

## Audiovisual regulatory authorities in the European Union

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### Abstract

All EU member states have independent regulatory authorities for the audiovisual sectors which are, in general, responsible for the concession of licences, the supervision of public and private media, and the enforcement of punishments for non-compliance with the rules. Despite sharing a good number of capabilities, differences exist in the ways these bodies proceed, the number of members that make them up, and their processes of appointment. Upon these foundations, lies the key that distinguishes the degree of independence and the democratic well-being of their mission.

#### 1. An introduction to European public radiotelevision

The Declaration of the Rights of Man and of the Citizen (France, 1789) shows in article 11 that the freedom of communication of thoughts and of opinions is “one of the most precious freedoms of Man: every citizen will be able to speak, write, and print freely, without prejudice to respond to the abuse of this freedom in cases determined by the law.”

The European Broadcasting Union in 1993 identified public broadcasting with programs for all as, the general base service with thematic ranges, a focal point for democratic debate, a point of free access for the public to major happenings, a reference in matters of quality, an abundance of original productions and an innovative spirit, a cultural shop window, a contribution to the re-strengthening of European identity, and of its social and cultural values, a machine for investigation and for economic development.

Public broadcasting services survived under the argument that the market cannot cover all the media needs that the public media deal with, that state control is antidemocratic and that an alternative in the centre ground would be necessary. Nowadays, the context of technological convergence and social and economic globalization add new ingredients to the debate (Centre for Social Media, 2009; Copé, 2008; and Downie e Schudson, 2009). The process of transition began at the start of the 21st century. Whilst the literature of the eighties and nineties of the previous century tinted the future of public broadcasting services with pessimism, seeing the proliferation of channels, financial cuts and the loss of a sense of their mission, as forces for dissolution, the start of the year 2000 however brought with it opportunities for reinvention based on convergence and multiple platforms (Brugger and Burns, 2011).

Despite the differences between the audiovisual policies unveiled by the states which today make up the European Union, we speak of a European model of television as opposed to the American one, with the European institution acting as the cradle of a philosophy for breaking down barriers. Such is the case that television from the old continent was born and developed under one same sign: the vocation of public service faced with the American model of industry in the hands of private interests and subject to the laws of commerce (Martínez, 1999).

Mary Debret, in an article from 2014 in the scientific review *Television & New Media*, shows that innovation is germinating in public broadcasting bodies all over the world under the umbrella term ‘public service media’, a concept supported by Karen Donders –which is to say, those that expand through new platforms, and experiment with interactive content. However, this new phenomenon brings with it certain risks for the media which is funded using public funds, as at the same time it provokes hostility from their commercial rivals, new and old, and it invokes new obstacles and normative points of reference in order to demonstrate its public value.

## 2. Governance as a guarantee for the future

The concept of governance is a new way of managing which is more cooperative, open, transparent and participative, different to the old hierarchical model, in which public powers exerted their sovereignty over the public (López Cepeda, 2010). “In modern governance, state and non-state institutions, public and private actors, participate and often cooperate in the planning and application of public policies. The structure of modern governance is not characterised by hierarchy, but rather by cooperative autonomous actors and by networks between organizations” (Mayntz, 2001:1).

Governance is a synonym of “governability (administration and management) but, currently, this concept must also be viewed in the convergence of the triangle of State, market and civil society. In the context of this information society, governance must not only contemplate the dimension of representation, but also of participation, which electronic networks permit and promote” (Campos, 2009:61)

The lack of independence that the organisms for management and control of the public service media have, turns governance into a desire for the future that would facilitate the recovery of the reputation of these broadcasting bodies in Europe after passing through a crisis of credibility, which was more or less intense depending on the country.

In fact, the Commissions for Parliamentary Control have become bodies of little support that set political positions instead of being bodies for debate about the public media, and without also taking on the problem of private companies. In the Administrative Councils for public services there are distinct cases, but many of them are full of communications managers from various parties, ending up as mere echo chambers of the Commissions for Parliamentary Control or vice versa, with functions which are often limited or generic (the criteria for programming remains reserved for the general directors of public broadcasting bodies) most of the time ending up simply being deliberative or political games (Zallo, 2011).

Together with these bodies, there are the Advisory Council, Defenders of the Audience and Spectators, and the Tribunals or Chambers of Accounts, which have the aim of policing the functioning of public broadcasting in concrete aspects: programming, rights of the spectators or management of the budgets for public entities, respectively.

However, this control remains weak without the creation of independent authorities that police the activity of publicly owned media, as well as private media (López Cepeda, 2010).

According to Carmen Fernández-Miranda Campoamor and Alfonso Fernández-Miranda Campoamor (2003), independence is sustained by two axes, origin and exercise. In the first case, a body or complex of bodies has independence when its members are elected without interference from any other state power and taking into account its training and experience in similar positions. In the next case, it refers to the fact that the existence of a body and its functions cannot be altered or interrupted by any other State power.

The European Council established criteria for member states to take into account in relation to the naming, composition and functioning of the Audiovisual Councils: economic independence, power and capabilities, and a system of responsibility.

García Castrillejo (2006) demonstrated that audiovisual authorities must be independent of both public powers and of the agents present in the audiovisual buyers market. This independence will be sustained through the election of the members of the body in charge of taking decisions, in the financing and the decision making by a reinforced majority that obliges parliamentary groups with representation on the cameras to reach agreements. As for powers and capabilities, the audiovisual authority will play a regulatory and disciplinary role of sanctioning.

## 3. Audiovisual councils: the reason why they are important

Audiovisual councils are the result of a system of public service media self-regulation which must perform four basic functions, according to Aznar and Villanueva (2000): 1) to publicly

formulate the rules and ethical values that media activity must follow; 2) to contribute in terms of professional and social working conditions – which make it possible to follow the rules, ethical demands and deontology of communications; 3) to make the public aware of those cases which do not follow said criteria; 4) the study, discussion and judgement of the conflicting actions of the media will help whoever controls them and the public as a whole to understand and learn about their moral dimension.

These organs were created originally to arbitrate a just distribution of licences for radio and television services and for the administration of the radio spectrum, which is limited. The objective was to avoid political interference from the governments of the time who guaranteed the observance of laws for the public and private media. These functions were widened and nowadays they sustain the ruling of audiovisual content, advertising and the protection of minors.

Zallo (2006) identifies three phases in the regulation of broadcasting in Europe. In the first stage, the agent was the State, which was faced with a double tendency. On the one hand, to extend culture and information as mechanisms for socialization and democratization and, on the other hand, the perception of successive governments that they were a powerful tool of influence for social control and its perpetuation. With all the interventionism and politicization of the system, they seriously damaged the reputation of the public media, whilst the private media was able to act with freedom.

In the second phase, the rising institution was that of the market. In the decade of the eighties the central public monopoly was broken with liberalization and the emergence of private, autonomous operators, new management criteria were introduced in the systems, which tended to focus on advertising and entertainment. This model found its way over to the public media, which also resorted to commercial advertising as a means of funding.

Lastly, in the third phase the most characteristic subject is that of civil society. Against this backdrop, high audiovisual authority rises, independent of the Administration, political parties and economic powers, with a legal personality that guarantees pluralism. The Superior Audiovisual Council of France, constituted in 1989, is the paradigm.

The European Commission in 1999 established some guidelines for creating a regulatory framework which would cover all networks of communication and services associated with the access to radio electric space. The four statements were as follows: 1) regulatory bodies must not depend on the Government or on operators; 2) aspects in relation to content are essentially to do with the State, and as such, must conform with the principal of subsidiary, the regulation of content is the responsibility of member states; 3) technological convergence requires greater cooperation between the implicated regulators; 4) the regulatory bodies can contribute to the development of self-regulatory methods (Carniel, 2009).

The Committee of European ministers in 2008 adopted a Declaration on the independence and the functioning of regulatory audiovisual authorities, in which it reiterated the need for States to create regulatory bodies with independence in respect to governments and the market, and to bring about their concrete application. This recommendation is not a duty, but a good number of the member states supported the creation of bodies with functional autonomy.

In May 2016 the European Commission proposed an update of the Audiovisual Communication Services Directive of 2010. In addition to actions related to European cinema, the protection of minors and the fight against inciting hatred, it projects a new focus for audiovisual regulatory bodies. Concretely, it urges member states to have regulatory authorities which are truly independent of governments and the sector, and which can perform their role in an optimum way.

Furthermore, it proposes that the European Union legislate over the functions of the Group of European Regulators for Audiovisual Media Services (YERGA), composed of twenty-eight

audiovisual state regulators, which will consist of evaluating the co regulatory codes of conduct and advising the European Commission. Carniel (2008) presented a list of the elemental criteria which must govern audiovisual regulatory bodies with their respective variables based on the characteristics of each case.

Independent Audiovisual Regulatory Body	
Elemental Criteria	Variables
A public body created with rules, expressed legally	Law, decree or other judicial mechanism in force in the particular country
Own legal personality	Legal doctrine o the State in question
Collegial Structure Members have recognised link with the material, fixed with their term of office, a system of incompatibility with other activities	Number of members, time of mandate, form of election, form of exclusion and everything relating to the internal working of the body, such as for example the majority necessary for a vote.
Economic and financial autonomy Political provision of accounts and activities	Sources of income, elaboration of budgets, output of accounts, administration and heritage
Proportional, territorial scope	By state of divided, according to the structure of the state
Competition of the market and of content Competition between public and private media	Distribution of capabilities with other entities of the same configuration
Availability of all legal means of intervention, normative legal authority, inspecting and arbitral legal authority, fiscal and sanctioning legal authority	Proposition of laws and development of rules starting from a legal framework Indirect or direct use of sanctions
Regulatory acts put an end to the administrative route, resources being passible before the legal power	Court or legal petition in accordance with the corresponding legal framework

Figure 1. Characteristics of Audiovisual Regulatory Bodies (Carniel, 2008)

Their mission is that society has a radio and television system which is free, plural, responsible and suitable for the need for information, communication, cultural and linguistic promotion and entertainment. Furthermore, it avoids politicized interventionism, instead following collective values and it marks the guidelines for the development of the audiovisual media in a series of deontological minimums related to freedom, pluralism and service to society, without lessening freedom of expression (Zallo, 2006).

As for the model of election, the appropriate selection of members is made among people of recognised prestige, of differentiated training and with guarantees of full independence in exercising their functions. Avoiding ideological social control and the political party system requires a wide consensus to reach a balanced election. The norm is to propose people without any link to other parties, balanced in the composition and rules of incompatibilities. With the will to protect independence, it is desirable to fulfil the requisite of wide majorities for the election of members.

When referring to the authority of an audiovisual regulatory body, it is measured by its scope for intervention and its integration; its capabilities if it regulates or only controls, polices and

advises; and by what it regulates or polices – the content, the market, agents and citizens' rights-; acceptance and influence of decisions, reports and recommendations.

## Paradigmatic cases in the European Union

All member states of the EU have bodies of control in the audiovisual sector, except Spain, where the National Commission of Markets and Competition performs these functions. The most salient cases are those of the ALM in Germany, CSA in France, AGCOM in Italy, ERC in Portugal and Ofcom in Great Britain.

### 4.1 Germany

In Germany radio and television are the responsibility of the Federal States, there exists a total of fourteen regulatory authorities, while Berlin and Brandenburg share. All these authorities are associated in Arbeitsgemeinschaft der Landesmedienanstalten (ALM) or the Consortium of Media Authorities, and their members are chosen by qualified majorities in the Parliaments. Their aim of control and supervision is reduced to private media.

The ALM operates through four organs: The Commission of Regulatory Matters, The Conference of Media Directors, The Conference of Presidents and the General Conference. The first includes the representatives of the fourteen authorities of the Länder, which have as capabilities the concession of licences, the supervision of national broadcasting bodies, and the development of digital broadcasting. The Directors Conference protects the interests of the authorities, is responsible for the exchange of information with broadcasting bodies and solicits the opinions of experts. The Conference of Presidents deliberates over the ethics and politics of the media and the General Conference tends to matters of programming.

With respect to the public service broadcasters ZDF and ARD, supervision is undertaken by the Council of Diffusion, an internal body, which reinforces its actions through an external body, the Rechtsaufsicht, which is limited to checking that the law has been followed. Its members are chosen by Parliament who are generally qualified, and it obliges a consensus to be formed between political parties for the appointment of independent professionals.

### 4.2 Comisión Nacional de los Mercados y la Competencia (CNMC) de España

The Comisión Nacional de los Mercados y la Competencia acts as the audiovisual independent authority in Spain. It supervises the smooth running of the audiovisual communications market. Amongst its other functions are controlling all content, ensuring these fulfil the public service assigned to public media, resolving conflicts and enforcing punishments for non-compliance with legislation.

This is a public body with its own legal entity, independent from the Government and under parliamentary surveillance, which began to operate in October 2013. It performs its functions through two main bodies: the Council (*Consello*) and the Presidency (*Presidencia*).

The first is a collegiate decision-making authority that is composed by ten members who are named by the Government at the Economy and Competition Department's proposal. These are people who are widely renowned and professionally competent in the Commission's field. Its term runs for six non extendable years and it has to comply with a strict incompatibilities' policy.

### 4.3 Conseil Supérieur de l'Audiovisuel (CSA) de Francia

Law 89-25 from 1989, which reformed the existing Law 86-1067 from 1986, documents the creation of the Conseil Supérieur de l'Audiovisuel. This is an independent authority whose purpose is to guarantee freedom of audiovisual communication in France. It replaced both the Haute Autorité de la Communication Audiovisuelle and the Commission Nationale, made up of nine and thirteen members, respectively.

Following the same structure as the Haute Autorité de la Communication Audiovisuelle, the Conseil Supérieur de l'Audiovisuel is made up of nine members, three of which are

designated by the President of the Republic, three others by the President of the National Assembly and three by the Senate's President. Its members cannot, either directly nor indirectly, carry out duties, receive professional fees or have stakes in companies that manufacture audiovisual or cinematographic content, or in those related to editing, press, advertising and telecommunications. Moreover, during the period of its term and until one year after ceasing in their functions, they must refrain from taking a side publicly on questions that relate to the Council. For the next three years, members must not accept employment in any of the audiovisual communication companies subject to authorisation, to agreement or those that could potentially be penalised by the CSA. Furthermore, the Council independence is achieved "without bonds on the length of their term with the person responsible for the appointment (the CSA members' term is 6 years long), through the establishment of a partial renewal of the body, in thirds every two years, and limited by a rigid incompatibilities' policy" (López Cepeda, 2010).

The body's functions range from ensuring respect to pluralism and honesty in the supply of information, to providing frequencies to operators. It also controls the broadcasting spectrum, and grants respect to the dignity of human beings and protects children. In addition, it deals with radio and television accessibility, namely for people with different hearing and visual capabilities. The CSA is also responsible for assessing programming and appointments, and it draws up and delivers opinions.

#### 4.4 Autorità per le Garanzie nelle Comunicazioni (AGCOM) de Italia

The Autorità per le Garanzie nelle Comunicazioni is an independent body of communication in Italy, which is made up of four different organisations: the Presidency, the Infrastructures and Networks Commission, the Commission for Services and Products and the Council. Its competences include telecommunications, radio and television.

It supervises the freedom of competition within the communications market and grants key rights on top of copyright and authors' rights since the year 2000. As in previous cases, this body delivers penalties in those instances when there is a violation of those children's rights that are protected by the broadcasting sector's Self-regulatory Code.

This body operates through two main dimensions: 1) to guarantee the rights of the operators providing solutions to any controversy, supervising the application of legislation and protecting authors' rights; 2) to guarantee the rights of users by ensuring the quality of the services, products and advertising, resolution of conflicts, regulation of access' rights, protection of disadvantaged groups and protection of the social, political and economical pluralism within the broadcasting sector.

The independence of this organisation is being disputed due to the model used to appoint its members. Each one of the two Commissions is made up of a Presidency and four Commissioners that are designated by the First Minister following a correlative allocation with the groups in the Parliament.

The AGCOM funding source is mixed. Around seventy-nine per cent of their budget comes from the State, another seventeen per cent comes from television taxes, and another ten per cent from taxes paid by other operators that own a license and the remaining from different sources (Azurmendi et al., 2009).

#### 4.5 Entidade Reguladora para a Comunicação Social (ERC) de Portugal

The Entidade Reguladora para a Comunicação Social (ERC) was created in 2005 in order to regulate and supervise the operations of social communication bodies in Portugal. It benefits from administrative and financial autonomy and is independent. This body is formed by a Regulatory Council, an Executive Direction, an Advisory Council and a Single Auditor. It is funded by the State Budget, taxes from members that carry out activities in media outlets, professional fees from radio and television operators, money coming from fines, sales of their own actives and financial investments.

Its purpose is to grant licenses, to supervise all private and public media outlets, to draw up norms and to perform consultation and monitoring.

The Regulatory Council is formed by the presidency, the vice-presidency and three more members. The Republic's Assembly is in charge of designating four members that shall choose a fifth for a period of five non-extendable years.

In terms of incompatibilities, it must be outlined that the members are nominated amongst highly suitable, independent and both professionally and technically professional candidates who are not subject to bias. Such members are not allowed to be part of executive boards (in private companies, unions, confederations or business associations) within the social communication sector or the Government within the last two years of their being appointed. Their responsibilities range from appointing a president and a vice-president, defining the activities of the ERC and overseeing its compliance with the law.

The Executive Direction, made up by the presidency, the vice-presidency and the executive direction, handles administration and finances of the ERC, while the Advisory Council is a consultative body formed by sixteen members of social and audiovisual associations. These are appointed by the competent branches of the representative entities for a three year period and can be replaced at any time. Opinions issued by this body are non-binding. Lastly, the Single Auditor is the body responsible for legal surveillance and also ensures the ERC's efficient financial and patrimonial management. It is appointed by the Assembly of the Republic for a period of five non-extendable years.

#### 4.6 Office of Communications (Ofcom) of the UK

The UK was the first European country to create a regulatory body for the audiovisual sector through the Independent Television Authority, which is a body that came from the 'Television Law' of 1954. This was followed by the Radio Authority, the Broadcasting Complaints Commission and the Broadcasting Standards Council. As a consequence, there were five regulatory bodies, an authority for radio communications and another for broadcast at the end of the last century (López Cepeda, 2010).

The Office of Communication (Ofcom) was created in 2002, although its competences were not fully transferred until the Communications Act came into force in 2003. Its members are elected by the State Secretaries of Industry, Commerce, Culture, Media and Sports, on top of an independent audit. The number of people ranges from three to six and its executive members are appointed at the Ofcom management's proposal.

In terms of responsibilities, the Ofcom manages the radio spectrum in the UK, providing licenses on the latter and for all kinds of audiovisual services. Furthermore, it can punish operators for non-compliance with legislation and even suspend or remove licences. It also handles the extension of existing license periods, deals with criminal proceedings, produces codes of practice, monitors and delivers consultation.

This body has nine members, six of which are appointed by the Government. The Government also proposes three more members from the own Ofcom's staff.

When it comes to the public service broadcaster the BBC, and in accordance with the White Paper from 2006, the Ofcom is responsible for the surveillance of the activities undertaken by the public media corporation within the digital environment. A report underlining aspects such as its financial situation, digitalisation, programming, production, audience or investments is issued every five years.

#### 5. Regulatory authorities in others State members

There are two main regulatory authorities in the audiovisual market in Austria. The Austrian Communications Authority (KommAustria) is the body that handles public media audiovisual services. Moreover, it handles the management of the radio spectrum and the digital broadcasting and also supervises private channels.

This is an independent authority made up of five members appointed by the Federal Presidency at the Federal Government's proposal, in accordance with the main Commission of the National Council. Members are nominated for a period of six years and must be jurists and have at least five years experience in the legal field. The incompatibility regulation is broad in order to ensure the independence of its members and their functions.

In addition, the Telekom-Control-Commission (TKK) was founded in 1997 and is a collegiate authority in charge of regulating the telecommunications market, the competition within it, the procedure to allocate frequencies and the rates that are offered by telecommunications companies. This body is integrated by three main members and three substitutes who are appointed by the federal Government for a five-year period.

In Belgium, the regulatory authority for the French community is the Conseil Supérieur de l'Audiovisuel (CSA), which is responsible for regulating both public and private audiovisual media. It is made of the College of Opinion, a body delivers opinions on all audiovisual related matters, and the College of Authorisation and Control, a decision-making body that is responsible for allocating broadcasting licenses to radio stations and private televisions established within the French community, supervising the compliance with the law and penalising breaches of legislation.

The College of Opinion is made up of the presidency, three vice-presidencies and thirty members, each with a substitute, appointed by the Government for a period of five extendable years. Members must be professionals from different segments within the audiovisual sector and must represent miscellaneous ideologies and philosophical approaches.

The College of Authorisation and Control consists of a presidency, three vice-presidencies and six more members, three of which are appointed by the Council of the French Community and three by the Government. Their term lasts for four extendable years. Such. Members must be highly competent in the fields of Law, radio broadcasting and communication and shall represent different ideologies and philosophical approaches.

The regulatory authority for the Flemish community is the Vlaamse Regulator voor de Media (VRM). It has been taking care of media regulation, mediation, complaints management and breaches of legislation since 2006. Moreover, it deals with child protection issues, bias and audiovisual broadcasting licensing management. The VRM has three members in its administration board and an executive management appointed by the Flemish government.

The regulatory authority for the German community is the Medienrat, which is responsible to the German ALM. Its functions are approving licences for broadcasting media, supervising programmes and resolving complaints.

The Bulgarian audiovisual authority is the Council for Electronic Media (CEM) which is in charge of supervising the running of both public and private media. The digital communications networks are regulated by the Communications Regulation Commission. This is made up of five members, three of which are chosen by the National Assembly and two by the Presidency of the Republic. Their term lasts six years and they can be re-elected.

The Cyprus Radio-television Authority is an independent regulatory body that allocates licences, monitors audiovisual media broadcasts, on-demand services, author's rights and devises a methodology for measuring audience share.

This body defines different categories that the allocated licences would fall into and the responsibilities that are associated with these in terms of service, evaluation criteria, fees for each licence and the payment of certain rights. At the same time it, deals with property restrictions, penalties for breaches in legislation and boundaries for each type of licence.

It is made up of seven members proposed by the Council of Ministers. Candidates come from various fields: from art, science and technology to people with a remarkable knowledge and experience in audiovisual media and high standards of professionalism. Their term lasts six extendable years.

The Agency for Electronic Media, in Croatia, is an external and independent body that regulates private and public media. It also issues licences, supports launching new television and radio channels both traditional and on-demand, and grants permits for satellite, cable and other kinds of broadcasting services. This body is integrated by six members, all recommended by the Government of the Republic and ultimately appointed by the Parliament. Their term lasts five years and they may be re-elected.

The Agency for Culture and Palaces from Denmark is the regulatory body for the audiovisual media and is responsible for the country's cultural heritage. Its main duties are to issue licenses, to supervise the public and private audiovisual media, deal with and solve complaints and also penalise any breach in legislation. This body is formed by eight members, seven of which are appointed by the Ministry of Culture amongst experts in the legal, financial, administrative, media-related and cultural fields, whilst the eighth is suggested by the organisation representing the audience.

The Council for Broadcasting and Retransmission is the audiovisual authority in Slovakia. It takes responsibility for the management of frequencies and issue authorisations to audiovisual media. It also supervises public and private media, deals with complaints and penalises infringements of law. This body is composed of nine members designated by the Parliament from professionals, who operate in civil associations and institutions related to the audiovisual sector. A term is six years long and they may be re-elected.

In Slovenia, the Agency for Communication Networks and Services (AKOS) has operated like an independent regulatory authority since 2011. Some of its responsibilities are to control the compliance to ethical and professional standards, to ensure social pluralism, to issue licenses and to supervise the efficient running of public and private media. This body is formed by five members that are named by the Government for a five-year extendable period,.

In Estonia, the independent regulatory authority is the Estonian Technical Surveillance Authority (ETSA). Together with the Estonian Competition Authority, it replaces five government authorities that operated previously. It issues licences and authorisations for frequencies, supervises the media and controls networks of digital communications. It is formed of five members.

The Finnish Communications Regulatory Authority (FICORA) is an independent body whose responsibilities are to issue licences and electronic authorisations, to survey the running of public and private media and to penalise any infringements in law and perform consultation. This body is made up of seven members.

The independent monitoring body in Greece is the National Council of Radio and Television. There are seven members in this body, whose term lasts four renewable years. These are suggested by the Presidency of the Parliament in relation to the political representation within the Camera. Their role is to grant licenses, monitor public and private media, and to penalise and issue consultation reports.

The responsibilities assigned to Hungary's National Media and Infocommunications Authority (NMHH) are also those of issuing licenses, controlling public and private media and dealing with complaints. It is made up of a presidency and four members, all elected by the National Assembly with two thirds of the members physically present during the voting. Their term lasts nine years.

Ireland's Broadcasting Authority (BAI) is made up of nine members, five of which are elected by the Government and four suggested by a parliamentary commission. Their appointment is based around their knowledge and experience. Their term is five years long, and may be extended to five more. This body can allocate licences, exert control over public and private media, penalise breaches in legislation and issue consultation reports.

The independent regulation authority in Latvia is the National Electronic Media Council, which is made up of five members elected by the parliament, and based on a consultation with associations and foundations related to media, education, culture, science and human rights. Each member must have a University degree and at least five years experience, either professional or academic. Their term is five years long and there is no possibility of re-election. Their responsibilities consist of issuing licenses, supervising public and private media and enforce punishments for non-compliance as well as performing consultation.

The Radio and Television Commission of Lithuania (RCTL) has amongst its competences the concession of licenses and the authorisation of frequencies, the supervision of public and private media, dealing with complaints and producing codes as well as assuming consultation and monitoring responsibilities. This body is made up of eleven members, two of which are elected by the Presidency of the Republic, three by the Parliament under the recommendation of the Commission of Culture, another by the Episcopal Conference, three by the Lithuanian Artists Association, and the last two by the Lithuanian Journalists Association. Their term is four years long, and can be extended to further four.

The Broadcasting Authority in Malta is an independent audiovisual management body that includes five members, who operate for a period of three extendable years. They are recommended by the First Minister, and then appointed by the Presidency of the country (after checking with the leader of the opposition). The main responsibilities of this body are the concession of licenses, the supervision of public and private media, the enforcement of punishments for non-compliance with the rules, and the publication of codes and norms as well as performing consultation.

The Commissariaat voor de Media from the Netherlands focuses on the concession of licenses, the supervision of public and private media and the publication of guidelines for action. It also provides advice within the consultation area, on top of performing monitoring duties. This body is made up of three members suggested by the Ministry of Education, Culture and Science, and they carry out their term for a period of five years that are extendable to five more.

The National Broadcasting Council is the independent authority in the Netherlands that takes responsibility for the issuance of radio and tv licenses, supervises the legislation fulfilment and controls media that provide a public service. Its members are elected by the Presidency of the Government and the parliament for six years' period.

The Council for Radio and TV Broadcasting (RRTV) of the Czech Republic is the independent audiovisual authority in charge of issuing licenses, extending authorisations, supervising private and public media, dealing with complaints, punishing non-compliance and performing consultation tasks. This body includes eleven members all appointed by the Presidency of the Republic from an initial proposal made by those political parties that have representation in the parliament. Their term lasts six years, and they may be re-elected a second time.

The National Audiovisual Council in Romania is an independent body that regulates the audiovisual system and whose responsibilities include issuing licenses, controlling public and private media, publishing codes and norms, penalising, monitoring and performing consultation. It is a body that has eleven members appointed by the Congress and the Senate for a six years period, although they may be re-elected.

The Swedish Broadcasting Authority supervises the radio and television markets, including services on-demand and teletext services. It is an independent body that deals with the concession of licenses, the supervision of both private and public media, the management of complaints, the punishments related to non-compliance and the monitoring. This authority is made up of eleven members, chosen by the Government, for a period of three extendable years.

## 6. Conclusions

All EU member states develop, what they refer to in their respective legislations, as the creation of independent audiovisual authorities that look after the compliance of the competition rules and safeguard the provision of pluralism and independence.

For European countries as a whole, such organisations share a number of responsibilities that outline their mission: the management of the radio and audiovisual spectrum through the concession of licenses, the extension of authorisations, the supervision of public and private media, the monitoring of contents and programming and the enforcement of penalties for non-compliance with the rules.

On top of these obligations, some of them also issue regulations or guidelines for action in the audiovisual sector – i.e. the Ofcom from the UK and the National Council of Radio and Television from Greece. Others take on consultation tasks, such as the Finnish Communications Regulatory Authority from Finland, or the National Electronic Media Council from Latvia or the Council for Radio and TV Broadcasting from the Czech Republic. In terms of number of members, the range is from three to eleven, except for the Conseil Supérieur de l'Audiovisuel (CSA) from Belgium, related to the French community, which has forty-four members distributed throughout the various commissions that make up the body. The authorities with the lowest number of members are the Vlaamse Regulator voor de Media from Belgium –Flemish community- and the Commissariaat voor de Media from the Netherlands. On the opposite side with eleven members are the Radio and Television Commission from Latvia, the Council for Radio and TV Broadcasting from the Czech Republic, the National Audiovisual Council from Romania and the Swedish Broadcasting Authority from Sweden.

When it comes to the selection process, authorities from Germany, Portugal, Bulgaria, Croatia, Slovakia, Hungary, Latvia and Romania turn to their parliaments, but only Germany and Hungary require the need to achieve a qualified majority.

The Government is responsible for appointing members of independent audiovisual bodies in Spain, the UK, Belgium, Cyprus, Denmark, Slovenia, Ireland, the Netherlands and Sweden. Moreover, in the Czech Republic, Poland, Malta, Austria and Italy, the person who embodies the presidency of the government is also in charge of appointing people for those high positions.

As these are bodies that execute direct control over the concession of licenses and supervise the enforcement of legislation, they must base their internal operations on principles of governance, independence and transparency. Therefore, the election of their members is key to guarantee the smooth running of such institutions and ensure they conduct their work with objectivity.

Qualified parliamentary majorities shall become the most reliable mechanism to secure the highest degree of independence in order to avoid from appointments that originate from the political party that is in power at that time. This is the reason why this formula, which currently represents a minority within the comparative table, is the one that must cross borders and establish itself in all regulatory authorities of all EU member states.

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