

The evolution of EU media market regulation

EU media market regulation is part of an umbrella regulatory framework for communications. Significantly, the EU's framework for the communication sector is rooted in industrial policy. Principal concerns have been the drive for capital investment and correction of the trade imbalance with the United States. The policy itself has been locked into a discourse of 'job growth'. The communications industry has been portrayed by the EC as a panacea solution to the long-term loss of jobs in manufacturing industries, as domestic companies move offshore. The 'convergence' Green Paper of the European Commission (1997a) predicted that 'market growth can be transformed into jobs to bring the number of people employed in the industry in Europe (1.8 million) closer to the level in the United States (2.6 million)' (IPTS, 2000; CEC, 1998a). Consecutive EU policy documents have built up a communal faith by governments in the capacity of the communications industries to ease the very serious problem of growing unemployment in Europe.¹

Two landmark Directives, Television Without Frontiers and Open Network Provision, together form the backbone of the EU communications policy regime. The 1989 'Television without frontiers' (TWF) Directive provided a framework for capital mobility within the EU for services which were previously confined to national markets – television and radio signals. The goal was chiefly to encourage (via national deregulation) the exploitation of new technologies (initially cable and satellite). By defining television signals as services entitled to free movement within the internal market, TWF paved the way for cross-border transmission via satellite and cable. According to TWF, a broadcaster could only be regulated by the country of origin and not by the country of reception – a principle that was derived from the EJC rulings in the 1970s and early 1980s. The 1990 Open Network Provision (ONP) Directive provided open access to telecommunications services and networks based upon the principle of non-discrimination and the elimination of exclusive rights. Two streams of Directives were adopted in parallel: the liberalisation Directives under

Article 86 (competition law) and the ONP Directives under Article 95 (internal market). As Thatcher (1999) and Natalicchi (2002) have explained, the telecommunications liberalisation Directives are unique as they were based upon competition law, specifically Article 90.3 (now 86.3) of the Treaty of Rome.² The TWF and ONP Directives together paved the way for a series of subsequent Directives in the field (Appendix 1).

In the 1990s, technological innovation began to blur the boundaries between the traditional telecommunications and media sectors. Digital technology suddenly made it possible to compress data, visual image and sound into digital bytes which can be sent down fixed lines (e.g. telephone, cable, Asymmetric Digital Subscriber Lines (ADSL), powerline systems, broadband cable) or wireless systems (e.g. satellite, mobile telephony) to television sets, home computers and new generation mobile telephones.³ Digital compression put an end to spectrum scarcity. Broadband cable, whether copper or the more advanced fibre-optic, can carry so much capacity that it facilitates the broadcast of digital television and radio.⁴ This makes it possible for even national terrestrial broadcasters to broadcast abroad. Broadband can carry two-way communication, which facilitates interactive television and interactive advertising. Digital technology enables television channels to be received in many languages simultaneously. New services such as video-on-demand, near video-on-demand, multi-angle broadcasting, interactive television, telebanking, gaming (including interactive game shows) and computer telephony are becoming or have already become possible. New technology has also led to a proliferation in new advertising techniques: split-screen advertising, virtual advertising, T-commerce (television-commerce), e-commerce (electronic commerce), self-promotion, teleshopping, infomercials, telepromotions, etc. Companies that traditionally operated in separate markets (e.g. terrestrial broadcasters, satellite broadcasters, cable operators, long-distance telephone companies, local exchange carriers, personal computer manufacturers, software developers, content producers, internet service providers) are able to cross over to adjacent markets. The regulatory implications are enormous. This is particularly the case for the various stages of transmission: bundling, decoder technology, delivery system technology, scrambling, conditional access systems, common interfaces, application programming interfaces (APIs), electronic programming guides (EPGs), smart cards, etc.

The EC embraced the advent of new technologies with a series of 'White Papers' in the 1990s in which it presented policy recommendations to the European Council. Technological convergence became central to arguments for market liberalisation. The Commission viewed the concentration of financial capital as indispensable for the exploitation of new technologies. The papers focused heavily on the potential of technological growth for job creation (Collins and Murrone, 1996: 1-3). The 1993 Delors White Paper on 'Growth, competitiveness and employment' identified the media market

as one of only three sectors expected to produce future job growth (Appendix 1). The 1994 Bangemann White Paper on 'Europe and the global information society' hones in on the importance of the sector for both job growth and international trade.⁵ It was in this paper that the term 'information society' was first coined and used from this point onwards to frame communications policy debates.⁶ The paper states that national media regulations 'are a patchwork of inconsistency which tend to distort and fragment the market. They impede companies from taking advantage of the opportunities offered by the internal market, especially in multimedia, and could put them in jeopardy *vis-à-vis* non-European competitors.' This discourse was endorsed politically at the 1998 Birmingham European Audio-visual Conference; Jacques Santer predicted a 70 per cent global growth rate in the industry to take place within the subsequent decade.

Forwarding the policy agenda

The Commission sought to advance liberalisation in the field with two initiatives: *media ownership* and *convergence*. The chief concern in the first 1992 Green Paper, 'Pluralism and media concentration in the internal market' (CEC, 1992a), is the negative effect of national media legislation upon internal market growth. As a precursor to the Bangemann Report, it argues that Europe's media industry was hindered by extensively different ownership rules in each Member State. The main argument throughout the paper is for the harmonisation of Member States' media ownership rules, the 'disparity' of which were seen to 'brake structural adjustment' in the internal market. The draft Directive proposed the common market measure that no owner could dominate over 30 per cent audience share in a multimedia market. Multi-media at this point in time meant the traditional media markets of newspapers, radio and television (excluding new services). This measure was designed to allow for three large players and one small player at national levels. The second Green Paper, 'Convergence of the telecommunications, media and information technology sectors, and the implications for regulation', (CEC, 1997b), proposed to break down national regulatory boundaries between internet, telecommunications and television with a policy framework which encompassed all communication technologies and sought to eradicate inconsistencies between policies in different communications sectors. It recommends expansion of large communications conglomerates, which it envisions would compete with each other in many different countries in different markets. The market measure suggested in the Green Paper on convergence was that no player could own more than 30 per cent of market share. But the definition of the 'market' was to include traditional media markets, telecommunications markets and new services markets, which would allow for the possibility to create larger players.

The EC was presented with significant impasses to these policy proposals. Firstly, the Commission had come to the end of its Single Market programme. Single Market implementation was planned for a limited period of time only. It began as a direct result of the Single European Act in 1987 and ended with the completion of the Single Market in 1992 (Wessels and Weidenfeld, 1997). Its implementation had enabled a surge in regulatory growth during the 1980s. The fact that 1992 had come and gone, and the increased realisation by Member States of implementation costs, inevitably slowed regulatory growth. At the end of the Single Market programme, at the European Council Edinburgh summit in 1992, Member States formally agreed to slow the growth in policy by limiting the number of initiatives per year. The political emphasis turned to subsidiarity and flexibility as was formalised by the Maastricht Treaty in 1992. By 1997, only seven new Directives were passed by the European Council in a single year. A second factor hindering the introduction of further single market initiatives was that implementation of existing Directives was proving unsatisfactory. This was recognised in the Sutherland Reports which set up a programme to accelerate the implementation of Single Market policies (CEC, 1992b, 1992c, 1993b, 1993c). Satisfactory progress was not achieved. Consequently, the Commission established the 'Action plan for the Single Market', which was endorsed by the Amsterdam European Council in 1997 (CEC, 1997d). The plan manifested itself in a bi-annual implementation scoreboard, which the Commission submits to the Internal Market Council of the European Council.

Despite the slow-down in regulatory growth, the EU was able to push forward its agenda during the 1990s through other instruments, namely competition law and jurisprudence. Through these two powerful instruments, EU institutions were able to override the many political obstacles presented to the Commission's liberalising policy framework. The TWF and ONP Directives were enforced under competition law. In media markets, the MTF became particularly active in moulding emerging digital television markets. When faced with efforts by Member States to bypass European legislation, the diligence of the ECJ over a ten year period enforced implementation at the national level.

To complement actions of the ECJ and the MTF, the EC simultaneously practiced a 'softer' approach to furthering its policy agenda through the suggestion of best practices, models and solutions to the problem of regulating media markets. This was done specifically through the promotion of regulatory instruments in Commission Reports, Green Papers and Draft Directives. Consultation with national administrations and interest groups enabled the dissemination of suggested policy instruments and recommendations at the national level. In its 1994 Green Paper on ownership (CEC, 1994a) and two studies (GAH, 1993, 1994), the Commission suggested a new policy instrument, the measurement of media markets by audience

share. This model was adopted by the UK and Germany in 1996 and later by other countries. In its 1997 Convergence Green Paper, the Commission recommended a new joint authority for both media and telecommunications (1997a). Spain (1997), Italy (1998), Switzerland (2000), Slovenia (2001) and the UK (2003) subsequently adopted the model for a joint regulatory authority at the national level. The embracement of European policy recommendations by national legislators legitimised the EC policy agenda.

This combination of 'soft' and 'hard' approaches to regulating media markets enabled the EC to move the policy process forward. The next step was to attain consensus on the direction of policy-making through the initiation of and dialogue with industrial consortia. In the media field, these were, specifically, the Bangemann Group and the Digital Video Broadcasting (DVB) Group. The first Bangemann Group of 20 European industry leaders was set up in 1994, the second group in 1995. Dialogue over standard setting was initiated with the DVB Group. DVB was originally established in 1993 as the European Launching Group. It evolved into an industry-led consortium of with over 300 members.⁸

These initiatives proved highly successful. The Bangemann Group attained industry consensus on the 'convergence' initiative. A follow-up to the Convergence Green Paper was published in 1999, 'The convergence of the telecommunications, media and information technology sectors, and the implications for regulation: results of the public consultation on the Green Paper' (CEC, 1999b). This led to the 2002 'regulatory framework for electronic communications and services'.⁹ The DVB Group agreed on delivery standards for digital television and data services. It accorded a number of standard agreements on the transmission of satellite services (DVB-S), cable (DVB-C), terrestrial (DVB-T), service information (DVB-SI), and videotext (DVB-TXT) for European markets. DAB (Digital Audio Broadcasting) was the standard established for radio broadcasting. The standard for compression for digital television is DVB-MPEG 2. For scrambling, it is the DVB - CSA (Common Scrambling Algorithm).¹⁰ The DVB Group established two standards for decoders (used in set-top boxes): multicrypt and simulcrypt. The Commission plans to enforce these agreements by developing co-ordination mechanisms at the European level.

The new ('convergence') regulatory framework consists of six Directives: a 'framework' Directive and five accompanying Directives ('Authorisation' Directive, 'Access' Directive, 'Universal Service' Directive, 'Data Protection' Directive and the 'Liberalisation' Directive) (Appendix 1). Also included in the package was a Commission Decision on Radio Spectrum (the 'Spectrum Decision'), a Market Recommendation and Guidelines for SMP.¹¹ The plan is to 'roll back' regulation as competition becomes effective in relevant markets (CEC, 2002a: 8). The European Commission wants assurances in national laws that national legal systems allow for appeals on national regulatory decisions. In order to guide implementation, the EC has set up the

Communications Committee, which operates in addition to the pre-existing Open Network Provision Committee and Licensing Committee. In addition there is the internal Digital Broadcasting Expert Group (DBEG) which was established by the ONP Committee in October 2000.

This regulatory framework seeks to regulate both traditional media and telecommunications networks together. Specifically, 'networks and services used for the transmission of radio and television broadcast content, such as satellite broadcasting networks, terrestrial broadcasting networks or cable television networks, will be subject to the general authorisation regime provided in the Authorisation Directive' (CEC, 2002a: 8). The 'Authorisation' Directive therefore has a number of implications for traditional broadcasting markets. According to Article 3 (2), communications operators (including television and radio) 'can no longer be subject to an individual licence'. It adds 'Member States *may* be permitted to attach conditions' to communications operators outlined in Part A of the Annex of the Authorisation Directive, and 'additional conditions relating to content' found in national broadcasting law and TWF. Significantly, the Directive states, 'The separation between the regulation of transmission and the regulation of content does not prejudice the taking into account of the links existing between them, in particular in order to guarantee media pluralism, cultural diversity and consumer protection.'

The Authorisation *permits* Member States to require 'must-carry rules'¹² on certain broadcasters but only 'where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcasts' (e.g. presently the UK, Belgium and Germany have 'must-carry' rules platforms to carry national public service broadcasters). The must-carry rule was an original plan of the European Commission, but with a compensation obligation. Compensation for must-carry requirements was removed during the consultation period for the Directive. Nascent broadcast operators carrying content cannot be obligated to must-carry rules, meaning that telecommunications operators, broadband and 3G mobile networks are exempt.

The regulatory framework included the establishment of a new European forum: the European Regulators Group (ERG). The ERG was established by a Commission Decision (Appendix 1). Its establishment is the result of a new regulatory trend of legitimising European regulatory fora in Commission Decisions. (CEC, 1997a)¹³ The ERG acts as a forum for national regulatory authorities (NRAs) of both telecommunications and media markets. It is based upon the model outlined in the Commission's 1997 Green Paper on Convergence. The ERG is to establish

'co-operation and co-ordination of national regulatory authorities, in order to promote the development of the internal market or electronic communications networks and services, and to seek to achieve consistent application,

in all Member States, of the provisions set out in this directive and the Specific directives, in particular in areas where national law implementing Community law gives national regulatory authorities considerable discretionary powers in application of the relevant rules'. (Recital 36 of the Framework Directive)

The Commission's role in the ERG is to 'produce Guidelines to assist NRAs with market analysis and the assessment of significant market power'. The ERG operates in parallel to the pre-existing regulatory fora in the separate fields: the European Platform of Regulatory Authorities (EPRA) (of regulatory authorities in the broadcasting field), the European Radiocommunications Committee (ERC), the European Committee for Telecommunications Regulatory Affairs (ECTRA),¹⁴ the Independent Regulators Group (IRG) (for telecommunications).¹⁵ As stated, ERG is the only forum, in the communications field, legitimised by a Commission Decision and the only one to have formalised consultation rules. This empowers ERG *vis-à-vis* existing regulatory fora. Similar to fora in other fields,¹⁶ EPRA is a *voluntary* forum for national regulatory authorities, which functions on the exchange of information only and does not have the power to accord agreements or best-practice guidelines. Although EPRA is (financially) endorsed by the EC, it was not established by the EC and is not acknowledged in any EC Decision or other document.

In addition, the Framework Directive recommends a number of standards agreed in consultation with industrial consortia. For example, it recommends the SCART/Peritel connector as the standard for open interface sockets on analogue and digital television sets. The Directive demands that 'such sockets have to be standardised by a recognised European Standards Organisation'. It also recommends the DVB common interface for conditional access and interactive television services; the 16:9 aspect ratio standard for wide-screen services; and the DVB-MHP standard for interoperability in interactive television.¹⁷

The move towards soft governance

In March 2000, the European Council established its 'Open method of co-ordination' (OMC), which was announced in the conclusions of the Lisbon Council summit (European Council, 2002). Although made official at Lisbon, OMC was used before Lisbon in economic and employment policies. The OMC is essentially a method for the agreement of policy guidelines for the EU through exchange of information, benchmarking, emulation of best practice, target-setting, monitoring and peer review. It proceeds on an annual review process (De La Porte, 2002). The method is exceptional as it is to be executed within the European Council effectively bypassing approval by the Commission and European Parliament.¹⁸ The announcement of OMC came clothed in the customary rhetoric of job

creation and reiterated the faith that new technologies would conjure up jobs that had not existed before. The Lisbon summit promised the creation of a most dynamic 'knowledge-based economy with more and better employment and social cohesion' – the deadline for implementation is 2010. The Lisbon meeting set up the 'Information Society Project', which aims to take advantage of new technologies and services. Some potentially hot political issues are named, such as e-government, e-democracy, e-voting, e-learning, e-culture, e-health, e-banking, e-education, e-media, e-security, e-banking, e-business, e-commerce and so on.¹⁹ The idea for the e-initiatives had actually come from the European Commission, which was preparing the ground for the launch of its eEurope initiative.²⁰ The policy areas covered by the OMC are detailed more specifically in an explanatory note following the Lisbon meeting. Six policy areas are designated²¹ the first of which is notably the 'information society' under which communications and media policy fall (European Council, 2000: 4).

Many authors see the OMC as a new form of governance created as a solution to a failure in traditional policy-making methods (Heritier, 2001; Trubeck and Mosher, 2002; Scott and Trubeck, 2002).²² This explanation does not hold up well in communications policy – where arguably the EC has been quite successful compared with other policy areas. More plausible is that the OMC method reflects an institutional struggle for power between the Commission and the Council. In the communications field (labelled 'information society' by the Council and Commission alike), it is clear that the OMC is an attempt by national governments to retain policy-making competence within the jurisdiction of national institutions. The OMC may serve as a political counterweight to the newer generation of EC initiatives, which have relied heavily on agreement between key private actors. Importantly, it gives the Council the power of initiative, a power formerly maintained by the EC.

The Commission responded to the Lisbon Summit with its White Paper on 'European Governance' (CEC, 2001b) in the summer of 2001. The White Paper was more or less a defensive reaction to the proposals of the Council. It recognises the difficulties with traditional EC policy-making methods but insists on the continued use of the community method, which has proved essential for European integration. If an alternative method is used, however, it should be chiefly the Commission, not the Council, which should advance new approaches to governance. In particular, it objects to the use of OMC in areas already covered by the *acquis communautaire*, which would include communications policy. Despite Commission opposition, the Council has been very vocal in the field of media policy and has acted as a forum for Member States to have a more direct say in Commission agenda setting. For example, in June 2000, the Council recommended the need for Europe to expand its use of digital, broadband and IPv6. The Commission's DG for Information Society responded to the call with the inclusion of the

Council's suggestions in its eEurope Action Plan²³ as established in an EC Communication.²⁴ The Council idea is for increased public-private co-operation in new markets and the establishment of digital platforms. The Council's influence over Commission policy-making has been felt further with its resistance to the expansion of the TWF Directive, in its 2003-4 review. This comes from both the Ministers for Education, Youth and Culture²⁵ and the Ministers of Telecommunications. TWF revision has also been highlighted by the Italian presidency of the EU in a number of 'informal' Council meetings.²⁶

The Commission, of course, has long engaged in soft approaches to governance. Examples of these in the media field are the 1995 Data Protection Directive and the 2000 Electronic Commerce²⁷ Directive (Appendix 1) which outline Codes of Conduct for national governments. Another example is found in the Annex of the 1998 Council 'Recommendation on the protection of minors and human dignity', which stipulates, 'Indicative guidelines for the implementation, at national level, of a self-regulation framework for the protection of minors and human dignity in on-line audiovisual and information services.' The guidelines contain legal recommendations and codes of conduct and monitoring mechanisms. Another example is the EC 'Action plan on safer use of the internet.' The Commission is advancing these initiatives through regular reviews and progress reports.

The White Paper on Governance provides some political legitimacy to the *expansion* of these types of initiatives. The Commission is rapidly enlarging its soft governance sphere in the media field with 'self-regulation', 'self-monitoring', and 'co-regulation'.²⁸ It seeks to legitimise existing self-regulatory bodies and to cement them at the European level, and to establish new bodies, perhaps based upon national models. The search is on for existing self-regulatory bodies. The European Commission (under the Internet Action Plan - IAP) is presently funding a three-year study (IAPCODE) at the University of Oxford²⁹ which is tracking down 'self-regulatory codes of conduct across national, EU and international boundaries covering a wide range of media from Internet, film, video (games), (digital) television to mobile communications'. The project offers self-regulatory bodies assistance in the development and implementation of codes of conduct.

National bodies have long been involved in self-regulatory practice in the media field. Emulative examples recommended by a 2003 Council of Europe study are the Freiwillige Selbstkontrolle Fernsehen (FSF) and Nederlands Instituut voor de Classificatie van Audiovisuele Media (NICAM). FSF is a body for the self-regulation of content in television in Germany whose board contains one-third representation from broadcasters and two-thirds field experts and civil society representatives. NICAM is an example of co-regulation. An industry consortium classifies content on television, video, film and games, which is then legitimised by the Dutch

government. An example of a *European* level self-regulatory body is the European Advertising Standards Alliance (EASA). EASA is a European association of national advertising association members, which adopted an agreement on 'Self-regulation – A Statement of Common Principles and Operating Standards of Best Practice' in June 2002. Within this framework, EASA has established a committee for cross-border advertising complaints.

This move towards self-regulation through European fora and industry consortia is flanked by the creation and decentralisation of European-level agencies. An example is the European Union Satellite Centre,³⁰ which was established by a 'joint action' of the European Council in 2001³¹ in Madrid. A second example is the Joint Research Centre (JRC) of the European Commission. JRC is actually an entire Directorate General of the European Commission which is split into seven 'institutes' located in five different EU Member States. The Institute for Prospective Technological Studies (IPTS)³² conducts research and projects on media markets and is located in Seville. It hosts the MUDIA MultiMedia in the Digital Age (MUDIA) project³³ which collects data and consumption patterns of European media industries.

Conclusion

This chapter has shown how the EU has advanced its policy agenda when presented with political limitations to integration. This was through a combination of 'soft' and 'hard' instruments of European governance. However, this approach is only furthering economic integration while bypassing and often overriding public interest regulation. The following chapters will flesh out how exactly EU policies have side stepped the public interest in the interest of greater European integration. In doing so, the book seeks to assess whether this method of regulatory policy-making is straining the capacity of the EU as a regulatory state, thereby forcing a change in the EU polity.

Notes

- 1 This has mirrored similar debates in the US. The 1993 National Information Infrastructure (NII) Agenda for Action states 'An advanced information infrastructure will enable US firms to compete and win in the global economy, generating good jobs for the American people and economic growth for the nation'. See McKenna (2000) for discussion. Similar claims are evident in latter US debates leading to the 1996 Communications Act and recent legislation (2003) removing media ownership rules.
- 2 This is important as EC competition law does not require approval by the Council of Ministers or the European Parliament and is only subject to review by the European Court of Justice. Under the 1989 Luxembourg compromise, the Commission agreed to use competition law in agreement with the council.

- 3 The transmission of digital television to home computers and mobile telephones through the Internet Protocol is called IP datacasting. The standard the European Commission is promoting for this is IPv6. IPv6 is an abbreviation of 'Internet Protocol Version 6'. IPv6 is the 'next generation' protocol designed by the Internet Engineering Task Force (IETF) to replace the current version Internet Protocol, IP Version 4 ('IPv4').
- 4 Scheuer and Knopp estimate that whereas digital terrestrial television can carry up to 100 programmes, broadband cable can carry up to 1,000 (2003: 15).
- 5 The Bangemann report (CEC, 1994d) was a report of the (Bangemann chaired) Council of Ministers Higher Level Group, entitled 'Europe and the global information society' as the submitted to the European Council for its meeting in Corfu on 24-25 June 1994.
- 6 Bangemann's 'Information society' was a direct (European) response to the US 'information superhighway' project announced by Al Gore in January 1994, which began under the National Information Infrastructure in 1993. In 1994, Al Gore stated that the United States would drop restrictions limiting foreign investment in telecommunications services in order to force other countries to open up their markets.
- 7 Similarly, agreement in the telecommunications sector was sought through consultation with the industria consortia, the European Telecommunications Platform (ETP) and European Telecommunications Network Operators' Association.
- 8 DVB is a group of manufacturers, network operators, software developers, regulatory bodies and others. www.dvb.org/.
- 9 The 2002 'Regulatory framework for electronic communications and services' consisted of five Directives and one Decision: the Framework Directive, Authorisation Directive, Access Directive, Universal Service Directive, Data Protection Directive and the Radio Spectrum Decision (Appendix 1).
- 10 Scrambling means that the sequence of the data stream for a programme or service is sorted according to a mathematical rule (see Scheuer and Kropp for detail).
- 11 The guidelines are on market analysis and the calculation of 'significant market power' (SMP), which set out (in Article 13 of the Directive) the principles for use by NRAs in analysing effective competition. Market players designated as having SMP may be subject to obligations under other Directives in the regulatory package. The draft Guidelines are based on the relevant jurisprudence of the Court of First Instance and the Court of Justice cases in addition to EC competition policy in defining relevant market and collective dominant position. The draft Guidelines are available at <http://europa.eu.int/ispo/infosoc/telecompolicy>.
- 12 'Must-carry' rules require platform operators (e.g. cable, satellite) to carry broadcasting channels or packages as stipulated by regulatory authorities. The system was firstly introduced in the USA as a congressional amendment to the Communications Act in 1992. It required cable systems to allocate up to one-third of their capacity to carry broadcast signals and the broadcast of non-commercial stations.
- 13 The Committee of European Securities Regulators (CESR) was the first of these fora established by the European Commission Decision of June 2001. This

- decision was taken in the light of the recommendation of the Report of the EC Committee of Wise Men on the Regulation of European Securities Markets (CESR) (Lamfalussy Report), as endorsed by the European Union (Stockholm, 23 March 2001). CESR is an independent Committee regrouping senior representatives from national public authorities competent in the field of securities.
- 14 ECTRA is based in Copenhagen where it has established the European Telecommunications Office (ETO).
 - 15 The Independent Regulators Group (IRG) was established in 1997 as a voluntary group of European National Telecommunications Regulatory Authorities (NRAs) to share information. Hills and Michalis suggests that this group was established in reaction to the Commission's proposals on convergence (Hills and Michalis, 2000: 458).
 - 16 E.g. the Electricity Regulatory Forum, the Gas Regulatory Forum and the European Union Satellite Center. See Eberlein (2003) for discussion of regulatory fora in utilities sectors.
 - 17 The standard is called Multimedia Home Platform (DVB-MHP) and is based on the Java system developed by the company Sun Microsystems. MHP was officially recognised by the European Telecommunications Standards Institute on 12 July 2000.
 - 18 As a number of authors have noted, the objectives of the OMC are hazy at best and change year to year (Radaelli, 2003; Cram, 2001; Wincott, 2001; Trubeck and Mosher, 2002; Scott and Trubeck, 2002). De La Porte details the Council's creeping competence of initiative through its Broad Economic Policy Guidelines (BEPG) review, which began exclusively as a plan for the co-ordination of economic policy, but is now encompassing other policy areas. BEPG is reviewed yearly in March at Spring Summit of the European Council.
 - 19 On e-voting see Kies, 2002. For e-learning see Noam (1995; 1998).
 - 20 The Presidency conclusions of the Lisbon Council gave recognition to the eEurope proposal.
 - 21 These are the information society, research and development (R&D), enterprises, economic reforms, education, employment and social inclusion.
 - 22 In the traditional 'Community method', the Commission has a monopoly over the right of initiative, the Council of Ministers and European Parliament adopt proposals, Member States implement under observation of the Commission that may refer a State to the ECJ. Under the OMC method, the European Council initiates, the national strategies of each Member State are implemented by the State, and the Commission can only co-ordinate and make recommendations to the Member State.
 - 23 http://europa.eu.int/information_society/eeurope/index_en.htm. This includes a number of e-initiatives such as the eEBO (eContent Exposure and Business Opportunities) and eContent initiatives.
 - 24 European Council and European Commission (2000), '*eEurope 2002: an information society for all*' – Action plan prepared for the European Council of Feira, 19–20 June 2000. http://europa.eu.int/information_society/eeurope/action_plan/actionplantext/index_en.htm.
 - 25 Press release 8430/03 (Presse 114) of the 2503rd Council meeting on Education, Youth and Culture, Brussels, 5–6 May 2003.

- 26 Informal Council of Audiovisual Ministries Siracusa 12–14 September 2003.
- 27 Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market OJL 178, 17 July 2000.
- 28 For definitions of 'self-monitoring', 'self-regulation', 'co-regulation' see Palzer (2003).
- 29 Carried out by the Programme in Comparative Media Law and Policy at the centre for Socio-Legal Studies at Oxford University. www.selfregulation.info/.
- 30 www.eusc.org/.
- 31 Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre (2001/555/CFSP).
- 32 www.jrc.es/welcome.html.
- 33 The MUDIA project was launched in May 2001 (www.mudia.org). It is based in Seville at IPTS with the following partners: (1) Institute for Infonomics, Maastricht (co-ordinator); (2) World Association of Newspapers (WAN), Paris; (3) News World International Limited, London; (4) Institute for Prospective Technological Studies (IPTS), Sevilla; (5) Comtec, Dublin City University.