>  This provision entitles ALIA to impose a fine of EUR 250-25.000	Art. 35sexies (3) b.  This provision mandates ALIA to issue a warning with the duty to read an announcement on air  Art. 35 <del>sexies</del> <sup>(46)</sup> Loi 1991  LEM  The decisions to withdraw a license or prohibit the use of the Luxembourgish frequency or satellite capacity are to be published in the Official Journal (Mémorial)	<del>Only revocation: Art. 35(3) Loi 1991</del>  Art. 35sexies (5) LEM in case of non-compliance with the law following imposition of a fine or in case of recidivism, ALIA decides whether to propose sanctions. If it does propose the imposition of a sanction, ALIA informs the Minister responsible and may recommend temporary suspension of a service or revocation of the license. The final decision is taken by the government upon proposal by the Minister.  ALIA is competent to withdraw licenses for radio services disseminated by low-power transmitters, local radio services and radio services disseminated by transmission networks according to Art. 35 (2) a) LEM.  <del>If a violation is found repeatedly or if it persists, the government may (discretion) revoke the license or the permission. The government may pronounce the prohibition to use the frequency or satellite capacity for those programmes that fall under its jurisdiction according to Art. 2(4) AVMS.</del>	<del>Art. 35sexies (5) LEM</del>  In case of non-compliance following the imposition of a fine, ALIA may double the amount of the fine.	



Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
	<u>ALIA</u> <u>SMC</u> / <u>CNP</u>	Advertising	<u>Art. 35(2) and Art. 35(2ter) Loi 1991</u>  <u>If the CNP finds that a programme violates the Loi 1991, it informs the Minister who invites the license holder in writing to submit his observations</u> <u>ditto</u>	<u>ditto</u>	<u>Same as above</u> <u>ditto</u>	<u>Same as above</u> <u>ditto</u>		
	<u>ALIA</u> <u>CNP</u>	Protection of minors	ditto	<u>ditto</u>	<u>Same as above</u> <u>ditto</u>	<u>Same as above</u> <u>ditto</u>	<u>ditto</u>	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
<u>Luxembourg</u>	<u>ALIA</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>√</u>	<u>√</u>	<u>√</u>	<u>√</u>
<u>Luxembourg</u>	CNP	No	No	No	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
<u>Luxembourg</u>	<u>ALIA</u>	<u>√*</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Luxembourg</u>	<u>CNP**</u>	<u>√*</u>	No	No	No	No

\*See as an example Décision N° 12/2015 du 05.11.2014 du Conseil d'administration de l'ALIA concernant une plainte déposée par XXX à l'encontre du service de télévision RTL TVi, available at [http://www.alia.lu/holding/2014-11-05-decision-n12-2014-plainte-N206\\_EC\\_fournisseur.pdf](http://www.alia.lu/holding/2014-11-05-decision-n12-2014-plainte-N206_EC_fournisseur.pdf)

\*\*As this study covers a time period from 2011 until the beginning of 2015, reference is made to the CNP which seized to exist as of August 2013.

## Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Luxembourg	<a href="#">SMC/CNP/ALIA</a>	<p>Art. 35<del>sexies (1), (2) LEM (1) and (2) Loi 1991</del></p> <p>According to paragraph 1, each natural or legal person may complain to the <a href="#">SMC/ALIA</a> in view of a radio or television programme which violates the <del>Loi 1991</del><a href="#">LEM</a>. The <del>complaint is registered and</del> parties are informed of the complaint. <del>In line with paragraph 2, the CNP may initiate the complaint by informing the relevant Minister.</del> The defendant is required to keep a copy of the recording of the programme and <a href="#">ALIA</a> may require receipt of the recording and may ensure the complainant is able to see or hear the recording.</p>	<a href="http://www.alia.lu/holding/www.enpl.lu/comments_complaints">http://www.alia.lu/holding/www.enpl.lu/comments_complaints</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Luxembourg	<a href="#">ALIA Board of Directors CNP</a>	<a href="#">Board Assembly</a>	5 <a href="#">The actual list of persons is decided by grand-ducal order. Currently, the board is composed of two lawyers, one journalist, one judge and one retired person</a> 24  <a href="#">Art. 31(5) Loi 1991 specifies that the CNP may be composed of a maximum of 25 members</a>	<del>Yes (24)</del> <a href="#">Currently 1 per organisation</a>	<a href="#">No, see incompatibility rule in Art. 35bis A 2) LEM</a>  <a href="#">No</a>	<a href="#">No, see incompatibility rule in Art. 35bis A 2) LEM</a>  <a href="#">No</a>  <a href="#">but: the list of important groups of civil society includes delegates from the four most important political groups (PCS, POSL, DP, Déi Gréng)</a>	<a href="#">No, see incompatibility rule in Art. 35bis A 2) LEM</a>  <a href="#">No</a>	<a href="#">No</a> <del>No</del>	<a href="#">No</a>	<a href="#">An incompatibility list is prescribed by Art. 35bis (2) LEM excluding board members to be members of the Government, the Chamber of Deputies (Parliament), the Council of State or the European Parliament. In addition, board members may not hold a position in any entity nor hold any interest in any company or body supervised by ALIA.</a> <a href="#">No</a>	<a href="#">Arrêté grand-ducal du 17 janvier 2014 portant nomination du Conseil d'administration de l'Autorité luxembourgeoise indépendante de l'Audiovisuel (Mém. B-10 du 31 janvier 2014, p. 398</a>  <a href="#">Art. 31(5)35ter LEM-Loi 1991</a> <a href="#">Arrêté grand-ducal du 12 septembre 1991 fixant la liste des organisations représentées au sein du Conseil national des programmes, Mém. B-42 du 17.09.1991, as modified by</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Luxembourg	<u>ALIA Board members</u> <del>CNP-Assembly</del>	<u>It decides on admissibility of complaints and the start of investigations, identifies violations and may impose sanctions (Art. 35bis A (1) LEM)</u> All decisions	<u>Majority of members to be present and majority of votes cast (Art. 35bis A (3) LEM)</u> <del>Majority of members to be present (or included in decision via postal exchange) and majority of votes cast**</del> Art. 5 Règlement 1992	<u>No publication because of secrecy of deliberations but decisions dismissing complaints or decisions ordering additional investigations and sanctioning decisions are made public (Art. 35bis A (3) LEM).</u> <del>No publication because of secrecy of deliberations (Art. 35ter (2) LEM) Art. 8 Règlement 1992</del>	No publication because of secrecy of deliberations <u>Nonetheless, ALIA has committed to enhancing transparency and will publish its opinions and decisions. To what extent other documents will be made public, has not yet been specified.</u>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Luxembourg	ALIA CNP	Board of Directors Members	Yes Yes	The government recommends suitable persons. List of organisations	The board members are appointed by the Grand Duke (Art. 35bis B LEM) Publication of List with names in Official Journal formal appointment by	There are no explicit rules in the LEM No	Art. 35bis A 2) and 3) LEM Arrêté grand-ducal du 17 janvier 2014 portant nomination du Conseil d'administration de l'Autorité luxembourgeoise indépendante de l'Audiovisuel (Mém. B-10 du 31 janvier 2014, p. 398)  Art. 31(4) Loi 1994
Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Luxembourg	ALIANP	Consultative Committee Members	5 years	No	Yes, unlimited	Art. 35ter 1) LEM Art. 31(4) Loi 1994
		Director President, Vice-President	Same as above	Same as above	Same as above	Art. 35bis Art. 35bis B 1) LEM Same as above
		Board Members	Same as above	Same as above	Same as above	Art. 35bis A 2)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Luxembourg	ALIANP	Board members Members	No specifications for the board members <del>No specific qualifications required</del>	No specific professional expertise required. <del>No specific professional expertise required but main profiles include lawyers,</del>	Art. 35bis A 2) LEM

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Luxembourg	ALIA CNP	Board members Members		√	Yes, members of the board may not be members of government	No Only implicitly, members of the board may not be members of the Chamber of Deputies (Parliament)	Yes, members of the board may not hold a position or interest (direct or indirect) in an entity supervised by ALIA or coming within the scope of its competence	They may not be civil servants of the governmental administration or any other involvement in state institutions (Parliament) or be a member of the European Parliament. Board members do generally hold other professions as they only serve ALIA in a part-time manner.  - The fact that membership of the CNP is an honorary office implies that members of the CNP may and generally hold other positions	Art. 35bis A) 2) LEM	



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Luxembourg	ALIA CNP	<u>Consultative Committee</u> mMembers		√				
		<u>Director</u> <u>President,</u> <u>Vice–</u> <u>President</u>		√ <u>⊗</u> ⊗Except incompatibility (see Table 20), but no specific provisions on conflict of interests beyond that				
		<u>Board members</u>		√ <u>Except incompatibility (see Table 20), but no specific provisions on conflict of interests beyond that</u>				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Luxembourg	<del>ALIA</del> <del>CNP</del>	<del>Consultative</del> <del>Committee Members</del>		√		
		<del>President</del> <del>Director</del> <del>Vice-President</del>		√		
		<del>Board members</del>		√		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Luxembourg	<u>ALIA</u> <del>CNP</del>	<u>Consultative Committee</u> <del>Members</del>		√*				
		<del>President, Director Vice President</del>		√***				
		<u>Board members</u>		√				
<p>*This may be explained by the fact that membership of the <del>CNP-ALIA Consultative Committee</del> is an honorary office.</p> <p>** <u>The government may after hearing the board determine that the Director is no longer capable of performing his/her duties and may remove him/her pursuant to Art. 335bis B 1) LEM</u></p>								

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Luxembourg	ALIA	<u>2013-2014</u>	<u>Director</u>		<u>No</u>		
			<u>Board members</u>		<u>No</u>		
<del>Luxembourg</del>	CNP	2005-20 <del>13</del> <u>09</u>	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Luxembourg	<a href="#">ALIA</a> <a href="#">CNP</a>	No	Yes 100% state-budget	No	Not so far but <a href="#">Art. 35quinquies (2) LEM</a> provides for the possibility of a tax imposed on all providers subject to ALIA's supervision. The exact modalities (amount of the tax) are to be determined by grand-ducal regulation.  <a href="#">Règlement grand-ducal fixant le montant et les modalités de paiement des taxes à percevoir par l'Autorité luxembourgeoise indépendante de l'audiovisuel en matière de surveillance des services de médias audiovisuels et sonores (available at <a href="http://www.legilux.public.lu/dep/2012/20120231_AV_260213leg/a/archives/2015/0021/a021.pdf#page=2">http://www.legilux.public.lu/dep/2012/20120231_AV_260213leg/a/archives/2015/0021/a021.pdf#page=2</a>)</a>	Yes		<del>As an example the latest budget : Budget de l'Etat, Loi du 18 décembre 2009 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2010, Mém. A—254, p.5109</del>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry)?	De facto influence of third parties on budget amounts	Source
Luxembourg	ALIA	<p>In the course of the year, the government requests a list from the Parliament of necessary projects to be included in the budget. In October, the Minister of Finance proposes the budget. This act of authorisation (“<i>acte d’autorisation</i>”) is adopted by the Parliament (“<i>Chambre des Députés</i>”) according to the normal legislative procedure.</p> <p>Concerning the budget of ALIA, before the end of April, the Director prepares a draft budget which is submitted to the Board of Directors for approval. By 1 May, the Board submits the draft budget to the government.</p>	Yes (see explanation in left column)	Government and Parliament	No	<p><a href="http://www.chd.lu/wps/portal/public/BudgetDeLEtat">www.chd.lu/wps/portal/public/BudgetDeLEtat</a></p> <p>Art. 35quinquies (3) – (7) LEM</p> <p><a href="#">Loi du 19 décembre 2014 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2015. Mém A N° 255, 24.12.2014, p. 4839, in particular Art. 41.013 p. 4889.</a></p>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Luxembourg	<u>ALIA</u> <del>CNP</del> *	<del>No</del> Yes  However, each expenditure over 500€ must be cleared by the national state audit office.	Yes, annually in case of external (non-governmental) audit	Yes, by Court of Audits	Yes, an external audit is carried out each year.		<u>Art. 35quinquies (4) and (7) LEM</u>
		*There is no specific auditing of the annual budget of the CNP. Its annual budget is, however, audited in the context of the auditing of the state budget.					

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Luxembourg	ALIA SMC/CNP	Parliament	No		
		Government as a whole	No		
		Specific ministers (e.g. Media, finance, etc.)	<u>Yes</u> <del>Yes, Minister of Communications and the Media</del>	<u>ALIA reports to the Minister responsible for the media.</u>  <del>The Minister supervises the work of the SMC as the latter is to assist the former. The SMC forms the link between CNP and the Minister (see in more detail Country Report).</del>	<u>Art. 35 (1) LEM</u>
		Public at large	<u>Yes</u> <del>No</del>	<u>Annual accounts are published in the Mémorial (official journal)</u> <u>Decisions to withdraw licenses are published in the Mémorial</u>  <u>Decisions of the Board of Directors ordering additional investigation or sanctioning decisions are published.</u> <u>See <a href="http://www.alia.lu/holding/">http://www.alia.lu/holding/</a></u>	<u>Art. 35quinquies (6) LEM</u> <u>Art. 35sexies (6) LEM</u>  <u>Art. 35bis A 3) LEM</u>
		Other	No		



**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Luxembourg	ALIA CNP	Parliament/ministry/body/sector/public (if more than one, cover in separate rows)						
		<p><u>Art. 35 (1) LEM stipulates that ALIA reports to the Minister responsible for the media. No further specifications are prescribed.</u>  <del>There are no specific reporting obligations. Yet, the CNP voluntarily publishes its annual reports on its website and provides the Minister / SMC with information required by</del></p>						

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
Luxembourg	ALIA CNP	<del>Yes</del> No	<u>Annually (in case of private authority)</u>	<u>Yes, by Court of Auditors.</u> <del>There is no formal auditing, but the work is followed by the SMC and Ministry of Communication and the Media</del>	<u>Yes, by an independent authorized auditor</u>		<del>Art. 29(2) Loi 1994</del> <u>Art. 35 quinquies (4) and (7) LEM</u>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Luxembourg	ALIA CNP	Does anybody have the power to overturn decisions of the regulator?	<p>All actions taken by ALIA under Art. 35sexies LEM may be appealed. These include sanctioning decisions but also other decisions (e.g. determining whether a service falls under the scope of application of the LEM)</p> <p><del>Yes</del></p> <p><del>*In fact, the CNP does not have any formal decision-making powers. Yet, it determines whether a case is pursued or not. Only if the CNP becomes active can the Minister become involved. The CNP's action is therefore a prerequisite for the Minister's involvement. The Minister, in turn, is free to follow the CNP's proposition or, otherwise, ignore it.</del></p>	<del>√*</del>			Court	<p><del>Art. 35(2)-Loi 1991 Art. 35sexies (7) LEM</del></p> <p><del>Art. 3 Règlement 1992 (general Administrative law)</del></p>
		Does anybody have the power to give instructions to the regulatory	<p><del>No √</del></p> <p><del>*The Minister for Communication and the Media may request topics to be included</del></p>	<del>√*</del>				<p><del>Art. 3 Règlement 1992</del></p>

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		body?	<del>on the agenda of the CNP.</del>					
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	<del>No.</del>					
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	<del>↓ The request only refers to the agenda, so the CNP has to deal with the issue. There is no instruction possible as to the outcome of the discussion and decision.</del>					

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Luxembourg	ALIA SMC/CNP	External	1	Tribunal Administratif <sup>§</sup>		Each natural or legal person being affected by a <del>revocation of his license or restriction of his rights.</del> decision of ALIA	Art. 35sexies (7) LEM <del>Art. 35(6) Loi 1994</del>
			2	Cour administrative			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Luxembourg	ALIA SMC/CNP	√ (Cf. Art. 11 (1) Loi 1999 and Art. 45 in connection with 35 Loi 1996)*		Possibility for Tribunal/Court to decide differently (cf. e.g. Art. 11 (2) Loi 1999)	

\* The laws mentioned here are:

[Loi du 21 juin 1999 portant règlement de procédure devant les juridictions administratives et modifiant \[...\]](#)

[f\) la loi du 7 novembre 1996 portant organisation des juridictions de l'ordre administratif.](#)

[Mém. A - 98 du 26 juillet 1999, p. 1892, <http://www.legilux.public.lu/rgl/1999/A/1892/1.html>](#)

[as modified by Loi du 28 juillet 2000, Mém. A - 71 du 09 août 2000, p. 1418, <http://www.legilux.public.lu/rgl/2000/A/1418/1.html>](#)

[Loi du 7 novembre 1996 portant organisation des juridictions de l'ordre administratif, Mém. A - 79 du 19 novembre 1996, p. 2262, <http://www.legilux.public.lu/rgl/1996/A/2262/1.html>](#)

[as modified last by Loi du 19 décembre 2008, Mém. A - 200 du 23 décembre 2008, p. 2771, <http://www.legilux.public.lu/rgl/2008/A/2771/A.html>](#)

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Luxembourg	<a href="#">ALIA</a> <a href="#">SMC/CNP</a>	√	√	√ <a href="#">(Art. 35sexies (7) LEM)</a> (source: research of the consortium)  According to CNP, a full re-examination by the administrative court is not possible.	

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Luxembourg	<a href="#">ALIA</a> <a href="#">SMC/CNP</a>	1		√	No. The appeal body (Trib. admin. / Cour admin.) has the power to cancel the decision and remit it back to regulator for new decision (cf. Art. .2 (4) Loi 1996).

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Luxembourg	ALIA CNP	No, not specifically, but the budget can be used for external experts which are then remunerated according to private law contracts Yes	€54,000	No Confer Loi du 25 juin 2009 sur les marchés publics (Mém. A - 172 du 29.07.2009, p.2492) ; pursuant to this law public entities have in principle to respect public tender when buying a product/service as soon as a threshold is passed. Amounts differ and in some categories there are exemptions. Due to the limitation of budget for individual service agreements there is no public tender in the case of CNP- expertise requests.		No Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Luxembourg	ALIA SMC/CNP	No public consultation, but requirement to hear the broadcaster-provider before decision is taken.-					Art. 35sexies (4) LEM Art-35 (1), (2) and (2bis) Loi-1994

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Luxembourg	CNP	2005-2013 <del>09</del>	not applicable (see Table 37)
	ALIA	2013-2014	not applicable (see Table 37)

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Luxembourg	ALIA CNP	Decisions ordering additional investigation and sanctioning decisions by the Board of Directors have to be published (Art. 35bis A d) LEM)*None	No	No	No
		*If the government decides to revoke a license after having heard ALIA, its decision needs to be published in the Official Journal (Mémorial) according to Art. 35sexies (6) LEM 4) Loi 1991, no other publication obligation.			

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Luxembourg	<u>ALIA</u> <u>CNP</u>	<del>There is no formal exchange mechanism installed but where necessary, ALIA collaborates with informal exchange of views with e.g. the SMC and the ILR.</del> <i>“Conseil de la Presse”</i>	Voluntary	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Luxembourg	<u>ALIA</u> <u>President or other board members</u> <u>CNP</u>	In actual terms, <del>with regard to content-related matters,</del> <u>ALIA the CNP</u> participates in international and European regulatory bodies like EPRA or ERGA <del>EPRA and ALIA also</del> assists the SMC in its involvement in the Contact Committees. <del>CNP also participates to the “réseau francophone des régulateurs de médias” (REFRAM)</del>	<del>Annual reports</del> <u>V</u> (voluntary basis)	<del>www.enpl.lu/documentation/rapports</del> <del>www.enpl.lu/documentation/epra</del>
	SMC	By law, the SMC is charged of ensuring the cooperation with international organisations or those bodies established by Art. 29 AVMS (Contact Committees)	Art. 29_(2)(e) <del>Loi 1994</del> <u>LEM</u>	



Latvia

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Latvia	<p><del>3058</del></p> <p>30 terrestrial operators, including <del>Operated by 3-6 national television broadcasters (LNT, TV3 and Pro100TV) and 24 regional and local operators (some with several channels);</del></p> <p>14 cross border operators;</p> <p>14 cable operators.</p> <p><del>8 satellite channels, 2 terrestrial channels, regional and local television channels.</del></p>	<p>03 on-demand operators registered (de facto there are <u>more</u>).</p>	<p>2 channels by the same operator.</p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Latvia	Information requirements (art. 5 AVMS Directive)	<del>Radio and Television Law</del> <a href="#">Electronic Mass Media Law 8 September 1995</a> <sup>1</sup> <a href="#">12 July 2010</a> <a href="http://likumi.lv/doc.php?id=214039">http://likumi.lv/doc.php?id=214039</a> <sup>1</sup> <a href="http://www.tte.lv/">www.tte.lv/</a>	<del>National Broadcasting</del> <a href="#">Electronic Mass Media Council</a>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>National Broadcasting Council</del>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>Electronic Mass Media Law</del> <del>Radio and Television Law 8 September 1995</del> <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc</a>	<a href="#">National Electronic Mass Media Council</a> <del>National Broadcasting Council</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>National Broadcasting Council</del>
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<del>Electronic Mass Media Law</del> <del>Not yet transposed</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>
	Broadcasting of major events (Art. 14 AVMS Directive)	<del>Electronic Mass Media Law</del> <del>Radio and Television Law 8 September 1995</del> <a href="http://www.tte.lv/export/sites/default/docs/LRTA/">www.tte.lv/export/sites/default/docs/LRTA/</a>	<a href="#">National Electronic Mass Media Council</a> <del>National Broadcasting Council</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>National Broadcasting Council</del>
	Access to short news	<del>Electronic Mass Media Law</del> <del>Not implemented</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>	<a href="#">National Electronic Mass Media Council</a> <del>N/A</del>

<sup>1</sup> Unofficial english translation with amendments as of January 2015 available at:  
<http://neplpadome.lv/en/assets/documents/anglu/Electronic%20Mass%20Media%20Law%202012.2014.pdf>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<del>Electronic Mass Media Law Radio and Television Law 8 September 1995</del> <del><a href="http://www.tte.lv/export/sites/default/docs/LRTA/">www.tte.lv/export/sites/default/docs/LRTA/</a></del>	<del>National Electronic Mass Media Council</del> <del>National Broadcasting Council</del>	<del>National Electronic Mass Media Council</del> <del>N/A</del>	<del>National Electronic Mass Media Council</del> <del>National Broadcasting Council</del>
	Hate speech (Art. 12 and 6 AVMS Directive)	<del>Electronic Mass Media Law Radio and Television Law 8 September 1995</del> <del><a href="http://www.tte.lv/export/sites/default/docs/LRTA/">www.tte.lv/export/sites/default/docs/LRTA/</a></del>			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<del>Electronic Mass Media Law Radio and Television Law 8 September 1995</del> <del><a href="http://www.tte.lv/export/sites/default/docs/LRTA/">www.tte.lv/export/sites/default/docs/LRTA/</a></del>			
	Protection of minors (Art. 27 AVMS Directive)	<del>Electronic Mass Media Law Radio and Television Law 8 September 1995</del> <del><a href="http://www.tte.lv/export/sites/default/docs/LRTA/">www.tte.lv/export/sites/default/docs/LRTA/</a></del>			
	Right of reply (Art. 28 AVMS Directive)	<del>Electronic Mass Media Law Radio and Television Law 8 September 1995</del> <del><a href="http://www.tte.lv/export/sites/default/docs/LRTA/">www.tte.lv/export/sites/default/docs/LRTA/</a></del>			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<del>Electronic Mass Media Law</del> <del>Not yet implemented</del>	<del>National Electronic Mass Media Council</del> <del>N/A</del>	<del>National Electronic Mass Media Council</del> <del>N/A</del>	<del>National Electronic Mass Media Council</del> <del>N/A</del>

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Latvia	<del>National Electronic Mass Media Council</del> <del>National Broadcasting Council</del>	<del><a href="http://www.nepladome.lv">www.nepladome.lv</a></del> <del><a href="http://www.nrtv.lv">www.nrtv.lv</a></del>	<del>1995</del> <del>2010</del>	Riga

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Latvia	National <del>Broadcasting</del> <u>Electronic Mass Media</u> Council	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Latvia	National <u>Electronic Mass Media</u> <del>Broadcasting</del> Council	Not stipulated ( <u>only the number of Council members foreseen by law: 5</u> )	16 ( <u>11 employees in the secretariat + 5 council members</u> )	<del>Amount not stipulated; to be financed by state budget.</del>	€ <del>332,000</del> 475 509	2015 <del>0</del> National <u>Electronic Mass Media</u> <del>Broadcasting</del> Council, <u>Summary of Budget Plan.</u>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Latvia	National <del>Electronic Mass Media Broadcasting</del> Council	<del>Radio and Television Law (1995)</del> Electronic Mass Media Law (2010)	Electronic Mass Media Law (2010) <del>Radio and Television Law (1995)</del>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Latvia	National <del>Broadcasting-</del> <u>Electronic Mass Media</u> Council	Independent <u>autonomous</u> legal entity <u>with full rights</u>	Yes	<u>n/a</u>	<u>It is not integrated in the hierarchy of the executive power and not subordinated to the President of Ministers; it is directly accountable to the Parliament (Saeima).</u>	<u>Electronic Mass Media Law; Judgment of the Constitutional Court of Latvia of 16.10.2006 in case No. 2006-05-01.</u>



## Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Latvia	National <del>Broadcasting</del> <del>Electronic</del> <del>Mass Media</del> Council		<u>Yes.</u>	<u>Electronic Mass Media Law</u> ; Constitutional Court judgement of 16.10.2006 in Case No. 2006-05-01

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Latvia	National <del>Broadcasting-</del> <u>Electronic Mass Media</u> Council	Tick boxes	√	√	√
		Areas	Overall development of the electronic media market; interpretation of advertising & sponsorship rules, European works rules, language quotas. Determination of the public service remit	Licence allocation via tendering process, supervision of compliance with rules and adherence to programme format. <u>Prepares and approves National Strategy for the Electronic Mass Media. The Strategy is a binding legal act.</u>	Allocation of licences to promote a balanced market and prevention of monopolisation Supervision of compliance with rules, <u>may apply administrative penalties.</u> broadcasters to supply information according to regulators' rules, <u>is entitled to enter premises of broadcasters (including, without warning), accompanied by police and on basis of court order – to make searches of premises, documents and computers;</u> i.e. ex-post regulation. As trustees of the PSBs the NBEMMC appoints <del>the directors general and approves appointments to</del> their boards <u>of directors.</u>
		Source	<del>General act Radio and Television</del> <u>Electronic Mass Media Law</u>	Tender rules (conditions of licence), <u>Electronic Mass Media Law</u> <del>Radio and Television Law</del>	<u>Electronic Mass Media Law</u> <del>General act Radio and Television Law</del>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Latvia	National Electronic Mass Media Broadcasting Council	Quotas	√	√	√			<a href="#">Electronic Mass Media Radio and television law</a>
		Advertising	√	√	√			<a href="#">Electronic Mass Media Radio and television law</a>
		Protection of minors	√	√	√			<a href="#">Electronic Mass Media Radio and television law</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Latvia	National	Quotas	√	√ <del>41€500</del> – <del>€3,53310,000</del>	√	√-		

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
	<u>Broadcasting Electronic Mass Media Council</u>		discretionary	discretionary	discretionary	Discretionary <u>(in case of repeated or substantial breach)</u>		
		Advertising	√ discretionary	√ <del>€500 – €10,000</del> <del>1.41 – €14,132</del> discretionary	√ discretionary	√ Discretionary <u>in case of repeated or substantial breach</u>		
		Protection of minors	√ discretionary	√ <del>€500 – €10,000</del> <del>1.41 – €3,533</del> discretionary	√ discretionary	√ Discretionary <u>(in case of repeated or substantial breach)</u>		

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Latvia	National <u>Electronic Mass Media Broadcasting</u> Council	√	√	√	√ In 2013 <del>09</del> the Council's monitoring centre (2 people) analysed <del>4713</del> <del>4929</del> hours of TV and <del>579</del> hours of radio broadcasts and produced. <del>144</del> relevant reports.  <u>In 2012: 920 hours analysed (846 in TV, 74 in radio)</u>	√	√	√ The Council is free to monitor as it sees fit. This does not require any special powers.

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Latvia	National Electronic Mass Media Broadcasting Council	√ 7 in 2009-18 administrative violation cases initiated in 2013; In 2012: 7 cases initiated.	√ 10 in 2009-18 cases of administrative penalties in 2013; In 2012: 4 cases of penalties.	No cases	√ One radio station had its licence suspended in 2005 for 3 days for surreptitious political advertising	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Latvia	National Electronic Mass Media Broadcasting Council	Yes, but they are not specific. (General rules of handling complaints are provided in the Law on Submissions, which applies to all public institutions, including the RA. The Law on Submissions provides that any submissions to the institution must be reviewed and answered in reasonable time, but not later than within one month. The Administrative Procedure Law provides that in special situations the term of the answer may be extended up to 4 month, but the applicant must be appropriately notified). On receipt of complaint, within 3 working days it is decided whether to initiate the examination of case; a recording of the relevant broadcast is requested from the provider and analysed by the monitoring centre and lawyers for violations. A decision is then taken by the Council.	<a href="http://www.neplpadome.lv">www.neplpadome.lv</a> Electronic submission of complaints possible: <a href="http://neplpadome.lv/lv/sakums/mediju-lietotajiem/sudzibas/">http://neplpadome.lv/lv/sakums/mediju-lietotajiem/sudzibas/</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Latvia	National <u>Electronic Mass Media Broadcasting Council</u>	Board	<del>65</del> Were 9 up to	No	No	No	No	No	No	No	<u>Electronic Mass Media Law</u>
			<del>October 2009. Law amended to 5 because of crisis but 1 member allowed to remain until end of term.</del>								

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Latvia	National Electronic Mass Media Broadcasting Council	<ul style="list-style-type: none"> <li>Trustee of the PSBs (budgetary control, appoints DGs &amp; approves board of directors/appointments, determines the public service remit)</li> <li>Allocation of broadcasting licences</li> <li>Content monitoring                             <ul style="list-style-type: none"> <li>Examination of complaints</li> </ul> </li> <li>Sanctioning</li> <li>Participation in legislative process</li> </ul> <p>The Council determines its internal organisation and procedures as well as the recruitment/dismissal of staff.</p>	<p>Decisions taken by majority vote (chair has casting vote).</p> <p>Quorum – more than half the members present (i.e. 43) (<u>Rules on the Internal Order of Operation of the National Electronic Mass Media Council, adopted on 4 November 2010</u>). Art. 49 Radio &amp; TV law) but a decision to dismiss a DG of a PSB requires 2/3 majority (Art. 59.6) which would be 4. This is a leftover from when the Council had 9 members.  <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc</a></p>	<p>Decision making not envisaged as open but many decisions are taken in the presence of interested parties (e.g. decisions on licence allocations taken in presence of tender participants, decisions on sanctions often taken in presence of violators).</p> <p>All Council decisions are published on its website. In addition, those concerning allocation of licences through a tendering process are also published in the official gazette, a national newspaper and local newspaper where appropriate.</p> <p>Appointment of PSB DGs/BDs includes public consultation.</p>	<p>Minutes not published; Agendas published <a href="http://neplpadome.lv/lv/sakums/padome/sezu-darba-kartibas.html">http://neplpadome.lv/lv/sakums/padome/sezu-darba-kartibas.html</a></p> <p><a href="http://www.nrtplv.lv/padome/aktualitates/sezu-darba-kartiba/">www.nrtplv.lv/padome/aktualitates/sezu-darba-kartiba/</a></p> <p>Press release after every Council meeting <a href="http://neplpadome.lv/lv/sakums/padome/padomes-sedes/sedes-sadalas/www.nrtplv.lv/padome/medijiem/preses-relizes/">http://neplpadome.lv/lv/sakums/padome/padomes-sedes/sedes-sadalas/www.nrtplv.lv/padome/medijiem/preses-relizes/</a></p>



**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Latvia	National Electronic Media Broadcasting Council	Chairman	No	n/a ( <del>but see nomination of board members</del> )	Board members elect their own chair and vice-chair by secret ballot	n/a	<del>Electronic Mass Media</del> Radio and TV law
		Board members	Yes	Candidates <del>must be</del> nominated by at least 5 MEPs. The <del>parliamentary</del> parliamentary commission on human rights and public affairs <del>interviews nominees and expresses its opinion to parliament.</del>	Parliament ( <del>Saeima</del> )	No	<del>Electronic Mass Media</del> Radio and TV law

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Latvia	National Electronic Mass Media Broadcasting Council	Chairman of the board	4 <del>5</del>	Yes	1	<del>Electronic Mass Media Radio &amp; TV</del> law
		Board members	4 <del>5</del>	Yes	1	<del>Electronic Mass Media Radio &amp; TV</del> law

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Latvia	National Electronic Mass Media Broadcasting Council	Chairman of the board	None <del>additional (but see for board members)</del>	None <del>additional (but see for board members)</del>	<del>Electronic Mass Media Radio and Television</del> law does not mention any such requirements
		Board members	<del>None</del> Higher education.	<del>None</del> At least 5 years of professional or academic experience in the field of mass media, education, culture, science or human rights.	<del>Electronic Mass Media Radio and Television</del> law <del>does not mention any such requirements</del>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Latvia	National Electronic Mass Media Broadcasting Council	Chairman	<u>Yes</u>	<u>No</u>	<u>Must not be official of a political party</u>	<u>Must not be official of a political party</u>	<u>Must not be shareholder of mass media</u>	<u>n/a</u>	<u>N/a</u>	<u>Electronic Mass Media Law</u>
		Board members	<u>Yes</u>	<u>No</u>	<u>Must not be official of a political party</u>	<u>Must not be official of a political party</u>	<u>Must not be shareholder of mass media</u>	<u>n/a</u>	<u>N/a</u>	<u>Electronic Mass Media Law</u>
		Senior staff		No						

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Latvia	National Electronic Mass Media Broadcasting Council	Chairman	Yes		Yes	Yes	Yes	Art 43-56 (5) <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">Electronic Mass Media Radio &amp; TV law</a> <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc</a> Art. 7-(3) Law On Prevention of Conflict of Interest in Activities of Public Officials <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc</a>
		Board members	Yes		Yes	Yes	Yes	Art. 5 (6) 43- <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">Electronic Mass Media Radio &amp; TV law</a> <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc</a> Art. 7(3) Law On Prevention of Conflict of Interest in Activities of Public Officials <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc</a>
		Senior staff	Yes		No	No	Yes	All staff bound by Art. 47-58 (6) of <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/Radio_and_TV_law.doc">Electronic Mass Media Radio &amp; TV law</a> ; may not receive payments from electronic mass media.-

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Latvia		Chairman	Yes		Yes, for 2 years	Art. 10(7) Law On Prevention of Conflict of Interest in Activities of Public Officials <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc">www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc</a>
						<a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc">On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc</a>
		Board members	Yes		Yes, for 2 years	Art. 10(7) Law On Prevention of Conflict of Interest in Activities of Public Officials <a href="http://www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc">/www.tte.lv/export/sites/default/docs/LRTA/Likumi/On_Prevention_of_Conflict_of_Interest_in_Activities_of_Public_Officials.doc</a>
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Latvia	National <u>Electronic Mass Media Broadcasting</u> Council	Chairman	Yes		Parliament	Yes, incompatibility, criminal offence, unjustified non-attendance of meetings, <u>inability to perform duties for more than 6 months, legal obstacles to perform duties.</u>	Only individual members	<u>Art. 59 (3) Electronic Mass Media law</u>
		Individual board members	Yes		Parliament	Yes, incompatibility, criminal offence, unjustified non-attendance of meetings, <u>inability to perform duties for more than 6 months, legal obstacles to perform duties.</u>		<u>Art.44(4) <del>59</del> (3) Electronic Mass Media <del>Radio &amp; TV</del> law</u>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Latvia	National <u>Electronic</u> <u>Mass</u> <u>Media Broadca</u> <u>sting</u> Council	<del>2005-</del> <del>2009</del> <u>2010-</u> <u>2015</u>	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Latvia	National <u>Electronic Mass Media Broadcasting Council</u>	No	State funding <u>96.2% (in year 2015: EUR 446 783).</u>	No	No	No	<u>3.8% from tender applications to cover admin. Costs.</u> The Council sets the <u>tender application</u> fees to cover costs of publication and other expenses. <u>Planned income for year 2015: EUR 5 726; transferts: EUR 23 000.</u>	<u>Latvijas Vestnesis (official gazette) www.lv.lv</u> <u>Art. 16 (2), 57 (3) Electronic Mass Media Law</u> <u>State Audit Office- www.lrvk.gov.lv</u> <u>Approved budget for year 2015, available at http://neplpadome.lv/lv/assets/documents/Budzets_2015.p</u>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Latvia	National <u>Electronic Mass Media Broadcasting Council</u>	Government ( <u>Cabinet of Ministers</u> ) decides on annual budget. Parliament votes.	Yes. The Council submits annual budget request <u>to the Ministry of Finance</u> and argues its case <u>to the Cabinet of Ministers</u> .	Government ( <u>Cabinet of Ministers</u> ) decides on budget adjustments. Parliament votes.	No evidence	<u>Electronic Mass Media Law on Radio &amp; Television</u> <u>The Law on Budget and Finance Management.</u>



**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Latvia	National <a href="#">Electronic Mass Media Broadcasting Council</a>	Yes	Annual	Yes State Audit Office	No	No	Law on the State Audit Office

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Latvia	National <u>Electronic Mass Media Broadca sting Council</u>	Parliament	No	N/A	N/A
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	No	N/A	N/A
		Other	Yes	Annual report submitted to State Audit Office and later published on website <a href="http://www.lrvk.gov.lv">www.lrvk.gov.lv</a> and in official gazette (Latvijas Vestnesis) <a href="http://www.lv.lv">www.lv.lv</a>	<u>Electronic Mass Media Radio and TV law</u>

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Latvia	National Electronic Mass Media Broadcasting Council	State Audit Office	Annual	Financial – i.e. use of state subsidy and overall performance but not linked to specific indicators.	Yes. Monitoring performance, licences issued, sanctions applied, international cooperation	Yes	No	<a href="http://www.lrvk.gov.lv">www.lrvk.gov.lv</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Latvia	National Electronic Mass Media Broadcasting Council	Yes (as in Table 27)	Annual	Yes State Audit Office	No	No	Law on the State Audit Office

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Latvia	National Electronic Mass Media Broadcasting Council	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<a href="#">Electronic Mass Media Radio &amp; TV law</a>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<a href="#">Electronic Mass Media Radio &amp; TV law</a>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Latvia	National <u>Electronic Mass Media Broadcasting</u> Council	External	1	Court of First Instance	No	Those directly affected by a Council decision	<u>Electronic Mass Media Radio &amp; TV</u> law
			2	Appeal Court			
			3	<u>Supreme Court of Cassation</u>			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Latvia	National <u>Electronic Mass Media Broadcasting</u> Council	√: on the results of tenders	√: on the administrative violations		N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Latvia	National <u>Electronic Mass Media Broadcasting</u> Council	√	√		N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Latvia	National <u>Electronic</u> <u>Mass</u> <u>Media Broadca</u> <u>sting</u> Council	1 Court of First Instance	√		Appeal bodies have the power to cancel the decision and remit it back to regulator for new decision but it could also reduce a fine. In the case of licence applications they <del>cannot</del> not instruct the Council to award a licence to another applicant or to appoint a different <u>Board of Directors</u> <del>General</del> of a PSB.
		2 Appeal Court	√		
		3 <u>Supreme</u> Court of <u>Cassation</u>	√		

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Latvia	National <a href="#">Electronic Mass Media Broadcasting Council</a>	No	-	Yes	-	Yes, if the situation calls for particular expertise and if funds are available. <a href="#">For example, legal and media experts are frequently involved.</a>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Latvia	National <a href="#">Electronic Mass Media Broadcasting Council</a>	Defining service remit of PSBs; <a href="#">Developing the National Strategy for the Electronic Mass Media.</a>	Listeners & viewers; <a href="#">Public Consulting Council.</a>	Not specified	Not specified	Not specified	<a href="#">Radio and TV Electronic Mass Media</a> law

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Latvia	National <u>Electronic Mass Media Broadcasting</u> Council	<del>2009</del> 2014	1 <u>(on developing the concept for public media);</u> <u>Operation of the Public Consulting Council.</u>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Latvia	National <u>Electronic Mass Media Broadea</u> <u>sting</u> Council	Licence awards, revocation of licence	Yes, Law on Administrative Violations Procedure; <u>Administrative Procedure Law.</u>	No	No



## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Latvia	National Electronic Mass Media Broadcasting Council	Consultation	Ad-hoc	No	Most commonly to agree on Latvia's position with regard to proposed EU instruments and Council of Europe recommendations.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Latvia	National Electronic Mass Media Broadcasting Council	Yes	<del>EPRA</del> Institutions of other countries responsible for electronic mass media, European Commission— <del>Radio and TV law</del> (Electronic Mass Media Law) AVMS Contact Committee ( <del>TFP</del> and now AVMS Directive) Council of Europe CDMC and TT-T (Convention)	Tripartite cooperation agreement with Estonian and Lithuanian regulators

Montenegro

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Montenegro	<u>19 channels in total (420 channels with national and 15 channels with local or regional coverage)</u> <a href="http://www.arcdg.org">www.arcdg.org</a>	<del>Not regulated</del> <u>10 licensed operators for providing AVM services on demand</u> <a href="http://www.arcdg.org">www.arcdg.org</a>	2 TV channels with national coverage <u>1 TV satellite channel</u> 3 TV channels with local coverage <a href="http://www.arcdg.org">www.arcdg.org</a>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Montenegro	<p><u>Audiovisual laws</u></p> <p><del>In 2010, the Montenegrin Parliament adopted the new Law on Electronic Media ("Law on Electronic Media", Official Gazette of Montenegro 46/10, 40/11, 53/11). Among other things, the aim of the law was to clarify the roles and the remits of the regulatory bodies. The Broadcasting Agency of Montenegro was renamed to the Agency for Electronic Media of Montenegro. It also allowed for the implementation of the AVMS Directive. Montenegro has not yet implemented the AVMS Directive. It is expected that Electronic Media Law would be adopted during 2010 and ensure the transposition of most of the AVMSD provisions.</del></p> <p>Main broadcasting act:</p> <ul style="list-style-type: none"> <li><del>Law on Electronic Media, Official Gazette of Montenegro 46/10, 40/11, 53/11 Broadcasting Law from 2002. Significantly amended in 2008 through the Electronic Communications Law and the Law on national PSBs (RTCG).</del></li> <li><del>Law on Public Broadcasting services of Montenegro ("Official Gazette of Montenegro," No. 79/08 and 45/12)</del></li> <li><del>Digital Broadcasting act ("Official Gazette of Montenegro", no. 34/11 and 31/12)</del></li> </ul> <p>Bylaws adopted by the <del>Agency for Electronic Media Broadcasting Agency and</del> regulating advertising and teleshopping, program standards (protection of minors, hate speech)</p> <p><del>Both Montenegrin and English versions of these laws. Nonconsolidated version of the Broadcasting Act</del> could be downloaded from the Agency web site www.ardcg.org. The bylaws adopted by the Agency are also available on its website.</p> <p><u>Regulatory bodies</u></p> <p>The <del>Agency for Electronic Media of Montenegro Broadcasting Agency of Montenegro</del> is in charge of overseeing the application of the national rules <del>referring to implementing the TWF Directive by</del> commercial broadcasters, non-linear audiovisual services providers and public service broadcasters (PSB).</p> <p><del>Official Gazette of the Republic of Montenegro", No. 51/02, 62/02, 46/04, 56/04, 77/06, "Official Gazette of Montenegro", No. 50/08, 79/08, 53/09)</del></p>				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Montenegro	<del>The Agency for Electronic Media of Montenegro Broadcasting Agency of Montenegro</del>	<a href="http://www.ardeg.org">www.ardeg.org</a>	2003	Podgorica

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Montenegro	<del>The Agency for Electronic Media of Montenegro Broadcasting Agency of Montenegro</del> <a href="http://www.ardeg.org">www.ardeg.org</a>	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Montenegro	<del>The Agency for Electronic Media of Montenegro Broadcasting Agency of Montenegro</del>	<del>19</del>	<del>2148</del> ( <del>187</del> + <del>34</del> trainees)	Not foreseen in the law	Total income € <del>921,580.14</del> <del>1,015,837.76</del> Total expenditure € <del>860,089.33</del> <del>867,271.54</del>	Annual Report for <del>2013</del> <del>2008</del> <a href="http://www.arcdg.org">www.arcdg.org</a>



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Montenegro	The Council of the <a href="#">Agency for Electronic Media of Montenegro Broadcasting Agency</a>	<a href="#">Law on Electronic Media, Official Gazette of Montenegro 46/10, 40/11, 53/11</a> <del>Broadcasting Law from 2002.</del> Nonconsolidated version of the Broadcasting Act could be downloaded from the Agency website <a href="http://www.ardcg.org">www.ardcg.org</a> <i>Official Gazette of the Republic of Montenegro", No. 51/02, 62/02, 46/04, 56/04, 77/06, "Official Gazette of Montenegro", No. 50/08, 79/08, 53/09)</i>	<del>Law on Electronic Media Broadcasting Law</del> Statute of the <a href="#">Agency for Electronic Media of Montenegro Broadcasting Agency</a> <a href="http://www.ardcg.org">www.ardcg.org</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Montenegro	<a href="#">Agency for Electronic Media of Montenegro Broadcasting Agency of Montenegro</a>	A separate legal entity (independent regulatory authority)	Yes			<del>Law on Electronic Media The Broadcasting Law</del> (Article 510)

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>		√	<u>Law on Electronic Media</u> <del>The Broadcasting Law</del> (Article 10 states: “(1) The Agency for Electronic Media (hereinafter referred to as AEM) shall be an independent AVM service regulatory body with public authorities acting pursuant to this Law. ... (3) AEM shall be an autonomous legal entity, functionally independent from any state authority, and any legal and natural persons engaging in production and broadcasting of radio and TV programmes, or provision of other AVM services.” (s 2, 5)

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a>	Tick boxes	√	√	√
	<del><a href="#">Agency for Electronic Media of Montenegro</a></del> <a href="#">Agency of Montenegro</a>	Areas	<ul style="list-style-type: none"> <li>• <a href="#">AVM services Development Programme Strategy For The Broadcasting Sector Development</a></li> <li>- <a href="#">radio frequency allocation plan, as regards terrestrial broadcasting</a></li> <li>- <a href="#">Programme Standards in Electronic Media</a></li> <li>• Quotas (Advertising And Teleshopping, European works, Independent production)</li> <li>• Protection Of Minors Standards</li> <li>• Watershed periods and labelling               <ul style="list-style-type: none"> <li>• Major Events</li> </ul> </li> <li>• Short Reporting</li> <li>• Sanctioning</li> <li>• Media Concentration prevention</li> <li>• Licensing</li> <li>• Viewer/listeners Complaints procedure</li> <li>• Fees payable by broadcasters</li> <li>• Copyright legislation enforcement</li> </ul>	Same as in first column	Same as in first column

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
		Source	<p>General act and specific legislation:</p> <p><del>-Law on Electronic Media Broadcasting Law-</del></p> <p>-Statute of the Agency</p> <p><del>-List of Events of Major Importance for the Public in Montenegro</del></p> <p><del>-Rulebook on Programme Standards in Electronic Media</del></p> <p><del>-Rulebook on Audiovisual Commercial Communications</del></p> <p><del>-Rulebook on Awarding Licences For On-demand AV Media Services</del></p> <p><del>-Rulebook on Awarding Broadcasting Licences</del></p> <p><del>-Decisions on quotas, licence and other fees</del></p> <p>Copyright and Related Rights' legislation</p> <p>Law on Copyright and Related Rights (Official Gazette of <del>Serbian and</del> Montenegro, No. 3764/1104), <del>Law on Application of Regulations on the Intellectual Property Protection (Official Gazette of the Republic of Montenegro, No. 45/05).</del></p>	Same as in first column	Same as in first column

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Montenegro	<del>Agency for Electronic Media of Montenegro</del> <del>Broadcasting Agency of Montenegro</del>	Quotas	√	√	√	↓		<del>Law on Electronic Media Broadcasting Law</del>
		Advertising	√	√	√	↓		<del>Law on Electronic Media Broadcasting Law</del>
		Protection of minors	√	√	√	↓		<del>Law on Electronic Media Broadcasting Law</del>
		Media Concentration prevention	√	√	√	↓		<del>Law on Electronic Media Broadcasting Law</del>
		Copyright	√	√	√	↓		<del>Copyright and Related Rights' legislation</del> Law on Copyright and Related Rights (Official Gazette of <del>Serbian and</del> Montenegro, No. <del>3764/1104</del> ) <del>Law on Application of Regulations on the Intellectual Property Protection (Official Gazette of the Republic of Montenegro, No. 45/05).</del>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Montenegro	<del>Agency for Electronic Media of Montenegro</del> Broadcasting Agency of Montenegro	Quotas (all sanctions are discretionary within the boundaries of the law)	√	√ <del>500 to 6,000 euros for legal person and 100 to 2,000 euros for a responsible person within a legal person (twenty fold to fifty fold minimum salary in the Republic, i.e. (€1,100 — €2,750))</del>	√	√	√	<del>A fine shall be imposed by the Agency upon the broadcaster that:</del> 1) in spite of the warning violates the obligation prescribed by this Law or by the regulation of the Agency based on this Law. 2) violates the obligations related to the terms and quotas for the broadcasting of advertisements, prescribed by the Agency.
		Advertising	√	√ <del>500 to 6,000 euros for legal person and 100 to 2,000 euros for a responsible person within a legal person (twenty fold to fifty fold minimum salary in the Republic, i.e. (€1,100 — €2,750))</del>	√	√	√	
		Protection of minors	√	√ <del>500 to 6,000 euros for legal person and 100 to 2,000 euros for a responsible person within a legal person (twenty fold to fifty fold minimum salary in the Republic, i.e. (€1,100 — 2,750€))</del>	√	√	√	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	√	√	√	√	√	√	√
Note: this data is related to the implementation of the Directive TV without frontiers and not the AVMSD.								

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	√	√	√	<del>√</del> No <del>Revocation can only take place in defined circumstances which have to take place.</del>	No

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Agency of Montenegro</del>	Yes This Book of Rules, <a href="#">adopted by the Council of the Agency</a> , prescribes, in compliance with the Broadcasting Law, the rules and procedures for processing the complaints of legal and natural persons about the work of broadcasters, radio and TV programme distributors, Public Enterprise for Transmission and Broadcasting of Radio and TV Signals, and in other cases of the breach of stipulations of the issued licence, Decisions and other regulations of the Broadcasting Agency.	Book of Rules On Complaints Procedure in Cases Of Breach Of Stipulations Of The Issued Licence, Decisions And Regulations Of The Broadcasting Agency <a href="http://www.ardcg.org">www.ardcg.org</a>



#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Montenegro	<del>Agency for Electronic Media of Montenegro</del> <del>Broadcasting Agency of Montenegro</del>	The Council of the <del>Agency for Electronic Media of Montenegro</del> <del>Broadcasting Agency of Montenegro</del>	5	Yes 2 40% (Media and human rights NGOs) They are required to act in an independent manner (art. <del>17</del> <sup>22</sup> of the law)	<del>No</del> <del>Yes</del> <del>+</del> <del>20%</del> They are required to act in an independent manner (art. <del>17</del> of the law)	No (Members of parliament are not eligible for Council members due to the conflict of interest (Art. 22 of the Law))	Yes 1 20% (Associations of Commercial broadcasters) They are required to act in an independent manner (art. <del>17</del> <sup>22</sup> of the law)	Yes 1 20% (Universities in Montenegro) They are required to act in an independent manner (art. <del>17</del> <sup>22</sup> of the law)	<del>Yes</del> <del>No</del> <del>1</del> (Montenegrin PEN Centre) They are required to act in an independent manner (art. <del>17</del> <sup>22</sup> of the law)	No	<del>Law on Electronic Media</del> <del>The Broadcasting Law</del>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	The Agency is competent to determine its internal organisation and procedures and it has a decision making power on human resources.	The Agency Council adopts valid decisions provided that the majority of the total number of members is present at the session. Decisions are adopted by majority vote of the total number of the Agency Council Members. <del>The chairman does not have a casting vote.</del> <a href="#">Article 39 of the Law on Electronic Media</a> <a href="#">Article 39 of the Statute of the Agency</a>	Yes	The agendas and minutes of the Agency Council are not published but they are available upon request. <a href="#">Also: "Council sessions shall be open for the public, unless Council by majority vote of its members decides otherwise." (Art.39 of the Law)</a>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	Board members	Yes	The Council Members are proposed by authorized nominators, namely <del>the Government of the Republic of Montenegro, the University of Montenegro universities, at the</del> Associations of <u>commercial b-</u> Broadcasters in Montenegro <del>(excluding associations of public broadcasting services),</del> non-Governmental Organizations <del>and citizens' associations</del> involved in the protection of human rights and freedoms and non-Governmental Organizations <u>from media sector, and Montenegrin PEN Center</u> <del>in charge of.</del> <u>Appointment procedure is launched by the parliamentary committee through a public call to authorised nominators.</u>	The Parliament of Montenegro appoints all five Council Members.	<del>See Appendix</del> +	The <del>Broadcasting Law</del> <u>Law on electronic media</u>

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
		Director	No	N/A	<u>The director is appointed by the Council, following a public competition.</u> <del>The Broadcasting Agency board appoints the director</del>	No	The <u>Law on electronic media Broadcasting Law (article 40)</u>
<p><b>NOTE:</b> The Electronic Media Law is being prepared and its adoption is expected for 2010. This legislation might change the procedure described in the table above in relation o the Council of the Agency.</p>							

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	Chairman of the board & Board members	5	Yes	Yes, once	The <u>Law on electronic media Broadcasting Law</u>
		Director	<u>54</u>	No	<u>Yes, once</u> <del>Not regulated</del>	The <u>Law on electronic media Broadcasting Law</u>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	Chairman of the <u>Council</u> <del>board</del> & <u>Council members</u> <del>Board members</del>	<u>Council members shall be elected from among renowned experts in the fields relevant for AEM's work, holding university degrees, who are Montenegrin citizens and reside in Montenegro. (Article 16) Prominent professionals in the fields relevant for the broadcasting activities (telecommunication, media, law, economy, etc.).</u>		The <u>Law on electronic media</u> <del>Broadcasting Law</del>
		Director	Minimum University Degree	At least 5 years of work experience	

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Agency of Montenegro</del>	Chairman & Board members	Yes		<u>Persons elected, nominated or appointed by the President, the Parliament or the Government of Montenegro shall not be eligible for Council members.</u> <del>Board members cannot be members of the government</del>	<del>Board-Council</del> members cannot be <u>political party officials (presidents, Presidency members, their deputies, members of Executive and Main Boards, and other party officials);</u> <del>m</del> <u>embers of Parliament, city council members or officials of political parties.</u>	<del>Board-Council</del> members cannot be, <u>persons holding a stake, share-holders, members of management, employees, contracted persons, etc., having a stake in legal entities engaged in production, transmission and/or distribution of radio and/or television programmes or other AVM services and related activities (advertising, electronic communications, etc.);</u> <del>as stakeholder, member of managing bodies, employees, have an interest in companies involved in the production and/or broadcasting of radio/television programmes and in other related activities (advertising, telecommunications, etc.);</del> <u>in a way that may result in the conflict of interests</u>	No information available	<u>Should a Council member be in a conflict of interest situation as regards the decision-making as per an item under the scope of Council's competences, he is obliged to inform other Council members thereof in order to be excluded from consideration and decision-making on the matter at hand.</u> <del>No information available</del>	The <u>Law on electronic media</u> <del>Broadcasting Law</del> (Article <u>1744</u> )
		Senior staff	Yes		Same as above					

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Montenegro	Agency for Electronic Media of Montenegro <del>Broadcasting Agency of Montenegro</del>	Chairman & Board members	Yes		<p><del>On top of rules for the appointment process (table 20), Council Member</del> Should a Council member be in a conflict of interest situation as regards the decision-making as per an item under the scope of Council's competences, he is obliged to inform other Council members thereof in order to be excluded from consideration and decision-making on the matter at hand. Also if a Council member took part in decision-making notwithstanding being in the conflict of interest situation, other Council members are obliged to reconsider the decisions made and may declare them null and void, <del>cannot represent their nominator, but perform their duty independently according to their own knowledge and conscience.</del></p> <p>Nobody has the right to influence the work of the Council Members in any way, nor are they obliged to take into account anybody's instructions regarding their work.</p>			<p>The <del>Law on electronic media Broadcasting Law</del> (Article 17)</p> <p><del>These issues are also regulated by the Code of Conduct in the Agency.</del></p> <p><del>The code has to be observed by both Council members and the staff of the Agency</del></p> <p><del>The Code prescribes that any direct or indirect financial interest with AVM service providers should be reported.</del></p>
		Senior staff Director	Yes					

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	Chairman & Board members	Yes	No	<a href="#">A Council Member shall not be a founder of an AVM service provider or in any other way participate as an applicant for obtaining a licence for AVM service provision within 12 months after the termination of their term.</a>	The <a href="#">Law on electronic media Broadcasting Law</a> (Article 175)
		Senior Staff		No		<del>These issues are partially regulated by the Code of Conduct in the Agency (see Appendix 3). The code has to be observed by both Council members and the staff of the Agency</del>



**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Montenegro	<u>Agency for Electronic Media of Montenegro Broadcasting Agency of Montenegro</u>	Chairman & Individual board members	Yes		<u>The dismissal procedure for Council members may be launched by the Council or the Parliamentary committee (appointer). The dismissal decision is passed by the Parliament. Decision to be adopted by the appointer of the board member. The decision then needs to be ratified by Parliament</u>	1) Submitted inaccurate personal data or omitted to reveal the data that are of relevance for the possible appointment, before appointment 2) <u>fails to attend Council sessions during the period of at least 6 months</u> 3) <u>Incompatibility with another position during the term of the Agency Council member</u> 3.4) <u>due to the conflict of interest</u> 4) <u>because of illness, attested by a competent medical institution, they are not able to perform duty for the period longer than 6 months</u>	<del>No information available</del> <u>Yes. The whole Council can be dismissed by the Parliament if it fails:</u> <u>1) to meet for more than six months without a justified reason;</u> <u>2) to make publicly available, by posting it on the AEM's website AEM Activity, financial and Audit Report for the previous year, not later than by the end of June of the current year.</u>	The <u>Law on electronic media Broadcasting Law</u> (Articles <u>34,38-17 to 19</u> )

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Montenegro		<del>2014</del> 09	Chairman				No information available
			Individual board members	Yes	no	Personal reasons	
		<del>2013</del> 08	Chairman				No information available
			Individual board members		No		
		<del>2012</del> 07	Chairman		No		
			Individual board members		No		
		<del>2011</del> 06	Chairman				No information available
			Individual board members		No		
		<u>2010</u>	<u>Chairman</u>				<u>No information available</u>
			<u>Individual board members</u>		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	No	No	No	<del>Yes</del> No	Yes	No	<del>Law on electronic media Broadcasting Law</del> <del>As of Jan. 1, 2009 the Broadcasting Agency has no stable and sustainable sources of income.</del> <del>Spectrum fees, Authorisation/licence fees paid by operators, 'market surveillance fee' based on % of market players' revenues were some of the incomes that used to be funding sources before January 1, 2009.</del>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	The Financial Plan is first adopted <del>proposed</del> by the Council of the Agency and then sent to the Ministry of finance for opinion. The financial plan is then discussed in front of the Parliamentary board and, finally, - <del>The Financial Plan is</del> approved by the Parliament.	Yes	<del>Not regulated</del> Ministry of Finance can ask for budget adjustments. Their demands are not mandatory but their opinion is important for final Parliament's approval.	Not regulated	<u>Law on electronic media Broadcasting Law</u> Law on Budget of Montenegro According to the Broadcasting Law from 2002, the Council of the Agency was entitled to adopt the Financial Plan. With the amendments to the Law on Budget (2009) this was changed and this competence moved to the Parliament of Montenegro.

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	Yes	Annual	No	Yes	No	<u>Law on electronic media Broadcasting Law</u>

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	Parliament	Yes	<del>AEM s</del> Submits proposal of the annual financial plan <u>and activity plan</u> for the next year ( <del>art. 23- Para 3 Law on Budget</del> ). <del>AEM s</del> Submits the proposal of the annual financial report with the annual activity report <u>and audit report</u> for the previous year, <del>before April 30 of the current year (art. 50. Paras 2 and 3 Law on Budget)</del> . <u>Parliament can call AEM's management to control hearing.</u>	Law on Budget <u>Parliamentary Rule of Procedures</u>
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Submits the Financial Reports <u>and Plans</u> to the Ministry of Finance ( <del>Article 53 Para 1 Law on Budget</del> ).	Law on Budget

Country	Body	Body accountable to		Accountability means	Legal basis
		Public at large	Yes	<p><u>Article 7</u>  <u>Following public discussion, the Council of the Agency for Electronic Media shall approve the draft Development Programme for AVM services sector, and shall submit it to Government for adoption.</u><sup>8</sup></p> <p><del>In order to carry out the broadcasting development strategy, the Agency shall adopt instructions in accordance with the European standards in compliance with principles contained in the Article 3 of this Law.</del></p> <p><del>Instruction shall be adopted with the aim to regulate in detail the relations and procedures regulated by the provisions of this Law in the cases of unauthorized practices of broadcasters that can refer to technical aspects of broadcasting, advertising, sponsorship, programme quotas, etc.</del></p> <p><del>The instructions shall be adopted transparently, along with obligatory public debate, and published in the “Official Gazette of the Republic of Montenegro”.</del></p> <p><u>Article 2415</u>  <u>(1) Council is obliged, not later than by the end of June of the current year, to make publicly available, by posting it on the AEM’s website, the following documents:</u>  <u>1) AEM Activity Report for the previous year, focusing on the performance of responsibilities envisaged by law;</u>  <u>2) AEM Financial Report for the previous year, with the audit report from an authorised auditor.</u>  <u>(2) Council is obliged, without delay, to make all documents pertaining to rights and obligations of legal or natural persons available to the public, accompanied by a statement of reasons.</u></p> <p><del>The Agency Council shall:</del>  <del>..... adopt and publicize operating reports and interim and annual statement of accounts of the Agency;</del></p>	<p><u>Law on electronic media</u>  <u>Broadcasting Law</u></p>

Country	Body	Body accountable to		Accountability means	Legal basis
				<p>....</p> <p><i>Article 39</i></p> <p><del>(5) Council sessions shall be open for the public, unless Council by majority vote of its members decides otherwise. 22</del></p> <p><del>The activities of the Agency Council shall be public. The Agency Council shall meet when needed, at least once a month (regular session).</del></p> <p><i>Article 2844</i></p> <p><del>(5) More detailed methodology for determining the amount and method of payment of the registration fee for AVM service providers and the fee payable upon issued licence for provision of AVM service shall be determined in a document adopted by the Council, following a public debate,..... The financial plan shall be public and publicized in the manner prescribed by the Agency Statute.</del></p> <p><del>All income and expenditure accounts of the Agency shall be subject to annual audit by the independent authorized auditor, hired by the Agency Council.</del></p> <p><del>The Agency is obliged to publish in the Operating Bulletin, not later than within three months from the end of the fiscal year, the annual operating report and the report of the authorized auditor on the annual account, as well as to make them available in a convenient manner to every interested party.</del></p>	
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Montenegro	<del>Agency for Electronic Media of Montenegro</del> Broadcasting Agency of Montenegro	Parliament	Annual See Table 28	Financial aspects and annual activity report	No	<del>Yes</del> No	No	
		Public	Semi-annual and Annual See Table 28	Financial aspects, annual operating report and report of the independent auditor.	No	No	No	

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	Yes	Annual	No	Yes	No	<a href="#">Law on electronic media Article 43</a> <a href="#">(3) All AEM's revenues and expenditures shall be subject to annual audit by an independent authorised auditor.</a> <a href="#">Auditor is hired by the Council.</a> <del>External auditing is regulated only for all income and expenditure accounts.</del>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<a href="#">Law on electronic media Broadcasting Law</a>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	



Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Montenegro	<del>Agency for Electronic Media of Montenegro</del> <del>Broadcasting Agency of Montenegro</del>	Internal	1	Director – first instance	Yes	See table 14	<del>See table 14</del> <i>No information available</i>
			2	The Council – second instance			
		External	1	Administrative Court		See table 31 same as above	
			2	Supreme Court			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Montenegro	<del>Agency for Electronic Media of Montenegro</del> <del>Broadcasting Agency of Montenegro</del>			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	Internal: <del>1 Administrative Court</del> <del>The Council</del> <u>2 Supreme Court</u>		√	The appeal body has the power to cancel the decision and remit it back <del>to regulator</del> for new decision.
		External: 1 <u>Administrative Court</u> 2 <u>Supreme Court</u>	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	No, but possible if included in the financial plan	N/A	Yes	-	It takes external advice but not on regular basis.

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Montenegro	<a href="#">Agency for Electronic Media of Montenegro</a> <del>Broadcasting Agency of Montenegro</del>	Public consultation is obligatory before the adoption of the bylaws, guidelines or similar documents related to the rights and obligations of the broadcasters	Not regulated, but good practice involves all of the mentioned groups.	Depending on the document being consulted about. Most frequently <del>15</del> 30 days. If more complex document is concerned than several consultations might be ensured.	Not regulated Usually full responses (if authorised by contributor)		<a href="#">Law on electronic media Broadcasting Law</a> Best practice of the agency.

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	<del>2009</del> 2014	<del>3</del> 0
		<del>2008</del> 2013	<del>0</del> 4
		<del>2007</del> 2012	<del>1</del> 2
		<del>2006</del> 2011	1
		<del>2005</del> 2010	<del>0</del> 2

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	<u>(5) More detailed methodology for determining the amount and method of payment of the registration fee for AVM service providers and the fee payable upon issued licence for provision of AVM service shall be determined in a document adopted by the Council, following a public debate.</u> <u>(6) The document referred to paragraph 5 herein shall be published in the Official Gazette of Montenegro and posted on AEM’s website.</u> <del>Every decision to impose sanctions to broadcasters shall be published in the Agency’s Operation Bulletin and in other ways prescribed by the Agency Statute and the Law.</del>	Yes Article <del>43</del> 47 <u>Law on electronic media Broadcasting Law</u>	Not regulated	Not regulated

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions?	Obligation to include/publish impact assessment?	
		<p><u>(1) AEM shall adopt general and individual legal acts governing in more details the rights and obligations of AVM service providers and electronic publications in line with this Law and regulations adopted pursuant to this Law.</u></p> <p><u>(2) AEM is obliged to draft general legal acts from paragraph 1 above, the draft act shall be posted on its website and send invitation to all interested entities to give their comments, proposals and suggestions within a deadline which may not be shorter than 15 days. <del>List of entities that have been granted the license for the transmission and broadcasting of radio and TV signals</del></u></p>	<p>No</p> <p>Article <del>4537</del> <u>Law on electronic media Broadcasting Law</u></p>	<p>Not regulated</p>	<p>Not regulated</p>
		<p><u>The Agency shall publish the following documents and information on its website:</u></p> <ol style="list-style-type: none"> <li><u>1. Statute and other general documents adopted by the Agency;</u></li> <li><u>2. decisions and other administrative documents of the Agency;</u></li> <li><u>3. public calls and invitations to public consultations;</u></li> <li><u>4. professional opinions and explanations related to implementation of the Electronic Media Law;</u></li> <li><u>5. statistical and other indicators related to the development of the AVMS sector;</u></li> <li><u>6. annual report and financial plan of the Agency, together with its agenda;</u></li> <li><u>7. decision of the Parliament of Montenegro on the appointment and revocation of the Council members;</u></li> <li><u>8. the details of the Chairman and members of the Council, Agency Director and other employees of the Agency;</u></li> <li><u>9. decisions following the public calls for awarding the rights to provide AVM services.</u></li> </ol> <p><del>The amount, manner of determination and manner of payment of broadcasters registration fee and fee for the licenses for transmission and broadcasting of radio and TV signals shall be determined by the regulations adopted by the Agency Council and shall be published in the "Official Gazette of the Republic of Montenegro".</del></p>	<p><del>No</del></p> <p>Article <del>2355</del> <u>Statute of the Agency Broadcasting Law</u></p>	<p>Not regulated</p>	<p>Not regulated</p>

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Montenegro	<u>Agency for Electronic Media of Montenegro</u> <del>Broadcasting Agency of Montenegro</del>	Cooperation with the Agency for Electronic Communications And Postal Affairs (EKIP) is an obligation regulated by the <u>Broadcasting Law on electronic media</u> and the Law on electronic Communications	<del>Ad hoc manner</del> <u>In cooperation with EKIP, AEM drafts background paper for developing a plan for the use of the radio-frequency band, in the section designated for terrestrial broadcasting; approves draft radio frequency allocation plan, as regards terrestrial broadcasting; and gives opinion on the need to designate an operator with significant market power if the analysis determines that relevant electronic communication services market, which constitutes grounds for provision of and/or access to the AVM services, is not competitive enough;</u> <u>Law on electronic media</u>	No	
		Voluntary cooperation with <u>co-regulatory or the Self-Regulatory body regarding the rules on AVM services accessibility, children's programmes and commercial communication</u> <u>NST (Nezavisno samoregualtorno tijelo)</u>	<u>Law on electronic media</u> <del>Ad hoc manner</del>	No	
		<u>Before deciding on granting a licence for provision of AVM services, AEM may exchange information with regulatory bodies of EU Member States on media service providers if radio or television broadcasting or provision of other AVM services concerns other EU Member States.</u>	<u>Law on electronic media</u>		
		<u>Before accepting international conventions and other instruments pertaining to provision of AVM services, responsible administration bodies are obliged to obtain the AEM's opinion.</u>	<u>Law on electronic media</u>		

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Montenegro	<p><a href="#">Agency for Electronic Media of Montenegro</a>  <a href="#">Broadcasting Agency of Montenegro</a></p>	<p>The Agency is a member of <a href="#">the following international organizations</a>:                      EPRA - European Platform of Regulatory Authorities  <a href="http://www.epra.org">www.epra.org</a>  <a href="#">MNRA- Mediterranean Network of Media Regulatory Authorities</a>  <a href="#">OBS - European Audiovisual Observatory</a>                      The agency also has extensive and long-term bilateral cooperation with several regulatory bodies in Europe, especially from the region.  <a href="#">In recent years it has participate in several international projects.</a></p>	<p><del>Law on electronic media Article 11 Broadcasting Law (Article 7 Para 3):</del>  <a href="#">With a view of sharing experiences, improvement of operation, and alignment with international experiences and standards, AEM shall cooperate with counterpart regulatory bodies of other countries.</a>  <a href="#">In coordination with competent state administration authorities, AEM shall cooperate with relevant international organisations.</a>  <del>With the aim to exchange experiences, advance its activities and conform with international experiences and standards, the Agency shall co-operate with adequate organizations of other states or with adequate international organizations.</del></p>	



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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Former Yugoslav Republic of Macedonia</b>	<a href="#">4911</a> (national) <a href="#">4026</a> (regional) <a href="#">4726</a> (local)	<p>Macedonian Telecom offers non-linear commercial service as part of its IPTV platform - <a href="#">MAXTV</a> (movies, documentaries, current-affairs, children). <del>However, the existing Law on Broadcasting Activity does not regulate on-demand (non-linear) services, so the existing non-linear services are beyond the scope of the legal regulations.</del></p>	<p><del>3</del><a href="#">In total 5 PB TV Services</a> (Macedonian Radio and Television Channels):</p> <p><a href="#">1<sup>st</sup> TV Service (DVB-T)</a>  <a href="#">2<sup>nd</sup> TV Service (DVB-T)</a>  <a href="#">3<sup>rd</sup> TV Service – Parliamentary Channel (DVB-T)</a>  <a href="#">1<sup>st</sup> TV Service (Satellite)</a>  <a href="#">2<sup>nd</sup> TV Service (Satellite)</a>  <a href="#">www.mkrtv.com.mk</a></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Former Yugoslav Republic of Macedonia	Information requirements (art. 5 AVMS Directive)	<del>Law on Broadcasting Activity</del> <a href="http://www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf">www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf</a> <del>Law on Media</del> ( <a href="http://www.avmu.mk/images/Konsolidiram_tekst_na_zakon_za_mediumi_18.11.2014.pdf">www.avmu.mk/images/Konsolidiram_tekst_na_zakon_za_mediumi_18.11.2014.pdf</a> )	<del>Broadcasting Council</del> Agency for Audio and Audio-visual Media Services	No regulation is foreseen in the Broadcasting Law. A special protocol Agency for regulation of non-linear services has been signed between the Broadcasting Council and the telecom operators, but <del>Audio-visual Media Services is not a legal binding regulation.</del>	<del>Broadcasting Council</del> Agency for Audio and Audio-visual Media Services
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Law on Audio and Audio-visual Media Services  ( <a href="http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=1811%3A-a-1842013-132014-442014-1012014-1322014&amp;catid=61%3Azakoni&amp;Itemid=99&amp;lang=en">http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=1811%3A-a-1842013-132014-442014-1012014-1322014&amp;catid=61%3Azakoni&amp;Itemid=99&amp;lang=en</a> ) (valid for all fields except of hate speech)			
	Accessibility to people with a disability (Art. 7 AVMS Directive)				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	<a href="#">Criminal Law (hate speech provision was included in the previous laws on broadcasting, but not in the newest one)</a>			
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

### Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Former Yugoslav Republic of Macedonia	<del>Broadcasting Council</del> Agency for Audio and Audio-visual Media Services	<del>www.srd.org.mk</del> <a href="http://www.avmu.mk">www.avmu.mk</a>	September 1997 <del>under the name 'Broadcasting Council'</del>	Skopje, Republic of Macedonia

### Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Former Yugoslav Republic of Macedonia	<del>Broadcasting Council</del> Agency for Audio and Audio-visual Media Services	Yes <del>(on-demand services are not covered with the</del>	No	Yes <del>In charge only for the must-carry obligations that are defined</del>	No	No	<del>No</del> <a href="#">Regulates also print media</a>

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council</a> , <a href="#">Agency for Audio and Audio-visual Media Services</a>	The Law on Broadcasting foresees 9 members of the Council	<del>43 (97)</del> members + <del>34</del> of the <a href="#">Broadcasting Council</a> + 19 specialists in the <del>Administration</del> <a href="#">administration</a>	Not foreseen	€ <del>1,49m</del> 3,25m	<del>2010</del> 2014 <a href="http://www.avmu.mk/images/Programa_i_finansiski_plan-angliski.pdf">http://www.avmu.mk/images/Programa_i_finansiski_plan-angliski.pdf</a>



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Law on Broadcasting Activity adopted in May 1997 (not in force) <a href="#">as Broadcasting Council</a>	<a href="#">Law on Broadcasting Activity adopted in December 2005. www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf</a> <a href="#">Law on Audio and Audio-visual Media Services adopted 2013</a> <a href="http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=1811%3A-a-1842013-132014-442014-1012014-1322014&amp;catid=61%3Azakoni&amp;Itemid=99&amp;lang=en">http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=1811%3A-a-1842013-132014-442014-1012014-1322014&amp;catid=61%3Azakoni&amp;Itemid=99&amp;lang=en</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	<del>Independent</del> <a href="#">The Agency for Audio and Audiovisual Media Services is an independent, non-profit regulatory body with the status of a legal entity with public competencies. It is established with the by Law (with specific public competences stipulated in the Law, funded by independent financial sources and independent from the legislative and executive power competencies stipulated in the Law; funded by independent financial sources and independent from the legislative and executive power).</a>	Yes	<a href="#">n/a</a>	<a href="#">n/a</a>	Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media Services</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Agency for Audio and Audio-visual Media Services</a>		<p>✓  <a href="#">It is explicitly emphasized that the Agency is an independent non-profit regulatory body, with public competences and authority in the field of audio and audio-visual media activity (Art.4).</a>  <a href="#">It has all competencies in the Law as defined in the CE Rec. 2000(23)</a>  <a href="#">The manner of nomination and appointment of the members of Agency's Council, which is Agency's highest management body, is meant legally to provide its full independence: there are authorized institutions that nominate candidates and the Parliament appoints the members.</a></p>	<a href="#">Law on Audio and Audio-visual Media Services (Art.4)</a>
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Broadcasting Council</a>		<p><b>Article 4</b>  <a href="#">Agency for Audio and Audiovisual Media Services</a>  (1) Competent authority on matters subject of this Law shall be <del>be</del>  <a href="#">It is explicitly emphasized that the Broadcasting Council is Agency for Audio and Audiovisual Media Services (hereinafter: Agency).</a>  (2) <del>The Agency shall be</del> an independent, non-profit regulatory body; <del>and shall act as legal person</del> with public competences <del>and authority in</del>.  (3) <del>The Agency shall be established by the field of Republic of Macedonia.</del> The property and operational assets of the Agency shall be used and managed by the Agency.  (4) <del>The seat of the Agency shall be in Skopje.</del>  (5) <del>The Agency shall have a stamp.</del>  (6) <del>The stamp of the Agency shall have a round form. The Coat of Arms of the Republic of Macedonia shall be place in the middle of the stamp and it shall be surrounded by the inscription: "Republic of Macedonia - Agency for Audio and Audiovisual Media Services".</del>  (7) <del>The operations of the Agency shall be financed with funds obtained as revenues from fees envisaged in this Law, financial means from the collected broadcasting activity (Art.21).</del>  <a href="#">It has all competencies in the fee according to this Law, as defined in the CE Rec. 2000(23)</a>  <a href="#">The manner of nomination well as loans and appointment of the members of the regulatory authority is meant to provide its full independence: there are authorized institutions that nominate candidates and the Parliament appoints the members other technical assistance.</a></p>	Law on Broadcasting Activity

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Tick boxes	√	√	√
		Areas	Adopts <a href="#">Strategy for Broadcasting-activity Annual Work Plan (Art. 32)</a> Ensures economic and technological development of broadcasting activity (Art. 246) Adopts opinions and participates in the drafting of legislation, regulations and other acts regarding the broadcasting activity, as well as in the conclusion and accession of the Republic of Macedonia to international treaties in the field of broadcasting and provides for their full implementation (Art. 371)	Adopts decisions, rules, conclusions, recommendations, instructions and other acts, adopts views and proposals for implementation of the Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media Services</a> (Art. 376) Adopts Rulebook on equal access to media representation during election campaigns (Art. 75 of the Electoral Code) Supervises the work and operations of the entities involved in the pursuit of broadcasting activity in terms of their compliance with the provisions of the Law on <a href="#">Broadcasting Activity</a> , the licence to pursue broadcasting activity, and the by-laws adopted by the <a href="#">Broadcasting Council Agency</a> regarding the programing content (Art. 377) Reviews the requests submitted by citizens regarding the radio and TV programmes and programme services retransmitted through the public communication networks, as well as the work of the broadcasters, and informs the public about the measures it has taken (Art. 376)	Undertakes legal measures against the broadcasters that fail to fulfill their duties laid out by the Law, the licence to pursue broadcasting activity and the acts of the <a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>
		Source	General act Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media Services</a> <a href="#">Law on Media</a>	<a href="#">General act</a> Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media</a> Electoral Code <a href="#">Law on Media</a>	General act Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media</a> <a href="#">Law on Media</a>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Quotas	√	√	√	↯		Law on <del>Broadcasting Activity</del> <a href="#">Audio and Audio-visual Media Services</a>
		Advertising	√	√	√	↯		Law on <del>Broadcasting Activity</del> <a href="#">Audio and Audio-visual Media Services</a>
		Protection of minors	√	√	√	↯		Law on <del>Broadcasting Activity</del> <a href="#">Audio and Audio-visual Media Services</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the press	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Quotas	<del>√</del> No	No √ 5.000 – 20.000 EUR	<del>√</del> No	<del>The licence cannot be revoked on the basis of non-compliance with the program requirements (Art.63 of the Law)</del> No	√ Only in the <a href="#">Administrative Court</a> procedure	<del>Temporary ban</del> The responsible person for advertising programme and teleshopping (see second column).  The law does not specify if the sanctions are automatic or discretionary. In practice the council decides each case separately. This comment is valid for all the areas.legal person can be also fined with <a href="#">1.000 to 3.000 EUR</a>
		Advertising	√	No √ <a href="#">3.000-10.000 EUR</a>	<del>√</del> N o	<del>The licence cannot be revoked on the basis of non-compliance with the program requirements (Art. 63 of the Law)</del> No	√ Only in the <a href="#">Administrative Court</a> procedure	<del>Temporary ban for advertising and teleshopping (see second column)</del> The responsible person for programme and the legal person can be also fined with <a href="#">500 to 1.000 EUR</a>
		Protection of minors	√	No √ <a href="#">10.000-20.000 EUR</a>	<del>√</del> N o	<del>The licence cannot be revoked on the basis of non-compliance with the program requirements (Art. 63 of the Law)</del> No	√ Only in the <a href="#">Administrative Court</a> procedure	<del>Temporary ban for advertising and teleshopping (see second column)</del> The responsible person for programme and the legal person can be also fined with <a href="#">1.000 to 3.000 EUR</a>

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non-compliance with decision)	Others
	<p>There are four measures: (1)            First written warning            (2) Second written warning with obligation for publishing            (3) Temporary ban for advertising            (4) Initiation of a Misdemeanour procedure            The Law does not specify any possibility for discretion in deciding about the measures. However, in reality, the BC applies discretionary practices.</p>							

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
<a href="#">Former Yugoslavia v Republic of</a>	<a href="#">Agency for Audio and Audio-visual Media Services</a>	√	√	No (only on Agency's website)	<a href="#">Administrative Court</a>	
<a href="#">Former Yugoslavia v Republic of Macedonia</a>	<a href="#">Broadcasting Council</a>	√	N/A The BC cannot impose fines		√ Only for non-payment Source: <a href="#">Law on Audio and Audio-visual Media Services</a> <b>Article 23</b> <b>Measures in case of violation of regulations</b> (1) If the <del>fee</del> Agency establishes violation of the provisions of this Law and the bylaws adopted thereof, as well as the conditions and obligations laid down in the license and other Agency acts, the Agency Director may undertake measures against the media publisher, the audio and audio-visual service provider on demand or the operators of electronic communication networks which retransmit programme services as follows: - Adopt a decision with written warning; - file a complaint for initiating a misdemeanor procedure in cases where despite the adopted warning decision, continues with the same violation that incurred with the written warning during the year; - will submit proposal to the Council for <del>the broadcasting licence</del> revoking a license, or - will adopt a decision for deletion from the registry in accordance with this Law. (2) The undertaken measures referred to in paragraph (1) of this Article shall be published by the Agency on its web-site, including a detailed rationale, within three days from their execution.	√ Imposed by the Court

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	<p>Yes</p> <p><del>Article 37 of in the Law on Broadcasting Activity states that practice, but there is no complaints handling procedure defined by the Broadcasting Council reviews the requests and petitions submitted law</del></p> <p>Complaints can be submitted by viewers/listeners/users of media services via e-mail <u>and by post</u> by citizens regarding the radio and television programmes and programme services retransmitted through the public communication networks, as well as the work of the broadcasters, <del>and informs the public about the measures it has taken, on regular basis.</del></p> <p><del>The Broadcasting Council established internal procedure for handling with complaints. The citizens can send a written complaint or a question by post, e-mail or fax and the Broadcasting Council is obliged to reply to their complaint.</del></p>	<p><del><a href="http://www.srd.org.mk/index.php?option=com_content&amp;view=article&amp;id=87&amp;Itemid=72&amp;lang=en">www.srd.org.mk/index.php?option=com_content&amp;view=article&amp;id=87&amp;Itemid=72&amp;lang=en</a></del></p> <p><del><a href="http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=872&amp;Itemid=363&amp;lang=mk">http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=872&amp;Itemid=363&amp;lang=mk</a></del></p>



#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-Visual Media Services</a>	<del>Board</del> Board (Broadcasting Council) with Director (executive role, appointed by the Board with no right to vote)	97	No	No	No	No	<del>Yes</del> No	<del>No</del> The 2 professional journalists' associations nominate 2 members (one each) - Inter-university Conference nominates 1 member - Lawyers' Chamber nominates 1 member - The Parliamentary Committee on Appointments and Dismissals nominates 2 members - The Unit of Local-self Governments nominates 1 member	No information available	Law on <del>Broadcasting-Activity</del> Audio and Audio-visual Media Services

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Former Yugoslav Republic of Macedonia	Broadcasting Council	<p>Main competences include:</p> <ul style="list-style-type: none"> <li>• <del>Adopting and implementing the Strategy for Development of Broadcasting Activity</del></li> <li>• <del>Appoints and dismisses Agency’s Director and his/her Deputy</del></li> <li>• Deciding on allocation, <del>revokation</del>revocation and renewal of <del>licenees</del>licenses</li> <li>• <del>Supervising the compliance of broadcasting entities with laws and licences</del></li> <li>• <del>Adopting decisions, rules, recommendations, instructions and adopting opinions and proposals for implementation</del> • Decides on media concentration and media ownership issues</li> <li>• <del>Adopts secondary legislation</del></li> <li>• <del>Adopts Agency’s Annual Work Plans and Financial Reports</del></li> <li>• <del>Decides on temporary ban of foreign radio and TV channels that are re-broadcast in the country</del></li> <li>• <del>Adopts the monitoring plan and methodology</del></li> <li>• <del>Approves Director’s decisions on employment/dismissal of Agency’s staff</del></li> <li>• <del>Reviewing the requests and petitions submitted by citizens regarding the registration of the Law on Broadcasting Activity</del></li> <li>• <del>radio and television programmesprogramme services retransmitted via a public communication network</del></li> <li>• <del>Taking measures against broadcasters that fail to fulfill their duties</del></li> <li>• <del>Adopting opinions and participating in the drafting of laws, regulations and other acts as well as in the conclusion of international treaties</del></li> <li>• Approving the List of Major Events <del>for the public and adopting measures for the protection of the right of the public to access such events</del></li> <li>• <del>Issuing certificates of registration of radio and television programme services retransmitted via a public communication network</del></li> </ul>	<p>The BC can work with a quorum of 5 members.</p> <p>All the decisions are <del>taken</del>adopted by majority vote (54 votes). Art.3312 of the Law on Broadcasting-activityAudio and Audio-Visual Media Services (the Law is not available online)</p>	<p><del>Transparency</del></p> <p><del>Limited transparency</del> is foreseen in the law. <del>In practice, there are many flaws.</del>The Law states that <del>the BC works and decides in meetings open to the public and</del>Agency publishes all the <del>decisions</del>Council’s agendas and the minutes of <del>on</del> its meetings. (Art.33) website. However, <del>since February 2008 the BC makes key sessions are not public anymore, as it was in the past. Many of the decisions at “internal coordination meetings” that are closed to made on the public. The decisions are then formally adopted during the public meetings.</del>Further, the published minutes, reports and other documents do not contain the motivations and detailsDirector level, without any presence of the adopted decisions. Since September 2009 the BC has a new website, where only reduced information is available.public.</p>	<p><del>Yes, it publishes all the agendas and minutes, but the content of the minutes is very poor and does not provide duly reasoned explanations for adopted decisions and necessary details and information for the public to be fully informed on the internal procedures of making decisions.</del> Yes, the Agency publishes Council’s agendas and minutes. Limited insight in the discussed materials.</p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nominati on stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Chairman	No	n/a	The- Broadcasting- Council	n/a	Law on <del>Broadcasting</del> <del>Activity</del> Audio and Audio-visual Media Services (Art.23-2914-17)
		<del>Board</del> Council's members	Yes	<del>Authorised</del> Authorized nominators: <ul style="list-style-type: none"> <li><del>• The Macedo-nian Academy of Arts and Sciences</del></li> <li><del>• The</del>• The two biggest journalists' associations in the country nominate one member each</li> <li>• The Inter-University Conference nominates one member</li> <li>• The Lawyers' Chamber nominates one member</li> <li>• The Parliamentary Committee on Appointments and Dismissals nominates two members</li> <li>• The Unit of Local Self-Government nominates one member</li> </ul>	The Parliament	No	

Country	Body		Nomination stage Yes—No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				<p>Inter-University Conference</p> <ul style="list-style-type: none"> <li>• The Majority Journalists' Association of Macedonia</li> <li>• The Committee of Elections and Appointments of the Assembly of the Republic of Macedonia</li> <li>• The decisive say goes to the Parliament as it approves the candidates that are</li> </ul>			
Country	Body		Nomination stage Yes—No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	S o u r c e
				proposed by the nominators.			

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Chairman of the board	The law does not specify if the chairman should have a full term of office of <del>6</del> 7 years (as a chairman)	<del>Yes</del> /a	No	Law on <del>Broadcasting Activity</del> Audio and Audio-visual Media Services (Art. <del>28</del> ) 14-17)
		Board members	<del>6</del> 7 years	<del>Yes</del> Not explicitly stated. During the past few years only early parliamentary elections take place due to the high political instability in the country	No	
		<a href="#">Director and his/her Deputy</a>	7 years	Not explicitly stated. During the past few years only early parliamentary elections take place due to the high political instability in the country	It is not forbidden. The law does not provide any possibility for re-appointment nor hinders re-appointment	<a href="#">Law on Audio and Audio-visual Media Services (Art. 19-21)</a>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	<del>Chairman of the board Council members</del>	<p>Not specified in the</p> <ul style="list-style-type: none"> <li><a href="#">Law To be citizen of Rep. of Macedonia</a></li> <li><a href="#">University education</a></li> </ul>	<p><del>Persons Min 5 years professional work in the area with expertise and prominence in the fields of communication sciences, journalism, telecommunications, information sciences, culture, economy, law and other fields of importance for the achievement of the competences of the Council may be nominated for members of the Council.</del></p> <p><del>law and other fields of importance for the achievement of the competences of the Broadcasting Council may be nominated for Members of the Broadcasting Council.</del></p> <p>In practice, this provision of the Law on Broadcasting Activity has not been fully implemented.</p>	<p>Law on <a href="#">Broadcasting Audio and Audio-visual Media Services</a> Activity (Art.2416)</p>
		<del>Board members Director and Deputy Director</del>	<ul style="list-style-type: none"> <li><a href="#">University education</a></li> </ul>	<p><del>Min 5 years professional work in the area with expertise and prominence in the fields of communication sciences, journalism, telecommunications, information sciences, culture, economy or law</del></p>	<p><del>Law on Audio and Audio-visual Media Services Activity (Art.19)</del></p>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
<a href="#"><u>Former Yugoslav Republic of Macedonia</u></a>	<a href="#"><u>Agency for Audio and Audio-visual Media Services</u></a>	<a href="#"><u>Members of the Council (including the chairing person)</u></a>	Yes		<a href="#"><u>Yes</u></a> <a href="#"><u>Members of government and senior officials in the state administration or local self-government units may not be elected as members of the Council</u></a>	<a href="#"><u>Yes</u></a> <a href="#"><u>Persons performing duties in the bodies of a political party and members of Assembly may not be elected as members of the Council</u></a>	<a href="#"><u>Yes</u></a> <a href="#"><u>May not be a person who, as owner or shareholder, as member of the managing board, or who directly or indirectly has an interest in a legal entity involved in broadcasting activity, or in a company involved in related activity (advertising, electronic communications, production and sale of broadcasting equipment, etc.).</u></a> <a href="#"><u>A person whose family members own shares of ownership or sit in the managing bodies of broadcaster cannot be board members.</u></a>	<a href="#"><u>Yes</u></a>	<a href="#"><u>Yes</u></a> <a href="#"><u>The members of the Council can be employed with other legal entities, except with those who have conflicting interests.</u></a> <a href="#"><u>The members of the Council are obliged to submit Statement of Interest to the State Commission for Corruption Prevention.</u></a> <a href="#"><u>The members of the Council are not allowed to receive presents, accept favours or to enter in relations where conflict of interests may arise</u></a>	<a href="#"><u>Law on Audio and Audio-visual Media Services (Art.16)</u></a> <a href="#"><u>Law on Prevention of Corruption (available here: <a href="http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=14&amp;Itemid=42">http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=14&amp;Itemid=42</a>)</u></a> <a href="#"><u>Law on Prevention of Conflict of Interests (available here: <a href="http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=23&amp;Itemid=43">http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=23&amp;Itemid=43</a>)</u></a> <a href="#"><u>Code of Ethics of the Agency (Draft version: <a href="http://avmu.mk/images/Nacrt_-_Kodeks_za_odnesuvanje_na_cleovite_na_Sovetot_na_Agencijata_i_vrbotenite.pdf">http://avmu.mk/images/Nacrt_-_Kodeks_za_odnesuvanje_na_cleovite_na_Sovetot_na_Agencijata_i_vrbotenite.pdf</a>)</u></a>

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
										<p><a href="#">Law on Audio and Audio-visual Media Services (Art. 19)</a></p> <p><a href="#">Law on Prevention of Corruption (available here: <a href="http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=14&amp;Itemid=42">http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=14&amp;Itemid=42</a>)</a></p> <p><a href="#">Law on Prevention of Conflict of Interests (available here: <a href="http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=23&amp;Itemid=43">http://www.dksk.org.mk/index.php?option=com_content&amp;task=view&amp;id=23&amp;Itemid=43</a>)</a></p> <p><a href="#">Code of Ethics of the Agency (Draft version: <a href="http://avmu.mk/images/Nacrt_-_Kodeks_za_odnesuvanje_na_clenovite_na_Sovetot_na_Agencijata_i_vrabotenite.pdf">avmu.mk/images/Nacrt_-_Kodeks_za_odnesuvanje_na_clenovite_na_Sovetot_na_Agencijata_i_vrabotenite.pdf</a>)</a></p>
		<a href="#">Director and his/her Deputy</a>	<a href="#">Yes</a>		<a href="#">Yes Regulated also with Code of Ethics</a>	<a href="#">Yes Regulated also with Code of Ethics</a>	<a href="#">Yes The Director and his/her spouse and close relatives are not allowed to have shares in entities, which are directly or indirectly regulated by the Agency. Regulated with Code of Ethics</a>	<a href="#">Yes The Director/ Deputy works professionally, but no restriction is provided</a>	<a href="#">Yes The Director and Deputy submit Asset Declarations and Conflict of Interest Statements to SCPC</a>	
<b>Former-Yugoslav Republic of Macedonia</b>	Broadcasting Council	<a href="#">ChairmanSenior and regular staff</a>	Yes		<a href="#">Yes Members of government and senior officials in the state administration or local self-government units may not be elected as members of the Council. Not explicitly stated in the law. The Law on Audio and Audio-visual Media Services refers lawful behaviour of</a>	<a href="#">Yes Persons performing duties in the bodies of a political party and members of Assembly may not be elected as members of the Council. Not explicitly stated in the law. The Law on Audio and Audio-</a>	<a href="#">Yes May not be a person who, as owner or shareholder, as member of the managing board, or who directly or indirectly has an interest in a legal entity involved in broadcasting activity, or in a company involved in related activity (advertising, electronic communications,</a>	<a href="#">NoYes Not explicitly stated in the law. The Law on Audio and Audio-visual Media Services refers lawful behaviour of the administrative staff. Regulated with</a>	<a href="#">Yes Members of the Council are obliged to submit written declaration if there is conflict of interest. Cannot be board members persons in executive position and members of managing or supervisory boards of public enterprises, persons</a>	<p><a href="#">Law on Broadcasting Activity (Art.25)</a></p> <p><a href="#">Code of Ethics of the Broadcasting Council and permanent services (Not available online)</a></p> <p><a href="#">Law on Prevention of Conflict of Interests</a></p>



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
									for a period longer than six months	
		Board members	Yes		Yes Same as above	Yes Same as above	Yes Same as above	No Same as above	Yes Same as above.	
		Senior staff	Yes		Yes Not explicitly stated in the Broadcasting Law but same as above	Yes Not explicitly stated in the Broadcasting Law but same as above.	Yes Not explicitly stated in the Broadcasting Law but same as above.	No Not explicitly stated in the Broadcasting Law but same as above.	Yes Members of the staff are obliged to submit written declaration if there is conflict of interest.	Code of Ethics of the Broadcasting Council and permanent services (Not available online)

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council/Agency for Audio and Audio-visual media</a>	<a href="#">Chairman/Council members</a>	Yes		Yes	Yes	Yes	<p><a href="#">Law on Audio and Audio-visual Media Services (Art. 16):</a> (4) The Council members must not receive any gifts and accept any services from, nor get involved in relations that may result in conflict of interest with broadcasters, audiovisual media service providers on demand and from operators of public electronic communication networks which transmitting and retransmitting programme contents.</p> <p><a href="#">Law on Prevention of Corruption</a> (available here: <a href="http://www.dsk.org.mk/index.php?option=com_content&amp;task=view&amp;id=14&amp;Itemid=42">http://www.dsk.org.mk/index.php?option=com_content&amp;task=view&amp;id=14&amp;Itemid=42</a> )</p> <p><a href="#">Law on Prevention of Conflict of Interests (Art.5 available here: <a href="http://www.dsk.org.mk/index.php?option=com_content&amp;task=view&amp;id=23&amp;Itemid=43">http://www.dsk.org.mk/index.php?option=com_content&amp;task=view&amp;id=23&amp;Itemid=43</a> )</a> <a href="http://www.dsk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37">www.dsk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37</a></p> <p>Code of Ethics of the <a href="#">Broadcasting Council and permanent services Agency</a> (Draft version: <a href="http://avmu.mk/images/Nacrt_i_vrbotenite.pdf">avmu.mk/images/Nacrt_i_vrbotenite.pdf</a>) (Not available online)</p>
		<a href="#">Board members/Director/Directors</a>	Yes		Yes	Yes	Yes	
		Senior staff	Yes		Yes	Yes	Yes	

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Former Yugoslav Republic of Macedonia	<del>Broadcasting Council</del> Agency for Audio and Audio-visual media	<del>Chairman</del> Council	Yes ✓		Yes, <del>for 3 years</del>	Law on Prevention of Conflict of Interests (Art.17) <a href="http://www.dksk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37">www.dksk.org.mk/en/index.php?option=com_content&amp;task=view&amp;id=21&amp;Itemid=37</a>
		<del>Board</del>	Yes ✓		Yes, <del>for 3 years</del>	
		Senior Staff	Yes ✓		Yes, <del>for 3 years</del>	

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Former Yugoslav Republic of Macedonia	<del>Broadcasting Council</del> Agency for Audio and Audio-visual Media Services	Chairman	Yes		The Law does not specify who can dismiss the Chairman	See <del>Article 32</del> Art. 16 and 17 below	<del>Only individual members</del> Not precisely stated, but the law does not prevent complete composition's change, if the pre-conditions are met	Law on <del>Broadcasting Activity (Art.30</del> Audio and <del>32</del> Audio-visual Media Services (16 and 17)
		Individual board members	Yes		The Parliament			
	<del>Article 32 of the Law on Broadcasting</del>	<del>Director / Deputy</del>		No				

Country	Body	Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
		Yes	No				
							<p><del>A Member</del> <b>Article 16: Appointment requirements (valid for the Members of the Broadcasting Council cannot)</b></p> <p>(1) The Council members may be dismissed prior to the expiration of his/her term persons who are citizens of the Republic of Macedonia, have a University degree, have at least five-year work experience in office, with the exception of the relevant field, and have become publicly prominent in the field of communications, journalism, electronic communications, information technologies, culture, economy, law or similar fields relevant to the realisation of the Council competences.</p> <p>(2) The following <del>cases</del> persons may not be appointed as Council members:</p> <ul style="list-style-type: none"> <li>• <del>_____ If he/she is prevented, by illness, from participation in the work-</del> member of the Broadcasting Council-Parliament, member of the Government of Republic of Macedonia, person appointed by the Parliament, or Government of the Republic Macedonia, person who manages a local self-government unit, director or a member of the management or supervisory board of a public enterprise;</li> <li>- persons executing duties within the bodies of a political party or a religious community;</li> <li>- person who is co-owner or share-holder, member of a managing body or person who has direct or indirect interest in a legal person involved in audio or audiovisual media services or in a company conducting similar activities (advertising, electronic communications, production and sales of audio and audiovisual technical goods and similar) related to audio/audiovisual media services and operators and/or providers of public electronic communications networks and services;</li> <li>- person, whose family members are co-owners or shareholders or members of management bodies of broadcasters and</li> <li>- person lawfully sentenced to a term in prison longer than six months, or person that has been sentenced to a prohibition of performance of profession, activity or duty for a period longer than six months until the sentence or measure would not be deleted from the register in accordance with the law.</li> <li>• <del>_____ In cases of the appearance of one of the impediments to-</del> (3) Employees of other legal persons may be appointed as Council members, except in cases when it is a conflict of interests pursuant to this Law.</li> </ul> <p>(4) The Council members must not receive any gifts and accept any services from, nor get involved in relations that may result in conflict of interest with broadcasters, audiovisual media service providers on demand and from operators of public electronic communication networks which transmitting and retransmitting programme contents.</p> <p><b>Article 17: Termination of a Council member's term of office (valid for the Members of the Council)</b></p> <p>(1) The Council member's term of office shall be legally terminated prior to the expiry of the term in the following cases:</p> <ul style="list-style-type: none"> <li>• upon his/her request;</li> </ul> <p>if he/she accepts a position or a job which are incompatible with his/her membership in the Broadcasting Council laid down in Article 25 of the Law</p> <ul style="list-style-type: none"> <li>• <del>_____ If he/she acts in violation of the provisions of the position as a Council member in accordance with this Law</del></li> <li>• <del>_____ If; - - if he/she was finally sentenced for a criminal offence for which a term in prison longer facing imprisonment of more than six months is prescribed, or if he/she was sentenced to a prohibition to perform a duty for a period longer of six months</del></li> <li>• <del>_____ If he/she is absent from three (3) consecutive meetings of the Council or from five (5) meetings over a period of in duration more than six months, and has failed to provide a justifiable reason for the absence.;</del></li> <li>• <del>_____ The fulfillment of conditions if he/she is prevented execute his/her duty for a continuous period longer than six months;</del></li> <li>• if any of the dismissal of a member of the Broadcasting Council prior to the expiration of his/her term memberships has occurred, as envisaged in office from paragraph 2 Article 16 of this Article shall be Law;</li> <li>• if it has been determined by during appointment procedure that the Council with a majority of votes of the total number of members, upon which the Council member provided inaccurate data or failed to provide information relevant for his/her appointment.</li> </ul> <p>(2) The President or the Deputy President shall submit a dismissal request to inform the Assembly of the Republic of Macedonia, on the fulfilment of the conditions for termination of a Council member's term of office, prior to the expiration of the term for which it has been appointed, as envisaged in paragraph (1) of this Article within five days from the date when the conditions from paragraph (1) of this Article have become valid. In this case, the procedure determined referred to in Article 28 paragraph 4 14 of this Law shall be applied apply.</p>

<u>Country</u>	<u>Body</u>	<u>Do such rules exist?</u>		<u>Who can dismiss?</u> Specify who is involved in that stage and who has the decisive say	<u>Grounds for dismissal listed in legal instrument?</u>	<u>Can the whole body be dismissed or only individual members?</u>	<u>Source</u>
		<u>Yes</u>	<u>No</u>				
	<b><u>Article 21</u></b> <b><u>Dismissal of the director</u></b> <u>(1) The director may be dismissed by the Council only in the following cases:</u> a) <u>upon his/her request;</u> b) <u>if he/she is prevented by illness to perform his/her duties for a period longer than six months;</u> c) <u>if he/she accepts a position or a job which are incompatible with his/her appointment as director;</u> d) <u>if he/she was sentenced for a criminal offence for which a term in prison longer than six months is prescribed, or if he/she was sentenced to a prohibition to perform a duty for a period longer than six months;</u> e) <u>if he/she acts in violation of this Law or the provisions thereof which may be determined from the Annual Report on the operations of the Agency; or</u> f) <u>if he/she abuses the position as determined in the Audit Report referred to in Article 8 of this Law.</u> <u>(2) The director, against whom there is an on-going procedure for dismissal, shall be granted the right to defend himself/herself in front of the Council.</u> <u>(3) The decision for dismissal of the director shall, <i>inter alia</i>, contain the reasons for his/her dismissal, explained in details, and shall be published on the Agency web-site within seven days from its adoption.</u> <u>(4) If the director has been dismissed, and the procedure for selecting a director has not been completed, the function director shall be performed by a person employed in the Agency expert service, who will be authorized accordingly by the Council for a period not longer than three months.</u> <u>(5) The provisions in paragraphs (1), (2) and (3) of this Article shall equally apply for the deputy director of the Agency.</u>						

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	2008 July 2014	<a href="#">Chairman Council's members</a>	Yes		<p>The President of the Council was dismissed with the majority vote of the members of the Council. However, he continued to be member of the Council until his Adoption of a new legislation</p>	<p>The Chairman was dismissed two months before the term without a clear legal ground. The Law does not specify the rules for the dismissal of the Chairmen. Also, this issue was not explicitly stipulated in the BC Rules on Procedures.</p> <p>The session held on February 8<sup>th</sup> 2008 was closed for the public and for the members of the permanent services. The dismissal was not announced in the agenda and there was no official document prepared and published stating the The new Law on Audio and Audio-visual Media Services envisaged transformation of the previous Broadcasting Council in Agency for Audio and Audio-visual Media Services with a new internal structure, including new managing structure, consisted of a Council and a Director.</p> <p>There were also thorough changes within the administration.</p>
						<p>mandate ended.</p> <p>The reasons for the dismissal were not stated explicitly in the minutes of the meeting. The minutes have never been available on the BC's Web-site.</p> <p>According to the official announcement of the BC made on February 8th 2008, the reason for the dismissal was that "...it is necessary to make a qualitative change in the BC leading position in order to meet more successfully and more efficiently the upcoming challenges." In the 2008 Annual report of the BC nothing is mentioned about this dismissal.</p>	<p>reasons for the dismissal.</p> <p>The Chairman reacted in public stating that there was no legal ground for his dismissal and filed a civil lawsuit which is still in a court procedure.</p>

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>  <a href="#">Total envisaged annual budget for 2015: €3,397,719</a>	Percentage of the broadcasting licence fees €10,000,694,796	<del>In 2008, for the first time, the government allocated €600,000 from the State Budget as "a financial support to the Broadcasting Council for monitoring the election activities in 2009".</del> No	No	<del>→</del> €424,750 Licensee fees paid by broadcasters 4% of the broadcast fee, collected by the PBS €386,991	No	<del>No</del> Surveillance of public electronic networks (DVB-T, IPTV, CabTV): €113,821  Loans: €650,406 Interest rates: €16,260 Financial means saved from the previous years: €1,535,442	<del>2008</del> 2015 Annual Report Work of the Broadcasting Agency Council <a href="http://www.srd.org.mk/images/stories/doc/Izvestaj_od_SRD_za_2008.pdf">www.srd.org.mk/images/stories/doc/Izvestaj_od_SRD_za_2008.pdf</a> ( <a href="http://www.avmu.mk/images/Programa_za_rabota_2015.pdf">www.avmu.mk/images/Programa_za_rabota_2015.pdf</a> )  <a href="#">Law on Audio and Audio-visual Media Services: Article 140</a> <b><a href="#">Distribution of the broadcasting fees</a></b> (1) The collected broadcasting fees shall be distributed as follows: 74,5% for MRT for covering the costs for production and broadcasting of programmes and for technical and technological development; 19,5% for PE MRD for maintenance, utilization and development of the public broadcasting network; and 6% for the Agency for regulating and developing the media and audiovisual media services. (2) Of the total collected broadcasting fees, the Public Revenue Office shall retain 3% to cover the costs for setting and collecting the broadcasting fees. (3) In case of enforced collection of the broadcasting fees, the provision in Law on Tax Procedure shall apply. (4) The users of the funds referred to paragraph (1) of this Article shall be obliged to use them in accordance with a previously published Financial Plan.

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	According to the Law, the funds for financing of the work of the Broadcasting Council shall be secured from the funds collected from the broadcasting fee and from the licence fees. The Broadcasting Council Agency decides on its annual budget. The Law only states that the Parliament can <a href="#">review</a> (but does not approve) the Annual Budget.	Yes. It is completely involved.	The Parliament can review the Annual Financial Plan and if detects irregularities it can oblige the <a href="#">Broadcasting Council Agency</a> to submit a new one within 60 days.	No but In 2008 the Government allocated €600,000 to the <a href="#">BC media regulation authority</a> , for monitoring the media coverage of the election campaigns. This issue attracted media attention concerning possible influence over the work of the <a href="#">Broadcasting Council media regulation authority</a> .	<a href="#">The Law on Broadcasting Activity and Audio-visual Media Services</a> (Art. <a href="#">35 and 368</a> )
<p><b>Article 358</b>  <b><a href="#">Accountability for the operations of the Agency</a></b>            (1) <del>The Broadcasting Council</del> <a href="#">adopts an Annual Agency shall be accountable for its operation to the Assembly of the Republic of Macedonia by submitting a Report on its operations for the previous year, work.</a>            (2) <del>The Agency shall publish the Report referred to in paragraph (1) of this article on its web site and an Annual Financial Plan for the upcoming year, both of which shall be published and submitted will submit the latter</del> <a href="#">to the Assembly of the Republic of Macedonia for review, by its consideration not later than 31st of March 31 at in the latest current year.</a>            (3) <del>The Report referred to in paragraph 1 shall contain:</del>            a) <del>Annual report on Agency's work for the previous year and</del>            b) <del>Annual programme for the Agency's work for the following year.</del>            (4) <del>Annual Report on its operations report for the Agency's work for the previous year referred to in paragraph (3) point (a) of this article shall list the explanation particularly contain:</del>            - <del>Report on the financial realized activities defined in the Annual Programme for operations of the Agency for the previous year, which should show the realization of the Annual Plan for Programme monitoring;</del>            - <del>Financial Report on the realization of the Financial Plan for the previous year and material operations the Annual Account, including data on realized revenues, expenses, receivables and the liabilities for the previous year grouped by structure and organizational units within the Agency;</del>            - <del>Audit Report for the previous year. The Annual Financial Plan shall list the information on income and costs, and the from independent international authorized auditor and audit report from the State Audit Office, if the audit was provided by the latter as well as the position of the Agency regarding the audit results.</del>            (5) <del>The Annual Programme for the operations of the Agency for the following year of paragraph (3) point (b) of this article shall define the tasks and objectives which should be realized by the Agency during the following year in accordance with this Law, and it shall particularly contain the following:</del>            - <del>Programme of planned capital and operational costs for the upcoming year activities; and</del>            - <del>The Audit of paragraph 2 of this Article shall be conducted by the National Bureau of Audits and an external, independent auditor, commissioned by the Broadcasting Council. If upon review of the Annual Financial Plan, the Assembly of the Republic of Macedonia determines irregularities, it shall oblige the Broadcasting Council to submit a new</del>            - <del>Annual Financial Plan within 60 days from the day of the review at the latest. Financial Plan for the following year, including data on the realization of planned activities, planned revenues and expenses of the Agency in the following year grouped by structure and organizational units within the Agency, as well as the envisaged capital investments of the Agency for the following year.</del>            (6) <del>The outstanding funds from the Financial Plan of the Agency from the previous year shall be transferred in the Financial Plan of the Agency for the following year.</del></p>						



**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Yes	Annual	Yes	Yes	No	Law on <a href="#">Broadcasting Activity</a> <a href="#">Audio and Audio-visual Media Services</a>
	<p>Article <del>358</del>, <a href="#">cited earlier</a></p> <p>The <del>Broadcasting Council</del> adopts an <del>Annual Report on Agency in</del> its operations for the previous year, and an <del>Annual Financial Plan</del> for the upcoming year, both of which shall be published and submitted to the Assembly of the Republic of Macedonia for review, by March 31 at the latest.</p> <p>The <del>Annual Report</del> on its operations for the previous year shall list the explanation on the financial and material operations and the annual reports must include an <del>Audit Report</del> for the previous year. The <del>Annual Financial Plan</del> shall list the information on income and costs, and the planned capital and operational costs for the upcoming year.</p> <p>The <del>Audit</del> of paragraph 2 of this Article shall be conducted by the National Bureau of Audits and an external, <del>from</del> independent <del>international</del> authorized auditor, <del>commissioned by the Broadcasting Council</del>, and audit report from the State Audit Office, if the audit was provided by the latter as well as the position of the Agency regarding the audit results.</p> <p>If upon review of the <del>Annual Financial Plan</del>, the Assembly of the Republic of Macedonia determines irregularities, it shall obligate the <del>Broadcasting Council</del> to submit a new <del>Annual Financial Plan</del> within 60 days from the day of the review at the latest.</p>						

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Agency for Audio and Audio-visual Media Services</a>	<a href="#">Parliament</a>	Yes	<a href="#">Annual Report and Annual Work Plan and Financial Plan have to be submitted to the Parliament</a>	<a href="#">Law on Audio and Audio-visual Media</a>
		<a href="#">Government as a whole</a>	No	N/A	N/A
		<a href="#">Specific ministries (e.g. Media)</a>	No	n/a	n/a
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Broadcasting Council</a>	<a href="#">Parliament</a> <a href="#">Public at large</a>	Yes	<p><a href="#">Annual Report and Annual Financial Plan has to be submitted</a></p> <p><a href="#">The Parliament can review the Annual Financial Plan and if detects irregularities it can obligate the Broadcasting Council to submit a new one within 60 days. The Agency is obliged to conduct public research and analysis in regards to the developments and the situation on the audio and audiovisual media services market.</a></p> <p><a href="#">Its is obliged to organize public meeting at least once in three months within the year in order to allow all interested parties to express their positions and opinions regarding the development of the audio and audiovisual media services in the Republic of Macedonia, and especially regarding:</a></p> <ul style="list-style-type: none"> <li>- <a href="#">the status of the market for the audio and audiovisual services in Republic of Macedonia;</a></li> <li>- <a href="#">realisation of the activities aimed at achieving the objectives from the Annual Programme for the operations of the Agency.</a></li> </ul> <p><a href="#">The positions and opinions previously mentioned received by the Agency and its position thereof shall be published on the web-site of the Agency within seven days from the date of the public meeting.</a></p> <p><a href="#">The Agency must more closely regulate the following with a bylaw: the manner and</a></p>	<a href="#">Law on Broadcasting Activity</a> <a href="#">Audio and Audio-visual Media (Art. 8, 9, 10)</a>
		<a href="#">Government as a whole</a>	No	N/A	N/A

Country	Body	Body accountable to		Accountability means	Legal basis
		<del>Specific ministers (e.g. Media, finance,</del>	No	N/A	N/A
		Public at large	Yes	<p>Annual Report and Annual Financial Plan has to be published</p> <p>The BC works and decides in meetings open to the public.</p> <p>The BC is obliged to publish the public competitions, the number of applicants, the decisions and minutes of its meetings, and the proposed agendas of its meetings in the media and on the web site of the Broadcasting Council, as well as to inform the public about its work, through the media, at least once every three months.</p> <p>The BC is obliged to organize public meetings with all the stakeholders, at least once every three months to enable them to be informed about the work of the Council and to provide the stakeholders with an opportunity to present their views and opinion on the situation in the field of broadcasting. Before adopting or amending a bylaw within its scope of competence, and before adopting the Annual Operation Programme for the following year, the Agency must publish on its web site the proposed bylaw, that is</p>	Law on Broadcasting Activity (Art. 33 and 35)
		Other	Non/a	N/A/n/a	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Parliament Public <a href="#">on Agency's website</a>	Annual	All operations	Financial data Data on measures undertaken against broadcasters Market data	No <del>The Parliament can only review the Annual Financial Plan and if detects irregularities it can obligate the Broadcasting Council to submit a</del>	No	Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media Services</a> (Art. <del>33 and 35</del> 38)

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Yes	Annual	Yes State Audit Office	Yes <a href="#">Independent Audit Office</a>	No	Art. <del>35</del> 38 of the Law on <a href="#">Broadcasting Activity Audio and Audio-visual Media Services</a>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/ <del>Ministe</del> <u>Minister</u>	Government	Parliament	Other	Source
Former Yugoslav Republic of Macedonia	Broadcasting Council	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Law on <del>Broadcasting Activity</del> <a href="#">Audio and Audio-visual Media Services</a>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	Law on Administrative Disputes
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audi-visual Media Services</a>	External	1	Administrative Court	No	<del>Broadcasters- Other Media publishers tel.</del>	<del>Law on Broadcasting Activity</del> Law on Audio and Audio-visual Media Services (Art. 24)
			2	Supreme Court			
<p><u>Art. 38 para 8 24 Right to Court Protection</u></p> <p>(1) <del>The decisions adopted in cases of the violation of the provisions of this Law on Broadcasting activity states that lawsuit to</del>, licenses, registration certificate, by-laws and other Agency acts shall be final.</p> <p>(2) <del>The decisions referred to in the paragraph (1) of this Article may be subject to administrative dispute before a competent court may be filed against the decisions of the Broadcasting Council.</del></p> <p>(3) <del>The administrative dispute complaint shall be submitted within 15 a period of 30 days from the day reception of receiving the decision. The procedure in front the competent court shall be urgent. The Lawsuit shall not defer the implementation of the Decision.</del></p>							

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audi-visual Media Services</a>		√		N/A
		<p><del>Art. 38 para 8 of the Law on Broadcasting activity states that lawsuit to the competent court may be filed against the decisions of the Broadcasting Council within 15 days from the day of receiving the decision. The procedure in front the competent court shall be urgent. The Lawsuit shall not defer the implementation of the Decision. Art. 24 cited earlier</del></p>			

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audi-visual Media Services</a>	√ It is determined by the Administrative Court <u>on a case-by-case-basis</u>	√ It is determined by the Administrative Court	√ It is determined by the Supreme Court (in extraordinary procedure)	Improper implementation of the Material Law

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audi-visual Media Services</a>	1 Administrative court 2 Supreme court	√	√	According to the Law on Administrative Disputes, with a Court's verdict, certain appeal can be either accepted or rejected. If the appeal is accepted the administrative act gets annulled. If the very nature of the circumstances allows and if the data give a solid base, the Court can solve the administrative procedure, only in those cases where it has been proved that the law had been improperly implemented.  If the Court determines errors of fact, it will cancel the decision and remit it back to regulator for new decision.  If the Court determines errors of law, it can remit back for new decision or it can replace the original decision with its own.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country <i>This table shows if the regulatory body is able</i>	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audi-visual Media Services</a>	No	N/A	Yes	There are no specific requirements stipulated in the Law.	No



**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations,	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Agency for Audio and Audio-visual Media Services</a>	Bylaws and Annual Work Plans	not specified	at least 30 days	Yes	However, the Agency must publish all received suggestions and comments and its	<a href="#">Law on Media and Audio and Audio-visual Media Services (Art. 10)</a>
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Broadcasting Council</a>	<p>Strategic issues, licensing procedure, adoption of sub-regulation. Prior to the open bid for granting broadcasting licenses the Broadcasting Council must conduct a public survey and consultations with interested parties <a href="#">Article 10</a></p> <p><b>Public influence</b></p> <p>(1) Before adopting or amending a bylaw within its scope of competence, and before adopting the Annual Operation Programme for the following year, the Agency shall publish on its web-site the proposed bylaw, that is, the Annual Operation Programme, in order to allow a public debate, that is, to allow all interested parties to express their opinions, views and positions regarding the proposed bylaw and the proposed Annual Operation Program for the following year.</p> <p>(2) The deadline for public debate referred to in paragraph (1) of this Article must not be shorter than 30 days from the moment of publication of the acts referred to in paragraph (1) of this Article.</p> <p>(3) After the deadline referred to in paragraph (2) of this Article expires, and before the adoption of the bylaw, the Agency shall be obliged to publish on its web-site the received opinions and comments, as well as the Agency position thereof.</p>	<del>All relevant stakeholders, ministries, academics, non-governmental organizations</del>	<del>Not defined in the law</del>	<del>Not defined in the law</del>	Not defined in the law	Law on Broadcasting Activity Articles 22, 33, 35, 46.

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	2009/2015	<ol style="list-style-type: none"> <li>1. <a href="#">Public discussion on the Rulebook on equitable access to of Advertising Techniques</a></li> <li>2. <a href="#">Public discussion on the Determination of the locations for collection of signals from the operators of public communication networks and non-linear media representation during electoral campaigns services providers</a></li> <li>3. <a href="#">Code of Conduct of the Council members and the employed in the Agency for Audio and Audio-visual Media Services</a></li> </ol>
		2008/2014	<ol style="list-style-type: none"> <li>1. <a href="#">Guidelines Public consultations on Agency's website</a></li> <li>1. <a href="#">Public discussion on the possible development of the non-profit media representation during electoral campaigns</a></li> <li>2. <a href="#">Public discussion on the Guideline on short reporting</a></li> <li>3. <a href="#">Public discussion on the List of Major Events</a></li> <li>4. <a href="#">Public discussion on the Plan for usage and distribution of digital terrestrial MUX of a public network operator, which has the obligation to transmit broadcasters' programme services</a></li> <li>5. <a href="#">Public discussion on the Rulebook on imposing and executing the measures undertaken against defining the obligations and responsibilities of the IT system administrator and of the authorized persons in the Agency</a></li> <li>6. <a href="#">Public discussion on the securing transparency in the work of the Agency for Audio and Audio-visual Media Services</a></li> <li>7. <a href="#">Public discussion on the Guideline on product placement</a></li> <li>8. <a href="#">Public discussion on the Rulebook on winning games and usage of payable phone hotlines</a></li> <li>9. <a href="#">Public discussion on the Rulebook on financial and accounting work of the Agency for Audio and Audio-visual Media Services</a></li> <li>10. <a href="#">Public discussion on the Rulebook on the way of video surveillance is conducted in the Agency for Audio and Audio-visual Media Services</a></li> <li>11. <a href="#">Public discussion on the Rulebook on audio equalisation in the audio-visual content</a></li> <li>12. <a href="#">Public discussion on the Rulebook on the ways of storing and deleting of radio and TV programmes</a></li> <li>13. <a href="#">Public discussion on the Rulebook on the conditions, ways and the procedure on issuing a copy from published information within programme services of the broadcasters on a state, regional and local level</a></li> <li>14. <a href="#">Public discussion on the Rulebook on Safety and Health Protection at Work</a></li> <li>15. <a href="#">Public discussion on the regions of radio and TV broadcast</a></li> <li>16. <a href="#">Public discussion on the Rulebook on the ways safety copy, archiving and storage and recovery of stored personal data</a></li> <li>17. <a href="#">Public discussion on the Rulebook on minimal technical, special, financial and personnel conditions for issuance of broadcasting license</a></li> <li>18. <a href="#">Public discussion on the Guideline of conducting track record of persons who are authorized for handling personal data and keeping records on transferring of media outside from the Agency for audio and audio-visual media services</a></li> <li>19. <a href="#">Public discussion on the Plan for creation of technical and organizational measures for securing private data secrecy and protection in the Agency for Audio and Audio-visual Media Services</a></li> <li>20. <a href="#">Public discussion on the Rulebook on the content and the form of the registration in the register of operators, which transmit programme packages</a></li> </ol> <p>(the rest of the e-public discussions are available here:  <a href="http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=1827&amp;Itemid=484&amp;lang=mk">http://www.avmu.mk/index.php?option=com_content&amp;view=article&amp;id=1827&amp;Itemid=484&amp;lang=mk</a> )</p>

Country	Body	Year	Number of public consultations
		2007	<ul style="list-style-type: none"> <li>1. Draft Strategy for Broadcasting activity</li> <li>2. Rule Book on protection of minors from harmful contents</li> <li>3. Rule Book on identification of sponsors in radio and TV programs</li> <li>4. Rule Book on the manner of usage of the premium rate telephone services in the radio and TV programs</li> </ul>
		2006	<ul style="list-style-type: none"> <li>1. Decision on the list of major events</li> <li>2. Rule Book on the technical requirements for mandatory recording, safekeeping and submission of broadcast program</li> <li>3. Guidelines on the right to short reporting on events for which exclusive rights for reporting are acquired</li> <li>4. Rule Book on implementation of provisions related to protection and nurturing of cultural identity</li> <li>5. Rule Book on the formats of radio and television program services</li> <li>6. Rule Book on European audio-visual works</li> <li>7. Rule Book on the basic technical requirements, standards and parameters for the studio segment of broadcasters</li> <li>8. Decision on radio and TV programs classification</li> </ul>
		2005	The new Law on Broadcasting Activity was adopted in December 2005. There was a public consultation procedure in the course of the year.

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	All decisions are to be published, e.g. open competitions, including the number of candidates, who have applied, decisions, minutes, draft sessions' agendas.	Not stipulated explicitly in the Law	Not specified in the law	Not specified in the law

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Agency for Audio and Audio-visual Media Services</a>	<p>The Agency is obliged by law to collaborate with the <a href="#">Agency for Electronic Communications</a>, <a href="#">Commission for Competition Protection</a>, <a href="#">Directorate for Protection of Private Data</a>, <a href="#">State Commission for Prevention of Corruption</a>, <a href="#">Directorate for Personal Data Protection</a>, with the <a href="#">Central Registry</a> etc.</p> <p>Usually, memoranda of cooperation are signed but in the practice the cooperation is on ad hoc basis (if there are any cases of mutual competence).</p>	<a href="#">Law on Audio and Audio-visual Media Services (Art. 25, par. 2 see below)</a>	No	
<a href="#">Former Yugoslav Republic of Macedonia</a>	<a href="#">Broadcasting Council</a>	<p><b>Article 25 Cooperation</b></p> <p>(1) <del>The Broadcasting Agency shall consider in its operations the directives of the European Union, the acts of the Council has signed Memoranda for Understanding of Europe, the international conventions ratified by the Republic of Macedonia, as well as the experience of EU Member States.</del></p> <p>(2) <del>The Agency is obliged to cooperate, provide opinions, proposals and closely cooperates exchange data with the Ministry competent for matters related to the audio and audiovisual media services, the Agency for Electronic Communications, the Consumer Protection Commission, the State Commission for Preventing Corruption, the Directorate for Personal Data Protection, the State Election Commission, Central Registry of the Republic of Macedonia, the body responsible for protection of copyrights and related rights and other state bodies, administrative bodies, public enterprises, local self-government units, public institutions and organisation in the Republic of Macedonia. While exchanging data, the Agency is obliged to ensure their confidentiality according to the law.</del></p> <p><del>Commission for Competition Protection, Directorate for Protection of Private Data, Anti-Corruption Commission.</del></p> <p>Usually, memorandums of cooperation are signed and further, the cooperation is on ad hoc basis (if there are any cases of mutual competence).</p> <p>(3) <del>The Agency shall be obliged to cooperate and exchange information with the State Market Inspectorate, the body responsible for protecting copyrights and related rights and other competent authorities and bodies in order to provide legal protection of services based on or including conditional access, as well as to prevent the possible use of prohibited devices allowing access to services with conditional access in accordance with the Law.</del></p> <p>(4) <del>In accordance with its competencies and in line with the implementation of the provisions in this Law, the Agency shall cooperate with regulatory bodies from other countries and international institutions and bodies.</del></p>	<del>Art. 39 and 40 of the Law on Broadcasting activity (see below)</del>	No	Mostly, the BC cooperates with the Agency of Electronic communications and Commission for protection of competition.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Former Yugoslav Republic of Macedonia	<a href="#">Broadcasting Council Agency for Audio and Audio-visual Media Services</a>	Yes. The <del>Broadcasting Council Agency</del> is a member of EPRA and MNRA.	<del>Art. 40 of the Law on Broadcasting Activity</del> <del>Memorandums of understanding</del> <del>Exchange of information and data</del> <del>EPRA (conferences, workshops)</del> Article 25 / par. 1 (cited before)	<del>The international cooperation of the BC is very developed.</del>

**Malta**

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Malta	<a href="#">69 including 2 teleshopping stations. There are also 16 locally originated channels most of them retransmitting football matches.</a>	<a href="#">00</a>	2 (TVM and <del>Education 22</del> <a href="#">TVM2</a> )

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Malta	Information requirements (art. 5 AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">04</a>	Broadcasting Authority (B.A.) is responsible for all of the areas and all types of services.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">Article 16</a>			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">Article 16</a>			
	Broadcasting of major events (Art. 14 AVMS Directive)	Broadcasting (Jurisdiction and European Co-operation) Regulations, Transmission of Major Events [G.N.951 of 2008]			
	Access to short news reports (Article 15 AVMS Directive)	Broadcasting (Short News Reporting) Regulations [350.28]			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Broadcasting (Jurisdiction and European Co-operation) Regulations [350.04]			
	Hate speech (Art. 12 and 6 AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">26</a>			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Requirements as to Advertisements, Methods of Advertising and Directions applicable to Alcoholic Drink Advertising, Sponsorship and Teleshopping [350.24]. <a href="#">Also Third Schedule of Broadcasting Act</a>			
	Protection of minors (Art. 27 AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">05</a>			
	Right of reply (Art. 28 AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">14</a>			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30b AVMS Directive)	Broadcasting Act, Capt. 350, <a href="#">04</a>			
	<a href="#">On demand services</a>	<a href="#">Broadcasting Act 350 Article 16</a>			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Malta	Broadcasting Authority	<a href="http://www.ba-malta.org">www.ba-malta.org</a>	1961	7 Mile end, Hamrun Malta

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Malta	Broadcasting Authority	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Malta	Broadcasting Authority  (The Broadcasting Authority is not converged)	2 C.E.O. – mandatory [Article 10 of the Broadcasting Act]; Board Secretary – mandatory [Article 10 of the Broadcasting Act]. The Broadcasting Act does not establish the number of employees in article 10.	<del>3</del> 28 – CEO and Board Secretary included	<del>€606,000</del> 582,350 in line with Broadcasting Act 350 Article 24	<del>€606,000</del> €1.13 million-	Audited Accounts as at 31 December <del>2009</del> 2014

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Malta	Broadcasting Authority	Constitution <del>(see national report)</del> of Malta Article 118 and 119	Broadcasting Act <del>1994</del> chapter 350

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Malta	Broadcasting Authority	Body corporate having a distinct legal personality falling under the President of the Republic	Yes			Broadcasting Act, Article 4 Constitution, Article 118

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Malta	Broadcasting Authority		<input type="checkbox"/>	Constitution articles 118 and 119

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Malta	Broadcasting Authority	Tick boxes	No	<input type="checkbox"/>	<input type="checkbox"/>
		Areas		Regulation of content on TV and radio stations Due impartiality and fair distribution of broadcasting time between parties	Assignment of licences
		Source		Broadcasting Act, 1991 Constitution	General act Broadcasting Act, 1991

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Malta	Broadcasting Authority	Quotas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Quotas on <i>Broadcasting (Jurisdiction and European Co-operation) Regulations</i> , [S.L. 350.04]	
		Advertising	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Broadcasting Act
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Broadcasting Act

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Malta	Broadcasting Authority	Quotas	<input type="checkbox"/> all sanctions are discretionary	<input type="checkbox"/> €34,940 - €23,293	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		Advertising	<input type="checkbox"/>	<input type="checkbox"/> <del>€34,940</del> 2330 - <del>€1,164</del> 930	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		Protection of minors	<input type="checkbox"/>	<input type="checkbox"/> <del>€2,329</del> - <del>€1,747</del> 2330	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Malta	Broadcasting Authority	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<del>N/A</del> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<del>N/A</del> <input type="checkbox"/>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Malta	Broadcasting Authority	<input type="checkbox"/> On programme content	<input type="checkbox"/> On programme content	<input type="checkbox"/> On programme content	<del>Revocation of Licences:- UTV [December 2008]- Family TV [June 2009]- No cases in past 5 years</del>	No There were no cases of non-compliance

## Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Malta	Broadcasting Authority	Yes Complaints procedures are covered by Code for the Investigation and Determination of Complaints [Cap.350.06]. Written complaint to be sent to broadcasting station [copied to Authority] – station has 3 working days to reply. If reply is not satisfactory, station is charged by the CEO and brought before the Authority for evaluation and decision on complaint.	<a href="http://www.ba-malta.org/contact-details">www.ba-malta.org/contact-details</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Malta	Broadcasting Authority	Board	5 [Chairperson <del>Normally</del> <u>nominated by the Prime Minister</u> <u>but on many occasions</u> agreed <del>to by both</del> <del>the</del> <u>Prime Minister and with</u> Leader of the Opposition]	No	Yes <del>22</del> 40% <u>Appointed by the Prime Minister</u> <del>(all members are obliged to act independently)</del>	No	No	No	Yes 2 40% <u>Appointed by the Leader of the Opposition</u>	No <del>information available</del>	Constitution, Article 118



**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Malta	Broadcasting Authority	The Authority may appoint a secretary and other officers and employees as it may deem necessary. [Broadcasting Act, Article 9]	By majority vote, with the Chairperson holding a casting vote in the event of an equality of votes [Art.8(4)]. The quorum of the Authority consists of half its members. [Art.8(3)].	Meetings are open to the general public on request <a href="#">in the case of deliberation about complaints</a> . Decisions of the Authority are published through press releases, circulars to broadcasting channels, and put on the Authority's website.	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Malta	Broadcasting Authority	Chairman	Yes	Prime Minister <a href="#">in consultation with the Leader of the Opposition</a>	President of the Republic <a href="#">on the advice of the Prime Minister</a>	No	Constitution [Art.118(2)]
		Board members	Yes	2 members – Prime Minister 2 members – Leader of the opposition	President of the Republic <a href="#">on the advice of the Prime Minister</a> .	No	Constitution [Art.118(2)]

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Malta	Broadcasting Authority	Chairman of the board	<u>Up to a period of 5 years but generally for a period of 2 or 3 years</u>	Yes	<del>Yes —twice— However, by approval of Parliament, further re-appointments were can be made.</del>	
		Board members	<u>Up to a period of 5 years but generally for a period of 2 or 3 years</u>	Yes	<del>Yes —twice— However, by approval of Parliament, further re-appointments were can be made.</del>	

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Malta	Broadcasting Authority	Chairman of the board	<del>n/a</del> <u>No reference to qualifications</u>	<del>n/a</del> <u>No reference to qualifications</u>	n/a
		Board members	<del>n/a</del> <u>No reference to qualifications</u>	<del>n/a</del> <u>No reference to qualifications</u>	

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Malta	Broadcasting Authority	Chairman	Yes		Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	Yes Broadcasting Act [Art.8(9)] “(9) <i>No member of the Authority shall be a shareholder in any broadcasting operator, licensee or contractor, nor may he be involved in the management of any broadcasting service</i> ”	<del>No information available</del> Yes	Yes Broadcasting Act [Art.8(5)] “(5) <i>A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to the made by Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge.</i> ”	Constitution [Art.118(3)] & Code of Ethics, 1994 <a href="#">Broadcasting Act chapter 350</a>
		Board members	Yes		Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	“(8) <i>No member of the Authority shall regularly take part in broadcasting</i> ”		Constitution [Art.118(3)] & Code of Ethics, 1994	
		Senior staff	Yes		Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.			Broadcasting Act [Art. 5(2)] & Code of Ethics, 1994	

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Malta	Broadcasting Authority	Chairman	Yes		Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	Excluded: Members of Parliament; Parliamentary Secretaries; Election candidates; and Public Officers.	Yes	Constitution [Art.118(3)] Broadcasting Act [Art.8]
		Board members	Yes		Same as above	Same as above	Yes	Constitution [Art.118(3)] Broadcasting Act [Art.8]
		Senior staff	Yes		Same as above	Same as above	Yes	Broadcasting Act [Art. 5(2)] Broadcasting Act [Art.8]

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Malta	Broadcasting Authority	Chairman	Yes		Yes, for 3 years	Constitution [Art.118(4)]
		Board members	Yes		Yes, for 3 years	Constitution [Art.118(4)]
		Senior Staff	<del>Yes</del> No		None	<del>Constitution [Art.118(4)]</del>

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Malta	Broadcasting Authority	Chairman	Yes		The President of the Republic acting in accordance with the advice of the Prime Minister	Inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour	The whole Authority and individual members. Authority not constituted between Jan 1983 to June 1986	Constitution [Art.118(6)]
		Individual board members	Yes		The President of the Republic acting in accordance with the advice of the Prime Minister	Inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour		Constitution [Art.118(6)]

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Malta	Broadcasting Authority	2010-2019	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Malta	Broadcasting Authority	No	State funding € <del>606,000</del> 620,000	None	Yes 40% € <del>244,000</del> 480,262	Yes 4.7% € <del>28,500</del> 26,419 mainly from fines. Accounts do not have a line item for 'fines'. line	None	Audited Accounts as at December 31, <del>2009</del> 2014

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Malta	Broadcasting Authority	Parliament during Budget proceedings.	Yes. Budget proposals are made by the B.A.	Parliament and government	No	

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Malta	Broadcasting Authority	Yes	Annual	Yes On demand by the Prime Minister	Yes Auditors appointed by B.A. have to be approved by the Prime Minister. <u>The auditors proposed by the B.A. have always been approved.</u>	Yes National Audit Office	Broadcasting Act, Art28(2)

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Malta	Broadcasting Authority	Parliament	Yes	Annual Report including External Audited Accounts. <a href="#">Answer to Parliamentary Questions.</a>	Broadcasting Act, Arts 28 and 30
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	Full Annual Report is published on Authority's website. <a href="#">All decisions by the BA are in the public domain.</a>	Broadcasting Act, Art. 30(3)

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Malta	Broadcasting Authority	Parliament	Annual	Operational, Financial, and Audiences	No	Yes	No	Broadcasting Act, Art. 30 <a href="http://www.ba-malta.org/annual_reports">www.ba-malta.org/annual_reports</a>



**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Malta	Broadcasting Authority	Yes	No fixed date	Yes	No	No	National Audit Office Act, 1997

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Malta	Broadcasting Authority	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	<del>No</del> Law Courts	<del>No information available</del> Broadcasting Act chapter 350
		Does anybody have the power to give instructions to the regulatory body?	Yes	No	No	Yes	Yes The President of the Republic.	Constitution of Malta, Article 118
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	No information available
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes Limited to legal supervision only	N/A	N/A	Yes See first column	Yes See first column	<del>No information available</del> Broadcasting Act chapter 350

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Malta	Broadcasting Authority	Internal	1 <a href="#">No information available/Not applicable</a>	Yes	<a href="#">No information available/Those who felt aggrieved</a>	<a href="#">No information available Broadcasting Act chapter 350</a>
		External	1 First Court			
			2 Appeals can be lodged even up to the Constitutional Court			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Malta	Broadcasting Authority			<input type="checkbox"/>	<a href="#">N/A Broadcasting Act chapter 350</a>

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Malta	Broadcasting Authority	<input type="checkbox"/>	<input type="checkbox"/>		N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Malta	Broadcasting Authority	1	<input type="checkbox"/>		<p>The Appeals Court has the power to annul/modify/confirm the decision of the First Court. If this is still not acceptable then recourse can be made to the Constitutional Court.</p> <p>The Republic of Malta has a two tier judicial system, having Superior and Inferior Courts. The Superior Courts are presided over by Judges and the Inferior Courts are presided over by Magistrates.</p> <p>Ref.: <a href="http://ec.europa.eu/civiljustice/legal_prof/legal_prof_mlt_en.htm">http://ec.europa.eu/civiljustice/legal_prof/legal_prof_mlt_en.htm</a></p> <p>The Superior Courts of Malta are:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The Constitutional Court</li> <li><input type="checkbox"/> The Court of Appeal</li> <li><input type="checkbox"/> The Court of Criminal Appeal</li> <li><input type="checkbox"/> The Civil Court</li> <li><input type="checkbox"/> The Criminal Court</li> </ul> <p>The only Court directly established by the Constitution is the Constitutional Court. The Courts competent to hear and decides cases dealing with civil and commercial law issues are established by the Code of Organisation and Civil Procedure (Chapter 12 of the Laws of Malta), whilst the Courts entrusted with trying of criminal law cases are set-up under the Criminal Code (Chapter 9 of the Laws of Malta).</p> <p>The Constitutional Court and the Courts of Appeal (both Criminal and Civil) in their Superior Jurisdiction are presided by the Chief Justice and two other judges, whilst all the other Superior Courts, including the Courts of Appeal (both Criminal and Civil) in their Inferior Jurisdiction are presided over by 1 judge.</p> <p>The Inferior Courts of Malta are known as the Court of Magistrates (Malta) and the Court of Magistrates (Gozo). These Courts are presided over by 1 Magistrate and an appeal from a decision given by this Court is to be lodged before the respective Court of Appeal in its inferior jurisdiction</p>

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Malta	Broadcasting Authority	Yes	<del>€582,356 minimum from Consolidated Fund/One year [Cap.350, Art.24]</del> <del>One year</del> The Authority determines such budgets, when needed, on a year to year basis.	Yes	Budget approved by the Prime Minister after consultation with the Minister responsible for finance.	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Malta	Broadcasting Authority	None <u>but in actual fact the BA has engaged in prior public consultation before several important decisions.</u>	None	None	<u>No</u>	<u>No</u>	

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Malta	Broadcasting Authority	2009 2015	<del>1</del> <del>On Broadcast Distribution Services Regulation</del> <a href="#">Hygiene Standards and Food Safety in Cookery Programmes</a>
		2008 2014	3 2 <del>On Media Concentration</del> <del>On Draft Broadcast Distribution Services Regulations and Cable Systems (General) (Amendment) Regulations, 2008</del> <del>On General Interest Objectives</del> <a href="#">On the good use of the Maltese Language</a> <a href="#">Protection of Minors in Broadcasting</a>
		2007 2013	2 <del>On list of Major Events</del> <del>On General Interest Objectives</del> <a href="#">Amendment to Subsidiary Legislation on Family Viewing</a>
		2012	No consultations
		2011	No consultations
		2010	No consultations

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Malta	Broadcasting Authority	The Authority shall afford a fair and public hearing to both parties concerned. It shall give reasons for its decisions and it shall make its decisions public” [Code for the Investigation and Determination of Complaints; Cap350.06, (13)]	Yes, see left column.	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Malta	Broadcasting Authority	Broadcasting content is regulated by the Broadcasting Authority, while Broadcasting spectrum and platforms are regulated by the Malta Communications Authority	<a href="#">Formal and informal</a>		

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Malta	Broadcasting Authority	Members of EPRA and the Mediterranean Network <a href="#">European Group of Regulatory Authorities</a>	<a href="#">This depends on the terms of reference and/or on the statutes of both organisations</a>	<del>Need never arose</del>

Netherlands

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## I. GENERAL INFORMATION

### Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Netherlands	<u>401</u> (as of January 22, 2015) <del>250</del>	<u>37</u> (as of January 22, 2015) No information unavailable Inventory ongoing; will be finalized in 2010 according-	3 <u>1543</u> in total ( <del>2436</del> national and <del>291307</del> regional and local) (as of January 22, 2015)

### Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Netherlands	Information requirements (art. 5 AVMS Directive)	Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive	Commissariaat voor de Media	Commissariaat voor de Media	Commissariaat voor de Media
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Media Act 2008 <a href="http://wetten.overheid.nl/BWBR0025028/gel">http://wetten.overheid.nl/BWBR0025028/gel</a> <a href="http://www.evdm.nl/content.jsp?objectid=8835">digheidsdatum_02-03-2015;-</a> <a href="http://www.evdm.nl/content.jsp?objectid=8835">www.evdm.nl/content.jsp?objectid=8835</a> Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Media Act 2008; Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive; Media Decree 2008 <a href="http://wetten.overheid.nl/BWBR0025036/geldigheidsdatum_02-03-2015_08-">http://wetten.overheid.nl/BWBR0025036/geldigheidsdatum_02-03-2015_08-</a>			
	Broadcasting of major events (Art. 14 AVMS Directive)	Media Act 2008 Media Decree 2008			
	Access to short news reports (Article 15 AVMS Directive)	Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Media Act 2008 Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive; Media Decree 2008			
	Hate speech (Art. 12 and 6 AVMS Directive)	Media Act 2008 Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive; Criminal Code / Penal Code (Wetboek van Strafrecht) section 137d <a href="http://wetten.overheid.nl/BWBR0001854/geldigheidsdatum_02-03-2015">http://wetten.overheid.nl/BWBR0001854/geldigheidsdatum_02-03-2015</a>	Commissariaat voor de Media Public prosecutor	Commissariaat voor de Media Public prosecutor	Commissariaat voor de Media Public prosecutor
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Media Act 2008 Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive; Media Decree 2008	Commissariaat voor de Media Self regulation on the content of advertising by Advertising Code Foundation and Advertising Code Commission (Stichting Nederlandse Reclame Code/Reclame Code Commissie).	Commissariaat voor de Media Self regulation on the content of advertising by Advertising Code Foundation and Advertising Code Commission (Stichting Nederlandse Reclame Code/Reclame Code Commissie).	Commissariaat voor de Media Self regulation on the content of advertising by Advertising Code Foundation and Advertising Code Commission (Stichting Nederlandse Reclame Code/Reclame Code Commissie).
	Protection of minors (Art. 27 AVMS Directive)	Media Act 2008; Act of 10 December 2009 to amend the Media Act of 2008 and the Tobacco Act, to implement the Audiovisual Media Services Directive; Media Decree 2008	Commissariaat voor de Media Co-regulation: NICAM (Nederlands Instituut voor Classificatie van Audiovisuele Media)	Commissariaat voor de Media Co-regulation: NICAM (Nederlands Instituut voor	Commissariaat voor de Media Co-regulation: NICAM (Nederlands Instituut voor Classificatie van Audiovisuele Media)

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Right of reply (Art. 28 AVMS Directive)	Civil Code, Book 6, section 167	Civil Courts	Civil Courts	Civil Courts
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Not codified.	N/A	N/A	N/A

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Netherlands	Commissariaat voor de Media (CvdM)	<a href="http://www.cvdm.nl">www.cvdm.nl</a>	January 1, 1989	Hilversum, the Netherlands Hoge Naarderweg 78 1217 AH Hilversum Postbus 1426 1200 BK Hilversum T: 035 773 77 00 F: 035 773 77 99 E: cvdm@cvdm.nl

## Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Netherlands	CvdM	Yes	No	Yes	No	No	No

## Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Netherlands	CvdM	Not specified	+/- <del>4350</del> full time equivalents	To be determined annually by the Minister of Education Culture and Science on the basis of a proposal from the Commissariaat voor de Media.	€ <del>65.84</del> m (€ <del>4.982</del> m from the minister, € <del>1.590.3</del> m from <u>surveillance fees</u> and € <del>0.4</del> m from other fees) <del>the fixed book price and the rest from surveillance</del>	Annual Report 20 <del>1309</del> of the Commissariaat voor de Media

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Netherlands	CvdM	<a href="#">Media Act 2008</a>	Media Act 2008 <a href="http://wetten.overheid.nl/BWBR0025028/geldigheidsdatum_28-02-2015">http://wetten.overheid.nl/BWBR0025028/geldigheidsdatum_28-02-2015</a> <a href="http://www.cvdM.nl/content.jsp?objectid=8835">www.cvdM.nl/content.jsp?objectid=8835</a> Framework Act Independent Administrative bodies
			<a href="http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_27-02-2015">http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_27-02-2015</a> <a href="http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010">http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010</a> (Kaderwet zelfstandige bestuursorganen) General Administrative Law Act (Algemene Wet Bestuursrecht) <a href="http://wetten.overheid.nl/BWBR0005537/geldigheidsdatum_02-03-2015">http://wetten.overheid.nl/BWBR0005537/geldigheidsdatum_02-03-2015</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Netherlands	CvdM	Independent administrative authority	Established by statute under the Media Act of 1988 as a public entity with legal personality		Governed by the general statutory rules which apply to all independent administrative authorities	Framework Act Independent Administrative Authorities Media Act 1988 (establishment of CvdM) Media Act 2008 (current legal basis)

### Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Netherlands	CvdM		✓	Media Act 2008

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Netherlands	CvdM	Tick boxes	No	✓	✓
		Areas		Licensing, maintenance provisions and obligations regarding quota, advertising, sponsoring, and specific supervision on PSB issues like control of financing and secondary activities.	Licensing, maintenance provisions and obligations regarding quota, advertising, sponsoring, and specific supervision on PSB issues like control of financing and secondary activities.
		Source		Media Act 2008	General Administrative Law Act Media Act 2008

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Netherlands	CvdM	Quotas	✓		✓			Media Act 2008 General Administrative Law Act (Art. 5:20)
		Advertising	✓	✓	✓			Media Act 2008 General Administrative Law Act (Art. 5:20)
		Protection of minors	Done by NICAM (See Table 2)			✓	Done by NICAM (See Table 2)	



**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Netherlands	CvdM	Quotas	✓ all sanctions are discretionary	✓ Max. €225,000		✓	✓	
		Advertising	✓	✓ Max. €225,000		✓	✓	
		Protection of minors	✓	✓ Max. €225,000			✓	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Netherlands	CvdM	N/A	✓	✓	✓	✓	✓	✓ (also)

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Netherlands	CvdM	✓	✓	N/A	Usually regarded as disproportionate and has not been imposed	✓

## Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Netherlands	CvdM	Yes But a general procedure based on the General Administrative Act exists. A natural person or legal entity having a direct interest can lodge an appeal with the administrative body that has to hold a hearing.	General Administrative Act: Awb (Algemene Wet Bestuursrecht) Chapter 5 and 6

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Netherlands	CvdM	Board	3 or 5 In practice always 3	0	0	0	0	3	0	None	Media Act 2008 (Chapter 7) General Administrative Law Act Framework Act Independent Administrative Authorities

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Netherlands	CvdM	Administrative enforcement of the provisions of or under the Media Act 2008, including -decisions about sanctions -decisions to grant licenses -other decisions regarding supervision Decisions regarding internal affairs: staff, procedures	Officially by majority vote. In practice by consensus.	Yes	Minutes (i.e., summary of decisions) are published since 2001, earlier summaries are available on request.

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Netherlands	CvdM	Chairman	No	n/a	The Minister of Education, Culture and Science appoints a new member of the board. In practice, the ministry will	n/a	Ministry of Education Culture and Science Framework Act Independent Administrative Authorities <a href="http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2015">http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2015</a> <del><a href="http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010">http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010</a></del>

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
					seek consent of existing board members and take into account suggestions of board members about new members		
		Board members	No	n/a	Minister of Education, Culture and Science	n/a	Idem

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Netherlands	CvdM	Chairman of the board: <del>Prof. Tineke Bahlmann</del> Prof.dr. mr. Madeleine de Cock Buning	5 years	No	Yes, once	Media Act 2008 (Chapter 7)
		Board members: <del>Drs. Eric Eljoners</del> Prof. Madeleine de Jan Buné <del>RA</del> Cock Buning Prof. Jan van Cuilenburg	5 years	No	Yes, once	Media Act 2008 <del>8</del> -(Chapter 7)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Netherlands	CvdM	Chairman of the board	No information available	At present: <u>Expert in intellectual property law and media law</u> <del>Financial</del>	Ministry of Education Culture and Science
		Board members	No information available	At present: <del>Expert in public administration</del> <u>Expert in</u>	Ministry of Education Culture and Science

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Netherlands	CvdM	Chairman	Yes		Cannot be a subordinate to the Minister who is responsible for media policies Cannot at the same time be employed by a ministry or a service, institution or company which falls under the responsibility of the Minister for Education Culture and Science	Cannot fulfil functions which are deemed to be undesirable with a view to his/her performance, independence or trust in such independence Cannot be an MEP or a member of a provincial or municipal administration	Secondary functions have to be reported and will be made public. Cannot be a member of an organ of a public service media institution, a private commercial media institution, or publisher of a press product.	Yes e.g. position at university, as long as there is no conflict of interests		Art. 7.4 Media Act 2008  Art. 1a, 9, 12 and 13 Framework Act Independent Administrative Authorities
		Board members	Yes		Same as above	idem Same as above	Same as above	Same as above	Same as above	Media Act 2008 Chapter 7, section 7.
		Senior staff		No, <del>but</del> in practice same regime applies	Independent administrative authorities cannot hierarchically be subordinated to a Minister					

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Netherlands	CvdM	Chairman	Yes		Yes The membership of the Commissioner is not compatible with: -The membership of both Houses of Parliament, a provincial administration or a municipality; -an employment in a ministry, agency, institution or company falling under the responsibility of a minister, and -membership of an organ or an employment relationship with the NPO, a public media institution, a commercial institution or a media publisher of a newspaper.			Framework Act Independent Administrative Authorities Media Act 2008 Chapter 7 section 7.4
		Board members	Yes		Same as above			Framework Act Independent Administrative Authorities Media Act 2008 Chapter 7 section 7.4
		Senior staff		No But in practice same regime applies				



**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Netherlands	CvdM	Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Netherlands	CvdM	Chairman	Yes		Minister of Education Culture and Science	Yes, Art 12 para. 2 Framework Act Independent Administrative Authorities (incapacity, incompetence, on request from the ministry of Education Culture and Science or other compelling reason)	Only individual members	Framework Act Independent Administrative Authorities
		Individual board members	Yes		Same as above	Same as above		Same as above

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Netherlands	CvdM	2009 <del>05</del> - 2014 <del>09</del>	Chairman		No		
			Individual board members		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Netherlands	CvdM	No	State funding €4.82m in 2013 <del>0</del> No maximum level set	No	No	No Money from fines is transferred to ministry	€1.9m (€1.5m from surveillance fees and € 0.4m from other fees) <del>0.3m for the task of fixed book price</del> €1.1m from surveillance fees	Annual Report Commissariaat voor de Media 2013 <del>09</del>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry)?	De facto influence of third parties on budget amounts	Source
Netherlands	CvdM	Minister approves annual budget plan and annual account	Yes, by proposing the budget	Minister of Education Culture and Science upon proposal by the Commissariaat voor de Media	No	Media Act 2008; Framework Act Independent Administrative Authorities

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Netherlands	CvdM	Yes	Twice a year, once when submitting annual budget and once when submitting annual accounts	Yes Audit chamber	Yes Audit of private audit firm is reviewed by another private audit firm appointed by National Court of Audit	No	Framework Act Independent Administrative Authorities Media Act 2008

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Netherlands	CvdM	Parliament	No	But Minister of Education Culture and Science must send their annual report to Parliament	Framework Act Independent Administrative Authorities
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	Minister of Education Culture and Science Submission of annual report before March 15 <sup>th</sup> ; Submission of financial statement by September 1 <sup>st</sup>	Media Act 2008 Framework Act Independent Administrative Authorities
		Public at large	Yes	Obligation to publish financial report annually	Media Act 2008

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Netherlands	CvdM	Annual report to be sent by Commissariaat voor de Media to Minister of Education Culture and Science by March 15 Minister must send the annual report to Parliament Annual publication of financial statement by Commissariaat voor de Media before September 1.	Annual	The report describes the task performance and policies. The report also describes the policies concerning the quality	Yes	Yes, by Minister of Education Culture and Science	No	<a href="http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_27-02-2015#Hoofdstuk3">http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_27-02-2015#Hoofdstuk3</a> (Art. 18 Framework Act Independent Administrative Authorities)  <a href="http://wetten.overheid.nl/BWBR0025028/volledig/geldigheidsdatum_28-02-2015#Hoofdstuk7">http://wetten.overheid.nl/BWBR0025028/volledig/geldigheidsdatum_28-02-2015#Hoofdstuk7</a> (Art. 7.7 Media Act 2008)  <a href="http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010#Hoofdstuk3">http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010#Hoofdstuk3</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Netherlands	CvdM	Yes	Every 5 years Minister sends a report every five years to both houses of parliament in order to assess the effectiveness and efficiency of the functioning of an independent administrative	Yes Minister of Education Culture and Science; who sends the evaluation report to Parliament. The report is prepared by a private audit firm.	No	No	Art. 39 Framework Act Independent Administrative Authorities

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Netherlands	CvdM	Does anybody have the power to overturn decisions of the regulator?	Yes	Yes	No	No	No	Framework Act Independent Administrative Authorities Media Act 2008
		<p>According to Section 23 of the Framework Act Independent administrative bodies If the Minister may undertake necessary measures if he has the opinion the authority's tasks are seriously neglected. These arrangements are, except for urgent cases, not taken earlier than after the independent authority had the opportunity, within a period specified by the Minister, to carry out its tasks properly. The Minister shall inform both houses of parliament immediately of steps taken by him.( Framework Act Independent Administrative Authorities Section 23)</p> <p>According to section 7.9 Media Act decisions of the CvdM can be suspended or annulled by the Minister during 8 weeks after reception of copy of decision (Media Act 2008, Chapter 7.9; Framework Act Independent Administrative Authorities Section 22)</p>						
		Does anybody have the power to give instructions to the regulatory body?	No	N/A	N/A	N/A	N/A	Framework Act Independent Administrative Authorities
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	No	No	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A



**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Netherlands	CvdM	Internal	1	CvdM board	Yes	Parties whose interests are (likely to be) affected by the decision	General Administrative Law Act (Chapter 6)
		External	1	Administrative Court		<i>No information available</i>	
			2	Council of State, Administrative Jurisdiction Division			
			3	European Court of Human Rights			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Netherlands	CvdM			✓	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Netherlands	Board of CvdM	✓	✓	✓	N/A
	Administrative Court and Council of State	✓ only when there is no appreciation margin for regulatory authority regarding specific policy	✓	✓ only when there is no appreciation margin for regulatory authority regarding specific policy	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Netherlands	CvdM	1 District Court	✓		The appeal body has the power to cancel the decision and refer the case back to the regulator for a new decision or replace the original decision by a new one
		2 Council of State	✓		N/A
		3 European Court of Human Rights			✓

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Netherlands	CvdM	Yes	Approx. €250,000/year	Yes	-	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Netherlands	CvdM	None	Not specified in law	Not specified in law	In practice, the CvdM does carry out public consultations		/

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Netherlands	CvdM	20 <u>1009</u>	Average 8 <a href="#">per year</a>
		20 <u>1108</u>	Average 8 <a href="#">per year</a>
		20 <u>1207</u>	Average 8 <a href="#">per year</a>
		20 <u>1306</u>	Average 8 <a href="#">per year</a>
		20 <u>1405</u>	Average 8 <a href="#">per year</a>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Netherlands	CvdM	No	Yes. General Administrative Law Act	No	No

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Netherlands	CvdM	NICAM (Netherlands Institute of Classification of Audiovisual Services) Protection of minors, NICAM is primarily responsible. If broadcasters do not affiliate to NICAM they fall directly under CvdM, also CvdM evaluates once a year way of classification. With that respect CvdM and NICAM have conducted co-operation protocol.	Media Act 2008 <a href="#">Co-regulation</a>	No	
		<a href="#">AT (Radio Communications Agency)</a> <a href="#">Supervision of compliance to format obligations by private radio broadcasters who have acquired terrestrial air frequency on the condition of respecting these format obligations. AT is responsible for formal maintenance; CvdM carries out control in practice. With that respect CvdM and AT have conducted co-operation protocol</a>	<a href="#">Media Act 2008</a> <a href="#">Co-regulation</a>	<a href="#">No</a>	
		<a href="#">ACM (Authority on Consumer and Market)NMa (Netherlands Competition Authority)</a> <a href="#">Access to cable networks, the issues dealing with must carry programs, and programs advised by program council should be dealt with by CvdM; rest by ACM. CvdM advises <del>ACM</del>NMa in case of mergers of media companies, <del>ACM</del>NMa has decisive power. With that respect CvdM and <del>ACM</del>NMa have conducted co-operation protocol. (OPTA and NMa have merged into the ACM on april 1, 2013)</a>	<a href="#">Act of May 22, 1997, regarding new rules involving the economic competition (the Tijdelijke wet mediaconcentratie Competition Acts Mededingingswet)</a> <a href="http://wetten.overheid.nl/BWBR0008691/geldigheidsdatum_09-03-2015">http://wetten.overheid.nl/BWBR0008691/geldigheidsdatum_09-03-2015</a>  <a href="#">Media Act 2008</a> <a href="#">Co-regulation</a>	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Netherlands	CvdM	<ul style="list-style-type: none"> <li>• Contact Committee AVMS Directive</li> <li>• European Platform of Regulatory Authorities (EPRA)</li> <li>• European Working Group of Authorities monitoring compliance with the Audiovisual Media Services Directive</li> <li>• Euregiolator<del>s</del></li> <li>• <u>European Regulators Group Audiovisual Media Services (ERGA)</u></li> </ul>	Annual Report 201 <del>309</del>	<p>Euregiolators is an international forum of public authorities supervising the media in The Netherlands Belgium (Flemish, French and German language communities), Luxembourg and the German Länder bordering these countries); Participation in the Contact Committee is jointly with representatives of the Ministry for Education Culture and Science.</p> <p><u>ERGA was founded on February 3, 2014 and it advises the European</u></p>

Poland

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<b>Poland</b>	<p>Terrestrial TV <u>licenced programme services</u> licence fee holders: <u>18 (15 national, 3 regional)</u> <del>42</del></p> <p>Satellite TV <u>licenced programme services</u> fee holders: <u>62</u> <del>74</del></p> <p>Cable TV <u>licenced programme services</u> fee holders: <u>238</u> <del>74</del></p> <p><u>Web TV (registered programme services transmitted exclusively in a IT system): 79</u></p> <p><a href="http://www.krrit.gov.pl/dla-nadawcow-i-operatorow/koncesje/wykaz-koncesji-i-decyzji/">http://www.krrit.gov.pl/dla-nadawcow-i-operatorow/koncesje/wykaz-koncesji-i-decyzji/</a></p> <p><a href="http://www.krrit.gov.pl/bip/Nadawcy/Nadawcykoncesjonowani/tabid/90/Default.aspx">www.krrit.gov.pl/bip/Nadawcy/Nadawcykoncesjonowani/tabid/90/Default.aspx</a></p>	<p><del>Approx 25 (information not readily available)</del> <u>69 (identified by KRRiT)</u></p> <p><a href="http://www.krrit.gov.pl/dla-nadawcow-i-operatorow/audiowizualne-uslugi-medialne-na-zadanie/lista-dostawcow-uslug-na-zadanie/">http://www.krrit.gov.pl/dla-nadawcow-i-operatorow/audiowizualne-uslugi-medialne-na-zadanie/lista-dostawcow-uslug-na-zadanie/</a></p>	<p><del>295</del> in total</p> <p>National <u>generalist</u> terrestrial TV channels: 2</p> <p><u>Specialist terrestrial TV channels: 5</u></p> <p>Terrestrial TV channel composed of 16 regional programmes: 1</p> <p>Satellite international TV channels: 2</p> <p>Satellite universal TV channel: 1</p> <p>Satellite specialist TV channels: <u>7 (including 5 available also terrestrially)</u> <del>3</del></p> <p><u>Online specialist TV channel: 1</u></p> <p><del>Information compiled from different sources available at:</del> <a href="http://www.krrit.gov.pl/www.tvp.pl">www.krrit.gov.pl/www.tvp.pl</a></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Poland	Information requirements (art. 5 AVMS Directive)	<p><del>Poland has not implemented yet the AVMS Directive.</del> The main law implementing <del>the AVMS Directive</del> is : <del>the Broadcasting Act (1992), consolidated after amendments:</del></p> <p><del>1992 Broadcasting Act</del> (Ustawa o Radiofonii i Telewizji) adopted on 29 December, 1992, <del>consolidated text: Official Gazette Journal (Dziennik Ustaw) 2011, No 437, item 22634, 1993., with amendments.</del></p> <p><del>Official English translation of unofficial consolidated version:</del> <a href="http://www.krrit.gov.pl/Data/Files/_public/Portals/0/angielska/Documents/Regulations/broadcasting_act_28022013.pdf">http://www.krrit.gov.pl/Data/Files/_public/Portals/0/angielska/Documents/Regulations/broadcasting_act_28022013.pdf</a></p> <p><del><a href="http://www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf">www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf</a></del></p> <p>The AVMSD was implemented with 2 revisions of the 1992 Broadcasting Act – of 25.3.2011 with regard to programme (linear) services and 12.10.2012 with regard to non-linear AV media services.</p> <p>Art. 5 AVMSD is implemented in art.14a and art. 47c of the Broadcasting Act.</p> <p>Other relevant laws include:</p> <p>1984 Press Law (Ustawa Prawo Prasowe) adopted on 26 January 1984, Official Journal 1984 No 5, item 24, as amended.</p> <p>2004 Act Telecommunications Law (Ustawa Prawo Telekomunikacyjne) adopted on 6 July 2004, Official Journal 2004, No 171, item 1800 <a href="http://www.en.uke.gov.pl/ukeen/index.jsp?place=Lead09&amp;news_cat_id=17&amp;news_id=490&amp;layout=2&amp;page=text">www.en.uke.gov.pl/ukeen/index.jsp?place=Lead09&amp;news_cat_id=17&amp;news_id=490&amp;layout=2&amp;page=text</a></p> <p>2005 Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting (Ustawa o przekształceniach i zmianach w podziale zadań i kompetencji organów państwowych właściwych w sprawach łączności, radiofonii i telewizji) adopted on 29 December 2005, Official Journal 2005, No 267, item 2258</p> <p>Below articles refer to provisions as formulated in TVWF:</p>	KRRiT ( <a href="http://www.krrit.gov.pl">Krajowa Rada Radiofonii i Telewizji – National Broadcasting Council</a> )	<del>Office of Electronic Communication (Urząd Komunikacji Elektronicznej – UKE)</del> <a href="http://www.uke.gov.pl/N/A/KRRiT">www.uke.gov.pl/N/A/KRRiT</a>	KRRiT

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	1992 Broadcasting Act: <del>Provisions on sponsorship-</del> Article <del>4 points -16-23 (definitions), Articles 16-17a7.</del> (linear services), Articles 47d and 47k (non-linear services)	KRRiT	<del>KRRiT</del> N/A	KRRiT
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<del>As Poland has not transposed yet the AVMS Directive into the national legislation, accessibility (to people with a disability) can mainly be referred to an access to telecommunication networks and services as laid down by</del> Articles 18a and 47g of the Broadcasting Act; <del>489-</del> (2)Memorandum of Understanding of 5.6.2013 by Broadcasters (TVP, POLSAT, TVN, TV PULS, Polskie Media – TV4, ATM, Stavka) on provision of accessibility facilities in TV programmes for persons with visual or hearing disabilities <a href="http://www.krrit.gov.pl/krrit/aktualnosci/news,1208_porozumieniela-niepelnospprawnych.ht-nadawcow--dotyczace-udogodnien-d ml">http://www.krrit.gov.pl/krrit/aktualnosci/news,1208_porozumieniela-niepelnospprawnych.ht-nadawcow--dotyczace-udogodnien-d ml</a>	<del>KRRiT</del> N/A	<del>KRRiT</del> N/A	<del>KRRiT</del> N/A
	Broadcasting of major events (Art. 14 AVMS Directive)	<b>1992 Broadcasting Act:</b> Article 20b <del>Including among others</del> Providing for: <ul style="list-style-type: none"> <li>• conditions under which television broadcasters may broadcast live coverage of <del>major an</del> events of</li> <li>• <del>statutory list of major events</del></li> <li>• <del>a provision entitling KRRiT to enact a regulation specifying a complementary list of major events.</del></li> </ul> Regulation by KRRiT of 17.11.2014 on the list of major events <a href="http://www.krrit.gov.pl/en/for-journalists/press-releases/news,1791_polish-list-of-major-events-in-the-official-journal-of-the-european-union.html">http://www.krrit.gov.pl/en/for-journalists/press-releases/news,1791_polish-list-of-major-events-in-the-official-journal-of-the-european-union.html</a>	KRRiT	N/A	KRRiT

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		<p><del>major importance</del></p> <ul style="list-style-type: none"> <li><del>• three examples of major events</del></li> <li><del>• provisions entitling National Broadcasting Council to specify a list of major events.</del></li> </ul>			
	Access to short news reports (Article 15 AVMS Directive)	<p><del>Not transposed</del></p> <p><u>Art. 20c of the Broadcasting Act</u></p>	<del>N/A</del> KRRiT	N/A	<del>N/A</del> KRRiT
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<p><b>1992 Broadcasting Act:</b></p> <p>Promotion of European works <u>in TV</u>: Article 15 <u>para. 3</u></p> <p>Promotion of European works produced by independent producers <u>in TV</u>: Article 15a Definition of European works: Article 15b</p> <p><u>Promotion of European works in non-linear AV media services: Article 47f (2)-(4)</u></p>	KRRiT	<del>KRRiT</del> N/A	KRRiT
	Hate speech (Art. 12 and 6 AVMS Directive)	<p><b>1992 Broadcasting Act:</b></p> <p>Article 18 (1)</p> <p><u>in part</u> stating that programmes <u>in TV</u> may not include any <u>contents inciting to hatred or discriminating on</u> on grounds of race, sex or nationality</p> <p><u>Article 47h – similar rule applicable to non-linear AV media services</u></p> <p><u>Article 47e (1) – implements Art. 12 of the AVMSD</u></p>	KRRiT	<del>N/A</del> KRRiT	KRRiT
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<p><b>1992 Broadcasting Act:</b></p> <p>Provisions on advertising (limits): Article 16, 16a</p> <p>Prohibited <u>commercial communications: advertising</u>: Article 16b, 16c</p>	KRRiT	<del>KRRiT</del> N/A	KRRiT
	Protection of minors (Art. 27 AVMS Directive)	<p><b>1992 Broadcasting Act:</b></p> <p>Article 18 <u>(4)</u>, (5), (5a), (5b), (6)</p>	KRRiT	<del>KRRiT</del> N/A	KRRiT

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Right of reply (Art. 28 AVMS Directive)	<b>1984 Press Law (applies to both print and audiovisual media):</b> Article 31 <del>a</del> provides for an obligation to publish a <del>rectification</del> regulates the publication of a reply to of <del>incorrect false or untrue information facts, or incomplete information or to statements endangering personal goods.</del> Article 32 and 33 concern conditions under which a <del>rectification reply is shall be published or refuseddenied-publishing.</del>	<del>No information available</del> <del>No competences of a regulatory body (KRRiT)</del> <del>Court action in civil procedure</del>	<del>No information available</del> <del>As in the previous box</del>	<del>No information available</del> <del>As in the previous box</del>
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<del>No information</del> 1992 Broadcasting Act Article 6 (1) point 9 provides for the task of KRRiT to <del>to</del> <u>organise and initiate international co-operation in the field of radio and television broadcasting, including cooperation with regulatory bodies of Member States of the European Union competent for media services.</u>	<del>No information available</del> KRRiT	<del>No information available</del> KRRiT	<del>No information available</del> KRRiT

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
<b>Poland</b>	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT) Responsible for: regulation of radio and television broadcasting (both private and public) <u>and non-linear AV media services</u>	<a href="http://www.krrit.gov.pl">www.krrit.gov.pl</a>  <u>Website in English:</u> <a href="http://www.krrit.gov.pl/en/homepage">http://www.krrit.gov.pl/en/homepage</a>	April 1993	Skwer Księdza Kardynała Stefana Wyszyńskiego Prymasa Polski 9 01-015 Warsaw Poland

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Poland	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT)	Yes	<del>Yes</del> Yes, in cooperation with UKE (table 40)	Yes	<del>Yes</del> No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Poland	National Broadcasting Council (KRRiT)	<del>141</del> 38 (average number of staff in 2014)	Around 141 (5 – members of KRRiT, 136 average regular posts, including 7 related to extended tasks of KRRiT with regard to non-linear Av media services) 30?	KRRiT budgetary <del>expenditures</del> <del>income</del> as foreseen in the Budgetary Act of 201409 PLN 21 686 000 <del>16.669m</del> of (€ 5 087 863 000 <sup>1</sup> 4.167m) KRRiT <del>expenditures actually spent in operational budget as to be spent in</del> 201409: PLN 21 303 000 <del>14.682m</del> (€ 4 998 005 <sup>1</sup> 3.6705m)	For 2014 - as in the previous box. KRRiT budgetary <del>expenditures</del> <del>income</del> as foreseen in the Budgetary Act for 201509: PLN 34 542 000 <del>25.4985m</del> (€ 8 104 075 <sup>1</sup> 6.37m). The budget includes fees from granting licences (93.4 %), fines and other financial contributions. KRRiT operational expenses (the budget as spent): PLN 14.687m (€3.67m) For 2010: PLN 15.7m or €4m ???	201409 Annual Report (Sprawozdanie KRRiT z działalności w 201409 roku), p. 146–155,  All figures concern KRRiT as a whole, and include also its activities outside the scope of the AVMSD (e.g. radio, PSB) <a href="http://www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS81%3d&amp;tabid=61">www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS81%3d&amp;tabid=61</a> ???

<sup>1</sup> Average rate as per 31.12.2014 published by NBP (Narodowy Bank Polski – Polish National Bank): 1 EUR = 4,2623 PLN

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Poland	National Broadcasting Council ( <a href="#">Krajowa Rada Radiofonii i Telewizji - KRRiT</a> )	1992 Broadcasting Act adopted on 29 December, 1992	Broadcasting Act (Ustawa o Radiofonii i Telewizji) adopted on 29 December, 1992 1997 Constitution of the Republic of Poland

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Poland	National Broadcasting Council (KRRiT)	Independent supreme	Yes		KRRiT is a state organ recognised in the Constitution of the Republic of Poland (Articles 213 – 215)	<a href="http://www.krrit.gov.pl">www.krrit.gov.pl</a> <a href="#">Articles 213-215 of the Constitution of the Republic of Poland</a> ; <a href="#">Articles 6-12 of the Broadcasting Act</a>



**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Poland	National Broadcasting Council (KRRiT)	<p>↙</p> <p><del>Independence of the regulatory body is not explicitly recognized as a guiding value in the relevant laws. It is recognized indirectly—especially as regards a balance of powers through the appointment procedures. These procedures enable to appoint KRRiT members by the two houses of the Parliament and President. In political practice, however, the composition of the regulatory reflects political structure of the Parliament and President institutions, and thus depends heavily on the actual political system</del></p>	<p><u>Independence of KRRiT is derived from its constitutional status, statutory position and tasks, as well as numerous statutory safeguards, such as: appointment by different organs; appointment of the chairman and deputy by the KRRiT itself; irrevocability of members (except in special circumstances); term of office different than parliamentary and presidential ones; ban on KRRiT members' membership in political parties and trade unions; ban on other professional activities for KRRiT members (except academic or creative); reporting to the Parliament (Sejm and Senate) and President (rather than to a government); earlier cessation of the term of office of all KRRiT members only in case of rejection of its report by Sejm, Senate and President; lack of any subordination of KRRiT to Prime Minister.</u></p> <p><u>The Constitutional Court recognized in 2006 that KRRiT is a “constitutional body with a position outside the scheme of tripartite separation of authorities.(...) Though the tasks of KRRiT are related to administrative and executive activities, it is situated as between executive and legislative authorities, with clear distance from the government”</u></p> <p><u>The principle of independence of KRRiT was recognized by the Constitutional Court already in 1994.</u></p>	<p>The Constitution of the Republic of Poland adopted on 2 April, 1997, Official <del>Gazette</del><u>Journal</u> No 78, item 483, 1997, Articles 213 – 215;</p> <p>1992 Broadcasting Act, Article <del>5-12.7.</del></p> <p><u>Judgement of the Constitutional Court of 23.3.2006, K 4/06</u></p> <p><u>Resolution of the Constitutional Court of 10.5.1994, W 7/94</u></p>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Poland	National Broadcasting Council (KRRiT)	Tick boxes	No Only advisory function	√	√
		Areas		In all areas relating to radio and television broadcasting <u>and on-demand audiovisual media services covered by the AMSD</u>	In all areas relating to <del>of</del> radio and television broadcasting <u>and on-demand audiovisual media services covered by the AMSD</u>
		Source	1992 Broadcasting Act	1992 Broadcasting Act	<del>General act</del> 1992 Broadcasting Act

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Poland	National Broadcasting Council (KRRiT)	Quotas	√	√	√	No, as more general monitoring		1992 Broadcasting Act Regulations of KRRiT
		Advertising	√	√	√	No, as more general monitoring		1992 Broadcasting Act Regulations of KRRiT
		Protection of minors	√	√	√	No, as more general monitoring		1992 Broadcasting Act Regulations of KRRiT

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Poland	National Broadcasting Council (KRRiT)	Quotas <del>(all sanctions are discretionary)</del>	√	√ <del>Fines can be imposed on the directors, which cannot exceed 6-month remuneration</del>		√	√	The Chairman of KRRiT may issue a decision ordering the broadcaster to cease the practices infringing upon the provisions of the Act (1992 Broadcasting Act, Article 10(4))
	Source for all: 1992 Broadcasting Act, Article 10, 38 Articles 53 - 55	Advertising	√	√		√	√	Same as above
		Protection of minors	√	√		√	√	Same as above

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Poland	National Broadcasting Council (KRRiT)		√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Poland	National Broadcasting Council (KRRiT)	√	√	N/A	<del>No. Though</del> <del>Yes, in principle</del> there are <u>provisions in the law</u> <del>some cases when a licence can be on revoke</del> <u>revocation of a licence</u> <del>ed</del> by KRRiT. <del>(for instance, when a broadcaster does not inform KRRiT about the change of ownership or merger.</del>	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Poland	National Broadcasting Council (KRRiT)	Yes	<del>www.krrit.gov.pl/bip/Wiadomo%C5%9Bci/Skargiwnioski/tabid/285/Default.aspx</del> <a href="http://www.krrit.gov.pl/dla-abonentow-i-konsumentow/skargi/">http://www.krrit.gov.pl/dla-abonentow-i-konsumentow/skargi/</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Poland	National Broadcasting Council (KRRiT)	Council	5	No	No	Yes 2 (40%) <del>are appointed</del> <u>represent by the</u> Lower House of the Parliament (Sejm) 1 (20%) <del>represents-</del> <u>appointed by the</u> <del>Upper Higher-</del> House of the Parliament (Senat)	No	No	Yes 2 (40%) <del>represent-</del> <u>are appointed</u> <del>by the</del> President	No <del>information-</del> <u>available</u>	1992 Broadcasting Act, <del>also:</del> <u>www.krrit.gov.pl</u>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Poland	National Broadcasting Council (KRRiT)	<ul style="list-style-type: none"> <li>• Maps out the orientations of the state policy in the broadcasting area (in <del>agreement consultation</del> with the Prime Minister)</li> <li>• <del>—</del> Develops the conditions to be met by <u>broadcasters and providers of on-demand AV media services</u> in their activities</li> <li>• Controls <del>broadcasters'</del> <u>activities of y broadcasters and providers of on-demand AV media services</u> within the framework of the law</li> <li>- <u>Monitors the market of on-demand audiovisual media service for the purpose of identifying providers of on-demand audiovisual media services and evaluating their compliance with obligations under the Act,</u></li> <li>• Sets subscription fees, license charges and registration fees</li> <li>• Issues opinions on draft legislative acts and international agreements on broadcasting</li> </ul>	Adoption of resolutions <u>by KRRiT</u> requires a two-thirds majority of votes (1992 Broadcasting Act, Article 9.2). <u>Administrative decisions (e.g. broadcasting licenses) are issued by the Chairman of KRRiT.</u>	Yes <del>and no. KRRiT does not publish regularly agendas and minutes of its meetings. These are available at the KRRiT offices. Previously, Biuletyn KRRiT was regularly published on the KRRiT webpage. The Biuletyn summarised main activities of KRRiT and developments on broadcasting markets in a given period. KRRiT ceased to publish the Biuletyn for financial reasons. Also,</del> <u>sShort communications – news</u> (mainly	KRRiT does not regularly publish agendas and minutes of its meetings. It regularly publishes short summaries of major decisions.

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
		<ul style="list-style-type: none"> <li>• Grants radio and television broadcasting licences</li> <li>• Appoints members of supervisory boards and programme councils in <del>individual</del> public <u>service</u> radio and television <del>channels</del>organisations</li> <li>- <u>Organises and initiates international co-operation in the field of broadcasting, including cooperation with regulatory bodies of EU Member States competent for media services</u></li> <li>- <u>Initiates and supports self-regulation and co-regulation in the area of provision of media services</u></li> <li>- <u>Promotes media literacy (media education) and to cooperates with other state authorities, non-governmental organizations and other institutions in the area of media education</u></li> </ul>		<p>for the press) <del>are were</del> available on the KRRiT webpage: <del>until 2008</del> <a href="http://www.krrit.gov.pl/krrit/aktualnosci/">http://www.krrit.gov.pl/krrit/aktualnosci/</a>- KRRiT publishes (since 2011) its regulatory strategy – for 3 years period: <a href="http://www.krrit.gov.pl/krrit/aktualnosci/news,1485,strategia-regulacyjna--na-lata-2014-2016.html">http://www.krrit.gov.pl/krrit/aktualnosci/news,1485,strategia-regulacyjna--na-lata-2014-2016.html</a></p> <p>KRRiT publishes its positions in legal and regulatory matters: <a href="http://www.krrit.gov.pl/dla-mediow-i-analitykow/publikacje/stanowiska/">http://www.krrit.gov.pl/dla-mediow-i-analitykow/publikacje/stanowiska/</a></p> <p><u>Both regulatory strategy and positions are taken into account in the decision making process.</u></p> <p><u>In procedures KRRiT is obliged to apply the Code of Administrative Procedure.</u></p> <p><u>KRRiT has its internal work regulations: (<a href="http://www.krrit.gov.pl/Data/Files/_public/Portals/0/KRRiT/informacje/regulamin_pra cy_krrit_160296.pdf">http://www.krrit.gov.pl/Data/Files/_public/Portals/0/KRRiT/informacje/regulamin_pra cy_krrit_160296.pdf</a>) its rules of ethics (<a href="http://www.krrit.gov.pl/krrit/informacje-o-krrit/zasady-etyczne-pracy-krrit/">http://www.krrit.gov.pl/krrit/informacje-o-krrit/zasady-etyczne-pracy-krrit/</a>)</u></p> <p><u>KRRiT adopted also its rules for public consultations (<a href="http://www.krrit.gov.pl/krrit/informacje-o-krrit/zasady-postepowania-konsultacyjnego/">http://www.krrit.gov.pl/krrit/informacje-o-krrit/zasady-postepowania-konsultacyjnego/</a>)</u></p> <p><u>The meetings of KRRiT are not open to the public. Meetings are recorded and minutes are produced.</u></p>	

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Poland	National Broadcasting Council (KRRiT)	Chairman	No	n/a	Chairman is elected by KRRiT among its members	n/a	1992 Broadcasting Act, Article 7 <a href="#">(2b)</a>
		Board members	No	n/a	Sejm (Lower House of the Parliament) Senat (Higher House of the Parliament) President	n/a	<a href="#">Article 214 (1) of the Constitution, Article 7 (1) of the <del>1992</del> Broadcasting Act, <del>Article 7</del></a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Poland	National Broadcasting Council (KRRiT)	Chairman of the board	6 years	Yes	No	1992 Broadcasting Act, Article 7 <a href="#">(4)</a>
		Board members	6 years	Yes	No	1992 Broadcasting Act, Article 7 <a href="#">(4)</a>



**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Poland	National Broadcasting Council (KRRiT)	Chairman of the board	A distinguished record of knowledge and experience in mass media		1992 Broadcasting Act, Article 7 (1)
		Board members			1992 Broadcasting Act, Article 7 (1)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Poland	National Broadcasting Council (KRRiT)	Chairman	Yes		A member of the KRRiT shall not belong to a political party	A member of the KRRiT shall not belong to a political party	A member of the KRRiT cannot hold an interest or shares or have any other involvement in an entity which is a <u>media service provider, radio and television broadcaster or radio and/or TV producer.</u>	Membership in the KRRiT cannot be combined with any other gainful employment, save for educational or academic positions of an academic tutor or lecturer or performing creative work.	<u>Membership of a</u> <del>A</del> <u>member of KRRiT cannot be a member of</u> <del>in</del> <u>governing bodies of associations, trade unions, employers' associations, as well as church or religious organisations or organizations shall be suspended.</u> A member of the KRRiT shall not perform public activities incompatible with the dignity of his function.	The Constitution of the Republic of Poland, Article 214 (2) <a href="http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm">www.sejm.gov.pl/prawo/konst/angielski/kon1.htm</a>  1992 Broadcasting Act, Article 8-(3) and (4) <a href="http://www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf">www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf</a>
		Board members	Yes		<del>No information available</del> <u>Same as above.</u>	Same as above	Same as above	Same as above	Same as above	<u>As above.</u>
		Senior staff		No specific rules other than for public administration						

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Poland	National Broadcasting Council (KRRiT)	Chairman	Yes		No explicit rule but a member of the KRRiT shall not belong to a political party	Yes A member of the KRRiT shall not belong to a political party	Yes A member of the KRRiT cannot hold an interest or shares or have any other involvement in <a href="http://www.krrit.gov.pl/bip/Portals/1/media_service_provider">media service provider</a> or a radio and television <del>broadcaster or</del> producer, as well as any other gainful employment, save for educational or academic positions or for performing creative work.	The Constitution of the Republic of Poland, Article 214 (2) <a href="http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm">www.sejm.gov.pl/prawo/konst/angielski/kon1.htm</a> 1992 Broadcasting Act, Article 8 (3) and (4) <a href="http://www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf">www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf</a>
		Board members	Yes		Same as above	Same as above	Same as above	The Constitution of the Republic of Poland, Article 214 (2) <a href="http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm">www.sejm.gov.pl/prawo/konst/angielski/kon1.htm</a> 1992 Broadcasting Act, Article 8 (3) and (4) <a href="http://www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf">www.krrit.gov.pl/bip/Portals/1/Documents/Broadcasting_Act.pdf</a>
		Senior staff		No specific rules other than for public administration				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Poland	National Broadcasting Council (KRRiT)	Chairman		No <i>Except general public administration rules.</i>		
		Board members		No Same comment as above		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Poland	National Broadcasting Council (KRRiT)	Chairman	Yes		The body which is empowered to appoint a KRRiT member (The Council itself, the Sejm, the Senat, the President)	<p><u>Yes. Dismissal is allowed only in case of</u> <u>These include:</u></p> <ul style="list-style-type: none"> <li>• resignation</li> <li>• <del>health problems</del><u>illness causing permanent inability to perform duties</u></li> <li>• sentence for a deliberate criminal offence</li> <li>• untruthful screening statement <u>confirmed by the court</u></li> <li>• breach of the provisions of the Act <u>confirmed by the Tribunal of State</u></li> </ul>	In a case of rejection of the annual report by both Sejm and the Senate, the term of office of all the KRRiT members shall expire within 14 days from the date of the last resolution to this effect, <u>unless the expiry in not confirmed by the President.</u>	1992 Broadcasting Act, Articles <del>7 (6), and</del> <u>Article 12 (4) and (5).</u>
		Individual board members	Yes		The body which is empowered to appoint a KRRiT member (Sejm, Senat, President)	<p><u>As above</u> <del>These include:</del></p> <ul style="list-style-type: none"> <li>• <del>resignation</del></li> <li>• <del>health problems</del></li> <li>• <del>sentence for a deliberate criminal offence</del></li> <li>• <del>untruthful screening statement</del></li> <li>• <del>breach of the provisions of the Act</del></li> </ul>		<u>As above</u> <del>1992 Broadcasting Act, Articles 7 and 12</del>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Poland	National Broadcasting Council (KRRiT)	<del>2011-2014</del>	Chairman		No		
			Individual board members		No		
		<del>2010</del>	Chairman	<u>Yes</u>	<del>No</del>	<u>Rejection of KRRiT's annual report (for 2009) by the Sejm and Senat, confirmed by the President, resulted in expiration of the term of office of the entire KRRiT.</u>	
			Individual board	<u>Yes</u>	<del>No</del>	<u>As above.</u>	

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
			members				
		2007	Chairman		No		
			Individual board members	Yes:- Elišbieta Kruk  Wojciech Dziomdziora	One other board members	Member's resignation (she became an active politician)  Member's resignation (he became a commercial lawyer)	In 2006, the KRRiT's Chairwoman Elišbieta Kruk resigned from the position due to the decision of the Constitutional Court. She was appointed as the KRRiT Chairwoman by the President (then Lech Kaczyński). The Constitutional Court regarded this practice as unconstitutional and thus, Elišbieta Kruk had to resign from the position. A year later, in 2007 Elišbieta Kruk resigned from the position of the KRRiT member due to political aspirations: she was elected as an MEP for the Law and Justice party in 2007 parliamentary elections. In 2006, the KRRiT's member Wojciech Dziomdziora resigned from his position to become a commercial lawyer.
		2006	Chairman	Yes  Elišbieta Kruk		Chairman's resignation (The Constitutional Court found her appointment by President Lech Kaczyński unconstitutional)	
			Individual board members	No	No other board members		
		2005	Chairman	Yes		Change in the law	The Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting (2005) stipulated that the term of office of the current nine members expired by the day of the law enactment (January 14, 2006). The Act reduced the number of KRRiT members from nine to five.
			Individual board members	yes — all board members		Change in the law	The Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting (2005) stipulated that the term of office of the current nine members expired by the day of the law enactment (January 14, 2006). The Act reduced the number of KRRiT members from nine to five.

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Poland	National Broadcasting Council (KRRiT)	No. <u>KRRiT receives resources from licence fees as collected by the Post, so as to divide these fees between different PSB organizations and transfer accordingly. Thus these fees do not constitute KRRiT income.</u>	State budget Net budgeted agency – all <u>KRRiT expenditures are covered from the state budget (see Table 5) and all income is transferred to the state budget</u>	No	PLN 27 689 000 <del>3.821m</del> 93.4% (€ 6 496 257 5,7m) (including interests and prolongation fees)  <i>Note: all the National Broadcasting Council income goes to state budget.</i>	PLN 431 000 <del>1.278m</del> (€ 101 119 306k).  <i>Note: all the National Broadcasting Council income goes to state budget.</i>	<u>Fees for registration of programme services retransmitted or broadcast in an IT system (web TV):</u> PLN 425 000 <del>399k</del> (€ 99 711 95k)  <i>Note: all the National Broadcasting Council income goes to state budget.</i>	2014 <del>09</del> Annual KRRiT Report <u>???</u> <a href="http://www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS81%3d&amp;tabid=61">www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS81%3d&amp;tabid=61</a>



**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Poland	National Broadcasting Council (KRRiT)	The annual budget of KRRiT is defined by the Budgetary Act. Finance Minister <del>drafts has strategic powers during</del> the proposal of the budget, <u>taking into account KRRiT's plan.</u> <u>The right to propose a Budgetary Act to the Parliament belongs to the Government.</u> The Budgetary Act is passed and enacted by the Parliament.	KRRiT prepares <u>autonomously</u> a draft, <del>and is consulted in the his further process, but does not have any decisive powers</del>	<u>Parliament.</u> <u>KRRiT participates in parliamentary discussions, but only with consultative voice.</u> <u>The practical verification adjusting of the budgetary income generated by KRRiT is an ongoing process done – it depends on payments of fees for broadcasting authorisation-licences- fees payments (a most substantial part of the budget, see above), on fines imposed by KRRiT etc. and other sources of income (e.g. in 2014 budgetary income generated by KRRiT was 48.7% higher than planned in the Budgetary Act).</u> -	Yes, <u>within parliamentary discussions.</u>	<u>Articles 219-226 of the Constitution</u> <u>Art. 138-145 of the Public Finances Act of 27 August 2009, consolidated text: Official Journal of 2013, item 885, with amendments</u> <u>Art. 11 (3) of the Broadcasting Act</u> <u>Annual report of KRRiT for 2014</u>  <u>2009 Annual KRRiT Report</u> <u>www.krrit.gov.pl/bip/LinkClick.aspx?fileticket=SPfyhawXS8I%3d&amp;tabid=61</u>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Poland	National Broadcasting Council (KRRiT)	Yes	Annual	Yes, national audit office (the Supreme Chamber of Control - <a href="#">Najwyższa Izba Kontroli</a> - NIK) regularly controls KRRiT's financial accountability	No	No	Sources: <a href="http://bip.nik.gov.pl">http://bip.nik.gov.pl</a> Legal basis: Public Finances Act of <del>27 August 30-June</del> <del>2009</del> <sup>95</sup> , <a href="#">consolidated text</a> : Official <del>Gazette</del> <sup>Journal</sup> , <del>2013</del> <sup>No 249</sup> , item <del>8852404</del> <sup>8852404</sup> The Constitution of the Republic of Poland, Articles 202 – 207 Act on Supreme Chamber of Control 23 December 1994, <a href="#">consolidated text</a> : Official <del>Gazette</del> <sup>Journal</sup> , - <del>2012</del> <sup>No 13</sup> , item <del>8259</del> <sup>8259</sup> .

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Poland	National Broadcasting Council	Parliament	Yes	By the end of March each year, KRRiT has an obligation to submit to the Sejm, Senate and President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting. <del>1992 Broadcasting Act, Article 12 (1).</del> By way of resolutions, the Sejm and the Senate accept or reject the annual report <del>of KRRiT. Article 12(3).</del> In a case of rejection of the report by both the Sejm and the Senate, the term of office of KRRiT members shall expire within 14 days from the date of the last resolution to this effect. <del>Article 12 (4), unless the expiry is not confirmed by the President.</del>	1992 Broadcasting Act, <a href="#">Art. 12 (1), (3)-(5)</a>
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes – <a href="#">Prime minister</a>	<del>Prime minister.</del> Each year, the KRRiT is obliged to present to the Prime Minister an annual account of its activities as well as information on key issues in radio and television broadcasting. <del>1992 Broadcasting Act, Article 12 (2).</del> <u>This is only for information purposes.</u>	1992 Broadcasting Act, <a href="#">Art. 12(2)</a>
		Public at large	No <u>legal obligation.</u> <del>but –except</del> customary practice	<del>N/A. Annual reports of KRRiT and its information on key issues in radio and television broadcasting are made available on the KRRiT's website:</del> <a href="http://www.krrit.gov.pl/krrit/sprawozdania/">http://www.krrit.gov.pl/krrit/sprawozdania/</a>	N/A
		President	Yes	By the end of March each year, KRRiT has an obligation to submit to the Sejm, Senate and President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting. <u>The President has the competence to confirm the expiry of KRRiT's term of office, in case Sejm and Senat rejected the report.</u> <del>Article 12 (4).</del> <del>KRRiT's term of office shall not expire unless so approved by the President. Article 12(5).</del>	1992 Broadcasting Act, <a href="#">Art. 12 (1) and (5)</a>

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Poland	National Broadcasting Council	Parliament and President	Annual	By the end of March each year, KRRiT has an obligation to submit to the Sejm, Senate and President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting. <del>1992 Broadcasting Act, Article 12 (1).</del>	No <u>such explicit</u> <del>(no legal requirement, but)</del>  <u>Note:</u> <del>s</del> Statistical information is in fact always included in the annual report. The <del>1998</del> Broad Casting Act states that <del>KRRiT #</del> should <u>submit give-</u> "information concerning key issues in radio and television <del>(article 12.1)</del> which <u>in practice makes inclusion can be interof preted as</u> statistical data <u>being</u> necessary.	Yes	Yes <u>In 2010 both Sejm and Senat rejected the annual report of KRRiT and its term of office expired, upon confirmation by the President.</u> <u>Before there were precedents of rejection of reports by In 2008 both Sejm and/or-Senate disapproved the annual report, but the President did not confirmed support theise disapprovals. -</u> <u>Also, in 2004 Sejm disapproved the KRRiT annual report, but the report was accepted by the Senate.</u> <u>In sum, the term of KRRiT has never been shortened as a result of reports' disapproval.</u>	<u>1992 Broadcasting Act, Art. 12 (1), (2)-(5)-</u> <u><a href="http://www.krrit.gov.pl/bip/Portals/1/-Documents/Broadcasting-Act.pdf">www.krrit.gov.pl/bip/Portals/1/-Documents/Broadcasting-Act.pdf</a></u> <u>Annual reports of KRRiT:</u> <u><a href="http://www.krrit.gov.pl/krrit/sprawozdania/">http://www.krrit.gov.pl/krrit/sprawozdania/</a></u>
		Prime Minister <u>(for information only)</u>	Annual	Each year, the KRRiT is obliged to present to the Prime Minister an annual account of its activities as well as information on key issue in radio and television broadcasting. <del>1992 Broadcasting Act, Article 12 (2);</del>	As above	No	<u>As above Prime Minister has no competence to disapprove the annual report of KRRiT</u>	<u>1992. Broadcasting Act, Article 12 (2)</u> <u>Link As above</u>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
Poland	National Broadcasting Council	Yes	Annual	Yes Financial accountability of KRRiT is controlled by the national audit office (Supreme Chamber of Control - NIK).- <del>For more details, see the country-report on Poland.</del>	No	No	Public Finances Act of <del>27 August 30-June 2009</del> <sup>95</sup> , <del>consolidated text:</del> Official GazetteJournal, <del>2013No 249</del> , item <del>885 2404</del>  The Constitution of the Republic of Poland, Articles 202 – 207 Act on Supreme Chamber of Control 23 December 1994 ( <del>consolidated text:</del> Official GazetteJournal <del>2012No 13</del> , item <del>8259</del> )

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Poland	National Broadcasting Council	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i> <u>N/A</u>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<u>N/A</u> <i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Poland	National Broadcasting Council	Internal	1 no internal appeal body, <u>except that formally an appeal shall be lodged via the Chairman of KRRiT</u>	No	Entities which are subjects of the decisions	1992 Broadcasting Act
		External	1 <u>Appeal to District Voivodship Court in Warsaw – commercial court</u>			Art. 56 of the Broadcasting Act
			2 Appellation Court			
			3 <u>Cassation Appeal to Supreme Administrative Court</u>			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Poland	National Broadcasting Council			√	District Court may subject to motion submitted by party suspend execution of the decision of regulator

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Poland	National Broadcasting Council	√	√	√ Only in respect to District and Appellation Court proceedings	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Poland	National Broadcasting Council	1 <del>District Voivodship</del> Court	√		N/A
		2 Appeal Court	√		
		3 Supreme <del>Administrative</del> Court	√		



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Poland	National Broadcasting Council	Yes	<u>437 067 PLN (102 542 EUR)</u> <del>€25,000 /draft budget in 201409</del>	Yes, if the service costs more than <del>€14, 30 000</del> (standard for all public administration bodies)	-	Yes, it does. Especially as regards concrete fields of action, such as media literacy, etc.

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Poland	National Broadcasting Council	There is no legal obligation to hold public consultations but KRRiT <del>adopted does hold some according to</del> its own rules. (source: research of the consortium). According to the regulator, KRRiT carries out public consultations in line with the guidelines on public consultations procedure. According to the rules, KRRiT carries out such consultations in "regulatory policy matters of significant importance for radio, television and the market of electronic media".	<del>No</del> Consultations shall be open. The rules stipulate that an announcement on carrying out public consultations is published in the Bulletin of Public Information and broadly made available by electronic means. Such an announcement shall be also made available with use of facilities for visual impaired persons.	Not less than 15 days, maximum 8 weeks. <del>Not specified but usually 30 days with extended period possible</del>	According to the rules KRRiT may publish responses. <del>Not specified but the regulator does publish responses</del>	According to the rules KRRiT shall publish its summary of consultations in the Bulletin of Public Information with 30 days, with possible extension up to 60 days in case of numerous responses. <del>Same as previous column</del>	KRRiT's own rules: <a href="http://www.krrit.gov.pl/krrit/informacje-o-krrit/zasady-postepowania-konsultacyjnego/">http://www.krrit.gov.pl/krrit/informacje-o-krrit/zasady-postepowania-konsultacyjnego/</a>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Poland	National Broadcasting Council	201499	<del>0 3 public consultations, including 1 touching upon aspects of areas covered by the AVMSD</del> <del>But in 2010, KRRiT organised a conference about transposition of AVMSD rules.</del>
		201308	<del>5 public consultations, including 3 in areas covered by the AVMSD (protection of minors in VOD services, facilities for impaired persons, major events) 4 (stakeholder consultation)</del> <del>KRRiT initiated a stakeholder consultation on July 2, 2008. Involved entities were asked to send their responses by 19 September 2008. The list of invited entities included: government and industry institutions, consumer organisations, think tanks, broadcasters, new media providers, producers, representatives of advertising agencies, academics and independent experts. 6 issue papers were distributed to discuss problem-oriented areas of AVMSD. 15 respondents sent 13 position responses. KRRiT noticed that a vast majority of responses was sent by industry and commercial institutions, while consumer organisations and independent experts were scarcely represented. KRRiT prepared a report from consultations available at <a href="http://www.krrit.gov.pl/bip/Portals/0/komunikaty/Raport_z_konsultacji_dyrektywa2007_65_ec.pdf">www.krrit.gov.pl/bip/Portals/0/komunikaty/Raport_z_konsultacji_dyrektywa2007_65_ec.pdf</a></del>
	201207	<del>8 public consultations in general, including 4 in areas covered by the AVMSD (advertising, directions of changes in media – facilities of impaired persons, self- and co-regulation, quotas for European works, major events)0</del>	
	201106	<del>4 4 public consultations, including 1 in the area covered by the AVMSD (identification of media services providers)</del>	
	201005	<del>3 1 public consultation, but unrelated to the AVMSD</del> <del>Source: all information above as available at: <a href="http://www.krrit.gov.pl/regulacje-prawne/konsultacje-krrit/index,1.html">http://www.krrit.gov.pl/regulacje-prawne/konsultacje-krrit/index,1.html</a></del>	

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Poland	National Broadcasting Council	<p>Under the Article 12 of the 1992 Broadcasting Act KRRiT is obliged to submit the annual report on its activities to the Sejm, Senate and President. The report summarises decisions of KRRiT in the area of licensing, programme monitoring, fines, international co-operation (mainly with focus on EU law) and supervision of the public media.</p> <p>The Chairman of the KRRiT is obliged to publish in the official journal of the Republic of Poland an announcement concerning availability of broadcasting licences to transmit radio and television programme services (Article 34, 1992 Broadcasting Act).</p> <p>The Chairman of the KRRiT is obliged to publish a list of applicants participating in the licensing procedure (Article 34 (2)).</p> <p>The Chairman of the KRRiT is obliged to make public information on opening of the procedure for revoking the broadcasting licence (Article 38 (3)).</p> <p>The Chairman of the KRRiT is obliged to announce availability of a licence in case the decision revoking the broadcasting licence becomes final (Article 38 (4)).</p> <p><del>(source: research of the consortium).</del></p> <p><u>According to KRRiT, KRRiT publishes its positions and statements as well as its most important decisions. In particular decisions on broadcasting licenses are published.</u></p> <p>There is no obligation to publish meeting minutes.</p>	<p><del>Under the Article 12 of the 1992 Broadcasting Act KRRiT is obliged to submit the annual report on its activities to the Sejm, Senate and President. The report summarises decisions of KRRiT and in many cases also their justification, in the area of: licensing, programme monitoring, fines, international co-operation (mainly with focus on EU law) and supervision of the public media.</del></p> <p><del>(source: research of the consortium)</del></p> <p><u>According to KRRiT, All administrative decisions under the Code of Administrative Procedure (Art.107) have to specify legal basis and contain factual and legal justificationbe justified. This applies also to decisions of, so all the Chairman of KRRiT that are subject to the Code. decisions are justified and motivated.</u></p>	No	No

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Poland	National Broadcasting Council (Krajowa Rada Radiofonii i Telewizji – KRRiT)	<p>In general, the KRRiT is responsible for the regulation of TV and radio broadcasting, <u>including thus also for issuing broadcasting licences and programme services supervision, etc. The Office of Electronic Communications (Urząd Komunikacji Elektronicznej – UKE)</u> on the other hand, is responsible for setting the conditions of frequency use and tenders <u>or contests</u> for frequency reservation. Other duties <u>include i.a. volve-keeping registers of telecommunications undertakings with respect to the provision of conditional access systems, electronic programme guides and multiplexing of digital signals, and also relevant market analysis.</u></p> <p><u>KRRiT co-operates with UKE in particular in the following fields:</u></p> <ol style="list-style-type: none"> <li><u>1) broadcasting licences are awarded in agreement with the President of UKE (with regard to technical conditions);</u></li> <li><u>2) an opinion of the President of UKE is sought on KRRiT regulation on detailed procedure for awarding or revoking broadcasting licences;</u></li> <li><u>3) announcement in the official journal on the availability of terrestrial broadcasting licenses is done by KRRiT having sought the opinion of the President of UKE.</u></li> </ol> <p><u>On the other hand UKE, under the Telecommunications Law, is obliged to co-operate with KRRiT on matters related to radio and television broadcasting. (see note 1 at the end of the table)</u></p> <p><u>KRRiT co-operates also with the Office for Protection of Competition and Consumers (Urząd Ochrony Konkurencji i Konsumentów – UOKiK) with regard to assessment of relevant markets, ownership structures, dominant positions, to the extent relevant for broadcasting.</u></p>	<p><del>Under the Article 6(2) of the 1992 Broadcasting Act, KRRiT has a task to co-operate with appropriate organisations and institutions in respect of protecting copyright as well as the rights of performers, producers and broadcasters.</del></p> <p><del>Under the Articles, 34 (1), 37 (3)-(4) of the Broadcasting Act – co-operation of KRRiT with the President of UKE, KRRiT has a task to co-operate with the Office of Electronic Communications (UKE). In a greater detail, the competence division and a form of co-operation between the KRRiT and UKE is set in 2005 Act on transformations and modifications to the division of tasks and powers of state bodies competent for communications and broadcasting adopted on 29 December 2005, Official Journal 2005, No 267, item 2258.</del></p> <p><u>Articles 16 (1), 112 (2), 114 (2)-(2a), 114a (2), 115a, 118 (5), 122 (6), 122<sup>1</sup> (2) and (6), 123 (3) and (12), 131e (2), 131f (2), 144b (2), 192 (1) p. 15, 201 (4) of the Telecommunications Law (consolidated text: Official Journal of 2014, item 243, with amendments) – provides for different forms of co-operation of the President of UKE with KRRiT.</u></p> <p><u>Forms of co-operation between KRRiT and President of UKE, within respective competencies of each body, include:</u></p> <ul style="list-style-type: none"> <li><u>- agreement (binding position) of one body as a condition of the decision of another;</u></li> <li><u>- opinion (non-binding) of one body necessary for the decision of another;</u></li> <li><u>- information about certain actions,</u></li> <li><u>- defining of certain elements relevant for the decision of another body.</u></li> </ul> <p><u>Co-operation between KRRiT and UOKiK is not strictly formalized, it is rather a consequence of KRRiT statutory competences in the areas of competition law relevance. In particular in case of achievement of a dominant position on a relevant market: a broadcasting licence shall not be granted, it may be revoked, or a consent of KRRiT for the transfer of rights from the licence in merger cases shall be refused.</u></p> <p><u>Source: Articles 36 (2) p.2, 38 (2) p.2, 38a (2) p. 1 of the Broadcasting Act</u></p>	Yes - as regards the conditions of frequency use and technological parameters.	<p><del>The regulator has added the following elements:</del></p> <ol style="list-style-type: none"> <li><del>1) Broadcasting licences are awarded in agreement with the President of the Office of Electronic Communications</del></li> <li><del>2) consultation of the President of the Office of Electronic Communication on procedure for awarding or revoking broadcasting licences</del></li> <li><del>3) any announcement in the official journal on the availability of broadcasting licences to transmit radio and television programme services is done in agreement with the President of the Office of Electronic Communications</del></li> <li><del>4) consultation with Ministry of Finance on licence fees</del></li> <li><del>5) agreement with The National Electoral Commission on the regulations on election of the President and of elections to the Parliament.</del></li> </ol>

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
		<p><u>With regard to broadcasts related to elections, under the Electoral Code, KRRiT enacts the regulations on such broadcasts in public service programmes having sought an opinion of the National Electoral Commission (Państwowa Komisja Wyborcza – PKW) and, in some cases, of management boards of relevant public service broadcasters and their programming councils. In case of broadcast related to referenda KRRiT shall enact relevant regulations in agreement with PKW.</u></p> <p><u>Also certain regulations by KRRiT in other matters shall be enacted either having sought the opinion or in agreement with the relevant minister.</u></p>	<p><u>Cooperation with PKW: Articles 117 (6), 120 (2), 122 (2), 284 (5) of the Act of 5.1.2011 Electoral Code (Official Journal No 21, item 112, with amendments);</u>  <u>Article 5 of the Act of 13.3.2003 on national referendum (consolidated text: Official Journal of 2015, item 318).</u></p> <p><u>Cooperation with relevant ministers: Articles 16b (3b), 23a (3), 40 (6), 47 (3) of the Broadcasting Act.</u></p> <p><i>Note: Also applies: Broadcasting Act of December 29, 1992;</i>  <i>The Act of 12 April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland;</i>  <i>The Act of 27th September 1990 on Election of the President of the Republic of Poland</i></p> <p><u>Under the Article 6(2) of the 1992 Broadcasting Act, KRRiT has a task to co-operate with appropriate organisations and institutions in respect of protecting copyright as well as the rights of performers, producers and broadcasters.</u></p>		

Note 1: This includes the following fields in particular:

- 1) in cases regarding radio and television transmissions markets the President of UKE shall inform the Chairman of KRRiT about the commencement of consultation proceedings (in particular on relevant markets, regulatory obligations, access)
- 2) the President of UKE shall determine the frequency management plans and modifications to these plans in relation to frequencies intended for the broadcasting of radio and television programmes, in agreement with the Chairman of KRRiT;
- 3) within the contests carried out by the President of UKE for frequency reservation for the purposes of digital broadcasting or retransmission of radio and television programme services KRRiT, at the request of the President of UKE, defines the conditions regarding additional obligations and tasks related to programme content, including the conditions for must-carry transmissions;
- 4) frequency licence for the re-broadcasting or broadcasting of radio or television programmes shall be granted, modified or withdrawn by the President of UKE in agreement with the Chairperson of KRRiT (failure to take position by the Chairperson of KRRiT within 30 days of the date of receiving a draft decision on a general exclusive frequency licence shall be equal to agreement on the draft);
- 5) the President of UKE shall take a decision to change an entity holding a frequency reservation for the purposes of digital broadcasting or re-broadcasting of radio or television programmes in agreement with the Chairperson of KRRiT;
- 6) a decision of the President of UKE changing the conditions of frequency usage or prohibiting certain entity to use the frequencies, in cases of frequencies intended for broadcasting or re-broadcasting of radio or television programmes, requires an agreement with the Chairperson of KRRiT;
- 7) modification of the conditions for frequency use or withdrawal of a frequency reservation by the President of UKE, in case of frequencies designated for broadcasting or re-broadcasting of radio or television programmes, requires an agreement with the Chairperson of KRRiT.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Poland	National Broadcasting Council	<p><u>Under the Broadcasting Act it is KRRiT's task to organise and initiate international co-operation in the field of radio and television broadcasting, including cooperation with regulatory bodies of Member States of the European Union competent for media services.</u></p> <p><u>Consequently KRRiT regularly co-operates with other national bodies in and outside EU, (e.g. regulatory authorities from Czech Republic, Hungary, Romania, Serbia and Slovakia; with CSA (France); with Ukrainian regulatory authority).</u></p> <p><u>KRRiT is also a founding member of EPRA. It is also a member of ERGA (and the Chairman of KRRiT was elected as its vice-chair) and CERF. KRRiT also represents Poland in the EAO.</u></p> <p><u>KRRiT participates also in the works of the EU Contact Committee for the AVMSD and in the works of the Council of Europe (CDMSI).</u></p> <p><u>The department of European policy and international relations is a part of KRRiT's organisational structure. The Department publishes regularly the International Review, an online newsletter summarising selected issues related to audiovisual policy and regulation.</u></p>	<p><u>Article 6 (2) p. 9 of the Broadcasting Act of December 29, 1992</u></p> <p><u>The Act of April 12, 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland</u></p> <p><u>The Act of September 27, 1990 on Election of the President of the Republic of Poland</u></p> <p><u>Forms of co-operation covers both multi- and bilateral co-operation, in particular concerning the AVMSD matters, including participation in meetings, consultations, study visits, co-operation in cases of delocalized services.</u></p> <p><u>KRRiT publishes on its website the International Review (Przegląd Międzynarodowy), an online newsletter summarizing selected issues related to foreign and international aspects of audiovisual policy and regulation:</u></p> <p><u><a href="http://www.krrit.gov.pl/krrit/dzialalnosc-miedzynarodowa/przeglad-miedzynarodowy/">http://www.krrit.gov.pl/krrit/dzialalnosc-miedzynarodowa/przeglad-miedzynarodowy/</a></u></p> <p><u>Written reports from some international conferences and meetings are published on the website of KRRiT:</u></p> <p><u><a href="http://www.krrit.gov.pl/krrit/dzialalnosc-miedzynarodowa/sprawozdania-z-konferencji-i-wyjazdow-zagranicznych/">http://www.krrit.gov.pl/krrit/dzialalnosc-miedzynarodowa/sprawozdania-z-konferencji-i-wyjazdow-zagranicznych/</a></u></p>	

Portugal

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
<p><b>Portugal</b></p>	<p>42 linear commercial TV channels.</p> <p><i>NOTE: Although the Television Law states (see Art. 19º) that ERC must organize and make publicly available a complete list of all TV operators, as well as of their programming services, this list is not available</i></p> <p>Year 2013 - 56 linear commercial TV channels, belonging to a total of 19 registered operators (ERC data, available in the 2013 Regulation Report - <a href="http://www.erc.pt/pt/estudos-e-publicacoes/relatorios-de-regulacao/relatorio-de-regulacao-2013">http://www.erc.pt/pt/estudos-e-publicacoes/relatorios-de-regulacao/relatorio-de-regulacao-2013</a> )</p>	<p>2 main operators for VOD services (Meo/Portugal Telecom and Zon /TV Cabo)</p> <p>Year 2013 - 4 main operators share the market of cable TV and on-demand services: NOS/ Zon &amp; Optimus Group (47,8% share), MEO/ PT Comunicações (41,5%), Cabovisão (7,1%) and Vodafone (3,5%).</p>	<p>2 main national, general, open-access channels (RTP1 and RTP2) and 7 smaller channels (RTP Madeira, RTP Açores, RTP Internacional, RTP África, RTPN (now renamed as RTP Informação), RTP Memória and RTP Mobile) – <a href="http://www.rtp.pt/homepage/">www.rtp.pt/homepage/</a></p>

**Table 2 - Audiovisual laws and regulatory bodies**

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Portugal	Information requirements (art. 5 AVMS Directive)	<p>None (not implemented)</p> <p>Law 27/2007, of 30 of July (Television Law, implementing the TWF Directive).</p> <p>Update: <b>Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b></p> <p>NOTE: This new version of the Television Law was made in April 2011 in order to impement the AVMS Directive. (The new legal dispositions became effective on the 1<sup>st</sup> January 2012)</p>	ERC (Entidade Reguladora para a Comunicação Social) – Regulatory Entity for the Media	<p>None</p> <p>There is no regulatory body in charge of non-linear commercial media services yet.</p> <p>A new TV law (mostly concerned with the implementation of the AVMS Directive) has been publicly</p>	ERC (Entidade Reguladora para a Comunicação Social) – Regulatory Entity for the Media
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<p>Television Law (Decree-Law Nr. 27/2007), art. 40<sup>º</sup> (<a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>)</p> <p>Update: <b>Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b> (<a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a>)</p> <p>Code of Advertisement (Decree-Law nr. 330/90, amended by several other Decree-Laws and Laws, the latter of which date from 2008), art. 8<sup>º</sup>, 9<sup>º</sup>, 10<sup>º</sup>, 11<sup>º</sup>, 14<sup>º</sup>, 17<sup>º</sup>, 18<sup>º</sup>, 19<sup>º</sup>, 24<sup>º</sup>, 25<sup>º</sup> and 25<sup>º</sup>-A. (<a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=124&amp;lang=pt">www.gmcs.pt/index.php?op=fs&amp;cid=124&amp;lang=pt</a>)</p> <p>NOTE: These laws implement the Television Without Frontiers Directive, not yet the AVMS Directive. There are no specific items concerning</p> <p>Update: <b>Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b> (<a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a>)</p>	<p>ERC</p> <p>Directorate-General of the Consumer (<i>Direcção-Geral do Consumidor</i>) / Commission for the Application of Financial Penalties in Economic and Advertising Matters (<i>Comissão de Aplicação das Coimas em Matéria Económica e de Publicidade</i>).</p>	<p>Update: <b>The new Television Law also gave ERC the responsibility for non-linear commercial media services.</b> discussed and</p>	<p>ERC</p> <p>Directorate-General of the Consumer (<i>Direcção-Geral do Consumidor</i>) / Commission for the Application of Financial Penalties in Economic and Advertising Matters (<i>Comissão de Aplicação das Coimas em Matéria Económica e de Publicidade</i>)</p>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
		<i>product placement.</i>		was presented to the Portuguese Parliament on July 7, 2010.	
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<p>Television Law (Decree-Law Nr. 27/2007), art. 34°, for all the TV operators, and art. 51°, specifically for the PSB. (<a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>)</p> <p><b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b> (<a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a>)</p> <p>Deliberation 5/OUT-TV/2009 from the Regulatory Council of ERC, defining a plan for the period 2009-2012, according to which all TV operators must guarantee some weekly time of programming for people with disability. (<a href="http://www.erc.pt/index.php?op=downloads&amp;lang=pt&amp;Cid=34&amp;onde=34 0 0&amp;disabled=disabled">www.erc.pt/index.php?op=downloads&amp;lang=pt&amp;Cid=34&amp;onde=34 0 0&amp;disabled=disabled</a>)</p> <p><i>NOTE: This deliberation from ERC specifically refers to the AVMS Directive, although it is not yet formally implemented in the Portuguese laws.</i></p> <p><b>The situation changed with the publication of the new Television Law (see above).</b></p>	ERC	<p>According to the bill, ERC would probably take charge of non-linear services.</p> <p><b>ERC actually took charge of these new services (see new Television Law)</b></p>	ERC
	Broadcasting of major events (Art. 14 AVMS Directive)	<p>Television Law (Decree-Law Nr. 27/2007), art. 32°. (<a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>)</p> <p>Dispatch nº 23951-A/2009, listing the events regarded as being of major public interest for this year. (<a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=1397&amp;lang=pt">www.gmcs.pt/index.php?op=fs&amp;cid=1397&amp;lang=pt</a>)</p> <p><b>Update for 2012:</b> <a href="https://dre.pt/application/dir/pdf2sdip/2012/10/20900000/0/3550035500.pdf">https://dre.pt/application/dir/pdf2sdip/2012/10/20900000/0/3550035500.pdf</a></p>			

	<p>Access to short news reports (Article 15 AVMS Directive)</p>	<p>Television Law (Decree-Law Nr. 27/2007), art. 33°.  <a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>  <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>  <a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a></p>			
	<p>Promotion of European works (Art. 13, 16, 17 AVMS Directive)</p>	<p>Television Law (Decree-Law Nr. 27/2007), art. 45°-49°.  <a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>  <i>NOTE: This law implements the Television Without Frontiers Directive, not yet the AVMS Directive.</i>   <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>  <a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a></p>			
	<p>Hate speech (Art. 12 and 6 AVMS Directive)</p>	<p>Television Law (Decree-Law Nr. 27/2007), art. 27°.  <a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>   <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>  <a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a>   <i>NOTE: This law implements the Television Without Frontiers Directive, not yet the AVMS Directive. It has, therefore, no specific items regarding on-demand audiovisual media services (Art. 12 AVMS Directive)</i></p>			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<p>Television Law (Decree-Law Nr. 27/2007), art. 40° - 41°  <a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>) Code of Advertisement (Decree-Law nr. 330/90, amended by several other Decree-Laws and Laws, the latter of which date from 2008), art. 8°, 9°, 10°, 11°, 14°, 17°, 18°, 19°, 25° and 25°-A.  <a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=124&amp;lang=pt">www.gmcs.pt/index.php?op=fs&amp;cid=124&amp;lang=pt</a>)</p> <p><i>NOTE: These laws implement the Television Without Frontiers Directive, not yet the AVMS Directive.</i></p> <p>Update: Television and On-Demand Audiovisual Services Law – Law n° 27/2007 as amended by the Law n° 8/2011, of 11 April.  <a href="https://dre.pt/application/dir/pdfs/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdfs/2011/04/07100/0213902175.pdf</a>)</p>			
	Protection of minors (Art. 27 AVMS Directive)	<p>Television Law (Decree-Law Nr. 27/2007), art. 27°.  <a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>)</p> <p>Update: Television and On-Demand Audiovisual Services Law – Law n° 27/2007 as amended by the Law n° 8/2011, of 11 April.  <a href="https://dre.pt/application/dir/pdfs/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdfs/2011/04/07100/0213902175.pdf</a>)</p>			
	Right of reply (Art. 28 AVMS Directive)	<p>Television Law (Decree-Law Nr. 27/2007), art. 65° - 69°.  <a href="http://www.erc.pt/documentos/Lei_Televisao_2007.pdf">www.erc.pt/documentos/Lei_Televisao_2007.pdf</a>) Law Nr. 53/2005 (Creation and Statutes of the Regulatory Entity for the Media – ERC), art. 8°  <a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=837&amp;lang=pt">www.gmcs.pt/index.php?op=fs&amp;cid=837&amp;lang=pt</a>)</p> <p>Update: Television and On-Demand Audiovisual Services Law – Law n° 27/2007 as amended by the Law n° 8/2011, of 11 April.  <a href="https://dre.pt/application/dir/pdfs/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdfs/2011/04/07100/0213902175.pdf</a>)</p>			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<p>Law Nr. 53/2005 (Creation and Statutes of the Regulatory Entity for the Media – ERC), art. 11°.  <a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=837&amp;lang=pt">www.gmcs.pt/index.php?op=fs&amp;cid=837&amp;lang=pt</a>)</p>			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Portugal	ERC (Entidade Reguladora para a Comunicação Social) – Regulatory Entity for the Media	<a href="http://www.erc.pt">http://www.erc.pt</a>	Legal establishment – November 2005 Beginning of activity – February 2006	Avenida 24 de Julho, nº 58 1200-869 LISBOA Tel: +351 210 107 00 Fax: +351 210 107 019 E-mail: <a href="mailto:info@erc.pt">info@erc.pt</a>

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Portugal	ERC NOTE: Besides the audiovisual sector, ERC also has responsibilities on general media content, including all the printed press and news agencies.	Yes (only for audiovisual content in radio and TV, not for on demand media services) Update: Yes.	No	Yes	No	No	NOTE: Besides the audiovisual sector, ERC also has responsibilities on general media content, including all the printed press and news agencies.

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Portugal	ERC	Not defined. (In the terms of Art. 42° of its Statute, ERC shall "dispose of services of administrative and technical support, created by the Regulatory Council, according to its plan of activities and to its budget").	72 (2009) Update: 65 staff (2013, last data available)	Not defined in specific terms (it is foreseen in the state budget)	€5.067m (2008) €5.408m (2009)  Update: €4.951m (2013)	Source: ERC annual reports / 2012 and 2013 <a href="http://www.erc.pt/documentos/Relatorios/2008ERCRelatorioActividadeseContasVolume4final.pdf">www.erc.pt/documentos/Relatorios/2008ERCRelatorioActividadeseContasVolume4final.pdf</a> <a href="http://www.erc.pt/documentos/Relatorios/RelatorioRegulacao2008ERCfinalpdf.pdf">www.erc.pt/documentos/Relatorios/RelatorioRegulacao2008ERCfinalpdf.pdf</a> 2010 Budget Law – Law 3B/2010, of 28 of April ERC



## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Portugal	ERC	<p>- Constitution of the Portuguese Republic, Art. 39º (Media Regulation)  <a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=126&amp;lang=pt">http://www.gmcs.pt/index.php?op=fs&amp;cid=126&amp;lang=pt</a></p> <p>- Law Nr. 53/2005 (8 November), which creates ERC (Regulatory Entity for the Media) and extinguishes AACS (High Authority for the Media).  <a href="http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf">http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf</a></p>	<p>- Statute of ERC (Annex to Law Nr. 53/2005 )  <a href="http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf">http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf</a></p> <p>- Decree-Law Nr. 103/2006 (7 June) as amended by the Decree-Law Nr. 70/2009 (31 March) – Regime of Taxes to ERC.  <a href="http://www.erc.pt/documentos/legislacaosite/DecretoLei702009.pdf">http://www.erc.pt/documentos/legislacaosite/DecretoLei702009.pdf</a></p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Portugal	ERC	ERC is a legal person and an independent administrative body under public law, which means that it has administrative and financial autonomy.	Yes		Although an independent administrative entity, ERC is somehow accountable to the Parliament, by whom its members are elected, from whom it receives most of its budget and to whom it must submit an annual report.	Art. 1 <a href="#">ERC Statute</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Portugal	ERC		<p>√ ERC is a legal person under public law, with administrative and budgetary autonomy and has its own assets. ERC is an independent administrative body who enjoys the necessary regulatory and surveillance powers.</p> <p>ERC is independent in the performance of its duties, defining freely the scope of its work, without being subject to any lines of action from political authorities, and acts in strict compliance with the Constitution and the law.</p> <p>The decision to put ERC under the dependence of the Parliament (instead of the Government) and the need of a majority of two thirds of votes to elect four of its five members (the fifth being co-opted by the four elected members) are regarded as requirements to ensure and enhance the independence of the regulatory body – either from the Government or from one single political party.</p>	<p>Constitution of the Portuguese Republic, Art. 39º (Media Regulation)  <a href="http://www.gmcs.pt/index.php?op=fs&amp;cid=126&amp;lang=pt">www.gmcs.pt/index.php?op=fs&amp;cid=126&amp;lang=pt</a></p> <p>Law Nr. 53/2005 (8 November), which creates ERC (Regulatory Entity for the Media).  <a href="http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf">http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf</a></p>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Portugal	ERC	Tick boxes	No	√	√
		Areas	Although without any power to set general policies, ERC must be formally consulted before any measures concerning media activity are decided.	Television	Television
		Source	ERC Statute (Art. 24) <a href="http://www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=68&amp;mainLevel=folhaSolta">www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=68&amp;mainLevel=folhaSolta</a> Law 27/2007, of 30 of July (Television Law)	ERC Statute (Art. 24) <a href="http://www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=68&amp;mainLevel=folhaSolta">www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=68&amp;mainLevel=folhaSolta</a> Law 27/2007, of 30 of July (Television Law) <b>Update: Television and On-Demand Audiovisual Services Law – Law n° 27/2007 as amended by the Law n° 8/2011, of 11 April.</b> <a href="https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf">https://dre.pt/application/dir/pdf1s/2011/04/07100/0213902175.pdf</a>	ERC Statute (Art. 24, in particular 24, number 3, paragraph i). <a href="http://www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=68&amp;mainLevel=folhaSolta">www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=68&amp;mainLevel=folhaSolta</a> Article 93 of Law 27/2007, of 30 of July (Television Law) <b>Update: Television and On-Demand Audiovisual Services Law – Law n° 27/2007 as amended by the Law n° 8/2011, of 11 April.</b>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Portugal		Quotas	√	√	√			ERC Statute Articles 44 and following, and article 93 of Law 27/2007, of 30 of July (Television Law) <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>
		Advertising	√	√	√			ERC Statute Decree-law 330/90, of 23 October (Advertising Law), Law 27/2007, of 30 of July (Television Law) and ERC's Statutes. <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>
		Protection of minors	√	√	√			ERC Statute Article 27 of Law 27/2007, of 30 of July (Television Law) and article 7, paragraph c) of ERC's Statutes.
		Audiovisual commercial communication, sponsorship, product placement	√	√	√			Decree-Law 330/90, of 23 of October (Advertising Law) and Law 27/2007, of 30 of July (Television Law). <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>
		Accessibility to people with a disability	√	√	√			Law 27/2007, of 30 of July (Television Law) <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>
		Broadcasting of major events	√	√	√			Law 27/2007, of 30 of July (Television Law). <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>
		Television advertising and teleshopping	√	√	√			Decree-Law 330/90, of 23 of October (Advertising Law) and Law 27/2007, of 30 of July (Television Law). <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>
		Right of Reply			√	√		Law 27/2007, of 30 of July (Television Law) and ERC's Statutes. <b>Update: Television and On-Demand Audiovisual Services Law – Law nº 27/2007 as amended by the Law nº 8/2011, of 11 April.</b>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Portugal	ERC	Quotas	√	√ Min € 20,000 Max € 150,000	√	√	√	
		Advertising	√	√ Min € 20,000 Max € 150,000	√	√	√	
		Protection of minors	√	√ Min €7,500 Max €37,500	√	√	√	

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Portugal	ERC		√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Portugal	ERC	√	√	√ <del>(except in on demand services, which don't fall under ERC competences)</del>	√ (only in cases of radio operators) This sanction has not been applied because ERC has not acknowledged any breaches that could justify its application.	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Portugal	ERC	Yes <u>General procedure</u> Anyone can make a complaint regarding “behaviour that might violate rights, freedoms or guarantees, or violate any legal norms applicable to media activities”. These complaints / participations must be sent to ERC (by post, by fax or through on-line formulary) within 30 days after the knowledge of the facts. The person or company object of the complaint is allowed to respond within 10 days after notification. If he/she does so, ERC must engage both parts in a ‘conciliation audience’, in order to achieve a voluntary agreement. Otherwise, ERC proceeds according to the sanction powers granted to it by law. <u>Specific Procedures</u> Right of reply and rectification: when an entity that pursues media activities denies or complies poorly with the right of reply or rectification, the interested party may apply to the Regulatory Board. Arbitration, especially as regards disputes arising from restriction of access to information sources.	<a href="http://www.erc.pt/index.php?op=conteudo&amp;id=79&amp;mainLevel=folhaSolta&amp;lang=pt#">www.erc.pt/index.php?op=conteudo&amp;id=79&amp;mainLevel=folhaSolta&amp;lang=pt#</a> and <a href="http://www.erc.pt/formularios/rec12.html">www.erc.pt/formularios/rec12.html</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Portugal	ERC	Board	5	No	No	Yes. 4 members elected by Parliament. Those members then freely co-opt a fifth member.	No	Yes The law requires that board members should be persons of “recognized reliability, independence and professional and technical competence”.	No	No	<a href="#">ERC Statute</a>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Portugal	ERC	<p>The main competences of the Regulatory Council are to:</p> <ul style="list-style-type: none"> <li>define the general orientation of ERC</li> <li>approve annual plans of activities, reports and budget</li> <li>approve regulations, deliberations and decisions concerning its activity</li> <li>approve internal regulations, as well as</li> </ul>	<p>By majority vote, but in any case with at least three votes in favour.</p> <p>Some major decisions require all the five members of the Regulatory Council to be present.</p>	<p>Yes</p> <p><a href="http://www.erc.pt/index.php?op=noticias&amp;lang=pt&amp;mainLevel=8">http://www.erc.pt/index.php?op=noticias&amp;lang=pt&amp;mainLevel=8</a></p>	<p>Minutes and agenda not published, only decisions and rules of procedure</p> <p>(See: <a href="http://www.erc.pt/pt/deliberacoes/deliberacoes">http://www.erc.pt/pt/deliberacoes/deliberacoes</a>)</p>
		<p>the organization of human resources.</p> <p>Specifically, its competences are, among many others, to:</p> <ul style="list-style-type: none"> <li>ensure that the content of media operators (press, radio, tv), respects the principles and requirements legally prescribed</li> <li>grant licences to radio and television operators</li> <li>monitor the way they use those licences</li> <li>rule on any complaints by the public regarding media misbehaviour</li> <li>make a binding statement for the appointment of editors- in-chief for the Public Broadcasting Service;</li> <li>give opinion on transactions concerning media ownership and media concentration</li> </ul>			



**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Portugal	ERC	Chairman	No				<a href="#">ERC Statute</a>
		Board members	Yes	Candidates to the Regulatory Board are presented in lists of 4 members by a minimum of 10 and a maximum of 40 Parliament deputies.	The lists are submitted to an election in the Parliament. The elected list must have two thirds of the votes, this number being necessarily superior to the absolute majority of deputies in functions.	No	<a href="#">ERC Statute</a>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Portugal	ERC	Chairman of the board	5 years	Yes (the elections for the Parliament have a cycle of 4 years)	No	<a href="#">ERC Statute</a> (Articles 19 and 20) f Article 13 of Law 71/2007, of 27 March
		Board members	5 years	Yes (the elections for the Parliament have a cycle of 4 years)	No	<a href="#">ERC Statute</a> (Articles 19 and 20) Article 13 of Law 71/2007, of 27 March

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Portugal	ERC	Chairman of the board	No (except for the general requirement that they must be chosen among persons of “recognized reliability, independence and professional and technical competence”).		<a href="#">ERC Statute</a>
		Board members	No (except for the general requirement that they must be chosen among persons of “recognized reliability, independence and professional and technical competence”).		<a href="#">ERC Statute</a>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Portugal	ERC	Chairman	Yes		Yes	No	Yes	No	Yes	<a href="#">ERC Statute</a> (art. 18)  Law 64/93, of 26 of August as amended.
		Board members	Yes		Yes	No	Yes	No	Yes	<a href="#">ERC Statute</a> (art. 18) Law 64/93, of 26 of August, as amended.
		Senior staff	Yes		No	No	Yes ERC staff cannot work or provide services under remuneration to undertakings which hat are subject to its supervision or whose activities collide with the ERC competences.	No	No	<a href="#">ERC Statute</a> art 44

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Portugal		Chairman	Yes		Yes Board members must be functionally independent and cannot be subject to any specific instructions or guidelines.	No However, board members must be functionally independent and cannot be subject to any specific instructions or guidelines. Nothing is said on political affiliations.	Yes Board members must be functionally independent and cannot be subject to any specific instructions or guidelines. During the term of office, they cannot hold interests of a financial nature or shares in media companies.	<a href="#">ERC Statute Art. 18</a>
		Board members	Yes		Yes (same as above)	No	Yes (same as above)	<a href="#">ERC Statute; Art. 18</a>
		Senior staff	Yes		No	No	Yes ERC staff cannot work for companies subject to its supervision or whose activities collide with the ERC competences..	<a href="#">ERC Statute Art. 44</a>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Portugal	ERC	Chairman	Yes		Yes, for 2 years The members of the Regulatory Board shall not carry out any executive functions in companies, unions, confederations or business associations in the media sector for a period of two years following the term of office.	<a href="#">ERC Statute</a> ; Art. 18
		Board members	Yes		Yes, for 2 years	<a href="#">ERC Statute</a> ; Art. 18
		Senior Staff		No		<a href="#">ERC Statute</a>

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Portugal	ERC	Chairman	Yes		Only the Parliament can dismiss him/her ( upon approval by two- thirds of the present deputies, provided it is superior to the absolute majority of the deputies in office)	He/she can be dismissed on the grounds of a serious breach of statutory duties in the course of the performance of functions defined as: a) unjustified absence to board meetings (3 successively or 9) b) serious violation of his/her legal and statutory duties, confirmed by the Parliament through the vote of two thirds of the deputies c) dismissal of the whole regulatory board, decided by the Parliament (in case of serious irregularities on the functioning of the board)	Both	<a href="#">ERC Statute</a> (see Articles 22° and 23°)

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
		Individual board members	Yes		Only the Parliament can dismiss them (upon approval by two-thirds of the present deputies, provided it is superior to the absolute majority of the deputies in office).	They can be dismissed on the grounds of a serious breach of statutory duties in the course of the performance of functions defined as: a) unjustified absence to board meetings (3 successively or 9); b) serious violation of his/her legal and statutory duties, confirmed by the Parliament through the vote of two thirds of the deputies c) dismissal of the whole regulatory board, decided by the Parliament.	Both	<a href="#">ERC Statute</a> (see Articles 22° and 23°)

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
<u>Portugal</u>	<u>ERC</u>	<u>2015</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		
		<u>2014</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		
		<u>2013</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		
		<u>2012</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		
		<u>2011</u>	<u>Chairman</u>		<u>No</u>		<u>The new ERC board (including a new chairman) was appointed and began working in November 2011, for a fixed term of 5 (five)</u>
			<u>Individual board members</u>		<u>No</u>		
		<u>2010</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>	<u>Yes, one board member (Luis Gonçalves da Silva) decided to resign in September 2010</u>		<u>He alleged that, for political reasons, it was no longer possible for ERC to achieve a transparent, independent and efficient regulation of the media. He also alleged that freedom of the press was somehow in danger.</u>	<u>This member of the board had been indicated by the Social-Democrat Party (PSD), in a time when the Portuguese government was in the hands of the Socialist Party (PS). This dismissal should be regard as an episode in the increasingly stronger political fight between the governing party, PS – to whom the majority of the ERC board members was somehow closer – and the main opposition party, PSD – who eventually replaced PS in the government, after having won the elections in 2011.</u>

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
		2009	Chairman		No		
			Individual board members		No		
		2008	Chairman		No		
			Individual board members		No		
		2007	Chairman		No		
			Individual board members		No		
		2006	Chairman		No		
			Individual board members		No		
		2005	Chairman		N/A (ERC only exists since February 2006)		
			Individual board members		N/A (ERC only exists since February 2006)		



## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Portugal	ERC	No	35.4% (2009)  <i>Update: 36.5% (2013)</i>	No But ERC receives a contribution from ANACOM which is mainly financed by spectrum fees (€1m in 2008, €2m in 2009)  <i>Update: €1m in 2013</i>	11.2% (2009)  <i>Update: 2.9% (2013)</i>	1.4% (2009)  <i>Update: 0% (2013)</i>	51.9% (including the "surveillance fees" and the amount of money transferred by ANACOM, data of 2009). These "regulation and supervision" fees are established by law for all media operators (in press, radio, open TV, cable TV and mobile communications), according to the scope and dimension of each operator. Three categories are established for each sector: tax of "high regulation", of "medium regulation" and of "low regulation".  <i>Update: 61.5% (2013), including the money (€1m) transferred by ANACOM</i>	ERC Annual Report – 2008 <a href="http://www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=121&amp;mainLevel=12">http://www.erc.pt/index.php?op=conteudo&amp;lang=pt&amp;id=121&amp;mainLevel=12</a>  <i>Update: ERC Annual Report – 2013 (still not publicly available).</i>  Decree-Law Nr. 103/2006 (7 June), amended by the Decree-Law Nr. 70/2009 (31 March), on regulation and supervision taxes <a href="http://dre.pt/pdf1sdip/2009/03/06300/0194901961.pdf">http://dre.pt/pdf1sdip/2009/03/06300/0194901961.pdf</a>  Law 3B/2010, of 28 of April

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Portugal	ERC	The Regulatory Board, together with the Parliament. The role of the parliament in this process consists in the definition of the State funding in each budget and the definition of the financial allocations.	Yes.	The rules on budget adjustment are decided by the regulatory board together with the Parliament and with the Government. However, the decision on the amount to be transferred annually from ANACOM to ERC is taken by the Government.  Update: in 2012, there was no money transferred from ANACOM to ERC. In 2013, money (€1m) was transferred again (as it used to be in the past)	No, with the exception of the Government.	ERC Statute (Art. 24 and 48)

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Portugal	ERC	Yes	Annual	No A permanent auditor is appointed by the Parliament. A private auditing company has been selected and delivers an annual report for the five year ERC term	Yes		<a href="#">ERC Statute</a> (Art. 34-37)

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Portugal	ERC	Parliament	Yes	Annual report of regulation, annual report of activities and budget (both presented and discussed before the competent Parliamentary Commission (XIII Commission on Ethics, Society and Culture), monthly information of deliberations and activities. Meetings with the competent Parliamentary Commission, whenever asked by it.	<a href="#">ERC Statute</a> (Art. 73)
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	Informal accountability mechanism through public diffusion of an annual report about the general situation of the media sector, as well as activities of ERC regarding media regulation and media supervision. Site on the Internet, where all the relevant information, decisions, deliberations and recommendations, as well as legal and statutory norms and rules, must be publicly accessible.	<a href="#">ERC Statute</a>
		Other	Yes	Consultative Council and Court of Auditors ( <i>Tribunal de Contas</i> ) - exclusively as regards financial and accountability issues. Within the regulatory body, there is a Consultative Council, composed of 16 members representing various sectors of media activity, both public and private (other regulators, industry, unions, consumers' associations, advertisers, journalists, etc.), to whom the Regulatory Board is supposed to give some account of its work and from whom the Regulatory Board can receive opinions and suggestions. Court of Auditors: submission of the annual accounts for approval.	<a href="#">ERC Statute</a> (Art. 76)

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Portugal	ERC	Parliament	Annual (Besides that, monthly information must also be sent o the Parliament)	State of the media sector; Regulation and supervision activities; Monitoring activities; Financial and budgetary information.	Statistical data about own performance are usually provided in the annual reports of ERC, although no specific legal or statutory obligation on that exists.	No	No	<a href="#">ERC Statute</a> (see Article 73°)  <a href="#">Regulation Reports</a>  <a href="#">Annual Accounts</a>
			Monthly	Compendium of decisions	No	No	No	Source: Article 73 of <a href="#">ERC Statute</a>
		Court of Auditors ( <i>Tribunal de Contas</i> )	Annual	Annual Accounts	no	Yes	No	Annual Accounts

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Portugal	ERC	Yes	Monthly/ annual	Yes A permanent auditor is appointed by Parliament.	No	No	<a href="#">ERC Statute</a> ; Art. 73

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Portugal	ERC	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i> ERC Statute
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	<i>No information available</i> ERC Statute
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Portugal	ERC	Internal	1	Regulatory Board of ERC	No	The entity for which the decision of the Regulatory Board was unfavourable.	Article 161 Decree-Law 442/91, of 15 November
		External	1	Court of Law			ERC Statute (article 75) Article 46 Law 15/2002 of 22 February

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Portugal	ERC			√	Internal appeal: unless body suspends it (article 163/2 Decree-Law 442/91, of 15 November). External appeal: unless the appellant files a temporary injunction ( <i>providência cautelar</i> ) (article 75/4 of ERC’s Statutes).

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Portugal	ERC	√	√	√	No specific grounds for appeal are indicated in the law or ERC Statute
	Court	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Portugal	ERC	Internal: 1 Regulatory Board of ERC	√		N/A
		External: 1 Court of law	√		In certain cases replacement is not possible (for instance, in tendering procedures for the award of television licences).



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Portugal	ERC	No (not in specific terms, although outside advice is sometimes taken)	-	Not defined in specific term, except for the general rules of public administration (contracts above a certain amount (Decree-Law 18/2008, of January 29).		Yes, particularly in juridical issues.

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by	
Portugal	ERC	<p>According to the Code of Administrative Proceedings (which also obliges ERC), the parts with relevant interests must be consulted before a decision that might harm their legitimate interests.</p> <p>Regulations (prior public consultation is mandatory)</p> <p>Directives (prior public consultation is optional)</p>	Any interested party may give opinion.	30 days	<p>Not specified</p> <p>(In some situations, full consultation responses are published, as it happened with ERC Deliberation 1/LIC-TV 2010, of 17 March, regarding the situation of a license for Terrestrial Digital Television (TDT) – cf. <a href="http://www.erc.pt/documentos/Deliberacao1LICTV2010canexosv2.pdf">www.erc.pt/documentos/Deliberacao1LICTV2010canexosv2.pdf</a>)</p>	<p>Not specified but in practice yes</p>	<p>Decree-Law Nr. 442/91 (15 November), amended by Decree-Law Nr. 6/96 (31 January) – Código de Procedimento Administrativo (Code of Administrative proceedings), specially arts. 100º e 101º.</p> <p><a href="#">Decree-Law nr. 4/2015 (7 January) - Código de Procedimento Administrativo (Code of Administrative proceedings), specially arts. Nr. 100 and nr. 101</a></p> <p><a href="https://dre.pt/application/conteudo/66041468">https://dre.pt/application/conteudo/66041468</a></p> <p>Article 62 of ERC' Statutes.</p>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Portugal	ERC	2010	Project of Regulation on electronic guides of radio and television programmes.
		2009	Directive 2/2008, on the right of reply in periodical publications, which will be extended to audiovisual media. Project of Directive on the insertion of self-promotions in the interior of television programmes.
		2008	Global figures not available. At least three public consultations were made: one general consultation regarding printed periodicals published by the regional or local administration, and two consultations of all TV operators regarding (1) rules about self-promotional insertions during television programmes and (2) special measures concerning people with disabilities.
		2007	Global figures not available.
		2006	Global figures not available.
		2005	(Does not apply)

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment?	
				Legal basis?	
				Ex ante	Ex post
Portugal	ERC	All the ERC recommendations and deliberations must be published / diffused by the medium or media to which they address, within a defined period of time and within certain limitations (maximum of 500 words for press, maximum of 300 words for radio or tv). See ERC Statute: <a href="http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf">http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf</a> (Article 65°) Regulations with external effects Recommendations Directives Decisions  Article 65 of ERC’s Statutes Article 18/6 Law 27/2007, of July 30	Yes Art. 58 of ERC’s Statutes and article 18/3 Law 27/2007, of July 30	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Portugal	ERC	No specific mechanisms are prescribed, apart from the general duty of cooperation, as well as the specific duty to promote co-regulation, both pointed out by ERC Statute (see Art. 8°, 9°, 11°)	Ad-hoc cooperation (the organization of periodical working meetings with the regulatory authorities for Competition and for Communications are specifically suggested in ERC Statute (see Art. 11°)	No	<p>ERC is somehow obliged to cooperate with other regulatory authorities (and vice-versa), since some of its areas of supervision and regulation are partly shared with other bodies.</p> <p>(For example, in a public contest to grant licenses for the exploration of TDT platforms, ERC grants the habilitating distribution license for a given operator, but ICP-ANACOM grants the licenses to the use of certain frequencies.</p> <p>(For example, when it comes to media ownership, ERC has the general duty to prevent concentration, and must be consulted about any transaction going on, but the Competition Authority, which deals with the economic and financial issues in the market context, has specific competences to authorize ownership transactions.</p>

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
	Commission for the Application of Fines on Economic Matters and Advertisement <i>(Comissão de Aplicação de Coimas em Matéria Económica e Publicidade - CACMEP)</i>	ERC is competent as far as sponsorship, advertising breaks and teleshopping matters are concerned, without prejudice to the competences of CACMEP.  <b>Source:</b> Article 40 Decree-Law 330/90, of 23 October	Ad-hoc manner	No	
	Civil Institute of Self-Discipline of Commercial Communication <i>(Instituto Civil da Autodisciplina da Comunicação Comercial) - ICAP</i>	Self-regulation agreements.  Code of conduct of ICAP Self-regulation Agreement on product placement and sponsorship Self-regulation Agreement on commercial communication of food and drinks for the children	Ad-hoc manner	No	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Portugal	ERC	Yes.	ERC Statute (Art. 11 <sup>o</sup> ) suggests that the Regulatory Entity may establish relations of cooperation or association with other entities, public or private, from the country or from abroad, “namely in the context of the European Union”.	<p>1) ERC is a member of EPRA – European Platform of Regulatory Authorities, which joins together regulatory authorities for the media (Articles 11 and 24/3, ad) of ERC’s Statutes)</p> <p>2) ERC is a member of RIRM – Réseau des Instances de Régulation Méditerranéennes, which joins together regulatory bodies from Mediterranean countries (Articles 11 and 24/3, ad) of ERC’s Statutes)</p> <p>3) By initiative of ERC, regulatory bodies for the media from the Iberian Peninsula, in a total of four (3 from Spain and 1 from Portugal) met in February 2008, in Lisbon, and decided to go on with regular cooperation meetings.</p> <p>4) By initiative of ERC, public entities regulating or supervising the media in Portuguese- speaking countries (the former Portuguese colonies of Angola, São Tomé e Príncipe, Cape Verde, Mozambique and East-Timor) met in October 2009, in Lisbon, and decided to create a joint platform: PER Plataforma das Entidades Reguladoras da Comunicação Social dos Países e Territórios de Língua Portuguesa (Articles 11 and 24/3, ad) of ERC’s Statutes) The members of this platform shall meet at least once-a-year and intend to cooperate and research on common issues regarding media regulation.</p> <p>Encontro de Reguladores Ibéricos de Comunicação Social (Meeting of Iberian Media Regulators) Articles 11 and 24/3, ad) of ERC’s Statutes</p>

Romania

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## I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Romania	<del>387</del> 2373 audiovisual licences/rebroadcasting approval notices (as of 02 December 2014)	+13 (as of 02 December 2014)	6 16 radio stations belonging to the Romanian Radio Broadcasting Corporation (Radio Romania, public service, 24 licenses): Radio România Actualități, Antena Satelor, Radio România Cultural, Radio România Muzical, Radio România Internațional, Radio3Net + 10 regional and local stations (Radio Cluj, Radio Timișoara, Radio Reșița, Radio Oltenai Craiova, București FM, Radio Constanța, Radio Iași, Radio Târgu Mureș, Antena Sibiului, Radio Sighet) The Romanian Television (public service) has 6 channels (4918 licenses): TVR1, TVR2, TVR3, TVR Info1, TVR Cultural2, TVR International3, TVR Internațional, TVR News și TVR HD (which broadcasts in High Definition system) + 5 regional channels (TVR Cluj, TVR Craiova, TVR Iași, TVR Timișoara, TVR Târgu-Mureș) (as of 02 December 2014)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Romania	Information requirements (art. 5 AVMS Directive)	<p>- The Audiovisual Law (Law No. 504/ of 11 July 2002) with <u>modifications and completions</u>. Text in force as of 22 November 2009 available in English language at <a href="http://www.cna.ro/The-Audiovisual-Law.1655.html">http://www.cna.ro/The-Audiovisual-Law.1655.html</a>; Text in force as of 11 July 2014, available in Romanian at <a href="http://www.cna.ro/IMG/pdf/LEGEA_AUDIOVIZUALULUI_CU_MODIFICARI_SI_COMPLETARI_DIN_2014.pdf">http://www.cna.ro/IMG/pdf/LEGEA_AUDIOVIZUALULUI_CU_MODIFICARI_SI_COMPLETARI_DIN_2014.pdf</a></p> <p><u>CNA's Regulatory Code regarding Audiovisual Content</u></p> <p>- Decision no. 220 of 24 February 2011 regarding the Regulatory Code of the Audiovisual Content. Text in force as of 4 May 2014, available in English at <a href="http://www.cna.ro/IMG/pdf/Decision_220_of_24_February_2011_on_the_Code_of_regulation_for_the_audiovisual_content_updated_in_2014.pdf">http://www.cna.ro/IMG/pdf/Decision_220_of_24_February_2011_on_the_Code_of_regulation_for_the_audiovisual_content_updated_in_2014.pdf</a> and in Romanian at <a href="http://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html">http://www.cna.ro/DECIZIE-Nr-220-din-24-februarie.html</a></p> <p>- Law no. 41/1994 on the organization and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Corporation, republished. Text in force as of 5 December 2003 available in English at <a href="http://lege5.ro/Gratuit/gmzdqnrwgu/law-no-41-1994-on-the-organization-and-operation-of-the-romanian-radio-broadcasting-corporation-and-of-the-romanian-television-corporation">http://lege5.ro/Gratuit/gmzdqnrwgu/law-no-41-1994-on-the-organization-and-operation-of-the-romanian-radio-broadcasting-corporation-and-of-the-romanian-television-corporation</a> ; text in force as of 27 March 2013, available in Romanian at <a href="http://www.srr.ro/legea_nr_41_din_17_iulie_1994_republicata_si_actualizata-11879">http://www.srr.ro/legea_nr_41_din_17_iulie_1994_republicata_si_actualizata-11879</a></p>	The National Audiovisual Council of Romania (CNA) is responsible for all of the areas and all types of services.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Audiovisual Law <u>Regulatory Code of the Audiovisual Content</u>			
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Audiovisual Law/ <u>Regulatory Code of the Audiovisual Content</u>			
	Broadcasting of major events (Art. 14 AVMS Directive)	Audiovisual Law			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Access to short news reports (Article 15 AVMS Directive)	Audiovisual Law <del>/</del> Regulatory Code <u>of the Audiovisual Content</u>			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<del>Audiovisual Law</del> <u>Audiovisual Law</u> <u>Regulatory Code of the Audiovisual Content</u> <u>Law no. 41/1994</u>			
	Hate speech (Art. 12 and 6 AVMS Directive)	Audiovisual Law <del>/</del> Regulatory Code <u>of the Audiovisual Content</u> <u>Law no. 41/1994</u>			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Audiovisual Law <del>/</del> Regulatory Code <u>of the Audiovisual Content</u> <u>Law no. 41/1994</u>			
	Protection of minors (Art. 27 AVMS Directive)	Audiovisual Law <del>/</del> Regulatory Code <u>of the Audiovisual Content</u> <u>Law no. 41/1994</u>			
	Right of reply (Art. 28 AVMS Directive)	<del>Audiovisual Law</del> Regulatory Code <u>of the Audiovisual Content</u> <u>Law no. 41/1994</u>			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Audiovisual Law			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Romania	National Audiovisual Council of Romania (CNA)	<a href="http://www.cna.ro">www.cna.ro</a>	1992	Bucharest

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	<del>164</del> <u>141</u>	<del>133</del> <u>130</u> + 11 <del>members</del> <u>Council members (average staff 128 out of 141 in 2013)</u>	Not specified	Approx. <del>€2.4m</del> <u>€ 1.878,000 in 2013;</u> approx. <u>€ 1,954,000 in 2014</u>	<del>2013</del> <u>2009</u> Year Report on <a href="http://www.cna.ro">www.cna.ro</a> ( <a href="http://www.cna.ro/IMG/pdf/Raportul_de_activitate_al_CNA_pe_anul_2013.pdf">http://www.cna.ro/IMG/pdf/Raportul_de_activitate_al_CNA_pe_anul_2013.pdf</a> ); <u>2014 State Budget Law</u>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Romania	National Audiovisual Council of Romania (CNA)	<del>Law 48/1992 (the first</del> The Audiovisual Law in Romania)(Law No. 504 of July 11, 2002) with further modifications and completions	- The Audiovisual Law (Law No. 504/ of July 11, 2002) with further modifications and completions. Text in force as of November 22, 2009 <a href="http://www.cna.ro/The-Audio-visual-Law,1655.html">available in English language at http://www.cna.ro/The-Audio-visual-Law,1655.html</a> ; Text in force as of July 11, 2014, available in Romanian at <a href="http://www.cna.ro/IMG/pdf/LEGEA_AUDIOVIZUALULUI_CU_MODIFICARI_SI_COMPLETARI_DIN_2014.pdf">http://www.cna.ro/IMG/pdf/LEGEA_AUDIOVIZUALULUI_CU_MODIFICARI_SI_COMPLETARI_DIN_2014.pdf</a> <del>CNA's Regulatory Code regarding Audiovisual Content</del>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Romania	<del>CNA</del> National Audiovisual Council of Romania (CNA)	<del>CNA is an autonomous public institution</del> CNA is a public autonomous authority under the control of the Parliament and the warrantor of the public interest in the field of audiovisual communication. The CNA is the unique regulatory authority in the field of audiovisual media services.	Yes	=	The National Audiovisual Council in Romania is an autonomous public institution which is governed by a Council of 11 members. The Council is made up of 11 members and it is assigned by the Parliament, following the recommendations made as follows: a) The Senate: 3 members; b) The Chamber of Deputies: 3 members; c) The President of Romania: 2 members; d) The Government: 3 members. The Council meetings are public. The vote is always open, with very few exceptions. The expression of each open vote is accompanied by its motivation. The Decisions of the Council, including their motivation, as well as instructions and recommendations issued by the Council, shall be made public.	<a href="http://www.cna.ro">www.cna.ro</a> ( <a href="http://www.cna.ro/The-Audio-visual-Law,1655.html">http://www.cna.ro/The-Audio-visual-Law,1655.html</a> ) <del>Romanian press</del>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal -level)
		No	Yes	
Romania	<u>CNA National Audiovisual Council of Romania (CNA)</u>	<p><u>Implicitly:</u>  <u>Members of the Council are assigned by the Parliament.</u>  <u>The position of a member in the Council is incompatible with any other public or private office, save for didactical ones, provided they do not result in conflicts of interests.</u>  <u>The members in the Council may not be members of political parties or other political structures while exerting their mandate.</u>  <u>The members of the Council may not directly or indirectly hold shares or social parts in companies with activities in fields where they would be in conflict of interests with the capacity of a member in the Council.</u>  <u>The Council submits to the Parliament a yearly report.</u></p>	<p><del>Implicitly:</del>  <del>Members of the Council are assigned by the Parliament.</del>  <del>They are not allowed to be members of a political party.</del>  <del>The position of a member in the Council is incompatible with any other public or private office, save for didactical ones, provided they do not result in conflicts of interests.</del>  <del>The Council submit to the Parliament the Year Report</del></p> <p>Explicitly:  <u>Ch.2 art. 6</u> The members of the Council are the warrantors of the public interest and do not represent the authority that proposed them.</p>	The Audiovisual Law

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Romania	National Audiovisual Council of Romania (CNA)	Tick boxes	√	√	√
		Areas	<p><del>Designing</del>The National Audiovisual Council is the <del>strategy-</del> <del>for</del>unique regulatory authority in the developmentfield of the audiovisual industrymedia services under the terms of and by observing the provisions of this Law.</p>	<p>CNA exerts <u>its</u> control right upon the content of the programs offered by <u>radio-broadcasters audiovisual media services providers only after the public communication of such programs.</u></p> <p><u>The control exerted by the Council regarding the content of program services offered by radio-broadcasters audiovisual media services providers and upon the offer of program services</u> ensured by service distributors. <del>The control is shall be</del> usually accomplished on a periodical basis and whenever the Council deems it necessary or whenever a complaint is forwarded in regard to a radio-broadcaster's failure to observe the legal provisions, the regulation norms in the field or the liabilities recorded in the audio-visual license.</p> <p><u>The Council must notify the competent authorities in regard to the occurrence or existence of practices restricting competition, the abuse of the dominant position or of economic concentrations, as well as the existence of any other infringement of the legal provisions that does not fall under its competency.</u></p> <p>The decisions and the norms issued by the National Audio-visual Council with a view to applying the provisions of the present Law and by observing the legal provisions, as well as the norms on human rights stipulated in the conventions and treaties ratified by Romania are not deemed interference.</p> <p><u>Provisions of professional conduct codes adopted by journalists and audiovisual media services providers applied within self-regulation mechanisms and structures of their activity are not deemed interference, unless they infringe the legal provisions in force.</u></p>	<p><u>The Council issues decision, recommendations and sanctions.</u></p>

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
		Source	<p><del>General act</del>            Audiovisual Law            Art. 10 (2), at  <a href="http://www.cna.ro">www.cna.ro</a></p>	<p><del>Ch.1, art.6,</del> Audiovisual Law-  <del>Audiovisual Regulatory Code</del> Art. 6 (4), (5), Art. 10 (4), (5), (6), at <a href="http://www.cna.ro">www.cna.ro</a>, Audiovisual Code (National Audiovisual Council's Decision No. 220/2011 regarding the code for regulating the audiovisual content), at <a href="http://www.cna.ro">www.cna.ro</a></p>	<p>Sector Legislation:            For <del>PSB the</del>PBS: Law no. 41/1994 on the organization and operation of the <del>Public</del> Romanian Radio Broadcasting Corporation and of the Romanian Television and <del>Radio-Society</del> Corporation, republicise            Other Laws and Decisions of the <del>Govern</del>Government:            - <a href="#">Law no. 148/2000</a> regarding the advertising, with further modifications and completions            - <a href="#">Law no. 196/2003</a> regarding avoiding of on the prevention and fighting of pornography-47/2003            - <a href="#">Law no. 202/2013</a>, amending and complementing Law no. 158/2008 on misleading advertising and comparative advertising            - <a href="#">Law No. 457/2004</a> regarding advertising and sponsorship of tobacco products            - <a href="#">Government Decision no. 403/2013</a> for the major events, 1213/2009 approval of the strategy for the switchover from analogue terrestrial television to digital terrestrial digital multimedia services and implementation at national level regarding the strategy for digital television</p>



**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only-after complaints	Others	Source (legislation, or practice)
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Quotas	√	√	√	√		Audiovisual Law
		Advertising	√	√	√	√		Audiovisual Law and <a href="#">Audiovisual Regulatory Code</a>
		Protection of minors	√	√	√	√		Audiovisual Law and <a href="#">Audiovisual Regulatory Code</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Quotas		<del>√</del> Min ~ €1,213 Max ~ €242,72 interpretation √	√	√	√ ≈ €12,130	
		Advertising	√	√ RONLei 10,000- 200,000 Min ~ €(€2,426)	√		√ ≈ €12,130	
		Protection of minors	√	√	√ RONLei 10,000- 200,000 Min ~ €(€2,426)	√		√ ≈ €12,130

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	√	√	√	√ <i>Please note that it was used for an area outside of AVMS-competence.</i>	√
	<p><del>2009: 624</del><a href="#">2013: 250</a> sanctions:</p> <ul style="list-style-type: none"> <li>• <del>248</del> 248 fines</li> <li>• <del>374</del> 101 fines (2,067,500 lei, approx. EUR 467,850)</li> <li>- 132 public <del>sum</del> warnings</li> <li>• <del>2</del> penalties - 13 decisions for granting the right of reply</li> <li>- 2 decisions to withdraw the broadcasting license</li> </ul>					

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	<p>Yes  <u>it exists.</u> There is a Complaints Form listed on the website of CNA <u>which can be submitted via <del>Postpost</del>, fax, <del>Internet</del>-mail.</u>                      Anonymous complaints are not taken in consideration.                      By law, the Council has to control and to investigate the case mentioned in the complaint (Complaints handling procedure according to Audiovisual Law)</p>	<p><del>www.cna.ro/Complaints-form.html</del>  <a href="http://www.cna.ro/Formular-de-sesizare-Radio-TV.html">http://www.cna.ro/Formular-de-sesizare-Radio-TV.html</a></p>
		<p><del>No 544/2001 on free access to public information).                      The Communication Department send a resolution (no dead line).</del></p>	

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Romania	<a href="#">CNANational Audiovisual Council of Romania (CNA)</a>	<a href="#">Board of the Council</a>	11	No	Appointed by Government: 3 - 27%.27% Rules on incompatibilities prevents them from being party members and they must act in an independent capacity.	Appointed by Parliament: 6 (3 by the Senate, upper Chamber, 3 by the Chamber of Deputies, lower Chamber) 54.54 % TheyRules on incompatibilities prevents them from being party members and they must act in an independent capacity.	No	No	Appointed by the Presidency: 2 - 18.18% TheyRules on incompatibilities prevents them from being party members and they must act in an independent capacity.	No	Audiovisual Law

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Romania	CNA National Audiovisual Council of Romania (CNA)	<p>The main CNA competences are to:</p> <ul style="list-style-type: none"> <li>• ensure that accurate information is given, according to the public Audiovisual Law Art. 10 (3);</li> <li>• ensure the correct use of Romanian language and the languages of national minorities</li> <li>• ensure a) the observance of a pluralist expression of ideas and opinions in the audiovisual media services content transmitted by media service providers under the jurisdiction of Romania;</li> <li>b) the pluralism of information sources of the public;</li> <li>• ensure c) favoring free competition;</li> <li>d) a fair balance between the national coverage radio-broadcasting services and local, regional or thematic services;</li> <li>e) the protection of children, the defence of human dignity and other related rights</li> <li>• ensure the exercise of the right to reply one's own image as well as children's protection;</li> <li>• ensure f) the application protection of rules on advertising the Romanian culture and sponsorship</li> <li>• give an opinion in the context language, as well as of the country's position in international negotiations culture and languages of draft legal acts national ethnic minorities;</li> </ul> <p>CNA issues the Internal Regulation of Functioning for the organisation-g) the transparency of organizing, operating and financing mass communication means in the audio-visual sector;</p> <ul style="list-style-type: none"> <li>h) the transparency of own activities;</li> <li>i) increase the level of public opinion sensitivity regarding the efficient and safe use of audiovisual media services by promoting and developing media education for all social categories;</li> <li>j) encouragement of co-regulation and self-regulation in the audiovisual field;</li> <li>k) encouragement of audiovisual media services providers with a view to ensuring conditions that provided services are available to persons with hearing or seeing disabilities;</li> <li>l) monitoring audiovisual programs services and audiovisual media services including those on-demand with a view to their compliance with the legal provisions in this field.</li> </ul>	<p>By majority vote (at least 8 from 11 vote):</p> <p>The majority of board members must be present. The president does not have a casting vote</p> <p>Audiovisual Law Art. 15 (1) The Council issues decisions, instructions and recommendations in the presence of at least 8 members and with the vote of at least 6 members in order to fulfill its functions and attributions incumbent thereupon according to the Audiovisual Law.</p>	<p>It is public</p> <p>Audiovisual Law Art. 15 (2) The Council meetings are public, save the case when the President is proposed and the Vice-President is elected according to provisions of Art. 14 paragraphs (1) and (3).</p> <p>(3) The vote is always open, save the case stipulated in Art. 14 paragraphs (1) and (3), about the election of President and Vice-President.</p> <p>(4) The expression of each open vote is accompanied by its motivation.</p>	<p>Yes: Audiovisual Law Art. 15 (5) Decisions of the Council due to their normative characteristic, including their motivation are published in the official-gazette Official Gazette of Romania, Part I.</p> <p>(6) The Decisions of the Council, including their motivation, other than those specified at par.(5), as well as instructions and recommendations issued by the Council, shall be made public.</p> <p>The minutes and agendas of the CAN meetings are published on the website and sent to the media.</p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	SoS Source
Romania	<del>CNA</del> <u>National Audiovisual Council of Romania (CNA)</u>	Chairman	Yes	Council	Parliament	<u>The President is appointed by the vote of the Parliament from among the members of the Council, on their proposal.</u> Formally, the Parliament <del>could</del> <u>can</u> reject the proposal <del>but</del> ; <del>this has never happened</del> <u>thing did not happen</u>	<del>No information available</del> <u>Audiovisual Law</u>
		Board members	Yes	1. The Senate, the Chamber of Deputies, the Government and the <del>Presidency</del> <u>President of Romania</u> make proposals <u>f or the position of a titleholder, as well as the candidate for the position of a deputy.</u> 2. Proposals are forwarded to the standing offices of the <del>two</del> <u>Two</u> Chambers within 15 days since the date of commencing the assignment procedure. 3. The standing offices of the two Chambers forward the proposals to the <u>specialized standing commissions with a view to the candidates' hearing in joint session.</u>	After the hearing, the specialized standing commissions draw up a joint notification which they present to the joint session of the Chamber of Deputies and of the Senate.  Candidates shall be approved by the vote of the majority of deputies and senators, provided that <u>the quorum is met in the two</u> <del>the quorum is met in the two</del> Chambers.	<del>No</del> <u>Formally, the Parliament can reject one or more proposal; this thing happened as a result of the political fight among parties.</u>	<del>The</del> <u>Audiovisual Law- www.ena.ro</u>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>	Chairman of the board	6 years	<del>Yes</del> No	<del>Yes</del> Yes: there is no limit for number of mandates	Audiovisual Law
		Board members	6 years	<del>Yes</del> No	<del>Yes</del> Yes: there is no limit for number of mandates	Audiovisual Law

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>	Chairman of the board	Not specified	Not specified	n/a
		Board members	Not specified	Not specified	n/a

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Chairman and Board Members	Yes	No	Ch.2,art.12/2 The position of Council member is incompatible with any other public or private office, save for didactical ones.;	Ch.2, art.12/3 The Council members may not be members of political parties or other political structures.;	Ch. 2, art. 12/2 The position of Council member is incompatible with any other public or private office, save for didactical ones; Ch.2, art.12/4.The Council members may not directly or indirectly hold shares or social parts in companies active in fields where they would be in conflict of interests. Members of the Council who at the moment of appointment are undergoing one of these situations have maximum 3 months to renounce the positions or shares, a period during which they are not entitled to vote in the Council.;	Ch.2, art.12/2 The position of Council member is incompatible with any other public or private office, save for didactical ones.;	No information available	<a href="http://www.ena.ro/The-Audiovisual-Law,1655.html">www.ena.ro/The-Audiovisual-Law,1655.html</a>
		<a href="#">Senior staff</a>		No						
		<a href="#">Senior staff</a>	Yes		Same as above (Ch.2,art.12/2)	Same as above (Ch.2, art.12/3)	Same as above (ch.2, art 12/2)  (Ch.2 art.4) The civil servants of the Council may not be members in the board of directors of providers and distributors of audiovisual program services and they may not carry out positions or hold shares or social parts in a company holding an audio-visual licence.	Same as above (ch.2, art 12/2)	No information available	



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	S o u
			Yes	No				
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Chairman	Yes		<p><del>Yes</del><a href="#">Art.12 (2)</a>                      The position of a member in the Council is incompatible with any other public or private office, save for didactical ones, provided they do not result in conflicts of interests.</p> <p>(5) Members of the Council who at the moment of appointment are undergoing one of the situations stipulated in paragraphs (2) to (4) dispose of a maximum 3-month term to renounce the respective positions or shares, a period wherein they are not entitled to vote in the Council.</p> <p>(6) In case of failing to observe the provisions of this Article, the concerned person is rightfully dismissed and his position becomes vacant and is to be occupied by the deputy on the proposal of the specialised standing commission of the Parliament.</p>	<p><del>Yes</del><a href="#">Art.12 (2)</a>                      The position of a member in the Council is incompatible with any other public or private office, save for didactical ones, provided they do not result in conflicts of interests.</p> <p><a href="#">Art.12 (3)</a> ) The members in the Council may not be members of political parties or other political structures while exerting their mandate.</p>	<p><del>Yes</del><a href="#">Art.12 (2)</a>                      The position of a member in the Council is incompatible with any other public or private office, save for didactical ones, provided they do not result in conflicts of interests.</p> <p><a href="#">Art. 12 (4)</a> The members of the Council may not directly or indirectly hold shares or social parts in companies with activities in fields where they would be in conflict of interests with the capacity of a member in the Council.</p>	<a href="http://www.cna.ro/The-Audio-visual-Law.1655.html">www.cna.ro/The-Audio-visual-Law.1655.html</a>
		Board members	Yes		<p><del>Yes</del>The same as for the <a href="#">Chairman</a></p>	<p><del>Yes</del>The same as for the <a href="#">President</a>.</p>	<p><del>Yes</del>The same as for the <a href="#">President</a>.</p>	

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	S o u
			Yes	No				
		Senior staff	Yes		Yes	Yes	<p><u>Yes Art. 18 (4) The civil servants of the Council may not be members in the board of directors of providers and distributors of audiovisual program services and they may not exert positions or hold shares or social parts in a company holding an audio-visual license. (5) For the purpose of applying the provisions from paragraph (4), civil servants within the Council shall submit with the President of the Council a conformation statement on own liability.</u></p>	<p>Audiovisual Law_ <a href="http://www.cna.ro/The-Audio-visual-Law,1655.html">www.cna.ro/The-Audio-visual-Law,1655.html</a></p>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Romania	<del>CNA</del> National Audiovisual Council of Romania (CNA)	Chairman		No	<u>No</u>	
		Board members		No	<u>No</u>	
		Senior Staff		No	<u>No</u>	

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Chairman	Yes		Parliament	<p><a href="#">Art. 20 (new form):</a>                      (4) <a href="#">The rejection, by the Parliament , of the annual activity report of the Council means ipso jure the dismissal from office of the President.</a>                      (5) <a href="#">In the situation provisioned under paragraph (4), the Parliament will appoint a new President for the remaining term of former President, under the conditions of Art. 14 (1) [meaning the new President will be appointed from the rest of the existing members of the Council].</a>                      (6) <a href="#">The ousted former President can not be re-elected until his mandate expires.</a></p>	Only individual members	<a href="#">Audiovisual Law file:///C:/Users/work/Downloads/Lege%20demitere%20presedinte%20CNA.pdf (new form of the Art. 20 of the Audiovisual Law, adopted by the Romanian Senate, upper chamber of the Parliament, on 29 June 2015). Audiovisual-Law-Ch.2-art.13www.cna.ro/The-Audio-visual-Law,1655.html</a>
		Individual board members	Yes		Parliament	<p><a href="#">Art. 13</a>                      (1) <a href="#">The members in the Council (also the Chairman) may be revoked on the proposal of the specialized commissions of the Parliament in the following situations:</a>                      a) <a href="#">in case it is impossible to exert the functions for a period longer than 6 months;</a>                      b) <a href="#">in case of a penal conviction applied by a final court decision.</a>                      e) <a href="#">(2) With a view to applying the provisions from paragraph (1), The Council notifies the Parliament.</a>  <del>The members pf the CNA can also be dismissed</del> <a href="#">in case of infringement of the artArt. 12 on the involvement in companies or other public or private activities and they are rightfully dismissed</a> <del>conflicts of interests.</del></p>		<a href="#">Audiovisual Law www.cna.ro/The-Audio-visual-Law,1655.html</a>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	2005-2009 2010-2014	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	No	State funding €2.4m Approx. € 1,954,000 (2014) Approx. € 1,878,000 (2013)	No	No	Yes RON 2,18m (€524,715) No	No	<a href="#">CNA yearly activity report 2013 (http://www.cna.ro/IMG/pdf/_Raportul_de_activitate_al_CNA_pe_anul_2013.pdf)</a> , Romania's 2014 State Budget Law

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	The Ministry of Finance submits the Annual Budget to the Parliament. The Parliament takes the final decision after debating and voting the Budget Law.	Yes, the Chairman is invited to sustain the project of budget in the <del>Cultural</del> Culture and Media <del>Commissions</del> Standing Committees of the Parliament.	The Government submits <del>the draft budget</del> to the Parliament.	No	<a href="#">Romania's State Budget Law and the Audiovisual Law Art. 16: Art.16 (1) The activity of the Council is financed from the state budget. (2) The President of the Council is a main credit accountant.</a>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Yes	<del>At least once a year.</del> Yearly or ad-hoc.	Yes Romanian Court of Accounts	<del>No</del>	Yes <del>Twice a year.</del> Yearly or every 3 years for some activities from the Internal Audit Service of CNA	<del>State Budget Law and The Audiovisual Law</del> Romania's State Budget Law, CNA Rules of organization and operation ( <a href="http://www.cna.ro/IMG/doc/ROF_AF_ROBAT_septembrie_2014_mod_27_i_anuarie_2015.doc">http://www.cna.ro/IMG/doc/ROF_AF_ROBAT_septembrie_2014_mod_27_i_anuarie_2015.doc</a> )

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Romania	CNA National Audiovisual Council of Romania (CNA)	Parliament	Yes	<p><del>The NAC is a public autonomous authority under the control of the Parliament. Art 20.</del></p> <p>(1) The activity of the <del>NAC</del>Council is <del>analysed</del>analyzed by the Parliament by debating upon the annual report that is presented for the <del>prior</del>previous year and whenever the <del>specialised</del>specialized commissions of the Parliament request from the President of the Council specific reports.</p> <p>(2) <del>The annual activity report of the Council is forward to the specialized commissions of the Parliament until April 15th.</del></p> <p>(3) <del>When the specialized commissions vote down the annual report of the Council, the latter must produce to the reunited commission a program of substantial measures for the remedy of the shortcoming within 30 days, a program that shall be subjected to the debate and approval of the specialized commissions of the Parliament.</del></p> <p>(4) <del>The report of the specialized commissions regarding the annual activity report of the Council and, as the case may arise, the program of measures shall be subjected to the debate in the session of the reunited Chambers of Parliament, in the presence of the members in the Council.</del></p> <p>(6) <del>The report of the specialized commissions refers to the lawfulness of the Council's activities, as well as to the accuracy and transparency of the financial operations.</del></p>	Audiovisual Law <a href="http://www.cna.ro/The-Audio-visual-Law.1655.html">www.cna.ro/The-Audio-visual-Law.1655.html</a>
		Government as a whole	No	<del>N/A</del> No	<del>N/A</del>
		Specific ministers (e.g. Media, finance, etc.)	<del>Yes</del> No	<del>Ministry of Finance</del> No	<del>State Budget Law</del>
		Public at large	No	<del>N/A</del> No	<del>N/A</del>



**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Parliament	<del>Annual</del> Yearly and whenever the Parliament request from the <del>NAC</del> CNA specific reports.	<del>Overview of the NAC's - Art 20</del> (1) The activity <del>of the Council</del> is analyzed by the Parliament by debating upon the annual report that is presented for the previous year and whenever the specialized commissions of the Parliament <del>upon request from the President of the Council</del> specific reports. (2) The annual activity report of the <del>NAC</del> Council is forward to the <del>legality of the Council's activities, as well as to the accuracy and transparency of the financial operations</del> specialized commissions of the Parliament until April 15th.	<del>No</del> Yes, in the body of the yearly activity report.	<del>Yes</del> Yes. According to Art. 20, (3) When the specialized commissions vote down the annual report of the Council, the latter must produce to the reunited commission a program of substantial measures for the remedy of the shortcoming within 30 days, a program that shall be subjected to the debate and approval of the specialized commissions of the Parliament. (4) The report of the specialized commissions regarding the annual activity report of the Council and, as the case may arise, the program of measures shall be subjected to the debate in the session of the reunited Chambers of Parliament, in the presence of the members in the Council. (5) The members of the Council must appropriate the conclusions resulting from the debates and assume the liability for the fulfilling of the program of measures established by the decision of the Parliament.	No	<a href="http://www.cna.ro/Annual-reports.html">www.cna.ro/ Annual reports.html</a> <a href="http://www.cna.ro/The-Audiovisual-Law,1655.html">www.cna.ro/The-Audiovisual-Law,1655.html</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	Yes	<del>Annual</del> Yearly or twice a year	Yes	No	No	<del>The State Budget Law ( and Law no. 94/1992 on the organization and functioning of the Romanian Court of Accounts, republished in the Romanian Official Journal no. 282/29.04.2009 AND Government Decision no. 34 of Official Journal of Romania no. 238 of 3 April 2014 (http://www.dreptonline.ro/legislatie/legea_94_1992_organizare_functionare_curte_de_conturi_republicata.php ) 22 January 2009 on the organization and functioning of the Ministry of Finance)</del>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>	Does anybody have the power to overturn decisions of the regulator?	<del>No</del> (But the regulator says that this is possible)	No	No	No (But the regulator says that this is possible)	No	<del>No information available</del> <a href="#">Audiovisual Law</a>
		Does anybody have the power to give instructions to the regulatory body?	<del>No</del> (But the regulator says that this is possible) <u>Yes</u>	No	No	<u>Yes. The Parliament can reject the NAC yearly report, which triggers the dismissal of the President of the Council</u> <del>No</del> ( <u>Yes. The Parliament could</u> <del>can</del> <u>make suggestions to optimize the</u>		<del>No information available</del> <a href="#">Audiovisual Law</a>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	<u>No</u> <u>N/A</u>	<u>No</u> <u>N/A</u>	<u>No</u> <u>N/A</u>	<u>No</u> <u>N/A</u>	<u>No</u> <u>N/A</u>	<a href="#">Audiovisual Law</a> <u>N/A</u>
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>	Internal		None	No	<a href="#">Art.15 (7) of Audiovisual Law:</a> Normative documents issued by the Council may be contested at the competent administrative court by any person who considers itself prejudiced thereby.	Civil and Penal Code Audiovisual Law
		External	1	Local Justice Court			
			2	County Appeal Court			
			3	Highest Court of Justice			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	N/A	N/A	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	1 Local Justice Court 2 County Appeal Court 3 Highest Court of Justice		√	Could <del>annul</del> <u>abolish</u> the decision of the Council, but not to <del>formulate</del> <u>issue</u> a new decision

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>	No	<del>N/A</del>	<del>Yes</del>	-	No information available

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Romania	<del>CNA</del> <a href="#">National Audiovisual Council of Romania (CNA)</a>	Regulating decisions (secondary legislation)	<del>Information not available</del> <a href="#">There are no legal specific provisions.</a>	<del>30</del> 10-14 days	<del>N/A</del>	<del>Yes</del> <a href="#">N/A</a>	Transparency <del>Legislation</del> <a href="#">legislation</a>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	<del>2009</del> 2013	23
		<del>2008</del> 2012	2 No information available
		<del>2007</del> 2011	6 No information available
		<del>2006</del> 2010	4 No information available
		<del>2009</del> 2005	32

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Romania	<a href="#">CNA National Audiovisual Council of Romania (CNA)</a>	The CNA decisions on content regulation, licences or electoral campaigns are published in the Official Journal. The instructions and recommendations addressed to broadcasters are posted on the CNA website; <a href="#">the sanctions, published on the CNA website.</a>	Yes Audiovisual Law	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Romania	<p><del>CNA</del> <u>National Audiovisual Council of Romania (CNA)</u></p>	<p>For specific decisions, CNA cooperate with partners like:</p> <ul style="list-style-type: none"> <li><del>• Romanian Academy for the right use of the Romanian language. The Academy provide norms and observations for the CNA decisions</del></li> <li><del>• National Council against Discrimination for match the specific legislation with its own regulations</del></li> <li><del>• Romanian Society of Cardiology for a campaign for health. CNA is responsible for monitoring and ensuring the</del></li> </ul> <p><u>implementation, together with the Ministry of Culture, of the audiovisual policies assumed by Romania, the information campaigns about the transition from analogue terrestrial television to digital television, and about granting audiovisual licenses in multiplexes for digital audiovisual media services</u></p> <ul style="list-style-type: none"> <li><u>- The National Authority for Management and Regulation in Communications (ANCOM)</u></li> <li><u>- the National Radiocommunications Company Ltd (Radiocom)</u></li> </ul>	<ul style="list-style-type: none"> <li><u>- Audiovisual Law</u></li> <li><u>- Government Decision no. 403/2013 (The strategy of transition from analogue terrestrial television to digital terrestrial television and the implementation of digital multimedia services at national level)</u></li> </ul>	<p>Only consultations, suggestions</p>	<p>-</p>



**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Romania	<p><u>CNA National Audiovisual Council of Romania (CNA)</u></p>	<ul style="list-style-type: none"> <li>• <u>EPRA</u></li> <li>• <u>CERF</u></li> <li>• <u>REFRAM</u></li> <li>• <u>WG- EPRA (European Platform of Regulatory Authorities)</u></li> <li>- <u>CERF (Central European Regulatory Forum)</u></li> <li>- <u>REFRAM (Mass-Media Francophone Regulatory Authorities Network)</u></li> <li>- <u>BRAF (Black Sea Broadcasting Regulatory Authorities Forum)</u></li> <li>- <u>Directorate General Information Society and Media of the European Commission</u></li> <li>- <u>Expert Group on Education for media, DG EAC, European Commission</u></li> <li>- <u>Contact Committee of the Audiovisual Media Services Directive</u></li> <li>- <u>Working Group</u> for the European Audiovisual of the European Council</li> </ul> <p><u>Has memorandum</u></p> <p><u>The CNA has Memorandums of collaboration and exchange of information or cooperates in international agreements with similar bodies from Hungary (ORTT), the Czech Republic (CRTB), Slovak republic (CBR), Slovakia, Poland (NBC), Serbia (RBA), and a memorandum of collaboration with the Broadcasting Agency in FYROM (Macedonia).</u></p>	<p><u>AVMS Not specified in the legislation</u></p>	<p><u>-</u></p>

Serbia

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Serbia	<p>65 (national), 3 (Belgrade – Capital), <del>2925</del> (regional), <del>40280</del> (local)</p> <p><i>Page 36, Republic Broadcasting Agency Information booklet, September 2014</i></p> <p><a href="http://www.rra.org.rs/uploads/useruploads/PDF/2211-Informator%20o%20radu%20SEPT%202014.pdf">http://www.rra.org.rs/uploads/useruploads/PDF/2211-Informator%20o%20radu%20SEPT%202014.pdf</a></p>	<p><del>Not regulated</del> <u>Non-linear media are regulated by the new Law on Electronic Media, however, there is no actual data about MSPs.</u></p>	<p>National – 2 (Radio Television Serbia), Provincial – 2 (Radio Television Vojvodina)</p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Serbia	Information requirements (art. 5 AVMS Directive)	<del>Law on Public Information Act and Media</del> (Official Gazette <del>43/2003, of the Republic of Serbia No 84/2013, 61/2005, 71/2009</del> ) <del>www.kultura.gov.rs/?jez=se&amp;p=33</del> (In Serbian only) (Art. 26-28) (excluding the requirements regarding electronic mail address or website) (*Also, in part, Broadcasting Law (in 34-36 and Art. 69 but referring to Public Information Act))37-41 ) - Law on Electronic Media (Official Gazette of the Republic of Serbia No 84/2013) (Article 87)	Ministry of Culture and Media (*also, Republic Broadcasting Agency) Regulatory Body for Electronic Media  * For the Media Register responsible body is Serbian Business Registry Agency (SBRA)	N/A RBEM	Ministry of Culture (* also, Republic Broadcasting Agency RBEM)
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>Advertising Law on Electronic Media</del> (Official Gazette <del>79/2005, in of the Republic of Serbia No 83/2014</del> ) <del>Serbian only</del> (Art. <del>3-8, 88-96</del> 56-60) <del>www.mtu.gov.rs/cms/?page_id=78</del> Law on Advertising (*General rules on advertising from the Law on Advertising are also applicable)	RBEM  * Also Trade Inspection within the Ministry of Trade, Tourism and Telecommunications		Republic Broadcasting Agency RBEM * Also Trade Inspection within the Ministry of Trade, Tourism and Telecommunications
	Accessibility to people with a disability (Art. 7 AVMS Directive)	N/A Law on Electronic Media (Article 52)	N/A RBEM	N/A RBEM	N/A RBEM

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	<del>Broadcasting Law (Official Gazette 42/2002, 97/2004, 76/2005, 79/2005 et alia, 62/2006, 85/2006—correction and 41/2009) (*English version obsolete—2005)</del> (Art. 71) <a href="http://www.rra.org.rs/files/1219931533broadcasting-law.pdf">www.rra.org.rs/files/1219931533broadcasting-law.pdf</a> <del>Law on Electronic Media (Article 64)</del>	<del>Republic Broadcasting AgencyRBEM</del>	<del>N/ARBEM</del>	<del>Republic Broadcasting AgencyRBEM</del>
	Access to short news reports (Article 15 AVMS Directive)	<del>Broadcasting Law (Art. 71)</del> <del>Law on Electronic Media (Article 64)</del>	<del>Republic Broadcasting AgencyRBEM</del>	<del>N/ARBEM</del>	<del>Republic Broadcasting AgencyRBEM</del>
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<del>N/A</del> <del>Law on Electronic Media (Art. 65 and 66)</del>	<del>N/ARBEM</del>	<del>N/ARBEM</del>	<del>N/ARBEM</del>
	Hate speech (Art. 12 and 6 AVMS Directive)	<del>Broadcasting Law (Art. 21)</del> <del>No regulation on On-demand services</del> <del>Electronic Media (Article 51)</del>	<del>No information availableRBEM</del>	<del>N/ARBEM</del>	<del>Republic Broadcasting AgencyRBEM</del>
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<del>Advertising Law (Art. 14-22)</del> <del>Law on Electronic Media (Article 67)</del>	<del>No information availableRBEM and Trade Inspection within the Ministry of Trade, Tourism and Telecommunications</del>	<del>N/ARBEM</del>	<del>Republic Broadcasting AgencyRBEM</del>
	Protection of minors (Art. 27 AVMS Directive)	<del>Broadcasting Law on Electronic Media (Art. 49)</del> <del>61 and 68)</del>	<del>No information availableRBEM</del>	<del>N/ARBEM</del>	<del>No information availableRBEM</del>
	Right of reply (Art. 28 AVMS Directive)	<del>Law on Public Information Act (and Media (Article 83, and Art. 47-70)</del> <del>85-99)</del>	Ministry of Culture	N/A	Ministry of Culture
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<del>No requirement</del> <del>Law on Electronic Media (Article 27(3))</del> <del>* Cooperation with EC is mentioned only in the context of Right of access to events of major importance.</del>	<del>N/ARBEM</del>	<del>N/ARBEM</del>	<del>N/ARBEM</del>

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Serbia	<del>Republic Broadcasting Agency</del> Regulatory Body for Electronic Media (RBEM)	<a href="http://www.rra.org.rs/">www.rra.org.rs/</a>	<del>April 11, 2003</del> April 11, 2003 as Republic Broadcasting Agency, name changed in August 2014 following the adoption of the new Law on Electronic Media	Belgrade, Serbia ( <del>Vasina 2-4</del> )(Trg Nikole Pasica 5)
	Ministry of Culture <u>and Media</u>	<a href="http://www.kultura.gov.rs/">www.kultura.gov.rs/</a>	N/A	Belgrade, Serbia ( <u>Vlajkovicева 3</u> )

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Serbia	<del>Republic Broadcasting Agency</del> Regulatory Body for Electronic Media (RBEM)	Yes ( <del>N/A for on-demand</del> )	No	<del>Yes</del> No *EPG is responsibility of Republic Agency for Electronic Communications (RATEL) *must carry together with RATEL *API is responsibility of RATEL	No	No	No



**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Serbia	<del>Republic Broadcasting Agency</del> Regulatory Body For Electronic Media (RBEM)	<del>No information available</del> It is not foreseen in the Law and/or the Statute.	7282 – (plus 9 members of the <del>Agency</del> Council)	The budget is set according to the Financial plan adopted by the <del>Agency</del> Council of the regulatory body and approved by the <del>Government</del> Parliament	<del>2008</del> 2012 – app. €5.15m 3.6 m 20072013 – app. €5.79m 3 m	Republic Broadcasting Agency Information booklet (in Serbian only, last update <del>March 2009</del> September 2014), Page 51 <a href="http://www.rra.org.rs/files/1240572628INFORMATOR%20o%20RADU%20RRA.pdf">www.rra.org.rs/files/1240572628INFORMATOR%20o%20RADU%20RRA.pdf</a> <a href="http://www.rra.org.rs/uploads/useruploads/PDF/2211-Informator%20o%20radu%20SEPT%202014.pdf">http://www.rra.org.rs/uploads/useruploads/PDF/2211-Informator%20o%20radu%20SEPT%202014.pdf</a> * Republic Broadcasting Agency changed its name in August 2014, due the adoption of the new Law on Electronic Media

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Serbia	<p><del>Republic Broadcasting Agency</del> Regulatory Body for Electronic Media (RBEM)</p>	<p><del>Broadcasting</del> Law on Electronic Media (Official Gazette 42/2002, 97/2004, 76/2005, 79/2005 et alia, 62/2006, 85/2006—correction of the Republic of Serbia No 83/2014)</p> <p>-</p> <p>* According to the transitional provisions of the Law on Electronic Media (Article 114), Republic Broadcasting Agency established by the Law on Broadcasting shall continue to work as a Regulatory body for the electronic media, in accordance with the provisions of this Law. Employees of the Republic Broadcasting Agency shall continue to work as employees in the Regulatory body for electronic media, in the positions which they previously held, and 41/2009) (*English version obsolete—2005) the members of the Council of the Republic Broadcasting Agency shall continue to operate as members of the Regulator Council.</p>	<p><del>Broadcasting</del> Law on Electronic Media (Official Gazette 42/2002, 97/2004, 76/2005, 79/2005 et alia, 62/2006, 85/2006—correction and 41/2009) (*of the Republic of Serbia No 83/2014)</p> <p><a href="http://www.rra.org.rs/uploads/useruploads/PDF/5605-Zakon%20o%20elektronskim%20medijima.pdf">http://www.rra.org.rs/uploads/useruploads/PDF/5605-Zakon%20o%20elektronskim%20medijima.pdf</a></p> <p>Unofficial translation in English <del>version obsolete—2005</del> is available on:</p> <p><a href="http://www.rra.org.rs/files/1219931533broadcasting-law.pdf">www.rra.org.rs/files/1219931533broadcasting-law.pdf</a></p> <p><a href="http://anem.rs/en/propisi/laws.html">http://anem.rs/en/propisi/laws.html</a></p> <p>The Statute of the Republic Broadcasting Agency (In Serbian Only, adopted 25 June 2005)</p> <p><a href="http://www.rra.org.rs/files/Statut_RRA.pdf">www.rra.org.rs/files/Statut_RRA.pdf</a> <a href="http://www.rra.org.rs/uploads/useruploads/PDF/8112-RBA_Statute.pdf">http://www.rra.org.rs/uploads/useruploads/PDF/8112-RBA_Statute.pdf</a></p> <p>* The new Statute is currently being drafted, according to the Law on Electronic Media it should have been adopted by February 13, 2015</p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Serbia	<a href="#">Republic-Broadcasting-Agency Regulatory Body for Electronic Media (RBEM)</a>	Independent Legal entity (Art. 65 <a href="#">Broadcasting Law on Electronic Media</a> “The Agency is an autonomous legal person and is functionally and financially independent of any state <a href="#">Body”) Body, as well as from media service providers and telecom operators “)         </a>	√	n/aN/A	noNo	<a href="#">Broadcasting Law Law on Electronic Media (Article 5)</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly ~~recognised~~ recognized as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly <del>recognised</del> <u>recognized</u> as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Serbia	<u>Republic-Broadcasting-AgencyRegulatory Body for Electronic Media (RBEM)</u>		<p>√</p> <p><del>Art 6, Broadcasting Law reads: (*translation from <a href="http://www.rra.org.rs/files/1219931533broadcasting-law.pdf">www.rra.org.rs/files/1219931533broadcasting-law.pdf</a>)</del></p> <p><u>Article 5, Law on Electronic Media (translation from <a href="http://anem.rs/en/propisi/laws.html">http://anem.rs/en/propisi/laws.html</a>)</u></p> <p><del>“The <u>Republican Broadcasting Agency (hereinafter Agency)</u> is <u>Regulatory body for electronic media, established as by this Law, is an autonomous i.e. independent organisation exercising</u>Regulatory organization as a legal entity that exercises public competencies pursuant to this Law and regulations passed on authority for the basis of this Law to secure conditions for purpose of: the <u>efficienteffective implementation and improvement of the set broadcastingdefined policy in the provision of media services in the Republic of Serbia, improving the quality and variety of electronic media; contribution to the preservation, protection and development of freedom of opinion and expression, in order to protect the public interest in the field of electronic media and the protection of electronic media users, in accordance with the provisions of this Act, in a manner befitingsuitable for a democratic society.</u></del></p> <p><del>The <u>Agency is an autonomous legal person and Regulator is functionally and financially independent of any state body, as well as of all organisations and persons involved in the production and broadcasting of radio</u>government bodies and <u>television programmes organizations, media service providers and/or related activities.” operators.”</u></del></p>	<u>Broadcasting Law (Art 6)</u> <u>Law on Electronic Media (Article 5)</u>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Serbia	Republic Broadcasting Agency	Tick boxes	√	√	√
		Areas	<p><del>Broadcasting development strategy (with the consent of the Government)</del> Draft of a Strategy for the Development of the Media Service of radio and audiovisual media services in the Republic of Serbia) (and forward it for adoption to the Government)</p> <p>* New provision states that RBEM is only authorized to draft the Proposal, and the Government can take into account that proposal but at the end it can be changed in the adoption process.</p>	<p><del>Overall implantation power on Broadcasting Law provisions, licenses, binding rules for all operators i.e. broadcasters</del> General monitoring on fulfillment of the obligations of MSPs, issuing of the licenses for providing media services, adoption of rulebooks, instructions and general binding instructions (bylaws for the implementation of the law), giving the opinion to the competent state authorities related to the accession to international conventions related to the field of providing broadcasting services, and initiating the adoption and changes of laws, regulations and general acts for the effective performance of tasks within their scope of work.</p>	<p><del>Supervision of the operators (broadcasters); sanctions against broadcasters</del> Imposing the measures: remonstrance, warning, temporary ban on publication of the program content and revocation of the license due to a violation of obligations related to the program content, as well as due to a violation of the conditions set forth in the license or approval for providing media services in accordance with the provisions of this Law.</p> <p>Initiating the adequate proceedings before competent court or other public authority, against the media service provider or the person responsible if their act or omission has the character of an offense punishable by law.</p>
		Source	General act <del>Broadcasting Law on Electronic Media (Article 22 (e.g. Art 8(1)(1)), and Article 23)</del>	<del>Broadcasting Law (e.g. Art 8 on Electronic Media (Article 22 (1)(2-5)) (3,4,8,13,14)</del>	<del>Broadcasting Law (e.g. Art 8(1)(6,9) Law on Electronic Media (Article 28 and Article 24 (3)</del>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Serbia	<a href="#">Republic-Broadcasting-AgencyRegulatory Body for Electronic Media (RBEM)</a>	Quotas	N/A					
		Advertising	√ (during election campaigns)	√	√	√		Advertising Law (Art. 103, 107-109) <a href="#">Law on Electronic Media (Art. 111)</a>
		Protection of minors	√ (during election campaigns)	√	√	√		<del>Broadcasting-Law on Electronic Media</del> (e.g. <del>Art. 8, 12-18</del> ), 50 (3), Art. 61, Art. 68, and Art. 111 (5)  * General Binding Instruction on Conduct of Broadcasters <a href="http://www.rra.org.rs/files/1219931614general-binding-instructions.pdf">www.rra.org.rs/files/1219931614general-binding-instructions.pdf</a> (adopted on 26 June 2007) <a href="#">General Binding Instruction on Conduct of Broadcasters in Connection with Program Content Capable to Impair Physical, Mental and Moral Development of Minors</a> <a href="http://www.rra.org.rs/uploads/useruploads/PDF/9316-opste-obavezujuce-uputstvo-o-ponasanju-emitera-u-v-ezi-sa-emitovanjem-programskih-sadrzaja.pdf">http://www.rra.org.rs/uploads/useruploads/PDF/9316-opste-obavezujuce-uputstvo-o-ponasanju-emitera-u-v-ezi-sa-emitovanjem-programskih-sadrzaja.pdf</a> (adopted in 2012)  *NOTE: Both Binding Instructions are due to be changed in order to brought in line with the new <a href="#">Law on Electronic Media</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	B o d y	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Serbia	Republic of Serbia Broadcasting Agency (Agency Council) Regulatory Body for Electronic Media (RBEM)	Quotas	N/A	N/A	N/A	N / A	N / A	
		Advertising	√ all sanctions are discretionary depending on the nature and repetition of the violation. <u>There are four types of sanctions which RBEM is authorized to impose: remonstrance, warning, temporary ban of the publication of certain program content and revocation of the license when it is related to the advertising rules prescribed in the Law on Electronic Media</u> <u>*Not applicable on the rules prescribed by the Law on Advertising</u>	Legal entity (RSD 300,000 – 3,000,000, approx. €3,000-30,000) or (RSD 100,000 – 1,000,000, approx. €1,000 – 10,000)  <u>* RBEM is authorized only to initiate Misdemeanor Proceedings and Court decides on existence of the Misdemeanor and fine</u>	√	√		
		Protection of minors	√ <u>all sanctions are discretionary depending on the nature and repetition of the violation. There are four types of sanctions which RBEM is authorized to impose: remonstrance, warning, temporary ban of the publication of certain program content and revocation of the license</u>	Legal entity (RSD <del>300,000</del> 500,00 – 1m approx. € <del>35,000</del> – 10,000) Responsible person (RSD <del>20,000</del> – 50,000 – <u>100,000</u> approx. € <del>200</del> – 500) – <u>1000</u> )  <u>* RBEM is authorized only to initiate Misdemeanor Proceedings and Court decides on existence of the Misdemeanor and fine</u>	√	√	N o	<u>In case of non-compliance with the suspension/revocation of licence there is a procedure of forced execution of the Agency Council decisions (Art. 64a Broadcasting Law)</u>

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Serbia	Republic Broadcasting Agency	<p>√ e.g. Strategy of Broadcasting Development in the Republic of Serbia Until 2013</p> <p><a href="http://www.rra.org.rs/files/1219931626strategy.pdf">www.rra.org.rs/files/1219931626strategy.pdf</a></p> <p><a href="http://www.rra.org.rs/english/laws-and-strategy">http://www.rra.org.rs/english/laws-and-strategy</a></p> <p><i>* Strategy has expired, and new has to be adopted</i></p>	<p>√ e.g. General binding instruction regarding broadcaster conduct – Broadcaster Code of Conduct</p> <p><a href="http://www.rra.org.rs/english/rba-council-general-binding-instructions">http://www.rra.org.rs/english/rba-council-general-binding-instructions</a></p> <p><a href="http://www.rra.org.rs/files/1219931614-general-binding-instructions.pdf">www.rra.org.rs/files/1219931614-general-binding-instructions.pdf</a> General binding instruction regarding publishing the contents of records excluded in criminal court proceedings</p> <p><a href="http://www.rra.org.rs/index.php?task=content&amp;id=14">www.rra.org.rs/index.php?task=content&amp;id=14</a></p>	<p>√ e.g. Various measures (* Info in Serbian <del>version-obsolete</del>);</p> <p><a href="http://www.rra.org.rs/index.php?id=31&amp;task=mere">www.rra.org.rs/index.php?id=31&amp;task=mere</a></p> <p>English <a href="http://www.rra.org.rs/english/measures-pronounced">http://www.rra.org.rs/english/measures-pronounced</a></p>	<p>√ (during election campaigns)</p>	<p>√ No overall statistic available</p> <p>e.g. <del>Monitoring (February 2008 on national broadcasters' coverage on the proclamation of independence of Kosovo)</del></p>	<p>√</p>	<p>√</p>



**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Serbia	<a href="#">Republic-Broadcasting-AgencyRegulatory Body for Electronic Media</a>	<p>√ (8- Warnings and 15(Law on Electronic Media): 3 Reprimands in cases of a first breach) Remonstrations (Law on Electronic Media): 7</p> <p>* Law on Broadcasting also had Remonstrations, however the data wasn't publicly available. Number of Warnings under LoB: 14</p>	No	<p>√ (almost all Warnings contain order to broadcast the decision in full, without further comments)</p>	<p>√ Total number of Revocations – <del>34</del><u>under the former Law on Broadcasting</u>(Source: <a href="http://www.rra.org.rs/english/decisions-on-revoking-of-rtv-programme-broadcasting-licences">http://www.rra.org.rs/english/decisions-on-revoking-of-rtv-programme-broadcasting-licences</a> <a href="http://www.rra.org.rs/index.php?id=43&amp;task=kategorija">www.rra.org.rs/index.php?id=43&amp;task=kategorija</a>, info in English lacking)</p> <p><u>*Note: RBEM is regulatory body for TV and Radio, therefore, available data is summary statistics for both type of media.</u></p> <p><u>Total Number of Revocations (under Law on Broadcasting):196</u></p> <p>Different grounds (Broadcasting Law Art 61)</p> <ul style="list-style-type: none"> <li>• No. of Revocations – <del>12</del><u>104</u> (Art 61(1)(1) “If a broadcaster notifies the Agency in written form it no longer intends to broadcast its <del>programme</del><u>program</u>”)</li> <li>• No. of Revocations – <del>4</del><u>6</u> (Art 61(1)(3) “If the telecommunications regulatory authority revokes the issued radio station <del>license</del><u>license</u> in respect of the provisions of a separate telecommunications law due to the occurrence of any reason envisaged by that law”</li> <li>• <del>2</del><u>4</u> No. of Revocations – <del>2</del><u>4</u> (Art 61(1)(4) „If the broadcaster didn't start broadcasting of the program in the period prescribed by the law“</li> <li>• No. of Revocations – 1 (Art 61(1)(6) „If the broadcaster stopped providing the service in the period prescribed by the law“</li> <li>• No. of Revocations – 1 (Art 61(1)(8) “If the broadcaster fail to comply with the conditions prescribed in license”</li> <li>• No. of Revocations – 65 (Art 61(1)(9) “If the broadcaster has not paid the broadcasting <del>license</del><u>license</u> fee despite a warning pronounced in written form”)</li> <li>• No. of Revocations - 12 (Art. 8 and Art. 41) “if the publisher of media lose its legal status”</li> <li>• No of Revocations – 4 (Art. 40)</li> </ul>	N/A

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Serbia	<p>Republic  <del>Broadcasting Agency</del>Regulatory Body            for Electronic Media            (RBEM)</p>	<p>Yes</p> <p><del>Complaints can only be received by post, signed</del></p> <p><del>Submissions can be filed by natural/legal persons “if they deem these programmes are violating or endangering their personal interests or the public interest.” (Broadcasting Law Art 14) OR by broadcasters (complaint) “about the conduct of another broadcaster which has inflicted or may inflict it damage” (Art. 15).</del></p> <p><del>Complaint is forwarded to a broadcaster concerned giving it 15 days deadline for a reply.</del></p> <p><del>Based on RBA’s findings RBA can impose measures</del>Natural and legal persons, including media service providers are eligible to submit complaints to the Regulator in relation to programme content of MSPs, if they believe that the content is violating or jeopardizing their personal interests or the public interest. The application may be filed not later than 30 days after the premiere and/or repeat broadcasts of the controversial content. Upon receipt and consideration of the application, which indicates a violation or threat to the rights and legal interests of the applicant, the Regulator shall submit the application forthwith to the MSP with a request for a hearing no later than 8 days from the date of submission of the application.If s/he determines that the application referred to in paragraph 1 of this Article is reasonable, the Regulator shall impose measures in accordance with the provisions of this law on the media service provider, or submit a request for misdemeanor and/or criminal proceedings or initiate other proceedings before the competent state body, and refer the applicant to how it can achieve and protect their rights. (Article 26)</p>	<p><del>www.rra.org.rs/index.php?task=content&amp;id=85</del>            (procedure available in Serbian only)</p> <p><a href="http://www.rra.org.rs/english/file-a-complaint-objection">http://www.rra.org.rs/english/file-a-complaint-objection</a></p>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures <sup>2</sup>	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts			Others (e.g. regions)
Serbia	Agency Council	Board (Council)	9					For all of them there is a formal requirement to be <u>renown distinguished experts in the field important for performing duties from the jurisdiction of the Regulator (media experts, economists, lawyers, telecommunication engineers, etc.).</u> (Art. 227)	<u>Yes</u> <del>1 from Kosovo and Metohija</del> No  *However, Parliament of Autonomous Province of Vojvodina nominate candidate for one member, therefore, there is <i>de facto</i> representation of the region.	No information available	<u>Broadcasting Law Art. 22–24 Law on Electronic Media (Article 7)</u>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Serbia	Republic-Broadcasting Agency Regulatory Body for Electronic Media (Council)	<p>Agency Council determines internal organisation and procedures (e.g. Statute, standing orders, organisation, Financial plan) (Broadcasting Law Art 33-34)</p> <p>Main Competences (Art 8):</p> <ul style="list-style-type: none"> <li>Adopting the broadcasting development strategy (with the consent of the Government)</li> <li>Controlling and ensuring the consistent application of the Broadcasting Law</li> <li>Issuing broadcasting licences</li> <li>Setting technical, organisational and programming conditions for the production and broadcasting of</li> <li>Supervising the work of broadcasters</li> <li>Considering submissions filed by persons and complaints of broadcasters on the operation of other broadcasters</li> <li>Delivering opinions on accession to international conventions in the broadcasting sector                             <ul style="list-style-type: none"> <li>Imposing adequate sanctions against broadcasters</li> <li>Prescribing programmes/broadcasters ensuring the implementation of broadcasting policy</li> </ul> </li> </ul> <p>Competence of the Regulatory Body (Council):</p> <ul style="list-style-type: none"> <li>define the Proposal of a strategy for the development of the media service of radio and audiovisual</li> <li>adopt the Statute;</li> <li>issue general bylaws prescribed by the Act;</li> <li>issue licenses for the media service;</li> <li>detail the procedure, requirements and criteria for licensing;</li> <li>issue licenses for the provision of On Demand media services;</li> <li>maintain the Register of media services and keep record of on-demand audiovisual media service providers</li> <li>control the operation of MSPs;</li> <li>impose measures MSPs;</li> <li>prescribe rules that are binding rules on for MSPs;</li> <li>decide on complaints;</li> <li>specify LCN;</li> <li>give its opinion to the competent state authorities;</li> <li>initiate the preparation and amendment of laws, and other regulation</li> <li>determine specific rules relating to programme content;</li> <li>perform market analysis of the relevant media market;</li> <li>cooperate and coordinate their work with other regulatory Bodies;</li> <li>encourage the preservation and protection of Serbian culture and language as well as the culture and languages of national minorities;</li> <li>promote improved access to media services for persons with disabilities;</li> <li>encourage the development of creativity in the field of radio, television and other audiovisual media services in the Republic of Serbia;</li> <li>promote the development of professionalism autonomy of providers of media services;</li> <li>perform other duties in accordance with the Law.</li> </ul>	<ul style="list-style-type: none"> <li>Presence quorum required (5/9)</li> <li>Decisions taken by majority of votes</li> </ul> <p>Absolute majority required for general by laws and decisions on the rights of broadcasters</p> <p>Two-thirds majority required in cases of e.g. appointment of the Council Chairperson, and Deputy Chairperson, suspension of a Council member</p> <p>adopting of Statute and other documents, revocation of the license, and in other cases prescribed by the event of a tie, the vote of the Council Chairperson's Law or, if absent, the Deputy Chairperson's, prevails: Statute</p>	No	<p>No</p> <p>Agency Council's agendas/minutes are not published. The Agency issues a public announcement briefly stating the issues discussed at the meetings. Last update – Nov. 2009.</p> <p><a href="http://www.rra.org.rs/index.php?task=sapostenja_opsirno&amp;id=17">www.rra.org.rs/index.php?task=sapostenja_opsirno&amp;id=17</a></p> <p>(Yes, according to the Law on Electronic Media (Article 39 (2) (13);</p> <p>-</p> <p><a href="http://www.rra.org.rs/cirilica/sednice-saveta">http://www.rra.org.rs/cirilica/sednice-saveta</a></p> <p>(Last updated December 2014, Serbian version only)</p> <p>Annual reports only contain the overall number of Council's meetings</p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Serbia	Republic Broadcasting Agency (Council)	Chairman	No	n/a/N/A	The chairman is appointed by the Council members <del>once appointed (by 2/3 majority votes required)</del> *Same procedure is for Deputy Chairman	n/a/N/A	<del>Broadcasting law Art-32</del> Law on Electronic Media (Article 19)
		Board members	Yes	<p>Various stakeholders can propose candidates to the Parliamentary Culture and Information. Committee.</p> <p><del>6 nominees by Parliamentary Culture and Information Committee,</del></p> <ul style="list-style-type: none"> <li><del>• A competent Parliament comitee – 2 nominees by</del></li> <li><del>• A competent committee of the Parliament of the Autonomous Province of Vojvodina Province Assembly, – 1 nominee</del></li> </ul> <p><del>2 by the Conference of the Universities</del></p> <ul style="list-style-type: none"> <li><del>• 2 by media universities by mutual agreement – 1 nominee</del></li> <li><del>• associations (both industry of electronic media publishers whose members have at least 30 licenses for the provision of audio and audiovisual media services and/or by associations of journalists), in Serbia where each has at least 500 members and were registered at least three years prior to the announcement of a public call by mutual agreement – 1 nominee</del></li> <li><del>• professional associations of film, stage and theatre artists and professional associations of composers, if they were registered at least three years prior to the announcement of a public call by mutual agreement – 1 nominee</del></li> <li><del>• associations (NGOs) dealing with freedom of expression and the protection of children, if they were registered for at least three years prior to the date of the public announcement of the call and have a minimum of three implemented projects in this area in the last three years by mutual agreement – 1 nominee</del></li> <li><del>• national councils of national minorities, by mutual agreement – 1 nominee</del></li> <li><del>• churches and religious communities, by mutual agreement – 1 nominee</del></li> </ul> <p><del>of film and drama artists and professional associations of composers by common agreement.</del></p> <p><del>2 by NGOs (primarily active in the field of freedom of expression, minority rights, rights of children), by common agreement</del></p> <p><del>2 by traditional churches and religious communities</del></p> <p><del>1 nominee residing in the Province of Kosovo and Metohija, by already appointed members of the Councils</del></p>	<p><del>Based on National Parliament votes for the lists-</del> provided candidates from the List that have 18 names (double from the number that has to be appointed). The list is delivered by the Culture and Information Committee, <del>the Parliament appoints members (e.g. 3 out of 6 nominees- nominated by Culture and Information Committee or 1 out of 2 in all other cases) the National Parliament.</del></p>		Broadcasting Law on Electronic Media (Art-22-24, 9-11)

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Serbia	Republic-Broadcasting-AgencyRegulatory Body for Electronic Media (Council)	Chairman of the board	<del>6 years</del> 5years	No	Yes – <u>one time renewal is possible.</u> * There <del>is</del> are no specific <del>provision-</del> enprovisions for the <del>mandate renewal,</del> henceChairman, it <del>could be life-</del> tenure, <u>is the same as for any other council member</u>	<del>Broadcasting law Art 27, Agency Council-</del> StatuteLaw on Electronic Media (Article 14)
		Board members	<del>6</del> 5 years ( <del>terms of office-</del> for the first Council is 3- members for 6- years, 3 for 5- and 3 for 4- years)	No	Yes – <del>There is no-</del> specific provision- <del>on the mandate one-</del> time renewal, hence it <del>could be life-</del> tenure <u>is possible.</u>	<del>Broadcasting law Art 27, Agency Council-</del> Statute Law on Electronic Media (Article 14)

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Serbia	<a href="#">Republic-Broadcasting-AgencyRegulatory Body for Electronic Media (RBEM) (Council)</a>	Chairman of the board	Should be <del>“reputeddistinguished</del> experts in <del>fields-relevant to conducting the affairs withinfield</del> <del>important for tasks of the Agency’s-competencesregulatory body</del> (media experts, <del>advertising experts, lawyers,</del> economists, <del>lawyers,</del> telecommunication engineers, <del>et-al.”etc.).</del>		<a href="#">Broadcasting-law-Art 22Law on Electronic Media (Article 7)</a>
		Board members			

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Serbia	<a href="#">Republic-Broadcasting-AgencyRegulatory Body for Electronic Media (Council)</a>	Chairman	Yes <a href="#">Broadcasting Law on Electronic Media</a> <a href="#">Law on Anti-Corruption Agency</a>  * there is no clear rule that <u>public</u> servants/members of other public bodies cannot be nominated for members of the Council		<del>Yes</del> <del>Cannot be elected or appointed officials in the Council of Ministers, the Government, and the executive bodies of the autonomous provinces, their deputies, assistants, as well as heads of separate departments directly controlled by the Government or of executive bodies, and other officials</del> Cannot perform other public function in accordance with the law that regulates the prevention of conflicts of interest in the exercise of public functions. Candidate is obliged to submit a written statement that there is no conflict of interest (*Law on Electronic Media).	Yes <del>Cannot be officials of political parties</del> Cannot be officials of political parties in accordance with the law that regulates the prevention of conflicts of interest in the exercise of public functions. Candidate is obliged to submit a written statement that there is no conflict of interest (*Law on Electronic Media).	Yes <del>Cannot be owners of shares or stocks, members of management or supervisory bodies, employees of companies involved in the production and/or broadcasting of radio and television programmes or related activities (advertising, telecommunications)</del> Obligation of the appointed to transfer his/her managing rights in a company to a legal entity or natural person who is not an associated person, who shall exercise the managing rights on the behalf of the official until termination of the office of the official. (* <b>Obligation has to be fulfilled after appointment, not necessary in the appointment process</b> - Law on Anti-Corruption Agency)	No, <u>unless</u> If there is an <u>authorization prescribed by the law or exceptionally by consent of the Anti-Corruption Agency</u> (*Law on Anti-Corruption Agency)	Yes Obligation to present biography including ownership or any information that might be related to possible conflicts of interest, in addition to their declaration of assets to the Anti-corruption Agency (*obligation has to be fulfilled 30 days after appointment – Law on Anti-Corruption Agency)	<a href="#">Broadcasting Law Art. 25, 28</a> <a href="#">Law on Electronic Media (Article 12)</a> And Law on the Anti-Corruption Agency ( <i>"Official Gazette of the Republic of Serbia", No 97/2008, in force as of 1 JAN-53/2010, 66/2011 – Constitutional Court Decision, 67/2013 – Constitutional Court Decision, 112/2013 – Authentic Interpretation and 8/2015 - Constitutional Court Decision</i> ) <a href="http://www.korupcija.gov.rs/ems/ite/m/zakon/ci/zakon-o-agenciji.html">www.korupcija.gov.rs/ems/ite/m/zakon/ci/zakon-o-agenciji.html</a> (in Serbian only)  Art 27 – 35 <a href="http://www.acas.rs/law-and-regulations/laws/law-acas/">http://www.acas.rs/law-and-regulations/laws/law-acas/</a>



Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
		Board members	Yes * there is no clear rule that <u>public</u> servants/members of other public bodies cannot be nominated members of the Council		Same as above	Same as above	Same as above	No	Same as above	<del>Broadcasting Law Art. 25</del> And Law on the Anti-Corruption Agency Art 27 - 35
		Senior staff	Yes (general rules on conflict of interest apply)		-	Yes	Yes	Yes	Yes (All high ranked official report their assets to the Anti-Corruption Agency)	Law on the Anti-Corruption Agency, Art 27 - 35

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Serbia	<del>Republic-Broadcasting-AgencyRegulatory Body for Electronic Media</del> (Council)	Chairman	Yes		Yes <del>Cannot be officials in the Council of Ministers, the Government and the executive bodies of the autonomous provinces, Same as in the Table 20</del>	Yes <del>Cannot be officials of political parties Same as in Table 20</del>	Yes <del>Cannot be owners of shares, members of management or supervisory bodies, employees, in companies involved in the production and/or broadcasting of radio and television programmes or related activities (advertising, telecommunications); Same as in Table 20</del>	<del>Broadcasting Law Art. 29</del> <del>Law on Electronic Media (Article 12 and Article 16)</del> Law on the Anti-Corruption Agency, Art 27 - 35
		Board members	Yes		Same as above	Same as above	Same as above	<del>Broadcasting Law Art. 29</del> And Law on the Anti-Corruption Agency Art 27 - 35
		Senior staff	Yes		Yes	Yes	Yes	Law on the Anti-Corruption Agency Art 27 - 35

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Serbia	Republic Broadcasting Agency (Council)	Chairman	<u>Yes</u>	<u>No</u>	<u>Yes, 2 years, or earlier under prior consent of Anti-Corruption Agency</u>	<u>Law on the Anti-Corruption Agency (Article 38)</u>
		Board members	<u>Yes</u>	<u>No</u>	<u>Yes, 2 years, or earlier under prior consent of Anti-Corruption Agency</u>	<u>Law on the Anti-Corruption Agency (Article 38)</u>
		Senior Staff	<u>N/A</u>	<u>No</u>	<u>N/A</u>	<u>N/A</u>

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Serbia	<a href="#">Republic Broadcasting Agency Regulatory Body for Electronic Media</a> (Council)	Chairman	Yes		The Parliament decides <del>on the dismissal (proposed by 2/3 majority votes in the Council or 20 MEPs) on the dismissal upon the proposal of 20 MEPs, under obligation to obtain the opinion of the Council on the reasons for the dismissal, and on the basis of a reasoned proposal, after a procedure that has been carried out in a way to determine all relevant circumstances and in which the Council member concerned has been given the opportunity to participate.</del>	<ul style="list-style-type: none"> <li>If a competent health institution finds the member incapacitated by an illness to <del>fulfill</del> the duties of Council member for a period exceeding six months.</li> <li>If it is determined that, during the submission of the nomination, or during the mandate, the member gave false personal data or omitted to report data on circumstances regarding possible conflict of interest.</li> <li>If for no good reason, the member omits or refuses to <del>fulfill</del> the duty of a Council member for at least three consecutive months or a period of 12 months during which the member has failed to <del>fulfill</del> his duties for at least <del>six</del>3 months <u>in a row, or 6 months within period of 12 months.</u></li> </ul> <p><i>* Reason for the dismissal cannot be political or based on any other personal belief or membership of a political party.</i></p>	Only members      Individual members	<del>Broadcasting Law Art 29</del> <a href="#">Law on Electronic Media (Article 16)</a>
		Individual board members	Yes		Same as above	Same as above	Same as above	<del>Broadcasting Law Art 29</del> <a href="#">Law on Electronic Media (Article 16)</a>

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Serbia	Republic Broadcasting Agency (Council)	<del>2008</del> 2014	Chairman	Yes <del>* not in Parliament only by the Council</del>	No	<del>Vague (initiated by the Council members — linked with appointment of the members of the Managing board in the PBS — Radio — Television of Serbia)</del>	He <del>*Chairman mr Porfirije Peric resigned from that position in May 2014, however he continued to be member of the Council. New Chairman and Deputy chairman have been elected at same occasion.</del>
			Individual board members	Yes <del>(Deputy Chairman) * not in Parliament only by the Council</del>	No	<del>Vague (initiated by the Council members — linked with appointment of the members of the Managing board in the PBS — Radio — Television of Serbia)</del>	<del>He continued to be member of the Council. Current members of the Council have been appointed under the Article 26 of the former Law on Broadcasting, with the mandate of 6 years. Current Council members were appointed in 2009, 2010 and the last one 2011. That means that their mandate will expire in 2015, 2016 and 2017. After that, the new appointment procedure under the Law on Electronic Media will be implemented.</del>

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Serbia	Republic Broadcasting Agency	No <del>(broadcasting fees are only for the PBSs two PSMs, app. 4,5 Euros, applicable from January the 1<sup>st</sup> 2016 according to the Law on PSMs)</del>	<del>Net transferred to state budget</del> State funding only if budget insufficient, it was funded by the state until January 2007 Not budgeted agency – all surplus income is transferred to state budget. State funding only if its own budget is insufficient	No	Yes <del>2008 – RSD 515,240,000 (€5.15m) [spent app RSD 278m and, fee for the rest – app right to provide media service RSD 236m given to the State budget]</del> 2007 – 579,122,000 RSD (app. €5.79m) <del>[spent app 280m; the rest – app. 298m RSD given to the State budget]</del>	No	<del>Yes</del> No	<del>Broadcasting Law, Art 35</del> <del>Law on Electronic Media (Article 34 and Article 35)</del> For incomes: Information booklet <del>www.rra.org.rs/files/1240572628</del> <del>INFORMATOR%20O%20RADU%20RRA.pdf</del> <del>http://www.rra.org.rs/uploads/useruploads/PDF/2211-</del> <del>Informator%20o%20radu%20SEPT%202014.pdf</del> <del>(Last update: September 2014, in Serbian only)</del> <del>(in Serbian only, last update March 2009)</del>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Serbia	Republic Broadcasting Agency	<p><del>Republic Broadcasting Agency Council RBEM</del> adopts the Financial plan for each year for the budget <del>in accordance with the Statute.</del> The Financial plan is approved by the Parliament. <u>If it is not made, or if an approval under is not given, the financial plan of the previous year is applying.</u> <u>The financial plan is published on the website of the Regulator.</u></p> <p>In case the <del>Agency's RBEM</del> revenues are insufficient the funding is from the state budget (decision – Government). <u>Any surplus income is transferred to the state budget.</u></p>	Yes	In case the <del>Agency RBEM</del> revenues are insufficient the funding is from the State budget (Government).	In principle no <del>as law foresees that it foresees its own budget.</del>	<del>Broadcasting Law, Act on Electronic Media (Article 34-35)</del>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Serbia	Republic Broadcasting Agency	Yes	Annual	Yes ( <del>*however, not done yet due to</del> State Audit Institution <del>lack</del> performs its task on random sample, and RBEM haven't been subject of <del>capacity</del> an audit yet	<del>No (private auditing undertaken in 2007, www.rra.org.rs/files/izvestaj-revizora_za_2007.pdf) Yes (private independent audit has been performed annually, since 2009, results are available in Serbian language: http://www.rra.org.rs/cirilica/fina nsijski-plan-i-izvestaji)</del>	No	<del>Broadcasting Law, Act on Electronic Media (Article 34)</del>  <a href="#">Law on State Audit Institution (Article 10)</a>



## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Serbia	<del>Republic-Broadcasting-Agency</del> Regulatory Body for Electronic Media	Parliament	<del>No</del> Yes	<del>(Agency publishes annual reports)</del> RBEM submits annual reports to the Parliament, and Parliament adopts them. Also, Parliament is authorized to request report which covers period less than a year, and RBEM has to respond within 30 days.	<del>N/A</del> Law on Electronic Media (Article 39)
		Government as a whole	<del>No</del> Yes	<del>N/A</del> In a way that Government give its consent to the RBEM bylaw that determines amount of fee that MSPs has to pay for the right to perform media service	<del>N/A</del> Law on Electronic Media (Article 36)
		Specific ministers (e.g. Media, finance, etc.)	<del>No</del> Yes	<del>N/A</del> In a way that RBEM is obliged to obtain the opinion of the constitutionality and legality of the regulations (bylaws) from the Ministry of Culture and Media	<del>N/A</del> Law on Electronic Media (Article 22 (3)) Law on Public Administration (Article 57)
		Public at large	Yes	This is only general accountability applicable to all state authorities – e.g. through freedom of information act <del>Also Agency publish Annual reports</del> Also Agency publishes Annual reports and other documents prescribed by the law. Also it is obliged to conduct public hearing in the preparation of a general act which is directly related to media service providers, for at least 15 days duration.	<del>Broadcasting Law, art. 29, 36. Statute art. 30-31</del> Law on Electronic Media (Article 39 and Article 40)
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Serbia	<u>Republic Broadcasting Agency Regulatory Body for Electronic Media (RBEM)</u>	<u>The BA stipulates that the RBA publishes annual report on its work as defined by the RBA Statute, which in return only refers to the publication on the RBA's website. RBEM submits annual reports to the Parliament, and Parliament adopts them. Also, Parliament is authorized to request report which covers period lasting less than a year, and RBEM has to respond within 30 days</u>	<u>Annual or by the request of Parliament</u>	<u>Not defined</u> 1) data on completed tasks and duties from the scope of the Regulator in the previous year;  2) a financial plan, financial reports and the authorized auditor's report;  3) a report on the decisions on the applications of natural and legal persons;  4) other information in connection with the law's enforcement.	<u>No</u> Yes, see column to the left	<u>No</u> It is not defined by the Law is it necessary. Practice has shown that Parliament usually adopts the Annual Report. (last time in February 2014)	<u>No</u> It is not prescribed by the Law, and it is not clear what could be legal consequences if report is not adopted by the Parliament. So far Reports were usually adopted.	<u>RBA Report for 2008- <a href="http://www.rra.org.rs/files/1240576576Izvestaj%20o%20radu%20RRA%20za%202008.pdf">www.rra.org.rs/files/1240576576Izvestaj%20o%20radu%20RRA%20za%202008.pdf</a> (in Serbian) RBA Report for 2007- <a href="http://www.rra.org.rs/files/1240576515Izvestaj%20o%20radu%20RRA%20za%202007.pdf">www.rra.org.rs/files/1240576515Izvestaj%20o%20radu%20RRA%20za%202007.pdf</a> (in Serbian) RBA Report for 2006- <a href="http://www.rra.org.rs/files/1233762843Izvestaj%20o%20radu%20RRA%20za%202006.%20godinu.pdf">www.rra.org.rs/files/1233762843Izvestaj%20o%20radu%20RRA%20za%202006.%20godinu.pdf</a> (in Serbian) Annual Reports are available at: <a href="http://www.rra.org.rs/cirilica/izvestaji-o-radu-rra">http://www.rra.org.rs/cirilica/izvestaji-o-radu-rra</a></u>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Serbia	<del>Republic-Broadcasting-Agency</del> Regulatory Body for Electronic Media (RBEM)	Yes <del>However, not undertaken due to S.A.I. lack of resources</del>	Annual	Yes State Audit <del>However, State Audit performs its task on random sample, and RBEM haven't been subject of an audit yet</del> Institution	<del>Yes</del> in 2007 Yes, all income and expenditure of the Regulator shall be subject to annual audit by an independent auditor and shall be published no later than three months after the end of the financial year on the website of the Regulator.  Audit available at: <a href="http://www.rra.org.rs/cirilica/fina">http://www.rra.org.rs/cirilica/fina</a> <a href="http://www.rra.org.rs/files/izvestaji-razicera-za-2007.pdf">www.rra.org.rs/files/izvestaji-razicera-za-2007.pdf</a> (in	No	<del>Art. 34 Broadcasting Law</del> Law on Electronic Media (Article 34)  Law on State Audit Institution  -

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry /Minister	Government	Parliament	Other	Source
Serbia	<a href="#">Republic-Broadcasting-AgencyRegulatory Body for Electronic Media (RBEM)</a>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	According to the <a href="#">Broadcasting-Article 5 (1.2)</a> The Regulatory body for electronic media, established by the Law, <a href="#">art 6 (2)</a> <i>“The Agency is an <u>autonomous independent Regulatory organization as a legal personality that exercises public authority...</u> and it is <u>functionally and financially independent of any state body;</u> as well as of <u>all organisations and persons involved in the production</u> government bodies and <u>broadcasting-of radio</u> organizations, media service providers and <u>television-programmes and/or related operators.</u>” (emphasis added)</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Serbia	<del>Republic Broadcasting Agency</del> <u>Regulatory Body for Electronic Media</u>	Internal	1	Council	Yes	Natural/legal person <del>Broadcaster</del> <u>MSPs</u>	<del>Broadcasting Law</del> <u>on Electronic Media</u> (general rules – Law on Administrative Disputes)
		External	1	Administrative Court (possibility to go to <del>court-de cassation</del> <u>the Supreme Court of Cassation</u> in extraordinary cases <del>as with</del> <u>an appeal against the administrative court's</u> <u>Administrative Court's</u> decision)			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Serbia	Administrative Court		√		N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Serbia	Administrative Court ( <del>before the judicial system reform it was the Supreme Court of Serbia — Administrative Division</del> )	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Serbia	<del>Republic Broadcasting Agency</del> Regulatory Body for Electronic Media (RBEM)	1 Administrative Court ( <del>before the judicial system reform it was the Supreme Court of Serbia — Administrative Division</del> )	√	√	The appeal body <u>can decide on its own, if the decision is not related to the issuing of licenses, if it is related to the issuing of license, the appeal body</u> has the power to cancel the decision and remit it back to regulator for new decision. ( <u>Law on Electronic Media, Article 42</u> ).

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Serbia	<del>Republic Broadcasting Agency</del> Regulatory Body for Electronic Media	Yes	Not transparent	Yes	-	Yes

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Serbia	Republic Broadcasting Agency	<del>None</del> General acts which are directly related to MSPs	/	<del>/</del> At least 15 days	<del>Not Regulated</del>	<del>Not Regulated</del>	<del>Law on Electronic Media (Article 40)</del>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Serbia	<del>Republic Broadcasting Agency</del> Regulatory Body for Electronic Media	2005-20092014	01 (related to 3 Drafts of bylaws, last update, December 2014)

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Serbia	<del>Republic Broadcasting Agency</del> Regulatory body for Electronic Media	All decisions are published on the Agency’s website For licenses, the RBA should publish the call for application(Public Tender) in the Official Gazette. Following the procedure of the allocation of licenses the RBA publishes the list of all applicants that were provided with the license (Broadcasting Law, Art 53)RBEM website, especially public competition for granting licenses; decisions made at public competitions, with explanations; data from Register and record; judgment made during administrative court initiated against a decision of the Regulator; decisions imposing measures in accordance with the Law, with explanations; decisions on applications of natural and legal persons;	<del>I. Decisions on revocation of licence or decisions regarding the broadcasters that were not provided with the license need to be justified. (Broadcasting Law, Art 53 (1)(8)). These provisions are not required to be published/announced to general public; however any person may require a copy of the decision based on Free Access to Information Law.</del> All decisions have to be justified according to the Law on Electronic Media and general rules on administrative proceedings (Law on Administrative Proceedings)	No	No



## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Serbia	<del>Republic Broadcasting Agency</del> <u>Regulatory Body for Electronic Media</u>	<p>Cooperation with <del>the Republic Telecommunications Agency</del> <u>for Electronic Communications (RATEL), is performed</u></p> <p>1. in the process of allocation of <del>licences</del> <u>licenses</u> the two <del>Agency</del> <u>bodies</u> coordinate their work in order to secure the deadlines for the license (both for frequency and broadcasting)</p> <p><del>2. final deadline for the digital switch of is June 17, 2015. After that date, such cooperation will be only in the process of the adoption of allocation of licenses for radio</del></p> <p>2. in the process of drafting of the proposal of the <del>Strategy of Broadcasting for Development in the Republic of Serbia Until 2013, the RBA should seek for the opinion-</del> <u>(www.rra.org.rs/files/1219931626strategy.pdf) of Electronic Media (Article 23)</u></p> <p>3. in the monitoring of telecom operators obligations <u>prescribed in Article 100 of the Law on Electronic Media</u></p> <p><u>Cooperation with regulatory body for protection of competition, in the process of market analyses (Article 22 (1) (16)</u></p> <p>-</p>	<p><del>1. cooperation formalised and regular (e.g. Broadcasting law Art. 5 and 53 (1)(6))</del></p> <p><del>2. form of cooperation</del></p> <p><u>Law on Electronic Media (Article 22, 23, 27)</u></p> <p><u>Form is specified <del>in</del> by the <del>Broadcasting Law</del> <u>Law on Electronic Media, or by MoU between regulatory bodies.</u></u></p> <p><del>Art. 9</del></p>	<p>No</p> <p><u>*Only exception is an obligation to obtain the opinion of the constitutionality and legality of the regulations (bylaws) from the Ministry of Culture and Media. In that process Ministry gives an instruction to the Regulator how to adjust the Bylaw with the Constitution or the Law, but there is no obligation of the Regulator to fulfill the instruction.</u></p>	<p><del>Since the Broadcasting Law explicitly emphasises the independence of the Agency, any cooperation with national bodies unless stipulated in the Law is under scrutiny.</del></p>

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Serbia	<p><del>Republic Broadcasting Agency</del> <u>Regulatory Body for Electronic Media</u></p>	<p>Yes</p> <ol style="list-style-type: none"> <li>1. European Platform of Regulatory Authorities</li> <li>2. Mediterranean Network of Regulatory Authorities</li> <li>3. <u>Forum of the Black Sea Broadcasting Regulatory Authorities – BSEC BRAF</u></li> <li>4. <u>Central European Regulatory Forum - CERF</u></li> </ol>	<p><del>Broadcasting Law Art 16 (2)</del>  <del>(Cooperation with the State other bodies and organisations)</del>  <u>Law on Electronic Media (Article 27)</u>  <u>The Regulator cooperates with ... bodies of other countries in the field of providing media services, i.e. relevant international organizations on matters within its jurisdiction. Also, it cooperates with relevant state bodies.</u></p> <p>-</p>	<p>* The representatives of Serbia in the work of the Standing Committee under CoE Convention on Transfrontier Television (Art 32) is the Ministry of Culture (also for Media), not the Republic Broadcasting Agency</p>

Sweden

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Sweden	156 services according to a Press Release from the European Commission Director-General Communication, 13 January 2010 <a href="http://www.obs.coe.int/about/oea/pr/mavise_end2009.html">www.obs.coe.int/about/oea/pr/mavise_end2009.html</a>	No information available	4 (SVT1, SVT2, 24, Barnkanalen/Kunskapskanalen)

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Sweden	Information requirements (art. 5 AVMS Directive)	<a href="#">Radio &amp; TV Act (2010:696) (new law replacing Radio &amp; TV Law (1996 : 844) )</a> Art 8 Act (2002 :562) on electronic commerce and other information society services (applies to on-demand media services)	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del>	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del>	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)</del> <del>Product placement is not regulated yet</del>	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del> Swedish Consumer Agency	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del> Swedish Consumer Agency	
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)</del> <del>Radio &amp; TV Law (1996 : 844)</del> <del>(no longer linked to conditions for issuing licenses)</del> <del>(provides for the possibility to issue licenses containing obligations to adapt the broadcasts to people with disabilities.)</del>	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del>	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del> No information available	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority thereafter</del>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)Radio &amp; TV Law (1996 : 844)</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-thereafter</del>	<del>The Swedish Broadcasting AuthorityNo information available</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-thereafter</del>
	Access to short news reports (Article 15 AVMS Directive)	The Copyright Act (1960:729) ( <del>new Sections 25 a and 48 a, referred to in Radio &amp; TV Act</del> ) <del>to some extent</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-</del>
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)Radio &amp; TV Law (1996 : 844)</del>	<del>The Swedish Broadcasting AuthoritySwedish Radio &amp; Television Authority</del>	<del>The Swedish Broadcasting AuthorityNo information available</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-</del>
	Hate speech (Art. 12 and 6 AVMS Directive)	The Fundamental Law on Freedom of Expression	The Chancellor of Justice	The Chancellor of Justice	The Chancellor of Justice
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)Radio &amp; TV Law (1996 : 844)</del> The Market Act The Alcohol Act The Tobacco Act	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-thereafter</del> The Consumer Agency The Medicinal Products Agency	<del>The Swedish Broadcasting Authority</del> The Consumer Agency The Medicinal Products Agency	<del>The Swedish Broadcasting Authority</del> The Consumer Agency The Medicinal Products Agency
	Protection of minors (Art. 27 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)Radio &amp; TV Law (1996 : 844)</del> The Fundamental Law on Freedom of Expression	<del>The Chancellor of Justice The Swedish Broadcasting AuthorityThe Swedish Broadcasting CommissionRadio &amp; Television Authority-</del>	The Chancellor of Justice	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-thereafter</del>
	Right of reply (Art. 28 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)Radio &amp; TV Law (1996 : 844)</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-</del>	<del>The Swedish Broadcasting AuthorityNo information available</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-</del>
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	<del>Radio &amp; TV Act (2010:696)Radio &amp; TV Law (1996 : 844)</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-thereafter)</del>	<del>The Swedish Broadcasting AuthorityNo information available</del>	<del>The Swedish Broadcasting AuthoritySwedish Broadcasting Commission (until July 31, 2010)Radio &amp; Television Authority-thereafter</del>

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	<a href="http://www.grn.se">www.grn.se</a> (no longer accessible) <a href="http://www.grn.se/grn/pages/Page_____3318.aspx">www.grn.se/grn/pages/Page_____3318.aspx</a>	July 1, 1994	Stockholm
	Radio and Television Authority (until July 31, 2010)	<a href="http://www.rtvv.se">www.rtvv.se</a> (no longer accessible)	July 1, 1994	Stockholm
	<del>The Swedish Broadcasting Authority Radio &amp; Television Authority</del> (from 1 August, 2010) to replace current SBC and RTA	<del><a href="http://www.radioochtv.se">http://www.radioochtv.se</a></del> NA	August 1, 2010 (New Authority)	Stockholm
	The Swedish Consumer Agency	<a href="http://www.konsumentverket.se">www.konsumentverket.se</a>	1973	Karlstad
	The Chancellor of Justice	<a href="http://www.jk.se/">www.jk.se/</a>	1713	Stockholm
	The Medicinal Products Agency	<a href="http://www.mpa.se">www.mpa.se</a>	1990	Uppsala

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
<a href="#">Sweden</a>	<del>The Swedish Broadcasting Authority</del> Radio & TV	<del>No</del> Yes	Yes	Yes	No	No	No



**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Sweden	The Swedish <del>Radio and TV</del> Broadcasting Authority	Not regulated	<del>4525</del> <a href="http://www.radioochtv.se/om-oss/organisation/">http://www.radioochtv.se/om-oss/organisation/</a>	Not regulated	<del>SEK 27 806 000</del> (3 030 000 €) <del>1,37</del>	<del>2010</del> 2015 <a href="http://www.radioochtv.se/Documents/Styrdokument/Regleringsbrev-2015.pdf?epslanguage=sv">http://www.radioochtv.se/Documents/Styrdokument/Regleringsbrev-2015.pdf?epslanguage=sv</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
<a href="#">Sweden</a>	The <a href="#">Swedish Broadcasting Authority</a> <del>Swedish Radio and TV Authority</del>	The Swedish Radio and <del>Television</del> -Television Act ( <del>1996:844</del> 2010:696), <a href="http://www.radioochtv.se/Documents/Styrdokument/Radio%20and%20Television%20Act.pdf?epslanguage=sv">http://www.radioochtv.se/Documents/Styrdokument/Radio%20and%20Television%20Act.pdf?epslanguage=sv</a> <del><a href="http://www.rtvv.se/uk/The_Act/">www.rtvv.se/uk/The_Act/</a></del>	Förordning med instruktion för <a href="#">Myndigheten för Radio- och TV</a> ( <del>2010:1062</del> - <del>verket</del> (2007:1190)). The document is not translated but would respond to The Act with Instructions for The Swedish <del>Radio and TV</del> <a href="#">Broadcasting</a> Authority (2010:1062) <del>2007:1190</del> ).

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
<a href="#">Sweden</a>	The <a href="#">Swedish Broadcasting Authority</a> <del>The Swedish Radio and TV Authority</del>	Authority - Regulator under the Ministry of Culture, exercising the laws decided by the Parliament.	Yes		How Sweden is governed, <a href="http://www.government.se/content/1/c6/24/56/32/3a576a75.pdf">http://www.government.se/content/1/c6/24/56/32/3a576a75.pdf</a> ; <a href="http://www.regeringen.se/content/1/e6/09/50/17/89224f37.pdf">http://www.regeringen.se/content/1/e6/09/50/17/89224f37.pdf</a> and The 1974 Instrument of Government 11:7 <del>Ministry cannot intervene in the application of law by the regulatory authority, nor the manner in which it deals with individual cases.</del>	

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Sweden	<del>The Swedish Broadcasting Authority Swedish Broadcasting Commission (until July 31, 2010)</del> Radio & Television Authority (from 1 August, 2010)		<input type="checkbox"/>	<del>The Administrative Procedural Act www.sweden.gov.se/sb/d/5805/a/64892 and The 1974 Instrument of Government 11:7 (part of the Swedish Constitution) Radio &amp; TV Act (2010:696)The 1974 Instrument of Government 11:7</del> Radio & TV Law (1996 : 844) ; Swedish Constitution
	Swedish Radio and TV Authority		<input checked="" type="checkbox"/>	<del>The Administrative Procedural Act www.sweden.gov.se/sb/d/5805/a/64892 and The 1974 Instrument of Government 11:7</del>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Sweden	<a href="#">The Swedish Broadcasting Authority</a> Swedish Broadcasting Commission (until July 31, 2010)	Tick boxes	No	<input type="checkbox"/>	<input type="checkbox"/>
		Areas		<a href="#">Supervision</a> <del>No information available</del>	<a href="#">Licensing terrestrial television</a> <del>No information</del>
		Source		<a href="http://www.radioochtvtv.se/en/content-regulation/">http://www.radioochtvtv.se/en/content-regulation/</a> <del>Same as above</del>	<a href="http://www.radioochtvtv.se/en/licensing/">http://www.radioochtvtv.se/en/licensing/</a> <del>Same as above</del>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority (from 1 August, 2010)</del>	Quotas		<input type="checkbox"/>	<input type="checkbox"/>		Monitoring after complaint (not only after)	Radio & TV <a href="#">LawAct</a>
		Advertising		<input type="checkbox"/>	<input type="checkbox"/>		Monitoring after complaint (not only after)	Radio & TV <a href="#">LawAct</a>
		Protection of minors		<input type="checkbox"/>	<input type="checkbox"/>		Monitoring after complaint (not only after)	Radio & TV <a href="#">LawAct</a>

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Quotas						
		Advertising	<input type="checkbox"/>				<input type="checkbox"/> (following a decision by an Administrative Court)	
		Protection of minors	<input type="checkbox"/>			<input type="checkbox"/>		

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Sweden	Swedish Broadcasting Commission (until July 31, 2010)		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from August 1, 2010)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> (following a decision by an Administrative Court)

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Sweden	<p><del>The Swedish Broadcasting Authority Swedish Broadcasting Commission (until July 31, 2010)</del></p>	<p>Yes <del>(First there is a formal examination of the complaint. The complaint must generally be in writing and regard a program broadcast within the last <del>six</del> <u>three</u> months. If the complaint regards privacy issues, consent from the person affected is required. <u>The Chairman of the review board decides which complaints will be investigated. Decisions of the review board may not be appealed. This also applies to decisions stating that a complaint will not lead to an investigation. Most complaints lead to an examination of the broadcast and most such examinations end with a clearance decision by the Director. If the matter is complicated or the program is believed to be in breach of the provisions governing the broadcast, the matter is referred to the Commission.)</u></del></p>	<p><del><a href="http://www.radioocht.v.se/en/content-regulation/why-monitoring/Complaints%20can%20be%20filed%20through%20the%20authority%27s%20website">http://www.radioocht.v.se/en/content-regulation/why-monitoring/Complaints can be filed through the authority's website:</a> <a href="http://www.radioocht.v.se/tillsyn/granskning-av-program/anmalan/www.grn.se/grn/pages/ReportForm_589.aspx">http://www.radioocht.v.se/tillsyn/granskning-av-program/anmalan/www.grn.se/grn/pages/ReportForm_589.aspx</a></del></p>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts		
Sweden	<del>The Swedish Broadcasting Commission Authority</del> (until July 31, 2010)	Board	<del>7</del> (1 chair & 6 members, <del>one</del> <u>two</u> of which <del>is</del> <u>are</u> vice-chair; a <u>number of substitute members</u> ; <del>4</del> <u>deputy-commissioners</u> )	The <u>review board (granskningsnämnden), referred to in English as the Swedish Broadcasting Commission</u> , <del>currently</del> consists of 7 ordinary commissioners and <del>4</del> <u>a number of deputy-substitute</u> commissioners, appointed by the government for a period of 3 years. The chair <del>person</del> <del>man</del> and the vice-chair <del>persons</del> <del>man</del> are judges with high judicial offices. The other members come from a wide range of backgrounds and have broad experience in the social, cultural and media fields. <u>The number of deputy/substitute commissioners is decided by the government; there are currently 5 substitute commissions.</u>				Gender Equality	No information available	Chapter <del>9</del> <u>16</u> Section <u>143</u> Radio- and TV Act; <u>Section 24 Act with Instructions for The Swedish Broadcasting Authority (2010:1062)</u> <del>Section 3 Regulatory brief of the Broadcasting Commission</del> ; Fundamental Law on Freedom of Expression, 7:4 <u>Members of the review board: <a href="http://www.radioochtv.se/om-oss/organisation/granskningsnamnden-for-radio-och-tv/ledamoter-i-granskningsnamnden/">http://www.radioochtv.se/om-oss/organisation/granskningsnamnden-for-radio-och-tv/ledamoter-i-granskningsnamnden/</a></u>
	<del>The Swedish Radio and TV Authority</del>	<del>Director-General</del>		n/a					<del>www.rtv.se/uk/Swedish_Radio_and_TV_Authority/</del>	



**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission</del> (until July 31, 2010)	No information available	Majority <a href="#">of the review board</a> and Chair's unilateral decision on issues of lesser importance Quorum with Chair or Vice-Chair plus 3 other members Source: Radio & Television Act Chapter <a href="#">169</a> , Section <a href="#">143</a> <a href="http://www.riksdagen.se/webbnav/index.aspx?nid=3911&amp;bet=1996:844">http://www.riksdagen.se/webbnav/index.aspx?nid=3911&amp;bet=1996:844</a>	No agendas or minutes but all decisions are public (as are all Swedish official documents).	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission</del> (until July 31, 2010)	Chairman of the Review Board	No		Government	n/a	<a href="#">Section 24 Act with Instructions for The Swedish Broadcasting Authority (2010:1062)</a> <del>No information available</del>
		Board members	No		Government	n/a	<a href="#">Section 24 Act with Instructions for The Swedish Broadcasting Authority (2010:1062)</a> <del>No information available</del>

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Sweden	The Swedish Broadcasting Authority Swedish Broadcasting Commission (until July 31, 2010)	Chairman of the Review Board	3 years	Yes	Yes (unlimited)	
		Board members	3 years	Yes	Yes (unlimited)	

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Sweden	The Swedish Broadcasting Authority Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Chairman of the Review Board	Active or former permanent judges (includes Vice-Chairs)		Source: Radio & Television Act Chapter 169, Section 143
		Board members	General wisdom and being a person of good judgment.		Source: Radio & Television Act Chapter 169, Section 143

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Sweden	<a href="#">The Swedish Broadcasting Authority</a> Swedish Broadcasting Commission (until July 31, 2010)	<a href="#">Chair of the Review Board</a> Chairman	Yes		No information available			Yes (All concurrent offices or other sources of income must be approved by the government)	No information available	
		Board members	Yes		No information available			Yes	No information available	
		Senior staff	No information available						Yes	No information available

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Sweden	<a href="#">The Swedish Broadcasting Authority</a> Swedish Broadcasting Commission (until July 31, 2010)	<a href="#">Chair of the Review Board</a> Chairman	Yes		Yes	Yes	Yes	<a href="http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf">Section 11 Administrative Procedure Act</a> <a href="http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf">http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf</a>
		Board members	Yes		Yes	Yes	Yes	<a href="http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf">Section 11 Administrative Procedure Act (1986:223)</a> <a href="http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf">http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf</a>
		Senior staff	Yes		Yes	Yes	Yes	<a href="http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf">Section 11 Administrative Procedure Act (1986:223)</a> <a href="http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf">http://www.sweden.gov.se/content/1/c6/06/48/92/a02de523.pdf</a> §11

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Sweden	The Swedish Broadcasting Authority Swedish Broadcasting Commission (until July 31, 2010)	Chair of the Review Board Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Sweden	The Swedish Broadcasting Authority Swedish Broadcasting Commission (until July 31, 2010)	Chair of the Review Board Chairman		No	Government, but can only remove from position, not employment (e.g. can be moved to another authority or position)			
		Individual board members		No	Government			

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	2009	Chairman		No		
			Individual board members		No		
		2008	Chairman		No		
			Individual board members	Yes			Yes, two board members were participating in the work of drafting a proposal for a new strategy for Public Service Broadcasters and it was considered inappropriate that they at the same time were in the SBC.
		2007	Chairman		No		
			Individual board members	Yes			Yes, two board members were participating in the work of drafting a proposal for a new strategy for Public Service Broadcasters and it was considered inappropriate that they at the same time were in the SBC.
		2006	Chairman		No		
			Individual board members		No		
		2005	Chairman		No		
			Individual board members		No		
	<del>Swedish Broadcasting Authority's Review Board</del> <del>Not applicable for the Swedish Radio and TV</del>	<del>2014</del>	<del>Chairman</del>		<del>No</del>		
			<del>Individual board members</del>		<del>No</del>		
		<del>2013</del>	<del>Chairman</del>		<del>No</del>		

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
			<u>Individual board members</u>		<u>No</u>		
		<u>2012</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		
		<u>2011</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		
		<u>2010</u>	<u>Chairman</u>		<u>No</u>		
			<u>Individual board members</u>		<u>No</u>		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Yes, indirectly, as an amount is paid to the Authority from Radiotjänst, who collects the license fees For 2015: 8 700 000 kr (€ 870 000), 24 % of the Authority's yearly budget) <del>66% (2009 figures)</del>	Yes <del>33% (2009 figures)</del>	No	The application fee is SEK 35,000 (€3500) per service <del>No</del>	<del>No</del> Yes	No	<a href="#">Application fee by broadcasters: Section 27 Act with Instructions for The Swedish Broadcasting Authority (2010:1062)</a> <a href="#">The Act on the financing of radio and television public service (1989: 41)</a> <a href="#">Yearly budget: http://www.radioochtvtv.se/Documents/Styrdokument/Regleringsbrev-2015.pdf?epslanguage=sv</a> <a href="#">Fines etc. Radio &amp; Television Act www.notisum.se/rnp/SIs/lag/19890041.htm</a> <a href="#">www.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Regleringsbrev%202010.pdf</a>
	Swedish Radio and TV Authority	No	98% state-funding overall	No	The licence fee is SEK 30,000 (€3000)/application for digital terrestrial television	No	No	

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Government sets budget, approved by parliament.	Yes, but only through reports and ministry contact. No involvement in final decision	<del>Government/Parliament</del> Parliament	Low (outside of government/parliament and regulator)	<a href="http://www.radioochtv.se/Documents/Styrdokument/Regleringsbrev-2015.pdf?epslanguage=svwww.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Instruktion%20f%C3%B6r%20Granskning%C3%A4mnden%202009.pdf">http://www.radioochtv.se/Documents/Styrdokument/Regleringsbrev-2015.pdf?epslanguage=svwww.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Instruktion%20f%C3%B6r%20Granskning%C3%A4mnden%202009.pdf</a>
	<del>Swedish Radio and TV Authority</del>	Parliament	Yes	Government/Parliament		<del>How Sweden is governed, www.regeringen.se/content/1/e6/09/50/17/89224f37.pdf</del>

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Yes	Annual	State Auditor			<a href="http://www.notisum.se/rnp/sls/lag/20021022.HTM">Act on Auditing of State Activities (2002:1022) www.notisum.se/rnp/sls/lag/20021022.HTM</a>
	<del>Swedish Radio and TV Authority</del>	Yes	Yearly	Yes	No	No	<del>The Administrative Procedural Act, www.sweden.gov.se/sb/d/5805/a/64892</del>



## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Parliament	No	Reports	<a href="#">Act on Auditing of State Activities (2002:1022)</a> <a href="http://www.notisum.se/rnp/sls/lag/20021022.HTM">www.notisum.se/rnp/sls/lag/20021022.HTM</a>
		Government as a whole	Yes	Reports <u>on a yearly basis</u>	<a href="#">Act on Auditing of State Activities (2002:1022)</a> <a href="http://www.notisum.se/rnp/sls/lag/20021022.HTM">www.notisum.se/rnp/sls/lag/20021022.HTM</a>
		Specific ministers (e.g. Media, finance, etc.)	No	Reports	<del>The Administrative Procedural Act</del> <del><a href="http://www.notisum.se/rnp/sls/lag/20021022.HTM">www.notisum.se/rnp/sls/lag/20021022.HTM</a></del>
		Public at large	No	Reports	<a href="#">Act on Auditing of State Activities (2002:1022)</a> <a href="http://www.notisum.se/rnp/sls/lag/20021022.HTM">www.notisum.se/rnp/sls/lag/20021022.HTM</a>
		Other	<del>No</del> Yes	<del>The Swedish National Audit Office</del> N/A	<del>Act on Auditing of State Activities (2002:1022)</del> N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Sweden	<a href="#">The Swedish Broadcasting Authority</a> Swedish Broadcasting Commission (until July 31, 2010)	Ministry of Culture	Annual	Financial, - reporting requirements, s fees and registrations, supervision, developments in the media field, <del>number of cases and results,</del> self- evaluation, etc.	Yes (financial data, number of cases examined <del>and results costs, investments,</del> etc.)	Yes	No	<a href="http://www.radioocht.se/publikationer-blanketter/publikationer/">The yearly reports are available at http://www.radioocht.se/publikationer-blanketter/publikationer/</a> For 2011: <a href="http://www.radioocht.se/Documents/Styrdokument/Årsredovisning%202011.pdf">http://www.radioocht.se/Documents/Styrdokument/Årsredovisning%202011.pdf</a> For 2012: <a href="http://www.radioocht.se/Documents/Styrdokument/MRTV-Arsredovisning-2012.pdf">http://www.radioocht.se/Documents/Styrdokument/MRTV-Arsredovisning-2012.pdf</a> For 2013: <a href="http://www.radioocht.se/Documents/Styrdokument/MRTV-Arsredovisning-2013.pdf">http://www.radioocht.se/Documents/Styrdokument/MRTV-Arsredovisning-2013.pdf</a> <del><a href="http://www.grn.se/upload/PDF-filer/info!%C3%85rsredovisning%202009.pdf">www.grn.se/upload/PDF-filer/info!%C3%85rsredovisning%202009.pdf</a></del>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Yes	Annual	Yes	No	No	Regulatory brief of the Broadcasting <del>Commission</del> <a href="#">Authority</a>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes But only in terms of general frameworks, not specific cases	Yes But only in terms of general frameworks, not specific cases	No	No	<i>No information available</i>

	Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
	Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes Political/ministerial intervention in the activities of regulators is forbidden by the Swedish constitution	Yes See first column	Yes See first column	N/A	N/A	Constitution

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Sweden	<a href="#">The Swedish Broadcasting Authority</a> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	Internal	1	<i>No information available</i>	Yes, depending on the claim. <i>No information available</i>	All The broadcaster can lodge an appeal against a decision to act under penalty of a fine	The Radio- and Television Act ( <a href="#">2010:696</a> ), <del>Chapter 13:20</del>
		External	1	<i>No information available</i>			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	<del>No information available</del>	<del>No information available</del>	<del>No information available</del>	<del>No information available</del> Yes, unless decided otherwise Chapter 20 Section 1 Radio & TV Act (2010:696)

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	1 Courts	<input type="checkbox"/>		For example, courts can adjust fines that were issued by the regulatory authority
		2	<input type="checkbox"/>		
		3	<input type="checkbox"/>		

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del>	No. Budget for external advice decided by authority		Yes		<del>Yes, from the Radio and TV authority in certain questions.</del> In some cases
	<del>Swedish Radio &amp; Television Authority</del>	<del>No specific budget</del>		<del>Yes</del>		<del>In some cases</del>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Sweden	<del>The Swedish Broadcasting Authority</del> <del>Swedish Broadcasting Commission (until July 31, 2010)</del> <del>Radio &amp; Television Authority (from 1 August, 2010)</del>	None required, most often in conjunction with strategy or policy.	No		Yes		
	<del>Swedish Radio &amp; Television Authority</del>	<del>Not regulated</del>	<del>No requirements</del>		<del>Same</del>	<del>Same</del>	

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	2005-2009	N/A
	Swedish Radio & Television Authority	2009	1
		2008	1
		2007	2
		2006	1
		2005	-

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Sweden	<del>The Swedish Broadcasting Authority) Swedish Broadcasting Commission (until July 31, 2010)</del>	None	The Administrative Procedure Act (1986:223) <a href="http://www.sweden.gov.se/sb/d/5805/a/64892">www.sweden.gov.se/sb/d/5805/a/64892</a>		
	Swedish Radio & Television Authority	None	<del>The Administrative Procedure Act (1986:223) <a href="http://www.sweden.gov.se/sb/d/5805/a/64892">www.sweden.gov.se/sb/d/5805/a/64892</a></del>		

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Sweden	<del>The Swedish Broadcasting Authority) Swedish Broadcasting Commission (until July 31, 2010)</del>	<del>. The Swedish Competition Authority (<i>Konkurrensverket</i>) and the Swedish Post and Telecom Authority (<i>Post- och telestyrelsen, PTS</i>)</del>	<del>The bodies are consulted before a decision about a license to broadcast television, searchable text service and commercial radio. PTS is also consulted in relation to broadcasting standards. When a question on local radio or TV is being handled the SBC collects information from Radio and TV authority.</del>	<del>General advice regarding contact with other authorities. No</del>	

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Sweden	<del>The Swedish Broadcasting Authority) Swedish Broadcasting Commission (until July 31, 2010)</del>	Yes, EPRA, Ofcom (Great Britain), Commissariaat voor de Media (Netherlands) and Nordic Regulatory Authorities	<del><a href="http://www.radioochtv.se/om-oss/internationellt-samarbete/www.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Instruktion%20of%20C3%B6r%20Gransknings%20C3%A4mnden%202009.pdf">http://www.radioochtv.se/om-oss/internationellt-samarbete/www.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Instruktion%20of%20C3%B6r%20Gransknings%20C3%A4mnden%202009.pdf</a></del>	



Slovenia

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Slovenia	<u>7489</u>	<u>Soon to be decided</u> <sup>11</sup>	<u>36 (3 national, 2 regional, 1 minority)</u>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

**Important note:** Audiovisual Media Service Act, adopted in October 2011, has importantly increased the role and power of the Agency for Communication Networks and Services of the Republic of Slovenia.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Slovenia	Information requirements (art. 5 AVMS Directive)	<u>Mass Audiovisual Media Services Act (2011)</u> <u>(See in Slovenian language: <a href="http://www.uradni-list.si/1/objava.jsp?urlid=201187&amp;stevilka=3715">http://www.uradni-list.si/1/objava.jsp?urlid=201187&amp;stevilka=3715</a>)</u>	<u>Ministry of Culture (Media Inspector)</u> <u>AKOS - Agency for Communication Networks and Services of the Republic of Slovenia</u>	<u>APEK</u> <u>(probably)</u> <u>AKOS</u>	<u>Same</u> <del>same</del>
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	<u>Mass Audiovisual Media Services Act (2011)</u>	<u>APEK, Ministry of Culture (Media Inspector)</u> <u>AKOS</u>	<u>APEK</u> <u>(probably)</u> <u>AKOS</u>	same
	Accessibility to people with a disability (Art. 7 AVMS Directive)	<u>Mass Media Act, (2001, amended in 2006), Act on RTV Slovenia (2005), Audiovisual Media Services Act (2011)</u>	Ministry of Culture, <u>AKOS</u>	<u>same</u> <u>APEK</u> <u>(probably)</u>	Ministry of Culture + <u>Programme Programming</u> Council of RTV Slovenia + <u>AKOS</u>

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	<del>Mass</del> <u>Audiovisual</u> Media <u>Services</u> Act	<del>Ministry of Culture (Media Inspector)</del> <u>AKOS</u>	<del>APEK (probably)</del> <u>AKOS</u>	same
	Access to short news reports (Article 15 AVMS Directive)	<del>Mass</del> <u>Audiovisual</u> Media <u>Services</u> Act	<del>Ministry of Culture (Media Inspector)</del> <u>AKOS</u>	<del>APEK (probably)</del> <u>AKOS</u>	same
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	<del>Mass</del> <u>Audiovisual</u> Media <u>Services</u> Act	<del>APEK</del> <u>AKOS</u> , Ministry of Culture (Media Inspector)	<del>APEK (probably)</del> <u>AKOS</u>	same
	Hate speech (Art. 12 and 6 AVMS Directive)	Mass Media Act Radio and Television Corporation of Slovenia Act Penal Code <u>Audiovisual Media Services Act</u>	<i>In case of hate speech in advertising:</i> <del>Media Inspector within the Ministry of</del> <u>AKOS</u> <del>Culture</del> <i>On generally:</i> Court (Penal Code)	<del>APEK (probably)</del> <u>same</u>	<i>In case of hate speech in advertising:</i> <del>Media Inspector within the</del> <u>AKOS</u> <del>Ministry of Culture</del> <i>On generally:</i> <del>Programme</del> <u>Programming</u> Council of RTV Slovenia
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<del>Mass</del> <u>Audiovisual</u> Media <u>Services</u> Act	<del>APEK, Ministry of Culture (Media Inspector)</del> <u>AKOS</u>	<del>APEK (probably)</del> <u>AKOS</u>	same
	Protection of minors (Art. 27 AVMS Directive)	<del>Mass</del> <u>Audiovisual</u> Media <u>Services</u> Act	<del>APEK, Ministry of Culture (Media Inspector),</del> <u>AKOS</u> <del>Broadcasting Council</del>	<del>APEK (probably)</del> <u>AKOS</u>	same
	Right of reply (Art. 28 AVMS Directive)	Mass Media Act	Ministry of Culture (Media Inspector)	<del>APEK (probably)</del> <u>same</u>	same
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30b AVMS Directive)	<del>Audiovisual Media Services Act</del>	<del>AKOS</del>	<del>AKOS</del>	<del>AKOS</del>

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Slovenia	<del>APEK</del> Agency for communication networks and services of the Republic of Slovenia (AKOS)	<del>www.apenk.si</del> www.akos-rs.si	2001 <i>(name of the agency changed several times, at latest in January 2014, following the new Electronic Communications Act, adopted in 2012)</i>	Ljubljana
	Broadcasting Council (independent expert body with administrative support provided by <del>APEK</del> AKOS)	<a href="http://www.srdf.si/en/about_the_council">www.srdf.si/en/about_the_council</a> <i>Decision by the Parliament on the establishment is available here:</i> <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200162&amp;stevilka=3262">www.uradni-list.si/1/objava.jsp?urlid=200162&amp;stevilka=3262</a>	2001 <i>(previous one according to previous mass media act was established in 1994)</i>	Ljubljana
	Ministry of Culture	<a href="http://www.mk.gov.si/">www.mk.gov.si/</a>	1991	Ljubljana
	Inspectorate for Culture and Media-Media Inspector (within Ministry of Culture)	<a href="http://www.mk.gov.si/en/about_the_ministry/bodies_under_the_responsibility_of_the_ministry/">www.mk.gov.si/en/about_the_ministry/bodies_under_the_responsibility_of_the_ministry/</a>	2004 <i>(as an inspectorate for culture and media; but from 2002-2004 the Media Inspector was part of the media division of the Ministry of Culture, and there was a separate Inspectorate for Cultural Heritage; now several inspections which supervise implementation of the regulation under responsibility of the Ministry of Culture are joined in the Inspectorate for Culture and Media)</i>	Ljubljana

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Slovenia	<del>APEK</del> AKOS	Yes	Yes	<del>No</del> Yes	Yes	Yes	<del>post</del> Postal services, railway traffic
	Broadcasting council	<del>Yes</del> No	Yes	No	No	No	No
	Ministry of Culture (including Media Inspector)	Yes	No	No	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/la	Current annual budget	Reference year +source
<u>Slovenia</u>	<u>APEK</u>	<u>75 in APEK as a whole (EC, BC, Post) (Government's Decree, Aug. 2009)</u>	<u>16 employers linked to audiovisual matters:</u> <input type="checkbox"/> <u>Head of the Division: 1</u> <input type="checkbox"/> <u>Content regulation and licensing: 5</u> <input type="checkbox"/> <u>Content monitoring: 4</u> <input type="checkbox"/> <u>Broadcasting Spectrum management: 6</u>	<u>€1.20m direct cost</u> <u>€774,958 indirect cost (finance, IT, law department, other)</u> <u>(for AVMS matters only)</u>	<u>€1.98m</u> <u>(for AVMS matters only)</u>	<u>Year 2009 <a href="http://www.appek.si/en/annual_reports">www.appek.si/en/annual_reports</a></u> <u>English version of the last report not available.</u>
<u>Slovenia</u>	<u>Ministry of Culture (including Inspectorate for Culture and the Media, Media Inspector) AKOS</u>	<u>210 (for the whole ministry) (Government's Human Resources Plan for 75+15* (total number of staff of AKOS)</u> <u>)</u>	<u>213 11 employees linked to audiovisual matters.</u> <u>5 employees linked to broadcasting spectrum management.</u>	<u>€198,223,436 (for the whole ministry) (€340,049 for Inspectorate for Culture and the Media)</u> <u>There is no such provision in statutes or law. The budget is planned each year anew according to the estimated spending needed for realization of the annual plan.</u>	<u>€204,040,642</u> <u>(</u> <u>€680,955 planned for a whole ministry)</u> <u>(€317,876-2015 for Inspectorate for direct costs in AVMS matters only:</u> <u>Culture and the Media)</u> <u>For total budget intended for activities in the audiovisual area please see the Table 25.</u>	<u>Figures for Annual plan for 2015:</u> <u><a href="http://www.akos-rs.si/files/O_agenciji/Program_dela/PD2015.pdf">http://www.akos-rs.si/files/O_agenciji/Program_dela/PD2015.pdf</a></u> <u>(in Slovenian only; English version not available).</u> <u>*Regarding the total number of staff, the 2015 AKOS Annual employment plan, approved by the Government in December 2014, allows the employment of additional 15 employees in AKOS</u> <u>With that plan the 2009 Government Decree which limited the number of staff to 75 was annulled.</u> <u>Within total number of 90 AKOS employees, 11 is directly working on regulation of AVMS, and additional 5 to broadcasting spectrum management. That number has not changed with the increase of the staff number in the Annual plan for 2015.</u> <u>2010</u> <u>E-government web site:</u> <u><a href="http://e-uprava.gov.si/ispo/zaposleni/osnovna.ispo?pageToModul=/podatki_mk.jsp">http://e-uprava.gov.si/ispo/zaposleni/osnovna.ispo?pageToModul=/podatki_mk.jsp</a></u> <u>For budget: 2009</u> <u>2009 Annual Report of the Ministry of Culture</u> <u><a href="http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Podatki/Letna_porocila/finan_2009.pdf">www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Podatki/Letna_porocila/finan_2009.pdf</a></u>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Slovenia	<del>Post and Electronic Communications Agency for communication networks and services</del> of the Republic of Slovenia ( <del>APEKAKOS</del> )	Telecommunications Act (no longer valid) - before 2004 Electronic Communications Act ( <del>art. 167</del> ) - after 2004, <u>last modified in 2014</u> Governmental Decision establishing <del>APEKAKOS</del>	Electronic Communications Act (ECA, <del>chapter XIV, art. 145-128</del> ) <u>170-216</u> ): <a href="http://www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/-electronic_communications_act_official_consolidated_version_zekom-upb1-unofficial_translation_english.pdf">www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/-electronic_communications_act_official_consolidated_version_zekom-upb1-unofficial_translation_english.pdf</a> <del>Statutes of the Post and Electronic Communications Agency- www.uradni-list.si/1/objava.jsp?urlid=200568&amp;stevilka=3018 Act on establishment of the Post and Electronic Communications Agency- http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2009.html http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf; English version http://www.akos-rs.si/files/APEK_eng/Legislation/electronic-communications-act-zekom1.pdf</del>  <u>Statute of AKOS</u> <a href="http://www.uradni-list.si/1/content?id=117194">http://www.uradni-list.si/1/content?id=117194</a>
	Ministry of Culture including Inspectorate for Culture and the Media (Media Inspector)	For Ministry: Government of the Republic of Slovenia Act (1993) For inspectorate: Inspectorate for Culture and the Media was established with the Government's Decree on the bodies within ministries (adopted on 12 June 2003) based on the Act on Public Administration	For inspectorate: Inspections Act (2002) (available in English at: <a href="http://www.ip-rs.si/index.php?id=326">www.ip-rs.si/index.php?id=326</a> )



**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Slovenia	<a href="#">APEKAKOS</a>	Independent regulatory agency / Public Agency	Yes		<a href="#">A converged regulatory authority for electronic communications, electronic media, postal services and railway traffic</a>	ECA (Art. 4151) <a href="http://www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upb1_unofficial_translation_english.pdf">www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upb1_unofficial_translation_english.pdf</a> <a href="http://www.akos-">http://www.akos-</a>
	<a href="#">Broadcasting Council</a>	<a href="#">Independent expert body</a>	No	<a href="#">It has administrative support of AKOS, its members are independent experts with employment outside the body.</a>		<a href="http://www.srdf.si/en/about_the_council">www.srdf.si/en/about_the_council</a> <a href="#">Decision by the Parliament on the establishment is available here:</a> <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200162&amp;stevilka=3262">www.uradni-list.si/1/objava.jsp?urlid=200162&amp;stevilka=3262</a>
	<a href="#">Ministry of Culture (Inspectorate for Culture and Media)</a>	<a href="#">The inspectorate is a body under the responsibility of the Ministry of Culture</a>	<a href="#">The inspectorate is a separate legal entity as it has its own registration and tax number and own account, but at the same time in administrative way it is not separate from the Ministry of Culture since it is not allowed to independently address the Government with an initiative or proposal, but only through the Ministry (its financial and HR plan is not separate, but part of the plan of the Ministry etc.)</a>	<a href="#">Ministry of Culture</a>		<a href="http://www.mk.gov.si/si/o_ministrstvu/organiziranost/">http://www.mk.gov.si/si/o_ministrstvu/organiziranost/</a>  <a href="#">For relations between Inspectorate and the Ministry:</a> <a href="#">Public Administration Act (2002), Art. 23</a> <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200252&amp;stevilka=2526">www.uradni-list.si/1/objava.jsp?urlid=200252&amp;stevilka=2526</a>

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
	Broadcasting Council	Independent expert body	No	It has administrative support of APEK, its members are independent experts with employment outside the body.		<a href="http://www.srdf.si/en/about_the_council">www.srdf.si/en/about_the_council</a> <i>Decision by the Parliament on the establishment is available here:</i> <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200162&amp;stevilka=3262">www.uradni-list.si/1/objava.jsp?urlid=200162&amp;stevilka=3262</a>
	Ministry of Culture (Inspectorate for Culture and Media)	The inspectorate is a body under the responsibility of the Ministry of Culture	The inspectorate is a separate legal entity as it has its own registration and tax number and own account, but at the same time in administrative way it is not separate from the Ministry of Culture since it is not allowed to independently address the Government with an initiative or proposal, but only through the Ministry (its financial and HR plan is not separate, but part of the plan of the Ministry etc.)	Ministry of Culture		<a href="http://www.mk.gov.si/en/about_the_ministry/bodies_under_the_responsibility_of_the_ministry/">www.mk.gov.si/en/about_the_ministry/bodies_under_the_responsibility_of_the_ministry/</a>  <i>For relations between Inspectorate and the Ministry:</i> Public Administration Act (2002), Art. 23 <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200252&amp;stevilka=2526">www.uradni-list.si/1/objava.jsp?urlid=200252&amp;stevilka=2526</a>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Slovenia	<a href="#">APEKAKOS</a>		<input type="checkbox"/>	Electronic Communications Act (art. <a href="#">1171, 88, 191, 217</a> ) <a href="http://www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upbl_unofficial_translation_english.pdf">www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upbl_unofficial_translation_english.pdf</a> <a href="http://www.akos-">http://www.akos-</a>
	Broadcasting Council		<input type="checkbox"/>	Mass Media Act (2006), art. 100 <a href="http://www.srdf.si/en/about_the_council">www.srdf.si/en/about_the_council</a>
	Ministry of Culture (Inspectorate for Culture and Media)		<input type="checkbox"/> ...for inspectorate	Inspections Act (2002), art. 4 (available in English at: <a href="http://www.ip-rs.si/index.php?id=326">www.ip-rs.si/index.php?id=326</a> )

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Slovenia	APEKAKOS	Tick boxes	No	<input type="checkbox"/>	<del>No</del> Yes
		Areas		EU audiovisual works Rules on advertising Protection of minors	
		Source		<del>Mass</del> Audiovisual Media <del>Services</del> Act	
	Ministry of Culture	Areas	<input type="checkbox"/> EU audiovisual works Rules on advertising Protection of minors	<input type="checkbox"/> EU audiovisual works Rules on advertising Protection of minors	<del>EU audiovisual works</del> <del>Rules on advertising</del> <del>Protection of minors</del> No
		Source	General act <del>Mass</del> Audiovisual Media <del>Services</del> Act	General act <del>Mass</del> Audiovisual Media <del>Services</del> Act	General act <del>Mass</del> Audiovisual Media <del>Services</del> Act

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Slovenia	APEKAKOS	Quotas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Mass Media Act + secondary legislation + practice <a href="http://www.appek.si/sl/datoteke/File/2007/osebna%20izkaznica/public_media_act_official_consolidated_version_zmed+zmed-a_unofficial_translation_english.pdf">www.appek.si/sl/datoteke/File/2007/osebna%20izkaznica/public_media_act_official_consolidated_version_zmed+zmed-a_unofficial_translation_english.pdf</a> <a href="http://www.appek.si/sl/zakon_o_medijih_zmed_veljavni_predpisi_po_zmed_">www.appek.si/sl/zakon_o_medijih_zmed_veljavni_predpisi_po_zmed_</a>
		Advertising	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Mass Media Act + secondary legislation + practice Please see the 2 <sup>nd</sup> line
		Protection of minors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Mass Media Act + secondary legislation + practice Please see the 2 <sup>nd</sup> line
		Broadcasting Council	Protection of minors			<input checked="" type="checkbox"/>		Mass Media Act (art. 84)
		Ministry of Culture	Quotas			<input checked="" type="checkbox"/>		<del>Mass Media Act (Art. 91)</del>
			Advertising					
			Protection of minors			<input checked="" type="checkbox"/>		Mass Media Act (Art. 84)
	Ministry of Culture,	Protection-Quotas (of minors AdvertisingEuropean works)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	With <del>Mass Media Act (Art. 91)</del> After receiving a complain the Media Inspector requests from the APEK to exercise a The powers are related to quotas of European works. The Ministry is reporting to the EC. It also decides whether the reasons for quota non-compliance by broadcasters are justified or not.	

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
	Inspectorate for Media and Culture, Media Inspector	Quotas				assistance of APEK!		professional supervision ("strokovni nadzor") which includes monitoring (according to its mandate in Mass Media Act, Art. 109) and with its monitoring data support his procedure.

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Slovenia	APEKAKOS	Quotas	<input type="checkbox"/> *discretion on length of period for elimination of the violations	€6.000 – 60.000 for the provider and €600 for its responsible person	No, but AKOS publishes every decision on sanction on its website.	<input type="checkbox"/> *discretion on length of licence suspension	<input type="checkbox"/> *First penalty payment must not exceed €1,000, every next penalty can be defined in the same amount	
		Advertising	<input type="checkbox"/> *discretion on length of period for elimination of the violations	€6.000 – 60.000 for the provider and €600 for its responsible person	No, but AKOS publishes every decision on sanction on its website.	<input type="checkbox"/> *discretion on length of licence suspension	<input type="checkbox"/> *First penalty payment must not exceed €1,000, every next penalty can be defined in the same amount	
		Protection of minors	<input type="checkbox"/> *discretion on length of period for elimination of the violations	€6.000 – 60.000 for the provider and €600 for its responsible person	No, but AKOS publishes every decision on sanction on its website.	<input type="checkbox"/> *discretion on length of licence suspension	<input type="checkbox"/> *First penalty payment must not exceed €1,000, every next penalty can be defined in the same amount	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non-compliance with decision)	Others
	Ministry of Culture (Inspectorate for Culture and Media/Media-Inspector)	Quotas	☐	☐ Min €8,333 Max €62,500 (Mass Media Act still use the old currency, therefore we recalculated it in €) The fine is not automatic: the inspector has discretion on the amount.				
		Advertising	☐	☐ Min €1,040 Max €83,333 (Mass Media Act still use the old currency, therefore we recalculated it in €) The fine is not automatic: the inspector has discretion on the amount.				
		Protection of minors	☐	☐ Min €1,040 Max €83,333 (Mass Media Act still use the old currency, therefore we recalculated it in € as the Media Inspector does also) The fine is not automatic: the inspector has discretion on the amount.				

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
<del>Slovenia</del>	<del>APEK</del>	<del>N/A</del>	<del>☐</del>	<del>N/A</del>	<del>N/A</del>	<del>☐</del>	<del>☐</del>	<del>☐</del>
<del>Slovenia</del>	<del>Broadcasting</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>☐</del>	<del>N/A</del>
	<del>Ministry of Culture</del>	<del>☐</del>	<del>☐</del>	<del>☐</del>	<del>N/A</del>	<del>N/A</del>	<del>☐</del>	<del>N/A</del>
	<del>Ministry of Culture – Media Inspector</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>☐</del> <del>With assistance of APEK!</del>

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
<del>Slovenia</del>	<del>APEKAKOS</del>	<del>☐</del>	<del>N/A</del> <del>☐</del>	<del>N/A</del> <del>☐</del>	<del>☐</del>	<del>In all cases parties complied with the decision</del>
	<del>Ministry of Culture (Inspectorate for Culture and Media, Media Inspector)</del>	<del>☐</del>	<del>☐</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>



**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
<u>Slovenia</u>	APEK	Yes The complaints are handled in compliance with the General Administrative Procedure Act. After receiving a complaint, APEK institutes a proceeding against the broadcaster who allegedly was not in accordance with the regulations to find out if this is the case.	<a href="http://www.appek.si/">www.appek.si/</a>
<u>Slovenia</u>	Ministry of Culture (Inspectorate for Culture and Media, Media Inspector) AKOS	Yes The complaints are handled in compliance with the Inspections Act, the Minor Offences Act and the General Administrative Procedure Act. Short description: There is twofold procedure for handling complaints by the Media Inspector. The first one is used in case of repeating/durable violations when the inspector at first	On responsibilitiesThe online form for complaints of the inspectorateviewers : <a href="http://www.mk.gov.si/eN/About_the_ministry/bodies_under_the_responsibility_of_the_ministry/">www.mk.gov.si/eN/About_the_ministry/bodies_under_the_responsibility_of_the_ministry/</a> Annual report 2007 of the inspectorate (the last published):- <a href="http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/">www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Slovenia	<del>APEKAK OS</del>	Individual decision-making organ (Director General)	No Board.	n/a							<a href="http://www.apelk.si">www.apelk.si</a> / <a href="http://www.akos-rs.si/">www.akos-rs.si/</a>
	<del>Ministry of Culture</del>	<del>Individual (Minister)</del>		<del>n/a</del>							

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Slovenia	<u>APEKAKOS</u>	<p><del>Director has competence to:</del></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <del>manage APEK</del></li> <li><input type="checkbox"/> <del>represent APEK</del></li> <li><input type="checkbox"/> <del>adopt general and</del> <u>The Agency director:</u></li> <li><del>-represents and present the Agency;</del></li> <li><del>-manages its operations and organises its work, where he shall appoint deputies for particular areas;</del></li> <li><del>-adopts the statute, the programme of work, the financial plan and the Agency's annual report;</del></li> <li><del>-manages procedures and give authorisations to manage procedures in matters relating to the Agency's competencies;</del></li> <li><del>-issues individual acts within APEK's remit and adopt general acts and recommendations relating to the Agency's competencies;</del></li> <li><input type="checkbox"/> <del>organize monitoring activities</del></li> <li><input type="checkbox"/> <del>tm ad prepare APEK's annual plan, including financial plan</del></li> <li><input type="checkbox"/> <del>decide on employment of APEK's staff</del></li> <li><input type="checkbox"/> <del>adopt the act on internal organization, safeguards the business secrecy of the Agency;</del></li> <li><del>-works with the Agency Council and area related advisory councils in accordance with their competencies;</del></li> <li><del>-is liable for any damage caused by negligent or unlawful conduct on his part, under the general rules of liability for damages.</del></li> </ul>	n/a, since it is an individual decision-making organ	Decisions of the director (acts) are published in the general <u>and individual acts.</u>	n/a since it is an individual decision-making organ

Country	Body	Competences	Decision-making process	Is the decision-making process transparent?	Minutes and agendas published?
	Ministry of Culture	Minister Heads and represents the ministry, gives political directions for the work of the ministry and the bodies within its responsibility, supervises their work, issues legislation, and implements other duties according to the legislation (Art. 18, Government of Republic of Slovenia Act)	n/a	n/a	n/a

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations ?	Source
Slovenia	<a href="#">APEKAKOS</a>	Director	<a href="#">Public-tender</a> <a href="#">Yes</a>	<a href="#">n/a</a> <a href="#">APEK has an individual decision-making organ (i.e. the Director see Table 15). The Agency director is appointed by the Government at the proposal of the AKOS Council and after a public competition held by a special competition commission appointed by the official council.</a>	Director is appointed by the Government.	<a href="#">n/a</a> <a href="#">No.</a>	<p>ECA (art. <a href="#">116181</a>)  <a href="#">www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications = aet_official_consolidated_version_zekom_upb1_unofficial_translation_english.pdf</a>  <a href="#">Act on establishment of APEK</a> <a href="#">http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2099.html</a><a href="#">http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf</a></p> <p><a href="#">Statute of AKOS</a>  <a href="#">http://www.uradni-list.si/1/content?id=117194</a></p> <p><a href="#">Act on establishment of AKOS</a>  <a href="#">http://www.pisrs.si/Pis.web/pregledPredpisa?id=SKLE9540</a></p>
	<a href="#">Ministry of Culture</a>	<a href="#">Minister</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">Minister is appointed by the Parliament.</a>	<a href="#">n/a</a>	<a href="#">Constitution of the Republic of Slovenia, Art. 112</a>

Country	Body		Nomination stage Yes—No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
	Ministry of Culture, Inspectorate for Culture and the Media	Head of Inspectorate	Public tender	n/a	General Inspector of the Inspectorate for Culture and the Media is appointed by the Government based on the proposal from the responsible minister, e.g. Minister of Culture. The Minister selects the candidate from 5 short listed candidates who applied to public tender. The first (short listing) selection is made by the Administrative Board of the Public Administration.	n/a	Public Officials Act (2002), Art. 60 and Art. 64

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Slovenia	<del>APEKAKOS</del>	Director (no <u>decision-making</u> board)	5 years	No	Renewal is possible <sup>2</sup> . There are no limits regarding how many times the director can be re-appointed	ECA (art. <del>46</del> 182) <del>www.apel.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upb+-unofficial_translation_english.pdf</del> <del>http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf</del>
	<del>Ministry of Culture – Inspectorate for Culture and Media</del>	<del>Head of Inspectorate</del>	<del>5 years</del>	<del>No, but after the change of the Minister it is allowed in 3 months after his/her own appointment to change heads of the bodies under responsibility of the Ministry.</del>	<del>Renewal is possible; there are no limits on how many times.</del>	<del>For term of office: Public Officials Act (2002), Art. 69, Para 5 For relation to election cycle: Public Officials Act (2002), Art. 83, Para 5 For renewal: Public Officials Act (2002), Art. 82 www.uradni-list.si/1/objava.jsp?urlid=200256&amp;stevilka=2759</del>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Slovenia	<del>APEKAKOS</del>	Director	Selection must primarily take into account the candidate's educational background, professional and international experience in broadcasting, electronic communications <del>and post, postal services or railway traffic</del> , languages knowledge, organizational skills and citizenship.		ECA (art. 46182) <a href="http://www.apel.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom_upb1_unofficial_translation_english.pdf">www.apel.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom_upb1_unofficial_translation_english.pdf</a> <a href="http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf">http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf</a>
	<del>Broadcasting Council</del>	<del>Members</del>	<del>Seven members of the BC are appointed by the Parliament following public call for experts in the fields of law, telecommunications, IT, AV culture, economy, journalism, and communication science.</del>		<del>Mass Media Act (2006), Art. 100. Para 2</del>
	<del>Ministry of Culture – Inspectorate for Culture and Media</del>	<del>Head of Inspectorate</del>	<del>University – education, professional exam – for inspectors.</del>	<del>Management skills, human resources management skills, special expertise, work experience</del>	<del>Public Officials Act Art. 79, Art.81</del>



**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Slovenia	<del>APEKAKOS</del>	Director (no board)	Yes		No	No	Yes. The director, his/her <del>spouse or partner</del> deputies, and <del>their spouses or partners in accordance with the law which regulate same-sex partnerships, and their</del> direct relationsrelatives up to the second branch, may not <del>perform activities in the areas covered by the Agency,</del> be members of the supervisory board of the organisation <del>performing the activities directly subject to arrangements within the competence of the Agency, or hold equity in organisations engaged in activities directly subject to arrangements within the competence of the Agency or organisations with equity holdings in such organisations</del>	No	It is a matter of contractual terms.	ECA (art. <del>44</del> 6183) <a href="http://www.aperkos.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_z_ekom_upb1_unofficial_translation_english.phtml">www.aperkos.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_z_ekom_upb1_unofficial_translation_english.phtml</a> <a href="http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf">www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf</a>

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
							performing the activities directly subject to arrangements within the competence of the Agency, or hold equity in organisations engaged in activities directly subject to arrangements within the competence of the Agency or organisations with equity holdings in such organisations.			df
		Senior staff		No						
	Broadcasting Council	Members	Yes		Yes Officials, and other persons employed at state bodies, as well as of the leadership of political parties cannot be members of the Council.	Yes Parliamentary deputies and members of the leadership of political parties cannot be members of the Council.	Yes Persons who hold more than 1% of the capital or management or voting rights of a radio or television station or of an advertising organisation, persons employed at a publisher of a radio or television station or at an advertising organisation, and persons who as external contractors have contractual relations with a radio or television station or an advertising organisation, cannot be Council members	Yes	No	Mass Media Act, Art. 101:

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Slovenia	APEKAKOS	Director	Yes Same as table 20		No	No	Yes	
		Senior staff		No				
	Ministry of Culture — Inspectorate for Culture and Media	Head of Inspectorate	Yes		General rule to be impartial in acting within his/her duty.	General rule to be impartial in acting within his/her duty.  Membership or activities in political parties is allowed and do not need to be reported.	Yes	Public Officials Act, Art. 100

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Slovenia	APEKAKOS	Director		No. It is a matter of contractual terms.		
		Senior Staff		No. <u>It is a matter of contractual terms.</u>		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Slovenia	<del>APEKAKOS</del>	Director	Yes		Government	<p><del>Yes</del></p> <p>The Government shall dismiss the director:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <del>at the director's suggestion</del></li> <li><input type="checkbox"/> <del>if he/she is deemed incapacitated or medically unfit shall be subject to perform his/her work</del><u>early dismissal only if:</u></li> <li><input type="checkbox"/> <del>if he/she performs his/her work unconscientiously or unprofessionally, or proves, in terms of work or professional qualities, to be unsuited for the performance of work in the position of director</del></li> <li><input type="checkbox"/> <del>if the Agency fails to achieve satisfactory</del><u>he so requests;</u></li> <li><del>he no longer meets the conditions for appointment referred to in the first paragraph of Article 182 of this Act, , except for the condition referred to in the ninth indent of the first paragraph of Article 182 of this Act;</del></li> <li><del>he permanently loses the working results</del></li> <li><input type="checkbox"/> <del>if he/she is lawfully sentenced</del><u>capacity to jail for criminal offences</u></li> <li><input type="checkbox"/> <del>if in the performance of his/her duties he/she violates</del><u>hold the provisions</u> <u>post of director</u></li> <li><del>if, in accordance with its competencies under the Act and act governing the court of regulations adopted pursuant thereto</del><u>audit, the Court of Audit of the Republic of Slovenia issues a call for his dismissal.</u></li> </ul>	n/a	<p>ECA (art. <del>146</del><u>185</u>)</p> <p><del>www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_aet_official_consolidated_version_zekom-upb1_unofficial_translation_english.pdf</del><u>http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf</u></p>

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed—or only individual members?	Source
			Yes	No				
	Broadcasting Council	Members	Yes		Parliament	<input type="checkbox"/> If he/she requests <input type="checkbox"/> If he/she is sentenced to jail for criminal offences <input type="checkbox"/> If he/she is deemed permanently incapacitated to perform his/her work <input type="checkbox"/> If he/she doesn't fulfil the conditions for membership any more <input type="checkbox"/> If he/she doesn't act according to law <input type="checkbox"/> If he/she doesn't attend meetings without excuse.	Only individual members	Mass Media Act, Art. 102
	Ministry of Culture—Inspectorate for Culture and Media	Head of Inspectorate	Yes		Government on the proposal of the Minister in charge (Minister of Culture)	<input type="checkbox"/> If he/she requests <input type="checkbox"/> If it is found in a proscribed procedure that he/she is not capable to perform his/her duty <input type="checkbox"/> if he/she is according to the decree found responsible for breach of discipline  The Minister is allowed in 3 months after his/her own appointment to change heads of the bodies under responsibility of the Ministry.	n/a	Public Officials Act (2002), Art. 83

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Slovenia	AKOS (then APEK)	2010-2014	Director		No		
			Individual Board Members		No		
		2009	Director	Yes		On the grounds of non-compliance with the law.	Appeal against the governmental decision lodged. Court quashed the decision and sent it back to the Government for a new decision. <u>After that the dismissed Director and Government agreed on the termination of his contract.</u>
		2005	Director	Yes		Officially, it was a dismissal agreed (“sporazumna razrešitev”) between the (new) government and the director of APEK.	The dismissed director explained that the new government decided to have its own person (“svojega človeka”) for that position.
	Individual board members		No board members				
	Ministry of Culture – Inspectorate for Culture and Media	2009	Head of Inspectorate	Yes		On the grounds of not acting in accordance with the law (i.e. being passive) to protect cultural heritage (another area of responsibility of the inspectorate) in a concrete case.	The head of inspectorate claims the law (on protection of cultural heritage) gives him no power to act in the concrete case.

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcast licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Slovenia	<u>APEKAKOS</u>	No	No	Yes <del>Radio</del> <u>Total planned revenue for 2015 from radio broadcasting licence fees: 54 for DVB-T: €333.520=32,88% of total income of converged regulator (which is €5,185,000) for AKOS regulatory activities in audiovisual area</u>	Yes <u>Total planned revenue for 2015 from AVMS fees: €680.955=67,12% of total income for AKOS regulatory activities in audiovisual area</u>	<del>Yes</del> <u>No</u> Fines, imposed by <u>AKOS</u> , go directly to the State budget	<del>Yes</del> <u>Yes</u> , as a converged regulator <u>AKOS</u> is funded also by the following fees: <ul style="list-style-type: none"> <li>• <u>Notice fees 23%</u></li> <li>• <u>Number licence fees 13%</u></li> <li>• <u>Postal licence fees 10%</u> of the total income of converged regulator <ul style="list-style-type: none"> <li>• <u>Railway fees</u></li> </ul> </li> </ul> According to Electronic Communications Act (2007) fees in individual area cover the costs of management and monitoring of the same area. <u>Please see art. 6, 56 and 70 of Electronic Communications Act.</u> <a href="http://www.apek.si/sl/predmetna_zakonodaja">www.apek.si/sl/predmetna_zakonodaja</a>  The methodology for calculation of fees is provided by the respective ministry while tariff is established by the agency. All fees should be cost-oriented.	<del>APEK annual report</del> <u><a href="http://www.apek.si/en/annual_reports">www.apek.si/en/annual_reports</a></u> All fees should be cost-oriented. English version of the Electronic Communications Act is available here: <a href="http://www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom_upb1_unofficial_translation_english.pdf">www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom_upb1_unofficial_translation_english.pdf</a> <u>AKOS annual report</u> <a href="http://www.akos-rs.si/letna-porocila">http://www.akos-rs.si/letna-porocila</a>  <u>ECA:</u> <a href="http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf">http://www.akos-rs.si/files/Zakonodaja/ZEKom-1.pdf</a>
	<del>Broadcasting Council</del>	<del>No</del>	<del>No</del>	<del>The same as APEK since APEK has to provide funding for its operations.</del>	<del>No</del>	<del>The same as APEK since APEK has to provide funding for its operations.</del>	<del>The same as APEK since APEK has to provide funding for its operations.</del>	<del>Mass Media Act, Art. 103</del>
	<del>Ministry of Culture</del>	<del>No</del>	<del>State funding 100%</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	

Country	Body	End-user-broadcasting licence fees (max level)	State-budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market-surveillance fee' based on % of revenues of broadcasters (or other operators — e.g. in case of converged regulators)	Source
	Ministry of Culture-Inspectorate for Culture and Media	No	State-funding 100%	No	No	No	No	

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Slovenia	APEK/Broadcasting Council/AKOS	The Agency prepares financial plan for the next year no later than October 31 each year, presents it to <del>Electronic Communications</del> AKOS Council and submits it for approval to Government of the Republic of Slovenia.	The agency prepares its financial plan by itself and defends it in front of the AKOS Council and Government.	Government		Act on establishment of <del>APEK</del> AKOS (art. 4622) <a href="http://zakonodaja.gov.si/rpsi/r09/predpis-SKLE2099.html">http://zakonodaja.gov.si/rpsi/r09/predpis-SKLE2099.html</a> <del>Mass Media Act, Art-103</del> <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=SKLE9540">http://www.pisrs.si/Pis.web/pregledPredpisa?id=SKLE9540</a>
	Broadcasting Council	<del>The same as APEK since APEK has to provide funding for its operations.</del>	<del>The same as APEK since APEK has to provide funding for its operations.</del>	<del>The same as APEK since APEK has to provide funding for its operations.</del>	<del>The same as APEK.</del>	<del>Mass Media Act, Art-103</del>



Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
	Ministry of Culture	The Parliament adopts the state budget and the financial plans of the direct users of the state budget. The financial plans are collected and adjusted by the Ministry of Finance.	Yes	Ministry of Finance, Government, parliament	No	Public Finances Act (1999), Art. 13
	Ministry of Culture – Inspectorate for Culture and Media	The Parliament adopts the state budget and the financial plans of the direct users of the state budget. The financial plans are collected and adjusted by the Ministry of Finance.	Yes, the Inspectorate submits its financial plan to the Minister	Ministry of Finance, Government, parliament		Public Finances Act (1999), Art. 13

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Slovenia	<u>APEKAKOS</u>	Yes	Annual	No	<del>No</del> Yes	No	Public Finance Act (1999)
	Ministry of Culture (including Inspectorate for Culture and Media)	Yes	Yearly Annual (general audit on the realisation of the state budget)	Yes	No	No	Constitution of the RS, Art. 150- <a href="http://www.rs-rs.si/rtrs/rtrseng.nsf/1/KE6187778279A1738C1257061003E930E">www.rs-rs.si/rtrs/rtrseng.nsf/1/KE6187778279A1738C1257061003E930E</a>  Court of Audit Act (2001) <a href="http://www.rs-rs.si/rtrs/rtrseng.nsf/1/K18FD-FD2BA4047034C12570660026EBC9">www.rs-rs.si/rtrs/rtrseng.nsf/1/K18FD-FD2BA4047034C12570660026EBC9</a>

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Slovenia	APEKAKOS	Parliament	No	N/A	N/A
		Government as a whole	Yes	APEKAKOS submits Government of the Republic of Slovenia its annual report and financial plan.	Act on the APEK's establishment <a href="http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2099.html">http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2099.html</a>
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	N/A
		Public at large	Yes	APEKAKOS publishes all information of general interest on its website and provides the interested public with information also upon individual requests. The regulator is also obliged to publish all reports and adopted general acts in the Official Gazette of the Republic of Slovenia.	APEK Statutes <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200568&amp;stevilka=3018">www.uradni-list.si/1/objava.jsp?urlid=200568&amp;stevilka=3018</a> Statute of AKOS <a href="http://www.uradni-list.si/1/content?id=117194">http://www.uradni-list.si/1/content?id=117194</a> (in Slovenian language only)
		Other	Yes	APEK submits its statuses for preliminary opinionAKOS discusses with to Broadcasting Council and Electronic Communications Council, reports to them on its activities on the events in the field of broadcasting and electronic communications and provides them with information on issues of their interest.	Act on the APEK's establishment of AKOS <a href="http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2099.html">http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2099.html</a> <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=SKLE9540">http://www.pisrs.si/Pis.web/pregledPredpisa?id=SKLE9540</a>
	Broadcasting Council	Parliament	Yes	Broadcasting Council submits to the Parliament annual report or assessment of the situation in the area of broadcasting and proposals for improving the situation	Mass Media Act, Art. 100
	Ministry of Culture	Parliament	Yes	Parliamentary questions (to the responsible minister)	Act on Members of the Parliament, Art. 20 <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200524&amp;stevilka=825">www.uradni-list.si/1/objava.jsp?urlid=200524&amp;stevilka=825</a>
		Public at large	Yes	Ministry of Culture publishes its annual financial reports on its web site.	Access to Public Information Act (2004), Art. 10 <a href="http://www.ip-rs.si/index.php?id=324">www.ip-rs.si/index.php?id=324</a>
	Ministry of Culture — Inspectorate for Culture and Media	Ministry for Culture	Yes	Inspectorate and a Head of the Inspectorate have to report to the Minister on regular basis and on the Minister's request.	Public Administration Act, Art. 23 and 24

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Slovenia	<del>APEK</del> AKOS	Government	Annual	Annual plan, financial plan and annual report	Yes	Yes	<del>No</del> Yes	<del>Act on establishment of APEK</del> <a href="http://zakonodaja.gov.si/rpsi/-#09/predpis_SKLE2099.html">http://zakonodaja.gov.si/rpsi/-#09/predpis_SKLE2099.html</a> Act on establishment of AKOS <a href="http://www.pisrs.si/Pis.web/pregledPr">http://www.pisrs.si/Pis.web/pregledPr</a>
	Broadcasting Council	Parliament	Annual	Annual report or assessment of the situation in the area of broadcasting and proposals for improving the situation	No, but some statistical data on own performance have been included in previous reports.	No	No	Report on 2008 available here: <a href="http://www.srdf.si/sl/aktualno_porocila_o_delu">www.srdf.si/sl/aktualno_porocila_o_delu</a>
	Ministry of Culture—Inspectorate for Culture and Media	Ministry/Minister	Annual (at least) and on the request of Minister	Report on the work of the inspectorate and on all relevant issues from the scope of the work of the inspectorate.	Not specified in the law.	Not specified in the law.	No	Public Administration Act, Art. 23 and 24

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Slovenia	<del>APEKAKOS</del>	No <del>APEKAKOS</del> is not subject of regular external auditing by the Court of Audit.	Depends on case selected for auditing by the Court of Audit (last time in 2008 in pre-	Yes Court of Audit of Republic of Slovenia	No	No	Court of Audit Act (2001)
		Still, some of its operations/actions might be subject of occasional audit by the Court of Audit, depending on the case selected by the Court for auditing.	audit procedure on a spectrum-related controversial issue)				
	Ministry of Culture	Yes	Annual (as all other direct users of the state budget)	Yes Court of Audit of Republic of Slovenia	NO	No	Court of Audit Act (2001)

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Slovenia	<del>APEKAKOS</del>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	No information available
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	No information available

Country	Body			Ministry/Minister	Government	Parliament	Other	S o u
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A
	Ministry of Culture – Inspectorate for Culture and Media	<del>Does anybody have the power to give instructions to the regulatory body?</del>	<del>Yes, power to give directions and instructions</del>	<del>Yes</del> According to the Public Administration Act it is the Minister who has power to give directions and instructions to bodies within competences of his/her ministry. It is limited to legal instructions or instructions aimed at efficient work of the body, and exclude instructions on political grounds	<del>No</del>	<del>No</del>	<del>No</del>	<del>Public Administration Act, Art. 23, Public Officials Act, Art. 23</del>

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Slovenia	<del>APEKAKOS</del>	Internal	1 None	No	Party of the proceedings	Administrative Dispute Act (art. 17) <a href="http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO497.html">http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO497.html</a>
		External	1 Administrative dispute at the Administrative Court of the Republic of Slovenia			
			2 The Supreme Court of the Republic of Slovenia (in case of the appeal or revision)			
	<del>Ministry of Culture, Inspectorate for Culture and Media</del>	Internal	1 <del>Internal: Ministry of Culture in case of inspection's rule which does not include fine.</del>	Yes, at first an appeal has to be submitted to the Ministry of Culture and after that an appeal to Administrative Court can follow.	Party of the proceedings	<del>Administrative Procedure Act, Art. 13- <a href="http://www.uradni-list.si/1/objava.jsp?urlid=199980&amp;stevilka=3777">www.uradni-list.si/1/objava.jsp?urlid=199980&amp;stevilka=3777</a> &amp; Public Administration Act, Art. 25- <a href="http://www.uradni-list.si/1/objava.jsp?urlid=200252&amp;stevilka=2526">www.uradni-list.si/1/objava.jsp?urlid=200252&amp;stevilka=2526</a> Administrative Dispute Act (art. 17)- <a href="http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO497.html">http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO497.html</a></del>
		2 <del>External: Administrative dispute at the Administrative Court of the Republic of Slovenia</del>				
			3 <del>The Supreme Court of the Republic of Slovenia (in case of the appeal or revision)</del>			
		External	1 <del>District Court in case of inspections' rule which includes fine (issued according to the Minor Offences Act)</del>	No	Party of the proceedings	<del>Minor Offences Act (2002) <a href="http://www.uradni-list.si/1/objava.jsp?urlid=20037&amp;stevilka=238">www.uradni-list.si/1/objava.jsp?urlid=20037&amp;stevilka=238</a></del>
			2 <del>Higher Court (instance court for appeals after the District Court decisions)</del>			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Slovenia	APEK			<input type="checkbox"/>	N/A
	Ministry of Culture Inspectorate for Culture and Media		<input checked="" type="checkbox"/>		Inspections Act, Art. 30 & Administrative Procedure Act, Art. 13 (This appeal procedure is applied in case of the appeal to the Ministry of Culture for rules of the inspector which don't include fines)
				<input checked="" type="checkbox"/>	Minor Offences Act, Art. 59 The District Court (as an appeal body for rules of the inspector which include fines) The decision stands unless court suspends it. Still, the implementation of the decision on fine is pending/waiting for the final decision of the court.

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Slovenia	APEKAKOS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
	Ministry of Culture Inspectorate for Culture and Media	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Slovenia	<u>APEKAKOS</u>	1 Administrative dispute at the Administrative Court of the Republic of Slovenia 2 The Supreme Court of the Republic of Slovenia (in case of the appeal or revision)	<input type="checkbox"/>		The Administrative Court has the power to cancel the decision and remit it back to regulator for new decision. The Court can also replace regulator's decision if the conditions provided for in Administrative Dispute Act are met (rarely).
	<del>Inspectorate for Culture and Media (within the Ministry of Culture)</del>	<del>Cases that do not involve fines: 1 Ministry of Culture in case of inspection's rule which does not include fine. 2 Administrative dispute at the Administrative Court of the Republic of Slovenia 3 The Supreme Court of the Republic of Slovenia (in case of the appeal or revision)</del>	<del><input type="checkbox"/></del>		<del>The Ministry as an appeal body has the power to replace the original decision of the Media Inspector with its own.</del>
		<del>2 Administrative dispute at the Administrative Court of the Republic of Slovenia 3 The Supreme Court of the Republic of Slovenia (in case of the appeal or revision)</del>		<del><input type="checkbox"/></del>	<del>The Administrative Court as an appeal body (on the next stage) has the power to cancel the original decision of the Ministry of Culture (which replaced the decision of the Media Inspector) and remit it back to regulator for new decision.</del>
		<del>Cases that involve fines: 1 District Court in case of inspections' rule which includes fine (issued according to the Minor Offences Act) 2 Higher Court (instance court for appeals after the District Court decisions)</del>		<del><input type="checkbox"/></del>	<del>The District Court as an appeal body has the power to cancel the original decision of the Media Inspector (with regard to fines charged by the Inspector according to the Minor Offences Act).</del>



## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Slovenia	<del>APEKAKOS</del>	Yes	<del>No information available €30.000-40.000 for matters related with AVMS</del>	Yes	-	Few times per year
	<del>Ministry of Culture</del>	<del>Yes</del>	<del>No information available</del>	<del>Yes</del>	-	<del>N/A</del>
	<del>Ministry of Culture – Inspectorate for Culture and Media</del>	<del>Yes</del>	<del>No information available</del>	<del>Yes</del>	<del>It is possible for inspections to engage an expert („izvedenec“) (General Administrative Procedure Act, Art. 189)</del>	<del>Exceptionally. Media Inspector took the external advice (hired an external expert) once in the period from 2004-2009.</del>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Slovenia	<del>APEK</del> AKOS	General Acts and policies implementing general policies of the field.	Interested public in its broad sense. Agency takes into account all responses and views that are professionally elaborated and explained.	30 days	All responses published in 7 days after the end of consultation period at the latest.	In two weeks after publishing the responses, APEK on its website explains how the responses were taken into account at the preparation of the general act and gives reasons for adoption or refusal of responses.	<del>Statutes</del> AKOS Statute <a href="http://www.uradni-list.si/1/content?id=117194">http://www.uradni-list.si/1/content?id=117194</a>
	Ministry of Culture	<del>Adoption of new media regulation</del>	<del>Interested public in its broad sense (industry, association of journalists, academics, civil society etc.)</del>	<del>30-60 days after publishing of draft regulation on the web site of the ministry</del>	No	No	<del>Rules of procedures of the Government of the Republic of Slovenia, amended on 19 April 2010, Art. 9 (Participation of the public)</del>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Slovenia	APEKAKOS	2009-2014	1 / 15 (AV matters / all AV, EC + post matters) <sup>2</sup>
		2008-2013	3 / 11 <sup>2</sup>
		2007-2012	6 / 22 <sup>5</sup>
		2006-2011	3 / 60* (The regulator justifies it with the period of internal consultations prior to the changes of the legislation within the Agency and among the state bodies.)
		2010	0* (The regulator justifies it with the period of internal consultations prior to the changes of the legislation within the Agency and among the state bodies.)
	Ministry of Culture	2011	No public consultations on draft Audiovisual Media Services Act.
		2010	Public consultations on the draft law to replace Mass Media Act.
		2009-2010	Public consultations on the draft law on RTV Slovenija (public service broadcasting).
		2009	Meetings of an expert body appointed by the Ministry of Culture to be consulted by the Ministry in drafting changes of media regulation, including RTV Slovenija Act and Mass Media Act (to incorporate AVMS Directive). The expert body consists of 20 representatives of various stakeholders. There were around 10 consultations/meetings of the Minister and/or representatives of the Ministry with the expert body in 2009.
		2006	Public consultations on the draft law amending the Mass Media Act.

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
<del>Slovenia</del>	<del>APEK</del>	<del>The law does not require from APEK to publish any decision deriving from its remit in the audiovisual field.</del>	<del>All decisions have to include justification/motivation. Legal basis: Administrative Procedure Act, Art. 210</del>	<del>No</del>	<del>No</del>
	<del>Ministry of Culture</del>	<del>The law does not require from Ministry to publish any decision deriving from its remit in the audiovisual field.</del>	<del>All decisions have to include justification/motivation. Legal basis: Administrative Procedure Act, Art. 210</del>	<del>No</del>	<del>No</del>
<u>Slovenia</u>	<del>Ministry of Culture- Inspectorate for Culture and Media</del> <u>AKOS</u>	The law does not require from <del>Inspectorate</del> <u>AKOS</u> to publish any decision deriving from its remit in the audiovisual field, <u>but AKOS nevertheless regularly publishes all the decisions on imposed sanctions</u>	All decisions have to include justification/motivation. Legal basis: Administrative Procedure Act, Art. <del>210</del> , <del>Inspections Act, Art. 56</del> <u>210</u>	No	No

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Slovenia	<ul style="list-style-type: none"> <li><input type="checkbox"/> <del>APEK</del>AKOS (NRA)</li> <li><input type="checkbox"/> Broadcasting council - BC (independent expert body)</li> <li><input type="checkbox"/> Ministry of <del>culture</del>Culture</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> preliminary opinions (BC to <del>APEK</del>AKOS and Ministry) – <u>not strictly connected with AVMS regulation</u></li> <li><input type="checkbox"/> consents / approvals (BC to <del>APEK</del>AKOS) – <u>not strictly connected with AVMS regulation</u></li> <li><input type="checkbox"/> proposals for initiation of procedure <del>(APEK to the Media Inspector at the Ministry-</del> of supervision – “strokovni nadzor” (BC to <del>APEK</del>AKOS) – <u>in general terms, not strictly connected with AVMS regulation</u></li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Formal mechanisms envisaged in Mass Media <del>Law</del>Act</li> <li><input type="checkbox"/> Ad-hoc manner when needed</li> </ul>	In some cases, mostly those deriving from its remit in the field of broadcasting licensing, <del>APEK</del> AKOS can receive opinions and approvals from the Broadcasting Council. <del>APEK</del> AKOS is also obliged to ask Ministry of Culture for opinions, when issuing a status of special significance to broadcasters which produce a certain amount of programming in public interest.	



**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Slovenia	<del>APEKAKOS</del>	<ul style="list-style-type: none"> <li>• <del><input type="checkbox"/></del> <del>European Commission</del></li> <li>• <input type="checkbox"/> AVMS Contact Committee</li> <li>• <del><input type="checkbox"/></del> <del>ERGA</del></li> <li>• <input type="checkbox"/> EPRA</li> <li>• <input type="checkbox"/> CERF</li> <li>• <input type="checkbox"/> CoE</li> <li>• <input type="checkbox"/> OBS</li> <li>• <input type="checkbox"/> OSCE</li> <li><input type="checkbox"/> Close cooperation with regulators of neighbouring countries and in the region</li> </ul>	<del>Audiovisual Media Services Act.</del>	
	Ministry of Culture	<ul style="list-style-type: none"> <li><input type="checkbox"/> AVMS Contact Committee</li> <li><input type="checkbox"/> Steering Committee on Media and New Communication Services (CDMC) of the Council of Europe</li> <li><del><input type="checkbox"/> Audiovisual Group</del></li> <li><input type="checkbox"/> The Education, Youth and Culture Council (EU)</li> </ul>		

Slovakia



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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Slovakia	<p><del>72</del> 114 licences for digital broadcast</p> <p>67 analogue broadcast</p> <ul style="list-style-type: none"> <li>• 2 IPTV</li> </ul> <p><u>we can get information how many analogue channels are actually broadcasting but not in the case of digital stations</u></p>	55 VoD and Tv archives,	62 TV channels + 1 online videoarchive

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Slovakia	Information requirements (art. 5 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del> <u><a href="http://www.rada.sk">www.rada.sk</a></u>	The Council for Broadcasting and Retransmission is responsible for all areas and for all types of services.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Broadcasting of major events (Art. 14 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Access to short news reports (Article 15 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Hate speech (Art. 12 and 6 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Protection of minors (Art. 27 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			
	Right of reply (Art. 28 AVMS Directive)	<b>There is only right to correction, § 21. However, this is identical in wording with the intention of the Directive.</b>			
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Act 308/2000 <del>as amended by Act 498/2009</del>			

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Slovakia	Council for Broadcasting and Retransmission	<a href="http://www.rada-rtv.sk">www.rada-rtv.sk</a> <a href="http://www.rvr.sk">www.rvr.sk</a>	1992 <i>(first time, under different name and law)</i>	Bratislava

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Slovakia	Council for Broadcasting and Retransmission	Yes	<a href="#">Cooperation with the Regulatory Authority for Electronic Communications and Postal Services (RÚ)</a> <del>Yes</del>	Yes	All services <a href="#">Cooperation with the Regulatory Authority for Electronic</a>	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Slovakia	Council for Broadcasting and Retransmission	Specified in organizational order approved by the Council  <a href="#">36</a>	<del>3037</del>	Not specified	<del>€4m</del> <a href="#">1.142.605 (2013)</a>	2013 <del>08</del> , <del>Appendix 2 to the</del> Yearly Report, <a href="http://www.rvr.sk/sk/spravy/index.php?aktualitaId=2516">http://www.rvr.sk/sk/spravy/index.php?aktualitaId=2516</a> <a href="http://www.rada-rtv.sk/cms/data/modules/download/1248177293_priloha_2.pdf">www.rada-rtv.sk/cms/data/modules/download/1248177293_priloha_2.pdf</a>

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Slovakia	Council for Broadcasting and Retransmission	Initially it was Act No. 294/1992, then Act No. 160/1997 Z.z. On Council of Slovak Republic for radio and television broadcasting, finally transformed into Act No. 308/2000, including changing the name of the regulatory body to Council for Broadcasting and Retransmission <a href="http://www.rada-rtv.sk/sk/spravy/index.php?kategorieId=192&amp;rozbalitClanky=238#clanky_238">www.rada-rtv.sk/sk/spravy/index.php?kategorieId=192&amp;rozbalitClanky=238#clanky_238</a>	Act No. 308/2000 as amended by <del>Acts No. 147/2001 Z.z., 206/2002 Z.z., 289/2005 Z.z., 95/2006 Z.z., 121/2006 Z.z., 13/2007 Z.z., 220/2007 Z.z., 654/2007 Z.z., 343/2007 Z.z., 167/2008 Z.z., 287/2008 Z.z., 516/2008 Z.z., 77/2009 Z.z., 318/2009 Z.z., 498/2009 Z.z.</del> and Act No. 498/2009 <a href="http://www.rada-rtv.sk/sk/spravy/index.php?kategorieId=192&amp;rozbalitClanky=238#clanky_238">www.rada-rtv.sk/sk/spravy/index.php?kategorieId=192&amp;rozbalitClanky=238#clanky_238</a> 21 times since <a href="http://www.rvr.sk/sk/spravy/index.php?aktualitaId=925">http://www.rvr.sk/sk/spravy/index.php?aktualitaId=925</a>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Slovakia	Council for Broadcasting and Retransmission	Separate Independent legal entity It has the status of a state administration authority with nation- wide competences	Yes		<a href="#">There is the Council which decides and the Office of the Council (which serves the Council)</a>	§§ 4 and 13 Act No. 308/2000 as amended

## Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Slovakia	Council for Broadcasting and Retransmission		✓ <ul style="list-style-type: none"> <li><b>Legal status:</b> The Status of the Council explicitly mentions in its article 3 that the Council is “independent <del>orgabodyn</del>”, but it as well as the Act also defines the Council as “nation- wide <del>orgabody</del> of state administration”</li> <li><b>Mission:</b> “The objective of a Council shall be to enforce the interests of the public in...”</li> <li><b>Financial independence:</b> The Council works with its “own” budget according to special regulation and its activity is <del>re</del>funded from the state budget.</li> </ul>	§§ 4, 7, 12 Act No. 308/2000 as amended  The Status of the Council

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Slovakia	Council for Broadcasting and Retransmission	Tick boxes	No	√	√
		Areas		<ul style="list-style-type: none"> <li>• Participating in the creation of laws and other generally binding legislation in the area of broadcasting, AVMS and retransmission</li> <li>• Giving opinion on proposals to sign international treaties in the area of broadcasting, AVMS, and retransmission, on their fulfilment, on proposing signing international treaties, international conventions and other international legal acts or accession to them</li> <li>• Elaborating a list of significant (major) events in collaboration with the Ministry of Culture and the Ministry of Education, the right holders and the broadcasters.</li> <li>• Supervision of the fulfilment of duties according to this law and special regulations</li> <li>• Imposing sanctions on a broadcaster, operator of retransmission, providers of AVMS on</li> </ul>	<ul style="list-style-type: none"> <li>• Deciding on the licences for broadcasting</li> <li>• Registrations of the retransmissions for broadcasting</li> <li>• Deciding on the suspension of retransmission of a programme service</li> <li>• Deciding on granting further frequencies to public service broadcasters</li> <li>• Beginning proceedings on granting licences for terrestrial broadcasting</li> <li>• Granting agreement to a public service broadcaster on broadcasting by satellite</li> <li>• Deciding on programme types and determining categorisation of communicates into programme type or supplemental broadcasting selected by the broadcaster</li> <li>• Issuing warnings to the Council of <b>Slovak</b></li> </ul>



Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
				<p>demand and on those who broadcast or operate retransmission without authorization</p> <ul style="list-style-type: none"> <li>• Determining time periods for the regulation of legal relations of broadcasters</li> <li>• Keeping a record of requests for granting licence for broadcasting, including AVMS and IPTV, or registration of retransmission, of granted licences, or registrations of retransmission, including their change</li> <li>• Right to demand from broadcasters archival recordings</li> <li>• dealing with complains with respect to possibly breaking the law</li> <li>• Supervision of the compliance with the European Convention on Transfrontier Television</li> <li>• Cooperation with the <del>Telecommunication Office</del> <u>Regulatory Authority for Electronic Communications and Postal Services (RÚ)</u> in the area of utilisation of frequencies for broadcasting</li> </ul>	<p><del>Television and Radio Council</del> <u>RTVS</u> on the infringement of duties of public service broadcasters under this law</p> <p>Cooperation with the Ministry of Culture to solve international dispute in the area of broadcasting</p>
		Source		Act 308/2000 <del>as amended by Act 498/2009</del>	Act 308/2000 with <u>15-21</u> amendments, §§ 4 and 5

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Slovakia	Council for Broadcasting and Retransmission	Quotas	√ § 5 k,l, <u>§ 6a</u> - and § 16, <u>especially in yearly reports,</u> Quotas for European production and <del>European</del> independent production in television and on demand services, and monitoring of various programmes and types of programmes, - <del>or</del> <u>monthly regular</u> basis, <del>§ 16-</del> <del>sec. 3 letter m</del>	√ Only in general terms, § 5	√ § 5 k,l and § 16 <del>(3)</del> l, m, <del>(4)</del> <u>§ 18d</u> -and § 27, 27a	<del>√</del> <u>N</u> <u>o</u> <u>t</u> <u>o</u> <u>n</u> <u>l</u> <u>y,</u> <u>b</u> <u>u</u> <u>t</u> <u>a</u> <u>s</u> <u>o</u>		§§ 5, <u>§ 6am</u> 16, <u>18d</u> , 22-26, 27, 27a (Act <del>32008</del> /2000)
		Advertising	√ § 5g	√ § 5g	√ § 5 <del>(2i)</del> and § 16 l, m	√ § 5	√ § 5	§§ 5, 16 (§ 32-37a) Act <del>32008</del> /2000
		Protection of minors <del>(it created about a quarter of all complaints in 2009 and 14 % in 2008)</del> Source: <a href="http://www.tasr.sk/4/6997.axd">www.tasr.sk/4/6997.axd</a>	√ § 5g	√ § 5g	√ § 5 and § 16 <del>(3)</del> l, m	√ § 5	√ § 5	§§ 5, 16 (§ 20) Act <del>32008</del> /2000

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence/ <b>PRO</b> <b>GRAMME</b>	Penalty payments (in case of non compliance with decision)	Others
Slovakia	Council for Broadcasting and Retransmission	Quotas	√	<p>√ The fines are automatic if the offence is committed repeatedly, or if the broadcaster has not complied with an earlier decision.</p> <p>The fines range between €165 and €6,638 for TV broadcasters, <del>and</del> between €30 and €1,200 for IPTV providers <u>and between 100 -10,000 for AVMSD (but this last one related only to selected AMSD)-</u></p>	No	No	<p>√</p> <p>TV from €3,319 to 165,969</p> <p>IPTV <del>-</del>from €30 to €60,000</p> <p><u>AMVSD from €100 to €10,00</u></p>	<p><del>No other sanctions are foreseen-</del></p> <p>Fines are automatic for breach of certain types of rules such as human dignity, minors, etc § 19 but they are optional in other cases. However, interestingly, on demand audiovisual media service providers are excluded from these automatic sanctions (i.e. this means that warnings must be issued first).</p>
		Advertising <u>(including sponsored broadcast)</u>	√	<p>√ The fines are automatic if the offence is committed repeatedly, or if the broadcaster has not complied with an earlier decision.</p> <p>From <del>€3,319 (663 ) 1 659</del> to €165,969 for TV broadcasters and between €100-20,000 for IPTV providers</p> <p>100-10,000 AVMS (automatic)</p>	No	No	<p><u>IPTV - 100 –20,000 EUR</u></p> <p><u>1,659-€165,969 for TV broadcasters</u></p> <p><u>AMVSD:</u></p>	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
		Protection of minors	√	√ The fines are automatic committed repeatedly, or if the broadcaster has not complied with an earlier decision. From €663 to 66,387 for TV broadcasters and from <del>€100-500-60,000</del> <del>20,000 for IPTV broadcaster annum</del> <del>€500-€40,000/annum</del> and 500-40,000 AVMS if the offence is	√ discretionary IPTV AVMS	√ Automatic temporary suspension of the programme or its part for serious breach IPTV, AVMS and TV maximum 30 days,	If TV did not stop broadcast or did not meet conditions thereof, fine 3, 319 - do 165.969 EUR IPTV – 500-60,000  AVMS – 500-40,000 eur	Fines are automatic for breach of certain types of rules such as human dignity, on demand audiovisual media service providers are excluded from these automatic sanctions (i.e. this means that warnings must be issued first).

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Slovakia	Council for Broadcasting and Retransmission	√N/A	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Slovakia	Council for Broadcasting and Retransmission	√	√	√	√	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Slovakia	Council for Broadcasting and Retransmission	<p>Yes</p> <p>Complaints must be addressed in writing, including by email</p> <p>They must contain sufficient elements to identify the programme and the rule that is alleged to be breached. The council is not obliged to investigate anonymous complaints.</p> <p>The Council must decide on the next steps within 90 days, and if it seems likely that the law could have been broken, the Council starts legal proceedings.</p> <p>The results are sent to complainant. However, if the Council does not see reasons for further legal procedures, it stops the case and notifies the complainant about this fact.</p>	<p>§ 14a, Act 308/2000, specifies in detail how to handle all complaints related to possible breaking of this law.</p>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)	
Slovakia	Council for Broadcasting and Retransmission	Board	9	yes	Not officially	Yes, individual MPs may propose a candidate	Explicitly forbidden	Implicitly allowed	Registered churches	<del>1) political nominees, mainly from governing parties</del> 2) lawyers, journalists, economists, others Media reports Yearly Reports of the Council <u>§ 6 Act 308/2000,</u>

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Slovakia	Council for Broadcasting and Retransmission	<ul style="list-style-type: none"> <li>Granting licences for radio or television broadcasting</li> <li>Deciding about registration of retransmission</li> <li>Controlling compliance of duties (according to the act no. 308/2000 Z.z.)</li> <li>Dealing with complaints.</li> </ul> <p>Procedures <del>is</del> <del>are</del> approved by the Parliamentary Committee and the Speaker of the Parliament.</p>	The presence quorum is 7 members of council (+ one of them must be the one of the chairman or vice-chairman) Minimum 5 votes are necessary for adopting a decision.	<p>The meetings of the Council are <del>not</del> usually public.</p> <p><u>Voting is usually open.</u></p> <p>The decisions are published on Councils website <u>within five days</u>.</p>	Yes, <u>with exception of classified information.</u>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Slovakia	Council for Broadcasting and Retransmission	Chairman	No	(self) Selected among members	Board members	n/a	Act No. 308/ 2000
		Board members	Yes	<del>Political party</del> individual <u>MPs</u> , civil and <u>religious</u> representatives nominated by community of interest, <u>professional organisations</u> <del>expert</del> in the area. The appropriate committee of parliament formally approves <u>some names of</u> the list.	Parliament	Yes	Act No. 308/ 2000



**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Slovakia	Council for Broadcasting and Retransmission	Chairman of the board	6 years	Yes, the Council is renewed by <u>on ongoing basis</u> one-third every two years.	Yes, once <u>(in total two terms)</u>	Act No. 308/ 2000
		Board members	6 years or less	Yes, the Council is renewed by one-third every two years <u>or if there is vacancy-</u>	Yes, once	Act No. 308/ 2000

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Slovakia	Council for Broadcasting and Retransmission	Chairman of the board	No		Act No. 308/ 2000
		Board members	No		Act No. 308/ 2000
		Director of the Office	Not specifically for this Office, but according to Law on Public Servants	No	

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Slovakia	Council for Broadcasting and Retransmission	Chairman	Yes		Yes Candidate board members cannot be members of the government or of the public administration, <u>MPs</u> , but there are no rules to prevent a board member from being a member of a political party	Yes Candidate board members cannot be members of the national assembly, <u>represent publicly political parties, or hold post in a political party</u>	Yes Candidate board members cannot be members of the Slovak Television Council or of the Radio Council and they cannot have an interest in another broadcaster, or any other company that it the council regulates, including in the press.	No, <u>but he or she can have full time job in academia or at university or in arts</u>	Clean criminal record <u>over 25 yers age</u> <u>permanent stay in Slovakia</u>	§ 7 Act 308/2000
		Board members	Yes		Same as above	Same as above	Same as above	<del>yes</del> Same as above	Same as above	§ 7 Act 308/2000
		Senior staff		No						

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties		Source
			Yes	No				
Slovakia	Council for Broadcasting and Retransmission	Chairman	yes	-	Yes	Yes	Yes	§ 7 Act 308/2000
		Board members	yes/Yes	-	Yes	Yes	Yes	
		Senior staff		No				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Slovakia	Council for Broadcasting and Retransmission	Chairman		No		Act 308/2000
		Board members		No		Act 308/2000
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Slovakia	Council for Broadcasting and Retransmission	Chairman	Yes		Parliament	Yes The member of board: <ul style="list-style-type: none"> <li>• is no more qualified for the function</li> <li>• legally received sentence for voluntary crime</li> <li>• the court limited or ablated his legal capacity</li> <li>• doesn't administer his function for more than 6 months</li> <li>• administers his function contrary to statute of the board.</li> </ul>	Only individual members	§ 9 ACT308/2000
		Individual board members	Yes		The chair can give proposal to the Speaker of the Parliament, Parliament decides	Yes, same grounds as above.		§ 9 ACT308/2000

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Slovakia	Council for Broadcasting and Retransmission	2010-2019	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Slovakia	Council for Broadcasting and Retransmission	No	100% state funding (licence fee does not fund the regulator)	No	No	No	No	§12, Act 308/2000

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Slovakia	Council for Broadcasting and Retransmission	The Council presents to the Ministry of Finance its budget proposal for the following year together with its justification in accordance with special regulation. The Council budget is approved by the National Council after previous discussion in the designated committee. <u>The budget proposal is actually submitted in two separate documents – one in state budget and one in separate RVR budget.</u>	Yes	The ministry of finance, Parliamentary Committee and finally Parliament	Not known	12 ACT308/2000

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Slovakia	Council for Broadcasting and Retransmission	<del>No</del> Yes	The budget of the council is approved every year. The Supreme Audit Office can randomly make checks.	<del>No</del> Yes Supreme Audit Bureau	No	Yes, <u>formally (in a sense)</u> Parliament, Ministry of Finance	§ 5, sec3, letter d ACT_308/2000

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Slovakia	Council for Broadcasting and Retransmission	Parliament	Yes	information about its activities and on situation in broadcasting, budgetary issues, Status, Organizational Order <del>rada-požiada,</del>	§ 5 ACT308/2000
		Government as a whole	No	N/A	N/A
		Specific ministers (e.g. Media, finance, etc.)	<del>partially</del> Yes	Ministry of Finance, The Council shall present to the Ministry of Finance its budget proposal for the following year and final budget report together with its justification in accordance with special regulation. <u>Ministry of Transport – coordinating body in area of digital broadcasting, also cooperation with the Ministry of Culture and Ministry of Finance in this regard</u>	§ 13 ACT308/2000 <u>§ 5 Act 220/2007</u>
		Public at large	<del>partially</del> Yes	to enforce the interests of the public in the exercise of the rights to information and freedom of speech, and rights of access to cultural values and education	§ 4, ACT308/2000
		European Commission	<del>Yes</del> partially	To report regularly fulfilment of specific duties by broadcasters and providers of AVMS, and cooperate with the Commission To submit for approval list of <del>important</del> major events To report share of European works and independent productions in TV, at least every two years. At least every four years in case of AVMS sends information about European works. <u>To submit for approval suggested solutions of transfrontier TV issues</u>	§ 5 and 6 ACT308/2000
		Ministry of Culture	<del>partially</del> Yes	To provide analysis of advertising in programmes for children up to 12 years, and to provide data on media literacy. To report share of European works and independent productions in TV, at least every two years. At least every four years in case of AVMS sends information about European works.	§ 5 ACT308/2000
		Ministry of Education	Yes	To provide data on media literacy	§ 5 ACT308/2000
		Ministry of Culture	Yes	To provide data on media literacy and data on advertising in programmes for children up to 12 years	§ 5 ACT308/2000



**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Slovakia	Council for Broadcasting and Retransmission	Parliament	Annual	information about its activities and on situation in broadcasting, budgetary issues, Status, Organizational Order	Yes, in yearly report, there is a number of data required	Yes	No	Act 308/2000, § 5
		Ministry of Finance	Annual although this is not explicitly provided.	The Council shall present to the Ministry of Finance its budget proposal for the following year and final budget report together with its justification in accordance with special regulation	Yes, actual spending	Yes	No	Act 308/2000, § 5
		Ministry of Education	Term not mentioned in law. Is on demand, <u>but</u>	To provide data on media literacy	No	No	No — <del>this is a new duty</del>	Act 308/2000, § 5
		<u>The European Commission</u>	<u>2 and 4 years</u>	<u>To submit for approval list of major events</u> <u>To report share of European works and independent productions in TV, at least every two years. At least every four years in case of AVMS sends information about European works.</u>	<u>Yes, in the Report must be assessed its impact</u>	<u>yes</u>	<u>no</u>	

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
		<u>The European Commission</u>	<u>annually</u>	<u>To report regularly fulfilment of specific duties by broadcasters and</u>				
		Ministry of Culture	Term not explicitly mentioned in the law.	To provide data on media literacy and data on advertising in programmes for children up to 12 years	No	No	No – <del>this is a new duty</del>	Act 308/2000, § 5
		<u>Ministry of Culture</u>	<u>annually</u>	<u>List of major events with their assessment</u>	<u>yes</u>	<u>no</u>	<u>no</u>	
		<u>Foreing state, foreign broadcaster the European Commission</u>	<u>Ad hoc</u>	<u>Intention to stop retrransmission</u>	<u>no</u>	<u>no</u>	<u>no</u>	

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					Legal basis
		Yes/no	Periodicity	By public authority	By private authority	Other	
Slovakia	Council for Broadcasting and Retransmission	No	<del>Power is given in theory, it is unknown if it has been used</del>	<del>Yes Supreme Audit Office</del>	No	No	Powers of the Supreme Audit Office.
		Yes, <del>formally</del>	Annual	Yes Final budget report Ministry of Finance	No	<del>The Parliament</del>	Act 308/2000

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Slovakia	Council for Broadcasting and Retransmission	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	<del>Yes, the courts</del>	<del>Act 308/2000</del> <i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	<del>Yes, the courts</del>	<del>Act 308/2000</del> <i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
			1	None			
Slovakia	Council for Broadcasting and Retransmission	Internal	1	None	No	Legal or natural person	§ 64 Act 308/2000
		External	1 <u>or</u> 2	<del>Only</del> appeal to the <u>Regiotnal (Higher) court</u> <u>or</u> Supreme Court			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Slovakia	Council for Broadcasting and Retransmission	√	√		Suspension of the broadcasting of the programme or a part thereof can be appealed but this does not have the dilatory effect. In the case of fine and decision to take away a licence, there is suspension of execution of this decision until the Court’s ruling becomes valid, <u>if this the case-</u>

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Slovakia	Council for Broadcasting and Retransmission	√	√	√	Errors in decision (e.g. petit)

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Slovakia	Council for Broadcasting and Retransmission	1 or 2. Supreme Court	√	✗	The appeal body has the power to cancel the decision and remit it back to regulator for new decision. <u>However, it also can fully change the decision in a legal sense (the RVR must follow instructions given by the Supreme Court)</u> Although the Act does not mention it, even in the case the Supreme Court agrees with the Council, it is still possible to appeal this decision in exceptional cases at the

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Slovakia	Council for Broadcasting and Retransmission	No	N/A	Yes	-	No <del>information available</del>

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Slovakia	Council for Broadcasting and Retransmission	List of <del>important</del> major events	<ul style="list-style-type: none"> <li>Ministry of Culture</li> <li>Ministry of Education</li> <li>European Commission</li> <li>rightholders</li> <li>broadcasters</li> </ul>	<del>Every 2-4 years</del> Nothing specified	Nothing specified	Nothing specified	§ 5, Act 308/2000
		Frequency utilisation	<ul style="list-style-type: none"> <li><del>Regulatory Authority for Electronic Communications and Postal Services (RÚ)</del> Telecommunication Authority</li> </ul>	Every 2 years + in general terms	Yes, online + Nothing specified	Nothing specified	§ <del>5,49</del> Act 308/2000 <a href="#">§ 5, Act 220/2007</a>
		Television broadcast of foreign origin	<ul style="list-style-type: none"> <li>European Commission</li> <li>Another Member State</li> <li>Ministry of Culture</li> </ul>	2 months	No	Nothing specified	§ 5a, Act 308/2000
		<a href="#">Council for Broadcasting and Retransmission</a>	<a href="#">a duty to cooperate with self-regulatory bodies in the area of broadcasting, retransmission and providing AVMSoD in creating efficient self-regulatory systems.</a>	Not specified	Nothing specified	Nothing specified	<a href="#">Act 308/2000</a>
		<a href="#">Council for Broadcasting and Retransmission</a>	<a href="#">when awarding sanctions, it should consider sanctions issued by self-regulatory bodies in this area</a>	Ad hoc	Nothing specified	Nothing specified	<a href="#">Act 308/2000</a>

**Table 38 - Public consultation – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Slovakia	Council for Broadcasting and Retransmission	2005-200914	<u>Data not available – not provided either on website or in Annual Reports</u>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Slovakia	Council for Broadcasting and Retransmission	There are <del>no</del> legal requirements about publication of the decisions of the Council, <del>but the Council including minutes and voting results, publishes all its decisions which imposed fines or other penalties.</del> It also publishes through its internet <del>website pages, the periodical press and press agency,</del> a summary of valid licences and registrations for retransmission, the state of use of the frequency spectrum and a summary of free broadcasting frequencies, as well as an overview of providers of AVMS and IPTV. <u>It also must publish list of major events in other EU states.</u>	Yes but for these decisions only. § 5, Act No. 308/2000	Yes, this is part of the licence awarding procedure. There is no obligations for other types of decisions	Act No. 308/2000



## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Slovakia	Council for Broadcasting and Retransmission	<u>Regulatory Authority for Electronic Communications and Postal Services (RÚ)</u> <del>Telecommunication Office</del> – coordination re frequencies - <u>preserving dual system in diigital broadcast</u>	Act 308/2000 <u>Analogue f</u> requencies allocation <u>"§ 68 Act 220/2007 (on digital broadcasting)</u>	Not officially	
	<u>Council for Broadcasting and Retransmission</u> <del>Council for Broadcasting and Retransmission</del>	List of imajor events <del>a duty to cooperate with self-regulatory bodies in the area of</del> Ministry of Culture • Ministry of Education • European	<del>Act 308/2000</del> coordination, § 5, Act 308/2000	<u>no</u>	
	Council for Broadcasting and Retransmission  <u>regulation of digital broadcasting</u> <del>Council for Broadcasting and Retransmission</del>	<del>when awarding sanctions, it should consider sanctions issued by self-regulatory bodies in this area</del> <u>Regulatory Authority for Electronic Communications and Postal Services (RÚ) - negotiations</u>	<del>Act 308/2000</del> Frequency utilisation, § 49 Act 308/2000  <u>§ 5, Act 220/2007, regulation of digital broadcating</u>	<u>no</u>	
	Council for Broadcasting and Retransmission  <u>regulation of digital broadcasting</u>	Television broadcast of foreign origin – in the case of conflict- negotiations	<u>§ 5a, Act 308/2000</u>		

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Slovakia	Council for Broadcasting and Retransmission	<ul style="list-style-type: none"> <li>• EPRA – international forum</li> <li>• Slovak Council is a member of Central European regulatory forum (CERF)</li> </ul> <p><u>ERGA</u></p>	ACT 308/2000 consultations, conferences, cooperation	

Turkey

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Turkey	<p><u>According to MAVISE there are 535 active private channels registered in Turkey, breaking down into 1 channel with international coverage, 304 national, 14 regional and 216 local TV channels.</u></p> <p><a href="http://mavise.obs.coe.int/country?id=32#section-6b">http://mavise.obs.coe.int/country?id=32#section-6b</a></p> <p><del>22 national, 15 regional, 210 local TV stations</del></p> <p><del>77 cable TV channels, 135 Satellite TV channels</del></p> <p><a href="http://mavise.obs.coe.int/country?id=32">http://mavise.obs.coe.int/country?id=32</a></p>	<p><u>It is very difficult to find reliable data on non-linear commercial services in Turkey due to a comparatively loose regulatory environment. According to the MAVISE database there are 7 on-demand audiovisual services (5 VOD and 2 Catch-up TV) registered in Turkey which should represent the most important services. A total of 26 on-demand audiovisual services can be received</u></p> <p><del>VOD and IPTV services have recently started in Turkey. Turkish Telecom's subsidiary TTNET is the leader in the market. There are also around 10 big ISPs offering various online services.</del></p> <p><a href="http://www.ttnet.com.tr">www.ttnet.com.tr</a></p>	<p><u>Turkish Radio and Television Corporation (TRT) runs 17 channels (4 with international coverage, 14 with national coverage)</u></p> <p><a href="http://www.trt.net.tr">www.trt.net.tr</a></p> <p><del>Turkish Radio and Television Corporation (TRT) runs 12 channels, 6 national, 6 regional, 1 local, 2 international radio channels and one news portal in 30 languages (TRT world.com)</del></p> <p><a href="http://www.trt.net.tr">www.trt.net.tr</a></p>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
<b>Turkey</b>	Information requirements (art. 5 AVMS Directive)	<p><u><a href="#">Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services</a></u> was adopted on 15 February 2011 and entered into force on 3 March 2011 with the aim of harmonizing the domestic legislation with the AVMS Directive.</p> <p><u><a href="http://www.rtuk.org.tr/Home/SolMenu/5386#">Available in English and can be accessed at http://www.rtuk.org.tr/Home/SolMenu/5386#</a></u></p> <p><del>Law No. 3984, Law on the Establishment and Broadcasts of Radio and Television, 13 April 1994 (Certain articles are amended by Law No. 4756, 15 May 2002)</del></p> <p><del>Draft law to harmonise legislation with AVMS Directive is in the Parliament for adoption in 2010</del></p>	Turkish Radio and Television Supreme Council (RTÜK) is responsible for all issues and sectors covered.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news reports (Article 15 AVMS Directive)				
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)				
	Hate speech (Art. 12 and 6 AVMS Directive)				
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)				
	Protection of minors (Art. 27 AVMS Directive)				
	Right of reply (Art. 28 AVMS Directive)				
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Turkey	Radyo ve Televizyon Üst Kurulu - RTÜK (Turkish Radio and Television Supreme Council)	<a href="http://www.rtuk.org.tr">www.rtuk.org.tr</a>	April 1994	ANKARA

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Turkey	RTÜK	Yes	Yes (in cooperation with Information with Information and Communication Technologies Authority)	Yes	Information and Communication Technologies Authority	Information and Communication Technologies Authority	No



**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Turkey	RTÜK	<del>Not foreseen in law, total count is 669. (Appendix to Law No. 6112) but RTÜK's budget and list of staff are reviewed with the Parliament's Presidency's budget in the Plan and Budget Commission, debated and approved at the Plenary Session of the Parliament RTÜK says: 670</del>	42 <del>1</del> <sub>2</sub>	<del>€71.9m</del>	<del>248 million Turkish Lira (app. €90.34.3million)</del>	<del>2008-2010</del> 2014-2015 TBMM Journal of Minutes (December <del>12</del> <sup>17</sup> , 2014 <del>2008</del> ) Term: <del>24</del> <sup>3</sup> , Legislative year: <del>5</del> <sup>3</sup> Session: <del>27</del> <sup>29</sup> , Vol. 35, Ankara: - TBMM.

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Turkey	RTÜK	<p><u>Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services” was adopted on 15 February 2011 and entered into force on 3 March 2011</u></p> <p><u>Law No. 3984, Law on the Establishment and Broadcasts of Radio and Television, April 1994 (Amended by Law No. 4756, May 2002)</u></p>	<p><del>Law No. 3984</del> Law No. 6112</p> <p>Implementing legislations:</p> <p><del>I. By-law on Operating Rules and Procedures of the Radio and Television Supreme Council (adopted on 16 December 2011)</del></p> <p><del>II. By-Law on the Establishment and the Obligations and Responsibilities of the Radio and Television Supreme Council (adopted on 21 September 2011)</del></p> <p><del>III. By-law on the Promotion of Staff of the Radio and Television Supreme Council (adopted on 29 June 2012)</del></p> <p><del>The Directive on the Working Standards and Procedures of the Radio and Television Supreme Council</del></p> <p><del>H. The Directive on the Personnel of the Radio and Television Supreme Council</del></p> <p><del>III. The Directive on the Establishment and the Obligations of the Board of Radio and Television Supreme Council</del></p>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Turkey	RTÜK	It is a statutory body established by law	Yes		The Law states that “ <u>The Radio and Television Supreme Council is established as an administratively and financially autonomous and impartial public legal person for the regulation and supervision of radio, television and on demand media services sector</u> ” <del>The Radio and Television Supreme Council is established as an autonomous and impartial public legal person in order to regulate radio and television broadcasting services”</del>	<a href="#">Law No. 6112 (Article 34)</a> <del><a href="#">Law No. 3984 (Article 5)</a></del>

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Turkey	RTÜK		√ Article <del>34 5</del> of the Law states that “ <u>The Radio and Television Supreme Council is established as an administratively and financially autonomous and impartial public legal person for the regulation and supervision of radio, television and on demand media services</u> ” <del>“The Radio and Television Supreme Council is established as an autonomous and impartial public legal person in order to regulate radio and television broadcasting services”</del>	<a href="#">Law No. 6112 (Article 34)</a> <del><a href="#">Law No. 3984 (Article 5)</a></del>

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Turkey	RTÜK	Tick boxes	√	√	√
		Areas	Broadcasting standards Advertising <u>Commercial Communication in Broadcasting</u> Sponsorship Right of Reply <u>Protective Symbols</u> <u>Tele-shopping</u> Retransmission	Monitoring broadcasting standards	<u>Rules governing the structure of private media service providers</u> Allocation of Channels and Frequency Bands <u>Transmission of broadcasts and authorizations</u> <u>Licence fees and annual usage fees</u> Ownership Sanctions
		Source	General act These powers derive from Law No. <u>6112/3984</u>	<u>General act</u> These powers derive from <u>Law No. 6112, Law No. 3984</u>	General act These powers derive from Law No. <u>6112, 3984</u>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Turkey	RTÜK	Quotas	N/A	N/A	N/A	N/A		
		Advertising	√	√	√	↓		Law No. <a href="#">6112 3984</a> (Articles <a href="#">10, 11, 12, 13, 15, 31</a> )- <a href="#">19, 20, 21, 22, 23</a> )
		Protection of minors	√	√	√	↓		Law No. <a href="#">6112</a> ( <a href="#">Articles 8, 9</a> )

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Turkey	RTÜK	Quotas	N/A (No quota requirements)	N/A	N/A	N/A	N/A	
		Advertising	√ all sanctions are discretionary	√ <a href="#">the media service provider shall be penalized with an administrative fine from one percent up to three percent of the total gross commercial communication revenues within the month preceding the month when the violation is identified. Fines shall not be less than ten thousand Turkish Liras for television enterprises and on-demand media service providers.</a> Fines against national broadcasters cannot be less than TRY 250,000 (approx. €130,000), up to TRY 500,000 (approx. €260,000).	↓(RTÜK publishes its decisions on its website)	√	√	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
		Protection of minors	√	√ same as above	√ same as above	√		<u>The real persons and the members of executive board and general director of legal persons who broadcast without obtaining a broadcasting licence from the Supreme Council or despite the temporary suspension of their broadcasts or revocation of their broadcasting licence shall be punished by an imprisonment from one to two years and a judicial fine from one thousand to five thousand days. Prison sentences (and fines) can be ordered against directors of televisions/radio-broadcasters who broadcast without the required licence. Similar sentences can be ordered against broadcasters who fail to keep records of the programmes that are broadcast and who fail to communicate them, if they are ordered to do so by the prosecutor.</u>

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Turkey	RTÜK	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Turkey	RTÜK	√ Issued <del>103</del> <u>301</u> warnings to radio and television channels <u>between March 2011-December 2014 since 10 July 2005</u>	√ Issued an administrative fine to radio and television channels <del>123</del> <u>485</u> times <u>between March 2011-December 2014 since 10 July 2005</u>	√ Publishes its board decisions on its website: <a href="http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=3e3023f4-04d8-407b-844c-ad928fc51126">www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=3e3023f4-04d8-407b-844c-ad928fc51126</a>	√ Issued <del>8</del> <u>227</u> programme suspensions to radio and television channels <u>between March 2011- December 2014 since 10 July 2005</u>	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Turkey	RTÜK	Yes Complaints can be directed through its website, through which viewers can complain about programmes that are broadcast. It also has a hotline.	<a href="http://www.rtuk.org.tr/sayfalar/GorusOneri.aspx">www.rtuk.org.tr/sayfalar/GorusOneri.aspx</a> 444 1 178

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source	
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)			
Turkey	RTÜK	Board	9	No	No	No	No	No	No	Yes Board Members are chosen by the parliament among the candidates nominated by the political parties in accordance with their number of seats in the Grand National Assembly	No information available	<a href="#">Constitution (Article 133)</a> Law. No. <del>3984</del> <a href="#">6112</a> (Article <del>-</del> <a href="#">356</a> )



**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Turkey	RTÜK	No information available	<p>Supreme Council works on full time basis. It must meet at least once a week with a presence quorum of 5 members (out of the 9 members). The law states that decisions must be taken with a majority of 5/9. <del>The directive on the functioning of the board states that 7 members out of 9 need to be present.</del></p> <p>However, there are two exceptions:</p> <ul style="list-style-type: none"> <li>• <del>Decisions awarding frequency for a channel requires a majority of 6/9. (Article 12 of the directive on the Workings of the RTÜK Board)</del></li> <li>• <del>Appointment of General Director of the Turkish Radio Television Corporation (TRT) and of board members requires a majority of 6/9. (Article 15 of the directive on the Workings of the RTÜK Board)</del></li> </ul>	<p><del>No/Yes</del><u>Yes</u></p> <p><u>Deliberations of the Supreme Council are confidential and unless a decision is taken the deliberations are not disclosed. However, if appropriate, the President or a member authorized by the President may disclose the subject matters and decisions taken to press and broadcasting media providers.(Article 12 of By-law regarding Operating Rules and Procedures of the Radio and Television Supreme Council)</u>  <del>The directive on the functioning of the board outlines how the decision-making should take place in detail. Not all decisions are published. The decisions are written in a "decision record book". However, the board members decide which decisions to announce and decisions are announced to the press only by the Chairman of the Board or a member to whom this task is assigned.</del></p>	No

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Turkey	RTÜK	Chairman	No	n/a	Board members elect a president and a vice-president among its members.	n/a	Law No. <del>6112_3984</del> (Article- <del>36 (1)</del> ) <del>7</del> )
		Board members	Yes	Political parties nominate twice more candidates (than the number of members to appoint) in accordance with their number of seats in Parliament. The Board members are elected among these candidates on the basis of the number of members of each political party in Parliament.	Members are appointed by Parliament.	No	<del>Constitution (Article 133)</del> Law No. <del>3984_6112</del> -(Article <del>35 (2)</del> ) <del>6</del> )

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Turkey	RTÜK	Chairman of the board	2 years	No	Yes	Law No. <del>6112 3984</del> (Article- <del>36 (1)7</del> )
		Board members	6 years	Yes One third of the board should be renewed every two years	Yes	Law No. <del>6112 3984</del> (Article- <del>35 (5)7</del> )

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Turkey	RTÜK	Chairman of the board	Has to have at least four years of higher education, qualification for being a state employee and should be over the age of 30.	10 years professional working experience in public and private organizations is required.	Law No. <del>6112 3984</del> (Article <del>35 (1) 6</del> ) <del>Directive on the Working Standards and Procedures of the Radio and Television Supreme Council (Article 3)</del>
		Board members	.	<del>Experience in any of the areas of journalism, publishing, communication and technology, culture, religion, education, law is required.</del>	Law No. <del>6112 3984</del> (Article- <del>35 (1) 6</del> ) <del>Directive on the Working Standards and Procedures of the Radio and Television supreme Council (Article 3)</del>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Turkey	RTÜK	Chairman	Yes		No	No During the nomination stage, political parties can take no decision or negotiate in their party groups on who will be voted	<del>No</del> Yes <u>1. Members of the Supreme Council and their relatives by blood or by marriage up to and including to those of the third degree shall not enter into any contracting business pertaining to matters that fall under the duties and powers of the Supreme Council within the field of media services, shall not be shareholders or managers in media service providers or in the enterprises that have direct or indirect partnership affiliation with these companies.</u>	No Members (including the chairman) who are civil service officials shall be considered on leave without pay from their organization for the duration of their term of office.	Has to submit a declaration of property annually	Law No. <u>3984-6112</u> (Article <u>-38 and 3940</u> )
		Board members	Yes		No	Same as above	Same as above	Same as above	Have to submit a declaration of property annually	Law No. <u>6112-3984</u> (Article <u>-38 and 3940</u> )
		Senior staff			No					

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Turkey	RTÜK	Chairman	Yes		No	Yes Cannot be a member to any political party	Yes Same as table 20.	Law No. <del>61123984</del> (Article <del>38 and 39</del> ) <del>9</del> )
		Board members	Yes		Same as above	Same as above	Same as above	Law No. <del>6112_3984</del> (Article- <del>38 and 399</del> )
		Senior staff		No				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Turkey	RTÜK	Chairman	<u>Yes</u>	<del>No</del>	<u>No. The law states Members of the Supreme Council and personnel of the Authority cannot disclose confidential information related to the Authority and all kinds of secrets belonging to media service providers and real and legal persons providing media service, even if they leave their offices and cannot use them in their or others' interest.</u>	<u>Law No. 6112 (Article 38 (4))</u>
		Board members	<u>Yes</u>	<del>No</del>	<u>Same as above</u>	
		Senior Staff	<u>Yes</u>	<del>No</del>	<u>Same as above.</u>	

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Turkey	RTÜK	Chairman	Yes		May not be removed from his/her seat on the Council or from his/her elected post during the term of office.	<del>The Supreme Council members who violate the principles governing the conflicts of interest stated under the Article 38 of Law No. 6112 shall be deemed as resigned. The chairman who (or his relatives up to the third degree) becomes member of a political party or acquires an interest in a media company shall be accepted as resigned. This issue shall be decided by the Supreme Council.</del>	The wording of the Law indicates the dismissal of individual members, not of the whole body. Not stated in the Law, but the rules are stated to apply to individual members	Law No. <del>6112</del> <u>3984</u> (Articles <del>38 (6) and 39 (3) 40</del> )
		Individual board members	Yes		Same as above	Same as above	Same as above	<del>Law No. 3984 (Article 10)</del> Same as above

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Turkey	RTÜK	200 <del>5</del> -201 <del>5</del> <u>09</u>	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Turkey	RTÜK	No	Allocations from the <del>Parliament Assembly</del> budget	No	<del>No</del> <u>Yes</u> a) <u>broadcasting licence fees from media service providers</u> b) <u>broadcast transmission authorization fees to be collected from platform, multiplex and infrastructure operators as well as the transmitter installation and operating company which are engaged in the transmission of broadcasts</u>	Yes	<u>a) annual usage fees for television channel, multiplex capacity and radio frequency to be collected from public and private media service providers broadcasting through terrestrial network b) a three percent share of monthly gross commercial communication revenues of media service providers excluding their sponsorship revenues.</u> • <del>Annual fees from commercial broadcasters</del>  • <del>Tax on advertising income of private broadcaster</del> Collects 5% share of annual gross advertising receipts of private radio and television enterprises <del>There are plans to reduce the amount to 3% but the draft law has not yet been introduced before the Parliament.</del>	<u>Law No. 6112 (Article 41)</u>

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Turkey	RTÜK	The budget submitted to Parliament is first assessed by the Planning and Budget Commission and finalized in a session of the General Assembly.	Yes The regulator prepares its own budget in accordance with its annual activities and income. In cases where it needs additional funding, the amount required is added to its annual budget document submitted to Parliament.	RTÜK	No	<p><a href="#"><u>Law No. 6112, Articles 41, 42</u></a>  <a href="#"><u>By-Law on Administrative and Financial Conditions with which Media Service Providers and Platform and Infrastructure Operators are required to comply (Adopted on 15 June 2011)</u></a>  <a href="#"><u>By-Law on the Collection of Annual Frequency Fees from Terrestrial TV and Radio Stations (adopted on 29 April 2011)</u></a>  <a href="#"><u>By-Law on the Supervision of Media Service Providers' Commercial Communication Revenues and the Allocation of Their Shares to the Supreme Council (adopted on 26 August 2011).</u></a>  <a href="#"><u>Directive on the Accounts and the Administrative Operations of the Radio and Television Supreme Council</u></a></p>



**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Turkey	RTÜK	Yes	Annual (information is not confirmed)	Yes The Turkish Court of Accounts (TCA) audits RTÜK. It is a constitutional body with a judicial power and not subject to administrative or political supervision and is responsible	Has not been the case yet (information is not confirmed)	Information not available	Turkish Constitution (Article 160) <a href="#">Law No. 6112 (Article 34 (5))</a> <a href="#">Law No. 5018</a>

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Turkey	RTÜK	Parliament	Yes	RTÜK has to submit an official response to queries submitted by MPs during the parliamentary sessions.	<a href="#">Rules of Procedure of the Turkish Parliament, Article -96-99</a> <del>No information available</del>
		Government as a whole	No	Relations of the government with the Supreme Council are conducted by the Prime Minister <u>or a minister designated by the Prime Minister</u>	Law No. <del>6112</del> <a href="#">3984</a> (Article: <a href="#">34</a> ( <a href="#">4</a> )( <a href="#">4</a> ))
		Specific ministers (e.g. Media, finance, etc.)	No	The state minister responsible of media is also responsible of the regulator.	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Turkey	RTÜK	Parliament and Turkish Court of Accounts	Annual	General	Yes	No	No	Parliament achieves <a href="#">Turkish Court of Accounts website</a> <a href="http://www.sayistay.gov.tr">www.sayistay.gov.tr</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Turkey	RTÜK	Yes	<p>a) <u>The last report by The Turkish Court of Accounts published in August 2014</u></p> <p>b) <u>The last report by the State Audit Board of the Presidency of the Republic published on 17 February 2010.</u></p> <p><del>17/02/2010 covered the years 2006-2007-2008</del></p>	<p>Yes</p> <p>State Audit Board of the Presidency of the Republic (not regular)</p> <p>Turkish Court of Accounts (Regular)</p>	No	No	<p><u>Law No. 6112 (Article 34 (5))</u></p> <p><u>Law No. 2443</u></p> <p><del>Art. 10 of Law no 3984</del></p>

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source	
Turkey	RTÜK	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<a href="#">Law No. 6112, Article 47 Art. 39 of Law No. 3984</a>	
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No		
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Turkey	RTÜK	External	1	Administrative court	No	Media Service providers, Broadcasters, Board Members	Law No. 6112, (Articles 7, 32, 47) Law No. 2575 Law no: 3984, art. 39, art. 33
			2	Council of State			
			3	Council of State for a second reading of the file			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Turkey	RTÜK			√	N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Turkey	RTÜK	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Turkey	RTÜK	2-3 Council of state		√	The appeal body has the power to cancel the decision.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Turkey	RTÜK	No	N/A	RTÜK is not subject to the provisions of State Tender Law no 2886. The procedure regarding the Supreme Council's purchasing-selling, renting, transporting and other transactions shall be determined by <del>a regulation by laws. However, on the areas such as frequency allocations the body must respect public tender procedures.</del>	-	No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Turkey	RTÜK	<u>There are some instances mentioned in the Law No. 6112 in which the RTUK is required or can have public consultations. But these consultations are not required to be published. It is not stated in the Law, however in recent years the regulator consulted various groups (academics, broadcasters) on the areas of protection of minors, advertising regulations, enforcement of ethical standards. Furthermore, pursuant to Article 37(1)(i) of Law No. 6112, RTUK makes or commissions public opinion polls concerning media services and to share the results of these polls with the relevant parties and the public.</u>	<u>Broadcasters and groups such as academics, occupational organizations.</u>	Varies on the topic		Yes	<u>Law No. 6112, Articles 17, 26(8), 37(1)(n) and 40(6).</u> <del>Voluntary basis</del>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Turkey	RTÜK	<del>2005-2009</del> 2009-2015	Not available <del>ne</del>



**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Turkey	RTÜK	None by law <u>But some decisions are published on the Supreme Council’s website.</u>	Not specified in the law	No	No

## VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Turkey	RTÜK	I. Cooperation with the Information and Communication Authority (Bilgi Teknolojileri Kurumu, BTK).	Cooperation agreement signed in March 2006 <u>and legislative framework as to the cooperation under Law No. 6112, Article 44. Both institutions cooperate concerning the technical and administrative issues in relation with the transmission of media services</u>	<del>No</del> <u>yes</u> <u>BTK may make amendments in frequency bands under international regulations and the national frequency plan by obtaining the Supreme Council's opinion.</u>	<u>In case of harmful interferences coming from radio and television systems to national and international air and marine navigation systems, BTK shall identify the transmitters causing the interference on site and temporarily shut down in order not to jeopardize security of lives and property and this shall inform this situation to the RTUK</u> <u>According to the current regulatory framework (Law No. 3984, Article 24) , authorization of making studies for the frequency plans for national, regional and local radio and television channels and frequency bands of radio and television broadcasts in Turkey are under the responsibility of the BTK.</u>
		<del>II. Ad hoc cooperation with the Communication High Council (Haberleşme Yüksek Kurulu, HYK)</del>	<del>Ad hoc, on the basis of Law No. 3984 (Article 24)</del>	<del>Yes (see comments)</del>	<del>HYK shall determine to what extent and according to which schedule radio and television frequencies are tendered and shall notify the Supreme Council for the tender within this framework.</del>

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Turkey	RTÜK	<p>Yes. It is a member of European Platform of Regulatory Authorities (EPRA)</p> <p><u>Council of Europe</u></p> <ul style="list-style-type: none"> <li>• EPRA (European Platform of Regulatory Authorities)</li> <li>• MNRA (Mediterranean Network of Regulatory Authorities)</li> <li>• BRAF (Black sea Regulatory Authorities Forum)                             <ul style="list-style-type: none"> <li>- <u>Organization of Islamic Cooperation (OIC) Broadcasting Regulatory Authorities Forum (IBRAF)</u></li> </ul> </li> </ul> <p><u>Bilateral cooperation</u></p> <ul style="list-style-type: none"> <li>• RTUK and Broadcasting Council of the Republic of Macedonia</li> <li>• RTUK and National TV and Radio Council of the Republic of Azerbaijan</li> <li>• RTUK and High Council of Broadcasting- Turkish Republic of Northern Cyprus</li> </ul> <p><u>RTUK and Council for TV and Radio of Moldova</u></p>	<p><u>Law No. 6112, Article 37</u></p> <p><u>Law no 3984, Article 8</u></p>	-

United Kingdom

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## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
UK	905 (total) 835 cable/satellite; 70 DTT + <a href="#">25 local service providers on DTT multiplexes</a>	<del>OFCOM has estimated that there will be 150-200 VOD services in the UK at the point at which ATVOD takes up its formal duties.</del> <a href="http://www.ofcom.org.uk/consult/condocs/vod/vod.pdf">www.ofcom.org.uk/consult/condocs/vod/vod.pdf</a> AT VOD lists all notified services at <a href="http://www.atvod.co.uk/regulated-services/directory-of-notified-services?keywords=&amp;provider=&amp;service=">http://www.atvod.co.uk/regulated-services/directory-of-notified-services?keywords=&amp;provider=&amp;service=</a>	12 BBC1, BBC2, BBC3 ( <a href="#">consultation is underway to stop broadcasting and transmit on-line only</a> ), BBC4, BBC News 24, BBC Parliament, CBeebies, CBBC, ITV, Channel 4, Five, S4C

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
UK	Information requirements (art. 5 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a> The Audiovisual Media Services Regulations 2009 <a href="http://www.opsi.gov.uk/si/si2009/uksi_20092979_en_1">www.opsi.gov.uk/si/si2009/uksi_20092979_en_1</a> The Audiovisual Media Services Regulations 2010 <a href="http://www.opsi.gov.uk/si/si2010/uksi_20100419_en_1">www.opsi.gov.uk/si/si2010/uksi_20100419_en_1</a>	Office of Communications (OFCOM) The Advertising Standards Authority (ASA)	Office of Communications (OFCOM) The Advertising Standards Authority (ASA) The Association for Television on Demand (ATVOD)	Office of Communications (OFCOM) The Advertising Standards Authority (ASA) BBC Trust

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a> The Audiovisual Media Services Regulations 2009 <a href="http://www.opsi.gov.uk/si/si2009/uksi_20092979_en_1">www.opsi.gov.uk/si/si2009/uksi_20092979_en_1</a> The Audiovisual Media Services Regulations 2010 <a href="http://www.opsi.gov.uk/si/si2010/uksi_20100419_en_1">www.opsi.gov.uk/si/si2010/uksi_20100419_en_1</a>	OFCOM ASA	OFCOM ASA ATVOD	OFCOM ASA
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a> The Audiovisual Media Services Regulations 2009 <a href="http://www.opsi.gov.uk/si/si2009/uksi_20092979_en_1">www.opsi.gov.uk/si/si2009/uksi_20092979_en_1</a>	OFCOM	OFCOM ATVOD	OFCOM
	Broadcasting of major events (Art. 14 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a>	OFCOM	OFCOM	OFCOM
	Access to short news reports (Article 15 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a>	OFCOM	OFCOM	OFCOM
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a> The Audiovisual Media Services Regulations 2009 <a href="http://www.opsi.gov.uk/si/si2009/uksi_20092979_en_1">www.opsi.gov.uk/si/si2009/uksi_20092979_en_1</a>	OFCOM	OFCOM ATVOD	OFCOM
	Hate speech (Art. 12 and 6 AVMS Directive)	The Audiovisual Media Services Regulations 2009 (modifying the Communications Act 2003 s368E) Public Order Act 1986, Part III, s18	OFCOM	OFCOM ATVOD	OFCOM
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a>	OFCOM ASA	OFCOM ATVOD ASA	OFCOM ASA
	Protection of minors (Art. 27 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a> <a href="http://www.opsi.gov.uk/si/si2014/uksi_20142916_en_1">The Audiovisual Media Services Regulations 2014</a> <a href="http://legislation.data.gov.uk/cy/uksi/2014/2916/made/data.htm?wrap=true">http://legislation.data.gov.uk/cy/uksi/2014/2916/made/data.htm?wrap=true</a>	OFCOM	OFCOM	OFCOM



Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Right of reply (Art. 28 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a>	OFCOM	OFCOM	OFCOM
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Communications Act 2003 <a href="http://www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1">www.opsi.gov.uk/ACTS/acts2003/ukpga_20030021_en_1</a>	OFCOM	OFCOM	OFCOM

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
UK	Office of Communications (OFCOM)	<a href="http://www.ofcom.org.uk">www.ofcom.org.uk</a>	March 19, 2002 (empowered October 29, 2003)	Riverside House, 2a Southwark Bridge Road, London SE1 9HA, UK
	The Advertising Standards Authority (ASA)	<a href="http://www.asa.org.uk">www.asa.org.uk</a>	1962	71 High Holborn, London, WC1V 6QT, UK
	The Association for Television on Demand (ATVOD)	<a href="http://www.atvod.co.uk">www.atvod.co.uk</a>	March 18, 2010	PO Box 561, Walton on Thames, Surrey KT12 9DA, UK

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
UK	Office of Communications (OFCOM)	Yes	Yes	Yes	Yes	Yes	Consumer Protection (electronic communications networks and services) Promotion of Media Literacy Copyright Infringement under the Digital Economy Act 2010 <a href="http://www.opsi.gov.uk/acts/acts2010/ukpga_20100024_en_1">www.opsi.gov.uk/acts/acts2010/ukpga_20100024_en_1</a> <a href="#">Postal services as regards the universal service obligation (Postal Services Act 2011)</a>
	The Advertising Standards Authority (ASA)	Yes	No	No	No	No	No
	The Association for Television on Demand (ATVOD)	Yes	No	Yes	No	No	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
UK	Office of Communications (OFCOM)	Not foreseen	<del>853790</del> (31/3/2014)	Not foreseen	<del>£142.5117m</del> (2014/15) €170.935161.73m	OFCOM Annual Report, 2008-092014 <a href="http://www.ofcom.org.uk/about/accounting-plans/">www.ofcom.org.uk/about/accounting-plans/</a> <a href="https://annrep0809/annrep0809full.pdf">annrep0809/annrep0809full.pdf</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/328063/Ofcom_Annual_report_2013-14_ACC_Fin.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/328063/Ofcom_Annual_report_2013-14_ACC_Fin.pdf</a>
	The Advertising Standards Authority (ASA)	Not foreseen	Not stated Staff cost: <del>£4,665,693</del> 5,515,948	Not foreseen	<del>£7.98,105.418m</del> €9.4711.2m	ASA Annual Report 20082013 <a href="http://www.asa.org.uk/About-ASA/Annual-Report.aspx">www.asa.org.uk/About-ASA/Annual-Report.aspx</a> <a href="https://www.asa.org.uk/About-ASA/~/_media/Files/ASA/Annual%20reports/AR%202013%20Online%20version_v3_FINAL.ashx">https://www.asa.org.uk/About-ASA/~/_media/Files/ASA/Annual%20reports/AR%202013%20Online%20version_v3_FINAL.ashx</a>
	The Association for Television on Demand(ATVOD)	Not foreseen	Information not available	Not foreseen	<del>£375,000 (estimate of full year 1-running cost)</del> 513,484 €449,296709,506	

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
UK	Office of Communications (OFCOM)	OFCOM Act 2002 Communications Act 2003	OFCOM Act 2002 Communications Act 2003
	The Advertising Standards Authority (ASA)	<del>The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code)</del> N/A	<u>Communications Act 2003</u> Control of Misleading Advertisements Regulations 1988 Consumer Protection from Unfair Trading Regulations 2008 Business Protection from Misleading Marketing Regulations 2008
	The Association for Television on Demand (ATVOD)	Communications Act 2003 Audiovisual Media Services Regulations 2009 Audiovisual Media Services Regulations 2010 <u>(Latest) Designation pursuant to section 368B of the Communications Act 2003 of functions to the Authority for Television On Demand in relation to the regulation of on-demand programme service</u> <u><a href="http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/ATVOD_revised_Designation.pdf">http://stakeholders.ofcom.org.uk/binaries/enforcement/vod-services/ATVOD_revised_Designation.pdf</a></u>	Communications Act 2003 Audiovisual Media Services Regulations 2009 Audiovisual Media Services Regulations 2010 <u>Audiovisual Media Services Regulations 2014</u>

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
UK	Office of Communications (OFCOM)	Statutory corporation	Yes		Governed by a Board comprising a mix of non-executive and executive members (of which the non-executives must form a majority) Independent of Government	<a href="http://www.ofcom.org.uk/about/accoun/role/">www.ofcom.org.uk/about/accoun/role/</a>
	The Advertising Standards Authority (ASA)	Non-statutory body	Yes		Independent of Government Formal relationships with OFCOM (co-regulatory partner for broadcast advertising) and the Office of Fair Trading (OFT) As a non-statutory body, ASA has no power to fine or take advertisers to court	<a href="http://www.asa.org.uk">www.asa.org.uk</a>
	The Association for Television on Demand (ATVOD)		Yes		Self-regulatory body, appointed by OFCOM under AVMS	<a href="http://www.atvod.co.uk">www.atvod.co.uk</a>
	BBC Trust		No	The Trust is a sovereign body within the BBC		BBC Royal Charter

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
UK	Office of Communications (OFCOM)		OFCOM is an independent statutory body. The Government is responsible for appointing Members to the OFCOM Board, and is answerable to Parliament for the performance of OFCOM. However, other than the specific cases set out in the Communications Act 2003 where the Secretary of State has power of direction to OFCOM, OFCOM is independent of government. <a href="http://www.ofcom.org.uk/about/csg/ocb/codeofconduct/">www.ofcom.org.uk/about/csg/ocb/codeofconduct/</a>	Office of Communications Act 2002
	The Advertising Standards Authority (ASA)		The Memorandum of Understanding between OFCOM and the co-regulatory parties in television advertising, including the ASA, OFCOM “OFCOM undertakes not to interfere in the functioning of the new system, except in exceptional circumstances”. <a href="http://www.ofcom.org.uk/consult/condocs/reg_broad_ad/update/mou">www.ofcom.org.uk/consult/condocs/reg_broad_ad/update/mou</a>	Communications Act 2003
	The Association for Television on Demand (ATVOD)		The Audiovisual Media Services Regulations 2009 amend the Communications Act 2003, giving OFCOM the power to regulate VOD services and to delegate this to another body. <a href="http://www.ofcom.org.uk/tv/ifi/vod/designation180310.pdf">www.ofcom.org.uk/tv/ifi/vod/designation180310.pdf</a> <a href="http://www.ofcom.org.uk/consult/condocs/vod/statement/">www.ofcom.org.uk/consult/condocs/vod/statement/</a>	The Audiovisual Media Services Regulations (SI 2009/2979)
	BBC Trust*	While the Trust is part of the BBC, the independence of the Trust from the BBC Executive and the governance relationship between them is set out in the BBC Charter		BBC Royal Charter <a href="#">Agreement with the Secretary of State</a> (both available at <a href="http://www.bbc.co.uk/bbctrust/governance/regulatory_framework/charter_agreement.html">http://www.bbc.co.uk/bbctrust/governance/regulatory_framework/charter_agreement.html</a> )

\* Note that the BBC Trust is not portrayed in the subsequent tables. For more detailed information please refer to the answers to the additional questions in Annex 5 to this study.

### III. POWERS OF THE REGULATORY BODIES

**Table 9 - Regulatory powers**

This table is aimed at understanding the types of decisions that can be taken by the regulatory body. We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
UK		Tick boxes	√	√	√
	OFCOM	Areas	Audiovisual content (radio/TV, on demand media services Transmission aspects of audiovisual content (e.g. spectrum) Distribution aspects of audiovisual content	<ul style="list-style-type: none"> <li>• Television Broadcast licensing regime</li> <li>• Content standards – code setting powers</li> <li>• Fairness and Privacy – code setting powers</li> <li>• Quotas for independent productions and European programming</li> <li>• PSB quotas for original productions; regional production; news and current affairs</li> </ul>	<ul style="list-style-type: none"> <li>• Enforce the rules in relation to licensed broadcasters <ul style="list-style-type: none"> <li>• Enforcement provisions – on-air announcements, financial penalties, licence revocation</li> </ul> </li> <li>• Through broadcasting licences – fines through to revocation</li> </ul>
		Source	Communications Act 2003	Broadcasting Act 1990 and 1996; Communications Act 2003	Broadcasting Act 1990 and 1996; Communications Act 2003
	ASA	Tick boxes	No	√	√
		Areas		Content standards	Adjudications
		Source		Delegated from OFCOM	Delegated from OFCOM
	ATVOD	Tick boxes	No	√	√
		Areas		On demand services	Editorial and advertising issues
		Source		Delegated from OFCOM Audiovisual Media Services Regulations 2009 <a href="http://www.opsi.gov.uk/si/si2009/uksi_20092979_en_1">www.opsi.gov.uk/si/si2009/uksi_20092979_en_1</a> Audiovisual Media Services Regulations 2010 <a href="http://www.opsi.gov.uk/si/si2010/uksi_20100419_en_1">www.opsi.gov.uk/si/si2010/uksi_20100419_en_1</a> Ofcom formal designation <a href="http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/designation180310.pdf">http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/designation180310.pdf</a>	Delegated from OFCOM Audiovisual Media Services Regulations 2009 <a href="http://www.opsi.gov.uk/si/si2009/uksi_20092979_en_1">www.opsi.gov.uk/si/si2009/uksi_20092979_en_1</a> Audiovisual Media Services Regulations 2010 <a href="http://www.opsi.gov.uk/si/si2010/uksi_20100419_en_1">www.opsi.gov.uk/si/si2010/uksi_20100419_en_1</a> Ofcom formal designation <a href="http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/designation180310.pdf">http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/designation180310.pdf</a>

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
UK	OFCOM / ATVOD / ASA	Quotas	√	√	√			Communications Act 2003
		Advertising	√	√	√			Communications Act 2003
		Protection of minors	√	√	√			Communications Act 2003

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
UK	OFCOM	Quotas	√ all sanctions are discretionary	√ Not exceeding 5% of the provider's applicable qualifying revenue or £250,000 (€305,000)	√	√	√	
		Advertising	√	same as above	√	√	√	
		Protection of minors	√	same as above	√	√	√	
		On-demand editorial	√	same as above	√	√		
	ASA	Advertising	√		√			
	ATVOD	On-demand editorial	√		√			
		Protection of minors	√		√			



**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
UK	OFCOM	√	√	OFCOM only implemented its proposals to enact the AVMS legislation in the UK at the beginning of 2010: nevertheless, in the areas covered by the Directive, Ofcom has set and implemented policies since its inception in 2003				
	<a href="#">ASA</a>		√	<a href="https://www.asa.org.uk/About-ASA/~media/Files/ASA/About/Having%20More%20Impact%20Being%20More%20Proactive%20web.ashx">ASA has recently set out plans to be more proactive in ensuring that it is regulating effectively – see here: https://www.asa.org.uk/About-ASA/~media/Files/ASA/About/Having%20More%20Impact%20Being%20More%20Proactive%20web.ashx</a>				
	<a href="#">ATVOD</a>	√	√	<a href="#">E.g., ATVOD has carried out investigations regarding scope and regarding protection of minors</a>				

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
UK	OFCOM Listed in Ofcom annual reports	√	√	√	√	No cases
	ASA	√		√		
	ATVOD	√N/A (body only just being set-up)	As previous answer	√As previous answer		

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
UK	OFCOM	Yes All complaints considered: in serious cases, broadcasters invited to submit representations. Most serious cases will be referred to a Committee of the Board for sanction to be imposed, following an oral hearing.	<a href="http://www.ofcom.org.uk/">www.ofcom.org.uk/</a>
	<a href="#">ASA</a>	<a href="#">Yes, but only about advertising, not programme</a>	
	<a href="#">ATVOD</a>	<a href="#">Yes In the first instance the complaint is referred to the service provider for resolution and it is only if that is ineffective that ATVOD considers the matter.</a>	<a href="http://www.atvod.co.uk/complaints/submit-a-complaint">http://www.atvod.co.uk/complaints/submit-a-complaint</a>

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
UK	OFCOM	Board	9	No	No	No	No	No	No	Content Board (a committee of the Ofcom Board dealing with content issues) has statutory requirement for members representing the 4 nations of the UK	<a href="http://www.ofcom.org.uk/about/csg/ofcom_board/">www.ofcom.org.uk/about/csg/ofcom_board/</a>
	ASA	Board	16	No	No	No	No	No	No	No information available	<a href="http://www.asa.org.uk">www.asa.org.uk</a>
	ATVOD	Board	<del>No information available</del> <sup>9</sup>	No	No	No	Yes <sup>(4)</sup>	<del>No</del> Yes <sup>(5)</sup>	No	No information available	OFCOM: The regulation of video on demand services, December 2009

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
UK	OFCOM	<ul style="list-style-type: none"> <li>Ensuring the optimal use of spectrum</li> <li>Ensuring a wide range of electronic communications services                             <ul style="list-style-type: none"> <li>Ensuring a wide range of TV and radio services</li> </ul> </li> <li>Maintaining plurality in broadcasting                             <ul style="list-style-type: none"> <li>Adequate protection for audiences against offence, harm, unfairness or infringement of privacy</li> </ul> </li> </ul>	<p>Consensus, with the option of voting: minority views not expressed either internally or externally</p> <p>Ofcom board resolutions must be passed by a majority of non-executive members</p> <p>(Office of Communications Act 2002)</p>	<p>Yes – meeting notes, declarations of members’ interests, “purdah” periods</p>	<p>Yes</p> <p><a href="http://www.ofcom.org.uk/about/csg/ofcom_board/">www.ofcom.org.uk/about/csg/ofcom_board/</a></p>
	ASA	<ul style="list-style-type: none"> <li>Investigating complaints, monitoring and taking action against misleading, harmful or offensive advertising</li> </ul>	<p>Initial investigation at staff level. If staff believe there is a case to answer, case is referred to ASA Council for adjudication</p>	<p>Yes</p>	<p>Yes</p>
	ATVOD	<ul style="list-style-type: none"> <li>Receiving notifications from VoD services</li> <li>Enforcing relevant standards in relation to editorial, protection of minors, advertising; sponsorship and product placement, accessibility; European works</li> </ul>	<p><del>To be determined: organisation still being set up</del>Decisions on compliance with ATVOD rules are made by the Board (see guidance on procedure after an initial investigation by the executive: <a href="http://www.atvod.co.uk/uploads/files/ATVOD_Breach_Determination_Process_Jan_2014.pdf">http://www.atvod.co.uk/uploads/files/ATVOD_Breach_Determination_Process_Jan_2014.pdf</a>); there is a special subcommittee to hear ‘determinations’ for breach of rules. Decisions are reported to the main board.</p>	<p><del>To be determined: organisation still being set up</del>Yes</p>	<p><del>To be determined: organisation still being set up</del>Yes</p> <p><a href="http://www.atvod.co.uk/about-atvod/atvod-board">http://www.atvod.co.uk/about-atvod/atvod-board</a></p>

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nominati on stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
UK	OFCOM	Chairman	Yes	Public advertisement of posts	Chairman and Non-Executive Directors of the OFCOM Board are appointed jointly by the Secretary of	No	Office of Communications Act 2002
		Board members					
					State for Business, Enterprise and Regulatory Reform and the Secretary of State for Culture, Media and Sport. The Chief Executive is appointed by the Nominations Committee of the Board. Executive Directors appointed on the recommendation of the Chief Executive and approved by the Non-Executive Directors.		
	ASA	Chairman	Yes	Nominations Committee of the ASA Council	ASA Council	No information available	No information available
		Board members	No	ASA Council members are appointed following public advertisement	ASA Council is made up of 15 people, appointed by the ASA Chairman	n/a	No information available
	ATVOD	Chairman	No (open call)		<u>The Recruitment Panel consists of the Deputy Chair (or an Independent Director if the Deputy Chairman is a candidate); a further Independent Director; the Industry Forum Chair; and a person of independence and distinction with no connection to either the industry or to ATVOD (e.g. an Independent Assessor familiar with the principles of the OCPA Code of Practice)</u>		<a href="http://www.atvod.co.uk/uploads/files/Board_Member_Recruitment_Policy_March_2014.pdf">http://www.atvod.co.uk/uploads/files/Board_Member_Recruitment_Policy_March_2014.pdf</a>
		Board Members	No (open call)		<u>For Independent Members, the recruitment panel consists of: the Chair; a further Independent Director; the Industry Forum Chair; and a person of independence and distinction with no connection to either the industry or to ATVOD (e.g. an Independent Assessor familiar with the principles of the OCPA Code of Practice)</u>  <u>For Non-Independent Members, the recruitment panel consists of: the Chair; the Industry Forum Chair; the Industry Forum Deputy Chair; and a person of independence and distinction with no connection to either the industry or to ATVOD (e.g. an Independent Assessor familiar with the principles of the OCPA Code of Practice).</u>		

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
UK	OFCOM	Chairman of the board	Not stated in Act, but in practice usually initially five years, renewable for a further period.	No	Yes, not limited by Act but OCPA Code recommends a maximum of two terms	OFCOM Act 2002
		Non-executive Board members	Not stated in Act, but usually initially three/four years, renewed for a further three years	No	Yes, not limited by Act but OCPA Code recommends a maximum of two terms	OFCOM Act 2002
		Executive Board members	Terms of appointment coterminous with their employment with OFCOM.	No	n/a	OFCOM Act 2002
	ASA	Council members	ASA Council members serve three- year terms for a maximum of six years.		Yes, once	
	<a href="#">ATVOD</a>	<a href="#">Chairman and Board Members</a>	<a href="#">No fixed term of office; specified in appointments information.</a>	<a href="#">N/A</a>	<a href="#">No information available</a>	<a href="http://www.atvod.co.uk/uploads/files/Board_Member_Recruitment_Policy_March_2014.pdf">http://www.atvod.co.uk/uploads/files/Board_Member_Recruitment_Policy_March_2014.pdf</a>

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
UK	OFCOM	Chairman of the board	None required	None specified	n/a
		Board members	None required	None required. Board may include up to 4 executive members	n/a
	OFCOM Content Board	Chairman of the board	None required	None specified	n/a
		Board members	None required	None required. Board may include up to 2 executive members	n/a
	ASA	Council Members	No information available	Two-thirds of the members independent of the advertising industry.	n/a
	<a href="#">ATVOD</a>	<a href="#">Chairman and Board Members</a>	<a href="#">Not required</a>	<a href="#">Not required</a>	<a href="http://www.atvod.co.uk/uploads/files/Board_Member_Recruitment_Policy_March_2014.pdf">http://www.atvod.co.uk/uploads/files/Board_Member_Recruitment_Policy_March_2014.pdf</a>

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
UK	Ofcom	Chairman	Yes		No	Yes Members of the lower house of parliament are	Yes No interest permitted in any entity whose core business	Yes but not in central or local government	Obligation to disclose	OFCOM Act 2002
						debarred from membership of Ofcom Board	activities could be affected by Ofcom's decisions			
		Board members	Yes		No	Same as above	Same as above	Yes but not in central or local government	Obligation to disclose	OFCOM Act 2002
		Senior staff	Yes		No	Same as above	Same as above	Yes but not in central or local government	Obligation to disclose	OFCOM Act 2002
	ASA			No (Council is drawn in part from industry as a self regulatory body)						
	ATVOD			No (Council is drawn in part from industry as a self regulatory body)						<a href="#">General statutory rules (Communications Act s 393 (disclosure of confidential information – noted as part of ATVOD's designation notice)) and the Bribery Act 2010) apply to all.</a>



**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
UK	Ofcom	Chairman	Yes		Yes	Yes	Yes	Non Executive Conflict of Interest Policy and Members Code of Conduct Office of Communications Act 2002 Schedule, sections 1 and 17
		Non-executive Board members	Yes		Yes	Yes	Yes	Non Executive Conflict of Interest Policy and Members Code of Conduct Office of Communications Act 2002 Schedule, sections 1 and 17
		Executive Board members	Yes		Yes	Yes	Yes	Employment contract Members Code of Conduct
	<a href="#">ATVOD</a>	<a href="#">Board Members</a>	<a href="#">Yes</a>					<a href="#">Code on conflicts</a> <a href="#">General statutory rules (Communications Act s 393 (disclosure of confidential information – noted as part of ATVOD’s designation notice)) and the Bribery Act 2010) apply to all</a>

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
UK	Ofcom	Chairman	Yes		Under the terms of appointment a restriction is applied for the first 6 months following termination/expiry of appointment requiring Board consent.	Letter of appointment
		Board members	Yes		Under the terms of appointment a restriction is applied for the first 6 months following termination/expiry of appointment requiring Board consent	Letter of appointment
		Senior Staff	Yes		Yes, a notice period and the employment contract makes clear that employees have an ongoing duty around confidentiality	Employment contract
	ASA			No		
	ATVOD		No information available			

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
UK	Ofcom	Chairman	Yes		Secretary of State for Business, Innovation & Skills and Secretary of State for Culture, Media and Sport	<ul style="list-style-type: none"> <li>Is an undischarged bankrupt or has had his estate sequestrated without being discharged</li> <li>Has made an arrangement with his creditors, or has entered into a trust deed for creditors, or has made a composition contract with his creditors</li> <li>Has such a financial or other interest as is likely to affect prejudicially the carrying out by him of his functions as a member of OFCOM</li> <li>Has been guilty of misbehaviour or</li> <li>Is otherwise incapable of carrying out, or unfit to carry out, the functions of his office</li> </ul>	Only individual members	Office of Communications Act 2002
		Individual board members	Yes		Secretary of State for Business, Innovation & Skills and Secretary of State for Culture, Media and Sport	Same as above		Office of Communications Act 2002

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
UK	OFCOM	2005-2009	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
UK	OFCOM	No	State funding £2,768k (€3,253k): 2%	£75,192k (€91,987): 57% (Grant-in-Aid from Central Government)	£50,938k (€62,302k): 39% (of which £25,355 (€31,033k) – 19% - collected from broadcasting licensees: the rest base on administrative charges for electronic networks and services)	All fines are paid into the Consolidated Account – none are retained by OFCOM	Grant-in-aid from Central Government also covers areas such as public interest test for media mergers, media literacy and ex-post Competition Act investigations (2009: £2,004k, €2,355)) Set at cost recovery and agreed on case by case basis as required with Ministers	State funding, licence fees & other – Tariff Tables 2010/11  Spectrum fees & fines – section 400 accounts 2008/09
	ASA	No	No	£7,846k (€9,600k) Funding generated by levy based on advertising spend	No	No	<a href="http://www.asa.org.uk">www.asa.org.uk</a>	No
	ATVOD	No	No	<del>To be set:</del> <del>estimated</del> <del>£375,000</del> <del>51</del> <del>3,484</del> <del>(€458,673)</del> Levy raised from services judged to be within AVMS scope	No	No	<a href="http://www.atvod.co.uk">www.atvod.co.uk</a>	No

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
UK	OFCOM	HM Treasury sets overall spending caps which limit overall budget level: current 3 year cap level set in 2007	Yes OFCOM sets its budget within these spending caps each year.	Approval required from the Treasury	No	

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
UK	OFCOM	Yes	Biannual	Yes UK National Audit Office			Office of Communications Act 2002
	ASA	Yes	Annual		Yes		
	ATVOD	No	Not yet stated				

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
UK	Ofcom	Parliament	Yes	<p>Annual Financial Report (statement of accounts) to be sent to Secretary of State and Comptroller and Auditor General to be placed before Parliament as soon as possible after end of financial year.</p> <p>Annual Report to be sent to Secretary of State and placed in Parliament as soon as possible after end of financial year.</p> <p>Annual oral evidence session with Chair and CEO to House of Commons Culture and Business Select Committees</p> <p>Written and oral evidence to House of Commons Select Committees as part of various inquiries</p>	<p>Clause 11 Office of Communications Act 2002</p> <p>Clause 12 Office of Communications Act 2002</p> <p>No legal basis – informal requirement of both committees, though instigated by OFCOM</p> <p>Committees can request a witness attends committee to give oral evidence – standing Order 152</p>
		Government as a whole	No	<p>While there is no formal overall legal accountability, OFCOM takes its public accountability and transparency seriously, and reflects in its day-to-day practices a number of best practice approaches identified by Government. HM Treasury sets a cap for OFCOM's budget.</p>	N/A
		Specific ministers (e.g. Media, finance, etc.)	Yes	<p>A number of reporting requirements to Secretary of State – e.g. on illegal file sharing and infrastructure (DEA 2010) and Annual and Financial Reports (as above)</p> <p>Ofcom also obliged to take direction from Ministers in some specific cases (as above)</p>	<p>Communications Act 2003</p> <p>Digital Economy Act 2010</p>
		Public at large	Yes	<p>Wide range of public consultation requirements</p> <p>Opportunity for Legal Review of OFCOM decisions</p>	Communications Act 2003

**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance ?	Approval necessary?	Has a report been disapproved ?	Link
UK	OFCOM	Parliament	Annual	All activity	Yes: KPIs in relation to performance: statistical record of all activity	No	No	Obligations are set out in a number of governing Acts of Parliament including: <ul style="list-style-type: none"> <li>• Office of Communications Act 2002</li> <li>• Communications Act 2003</li> <li>• Wireless Telegraphy Act 2006</li> <li>• Broadcasting Act 1996</li> <li>• Enterprise Act 2002</li> <li>• Digital Economy Act 2010</li> </ul>
	<a href="#">ASA</a>	<a href="#">OFCOM</a>	<a href="#">Annual</a>	<a href="#">The carrying out of its functions.</a>	<a href="#">Yes: KPIs</a>	<a href="#">No information available</a>	<a href="#">N/A</a>	<a href="#">Designation Order</a>
	<a href="#">ATVOD</a>	<a href="#">OFCOM</a>	<a href="#">Annual</a>	<a href="#">The carrying out of its functions.</a>	<a href="#">Yes: KPIs</a>	<a href="#">No information available</a>	<a href="#">N/A</a>	<a href="#">Designation Order</a>

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
UK	OFCOM	Yes	Every 2 years	Yes National Audit Office	No	No	Office of Communications Act 2002

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source	
UK	<a href="#">Ofcom</a>	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>	
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes Ministers can direct Ofcom in relation to what can and cannot be advertised	Yes (as for minister – no constitutional difference)	No	No	Communications Act 2003 s 321	
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes See above	Yes See above	N/A	N/A	N/A	N/A	N/A
	<a href="#">ASA</a>	Does anybody have the power to overturn decisions of the regulator?	<a href="#">Yes</a>				<a href="#">OFCOM</a>	<a href="#">Designation order</a>	
	<a href="#">ATVOD</a>	Does anybody have the power to overturn decisions of the regulator?	<a href="#">Yes</a>				<a href="#">OFCOM</a>	<a href="#">Designation order</a>	



**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
UK	OFCOM	Internal	1 Any review granted will be undertaken by the Broadcasting Review Committee, a sub-committee of the OFCOM Board, consisting of members drawn from the OFCOM Content Board.	No	Either party (complainant or Broadcaster)	No legal requirement to allow internal review but Communications Act 2003 (325 (2)) provides that it shall be the duty of OFCOM to establish procedures for the handling and resolution of complaints about the observance of standards. Civil Procedure Rules 1998
		External	1 Judicial Review in the High Court (unappealable) for procedural matters. (Decisions can be reviewed by the Competitions Appeal Tribunal for competition matters and decisions relating to the provision of electronic communications services and networks)			

**Table 33 - Does the regulator’s decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
UK	OFCOM (Broadcasting Review Committee)	√			N/A

**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
UK	OFCOM	√	√		Decisions that relate to the areas covered by AVMS are typically not appealable to the Competition Appeals Tribunal, only to Judicial Review – which is an appeal on process not merits.

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
UK	Internal: OFCOM (Broadcasting Review Committee)	1	√		The Broadcasting Review Committee may uphold the decision of the OFCOM Executive; or quash the earlier decision in whole or in part and remit the decision back to the OFCOM Executive with reasons for the OFCOM Executive to reconsider in light of those reasons; or substitute its own decision for the Decision of the OFCOM Executive.
	External: the High Court (Judicial review)	1		√	Court may refer a decision back to Ofcom for reconsideration on the grounds of faulty process or insufficient consideration of matters of fact – but it cannot replace the original decision.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
UK	OFCOM	Not specified – but Ofcom has the ability to commission external advice	Not specified	Yes	Statutory obligations to conduct and publish research and reports	Yes
	ASA	Yes but not specified	Not specified	Yes	<del>none</del> <a href="#">Commission research (s.368(B)(11) Communications Act).</a>	Yes
	ATVOD	Yes	Not specified	Yes	<del>None</del> <a href="#">Consult and research.</a>	ATVOD is required to carry out research – this will inevitably be done in the form of outside advice

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
UK	OFCOM	Legally, Ofcom is required to publish Impact Assessments in relation to any proposals which would have a significant effect, and to consult on these assessments. Ofcom's own internal rules set rigorous requirements for consultation in relation to regulatory decisions	Any persons affected. In relation to some issues, there are obligations to consult specified parties	Typically 12 weeks (minimum 4 weeks)	Yes	Yes	Communications Act 2003
	<a href="#"><u>ASA</u></a>	<a href="#"><u>Required to carry out impact assessments where Ofcom would be required so to do under section 7 Communications Act.</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>Designation Order</u></a>
	<a href="#"><u>ATVOD</u></a>	<a href="#"><u>Carry out impact assessments in relation to the carrying out of the Designated Functions in circumstances where Ofcom would be required to do so to comply with section 7 Communications Act.</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>No information available</u></a>	<a href="#"><u>Designation Order</u></a>

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
UK	OFCOM	<u>2014</u>	<u>10</u>
		<u>2013</u>	<u>1</u>
		<u>2012</u>	<u>2</u>
		<u>2011</u>	<u>2</u>
		<u>2010</u>	<u>4</u>
		2009 (2009/10)	12 (15)
		2008 (2008/09)	11 (10)
		2007 (2007/08)	12 (12)
		2006 (2006/07)	12 (10)
		2005 (2005/06)	12 (13)
			<u>ASA</u>
	<u>ATVOD</u>	<u>2010-2014</u>	<u>8</u>

**Table 39 - Publication of regulator’s decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
UK	OFCOM	All important decisions, defined by law as well as any that meet one of three criteria: (a) to involve a major change in the activities carried on by OFCOM (b) to have a significant impact on persons carrying on businesses in the markets for any of the services, facilities, apparatus or directories in relation to which OFCOM have functions (c) to have a significant impact on the general public in the United Kingdom or in a part of the United Kingdom.	Yes Ofcom has an obligation under the Communications Act subsection 3(3) to have regard to principles representing best regulatory practice, including transparency – this affects both the decisions Ofcom takes and allowing stakeholders to understand the context within which Ofcom has reached its decisions e.g. by taking account of the precedent set by previous decisions. Ofcom also has specific requirements. For example, in relation to standards – Ofcom must publish in s.324. It includes a requirement to publish, by way of consultation, a proposed code and any proposed revisions to the code as well as the final code and revisions following consultation. Under section 328 Ofcom has a duty to publicise its functions in relation to complaints. In relation to Fairness and Privacy decisions, section 119 of the Broadcasting Act 1996 requires Ofcom to publish a summary of fairness and privacy complaints after it has reached its decision, together with a summary of its findings and any other action it has taken. Finally, there are duties for Ofcom as a public authority under the Freedom of Information Act, which include making information readily available through a publication scheme. <a href="http://www.ofcom.org.uk/about/cad/foimain/foi_pubscheme/">www.ofcom.org.uk/about/cad/foimain/foi_pubscheme/</a>	Yes	N/A
	ASA	No legal obligation to publish but all decisions are published weekly	All Council decisions are published and full reasoning given for the decision. <u>No rules other than general principles of administrative justice requiring to give reasons in terms of determining complaints.</u>	No	
	ATVOD	All determinations and enforcement orders	Ofcom’s designation of ATVOD as the self-regulatory body for on-demand services contains requirements on ATVOD to carry out its duties openly and transparently and to publish decisions. <u>No rules other than general principles of administrative justice requiring to give reasons in terms of determining complaints.</u>	Yes	

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
UK	OFCOM / ASA	Memorandum of Understanding / Legal designation under AVMS	Co-regulatory arrangement under the terms of the Communications Act 2003 and the De-regulation and Contracting Out Act 1994	OFCOM retains backstop enforcement powers The ASA can also receive instruction from the Office of Fair Trading which retains backstop powers in relation to non-broadcast advertising	
	OFCOM / BBC Trust	Memorandum of Understanding	Communications Act 2003: BBC Charter and Agreement	OFCOM has responsibility to set some quotas / requirements in agreement with the Trust	
	<a href="#">OFCOM / BBC Trust</a>	<a href="#">Memorandum of Understanding</a>	<a href="#">Communications Act 2003: BBC Charter and Agreement</a>	N/A	<a href="#">(General co-operation duties)</a>
	OFCOM / ATVOD	Legal designation	The Audiovisual Media Services Regulations 2009	OFCOM retains backstop enforcement powers	
	<a href="#">ATVOD / BBC Trust</a>	<a href="#">Memorandum of Understanding</a>	<a href="#">BBC Charter and Agreement</a>	<a href="#">No information available</a>	<a href="#">(Video classification system for R18 content)</a>

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
UK	Ofcom	Yes, Ofcom is a member of EPRA (European Platform of Regulatory Authorities) that deals with issues of content regulation and regularly cooperates with regulators from around the world on bilateral and multilateral basis.	Soft instruments (guidelines, MoUs, etc)	
		<p>On the telecoms sector, Ofcom is a member of the Body of European Regulators for Electronic Communications (BEREC)</p> <p>In addition, under powers conferred in the Communications Act, Ofcom represents the UK in the European spectrum committees (Radio Spectrum Policy Group (RSPG) and the Radio Spectrum Committee (RSC)) and is the designation UK Administration for ITU matters.</p> <p>We also support the work of the UK Government in other relevant EU Committees (Contact Committee and Cocom) and contribute to the work of the OECD on matters related to communications regulation</p>	<p>Regulation (EC) 1211/2009 establishing BEREC and the office</p> <p>Commission Decision 2002/622/EC establishing the RSPG</p>	



