



Institut für Europäisches Medienrecht
Institut du Droit Européen des Médias
Institute of European Media Law

Saarbrücken / Brüssel

Alexander Scheuer, EMR

CSA 10 ans

Quelle (auto-)(co-)
régulation des
contenus linéaires et
non linéaires ?

Bruxelles, 21 sept. 2007



Les nouvelles frontières de la radiodiffusion

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Colloque

Conseil supérieur de l'audiovisuel

Bruxelles, 21 septembre 2007

Quelle (auto-)(co-) régulation des contenus linéaires et non linéaires ?

Alexander Scheuer

General Manager

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1 Co-regulation at EU and MS level: a Definition

Proposed definition

- Elaborated in the course of the study on “Co-regulation measures in the media sector” by HBI and EMR, on behalf of EC, DG Infsoc & Media
- Broad approach to reflect various models in MS (as well as different sectors and public policy objectives)
- In short: **“Combination of non-state and state regulation aimed at cooperation”**

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1 Co-regulation at EU and MS level: a Definition

Definition - part I: *non-state component*

1. The **creation** of organisations, rules or processes
2. To influence **decisions** by persons or, in the case of organisations, decisions by or within such entities
3. Provided that it is performed by or within the organisations or parts of society that are **addressees** of the regulation

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1 Co-regulation at EU and MS level: a Definition

Definition - part II: *'state' component*

1. The system is established to achieve **public policy goals**
2. Non-state and state regulation have a **legal link**
3. The state confers **discretionary power** upon a non-state regulatory system
4. The state uses **regulatory resources** to influence the non-state regulatory system

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2 Parameters for effective functioning

Specific (system-related)

- Incentives inducing participation
- Openness
- Clear division of work
- Effective enforcement & Legal backstop
- Procedural safeguards, e.g. transparency, right to be heard
- Broad acceptance (awareness raising, complaints system)
- Evaluation & “Patience”
- ...

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Conclusion

- Co-regulation builds on the state's **confidence** in the commitment of the industry
- Co-regulation as an alternative form of regulation bundles various advantages of **industry involvement**, especially in light of the constant technological and economic development of the digital media sector
- Co-regulation can increase **trust** of users and the general public in content and has a clear marketing potential

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