QUESTIONNAIRE

I. RESPONDENT INFORMATION

Name: Joanna Cieszkowska

Responding as: Citizen

II. QUESTIONS REGARDING THE INDEPENDENCE OF AUDIOVISUAL REGULATORY BODIES

II.1 MEDIA FREEDOM, PLURALISM AND THE ROLE OF REGULATORY INDEPENDENCE

1. In your view, how relevant is the independence of audiovisual regulatory bodies for the preservation of free and pluralistic media when applying the Audiovisual Media Services Directive?

- Very relevant

2. How relevant do you consider the independence of audiovisual regulatory bodies for the effective transposition and application of the Audiovisual Media Services Directive?

- Very relevant

3. In your view does a lack of independence of audiovisual media regulatory bodies cause problems for the application of the Audiovisual Media Services Directive in any of the following areas:

- Jurisdiction: Very relevant
- Audiovisual commercial communication (including television advertising, teleshopping etc.): Very relevant
- Promotion of European works: Very relevant
- Protection of minors: Very relevant
- Right of reply: Very relevant

4. In your view, how does convergence of the media affect the necessity of regulatory independence for the application of the AVMSD?

- Greatly reinforces the need for independence

5. Overall, what relevance do you attach to the following elements for the independence of regulatory bodies?

- Status and powers: Not very relevant
- Financial autonomy: Very relevant
- Autonomy of decision-makers: Very relevant
    - Not being subject to instructions: Very relevant
    - Dismissal conditions: Very relevant
    - Length of term: Very relevant

- Knowledge: Very relevant
- Transparency: Very relevant
- Accountability mechanisms: Very relevant

6. Do you think that it is relevant in the convergent environment for audiovisual regulatory bodies to cooperate with their counterparts within the EU when acting within the scope of the AVMSD?

- Very relevant

7. If you considered cooperation between regulatory bodies in question 6 either as 'relevant' or 'very relevant', do you consider cooperation in the following fields:

- Jurisdiction:Very relevant
- Protection of minors:Very relevant
- Hate speech:Very relevant
- Commercial communications:Very relevant
- Media pluralism:Very relevant
- Media ownership:Very relevant

8. If you considered cooperation between regulatory bodies in question 6 either as 'relevant' or 'very relevant', how appropriate would you consider the following arrangements to enable cooperation between regulatory bodies?

A voluntary gathering of competent regulatory bodies

- At EU level:Very appropriate
- At pan-European level:Very appropriate
- At international level:Very appropriate

A legally mandated gathering of competent regulatory bodies

- At EU level:No opinion
- At pan-European level:No opinion
- At international level:No opinion

An agency

- At EU level:No opinion
- At pan-European level:Appropriate

- At international level:Appropriate

If you envision another form of cooperation not listed in the above table, please specify it here, including its geographical reach (EU, pan-European, international), and express its relevance in terms of the above scale.

No Answer

II.2 IMPACT OF REGULATORY INDEPENDENCE

9. In your view, what is the impact of a lack of independence of regulatory bodies when acting within the scope of the AVMSD on the freedom and pluralism of the media and the markets in which they operate?

- Media freedom: Significantly improve
- Media pluralism: Significantly improve
- Market conditions: Significantly improve

10. In economic terms, the independence of regulatory bodies may produce specific benefits and costs linked to the direct execution of their tasks and to the results that this produces. In your view, what economic implications does the independence of regulatory bodies have on the dimensions listed in the left-hand column when acting within the scope of the AVMSD?

Staffing costs:Significantly increase

Administrative costs:Significantly increase

Costs of enforcement activity:No opinion

Private litigation costs:Moderately increase

Industrial growth:Significantly increase

Market concentration:Significantly increase

Welfare gains:Significantly increase

If you consider there to be other significant economic consequences of regulatory independence not listed in the above table, please specify them here and express how they are shaped by independence in terms of the above scale.

No Answer

11. In your view, what administrative implications does the independence of regulatory bodies have when acting within the scope of the AVMSD on:

- Average procedural duration:Significantly increase

- Effective application of the law:Significantly increase
- Impartiality:Significantly increase
- Responsiveness to external pressures:Significantly increase
- Public-private collaboration (between regulatory bodies, industry and other stakeholders):Significantly increase

If you consider there to be other significant administrative consequences of regulatory independence not listed in the above table, please specify them here and express how they are shaped by independence in terms of the above scale.

No Answer

II.3 EXERCISE OF REGULATORY TASKS

12. In your view, how relevant is it for audiovisual regulatory bodies to exercise their powers without any political or other external influence when acting within the scope of the AVMSD?

- Very relevant

13. Do you consider that reserving the power to overturn the decisions to a court rather than to the government is essential to the independence of an audiovisual regulatory body?

- Yes

14. In your view, are sanctioning powers to enforce decisions applying rules addressed to the audiovisual media a defining element of the regulator's independence?

- No

II.4 RESOURCES

15. In your view, how relevant are adequate financial resources for a regulator's independence?

- Relevant

16. How relevant are adequate human resources for a regulator's independence?

- Very relevant

17. In your view, what is the relevance of the sources of revenue for the regulator's independence?

- State funding:Not very relevant
- Operator licence fees:Very relevant
- Operator turnover levy:Very relevant
- Other commercial revenue sources (such as an advertising tax):Relevant

If, in your view, there are other sources of revenue that have a bearing on regulatory independence, please specify them here and express their relevance for the latter in terms of the above scale.

No Answer

II.5 NOMINATION, APPOINTMENT & DISMISSAL OF KEY STAFF

18. In your view, how relevant is the nomination process of the head of a regulatory body for its independence?

- Very relevant

19. In your view, how relevant is the nomination procedure of the members of the decision-making body of a regulatory body for its independence?

- Very relevant

20. In your view, how relevant is the appointment procedure of the head of a regulatory body for its independence?

- Very relevant

21. In your view, how relevant is the appointment procedure of the decision-making body of a regulatory body for its independence?

- Very relevant

22. In your view, how relevant for the independence of a regulatory body is the expertise of its head and decision-making bodies?

- Very relevant

23. Where nominations and/or appointments of members of regulatory bodies are made by Parliament, do you consider that all political groups should participate in those processes?

- No

24. In your view, how relevant for a regulator's independence is following applicable rules on conflicts of interest in the appointment and nomination procedures?

- Very relevant

25. How relevant do you consider non-renewability of the term of office of the head and members of the decision-making body to the independence of a regulatory body?

- Very relevant

26. How relevant do you consider spreading the appointment of the members of the regulatory body over several time periods (rather than exchanging all of them at once) for the independence of a regulatory body?

- Very relevant

27. In your opinion, who should have the right to dismiss the head of a regulatory body?

- Citizens

28. In your opinion, who should have the right to dismiss the (members of the) decision-making body of a regulatory body?

- Citizens

29. In your opinion, should the grounds of dismissal applicable to the head of a regulatory body and the members of its decision-making body be limited to non-fulfilment of the conditions defined in advance by law for the performance of professional duties?

- Yes

II.6 RESPONSIBILITY

30. In your view is transparency of the exercise of its tasks an essential condition for a regulator's independence?

- Yes

31. In your view is accountability for the exercise of its tasks, for example through a recurrent reporting obligation, an essential condition for a regulator's independence?

- Yes

II.7 CLOSING OBSERVATIONS

If you have any further observations on the subject matter of this consultation that you would like to share (such as examples of best practices), please enter them here:

I support the acces of Television Trwam to the national digital multiplex, due to the obvious fact that the media are in POland for 20 years, they were created due to the social demand and their very balanced program combined in a very cultural manner is

III. SUBMISSION OF YOUR CONTRIBUTION

Do you consent to the publication of your submission?

- Yes