

[AL] Assessment Study on the Independence of the Regulator

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In November 2014, the Council of Europe office in Albania published the findings of an assessment on the independence and functioning of the Audiovisual Media Authority (AMA) in Albania. This study was commissioned by the Council of Europe on request of the Albanian Parliament. The aim of the study was to apply the INDIREG methodology to AMA and provide a contextual interpretation of the results with policy recommendations. The methodology used assessed the formal and de facto independence and functioning of the regulator in five aspects, including status and powers, financial autonomy, autonomy of the decision-makers, knowledge and transparency, and accountability.

The assessment study concluded that AMA faces two sets of challenges. The first set of challenges is related to the inability of the regulator to establish its independence as a regulatory authority, as it finds itself under the influence of political factors and the media it is supposed to regulate. As a result, the study notes that AMA's functioning has for a long time been hampered due to the hindrances that stop the board from being fully operational. The report also notes that "[t]here is a continuing risk that politicized appointments can lastingly damage the perception of AMA being an impartial arbitrator in pursuit of public interest."

According to the study, the second set of challenges that AMA faces is related to the overall environment in which it operates, where "the culture to respect its independence and legal compliance is not very succinct." The findings of the report show that the regulator has never managed to succeed in asserting itself as a regulator that is impartial, effective, and independent.

Based on the assessment, the study offered policy recommendations. In terms of the status and powers of the regulator, the study suggested that approval of the organisational chart of the regulator should not depend on the parliament. It also suggested transferring powers related to the transmission of electronic signals to the other regulator and removing the active fight against piracy from AMA's responsibilities. With regard to the autonomy of decision-making within the regulator, the study recommended that the nomination procedure should "strictly favour candidacies based on their merit in terms of professional expertise over political support," stressing that the ruling majority and the opposition should

strive to find qualified and consensual candidates. The study also included recommendations to amend the law so that the requirements on knowledge for both AMA employees and board members are more detailed.

The study also published recommendations addressed to the regulator itself. That AMA “should build and publish on its website a repository of all its decisions with motivations that is organised to reflect subject-areas and the application of AMA code powers” was one of the recommendations. AMA should also adopt a more active stance in terms of approving organisational measures against threats, while making sure to officially report on these threats. The recommendations concluded that AMA should also consider different measures to increase its transparency, justify and explain its decisions and, in general, improve its accountability and communication with the media and with the public.

Irion, K., Ledger, M., Svensson, S., Fejzulla, E., “The Independence and Functioning of the Audiovisual Media Authority in Albania”, study commissioned by the Council of Europe, Amsterdam/Brussels/Budapest/Tirana, October, 2014

<http://www.indireg.eu/wp-content/uploads/AMA/Indireg-AMA-Report-Nov11.pdf>

