The Independence of National Media Regulators across Europe: A Comparative Perspective

Adriana Mutu, Visiting Ph.D student, Annenberg School for Communication, University of Pennsylvania; Dep. Of Political Science, Autonomous University of Barcelona

Abstract - This article explores the de jure independence of 46 national media regulators across 43 European countries. It introduces a new dataset of regulators' institutional characteristics, by adapting Gilardi's (2002) index of formal independence. The hypothesis that formal independence varies across media systems (Hallin and Mancini, 2004) is consistent with the results of the empirical analysis. National media regulators in the Polarized Pluralist countries have a higher degree of formal independence in comparison with Democratic Corporatist and Liberal models of media systems. The variation of formal independence can be explained by means of theory on media systems.

Keywords: NRAs, media systems, independence, index

Introduction

On February 3, 2014, the European Commission (EC) formally established a new group of regulatory authorities to oversee audiovisual services. This group, "The European Regulators Group for Audiovisual Media Services," is designed to foster closer and more regular cooperation between member states' regulatory bodies and the EC, and to advise the EC in implementing the EU's Audiovisual Media Services Directive (AVMSD). Members of the new group are the heads or high level representatives of national independent regulatory bodies in the field of audiovisual services.

This event highlights an ongoing debate regarding media governance, policy and regulation across Europe. Strengthening cooperation between independent regulatory authorities in the broadcasting field is a recurring trend in recent policy recommendations. As seen in directives such as Directive 2010/12/EU, policy objectives emphasize EU coordination, especially in providing rules to shape technological developments, creating a level playing field for emerging audiovisual media, preserving cultural diversity, safeguarding media pluralism, and guaranteeing the independence of national media regulators. This paper will discuss the independence of National Regulatory Authorities (NRAs) for audiovisual media, situating the question of regulatory independence within the interdisciplinary agenda on regulation across Europe.

Among other requirements such as accountability, transparency and participation, independence is perhaps the most central principle of good governance[1]. In this context, independence is understood as "the absence of pressures from political and industry interests," and its implementation "requires the adoption of a series of measures that will shelter the agencies against undue pressures" (Magnette, 2005).

In the audiovisual field, independent regulatory authorities represent a key model of European media governance. Governance consists of "rules, processes and behaviours that influence the way in which powers are exercised, particularly as regards openness, participation, accountability, effectiveness and coherence. Media governance is considerably different in the various national and regional domains in Europe" (Terzis, 2008). Audiovisual media are extensively regulated because they use a limited natural resource, the spectrum of frequencies, managed by national governments and international authorities. From the institutional perspective, three major trends have influenced the rising of national media regulators: setting up independent agencies, involving competition authorities, and endowing convergent regulatory institutions on telecommunications and broadcasting (Spyrelli, 2003).

National Regulatory Authorities are equipped with their own regulatory responsibilities and resources; "each combine legislative, executive and judicial functions, interpret, define and supervise rules, and introduce sanctions" (Baldwin and Cave, 1999). The main task of NRAs is to control the market power of the former state monopolists and provide for fair competition in the liberalized infrastructural sectors (Doern and Wilks, 1996; Gilardi, 2002; Levy and Spiller, 1996; Majone, 1997; Thatcher, 2002a, 2002b).

The advent of National Regulatory Authorities has stimulated the academic debate on the nexus between institutional arrangements and regulatory outcomes in various types of political and media systems (Hallin and Manicini, 2004; Mutu and Botella, 2013). Firstly, qualitative and quantitative research on whether NRAs' independence is influenced by their institutional design is still in its infancy. Quantitative data for national media regulators' independence is not available. There is a gap in the literature concerning "the empirically based understanding of media systems as dynamic, evolving real types, and there is a need to understand systemic and institutional developments" (Nielsen et al., 2013). Secondly, much of the literature (Majone, 2001; Jordana, Levi-Faur, 2004; Hanretty, 2010, 2012; Spyrelli, 2003) examines why governments allow the creation NRAs and how NRAs retain their independence, especially given politicians' incentives to reassert control over the media.

This study seeks to provide a deep understanding of media governance in Europe. It fills the gaps in the scholarship by 1) mapping the variety of NRAs, and 2) empirically assessing the variation of

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[1] See White Paper on European Governance, 25 July 2001, COM (2001).

their formal independence across media systems. This research employs an exploratory mixed methods design with the quantitative approach as the main research strategy. The analysis is centered on the comparison of NRAs in the context of the European media governance. The central research question asks to what extent the analysis of the institutional design of NRAs contributes to a more comprehensive understanding of the links between formal independence and types of media systems, via mixed methods analysis. The hypothesis that formal independence varies across media systems is examined empirically in a quantitative analysis of 46 regulatory bodies in 43 European countries.

The dependent variable is the *de jure* independence[2] of regulators from elected politicians. To assess NRAs' formal independence I adapted Gilardi's index of formal independence (Gilardi, 2002), and build a new dataset of regulators' institutional characteristics. Gilardi developed an index of formal independence of regulatory agencies which is based on indices of central banks independence (Cukierman et al., 1992; Alesina and Summers, 1993; Grilli et al., 1991). Gilardi index is composed of five dimensions: status of the agency head, status of the management board, relationship with government and parliament, financial and organizational autonomy, and regulatory competencies. The author argues that "it is well known that formal and informal independence do not necessarily correlate. (…) If we are interested in the institutional design of regulators, the formal aspects of independence are the only ones that policy makers can directly influence. In this case, it makes perfect sense to focus on formal independence and to leave aside its informal dimension" (Gilardi, 2008: 57).

Following Gilardi's (2002) and Hallin and Mancini's (2004) empirical and theoretical frameworks, my work adds to current research as it introduces data on *de jure* institutional features of NRAs across media systems. Variables such as institutional framework, internal organization and staffing, powers of the regulatory bodies, financial resources and checks and balances, are used to create a proxy for the independence of NRAs. The findings of the study are in line with the theoretical expectations. Structural differences between national media regulators result in different levels of formal independence which varies across media systems.

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[2] The distinction between formal (*de jure*) and actual (*de facto)* independence has been widely analyzed in the literature. The concept of independence was originally adopted to characterize the institutional status of Central Banks (Rogoff, 1985), which comprises two elements: political independence, "the ability to select policy objectives without influence from the government," and economic independence, "the ability to use instruments of monetary policy without restrictions" (Alesina and Summers, 1993; Maggetti, 2007). Formal independence is "the product of laws and statutes prescribing the institutional design and safeguards of a regulatory body" (INDIREG, 2011). The notion of de facto independence characterizes the effective independence of agencies during their day-to-day regulatory action "without receiving and acting on the basis of instructions, threats or other inducement from politicians" (Hanretty, 2010). Indexing formal independence is relevant when assessing the actual independence of regulatory agencies. "There is value in studying formal independence" if more independent agencies deliver better policy (Hanretty and Koop, 2009).

The next section presents theoretical arguments from the literature. The following two parts discuss hypotheses, data, methods and results. Discussion and Conclusion sum up the main arguments and findings and review the research perspectives opened up by this article.

Formal Independence and Media systems. A Literature review

Studying the direct links among the independence of NRAs and media systems is still a work in progress. So far, in the search for general communication patterns and their consequences, the investigation of institutional arrangements has been important when comparing systematically different media and political systems (Voltmer, 2000; Siebert et al, 2006; Mughan and Gunther, 2000; Hallin and Mancini, 2004; Snow, 1986). In recent years, scholars have examined the changing practices, structures and contents of communication and regulatory policies mostly focusing on particular regions such as the Nordic countries (Balčytienė, 2012; Lund, 2007; Nieminen, 2009; Balcytiene, 2009), Western Europe (Kuhn and Stanyer,1999; Humphreys, 1996; Kuhn and Stanyer, 1999; Rogers and Balle, 1985), Southern Europe (Botella Corral, 2001, 2007), Central-Eastern Europe (Balabanova, 2007; Splichal, 1994; Gross, 2002; Gulyás, 1999, 2003; Mihelj and Downey, 2012). A limited number of edited volumes focused on particular regions like Eastern Europe, Latin America, Western Europe, or everything *but* the Western World (Nielsen et al, 2013).

Measuring formal and factual independence of national regulators represents a methodological challenge. Although there is no consensus, "the state-of-the-art is by now fairly established" (Iron and Ledger, 2013). Most empirical analyses (Gilardi, 2002, 2005; Elgie and McMenamin, 2005) focus on formal independence of regulatory agencies.

The empirical assessment of formal independence originates from methodologies developed to study central banks (Iron and Ledger, 2013). A few authors review how this methodology is adapted for the assessment of regulatory independence in telecommunications (Gutierrez, 2003; Edwards and Waverman, 2006; Gual and Trillas, 2004; 2006; Montoya and Trillas, 2007) and energy (Larsen, et al. 2006). Formal independence is operationalized with indicators clustered around dimensions and weighted according to their presumed influence (Cukierman, Webb and Neyapti, 1992; Gilardi, 2001).

Full-fledged empirical analysis in comparative research remains scarce. Preliminary work on institutional arrangements was undertaken by several scholars (Gilardi, 2001; Cukierman et al, 1992; Bernhard, 1998; Siebert, Peterson and Schramm, 1963; Stone, 1991; Smith, 1997; Geradin and Petit, 2004; Machet, 2002; INDIREG report (Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive), 2011; Schulz et al., 2013).

Exploring the contrasts between media systems and political systems creates the premises for a comparative perspective on the interrelations between media and politics. The variation of political independence of media regulators as a function of media systems was introduced by Hallin and Mancini (2004) in the seminal study "Comparing Media Systems". This work is considered to be the most influential in comparative media area, although the authors themselves underline (2004) it "make[s] only very limited attempts at new empirical research. It is our intent instead to propose a theoretical synthesis and a framework for comparative research on the media and political systems". Their study is largely exploratory, more for concept formation than hypothesis testing and causal inference (Downey, 2010).

When exploring and classifying media systems in 18 nations within North America and Western Europe, Hallin and Mancini (2004) focus on media variables (Figure 1) such as the structures of the media market, political parallelism, the development of journalistic professionalism, and the role of the state.

	Polarized Pluralist Model	Democratic Corporatist Model	Liberal Model
Newspaper industry	Low newspaper circulation; elite politically oriented Press.	High newspaper circulation; early development of mass-circulation press.	Medium newspaper circulation; early development of mass-circulation commercial press.
Political Parallelism	High political parallelism; parliamentary or government model of broadcast governance; politics-over broadcasting systems.	External pluralism; shift toward neutral commercial press; politics-in-broadcasting system with substantial autonomy.	Neutral commercial press; professional model of broadcast governance – formally autonomous system.
Professionalization	Weaker professionalization; instrumentalization	Strong professionalization; Institutionalized self-regulation.	Strong professionalization; noninstitutionalized self-regulation.
Role of the State in Media System	Strong state intervention; periods of censorship; "savage deregulation" (except France).	Strong state intervention but with protection for press freedom; press subsidies, particularly strong in Scandinavia; strong public-service broadcasting.	Market dominated (except strong public broadcasting in Britain, Ireland).

Figure 1. Media system characteristics
Source: Hallin and Mancini, *Comparing media systems* (2004)

Figure 2 compiles the five dimensions of the political contexts of media systems: the role of the state, type of democracy (consensus vs. majoritarian), type of pluralism (individual vs. organized), degree of rational-legal authority, and degree of pluralism (moderate vs. polarized).

	Polarized Pluralist Model	Democratic Corporatist Model	Liberal Model
Political History; Patterns of Conflict and Consensus	Late democratization; polarized pluralism.	Early democratization; moderate pluralism.	Early democratization; moderate pluralism.
Consensus or Majoritarian Government	Both	Predominantly consensus	Predominantly majoritarian
Individual vs. Organized Pluralism	Organized pluralism; strong role of political parties.	Organized pluralism; segmented pluralism; democratic corporatism.	Individualized representation rather than organized pluralism.
Role of the State	Dirigisme, strong involvement of state and parties in economy; periods of authoritarianism.	Strong welfare state; significant involvement of state in economy.	Liberalism; weaker welfare state particularly in United States.
Rational Legal Authority	Weaker development of rational legal authority; clientelism.	Strong development of rational-legal authority.	Strong development of rational-legal authority.

Figure 2. Political system characteristics
Source: Hallin and Mancini, *Comparing media systems* (2004)

According to specific constellations of the variables within these dimensions, Hallin and Mancini conceptualized the three models of media and politics: Polarized-Pluralist model (France, Greece, Italy, Portugal, Spain), Democratic-Corporatist model (Austria, Belgium, Denmark, Finland, Germany, Netherlands, Norway, Sweden, Switzerland) and Liberal model (UK, USA, Canada, Ireland).

The authors present four basic models of media governance of public broadcasting that by approximation may frame the political control over NRAs. In the government model, public broadcasting is controlled directly by the government or by the political majority (Western Europe, Greece, Portugal and Spain). Here, directors of public broadcasting are appointed by Parliament, not directly by the government, "but this in the end gives the majority party effective control" (Hallin and Mancini, 2004). The second model is the professional one, where a strong tradition developed that broadcasting should be "largely insulated from political control" and run by broadcasting professionals (UK, Canada, USA, Ireland, some Scandinavian countries). In the

parliamentary or proportional representation model, control over public broadcasting is divided among political parties by proportional representation (PR). Finally, in the civic or corporatist model the control of public service broadcasting is distributed among various social and political groups (Germany, Austria and Netherlands).

Operationalization of the media systems in order to make quantitative comparative analysis presents several challenges (Peruško, 2012). Post-communist countries in Eastern Europe are not included in Hallin and Mancini's seminal study. In terms of the structural dimensions of media systems, many characteristics of the post-socialist media systems are found to be similar to the Mediterranean polarized pluralist model (Dobek-Ostrowska, 2012; Peruško, 2012; Balčytiene, 2009; Curran and Park, 2000; Puppis et al., 2009; Terzis, 2007). There is a vivid debate upon the nature of the Polarized Pluralist model and its applicability for many media systems beyond the Western world (Jakubowicz, 2007). In this study I operationalized the media system in Eastern Europe as a Mediterranean one. Further research should be done to assess the differences and similarities between the two media systems.

Following these theoretical arguments, the study in hand focuses on the practices of media governance, and proposes an approach for conceptualizing, assessing, and explaining regulators' formal independence across media systems. The relation between the institutional design of national media regulators and formal independence is investigated. The objective is to compare NRAs in performing their different functions, but also to analyze to what extent regulators *per se* behave differently across systems.

Data and Methods

The dataset was built according to the criteria of comparability between institutional models of NRAs. To validate the index creation of formal independence, qualitative data was collected from different sources such as questionnaires, official documents, statutes, constitution, laws, terms of reference, rules of procedures, financial regulations. In the same time, the study relies on a secondary evaluation of existing material that has already been produced in the countries in question. The choice of data collection methods is subject to constraints in time, financial resources, difficulties in identifying and accessing relevant documents, as well as language limitations. The emergent nature of the media governance field introduces a further level of bias due to the lack of standardized definitions, best practices and other key elements.

The units of analysis are 46 national media regulators from 43 European countries. A few number of regulatory bodies were excluded from the study for several reasons: they are not NRAs; they represent territories annexed by different states (Gibraltar, Isle of Man); and there is no available

data for a few cases (Andorra, Vatican, Monaco, San Marino). Criteria for sampling is drawn from the literature on regulatory agencies (Fernandez y Marin, 2013):

1. Organizational identity: regulatory agencies should represent an organizational unit formally separated from larger departmental and ministerial structures or from public bureaucratic frames.
2. Regulatory tasks: regulatory agencies should focus on rule supervision, rule enhancement, and rule definition, among others.
3. Institutional settings: regulatory agencies should be stable and public entities, regulated by public legal acts and ordinances, and performing public tasks, being their employees public servants - whether tenured or not - and their budget under public control.
4. Scope: regulatory agencies should be of national scope.

From a methodological perspective, I followed a mixed-methods approach that allows me to have both an in-depth qualitative perspective and a quantitative understanding of media governance in Europe. The study uses a multi-method approach by combining qualitative and quantitative strategies for the analysis and interpretation of data. Qualitative and quantitative methodologies have been considered two separate paradigms in social sciences due to distinct epistemological presumptions (Morgan, 2007). Yet, a growing number of researchers acknowledge the advantages brought by a mixed methods research design, in which the 'rigorous' but often 'superficial' quantitative perspective is complemented by a more in-depth and evocative qualitative analysis.

I.   Measuring Formal Independence of National Media Regulators across Countries

The analysis of the data revealed that media regulators have been set up taking different administrative forms, according to the national legal traditions. Independence is implicitly or explicitly recognized as a value in the legal framework. Four standard models of NRAs were identified:

1. Legal separate entities, independence explicitly recognized: the large majority of countries;
2. Legal separate entities, subordinated to a ministry, independence explicitly recognized: Norway, Finland, Iceland;
3. Partly separate legal entities, recognition of independence varies: Liechtenstein, Luxembourg, Switzerland, Ukraine;
4. No legal separate bodies, units integrated within the ministry, no provisions for independence: Belarus, Estonia.

To empirically investigate the formal independence I have quantized qualitative data[3] on the five dimensions of Gilardi's index (the status of the agency head, status of the management board, relationship with government and parliament, financial and organizational autonomy, and regulatory competencies). Each indicator was coded on a scale of 0 (lowest level of independence) to 1 (highest level of independence). The individual indicators are aggregated in two steps. First, the indicators are aggregated at a variable level. The value of the variable-level index is the mean of the corresponding indicators. Then, variable-level indexes are aggregated into a single independence index, which is the mean of the five variable-level indexes. To each variable is attributed the same weight and implicitly the same relevance (Gilardi, 2002).

Media systems are operationalized as follows: 1 (Polarized Pluralist model of media system), 2 (Democratic corporatist model of media system), and 3 (Liberal model of media system).

Each boxplot shows the average level of formal independence of NRAs for different indicators, plus the mean of them which defines the Gilardi index. On each box, the central mark is the median, the edges of the box are the 25th and 75th percentiles, the whiskers extend to the most extreme data points not considered outliers, and outliers are plotted individually.

I.   The first two dimensions of formal independence: agency head and management board

I have gathered data on the length of the term of office, appointment, dismissal, renewability of appointment, compatibility with other public offices, and whether the independence of officials is an explicit requirement. The analysis showed that in the large majority of countries, the highest decision-making organ of the regulatory body is a board, composed of between three and 77 members. Only in Austria, Finland, Slovenia, Sweden, Norway and Switzerland the regulatory body is governed by an individual. The composition of the board varies widely between countries and it consists of experts, representatives of civil society, and industry representatives. Independence is not explicitly foreseen in all cases.

Different models of appointment procedures exist (INDIREG, 2011). In some of cases, the appointment stage is a formal step as the appointer is bound by the nominations, while in other cases the appointer can ignore the nominations. No model is predominant in the European Union. In the large majority of these countries, the appointing authority is the executive body (minister/government/council of ministers): Belgium, Cyprus, Denmark, Finland, the Netherlands,

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[3] The term *quantitizing* describes the process of transforming coded qualitative data into quantitative data (Tashakkori and Teddlie, 1998) for mixed methods research designs (Blake, 1989; Greene, Caracelli, and Graham, 1989; Rossman and Wilson, 1991).

Slovenia, and the UK. In others, the appointing authority is the parliament (Germany), in others it is the socially relevant groups and the parliamentary groups (Germany) and a mix of parliament and the president (Poland).

The term of office ranges between two and seven years. In most countries, it does not coincide with the election cycle. Often, renewal is possible but is limited to one or two instances. Countries where renewal is not allowed include France, Italy, Poland, Portugal, Spain, Macedonia and Iceland.

Few countries (Albania, Austria, Belgium, Finland, Hungary and Turkey) have specific requirements on professional qualifications and expertise. Rules to guard against conflicts of interest exist in most of the countries. The rules cover the incompatibilities with government, parliament, political parties and industry. Other offices cannot be held at the same time as the membership of board. The same rules apply as during the appointment stage. Most countries do not have rules to prevent conflicts of interests after the term of office. Specific rules limiting the possibility for dismissal exist.

Boxplots in Figure 3 and Figure 4 show the average level of formal independence of heads and board members of NRAs covered by data six indicators (term of office, appointment, dismissal, renewability of appointment, compatibility with other public offices, and the requirement for independence), plus the mean of them. Vertical boxes indicate the average formal independence within each NRA. The analysis reveals significant cross-national differences.
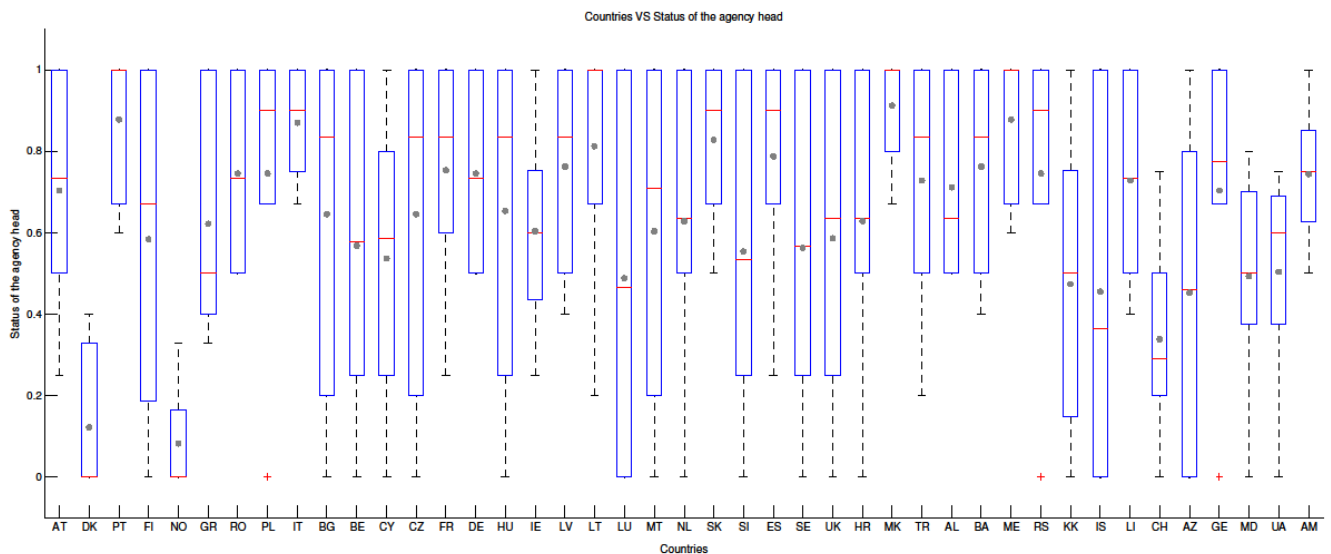

Figure 3. Formal independence of the agency head of NRAs

The heads of regulators tend to be most independent in Portugal, Latvia, Macedonia and Montenegro, and less independent in Denmark and Norway.
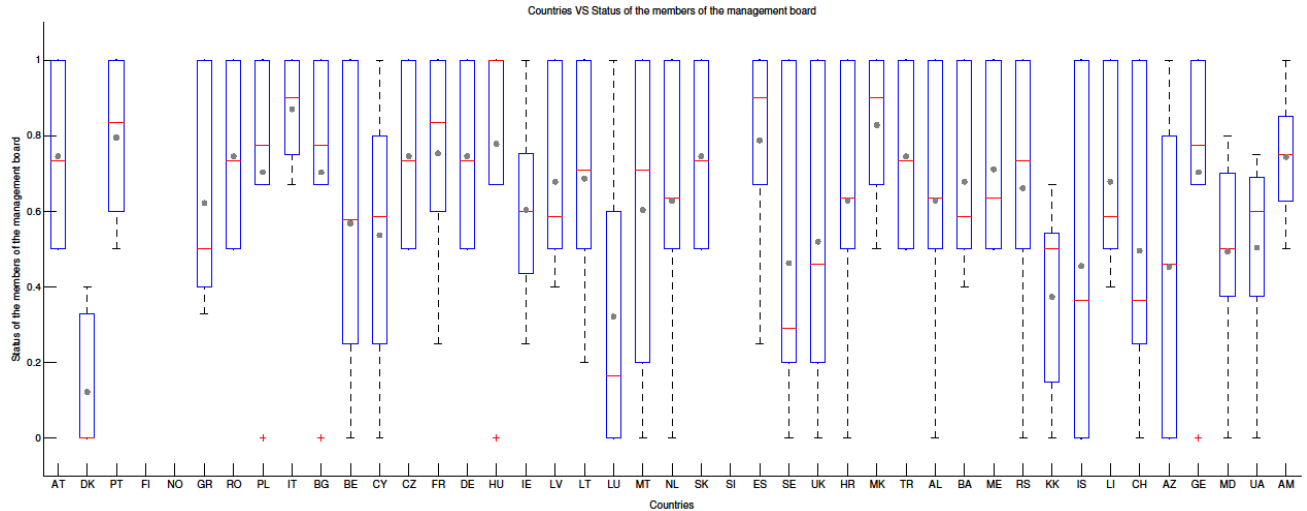
Figure 4. Formal independence of the board members of NRAs

The board of the media regulator in Hungary appears to be the most independent, while Denmark scores the lowest degree of formal independence.

II. The third dimension: financial independence

Data was gathered on the source of and who controls the budget, and the staff policy. The most common model of funding is the state budgets. In some cases, the budgets are supplemented by other sources, such as the end-user broadcasting license fee, the revenues from technical fees or application fees, taxes on private broadcasters' income, donations and grants. In the majority of the countries where the budget of the broadcasting regulator is part of the overall state budget, its approval follows the standard procedure where the budget is first proposed by the government and is adopted following the approval of parliament. Figure 5 shows the boxplot analysis of the average level of formal independence in each country.
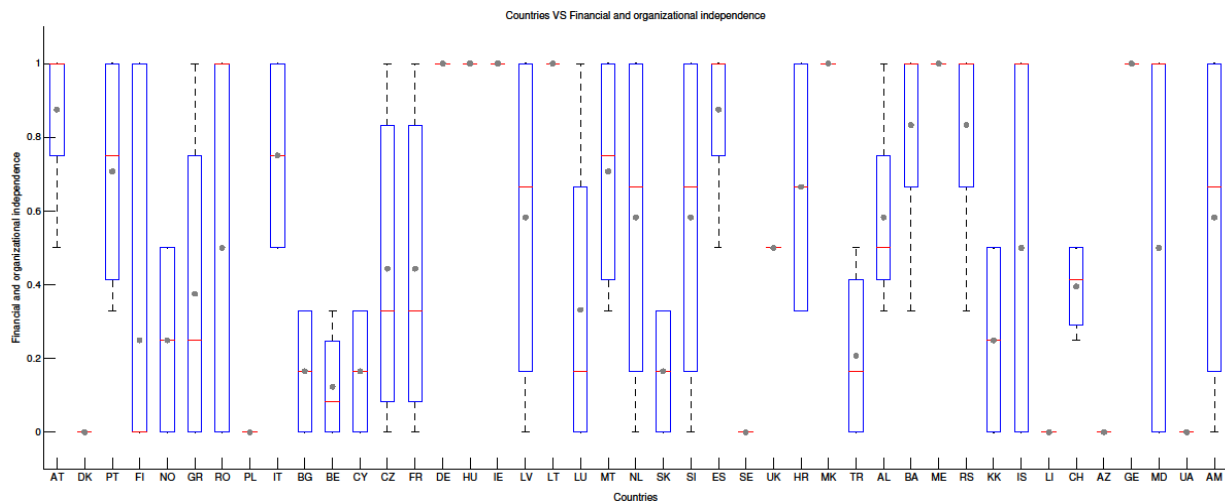

Figure 5. Financial formal independence of NRAs

Media regulators in Austria, Romania, Germany, Hungary, Ireland, Lithuania, Spain, Macedonia, Bosnia, Montenegro, Serbia, Iceland, Georgia and Moldavia have the highest degree of financial and organizational independence, while Denmark, Finland, Poland, Sweden, Liechtenstein, Azerbaijan and Ukraine appear to be the less independent.

III. The fourth dimension: checks and balances

The relationship between the regulator and elected politicians, the formal requirement for independence, formal obligations and the conditions under which NRAs' decisions can be overturned show the level of formal independence in each country (Figure 6).

Most of the media regulators are formally accountable to Parliament, except NRAs in the Nordic countries. The accountability takes the form of an annual report which includes information on the regulator's activities and finances. Usually, a minister/ministry or the government have powers to give instructions to the regulatory body. In the majority of cases, courts do not have the power to replace the regulator's decision with their own, but can cancel the decision and remit it back to the regulator.
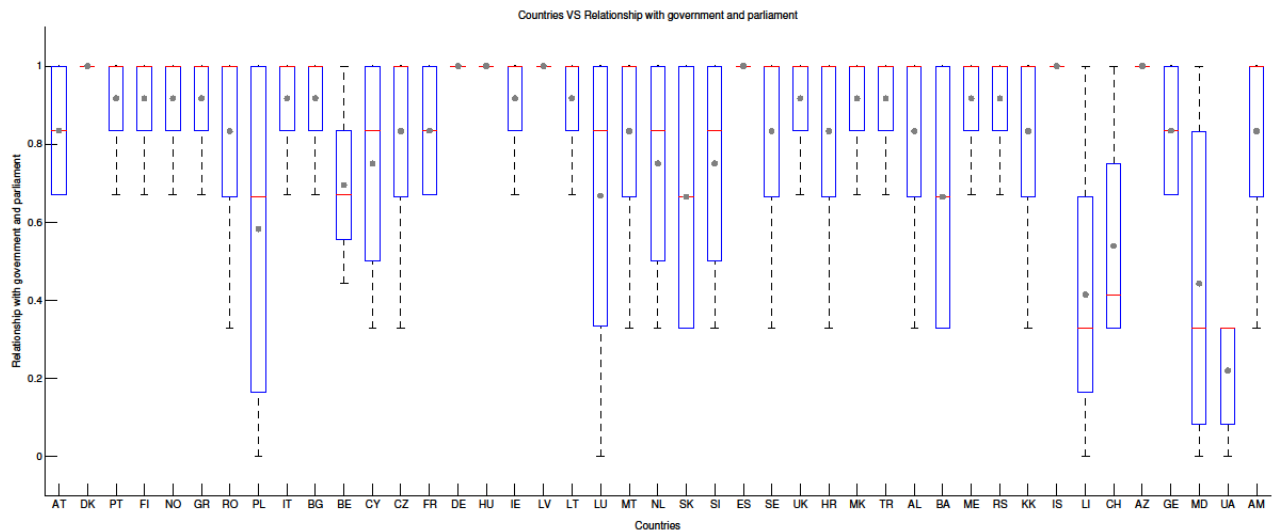

Figure 6. Formal independence of NRAs in relation with governance structures

High formal independence of NRAs in the relationship with elected politicians is identified in the majority of countries: Denmark, Portugal, Greece, Romania, Italy, Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Malta, Spain, Serbia, Croatia, Macedonia, Turkey, Albania, Montenegro, Kosovo, Georgia Armenia, Denmark, Finland, Norway, Germany, Sweden, Iceland, the UK and Ireland.

IV. The fifth dimension: regulatory competencies

In the majority of cases, national media regulators do not have general policy setting powers. The level of supervision powers range from systematic monitoring to monitoring only after complaints. All authorities have the power to adopt sanctions, to issue warnings or formal objections, and to impose fines. The power to revoke or suspend a license exists in a large number of countries.
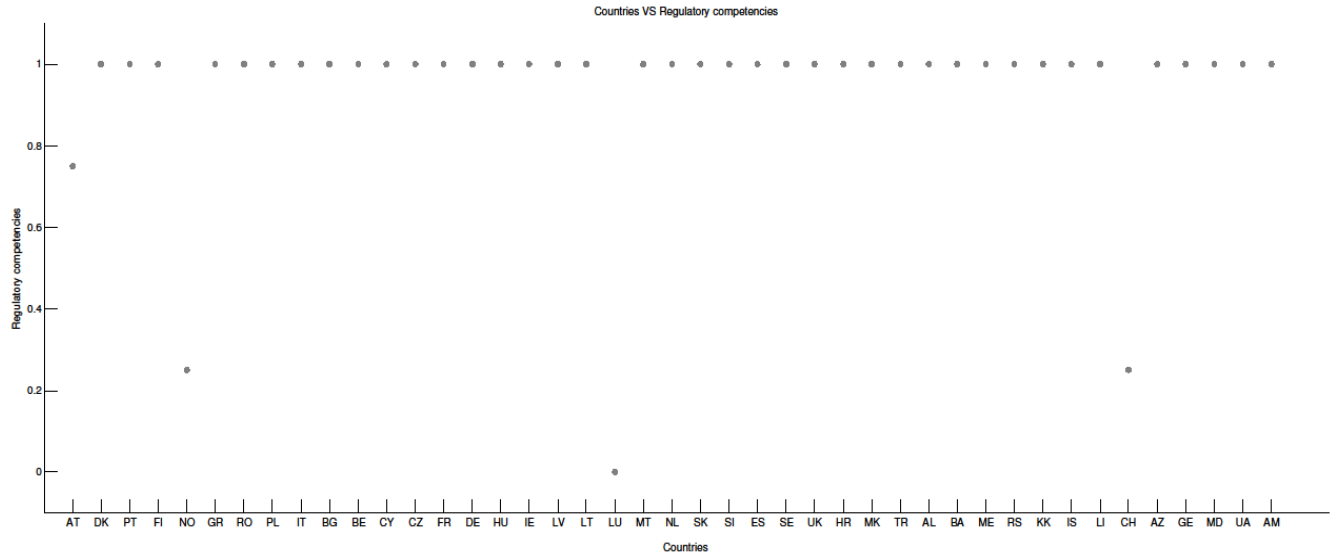

Figure 6. Formal independence of NRAs in relation with delegated competencies

Figure 6 captures the competencies that are delegated to national media regulators across countries. Only NRAs in Austria, Norway, Luxembourg and Switzerland co-regulate the audiovisual together with other institutions.

V. Cross-national variation of formal independence. Test of difference

To measure the variation of formal independence of NRAs across Europe, for each country I considered the twenty-three indicators of Gilardi's index. I averaged the indicators of countries with more than one regulator (Belgium and Switzerland). Since the data is measured at the ordinal level, I considered a non-parametric test. Moreover, since data is not available for all the regulators, I used a Skillings-Mack statistical test. The Skillings–Mack statistic (Skillings and Mack, 1981) is a general Friedman-type statistic that can be used in almost any block design with an arbitrary missing-data structure. The means differed significantly among the countries ($p < 0.001$).

Post-hoc analysis (Wilcoxon signed-rank test corrected according to Bonferroni) revealed statistically significant difference between 20 groups of countries: Switzerland and Romania, Belgium and Hungary, Belgium and Georgia, Luxembourg and Hungary, Luxembourg and Latvia, Luxembourg and Serbia, the Netherlands and Macedonia, Switzerland and Croatia, Liechtestein and Armenia, Denmark and Albania, Denmark and Czech Republic, Norway and Spain. Figure 7 indicates that national media regulators are more formally independent in Portugal, Italy,

Germany, Hungary, Latvia, Lithuania, Spain, Macedonia, Montenegro, and Serbia. The NRA in Denmark has the lower score of formal independence.
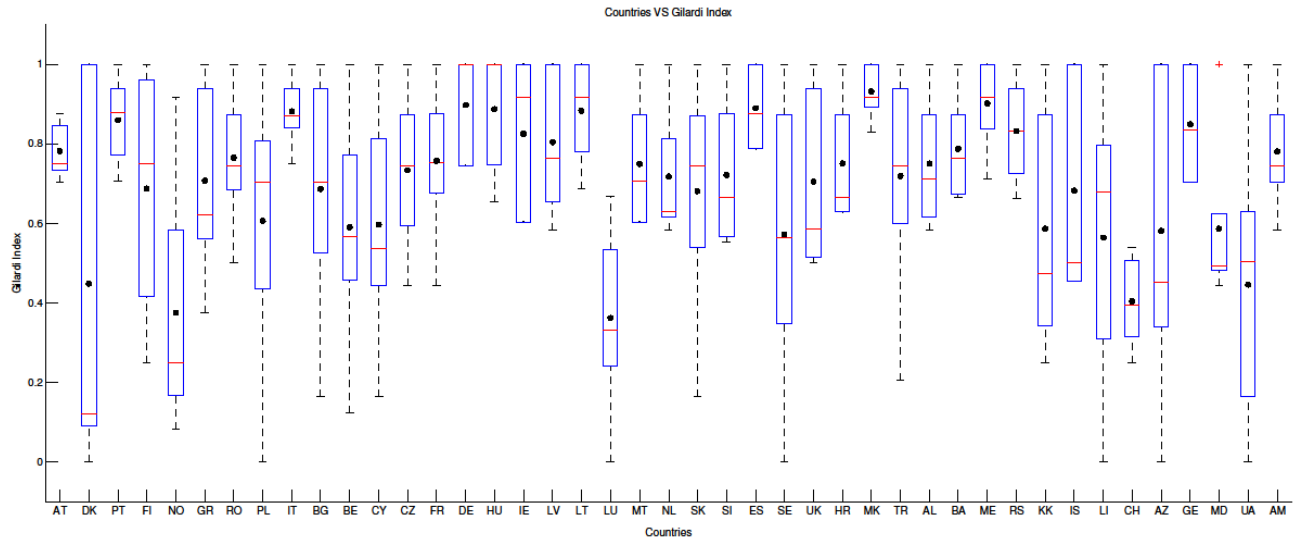

Figure 7. Variation of formal independence of NRAs across countries

The aggregated country-specific results show cross-national variations of formal independence of media regulators. More independence is granted when the head and board members are appointed jointly by government and parliament for a non-renewable fixed term, with no possibility of early dismissal. If they are appointed for a renewable term by a minister who has the power to dismiss them, the regulator is certainly less independent. A regulator that does not have to rely on the government to finance its activities, and that has the control of the personnel policy and the capacity to conduct autonomous activities is more independent (Gilardi, 2008).

These results have been used to group countries according to Hallin and Mancini (2004)'s typology of media systems. It follows that national media regulators in Polarized Pluralist countries are formally more independent than in Democratic media systems. These observations give preliminary support to the hypothesis that formal independence varies across media systems.

II.   Measuring Formal Independence of National Media Regulators Across Media Systems

Since Gillardi's index of formal independence considers ordinal data, I compared the data running Kruskal-Wallis H and Mann-Whitney U tests (depending on the number of levels of the independent variable). I tested Gillardi's index of countries for differences among media systems. Gilardi's index was statistically significantly different between different media systems, $\chi 2(2)$ = 6.621, p = .037. Pairwise comparisons were performed using Dunn's (1964) procedure with a Bonferroni correction for multiple comparisons. Gilardi's index was statistically significantly different between Pluralist Polarized and Democrat Corporatist models of media

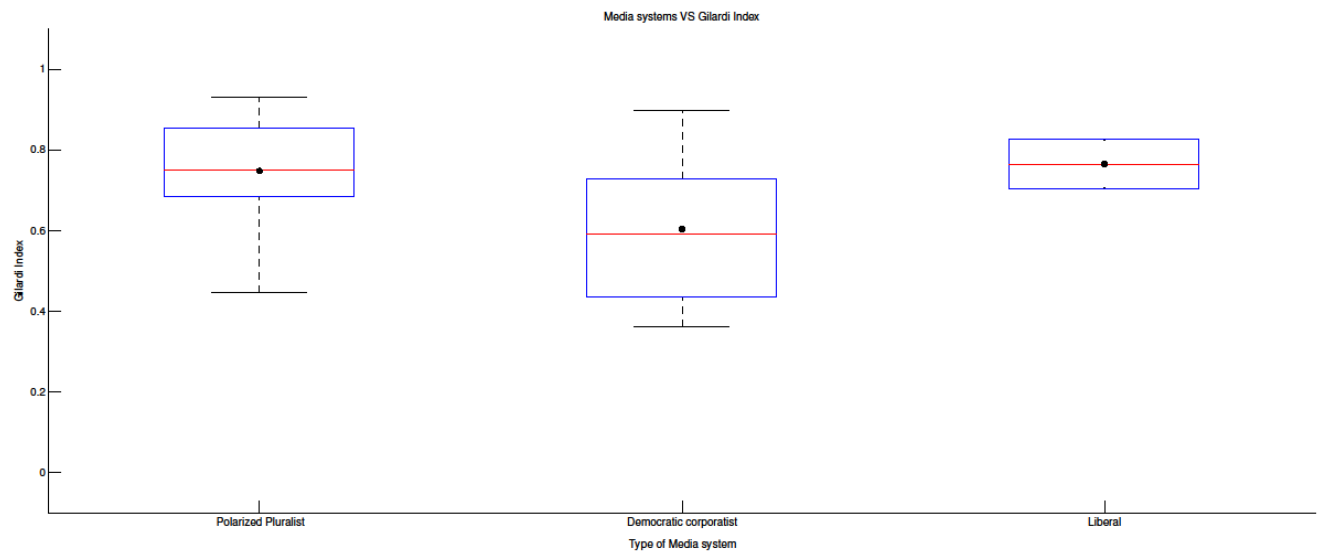system (p = .031). This evidence fits with the variation of formal independence hypothesis (Figure 8).

Figure 8. Variation of formal independence across media systems

The next section provides theoretical arguments to explain why formal independence varies across the three regional dimensions of media governance, as defined by the criteria set by Hallin and Mancini (2004).

Discussion and Conclusion

The comparison of 46 national media regulators showed that 1) institutional differences result in different levels of independence which varies across media systems, and 2) regulators in Polarized Pluralist countries are formally the most independent.

These findings are especially significant since media regulators in Eastern and Southern Europe (Polarized Pluralist media system) are perceived as being *de facto* strongly controlled by politicians (Dobek-Ostrowska and Glowacki, 2008; Jakubowicz, 2007, 2008). The incongruity between *de jure* and *de facto* independence indicates that institutional structures enforcing formal independence are not a prerequisite. The *de jure* independence does not guarantee the independence in practice. The complex relationship between formal and informal independence can be affected by several factors (Magetti, 2007). The *de jure* independence can explain only partially the variations in *de facto* independence from politicians (Stern, 1997; Thatcher, 2002a, b). Secondly, the *de facto* independence from politicians is not necessarily consistent with statutory prescriptions.

Institutional design choices correspond to some of the key characteristics of media systems, which can assess why guaranteeing formal independence is explicitly important in particular cases. Some

of these key features are the democratization process, the degree of interference of the state in the media system, the level of journalistic professionalism, the commercialization, competition, and the domination of media (Hallin and Mancini, 2011; Dobek-Ostrowska, Glowacki, 2008).

In the Polarized Pluralist media system, national media regulators are "a direct extension of the political power structure. The composition of regulatory authorities directly mirrors the political makeup of the parliament and government of the day. Although usually the legislation describes them as "independent", in reality they are "winner-take-all" institutions and their independence is open to doubt" (Jakubowicz, 2012: 28). The composition of NRAs in these countries has been systematically politicized regarding the appointment procedures and members' affiliations to political parties. Poland, Romania, Hungary, Albania, and Italy are just a few examples where, despite the fact that the law restricts the board members to belong to a political party, in practice they always have political connections (INDIREG, 2011).

The statistical analysis showed that media regulators in Democratic Corporatist countries are *de jure* the less independent. *De facto*, there is "a strong culture of independence" of regulators which compensates the "low level of rules" (Jakubowicz, 2012). In this media model (Hallin and Mancini, 2004), the state is regarded as the guardian of freedom and justice, and the political parallelism has coexisted with a high degree of journalistic professionalization. Similar, in the Liberal countries the role of the state is limited, there is a strong development of commercial media, and there is a strong professionalization of journalism. The media have been institutionally separate from political parties and other organized social groups.

In contrast, a high level of rules is needed in countries with a low "culture of independence", which have experienced a late transition to democracy, political instability and repression (Papathanassopoulos, 2007). The media systems in Southern and Eastern Europe share a number of characteristics which distinguish them from the above mentioned models: late democratization, incomplete or little advanced modernization, weak rational-legal authority, underdevelopment of capitalism (Statham, 1996; Marletti and Roncaloro, 2000; Papatheodorou and Machin, 2003; Mancini, 2000; Hallin and Papathanassopoulos, 2002).

Southern and Eastern European countries display features of "state paternalism" or "political clientelism", which are intimately connected with the late development of democracy (Hallin and Mancini, 2012). The rational-legal authority is less developed than in Democratic and Liberal countries, where rational-legal forms of authority decreased the need for political elites to exert pressures. Most countries in Western Europe have developed self-regulatory institutions which separate public broadcasting from the direct control of the political majority. In Eastern and

Southern Europe, the state has played the role of censor, of owner of media enterprises, and has used a wide range of means of intervention (Papathanassopoulos, 2007).

Comparing national media regulators with respect to the formal and informal relationships they maintain with political powers is still in its infancy. Reason for further research would be to track how formal and informal independence are linked, and whether formal independence is a guarantee for *de facto* independence.

This paper discussed the independence of national media regulators across media systems in Europe. Firstly, it situated the question of regulatory independence within the interdisciplinary agenda on regulation across Europe. Secondly, it assessed the variation of formal independence of NRAs. Following a mixed method research design, this study introduced a new dataset of *de jure* institutional characteristics of national media regulators. Results of the analysis suggest that there are significant differences between the NRAs for broadcasting across media systems in terms of their institutional settings and political independence.

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