

INDIREG

FINAL REPORT – ANNEX

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)

Annex III – Issue Tables
Institutional framework
(Tables 06–08)

Table of contents

II. INSTITUTIONAL FRAMEWORK	3
Table 6 - Legislation establishing and governing the regulatory body	3
Table 7 - Legal status	12
Table 8 - Independence as a value	29

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") and a Federal Communications Board (KommAustria Act - KOG), Federal Law Gazette I No. 32/2001. Art. 20 (2) 5a Federal Constitutional Law (B-VG)	§§ 1—15 KOG Art. 20 B-VG
	Federal Communications Board (BKS)	§ 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. Art. 20 (2) 3 Federal Constitutional Law (B-VG)	§§ 36—38 KOG Art. 20 B-VG
	Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR-GmbH)	§ 5 (1) 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.	§§ 16—20 KOG
Belgium	BE-VL: VRM	Articles 215-235 VL-media-act	<ul style="list-style-type: none"> management contract VRM www.vlaamseregulatormedia.be/media/9032/beheersovereenkomstvr m.pdf rules of procedure management board www.juridat.be/cgi_loi/loi_a.pl?language=nl&caller=list&la=n&fromtab = wet&tri=dd+as+rank&rech=1&numero=1&cn=2006042139&sql=dd+= +date%272006-4-21%27 rules of procedure chambers www.vlaamseregulatormedia.be/media/9880/reglement_van_orde.pdf

Country	Body	Legislation setting-up the regulatory body	Governing legislation
	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"> obligation of professional secrecy obligation to notify problems of independence to Bureau prohibition to seek or follow instructions or than following from the regulatory framework obligation to notify possible conflicts of interest rules on accepting gifts and specific conflicts of interests 	<ul style="list-style-type: none"> rules of procedure Bureau www.juridat.be/cgi_loi/loi_a.pl?language=nl&caller=list&la=n&fromtab=wet&tri=dd+as+rank&rech=1&numero=1&cn=2006042139&sql=dd+=+date%272006-4-21%27 rules of procedure collège d'autorisation et de contrôle du CSA (CAC) www.csa.be/documents/categorie/25 financial 5-year plan 2009-2013
	BE-DE : MRat	Articles 86-116 DE-media-act	<ul style="list-style-type: none"> rules of procedure MRat (15/5/2007) www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007051564&table_name=wet
Bulgaria	Council for Electronic Media, CEM	Law for radio and television, 24.11. 1998 http://lex.bg/laws/ldoc/2134447616	Law for radio and television, 12.02.2010
Cyprus	Cyprus Radio-Television Authority	Radio and Television Stations Law of 1998, Law N. 7(I) of 1998 as amended by: 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 Radio-Television Authority (Terms of Hiring and Service) Regulations of 1999	Radio and Television Stations Law of 1998, Law N. 7(I) of 1998 as amended by: 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 Radio-Television Authority (Terms of Hiring and Service) Regulations of 1999 www.crta.org.cy/documents/crta_new/nomos%20mas%202009.pdf
Czech Republic	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)
Denmark	RTB	The Broadcasting Act www.kum.dk/sw4498.asp www.retsinformation.dk/Forms/R0710.aspx?id=126149	The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio- og tv-nævnet' – 28.01. 2010.) www.retsinformation.dk/Forms/R0710.aspx?id=130031
Estonia	(There is no independent regulatory body as foreseen in AVMS Directive Article 30)		
	Estonian Public Broadcasting Council	Parliament Decree	Estonian Public Broadcasting Act www.riigiteataja.ee/ert/act.jsp?id=12786086 English: www.kul.ee/index.php?path=0x296x323

Country	Body	Legislation setting-up the regulatory body	Governing legislation
	Ministry of Culture	The Decree of The Government of the Republic of Estonia www.riigiteataja.ee/ert/act.jsp?id=12891729	Constitution of the Republic of Estonia http://www.president.ee/en/estonia/constitution.php
Finland	Finnish Communications Regulatory Authority (FICORA)	Act on Communications Administration 625/2001 www.finlex.fi/fi/laki/ajantasa/2001/20010625 (in Finnish) Predecessor of FICORA, the Telecommunications Administration Centre was established in 1988 based on Radio Act 517/1998 as amended by Act 1015/2001 www.finlex.fi/fi/laki/kaannokset/1988/en19880517.pdf (in English) www.finlex.fi/fi/laki/alkup/2001/20011015 (in Finnish)	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009 In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447 Decree on certain fees of FICORA 1058/2009 www.finlex.fi/fi/laki/alkup/2009/20091058 (in Finnish)
France	CSA	<u>Law 89-25, January 17, 1989</u> , amending the 86-1067 fundamental law on audiovisual communication www.csa.fr/infos/textes/textes_detail.php?id=116517	<u>Law 86-1067, September 30, 1986</u> Articles 3-1, 4 to 9.
Germany	competent State Media Authority (LMA)	§ 35 (1) RStV;; § 48 HPRG; §§ 10,11 BayMG; § 45 BremLMG; § 55 SMG; § 38 LMG; §§ 29,30 LMedienG; §§ 87,88 LMG NRW; §§ 7,8 MStV; §§ 40,41 MedienG LSA; §§ 38,39 Medienstaatsvertrag HSH; §§ 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 Mitteldeutschen 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		

Country	Body	Legislation setting-up the regulatory body	Governing legislation
	Broadcasting Council of Hessischen Rundfunk (HR)	§§ 4 ff. HR-law	
	Broadcasting Council of Norddeutschen 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	
Greece	NCRTV	Law 1866/1989	Laws 2863/2000,3052/2002,2328/1995,2644/1998,3021/2002,Presidential decrees310/1996, 100/2000
Hungary	National Radio and Television Board	Act I. of 1996 on Radio and Television Broadcasting	Act I. of 1996 on Radio and Television Broadcasting
Ireland	Broadcasting Authority of Ireland	Broadcasting Act 2009	Broadcasting Act 2009
Italy	Agcom	Law August 31, 1997 n. 249 www.normattiva.it/dispatcher?task=attoCompleto&service=212&datagu=1997-07-31&redaz=097G0287&parControllo=si&connote=false&aggiorn=si&datavalidita=20100615 (in Italian)	Law August 31, 1997 n. 249 (for URL, see previous column) Regulation of Agcom n. 316/02/CONS of October 9, 2002 www.agcom.it/default.aspx?message=viewdocument&DocID=604 (in Italian)
Latvia	National Broadcasting Council	Radio and Television Law (1995)	Radio and Television Law (1995)
Lithuania	LRTK	PIP Art 47 Law on the Provision of Information to the Public (PIP), <i>Official Gazette</i> , 27 July 2006, No. 82-3254, as last amended on 15 July 2009, available in English at www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362353 (accessed 4 April 2010)	PIP Art 48 Law on the Provision of Information to the Public (PIP), <i>Official Gazette</i> , 27 July 2006, No. 82-3254, as last amended on 15 July 2009, available in English at www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=362353 (accessed 4 April 2010)
Luxembourg	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), 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)	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 (Règlement 2008)
	CPN	Loi du 27 juillet 1991 sur les médias électroniques (Mém. A – 42 du 30.07.1991, p.972) Arrêté grand-ducal du 12 septembre 1991 fixant la liste des	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)

Country	Body	Legislation setting-up the regulatory body	Governing legislation
		<p>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</p> <p>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</p> <p>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</p>	
Malta	Broadcasting Authority	Constitution (see national report)	Broadcasting Act 1991
Netherlands	CvdM	Media Act 2008	<p>Media Act 2008 www.cvdm.nl/content.jsp?objectid=8835 Framework Act Independent Administrative bodies http://wetten.overheid.nl/BWBR0020495/geldigheidsdatum_04-01-2010 (Kaderwet zelfstandige bestuursorganen) General Administrative Law Act (Algemene Wet Bestuursrecht)</p>
Poland	National Broadcasting Council (KRRiT)	1992 Broadcasting Act adopted on 29 December, 1992	<p>Broadcasting Act (Ustawa o Radiofonii i Telewizji) adopted on 29 December, 1992</p> <p>1997 Constitution of the Republic of Poland</p>
Portugal	ERC	<p>Constitution of the Portuguese Republic, Art. 39^o (Media Regulation) http://www.gmcs.pt/index.php?op=fs&cid=126&lang=pt</p> <p>Law Nr. 53/2005 (8 November), which creates ERC (Regulatory Entity for the Media) and extinguishes AACS (High Authority for the Media). http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf</p>	<p>- Statute of ERC (Annex to Law Nr. 53/2005) http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf</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. http://www.erc.pt/documentos/legislacao/DecretoLei702009.pdf</p>
Romania	National Audiovisual Council of Romania (CNA)	Law 48/1992 (the first Audiovisual Law in Romania)	<p>The Audiovisual Law (Law No.504/July 11, 2002) with completions. Text in force as of November 22, 2009</p> <p>CNA's Regulatory Code regarding Audiovisual Content</p>
Slovakia	Council for Broadcasting and Retransmission	<p>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</p> <p>www.rada-rtv.sk/sk/spravy/index.php?kategoried=192&rozbalitClanky=238#clanky_238</p>	<p>Act No. 308/2000 as amended by 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. and Act No. 498/2009</p> <p>www.rada-rtv.sk/sk/spravy/index.php?kategoried=192&rozbalitClanky=238#clanky_238</p>

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Slovenia	Post and Electronic Communications Agency of the Republic of Slovenia (APEK)	Telecommunications Act (no longer valid) - before 2004 Electronic Communications Act (art. 167) - after 2004 Governmental Decision establishing APEK	Electronic Communications Act (ECA, art. 115-128) www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upb1_unofficial_translation_english.pdf Statutes of the Post and Electronic Communications Agency www.uradni-list.si/1/objava.jsp?urlid=200568&stevilka=3018 Act on establishment of the Post and Electronic Communications Agency http://zakonodaja.gov.si/rpsi/r09/predpis_SKLE2099.html Public Agencies Act http://zakonodaja.gov.si/rpsi/r04/predpis_ZAKO2024.html
	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: www.ip-rs.si/index.php?id=326)
Spain	CEMA	Law 7/2010 of March 31, 2010	NA
	CMT	Law 12/1997 of 24 th April 1997 "Ley General de Telecomunicaciones" "Liberalisation of Telecommunications"	Royal Decree 1994/1996 of September 6
	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 "
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Lagen (1994:398) om ändring i radiolagen (1966:755)	Radio & TV Law (1996 : 844) New law to be enacted (estimated June/July 2010). Reply RTA The Fundamental Law on Freedom of Expression The Act with Instructions for The Broadcasting Commission (2007:1183)
	The Swedish Radio and TV Authority	The Swedish Radio and Television Act (1996:844), www.rtvv.se/uk/The_Act/	Förordning med instruktion för Radio- och TV-verket (2007:1190). The document is not translated but would respond to The Act with Instructions for The Swedish Radio and TV Authority (2007:1190).

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)	The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code)	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	Communications Act 2003 Audiovisual Media Services Regulations 2009 Audiovisual Media Services Regulations 2010
Candidate countries			
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 http://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_79_2493.html)	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
Former Yugoslav Republic of Macedonia	Broadcasting Council	Law on Broadcasting Activity adopted in May 1997 (not in force)	Law on Broadcasting Activity adopted in December 2005. www.srd.org.mk/images/stories/legislativa/Zakon_za_radiodifuznata_dejnost_2005.pdf
Turkey	RTÜK	Law. No. 3984, Law on the Establishment and Broadcasts of Radio and Television, April 1994 (Amended by Law No. 4756, May 2002)	Law. No. 3984 Implementing legislations: I. The Directive on the Working Standards and Procedures of the Radio and Television Supreme Council II. The Directive on the Personnel of the Radio and Television Supreme Council III. The Directive on the Establishment and the Obligations of the Board of Radio and Television Supreme Council
Potential candidate countries			
Albania	KKRT	Law no. 8410 dated 30.09.1998 "On public and private radio and television in Republic of Albania" 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 Law no. 9742 dated 28.05.2007 "On digital transmission in the Republic of Albania"	Law no. 8410 dated 30.09.1998 "On public and private radio and television in Republic of Albania" 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 Law no. 9742 dated 28.05.2007 "On digital transmission in the Republic of Albania"

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Bosnia and Herzegovina	Communications Regulatory Agency	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03, October 21, 2003.	Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03, October 21, 2003.
Montenegro	The Council of the Broadcasting Agency	Broadcasting Law from 2002. Nonconsolidated version of the Broadcasting Act could be downloaded from the Agency website www.ardcg.org <i>Official Gazette of the Republic of Montenegro</i> , No. 51/02, 62/02, 46/04, 56/04, 77/06, "Official Gazette of Montenegro", No. 50/08, 79/08, 53/09)	Broadcasting Law Statute of the Broadcasting Agency www.ardcg.org
Serbia	Republic Broadcasting Agency	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)	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) www.rra.org.rs/files/1219931533broadcasting-law.pdf The Statute of the Republic Broadcasting Agency (In Serbian Only, adopted 25 June 2005) www.rra.org.rs/files/Statut_RRA.pdf
Kosovo	Independent Media Commission (IMC)	The Law on IMC www.assemblykosova.org/common/docs/ligjet/2005_02-L15_en.pdf UNMIK regulation 2005/34 www.unmikonline.org/regulations/2005/RE2005_34.pdf	The Law on IMC www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf UNMIK regulation 2005/34 www.unmikonline.org/regulations/2005/RE2005_34.pdf Civil Law Against Defamation and Insult www.assembly-kosova.org/common/docs/ligjet/2006_02-L65_en.pdf Law on Copyright and Related Rights www.assembly-kosova.org/common/docs/ligjet/2004_45_en.pdf Law on RTK www.assembly-kosova.org/common/docs/ligjet/2006_02-L47_en.pdf Law On Access To Official Documents www.assembly-kosova.org/common/docs/ligjet/2003_12_en.pdf
EFTA countries			
Iceland	Broadcast Licensing Committee	The Broadcasting Act (2000)	The Broadcasting Act (2000)
Liechtenstein	Parliament [Landtag des Fürstentums Liechtenstein]	Media Law (MedienG) of October 19, 2005, LGBl. 2005 Nr. 250 Law on the Promotion of Media (MFG) of September 21, 2006, LGBl. 2006 Nr. 223	Media Law (MedienG) of October 19, 2005, LGBl. 2005 Nr. 250
Norway	The Media Authority	Established in 2005 by an administrative decision. Several administrative and monitoring agencies were merged. The oldest (the Film Censorship Board) was from 1913, the Media Ownership Authority was probably the most recent, from 1998	The Cinema Act, 1913 The Media Ownership Act 1997 etc.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
		The responsibilities of the body are given in the Broadcasting Act and other acts and decisions.	Forvaltningsloven (The Administrative Act) Link to Norwegian official version: www.lovdato.no/all/hl-19670210-000.html
Switzerland	Federal Office of Communications	Federal Office of Communications was set up by* <ul style="list-style-type: none"> the Telecommunications Act of 21 June 1991 an amendment of Art 58 (1) c Administration Organization Act of 19 September 1978 	Government and Administration Organization Act *** Administrative Procedure Act****
	Independent Complaints Authority for Radio and Television	Federal Decision on the Independent Complaints Authority for Radio and Television**	Art 82—85 RTGV Rules of procedure of the Independent Complaints Authority for Radio and Television*****
	<p>* Both acts are not in force any more: The Telecommunications Act of 21 June 1991 was replaced by the Telecommunications Act of 30 April 1997 (SR 784.10). The Administration Organization Act of 19 September 1978 was replaced by the Government and Administration Organization Act of 21 March 1997 (SR 172.010). ** See: Bundesbeschluss über die unabhängige Beschwerdeinstanz für Radio und Fernsehen, BBl 1983 III 1077ff. *** See: Federal Act of 21 March 1997 on Government and Administration Organization (GAOA) / Regierungs- und Verwaltungsorganisationsgesetz vom 21. März 1997 (RVOG) / Loi du 21 mars 1997 sur l'organisation du gouvernement et de l'administration (LOGA) / Legge del 21 marzo 1997 sull'organizzazione del Governo e dell'Amministrazione (LOGA). SR 172.010. **** See: Federal Act of 20 December 1968 on Administrative Procedure (APA) / Bundesgesetz vom 20. Dezember 1968 über das Verwaltungsverfahren (VwVG) / Loi fédérale du 20 décembre 1968 sur la procédure administrative (PA) / Legge federale del 20 dicembre 1968 sulla procedura amministrativa (PA). SR 172.021. ***** See: Rules of procedure of the Independent Complaints Authority for Radio and Television / Geschäftsreglement der Unabhängigen Beschwerdeinstanz für Radio und Fernsehen vom 1. März 2007 / Règlement du 1er mars 2007 de l'autorité indépendante d'examen des plaintes en matière de radio-télévision (AIEP) / Regolamento del 1° marzo 2007 dell'autorità indipendente di ricorso in materia radiotelevisiva. SR 784.409.</p>		
Selected third countries			
Australia	Australian Communications and Media Authority	Australian Communications and Media Authority Act	Australian Communications and Media Authority Act; <i>Financial Management and Accountability Act 1997</i>
USA	Federal Communications Commission (FCC)	Communications Act of 1934	Telecommunications Act of 1996, an amendment to Communications Act of 1934
Japan	MIC	Law establishing the Ministry of Internal Affairs and Communications (Law No. 91 of July 16, 1999) http://law.e-gov.go.jp/htmldata/H11/H11HO091.html	Order for the Organization of the MIC (Law No 246 of June 6, 2000) http://law.e-gov.go.jp/htmldata/H12/H12SE246.html
Singapore	Media Development Authority	Media Development Authority Act	Media Development Authority Act
	Advertising Standards	Singapore Code of Advertising Practice	None; this is a voluntary organisation

Country	Body	Legislation setting-up the regulatory body	Governing legislation
	Authority of Singapore		

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	Federal Communications Board (BKS)	Independent Authority (Independent collegiate tribunal)	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)			Art. 20 (2) 3 B-VG Art. 133 (4) B-VG § 38 KOG
	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) 5a B-VG § 6 (1) KOG
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)						

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"> Created within the broader framework of regulatory agencies, but with extra guarantees on independence for regulatory chambers No hierarchic relation between (administrative) management board and (regulatory) chambers 	VL-media-act (215)
	BE-FR : CSA	Independent agency	Yes		<p>Highest organ of the CSA is the bureau, under the authority of which two collèges function (one advisory, CAV) and one regulatory, CAC)</p> <p>Government has to approve the rules of procedure of CSA and organises the legal position of all members CSA</p>	<p>FR-media-act (133-150)</p> <p>FR-media-act (145)</p>
	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
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 Law for Radio and TV, last amended on 12.02.2010). It is a separate legal entity, with its own budget and is based in	Yes			Law for Radio and TV, http://lex.bg/laws/ldoc/2134447616

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
		Sofia (Art.21).				
Cyprus	Cyprus Radio-Television Authority	The Cyprus Radio-Television Authority is an independent regulatory body.	Yes			Act 7(I)/98 www.crtv.org.cy
Czech Republic	RRTV	Independent state office	Yes			Act No. 231/2001 Coll.
Denmark	RTB	Independent regulatory board	Yes			www.bibliotekogmedier.dk/english/radio-and-tv/
Estonia	Department of media and copyright and neighbouring rights	Part of Ministry	No	Ministry of Culture	State	www.kul.ee
	Estonian Public Broadcasting Council	PSB	No	Estonian Public Broadcasting	PSB	Estonian Public Broadcasting Act www.riigiteataja.ee/ert/act.jsp?id=12786086 English: www.kul.ee/index.php?path=0x296x323
Finland	FICORA	Agency	Legal entity, but under the management of the Ministry of Transport and Communications For more information see here: www.lvm.fi/web/en/40 (in English)	The Finnish Communications Regulatory Authority is an agency under the Ministry of Transport and Communications	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.	www.ficora.fi/en/index/viestintavirasto/esittely/historia.html (in English) www.ficora.fi/en/index/viestintavirasto/esittely/organisaatio.html (in English)

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	Autorité Administrative Indépendante (AAI): Independent Administrative Authority	Yes		<ul style="list-style-type: none"> Capacity to take autonomous decisions Responsible for all aspects of audiovisual communication in relation to content, authorizations, licenses and conventions Power to compel, require and sanction Members are independent and non revocable during their mandate Specific resources and funding Decisions can be contested within administrative law (Tribunal Administratif, Conseil d'Etat) 	Jurispedia http://fr.jurispedia.org/index.php/Autorit%C3%A9_administrative_ind%C3%A9pendante_%28fr%29
Germany	State Media Authorities	legal entities under public law (Anstalten des öffentlichen Rechts)	Yes		Regulation 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, 19.07.1999
	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		<p>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.</p> <p>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.</p> <p>One 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</p>	e.g. § 54 WDR-Gesetz; c.f. Art. 24 Abs. 1 BayRG
Greece	NCRTV	Independent authority	Yes			Art. 15 § 2, Constitution of Greece
Hungary	National Radio and Television Board	autonomy	Yes			Act I of 1996 on Radio and Television Broadcasting

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
	National Communications Authority (NHH/NCAH)	Government agency	Yes		central state administrative organ	Act LVII of 2006 on central state administrative organ
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
Italy	Agcom	Administrative independent authority	Yes			Law n. 249/1997 (Art. 1, co. 1) www.normattiva.it/dispatcher?task=attoCompleto&service=212&datagu=1997-07-31&redaz=097G0287&parControllo=si&connote=false&aggiorn=si&datavalidita=20100615 (in Italian)
Latvia	National Broadcasting Council	Independent legal entity	Yes			
Lithuania	LRTK	Independent public legal entity	Yes			PIP Art 47
Luxembourg	CNP	No specific form	No	Established as advisory body for the governmental dept. responsible for the media (SMC).	Depend on the government for administrative and budget questions, but is an independent body in its decisions and day-to-day work.	Confer for more details the country report.

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
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)
Poland	National Broadcasting Council (KRRiT)	Independent supreme state body charged with broadcasting matters	Yes		KRRiT is a state organ recognised in the Constitution of the Republic of Poland (Articles 213 – 215)	www.krrit.gov.pl
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 ERC Statute
Romania	CNA	CNA is autonomous public institution	Yes			www.cna.ro Romanian press

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 nationwide competences	Yes			§§ 4 and 13 Act No. 308/2000 as amended
Slovenia	APEK	Independent regulatory agency / Public Agency	Yes			ECA (Art. 115) www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upb1_unofficial_translation_english.pdf
	Broadcasting Council	Independent expert body	No	It has administrative support of APEK, its members are independent experts with employment outside the body.		www.srdf.si/en/about_the_council <i>Decision by the Parliament on the establishment is available here:</i> www.uradni-list.si/1/objava.jsp?urlid=200162&stevilka=3262
	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	Ministry of Culture		www.mk.gov.si/en/about_the_ministry/bodies_under_the_responsibility_of_the_ministry/ <i>For relations between Inspectorate and the Ministry:</i> Public Administration Act (2002), Art. 23 www.uradni-list.si/1/objava.jsp?urlid=200252&stevilka=2526

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
			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.)			
Spain	CEMA	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
	CMT	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 5th July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
	CAA	Public Entity	Yes			Art. 1.2. Law 1/2004 of 17th December 2004 "Creación del Consejo Audiovisual de Andalucía" .

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
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Authority – Regulator under the Ministry of Culture, exercising the laws decided by the Parliament.	Yes		The Act with Instructions for The Broadcasting Commission (2007:1183) Ministry cannot intervene in the application of law by the regulatory authority, nor the manner in which it deals with individual cases.	
	The Swedish Radio and TV Authority	Authority - Regulator under the Ministry of Culture, exercising the laws decided by the Parliament.	Yes		How Sweden is governed, http://www.regeringen.se/content/1/c6/09/50/17/89224f37.pdf and The 1974 Instrument of Government 11:7	
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	www.ofcom.org.uk/about/accoun/role/
	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	www.asa.org.uk
	The Association for Television on Demand (ATVOD)		Yes		Self-regulatory body, appointed by OFCOM under AVMS	www.atvod.co.uk

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
	BBC Trust		No	The Trust is a sovereign body within the BBC		BBC Royal Charter
Candidate countries						
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 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html)
Former Yugoslav Republic of Macedonia	Broadcasting Council	Independent legal entity established with the Law (with specific public competencies stipulated in the Law, funded by independent financial sources and independent from the legislative and executive power).	Yes			Law on Broadcasting Activity
Turkey	RTÜK	It is a statutory body established by law	Yes		The Law states that “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”.	Law No. 3984 (Article 5)

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
Potential candidate countries						
Albania	KKRT	Separate authority	Yes		The organization structure and the total number of employees are approved by Parliament.	www.kkrt.gov.al Law 8410 Law 9584 www.parlament.al
Bosnia and Herzegovina	Communications Regulatory Agency	The Communication Law states that the Agency is functionally independent and non-profit making institution with the status of a legal person (Article 36).	Yes.			The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03)
Montenegro	Broadcasting Agency of Montenegro	A separate legal entity (independent regulatory authority)	Yes			The Broadcasting Law (Article 5)
Serbia	Republic Broadcasting Agency	Independent Legal entity (Art. 6 Broadcasting Law: "The Agency is an autonomous legal person and is functionally independent of any state	√	n/a	no	Broadcasting Law

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
		Body")				
Kosovo	IMC	Independent Media Regulator	Yes		Independent state institution	www.imc-ko.org/index.php?id=19&l=e
EFTA countries						
Iceland	Broadcast Licensing Committee	Independent supervising and administrative authority	Yes		None	The Broadcasting Act (2000)
Liechtenstein	Media commission	Commission	Partly	The members of the commission are elected by parliament [Landtag] for a 4-year-period. The administration of the media commission is covered by of the public administration (Press- and Information Office).	7 members of the media commission including president, vice-president and 2 substitutes. It is not a professional body. The media commission meets about 6 to 8 times per year to take its decisions.	Media Law [Mediengesetz (MedienG) vom 19. Oktober 2005, LGBl. 2005 Nr. 250] Law on the Promotion of Media [Medienförderungsgesetz (MFG) vom 21. September 2006, LGBl. 2006 Nr. 223]
Norway	The Media Authority	Directorate	Yes, but it is subordinate to a ministry (Ministry of Culture), which can reverse its decisions. In cases regarding media ownership concentration, the decisions cannot	Ministry of Culture		

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
			be changed by the Ministry, but a special Complaints Board handles complaints.			
	Norwegian Post and Telecommunications Authority (NPT)	Directorate	Yes, but it is subordinate to a ministry (Ministry of Transportation and Communications), which can reverse its decisions.	Ministry of Transportation and Communications		
Switzerland	Ofcom	Federal Office	No	Swiss Confederation		-
	ICA	Quasi-judicial authority		It is part of the Swiss Confederation (extraparliamentary commission). Although it represents a federal authority, it is not bound in its area of responsibility by any directives from the Federal Assembly, the Federal Council and the Federal Administration. This authority reports to the General Secretary of		Art. 84 and 85 par. 1 RTVA

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
				federal Department of the Environment, Transport, Energy and Communications for administrative and financial purposes only.		
Selected third countries						
Australia	Australian Communications and Media Authority	It is a statutory authority, a corporation which exists as a separate entity under the Act of the federal parliament which established it. It operates under a variety of controls by the executive government.	In formal terms, it is a separate entity, in the sense of being a legal person capable of suing, owning property etc. However, it is legally enmeshed with many organs of the executive government. For example, most of its operations are subject to the same control as if it were a department of the federal government, or a branch of a federal department. This affects staffing, budget, and most areas, apart from			The Australian Communications and Media Authority Act and particularly the Broadcasting Services Act set out various powers of the 'Minister' over the ACMA, or reserve major decisions for 'the Minister'. 'The Minister' is the standard term not only for the relevant minister in the executive government but it also embraces the relevant government department, and the general apparatus of executive government. Many other federal statutes subject the ACMA to the same control as departments and agencies of the executive government.

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
			decisions directly affecting the content of programs.			
USA	Federal Communications Commission (FCC)	Independent government agency Note: in US terminology, an agency is considered "independent" because it is not within a higher-level cabinet department (such as Department of Commerce, Department of Defense, etc.). The agency is "independent" because it operates under its own statute, and this term refers more to the functional and structural characteristics of the agency. The independent agency is still	No	Within Executive Branch of US Federal Government	Seven bureaus dedicated to particular subject areas; ten offices dedicated to particular administrative requirements	www.fcc.gov/aboutus.html

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
		overseen by the federal government. For the FCC, the President appoints Commissioners, while the US court system and the US legislature have oversight of agency decisions.				
Japan	Part of legal entity	Particular bureaus in a ministry	No	the Ministry of Internal Affairs and Communications		www.soumu.go.jp/english/index.html www.soumu.go.jp/
Singapore	Media Development Authority	It is a separate legal entity set up under law. It is called a statutory board. It reports ultimately directly to the government minister in charge of media.	Yes			Media Development Authority Act; 2009 Annual Report
	Advertising Standards Authority of Singapore	It is an association of associations set up as an	No	The Consumers Association of Singapore (CASE)	It is an association of media associations; enforcement is through the media associations, with the fallback of CASE, and most recently the Consumer Protection (Fair Trading) Act legislation	www.case.org.sg/asas

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
		advisory body to the Consumers Association of Singapore.				

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	Federal Communications Board (BKS)		Yes (since 2001) In general, the Austrian Federal Constitutional Law (Bundes-Verfassungsgesetz, B-VG) allows independent regulatory bodies only under exceptional circumstances (see Art. 20 B-VG). By law, functionaries may be dispensed from being bound by instructions of their superior functionaries —for example— ‘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’ (Art. 20 (2) 3 B-VG). BKS is set up as such an independent panel.	Art 20 B-VG Art 133 Z 4 B-VG
	KommAustria		Yes (since 2010) By law, functionaries may be dispensed from being bound by instructions of their superior functionaries ‘for supervision and regulation of electronic media and the promotion of the media’ (Art. 20 (2) 5a B-VG). KommAustria is in charge of these functions in the electronic media domain	Art 20 B-VG (as amended by BGBl. I 50/2010)
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
Bulgaria	CEM		√	Law for Radio and TV, Art.20 claiming explicitly that CEM is an independent body.
Cyprus	Cyprus Radio-Television Authority		√	Legislation: s.3 of the Radio and Television Stations Law of 1998
Czech Republic	RRTV		√	Act No.231/2001
Denmark	RTB		Yes (§ 11 in The Order of Business of the RTB. ('Bekendtgørelse om forretningsorden for Radio-og tv-nævnet' – 28.01. 2010.)	

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Estonia	Public Broadcasting Council	√		Estonian Public Broadcasting Act www.riigiteataja.ee/ert/act.jsp?id=12786086 English: www.kul.ee/index.php?path=0x296x323
	Ministry of Culture	√		
Finland	FICORA		Implicitly recognised. 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.	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009 In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447
France	CSA		<ul style="list-style-type: none"> At the heart of the law establishing the first regulation body in 1982 and at the centre of the discussion regarding audiovisual regulation since Various items in the 1986 law to ensure independence of the institution and its members. Appointment procedures (see Article 4) and relative lack of means of investigation and research still makes it an issue 	<u>Law 86-1067</u> Articles 3-1, 4, 5, 7, 8 and 9
Germany	Public Service Broadcaster, State Media Authorities		√ 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. § 38 sec. 1 NMedienG § 40 Abs. 7 S. 2 LMG Rh-Pf § 95 Abs. 1 S. 2 LMG NRW § 40 Abs. 2 S. 1 MedienG LSA § 44 Abs. 2 ThürLMG § 34 Abs. 3 LMedienG B-W § 54 Abs. 2 RundfG M-V Art. 13 Abs. 2 BayMG § 28 Abs. 4 SMG § 9 Abs. 2MStV	Art. 5 (1) S. 2 of the Constitution (GG)

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
			§ 48 Abs. 2 HPRG; § 49 Abs. 6 S. 2 HPRG § 27 Abs. 2; § 29 Abs. 7 SächsPRG § 45 Abs. 2 BremLMG § 44 Abs. 2 Medienstaatsvertrag HSH	
Greece	NCRTV		Yes	Constitution Art.101A
Hungary	National Radio and Television Board (ORTT)		√ "The Board is an independent legal entity under the supervision of Parliament"	Act I of 1996 on Radio and Television Broadcasting
	National Communications Authority (NHH/NCAH)		√, The Authority is governed by the Government and supervised by the Minister. The Authority is a central budgetary agency of independent management, and shall cover its expenses, related to the performance of its functions, from its own revenues.	Act C of 2003 on Electronic Communications
Ireland	Broadcasting Authority of Ireland		√	Broadcasting Act 2009, Part 2, Section 24
Italy			√ The law provides measures to assure the independence of the Authority. Legislation setting up Agcom states that Agcom operates in full autonomy and with independence of judgment and evaluation.	Law n. 249/1997 www.normattiva.it//dispatcher?task=attoCompleto&service=212&datagu=1997-07-31&redaz=097G0287&parControllo=si&connote=false&aggiorn=si&datavalidita=20100615 (in Italian) Law n. 481/1995 www.normattiva.it//dispatcher?task=attoCompleto&service=212&datagu=1995-11-18&redaz=095G0522&parControllo=si&connote=false&aggiorn=si&datavalidita=20100615 (in Italian)
Latvia	National Broadcasting Council		√	Constitutional Court judgement of 16.10.2006 in Case No. 2006-05-01
Lithuania	LRTK		√	PIP Article 47 establishes that LRTK is an independent institution
Luxembourg	CNP		√ The CNP takes its decisions independently of the government but depends on the governmental budget and administration.	Art. 31(1) Loi 1991

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		√	Constitution articles 118 and 119
Netherlands	CvdM		√	Media Act 2008
Poland	National Broadcasting Council (KRRiT)	√ 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		The Constitution of the Republic of Poland adopted on 2 April, 1997, Official Gazette No 78, item 483, 1997, Articles 213 – 215; 1992 Broadcasting Act, Article 7.
Portugal	ERC		√ 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. 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. 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.	Constitution of the Portuguese Republic, Art. 39º (Media Regulation) www.gmcs.pt/index.php?op=fs&cid=126&lang=pt Law Nr. 53/2005 (8 November), which creates ERC (Regulatory Entity for the Media). http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Romania	CNA		✓ Implicitly: Members of the Council are assigned by the Parliament. They are not allowed to be members of a political party. 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. The Council submit to the Parliament the Year Report Explicitly: Ch.2 art. 6 The members of the Council are the warrantors of the public interest and do not represent the authority that proposed them.	The Audiovisual Law
Slovakia	Council for Broadcasting and Retransmission		✓ <ul style="list-style-type: none"> • Legal status: The Status of the Council explicitly mentions in its article 3 that the Council is “independent organ”, but it as well as the Act also defines the Council as “nation-wide organ of state administration” • Mission: “The objective of a Council shall be to enforce the interests of the public in...” • Financial independence: The Council works with its own budget according to special regulation and its activity is refunded from the state budget. 	§§ 4, 7, 12 Act No. 308/2000 as amended The Status of the Council
Slovenia	APEK		✓	Electronic Communications Act (art. 117) www.apek.si/si/datoteke/File/2007/osebna%20izkaznica/electronic_communications_act_official_consolidated_version_zekom-upb1_unofficial_translation_english.pdf
	Broadcasting Council		✓	Mass Media Act (2006), art. 100 www.srdf.si/en/about_the_council
	Ministry of Culture (Inspectorate for Culture and Media)		✓	Inspections Act (2002), art. 4 (available in English at: www.ip-rs.si/index.php?id=326)

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Spain	CEMA		√	Law 7/2010 of 31st March 2010 . Preamble and Chapter 3.
	CMT		√	Preamble and Article 3. Royal Decree 1994/1996, of the 6th of September
	CAC		√	Preamble and Art. 1.1. Catalan Audiovisual Council Law 2/2000 of 4th May
	CoAN		√	Preamble IV.6 and Arts. 20, 21, 23.7 and 31 Foral Law 18/2001 of 5th July, "Regulation of audiovisual activity in Navarra and creation of Navarra Audiovisual Council"
	CAA		√	Preamble and Art. 1.1. Law 1/2004 of 17th December 2004 "Creación del Consejo Audiovisual de Andalucía" .
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)		√	The 1974 Instrument of Government 11:7 Radio & TV Law (1996 : 844) ; Swedish Constitution
	Swedish Radio and TV Authority		√	The Administrative Procedural Act www.sweden.gov.se/sb/d/5805/a/64892 and The 1974 Instrument of Government 11:7
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. www.ofcom.org.uk/about/csg/ocb/codeofconduct/	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". www.ofcom.org.uk/consult/condocs/reg_broad_ad/update/mou	Communications Act 2003

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
	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. www.ofcom.org.uk/tv/ifi/vod/designation180310.pdf www.ofcom.org.uk/consult/condocs/vod/statement/	The Audiovisual Media Services Regulations (SI 2009/2979)
Candidate countries				
Croatia	Agency for electronic media		√	Zakon o elektroničkim medijima (Law on electronic media, Official Gazette 153/09 http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html
Former Yugoslav Republic of Macedonia	Broadcasting Council		√ It is explicitly emphasized that the Broadcasting Council is an independent non-profit regulatory body, with public competences and authority in the field of broadcasting activity (Art.21). It has all competencies in the Law as defined in the CE Rec. 2000(23) The manner of nomination 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.	Law on Broadcasting Activity
Turkey	RTÜK		√ Article 5 of the Law states that “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”	Law No. 3984 (Article 5)
Potential candidate countries				
Albania	KKRT	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		Law 8410, as amended by law 9677, dated 13.01. 2007, law 9531, dated 11.05.2006

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
		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.		
Bosnia and Herzegovina	Communications Regulatory Agency		√. Article 36:3 of the Law on Communications states: "Neither the Council of Ministers, nor individual Ministers nor any other person shall in any way interfere in the decision-making of the Agency in individual cases."	The Law on Communications of Bosnia and Herzegovina, Official Gazette no 31/03)
Montenegro	Broadcasting Agency of Montenegro		√	The Broadcasting Law (Articles 2, 5)
Serbia	Republic Broadcasting Agency		√ Art 6, Broadcasting Law reads: (*translation from www.rra.org.rs/files/1219931533broadcasting-law.pdf) "The Republican Broadcasting Agency (hereinafter Agency) is established as an autonomous i.e. independent organisation exercising public competencies pursuant to this Law and regulations passed on the basis of this Law to secure conditions for the efficient implementation and improvement of the set broadcasting policy in the Republic of Serbia in a manner befitting a democratic society. The Agency is an autonomous legal person and is functionally independent of any state body, as well as of all organisations and persons involved in the production and broadcasting of radio and television programmes and/or related activities."	Broadcasting Law (Art 6)
Kosovo	IMC		√ The IMC is a body that is independent of any political influence, of whatever type it may be, in order to take over its responsibilities and functions determined by this Law.	The Law on IMC www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
EFTA countries				
Iceland	Broadcast Licensing Committee		√*	The Broadcasting Act (2000)
	* 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).			
Liechtenstein	Media commission		<p>√</p> <p>Regulations by the Law on Liechtenstein Broadcasting [Gesetz vom 23. Oktober 2003 über den "Liechtensteinischen Rundfunk" (LRFG), LGBl. 2003 Nr. 229]</p> <p>Art. 21 Abs. 4 lit. E declares incompatibility of being member of the media commission (Medienkommission) and the administrative council (Verwaltungsrat) of Liechtenstein Broadcasting (Liechtensteiner Rundfunk) at the same time.</p> <p>Art. 26 Abs. 1 lit. D declares incompatibility of being member of the media commission (Medienkommission) and the executive board (Geschäftsleitung) respectively holding a leading position (leitende Angestellte) of Liechtenstein Broadcasting (Liechtensteiner Rundfunk) at the same time.</p> <p>Art. 29 Abs. 5 lit. E declares incompatibility of being member of the media commission (Medienkommission) and public council (Publikumsrat) of Liechtenstein Broadcasting (Liechtensteiner Rundfunk) at the same time.</p> <p>Regulations by Media Law [Mediengesetz (MedienG) vom 19. Oktober 2005, LGBl. 2005 Nr. 250]</p> <p>Art. 83 Abs. 2 demands for independence of the members of the media commission.</p> <p>Art. 83 Abs. 2 declares incompatibility of being member of the media commission and at the same time</p> <ul style="list-style-type: none"> • member of the parliament 	<p>Laws:</p> <p>Law on Liechtenstein Broadcasting [Gesetz vom 23. Oktober 2003 über den "Liechtensteinischen Rundfunk" (LRFG), LGBl. 2003 Nr. 229]</p> <p>Media Law [Mediengesetz (MedienG) vom 19. Oktober 2005, LGBl. 2005 Nr. 250]</p>

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
			<ul style="list-style-type: none"> • member of the government • head of a municipality • leading employee of the administration • in a special relationship to the media commission (employee of the commission, private media enterprise etc.) • in a leading position in a political party • having already been member of the media commission for eight years. 	
Norway	The Media Authority		<p>1) In general: Independence is important when it comes to the relationship between the state and the media. But it is also a part of the Norwegian parliamentary system that a minister has the final responsibility for decisions made by administrative bodies.</p> <p>2) The Authority states in its home pages that it is in favour of more independence in the broadcasting area.</p> <p>3) The legislation (media ownership law) prohibits the Ministry and the Government to interfere in decision regarding media ownership concentration.</p>	2) www.medietilsynet.no/no/Om-Medietilsynet/Om-Medietilsynet-test/Medietilsynet-gar-for-okt-uavhengighet/
Switzerland	Federal Office of Communications	√		
	Independent Complaints Authority for Radio and Television		<p>√</p> <p>According to Art 93 (5) of the Federal Constitution "programme complaints can be presented to an <u>independent</u> complaints authority". There is a constitutional protection of the independent status of the Independent Complaints Authority for Radio and Television.</p> <p>According to Art 84 RTVA the Complaints Authority is independent and is not bound by any directives from the Federal Assembly, the Federal Council and the federal administration.</p>	Federal Constitution*
<p>*See: Art 93 (5) der Bundesverfassung der Schweizerischen Eidgenossenschaft vom 18. April 1999 (BV) / Constitution fédérale de la Confédération suisse du 18 avril 1999 / Costituzione federale della Confederazione Svizzera del 18 aprile 1999 (Cost.). SR 101. Unofficial English version: www.admin.ch/ch/e/rs/1/101.en.pdf.</p>				

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Selected third countries				
Australia	Australian Communications and Media Authority	<p>√</p> <p>The main reference to independence in the legislative scheme is in s 15 of the ACMA act, which restricts the general power of the Minister (the elected government) in relation to 'broadcasting, content and datacasting functions'. However, that does not affect the large number of items on which the Minister may give directions, instructions or other forms of guidance, described by various names in the Act to the ACMA under the Broadcasting Services Act. The Australian Broadcasting Tribunal, as successor version of the ACMA, was established with an express purpose to ensure that decisions about broadcasting were independent, but that policy has been mentioned infrequently in policy documents since that tribunal was replaced by a different kind of body, the Australian Broadcasting Authority (which then merged into the ACMA). It is often portrayed as an agency of the executive government, or even of the federal department of communications. Official references to the ACMA as an independent body are rare.</p>		The ACMA Act and the Broadcasting Services Act.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
USA	Federal Communications Commission (FCC)		√ Note: Explicitly recognized, but see the explanation of the US definition of the term "independent" in Table 7 above. In the US the term is a functional and structural distinction only. See also Pierce, Richard; Shapiro, Sidney A.; Verkuil, Paul, <i>Administrative Law and Process</i> , Foundation Press (5th ed., 2009).	"Independent agency" defined by US Supreme Court in <i>Humphrey's Executor v. United States</i> (1935)
Japan	MIC	√		
Singapore	Media Development Authority	√		Media Development Authority Act; the Minister has overriding powers.
	Advertising Standards Authority of Singapore		√	Singapore Code of Advertising Practice