

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
Procedural legitimacy
(Tables 36–39)

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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: www.rtr.at/en/komp/Studien)
	<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>					
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	Management board decides about necessity	Yes	N/A	Yes, also in preparing regulatory decisions

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?
		request for external advice				
	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
Bulgaria	CEM	No	No	Yes. As an Institution using public budget CEM is obliged to follow all procedures valid for the public institutions.	-	No
Cyprus	Cyprus Radio-Television Authority	Yes	Not specified	Not specified in the law, but administrative bodies may employ outside persons without undertaking a public tender, if a certain budget is not exceeded	-	No
Czech Republic	RRTV	No information available	No information available	Yes	-	Yes
Denmark	The Radio And Television Board	No	N/A	Yes Not for advice in legal matters, though	-	Legal advice in relation with license tenders
Estonia	Ministry of Culture	No	N/A		-	-

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 The Act on Public Contracts 348/2007 www.finlex.fi/fi/laki/kaannokset/2007/en20070348.pdf (in English) www.finlex.fi/fi/laki/ajantasa/2007/20070348 (in Finnish)	-	Yes
France	CSA	Yes	Not disclosed	Yes	No	Yes
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
	Rbb	No concrete budget foreseen, council decides	Depending on needs of council	Yes (above certain amounts of money)		Yes

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
Hungary	National Radio and Television Board (ORTT)	No	N/A	Yes	The office may employ external experts by way of contract	Yes
Ireland	Broadcasting Authority of Ireland	No	-	Yes		The BAI took external advice from PwC in relation to the methodology for the broadcasting levy.
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)
Latvia	National Broadcasting Council	No	-	Yes	-	Yes, if the situation calls for particular expertise and if funds are available.
Lithuania	LRTK	No		Yes	No	No information available
Luxembourg	CNP	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.		Yes
Malta	Broadcasting Authority	Yes	€582,356 minimum from Consolidated Fund/One year [Cap.350, Art.24] One year	Yes	Budget approved by the Prime Minister after consultation with the Minister responsible for finance.	Yes
Netherlands	CvdM	Yes	Approx. €250,000/year	Yes	-	Yes
Poland	National	Yes	€25,000 /draft	Yes, if the service costs more than €14,000	-	Yes, it does. Especially as

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	Broadcasting Council		budget 2009	(standard for all public administration bodies)		regards concrete fields of action, such as media literacy, etc.
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.
Romania	CNA	No	N/A	Yes	-	No information available
Slovakia	Council for Broadcasting and Retransmission	No	N/A	Yes	-	No information available
Slovenia	APEK	Yes	No information available	Yes	-	Few times per year
	Ministry of Culture	Yes	No information available	Yes	-	N/A
	Ministry of Culture-Inspectorate for Culture and Media	Yes	No information available	Yes	It is possible for inspections to engage an expert („izvedenec“) (General Administrative Procedure Act, Art. 189)	Exceptionally. Media Inspector took the external advise (hired an external expert) once in the period from 2004-2009.
Spain	CEMA	N/A	N/A	N/A	N/A	N/A
	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 2010	Yes, if the procedure exceeds more than €30,000.	Agreement of the CAC's Board	Yes
	CAA	Yes	€763,300 for 2010	Yes, if the procedure exceeds more than €30,000.	Agreement of the CAA's Board	Yes
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	No. Budget for external advice decided by authority		Yes		Yes, from the Radio- and TV-authority in certain questions.
	Swedish Radio &	No specific		Yes		In some cases

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?
	Television Authority	budget				
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	none	Yes
	ATVOD	Yes	Not specified	Yes	None	ATVOD is required to carry out research – this will inevitably be done in the form of outside advice
Candidate countries						
Croatia	Agency for electronic media	No	N/A	Yes	-	Yes
Former Yugoslav Republic of Macedonia	Broadcasting Council	No	N/A	Yes	There are no specific requirements stipulated in the Law.	No
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 a regulation. However, on the areas such as frequency allocations the body must respect public tender procedures.	-	No
Potential candidate countries						
Albania	KKRT	No	N/A	Yes	Law on the public procurements	The board can seek external advice in certain areas (e.g. for the drafting of national strategies and regulations. In these cases a special budget is allocated. For cases that do not require in depth technical research, KKRT

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?
						can hire more qualified expertise on a case by case basis. Only on certain aspects that require more qualified equipments or proven expertise from the relevant institutions.
Bosnia and Herzegovina	Communications Regulatory Agency	Specifically, no, but there is a possibility for this.	There were no cases up to now.	Yes	-	No
Montenegro	Broadcasting Agency of Montenegro	No, but possible if included in the financial plan	N/A	Yes	-	It takes external advice but not on regular basis.
Serbia	Republic Broadcasting Agency	Yes	Not transparent	Yes	-	Yes
Kosovo	IMC	No	This is ensured through technical assistance provided to IMC by the international organizations that work with media and the regulator.	Yes	-	Yes. OSCE Advisor works with the IMC.
EFTA countries						
Iceland	Broadcast Licensing Committee	No		Yes, if expected costs are above ISK 5m (€31,284)	The Committee may, at its discretion, summon experts to provide advice and assistance as needed' (The Broadcasting Act, 2000, Art. 6, Para 2). Source: laws on contracts by Public authorities, Lög um opinber innkaup,	No

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?
					2007Art. 20, Para, 1; English Translation is not available.	
Liechtenstein	Media commission	No specific budget foreseen	N/A	In principle, yes	-	No, but it would be possible.
Norway	The Media Authority	The authority has some freedom in its budget setting. Only major changes need to be approved by the ministry.	Not specified	Not for the small sums that are most likely	-	It seems that this does not happen in the broadcasting sector.
	The Ministry	Yes	not specified	for some consultancy tasks, but it is more likely that the Ministry appoints a group of persons (involved parties or experts) to produce a report (called NOU)	-	No information
Switzerland	Ofcom	Yes	Information not available	If the amount exceeds CHF 50,000 (€37,463): Yes	-	Yes
	ICA	No	N/A	N/A	DETEC General Secretariat has an extra budget foreseen for outside advices	No
Selected third countries						
Australia	ACMA	Yes, in so far as the ACMA has a wide discretion as to how to expend its budget and will customarily spend some of it on expert external	No specific budget is allocated for this purpose. Such sums come from the ACMA's general appropriation.	Yes	Rules about conflict of interest must be observed.	Yes, frequently.

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?
		advice				
USA	Federal Communications Commission	No	N/A	N/A	-	Citizens and journalists often suspect that advice is taken from private industry, but this is difficult to prove.
Japan	MIC	Yes (MOF)	April 1 – March 31	Yes	Ex-ante and ex-post impact assessments	The Radio Regulatory Council The Telecommunications Business Dispute Settlement Commission The Telecommunication Council Experts' advice required in Policy Evaluation Members include external experts.
Singapore	Media Development Authority	Yes	S\$1.5m (FY10) (€0.85m)	Yes	-	Yes
	Advertising Standards Authority of Singapore	No	N/A	N/A	-	No. ASAS receives inputs from agencies and bodies according to the need of the case. All relevant external bodies are therefore included for regular consultation. External specialised agencies may be consulted as a case may require so, but not on a 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	
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)
		public value test	Federal Competition Authority, advisory board concerning questions of journalism	6 weeks	-	-	§ 6a ORF-G
Belgium	BE-VL: VRM (chambers)	Market definition and analysis and imposing obligations on network operators <i>Note:</i> 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	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	
Bulgaria	CEM	Not specified There is no legal requirement obliging CEM to participate in consultations.	Not specified	Not specified			Not specified
Cyprus	Cyprus Radio-Television Authority	N/A The law does not include any provisions on direct public	The law provides that the authority may establish a Radio and Television Consultative	Not specified in the law	No		Section 11, Radio and Television Law, 7(I)/98

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	
		consultation 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.	Committee in order to advise on the exercise of its competence.				
Czech Republic	RRTV	No	<i>Note: from time to time the self-regulatory body of advertisers is consulted, but is not a duty.</i>				
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)
Estonia	Ministry of Culture	No	No	No	No	No	No
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
France	CSA	<ul style="list-style-type: none"> Use of spectrum allocated to audiovisual services Plan for switch off of analogue frequencies and transition to digital broadcasting 	No	No formal prescription but generally three months	Yes	Yes	Law 86-1067 Article 31

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
	Rbb	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
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: research of the consortium) According to NCRTV, a public consultation was organised in relation to the last NCRTV	<ul style="list-style-type: none"> Federation of the Greek Editors Unions Greek Advertisers Association Hellenic Advertising Agencies Association ERT S.A. (state radio & television company) 	Not defined	Not required	Not required	Art. 3 § 15 Law 2328/1995, art. 4 § 3 Law 2863/2000

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					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		code that was ratified by a presidential decree in 2003 (code on information programmes, P.D. 77/2003).	<ul style="list-style-type: none"> The private television stations The two most representative Unions of the local radio stations 				
Hungary	National Radio and Television Board (ORTT)	ORTT Decisions on frequency allocation	ORTT Public	2 consultations are held during the tendering procedure		Yes	Act I of 1996 on radio and television broadcasting
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		
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 www2.agcom.it/provv/D278_99.htm (in Italian)
Latvia	National Broadcasting Council	Defining service remit of PSBs	Listeners & viewers	Not specified	Not specified	Not specified	Radio and TV law
Lithuania	LRTK	None					No such requirement, but in its annual Report the LRTK

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	
							admits it has consulted stakeholders
Luxembourg	SMC / CNP	No public consultation, but requirement to hear the broadcaster before decision is taken.					Art. 35 (1), (2) and (2bis) Loi 1991
Malta	Broadcasting Authority	None	None	None			
Netherlands	CvdM	None	Not specified in law	Not specified in law	In practice, the CvdM does carry out public consultations		/
Poland	National Broadcasting Council	There is no legal obligation to held public consultations but KRRiT does hold some according to 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.	No	Not specified but usually 30 days with extended period possible	Not specified but the regulator does publish responses	Same as previous column	KRRiT's own rules
Portugal	ERC	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. Regulations (prior public consultation is mandatory) Directives (prior public consultation is optional)	Any interested party may give opinion.	30 days	Not specified (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. www.erc.pt/documentos/Deliberacao1LICTV2010canexosv2.pdf)	Not specified but in practice yes	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. 100 ^o e 101 ^o . Article 62 of ERC' Statutes.

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					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Romania	CNA	Regulating decisions (secondary legislation)	Information not available	30 days		Yes	Transparency Legislation
Slovakia	Council for Broadcasting and Retransmission	List of important events	<ul style="list-style-type: none"> Ministry of Culture Ministry of Education European Commission rightholders broadcasters 	Nothing specified	Nothing specified	Nothing specified	§ 5, Act 308/2000
		Frequency utilisation	<ul style="list-style-type: none"> Telecommunication Authority 		Yes, online		§ 5, Act 308/2000
		Television broadcast of foreign origin	<ul style="list-style-type: none"> European Commission Another Member State Ministry of Culture 		No		§ 5a, Act 308/2000
Slovenia	APEK	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.	Statutes
	Ministry of Culture	Adoption of new media regulation	Interested public in its broad sense (industry, association of journalists, academics, civil society etc.)	30-60 days after publishing of draft regulation on the web site of the ministry	No	No	Rules of procedures of the Government of the Republic of Slovenia, amended on 19 April 2010, Art. 9 (Participation of the public)
Spain	CEMA	Not defined explicitly	The Consultative	The	Not defined	Not defined	Law 7/2010 of 31st March

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	
			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.	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.			2010, Art. 51.3
	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	
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	None required, most often in conjunction with strategy or policy.	No		Yes		
	Swedish Radio & Television Authority	Not regulated	No requirements		Same	Same	
UK	OfCOM	Legally, Ofcom is required to publish Impact Assessments in relation to any proposals	Any persons affected. In relation to some issues, there are	Typically 12 weeks (minimum 4	Yes	Yes	Communications Act 2003

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					Full responses (if authorised by contributor)	Summaries prepared by regulator	
		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	obligations to consult specified parties	weeks)			
Candidate countries							
Croatia	Agency for electronic media	No decisions require prior consultation					
Former Yugoslav Republic of Macedonia	Broadcasting Council	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	All relevant stakeholders, ministries, academics, non-governmental organizations	Not defined in the law	Not defined in the law	Not defined in the law	Law on Broadcasting Activity Articles 22, 33, 35, 46.
Turkey	RTÜK	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.	Broadcasters	Varies on the topic		Yes	Voluntary basis
Potential candidate countries							
Albania	KKRT	National strategies for broadcasting Licence withdrawal, or modifications	Licensed operators; Consumer groups and, Academic community	Not defined by law	Not defined by law	Not defined by law	Law 8410 Code of Administrative Procedures
Bosnia and Herzegovina	Communications Regulatory	All codes and rules on broadcasting and	Yes. Regulated industry, government	Not less than 14 days	No	No	Article 38 of the Law on Communications Official

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					Full responses (if authorised by contributor)	Summaries prepared by regulator	
	Agency	telecommunications provided for in the Law on Communications	and all relevant institutions depending on the area covered by the rules, as well as wider public				Gazette no 31/03. Rules of public consultation in preparation of legal acts of the Council of Ministers of BiH www.ads.gov.ba/v2/index.php?option=com_content&view=article&id=98%3Apravila-za-konsultacije-u-izradi-pravnih-propisa&catid=40%3Aother-documents&Itemid=92&lang=bs
Montenegro	Broadcasting Agency of Montenegro	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 30 days. If more complex document is concerned than several consultations might be ensured.	Not regulated Usually full responses (if authorised by contributor)		Broadcasting Law Best practice of the agency.
Serbia	Republic Broadcasting Agency	None	/	/			
Kosovo	IMC	Yes In general all new decisions, Rules and regulations are subject to public consultations	Public service broadcaster, association of commercial broadcasters, cable operators, media industry, chamber of commerce, faculties,	2 weeks	No	No	Law on IMC

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	
			NGO, international organizations, civil society, etc..				
EFTA countries							
Iceland	Broadcast Licensing Committee	None that are stated	No specifications of requirements mentioned	Not stated	Not required	Not required	The Broadcasting Act (2000)
Liechtenstein	Media commission	None					
Norway	The Media Authority	The laws usually specify at which level in the administrative system supplementary rules can be made. In many cases, the Media Authority has been delegated this task.	General requirement that foresees that all public and private institutions and affected organisations could be heard.	No general rule	In principle, this information is in the public domain (unless it contains trade secrets)		
	The Ministry	Major changes of laws	General requirement that foresees that all public and private institutions and affected organisations could be heard.	Variable	Yes		
Switzerland	Ofcom	All the projects that are of major political, financial, economic, ecological, social or cultural significance or if their enforcement will to a substantial extent be the responsibility of bodies outside the Federal Administration. Not individual decisions against broadcasters for instance.	Depends on the project; however, as the consultations are public everybody may submit an opinion.	Depends on the project; the general target is 3 months.	Yes (no authorisation required)	Yes	Federal Act on the Consultation Procedure
	ICA	None					

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	
Selected third countries							
Australia	Australian Communications and Media Authority	Imposition/variation of a program standard	'The public'. Stakeholders generally include broadcasters, consumer organisations, academics, and the general public.	Not mandated – generally at least 4 weeks	Yes	No – not generally, although summaries of key submissions may be published as part of a broader report on the issue being consulted (if such a report is published).	Broadcasting Services Act 1992, section 126.
		Imposition/variation/revocation of a licence condition	The affected licensee	Under the legislation, the ACMA must give the affected licensee a “reasonable opportunity to make representations to the ACMA in relation to the proposed action.”	No – not generally	No – not generally	Broadcasting Services Act 1992, section 43.
		Registration of a code of practice	'The public'.	Under the legislation, before registering a code of practice developed by industry, the ACMA must be satisfied that “members of the public have	No – not generally	No – not generally, consultation is conducted by the industry body that developed the code. The industry provides a summary of the consultation responses to the ACMA.	Broadcasting Services Act 1992, section 123(4).

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	
				been given an adequate opportunity to comment on the code".			
USA	Federal Communications Commission	All rulemaking (policy decisions) and some adjudication (dispute resolution)	Public must be informed of upcoming decision, and all interested parties are invited to provide comments which are collected by FCC.	(various, must be "sufficient" per US law)	Yes At www.fcc.gov/ and the <i>Federal Register</i> (print version and at www.gpoaccess.gov/fr/index.html).	Yes At www.fcc.gov/ and the <i>Federal Register</i> (print version and at www.gpoaccess.gov/fr/index.html).	Administrative Procedure Act of 1946, internal FCC regulations
Japan	MIC	Administrative Orders, etc; -Orders established pursuant to Acts and rules, -Review Standards, -Disposition Standards, -Administrative Guidance Art 2-8, APA	The public (all parties)	Over 30 days	Yes	Yes	The Administrative Procedure Act
Singapore	Media Development Authority	Because most of the decisions turn on judgment calls, the MDA has a cluster of 10 advisory committees on all types of media. www.mda.gov.sg/Public/Consultation/Pages/ConsultationwithCommittees.aspx	The relevant advisory committee must be consulted before "judgment-call" decisions are taken.	Typically a few weeks to a month for a quick turnaround because typically business is affected.	No	Yes The response is given by the regulator.	N/A These are internal guidelines developed by the MDA.
		For industry-sensitive decisions, it is the industry that is consulted.	Relevant industry players	Typically a few weeks to a few months	No	Yes but typically these are close-door decisions.	
		For major public policy decisions, such as the standards in censorship, a Censorship Review Committee is convened every 10 years. The CRC does its	Public inputs are sought for standards setting.	Up to 1 year	Yes The CRC must publish a full report.	No	

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	
		own survey to assess public opinion.					
	Advertising Standards Authority of Singapore	Only in the setting of new provisions of regulations.	Industry players	2 to 3 months	No	The final decisions will incorporate the inputs but there is not report summarising the inputs.	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
Austria	KommAustria	2009	1
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	2009	0
2008		1 (broadcasting transmission)	
2005-2007		0	

Country	Body	Year	Number of public consultations
Bulgaria	CEM	2009	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)
		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
Cyprus	Cyprus Radio-Television Authority	2005-2009	0
Czech Republic	RRTV		0
Denmark	The Radio And Television Board	2005-2009	No information available (annual reports have not been published since 2007).
Estonia	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
		2008	In 2008 Ministry of Culture had consultations with representatives of research company to carry out monitoring over broadcasters in more efficient way to ensure compliance with requirements of AVMSD.
		2007	In drafting process of AVMSD the main stakeholders and media experts were involved
		2006	In drafting process of AVMSD the main stakeholders and media experts were involved
		2005	In 2005 Ministry of Culture had consultation with representatives of Consumer Organisations regarding violence in media.
Finland	FICORA	2005-2009	0
France	CSA	2009	
		2008	1
		2007	4
		2006	1
		2005	4

Country	Body	Year	Number of public consultations
Germany	SMA	2009	All in all about 1-5; see www.alm.de
		2008	All in all about 1-5; see www.alm.de
		2007	All in all about 1-5; see www.alm.de
		2006	All in all about 1-5; see www.alm.de
		2005	All in all about 1-5; see www.alm.de
	BR	2005-2009	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	2005-2009	Same as above
MDR	2005-2009	Same as above	
rbb	2005-2009	Same as above	
Greece	NCRTV	2005-2009	None (source: research of the consortium) 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).
Hungary	National Radio and Television Commission	2009	11
		2008	1
		2007	14
		2006	13
		2005	21
Ireland	Broadcasting Authority of Ireland	2009	2
	Broadcasting Commission of Ireland	2008	0
		2007	1
		2006	2
		2005	Information unavailable
Italy	Agcom	2010	5 (VOD services, AVMS services on non-traditional networks, short extracts, list of events; European works)
		2009	1 Sports rights on emergent platforms www.agcom.it/default.aspx?message=viewdocument&DocID=3417 (in Italian)
		2008	2 European works www.agcom.it/default.aspx?message=viewdocument&DocID=2441 (in Italian) Secondary rights www.agcom.it/default.aspx?message=viewdocument&DocID=2444 (in Italian)

Country	Body	Year	Number of public consultations
Latvia	National Broadcasting Council	2009	1
Lithuania	LRTK	2008	The fact of holding consultations with market participants is mentioned in the LRTK's annual Report 2008, number of consultations is not specified. Note: LRTK's Annual Report on Activities in 2008, submitted to the Seimas in March, 2009, p. 12, available in Lithuanian at www.rtk.lt/lt/news2.php?strid=1007&id=33242 (accessed 7 April 2010)
Luxembourg	CNP	2005-2009	not applicable (see Table 37)
Malta	Broadcasting Authority	2009	1 - On Broadcast Distribution Services Regulation
		2008	3 On Media Concentration On Draft Broadcast Distribution Services Regulations and Cable Systems (General) (Amendment) Regulations, 2008 On General Interest Objectives
		2007	2 On list of Major Events On General Interest Objectives
Netherlands	CvdM	2009	Average 8
		2008	Average 8
		2007	Average 8
		2006	Average 8
		2005	Average 8
Poland	National Broadcasting Council	2009	0 But in 2010, KRRiT organised a conference about transposition of AVMSD rules.
		2008	1 (stakeholder consultation) 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 www.krrit.gov.pl/bip/Portals/0/komunikaty/Raport_z_konsultacji_dyrektywa2007_65_ec.pdf
		2007	0
		2006	1

Country	Body	Year	Number of public consultations
		2005	3
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)
Romania	CNA	2009	2
		2008	2
		2007	6
		2006	4
		2005	3
Slovakia	Council for Broadcasting and Retransmission	2005-2009	0
Slovenia	APEK	2009	1 / 15 (AV matters / all AV, EC + post matters)
		2008	3 / 11
		2007	6 / 22
		2006	3 / 6
	Ministry of Culture	2009	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.
Spain	CEMA	2005-2009	N/A
	CoAN	2009	4
		2008	4
		2007	3

Country	Body	Year	Number of public consultations
	CAC	2006	3
		2005	1
		2009	0
		2008	2
		2007	3
		2006	0
		2005	1
	CAA	2009	1
		2005-2008	0
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	-		
UK	OFCOM	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)
Candidate countries			
Croatia	Agency for electronic media	2005-2009	0
Former Yugoslav Republic of Macedonia	Broadcasting Council	2009	1. Rulebook on equitable access to media representation during electoral campaigns
		2008	1. Guidelines on media representation during electoral campaigns 2. Rulebook on imposing and executing the measures undertaken against broadcasters
		2007	1. Draft Strategy for Broadcasting activity 2. Rule Book on protection of minors from harmful contents 3. Rule Book on identification of sponsors in radio and TV programs 4. Rule Book on the manner of usage of the premium rate telephone services in the radio and TV programs

Country	Body	Year	Number of public consultations
		2006	<ol style="list-style-type: none"> 1. Decision on the list of major events 2. Rule Book on the technical requirements for mandatory recording, safekeeping and submission of broadcast program 3. Guidelines on the right to short reporting on events for which exclusive rights for reporting are acquired 4. Rule Book on implementation of provisions related to protection and nurturing of cultural identity 5. Rule Book on the formats of radio and television program services 6. Rule Book on European audio-visual works 7. Rule Book on the basic technical requirements, standards and parameters for the studio segment of broadcasters 8. Decision on radio and TV programs classification
		2005	The new Law on Broadcasting Activity was adopted in December 2005. There was a public consultation procedure in the course of the year.
Turkey	RTUK	2005-2009	None
Potential candidate countries			
Albania	KKRT	2009	1 (draft strategy on the digital transmission and digital switchover)
		2008	1 (draft strategy on the digital transmission and digital switchover)
		2005-2007	No information available
Bosnia and Herzegovina	Communications Regulatory Agency	2009	1 (consultations on revised Rule on licensing terrestrial broadcasting)
		2008	3 (consultations on the revised Broadcasting Code of Practice, Rule on Licences for Audiovisual Service Providers and Rule on distribution of audiovisual content)
		2006	1 (consultations on Advertising and Sponsorship Code)
Montenegro	Broadcasting Agency of Montenegro	2009	0
		2008	4
		2007	2
		2006	1
		2005	2
Serbia	Republic Broadcasting Agency	2005-2009	0
Kosovo	IMC	2009	9
		2008	7
		2007	4
		2006	2

Country	Body	Year	Number of public consultations
		2005	0
EFTA countries			
Iceland	Broadcast Licensing Committee	2005-2009	None
Liechtenstein	Media commission	2005-2009	No information available
Norway	The Media Authority		Formal consultations will usually be conducted by the Ministry.
	Ministry of Culture		1 – 4 per year involving questions related to the media
Switzerland	Ofcom	2009	6
		2008	3
		2007	4
		2006	1
		2005	No information available
	ICA	2005-2009	None
Selected third countries			
Australia	Australian Communications and Media Authority	2005-2009	No information available These happen occasionally, but nobody other than the Australian Communications and Media Authority would be able to supply numbers of consultations.
USA	Federal Communications Commission (FCC) Note: This process is known as “request for public comment” and is a regular feature of the regulatory process as required by US law.	2009	309
		2008	353
		2007	361
		2006	290
		2005	532
Japan	MIC	2009	3 (programmes, distribution: 3)
		2008	8 (programmes, distribution: 6 pluralism: 2)
		2007	5 (programmes, distribution: 3)

Country	Body	Year	Number of public consultations
			privacy: 2)
		2006	1 (pluralism: 1)
		2005	4 (privacy: 1 pluralism: 3)
Singapore	Media Development Authority	2009	≈ 52
		2008	≈ 50
		2007	≈ 54
		2006	≈ 51
		2005	≈ 50
	<p>The MDA has 10 consultative committees. These hold anywhere from 1 to 4 meetings (and sometimes more if there is a particular project) a year. Sometimes, it is a group within the committee that decides on whether the content is objectionable. Therefore, it is not possible to count the number of consultations.</p> <p>Since 2007, there have been 3 major public consultation efforts: Mobile tv broadcasting (completed in 2007), competition (a triennial affair with a review completed in 2010) and a joint Info-Communication Development Authority review of Next Generation Interactive Media, Applications and Services that is under way.</p> <p>In 2009, the Censorship Review Committee was also set up and so coincidentally in 2010, there will be 3 reports of major consultations.</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
Austria	KommAustria	Decisions of KommAustria have to be published in an appropriate way in due consideration of data protection regulations (§ 19 (1) KOG).	Yes: Obligations according to § 58 (2) and § 60 AVG		
	Federal Communications Board (BKS)	Decisions of BKS have to be published in an appropriate way in due consideration of data protection regulations (§ 19 (1) KOG).	Yes: Obligations according to § 58 (2) and § 60 AVG		

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 principles of administrative law	No specific provisions	No specific provisions
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
Cyprus	Cyprus Radio-Television Authority	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.	Yes. According to the General Rules of Administrative Law, Law of 1991 Law N. 158(I)/1999. This is also required by the Radio and Television Regulations of 2000 as amended.	Not specified in the law	Not specified in the law
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 are	Yes Broadcasting Act, Article 5/n	No	No

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
		published in the minutes, the full text is later published at the webpage – but it is not prescribed by any law.			
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 www.retsinformation.dk/Forms/R0710.aspx?id=130031 (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.				
Estonia	Ministry of Culture	All Decrees of the Ministry, including licensing tenders.	No	No	No
Finland	FICORA	All	According to the Act on the Openness of Government Activities, all decisions must be justified. www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf (in English) www.finlex.fi/fi/laki/ajantasa/1999/19990621 (in Finnish)	No	No
France	CSA	All decisions and publications are published in the Journal Officiel Article 6 of Law 86-1067	Yes	No	No
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	
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

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 Radio and Television Board (ORTT)	All kinds of decisions The Board shall publish its final resolution on infringements on its official website and, if necessary, in the official journal of the ministry directed by the minister in charge of cultural affairs, and shall notify the national news agency thereon	Yes Act I. of 1996 Act 63 of 1992 on the access to information of public interest	No	No
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
Italy	Agcom	All decisions (apart from those dealing with human resources and thus not accessible by third parties) Art. 2, 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=20100616 (in Italian)	Yes Art. 2, Law August 7, 1990 n. 241 www.normattiva.it/dispatcher?task=attoCompleto&service=212&datagu=1990-08-18&redaz=090G0294&parControllo=si&connote=false&aggiorn=si&datavalidita=20100618 (in Italian)	Yes On the basis of general legislation on regulatory impact assessment Law no. 229/2003 www.normattiva.it/dispatcher?task=attoCompleto&service=212&datagu=2003-08-25&redaz=003G0223&parControllo=si&connote=false&aggiorn=si&datavalidita=20100618 (in Italian)	N/A
Latvia	National Broadcasting Council	Licence awards, revocation of licence	Yes, Law on Administrative Violations Procedure	No	No
Lithuania	LRTK	Normative acts and individual acts (PIP Art 47 Part 13)	Yes (e.g. individual acts – Article 8 of the Law on Public Administration, <i>Official Gazette</i> , 2006, No. 77-2975, as last amended on Jan. 5, 2010, available in Lithuanian at www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363063 (access April 10, 2010))	Yes Lithuanian Methods for Impact Assessment of Draft Decisions, adopted by the Government of the Republic of Lithuania, No. 276, Feb. 26, 2003, as last amended Jan. 28, 2010, available in Lithuanian at www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=364877&p_daug=2 (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.	No

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
				1244, Sep. 30, 2009, as last amended Jan. 12, 2010, available in Lithuanian www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=363927 (accessed Aug. 6, 2010)	
Luxembourg	CNP	None	No	No	No
		*If the government decides to revoke a license, its decision needs to be published in the Official Journal (Mémorial) according to Art. 35(4) Loi 1991, no other publication obligation.			
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" [<i>Code for the Investigation and Determination of Complaints; Cap350.06, (13)</i>]	Yes, see left column.	No	No
Netherlands	CvdM	No	Yes. General Administrative Law Act	No	No
Poland	National Broadcasting Council	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. 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). The Chairman of the KRRiT is obliged to publish a list of applicants participating in the licensing procedure (Article 34 (2)). The Chairman of the KRRiT is obliged to make public information	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. (source: research of the consortium) According to KRRiT, all administrative decisions under the Code of Administrative Procedure have to be justified, so all KRRiT decisions are justified and motivated.	No	No

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>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>(source: research of the consortium).</p> <p>According to KRRiT, KRRiT publishes statements as well as its important decisions. There is no obligation to publish meeting minutes.</p>			
Portugal	ERC	<p>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: http://apollo.atomicdns.com/~ercfront/documentos/lei53.pdf (Article 65^a)</p> <p>Regulations with external effects Recommendations Directives Decisions</p> <p>Article 65 of ERC's Statutes Article 18/6 Law 27/2007, of July 30</p>	<p>Yes</p> <p>Art. 58 of ERC's Statutes and article 18/3 Law 27/2007, of July 30</p>	No	No
Romania	CNA	<p>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</p>	<p>Yes</p> <p>Audiovisual Law</p>	No	No

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
		website			
Slovakia	Council for Broadcasting and Retransmission	There are no legal requirements about publication of the decisions of the Council, but the Council publishes all its decisions which imposed fines or other penalties. It also publishes through its internet pages, the periodical press and press agency, 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.	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
Slovenia	APEK	The law does not require from APEK to publish any decision deriving from its remit in the audiovisual field.	All decisions have to include justification/motivation. Legal basis: Administrative Procedure Act, Art. 210	No	No
	Ministry of Culture	The law does not require from Ministry to publish any decision deriving from its remit in the audiovisual field.	All decisions have to include justification/motivation. Legal basis: Administrative Procedure Act, Art. 210	No	No
	Ministry of Culture-Inspectorate for Culture and Media	The law does not require from Inspectorate to publish any decision deriving from its remit in the audiovisual field.	All decisions have to include justification/motivation. Legal basis: Administrative Procedure Act, Art. 210, Inspections Act, Art. 56	No	No
Spain	CEMA	Not defined, but it has to follow the principles of Administrative Law of 1992, which impose to publish decisions within a specific timeframe.	Not defined	Not defined	Not Defined
	CoAN	Decisions on internal organization, public employment, public contracting, and the annual budget.	All the decisions must be motivated.	Yes, it would be necessary in case of a specific decision	

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
	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	
Sweden	Swedish Broadcasting Commission (until July 31, 2010)		The Administrative Procedure Act (1986:223) www.sweden.gov.se/sb/d/5805/a/64892		
	Swedish Radio & Television Authority	None	The Administrative Procedure Act (1986:223) www.sweden.gov.se/sb/d/5805/a/64892		
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	Yes	N/A

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				Ex ante	Ex post
			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. www.ofcom.org.uk/about/cad/foimain/foi_pubscheme/		
	ASA	No legal obligation to publish but all decisions are published weekly	All Council decisions are published and full reasoning given for the decision	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	yes	
Candidate countries					
Croatia	Agency for electronic media	All in regard to concessions in the Official Gazette, minutes of meetings, decisions, etc. on web page	Yes	No	No
Former Yugoslav Republic of Macedonia	Broadcasting Council	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
Turkey	RTÜK	None by law	Not specified in the law	No	No
Potential candidate countries					
Albania	KKRT	Board decisions to award licences and licence withdrawals (law 8410, with its amendments and additions)	Yes (Art. 6, 34, 38...) Law 8410	No	No
Bosnia and Herzegovina	Communications Regulatory Agency	Not specified in the law	Law on Administrative Procedure The decision is reported to the public by a press release. But the document itself including the reasoning has not been published. In addition, all decisions are available in Agency's annual reports and upon request, further to Freedom of Access to Information Act.	No	No

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				Ex ante	Ex post
Montenegro	Broadcasting Agency of Montenegro	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.	Yes Article 47 Broadcasting Law	Not regulated	Not regulated
		List of entities that have been granted the license for the transmission and broadcasting of radio and TV signals	No Article 37 Broadcasting Law	Not regulated	Not regulated
		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".	No Article 55 Broadcasting Law	Not regulated	Not regulated
Serbia	Republic Broadcasting Agency	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)	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.	No	No
Kosovo	IMC	Every specific act, rule, regulation, decision	Yes www.assembly-kosova.org/common/docs/ligjet/2005_02-L15_en.pdf	No	No
EFTA countries					
Iceland	Broadcast Licensing Committee	There is no requirement by law of publication of decisions	No	No requirement	No requirement

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				Ex ante	Ex post
Liechtenstein	Media commission	None, but the main decisions of media commission are part of the annual report to government and parliament.	Information not available	No information available	
Norway	Norwegian Media Authority	In principle all decisions made by public bodies are made public immediately. Most of the information is also in the public domain before the decision is made (except budgets, trade secrets and information invading privacy) There is no specific obligation relating to the Norwegian Media Authority, but in practice they are.	Yes, according to the Administrative act.	No information available	No information available
Switzerland	Federal Office of Communications	*General "information provisions" for the Federal Council and the public administration according to Art 180 (2) Federal Constitution and Art 10 (1)—10 (2) GAOA **Right to obtain all official documents for information purposes according to 6 (1) Transparency Act ***Hardly any specifications/ requirements related to special types of decisions. According to Art 87 (1) RTVA the supervisory authorities (...) <u>may</u> publish the decisions on administrative and criminal matters and make them accessible online.	Yes *****General provisions according to the Administrative Procedures Act, e.g. Art 35 (1) and Art 61 (2) The necessity to set up such general provisions derives from the Constitution, it provides for the state authorities to treat everyone in good faith and in a non-arbitrary manner.	No information available	No information available
	Independent Complaints Authority for Radio and Television	According to Art 87 (1) RTVA <u>may</u> publish the decisions on administrative and criminal matters and make them accessible online. ****Requirement to publish decisions in an online databank according to Art 21 (2) of the Rules	Yes *****General provisions according to the Administrative Procedures Act, e.g. Art 35 (1) and Art 61 (2) Additional options according to Art 13 of the Rules of Procedure of the Independent Complaints Authority: Opinions of board members who oppose the final		

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		<p>of Procedure of the Independent Complaints Authority</p> <p>****Moreover, most meetings are open to the public according to Art 97 (1) RTVA and Art 11 of the Rules of Procedure of the Independent Complaints Authority</p> <p><u>Note:</u> The Right to obtain all official documents for information purposes according to 6 (1) Transparency Act does <u>not apply</u> to documents regarding complaints procedures of the Independent Complaints Authority (an exception according to Art 3 (1) a 5 Transparency Act)</p>	majority decision of the board may also be published in an annex to the decision.		
<p>*According to Art 180 (2) of the Federal Constitution, the Federal Council “informs the public in due time and comprehensively about its activities, as far as there is no predominant concern regarding private or public interests”.</p> <p>*According to Art 10 (1) and Art 10 (2) of the Government and Administration Organization Act, the Federal Council “ensures information of (...) the public” and ensures the provision of consistent, continuous information on its assessments, planning, decisions and precautionary measures.</p> <p>**According to Art 6 (1) of the Federal Act on the Principle of Transparency in the Administration (Transparency Act), every person has the right to obtain all official documents for information purposes. But far reaching exceptions to the principle according to Art 7 of the Transparency Act have to be taken into consideration. See: Bundesgesetz vom 17. Dezember 2004 über das Öffentlichkeitsprinzip der Verwaltung (Öffentlichkeitsgesetz, BGÖ) / Loi fédérale du 17 décembre 2004 sur le principe de la transparence dans l'administration (Loi sur la transparence, LTrans) / Legge federale del 17 dicembre 2004 sul principio di trasparenza dell'amministrazione (Legge sulla trasparenza, LTras). (SR 152.3).</p> <p>***According to Art 87 (1) RTVA the supervisory authorities shall inform the public of their activities. In particular, they <u>may publish</u> the decisions on administrative and criminal matters and make them accessible online.</p> <p>****According to Art 21 of the Rules of Procedure of the Independent Complaints Authority, the authority informs the public about their functions and activities. The Authority publishes its decisions in an unabbreviated and anonymous form in a databank on its website. Access to the databank is free of charge. Decisions of the Complaints Authority are published on its website, see: http://www.ubi.admin.ch/de/dokumentation_entscheide.htm.</p> <p>*****According to Art 97 (1) RTVA and Art 11 of the Rules of Procedure of the Independent Complaints Authority, meetings of the Independent Complaints Authority for Radio and Television are <u>open to the public</u>, as far as there is no predominant concern regarding private interests.</p> <p>*****Art 86 (3) RTVA determines that provisions of the Administrative Procedure Act apply for supervisory procedures (Aufsichtsverfahren) regarding the RTVA. According to Art 35 (1) of the Administrative Procedures Act, written decisions (Verfügungen) have to contain the rational/motivation (Begründung) and an instruction regarding the right to appeal (Rechtsmittelbelehrung). According to Art 61 (2) Administrative Procedure Act, appeals decisions contain a summary of the facts of a case, a rational/motivation (Erwägungen) and the decision formula (Dispositiv). See: Federal Act of 20 December 1968 on Administrative Procedure (APA / Bundesgesetz über das Verwaltungsverfahren vom 20. Dezember 1968 / Loi fédérale du 20 décembre 1968 sur la procédure administrative / Legge federale del 20 dicembre 1968 sulla procedura amministrativa. (SR 172.021).</p>					

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				Ex ante	Ex post
Selected third countries					
Australia	ACMA	There are many such. For example, decisions of many types must be formally registered or published in the Australian Government Gazette or tabled in the Australian Parliament for potential disallowance.	Broadcasting Services Act	When the ACMA proposes to make a decision affecting in a particular sense an individual person or body, then it is required by the Australian common law to afford that person procedural fairness. That includes giving that person an opportunity to explain their views about how the decision will impact them. Submissions of that kind are not usually published. When the ACMA makes a legislative instrument, it is required by binding Government policy to prepare a formal Regulatory Impact Statement (RIS) before making the instrument. The RIS is a published document.	N/A
USA	Federal Communications Commission	All rulemaking (policy decisions) and adjudication (dispute resolution)	Yes (Administrative Procedure Act of 1946)	No	No
Japan	MIC	Ministerial ordinances	Yes The Administrative Procedure Act The Basic Act on Central Government Reform	Yes. See Tables 28, 29 The Government Policy Evaluations Act	Yes. See Tables 28, 29 The Government Policy Evaluations Act
Singapore	MDA	The major consultations have a report. Ratings for movies are published on MDA website.	The major consultation efforts are intended to arrive at decisions that could affect the direction of the industry. So there is pressure to ensure clarity. The reports are very thoroughly vetted. There is no legal requirement but it is a practice.	No	No

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				Ex ante	Ex post
	ASAS	The decisions are not communicated publicly, only to industry players.	There is no legal requirement to explain the decisions but a moral pressure to do so. There are two reasons for this: ASAS being an association of associations, it is ultimately accountable to its individual members. Second, it tries to make its decisions easy to comply with and it is therefore important that they are correctly understood.	No	No