European Union: Saarbrücken Conclusions on Self-Regulation

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In the context of the German EU Council Presidency, an expert seminar on «voluntary self-regulation in the media sector at the European level» was held in Saarbrücken 19-21 April 1999.

Discussions took place in two working groups. The first one dealt with «self-regulation within the framework of national media systems from the point of view of the European Community», whereas the second one discussed the «requirements and chances of self-regulation in the European Community». The originally intended designation of the final document as «Saarbrücken Declaration» gave rise to objections from some of the government representatives as their approval could be construed as commitment, so it was finally agreed upon to publish the seminar results as «Saarbrücken Conclusions». It was taken into account that the Member States of the European Union already had developed various systems of self-regulation, sometimes differing strongly from each other. Each of theses systems was considered to have certain advantages, so that, according to the experts, none of them could be given preference over the others. While stressing that national self-regulation systems could be viewed as practical example of the principle of subsidiarity, the experts came to the conclusion that the various self-regulation institutions themselves were primarily responsible for the desirable bilateral, multilateral, and international co-operation across Europe. In that context, the main duty of EU executive bodies would be to encourage contacts and information exchanges, to promote the European model of self-regulation within international bodies, and to ensure that EC legislation provides sufficient room for self-regulation. At the same time, the experts pointed out that self-regulation should not lead to a re-fragmentation of the Single European Market nor jeopardise the application of competition law. They worked out the concepts of voluntary self-regulation and co-regulation. While co-regulation is carried out within a legal framework, which could for instance lay down a set of objectives to be achieved, voluntary self-regulation is based on mutual business agreements without legal obligations. As viewed by the conclusions, the benefits of self-regulation reside in their flexibility of use, in a strengthened position of media users, and in the protection of investment by media companies. Also to be found in the final document is the observation that self-regulation is more efficient in some areas than in others. Examples of areas suited to self-regulation would be the protection of minors and human dignity. The complete abandonment of government regulation was

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rejected by the experts, who pointed out that the state retains ultimate responsibility for protecting the public interest. According to the conclusions, the question as to which situations require government regulation rather than self-regulation or co-regulation, is a national matter and definitely not one of harmonisation of EC Law. In the opinion of the experts, conformity with national laws, transparency, efficiency, and acceptance are the keys to successful self-regulation or co-regulation. The tasks assigned to the Member States by the Saarbrücken Conclusions include, among others, further developing self-regulation systems by creating adequate legal frameworks, and giving due consideration to proven advantages of self-regulation or co-regulation, namely when deciding whether new problems in the media sector require specific governmental regulation. Media companies and self-regulation institutions should implement efficient and transparent procedures, share information with foreign self-regulation institutions, and at the same time seek support from the European Commission in these matters.

Saarbrücker Schlußfolgerungen zur Selbstregulierung.

http://www.aeforum.org/aeforum.nsf/b6f532dc08e2a32e80256c5100355eab/3f26755024739b3e802567ef0035bb3b/$FILE/semr0025.pdf

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