

Monitoring of the AVMS providers' obligations

The FSCB experience

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Missions of the CSA

- Licensing the private AVMS providers who use spectrum
 - Terrestrial or satellite capacities
 - Analog or digital
 - For radio or TV
- Registering all the others
- Controlling the fulfillment of the obligations of private and public AVMS providers
- Sanctioning powers
- Concluding conventions  Ministry of culture

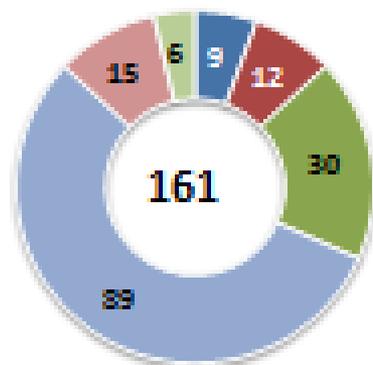


- How many of them?
 - PSB TV 3
 - PSB radio 5 + 7 web
 - Local TV (public) 12
 - Private TV 20
 - Private radios 78
 - Webradios 18
 - VOD 20
 - **Tot.** **163**

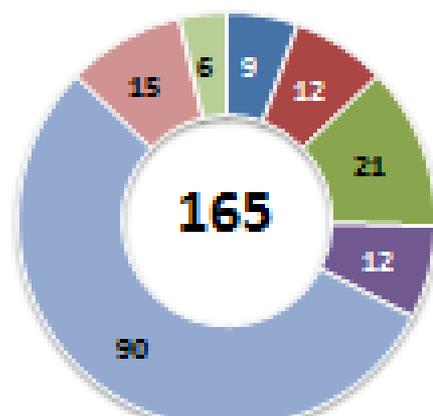


EVOLUTION DU NOMBRE D'ACTEURS RÉGULÉS

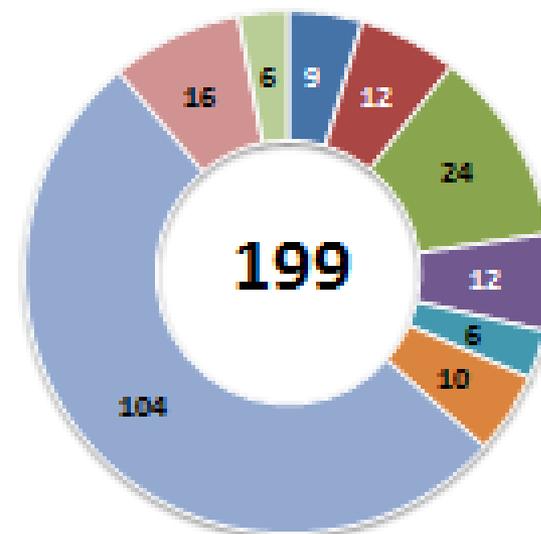
2010



2011



2012



■ service public

■ tv

■ tv privées linéaires

■ tv privées non lin.

■ web tv

■ web radios

■ radios

■ distributeurs

■ opérateurs

- General and specific PSB missions
- Content :
 - Protection of minors
 - Protection of consumers
- Quotas (producing):
 - Radios : internal production
 - TV : audiovisual works
- Quotas (broadcasting):
 - Radios : FS programs, FS music + FSCB music
 - TV : EU quotas (european, independent, recent)



- Controlling the fulfillment of obligations of AVMS providers :
 - structural :
 - obligation for all broadcasters to provide an annual report about the fulfillment of their obligations
 - uneven :
 - complaints handling
 - monitoring by initiative on specific topics, specific periods or specific AVMS providers (mainly for commercial communications)



- Guidelines for the NRA
- Forms for the service providers:
 - PSB
 - private TV
 - local TV
 - Radios + webradios
 - VOD services
- Monitoring by samples
- « Best » practices in implementation



- Methods for the control
- Modifications of the legal framework
- Compilation of the caselaw
- Questions of interpretation, e.g.
 - what is an audiovisual work?
 - what resources have to be taken in consideration for determining the level of investment in production?
 - what kind of programs are concerned about the rules regarding treatment of information?



- Structured in thematic files:
 - General information
 - Transparency
 - Treatment of information
 - Quotas (production)
 - Quotas (broadcasting)
 - Protection of minors
 -



- Advantages :
 - Simplification of administration:
 - Easier contact with NRA
 - Form can be pre-filled
 - Form is the same year after year (slight updates)
 - Legal certainty
 - Harmonized procedures for all service providers
 - Regulatory framework can be explained / justified (pedagogy)
 - Easier and faster treatment within NRA



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Monitoring by sample

- TV : 4 weeks (1 by quarter)
- Radio : 8 days (2 by quarter) or 6 weeks
- Sample extrapolated to the whole year
- Possibility to give data for the whole year
- Advantages:
 - Less burden for service providers and NRA
 - Same sample for control of all obligations
 - All service providers on an equal footing
- Reliability of such a sample?



Monitoring by sample

- Reliability of such a sample?
 - TV : yes (from Commission) :
 - *“If the national authorities are satisfied that a derogation from comprehensive reporting is justified during the reference period, then a detailed description of the broadcaster’s sampling procedure and the basis of its estimates should be submitted for consideration to the Commission. Samples should consist of at least one week (chosen at random) per quarter of the reporting period.”*
 - http://ec.europa.eu/avpolicy/docs/reg/tvwf/eu_works/guidelines_2011_en.pdf
 - Radio : yes (checked by a statistician)



Bel RTL	1296	1292	534	117	41,33%	9,03%	IC (prop)		7,47%	10,59%	4,50%	0,00%
							IC (prop N)	59460	7,49%	10,57%	5,10%	0,00%
							L. IC	1,54%		2,18%		
							L. souhaitée	0,5%		18%		
									8,53%	9,53%		
Maximum	3059	3059	999	173	32,66%	5,66%	IC (prop)		4,84%	6,48%	4,50%	0,25%
							IC (prop N)	139228	4,85%	6,47%	6%	79,47%
							L. IC	0,81%		2,20%		
							L. souhaitée	0,5%		6%		
									5,16%	6,16%		
Must FM	2615	2615	1131	152	43,25%	5,81%	IC (prop)		4,91%	6,71%	4,50%	0,19%
							IC (prop N)	119128	4,92%	6,70%	5,30%	12,98%
							L. IC	0,89%		2,20%		
							L. souhaitée	0,5%		7%		
									5,31%	6,31%		
Nostalgie	2509	2505	1029	175	41,08%	6,97%	IC (prop)		5,97%	7,97%	4,50%	0,00%
							IC (prop N)	114188	5,98%	7,96%	5%	0,00%
							L. IC	0,99%		2,20%		
							L. souhaitée	0,5%		8%		
									6,47%	7,47%		
NRJ	11098	11057	3160	629	28,58%	5,67%	IC (prop)		5,24%	6,10%	4,50%	0,00%
							IC (prop N)	95918,4	5,27%	6,07%	6,50%	100,00%
							L. IC	0,40%		11,57%		
							L. souhaitée	0,5%		8%		
									5,17%	6,17%		
Contact	2635	2633	838	120	31,83%	4,55%	IC (prop)		3,75%	5,35%	4,50%	45,04%
							IC (prop N)	119972	3,76%	5,34%	4,97%	85,22%
							L. IC	0,79%		2,20%		
							L. souhaitée	0,5%		5%		
									4,05%	5,05%		

A few « best » practices

- Permanent contact with service providers :
 - Regular tours to see the reality of functioning
 - Explaining our methods and objectives
 - Answering to concerns and avoiding misunderstandings
 - Negotiating access to internal monitoring tools
 - Specific meetings with small service providers
- Ease fulfillment of the obligations (radio, TV)
- Highlight results (<http://www.csa.be/documents/categorie/37>)
- Matrix functioning



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Questions spécifiques au service public, production et création audiovisuelles, quotas

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Infrastructures, nouvelles technologies, transition numérique

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Service économique, analyses de marchés, transparence, pluralisme

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Benoît Renneson

Relation et médiation avec les publics

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Frédéric Vergez

A few « best » practices

- Advantages of matrix functioning:
 - Cross-disciplinary vision of the media landscape for the field (TV, radio, public, private, national, local, ...)
 - Greater specialisation means greater expertise, which is essential due to the ever-growing complexity of the sector
 - Possibility to work on operational issues but also on prosective, research, ...
 - Speed of execution
 - Contact easier for the service providers



Questions?

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