



### The role of media regulatory authorities

The Council of Europe recognises that, to guarantee the existence of a wide range of independent and autonomous media in the audio-visual media sector, it is essential to provide for its adequate regulation.

A regulation framework must guarantee freedom of expression whilst at the same time ensuring a balance between this freedom and other legitimate rights and interests.

For this purpose, specially appointed national regulatory authorities (NRAs) enjoying genuine independence, guaranteed by law and borne out in practice, have an important role to play.

While recognising that there is a great diversity in the member states with regard to NRAs remit, some of their essential tasks include the granting of broadcasting licences, monitoring of programmes' compliance with legal obligations, as well as the adoption of code of practices and regulations in the field of pluralism, transparency of media ownership, protection of minors, promotion of social and cultural diversity, combating hate speech, etc.

### Identifying risks

Despite their important functions, it remains a challenge in many European member states to establish or preserve full independence of regulatory authorities. In his **2017 annual report "State of Democracy, Human Rights and the Rule of Law"**, the Secretary General of the Council of Europe stressed that "less than half of Council of Europe member states have established fully independent regulatory authorities."

In particular, means of funding of the NRAs and the procedures for appointment of their members have the potential to work both as levers for exerting pressure and as guarantees of independence.

The **International Conference on Public Service Media and Democracy**, co-organised by the Council of Europe, the European Broadcasting Union and the Czech Parliament held in November 2016 in Prague, discussed the role of national parliaments in protecting the media focusing on public service media.

In this context, the participants recalled the specific role of parliaments in ensuring institutional independence and financial sustainability of media regulatory authorities.

### Promoting standards

The Committee of Ministers **Recommendation on the independence and functions of regulatory authorities for the broadcasting sector (2000)** sets out a number of prerequisites for the independence of NRAs from public authorities, political forces and economic interests with regard to the procedures for appointment of their members and the means of their funding.

In particular, it stresses that specific rules should be defined as regards incompatibilities of members and that the funding of NRAs should be specified in law in accordance with a clearly defined plan, with reference to the estimated cost of their activities.

Other normative documents, adopted by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, promote some aspects relevant for the scope of their remit.

### Building capacity in member states and beyond

Over the past decade, the Council of Europe has promoted these standards through numerous cooperation activities in member states and partner countries with a focus on strengthening media freedom and supporting the independence and efficient functioning of NRAs.

For example, within the Council of Europe and the European Union joint programme "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX)", the representatives of the NRAs of the region, with the support of the Council of Europe, produced a publication on "Media Regulatory Authorities and Hate speech" in June 2017. This publication contains information about significant cases that were dealt with by them and offers a starting point in providing recommendations in combating hate speech in the media.

Moreover, supporting the Tunisian authority for audio-visual communications was also one of the priorities of the Council of Europe cooperation activities in Tunisia in 2015-2017.

### Developing cooperation

The Council of Europe regularly participates in the meetings of regional platforms and networks of cooperation between regulatory authorities such as the European platform of regulatory authorities (EPRA), the Mediterranean network of media regulatory authorities (RIRM) and the Network of French-speaking media regulatory authorities (REFRAM).