Self- and Co-Regulation in the Mediamatics Sector: European Community (EC) Strategies and Contributions towards a Transformed Statehood*

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As the global communication network matures, the systems and procedures for regulating the growing network and its use are being challenged. The general proliferation of services or the specific demand for electronic transactions require guidance and control which the market alone cannot supply. Meanwhile, traditional regulatory regimes remain far from global or coherent. This article distinguishes between coordination and regulation to clarify areas where government intervention is unnecessary and where indispensable. It explores the current patchwork of regulatory approaches, reviews different regulatory areas and strategies, identifies trends, and highlights problem areas particular to electronic commerce and third party protection.

Introduction

The change towards a European Information Society[1] can, *inter alia*, be described by three major interwoven characteristics:

- a transformed societal communications system, mainly driven by digitalization, convergence and globalization—which we describe as *mediamatics (media, telematics)*,[2]
- transformed economic interactions—which we analyze as the *digital economy*,[3] and

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- transformed policies, polities, and politics—which we analyze as *transformed statehood in the mediamatics sector.*[4]

This paper concentrates on the third characteristic: transformed statehood, as a result of efforts to cope with the public control crisis triggered by the impact of mediamatics and the digital economy. We focus on one particular indicator of this transformed statehood, on the trend towards increased self- and co-regulation, in other words, on the new division of labor between state and private actors in the regulatory process and on new institutional forms of regulation.

In the context of our analysis *transformation* is understood as a sociotechnological paradigm shift, as a modernization process and an institutional change. The sociotechnological paradigm shift (Latzer, 1997: 22f.) underlines the interactive change of technological and societal systems, which is first recognized at a cognitive level, followed—with a time lag—at the institutional, organizational level. Transformation is analyzed as a modernization process (Zapf, 1995) since it describes the efforts of modern societies to stimulate innovations and reforms in order to cope with new challenges as posed by mediamatics and the digital economy. The perspective of transformation as institutional change is used to underline the importance of the specific design of institutions (formal and informal norms as well as organizations), of culture (understood in a broad sense), of decisions made in the past, of the particular point in history in the assessment of reform options, etc. Hence, there cannot be one best solution for different countries or for one country at different points in time.

We will start with an overview and a characterization of the transformed statehood within the mediamatics sector, followed by an analysis of increased self- and co-regulation. Against this background we will then analyze recent EC policy initiatives on self- and co-regulation.

Transformed Statehood in the Mediamatics Sector

A major characteristic of the information society is the changing role of the state, ultimately leading to a transformed statehood in the mediamatics sector. The term *statehood* underlines the specific perspective, in particular it indicates that changes are analyzed from the standpoint of the state, which has traditionally played a pivotal role in the development of the communications sector. Our *functional* approach to statehood[5] focuses on the control and regulatory function of the state. Transformed statehood includes changes of polity—the institutional setting, policy—the content dimension and politics—the process. Thus it encompasses changes both in processes to solve problems and in the political organizations and institutions. The specific distribution of political responsibility and of tasks within and between states, the applied policy instruments, the structure of policy networks, and the organization of regulatory institutions are, among others, characteristics of statehood.

For decades, statehood defined in this way has shown a stable, common pattern in the communication sectors of all the developed countries (Latzer, 1997: 49ff.).[6] However, roughly since the 1980s this has started to erode. In the upcoming mediamatics sector, the combination of liberalization, convergence, fast technological change and globalization rendered the old pattern of statehood obsolete.

Indicators of a political control crisis are information deficits of the regulators in a complex environment, slow reaction to rapidly changing technologies, high regulatory costs as well as implementation and effectiveness deficits due to the combination of national regulation and transnational services. According to Latzer (2000), a new common pattern might be emerging, taking into account the changing, convergent communications system, mediamatics, and the characteristics of the digital economy. In summary, this emerging pattern is the product of a number of interrelated trends of varying strength and intensity:

(a) From Protectionism to the Promotion of Competition

The liberalization of telecommunications and broadcasting has led less to deregulation than to re-regulation. The intensity of regulation has increased during the long transition period from monopoly to effective competition, and regulation is changing in the direction of loosening the protection of national companies towards the promotion of competition in the sector. In particular, incumbents (former monopolists) are regulated in order to ensure that they do not use their market power to hinder the development of competition. The need for regulation—as deduced from politico-economic reasoning—does not end once effective competition has successfully been achieved. It shifts, instead, towards social regulation such as guaranteeing consumer and data protection.

(b) Separation of Political/Strategic and Operative Tasks

Liberalization calls for a re-organization of regulatory agencies, as many of these were integral parts of public administrations. The removal of operative parts of regulation from public administrations to "independent" regulatory agencies (NRAs—National Regulatory Authorities) is intended to minimize conflicts of interest, because former monopolists were often state-owned. Since the end of the 1990s there has been no EU member country in which the telecommunications regulator has been part of the respective ministry. Further indicators of the separation of strategic and operative tasks are the privatization of formerly state-owned telecommunications monopolists and the trend towards self- and co-regulation.

(c) From Vertical to Horizontal Regulation

A trend from vertical to horizontal regulation, i.e. from a sectoral to an integrated mediamatics regulation, is, for example, widely evident within Europe as a consequence of the convergence trend.[7] It entails a gradual institutional change of the hitherto separate regulatory structures for telecommunications and media, the integration of political responsibilities at the ministerial and parliamentary levels, as well as the harmonization of respective laws and regulations for telecommunications and media. Various power-political conflicts of interest have to be overcome in this shift of responsibilities, since change is connected to political power losses and gains involving the gain/loss of privileges of individual players. However, the starting conditions for reform vary strongly between different countries due to, *inter alia*, different legal systems and existing distributions of responsibilities.

(d) From Sector-Specific to Universally Applicable Regulation

Sector-specific regulation and regulators have been established because of the peculiarities inherent in the communications market. From an economic point of view a "normalization" of the sectors (i.e. an adaptation to other sectors) is taking place with the liberalization of telecommunications and broadcasting markets and the "economization" of media markets. Accordingly, the question arises of whether there is still the need for sector-specific regulation within the communications sector or whether general regulation will be sufficient *per se*, especially general competition law (Just, 2000; 2001). A similar reform option being debated is the institutional adaptation of various infrastructure regulations (gas, water, electricity, etc.).

(e) From Detailed Regulation to Broad Parameters

Various characteristics of mediamatics—such as rapid technological change, which entails faster regulatory reaction time to market developments, and increased complexity caused by convergence—are leading to changes in regulatory practice at the legislative and executive levels. In contrast to the traditional detailed regulation (in telecommunications), a new trend towards broad parameters (e.g. blanket clauses or vague definitions such as "according to latest development in technology") is becoming apparent. This reduces and simplifies regulations and leaves more leeway to the regulator. Further, it implies a shift from a purely juridical to a more collaborative process between the regulator and the regulated industry. Examples of this trend are the carrot-and-stick strategy applied to the quality regulation of telephony in Britain, the reform of the communications regulatory framework at the EC level that has led to a drastic reduction of directives, as well as the developments described in trend (d).

(f) From National to Supra- and International Regulation

The division of responsibilities is not only occurring within nation states; a cross-border shift of political responsibilities is also evident. National communications policies and regulation are losing importance *vis-à-vis* supranational and international regulation. The reasons for an increased supranational regulation are on the one hand economic, i.e. a reduction of transaction costs by means of harmonization and improved competitiveness of a uniformly regulated common market; on the other hand, the growth in transnational services (e.g. e-commerce) which is difficult to control through national regulation. Within Europe, the European Commission and the Council have acquired central importance in the course of the harmonization and liberalization of the telecommunications sector, and—to a lesser extent—also in the media sector. Further, the influence of international organizations on communications regulation is growing. Besides traditional organizations such as the ITU (International Telecommunications Union), there are others like the WTO (World Trade Organization) which is active in telecommunications liberalization, or the WIPO (World Intellectual Property Organization) which is responsible for intellectual property rights.

(g) From State Regulation to Self- and Co-Regulation

Globalization and rapid technological change are aggravating the political control crisis. The stronger involvement of industry in the regulatory process in the form of self- and co-regulation is intended to serve as a redress. The distinction between self- and co-regulation refers to the varied intensity of state involvement. Where there is strong state involvement (legal basis) we speak of co-regulation, while the term self-regulation relates to situations in which the state is involved marginally or not at all. Generally speaking, industry is increasingly organizing and regulating itself with varying degrees of state involvement at different regulatory stages.

(h) From Central Regulation to Decentralized, Technology-Based Self-Restriction

The combination of transnational services and different societal and individual norms not only supports a trend towards self-regulation by industry, but it also supports—especially in the case of content regulation—a trend from central, statutory regulation to decentralized technology-based self-restriction. An example is the V(iolence) chip which has been compulsory for television in the United States since the 1996 Telecommunications Act. In this context, the prerequisites for self-restriction by consumers are established by law. The V-chip is being discussed within the European Union as well, but technical differences to the U.S. system seem to make its introduction impossible.[8] With technical devices such as the V-chip and combined with rating systems, statutory content regulation is transferred to technology-based self-restriction by individuals. With the help of rating systems, youth protection (regarding violence or pornographic content of television programs for example) can be regulated individually. Similar mechanisms are being discussed and promoted for the Internet as well.

In summary, the above trends of transformed statehood outline central pillars of mediamatics policies in the information society. The politico-economic consequences of this transformation are manifold. *Inter alia*, the following can be concluded:

The dominant view, i.e. the traditional telecommunications-media dichotomy, is gradually being phased out (c). This is leading to politically sensitive shifts of responsibilities and changes in regulatory models towards integrated communications policies, i.e. mediamatics policies. The current developments point towards a "lean" state in the communications sector. This is happening on the one hand "voluntarily" by the state withdrawing from operative tasks (b), by promoting increased self-and co-regulation (g), through universally applicable regulation (d), and through self-restriction (h). On the other hand, shifts of regulatory responsibilities to the supranational and international levels (f), result in regulatory impediments of national actors. The encouragement of self- and co-regulation is evident at national, supra-, and international levels. This is not just happening voluntarily, but also because convergence, globalization and rapid technological change (the Internet) are setting limits to central regulation. "Lean" does not necessarily mean the giving up of objectives and tasks (this might be called meager), but a more efficient effort to reach public goals.

More empirical and theoretical analysis is needed to corroborate and evaluate these trends and to assess the implications of the emerging transformed statehood pattern on public controllability of the development of the mediamatics sector, on the democratic quality of regulation, on the regulatory outcome etc.[9] In the following section we will provide a general evaluation of self- and co-regulation followed by an analysis of respective EC policies/strategies and examples of self-and co-regulation.

Self- and Co-Regulation: Definition and Classification

In essence, the institutional analysis of the phenomena of self- and co-regulation overlaps with the wider debate on governance[10] as it focuses on the horizontal extension of government—the growing inclusion of societal actors in the regulatory network. Self-regulation is not a new phenomenon—it has a long tradition in various sectors, for example in environmental protection, for labor standards and financial markets, but also in the communications sector. In the classical field of mass media—as opposed to the telecommunications sector—there is a history of self-regulation in the form of press councils and radio and television codes to promote public accountability and fairness in news reporting (Campbell, 1999). However, in the convergent and global mediamatics sector, there are additional reasons for its application in the communications sector, additional fields of application and new institutional settings. Applications are extended to areas such as telephony, Internet-based services and digital television.[11] A variety of regulatory goals are being pursued, ranging from consumer protection to the promotion of effective competition (e.g. Internet domain names administration) and the protection of minors. The extent of usage and the institutional settings differ widely between various states. Australia, for example, is considered a role model for co-regulation (Schulz and Held, 2002), and within Europe, the United Kingdom is considered to be a forerunner regarding self-regulation. The European Commission is in the process of promoting and using the advantages of self- and co-regulation to better effect in its governance structure, as will be demonstrated later on.

What do we mean by regulation, and by the prefixes "self-" and "co-"? Differing definitions and categorizations of self-and co-regulation in the academic literature as well as in political debate pose analytical problems. For our purpose, which is to assess the changing involvement of the state, we choose the following definitions:

Regulation[12] can be considered as a public effort to solve political problems. It is a subgroup of public steering or control, an intentional[13] form of market intervention which limits the market conduct of the industry with the goal of achieving public (economic and social) goals, and which goes beyond the general rules of the game that limit the freedom of trade and contract (Borrmann and Finsinger, 1999). There is technical (regarding industry standards), market structure (to limit the number of sellers and buyers) and behavioral regulation (to prevent anti-competitive behavior; to control prices). Other non-regulatory market interventions would be advantages (e.g. tax breaks, exemptions from regulations), subsidies, and taxation (Picard, 1989, 94ff).

Regulation takes place on a continuum between the ideal-type models of pure state regulation at the one end and pure self-regulation by the industry at the other

TABLE 1
Classifications of Regulatory Mechanisms between State and Market

	Market	Alternative Categories			State (Hierarchy)	
Grainger, 1999	no regulation	industry self-regulation	co-regulation, regulated self-regulation		government regulation	
OFTEL, 2000	market forces	self-regulation	co-regulation		statutory or formal regulation	
Price & Verhulst, 2000	market organization	industry self-organization			government organization	
Liikanen, 2001	no regulation	self-regulation	negotiated agreements	co-regulation	traditional regulation	
Schulz and Held, 2002	implicit self-regulation	explicit self-regulation	regulated self-regulation		statutory regulation	
Latzer, Just, Saurwein, and Slominski, 2002	no regulation	self-regulation in the narrow sense	self-regulation in the broad sense	co-regulation	state regulation in the broad sense	state regulation in the narrow sense

Source: Latzer et al. 2002, 41.

(Gunningham and Rees, 1997). Often it is a co-operative arrangement of private and public (legal, organizational, financial, personnel) contributions. In the literature, the prefix "self-" is used in an individual sense (one company sets its own rules) and in a collective sense—an industry group regulates the conduct of its members. We limit our analysis to *collective* self-regulation.[14] "Co-" refers to the degree of state involvement in the regulatory process. Co-regulation is self-regulation with public oversight or ratified by the state, it is self-regulation with a legal basis. Categorizations are not a matter of right or wrong but a question of more or less helpful analytical tools.

Table 1 provides an overview of various categorizations of regulation. In our effort to analyze the contribution of the state in regulation, in other words the transformed statehood, we distinguish five categories of regulation,[15] ranging, according to the decreasing involvement of the state, from (1) state regulation in the narrow sense (legislative, executive and judiciary) and (2) state regulation in the broad sense (often referred to as "independent regulators," carrying out sovereign tasks with some distance to sovereignty, e.g. not subject to instructions or to a loose context of instructions) to (3) co-regulation (no sovereign tasks, based on an explicit unilateral legal basis) and (4) self-regulation in the broad sense (a minor state involvement exists, e.g. personal or financial) and (5) self-regulation in the narrow sense (no state involvement). This classification differs from others since it, for example, does not define market organization as a regulatory form. Furthermore, it differs in the exact definition of co- and self-regulation, which we summarize as alternative forms of regulation.

Regulatory approaches and instruments change with the subject of regulation, in our case with the communications industry and the societal communications system respectively. As argued above, the convergence of telecommunications and mass media at the corporate level—which challenges the regulatory telecommunications-(mass)media-dichotomy[16]—plus the liberalization and growing globalization of mediamatics markets–which challenge the former dominance of national regulations—are causing a political control crisis and pose new challenges to the regulatory system. Self-and co-regulation are considered as tools of great promise in this situation, especially by the industry,[17] but also by the European Commission[18] and various national governments. In essence, it is argued that neither the ideal-type pure market model nor the pure enforcement model can solve the political control crisis caused by the transformed communications system. Major *deficiencies* of the pure market model in the mediamatics sector are: low transparency, a low level of competition and lock-in effects. Moreover, public goods in the communications sector might impede the development of markets. For example, the market model seems in general unsuited to problems of illegal content. The high *expectations* regarding a stronger reliance on self- and co-regulation are based on the assumption that they will be able to compensate for the deficits listed above.

Potential Incentives, Risks, and Success Factors

Self-and co-regulation can be conceptualized as a makeshift solution and/or an ideal solution to regulatory problems: As a *makeshift solution*, if traditional, national regulations fail in a globalized sector, which lacks a central authority, and embraces different legal systems and differing predominant social norms. Perfect examples are content regulation on the Internet, consumer and privacy protection in e-commerce.[19] In this case, there is only a marginal option for the state regarding the choice between state and alternative regulatory forms. In other cases, if there is a choice between state and alternative regulation to solve regulatory problems, self- and co-regulation are chosen as an "ideal solution" that are supposed to have certain advantages over state regulation.

From a public policy point of view,[20] the utilization of the following *potential advantages* over state regulation is an incentive for governments to strengthen self- and co-regulation (Cane, 1987; Boddewyn, 1988; Ayres and Braithwaite, 1992; Campbell, 1999; NCC, 2000; Oftel, 2001):

- There is *better know-how/special skills* within the industry: compared to the regulator, the industry often has better information and expertise, for example of a technical kind, to judge regulatory problems. The use of self-regulation can thus help to overcome the problem of information deficits of state regulation.
- Self- and co-regulation are assumed to be *faster* than state regulation: Statutory regulation is required to cover constitutionally prescribed procedures and conditions. This may result in regulatory delay. Self-regulation, on the other hand, is not tied to these provisions, thus leading to *faster* solutions to regulatory problems.
- Corresponding to the above points, self-regulation is deemed to be more *flexible* than state regulation, which is bound to bureaucratic procedures.
- In sum, self- and co-regulation are intended to result in a *reduction of regulatory cost* to the state. The production of the public good "state regulation" will take place if production by private actors has certain advantages, e.g. that it is cheaper. One argu-

ment in favor of outsourcing is the assumption that profit-minded companies will carry out the self-regulatory process more cost-efficiently. Further, the reduction of regulatory costs to the state, especially information costs, is often argued on the grounds of better know-how/expertise on the part of industry. Especially in technology-intensive sectors such as mediamatics, information that may be relevant for regulation is held by the industry. This points to the assumption that information costs are higher with the state regulator than with self-regulatory institutions.

- Associated with the above, the *implementation costs* of regulation are also expected to be lower in self- and co-regulatory arrangements.
- In some sectors state regulation is deemed to be more problematic than in others. Conversely self- and co-regulation are applicable in areas *sensitive* to state regulation. This is an argument used, for example, for content regulation where there is a conflict of interest between the safeguarding of the freedom of speech and press and where state regulation is often associated with censorship.

From a public policy point of view, there are also *limitations* in the use of self- and co-regulation which can be summarized as potential *risks or disadvantages*, and are to be considered in the design of the regulatory system (Cane, 1987; Boddewyn, 1988; Ogus, 1995; Campbell, 1999; NCC, 2000):

- Self- and co-regulation are a cover for *symbolic policy* with weak standards, ineffective enforcement mechanisms and mild sanctions. This is especially problematic in areas where policy failure leads to high financial, health, or security risks (e.g. nuclear power). In self-regulatory arrangements the tendency to impose sanctions on members for violations is often low. In particular, the expulsion of members is seldom exercised because fees that help support the existence of the self-regulatory arrangement might be at stake.
- With self- and co-regulation there is a danger that industry interests are pursued at the expense of public interests. This may be caused by *regulatory capture* (which might increase because of close cooperation in co- and self-regulatory regimes), but also because self-regulation is understood as *self-service* by the industry. This danger exists because of a tendency to neglect public as opposed to private interests. Exclusive rights may be used only to the advantage of members of the self-regulatory arrangement, and not for the pursuit of public interests in general.
- Further, there is an increased danger of *cartels and anti-competitive behavior* because of close cooperation between companies in self- and co-regulatory regimes. Collective solutions, such as standards, could increase market barriers and/or reduce variety for consumers (e.g. quality, prices).
- The lack of personnel or financial resources in SMEs (small and medium-sized enterprises) to participate in self- and co-regulatory regimes can lead to the *dominance of large companies* with regulatory outcomes which might discriminate against SMEs.
- The deployment of self- and co-regulation increases the already existing information asymmetries between regulators and regulatees, leading to a further *loss of know-how* on the part of regulators. Because political/strategic tasks usually remain within the responsibility of the state, the loss of know-how can have negative effects upon the development of political strategies. Misguided strategies can further lead to economic disadvantages for those regulated (industries).
- With increasing self- and co-regulation, *democratic quality and control are reduced*, especially because of the lack of legal certainty and accountability, deficits regarding transparency, contestability, or system-openness, etc.
- There is an incentive for rational and profit-minded companies to deny participation, but nonetheless profit from self-regulation as *free-riders*. This danger exists because

the results of self-regulatory processes are public goods. If the reputation of an industry increases because of successful self-regulation, and—as a consequence—the state refrains from stricter rules, all members of the industry gain, even if they do not participate or contribute (e. g. financially) to the success of the self-regulatory arrangement.

- Consequently, the rules of self-regulatory arrangements apply only to those who voluntarily participate and not to all members of an industry.

In general it can be argued that self-regulation has nothing to do with public policy, it is—in essence—a co-operative arrangement. Taking into account possible advantages and disadvantages, and concrete experiences with various regimes, the literature provides various *success factors* for the use of self- and co-regulation from a public policy standpoint: It is generally assumed that a high coincidence of interests between the stakeholders (government, industry, consumers) is beneficial to successful self-and co-regulation (for example: high for technical standards—low for market power control). It is similarly supposed that the ability of governments to regulate, i.e. a high stick-capacity on the part of the government, leads to the industry showing a greater "willingness" to introduce self- and co-regulatory regimes. Further, the availability of measurable standards, the participation of all stakeholders and the far-reaching public support for self- and co-regulation are deemed essential for their successful application (Ayres and Braithwaite, 1992; Campbell, 1999; Haufler, 2001; Price and Verhulst, 2000).

Self-and Co-Regulation at the EC Level: Origins and Future Strategies

Institutional changes in national communications regulations in Europe are strongly influenced by EC strategies. With growing European integration, nation states are increasingly embedded in a multi-level system of governance in Europe, where political strategies at the EC level set the context in which national policies and activities occur. The European Commission is a central proponent of alternative modes of regulation, i.e. self- and co-regulation, and promotes new institutional settings. National policies and activities in this area can thus only be understood and analyzed in conjunction with EC policies, which are assessed in the following.

The discussion on self- and co-regulation at the EC level is framed by the ongoing discourse concerning improvements and simplifications of the regulatory environment. Further, it is part of the current general debate on the functioning of the European Union as discussed in the White Paper on European Governance (COM (2001): 428) and subsequent communications (especially COM (2002): 278) as well as in the European Convention. Finally, it is to be seen in the context of the functioning of the internal market.

The European primary legislation—with the exception of the specific form of co-regulation introduced by the Maastricht Treaty, which however is not named as such in the Treaty[21]—neither contains "self- and co-regulation" as legal terms nor possible instruments for their implementation (e.g. codes of conduct, alternative dispute resolution mechanisms). However, at the moment they are being introduced widely in the secondary legislation.

Models of self- and co-regulation are not new, but have gained increased public prominence lately in the light of the emergence of trends such as liberalization and

globalization which, together with the convergence of media, telecommunications, and information technologies, have resulted in reform of the communications regulatory framework (New Regulatory Framework for electronic communications).[22] In the context of this reform, the use of self-regulation has been promoted by various sides as a supplement / alternative to statutory regulation, and finally the term co-regulation has been introduced as an official proposal in the White Paper on European Governance.[23] Further it appeared for the first time in a legal act, i.e. in consideration 48 of the Universal Service Directive (Directive 2002/22/EC), with regard to quality standards and quality of services. New models of regulation have increasingly become integral parts of initiatives (e.g. e-Europe)[24] and action plans (e.g. "Simplifying and improving the regulatory environment" (COM (2002): 278)). They are especially considered to be of utmost importance in the promotion of e-commerce.

As argued above, the trends liberalization and globalization are often associated with a heightened pace of technological change, which challenges traditional statutory regulation to the point that there is a political control crisis requiring new and more flexible regulatory approaches. The slowness of the legislative process, over-detailed rules and their lengthy transposition and implementation into national law are often considered an impediment to technical progress in dynamic markets and for the functioning of the internal market in general. For this reason the Commission intends to simplify legislation, for example by means of initiatives like SLIM (Simpler Legislation for the Internal Market) which is especially targeted at the internal market, or it is seeking alternative and/or complementary regulatory approaches that allow for faster and more flexible regulations or for a compensation of the lack of know-how (of a technical kind, for example) on the part of regulators. These alternative or complementary approaches to statutory regulation are referred to as co-regulation and self-regulation. In the White Paper on European Governance the Commission stresses the importance of combining different policy instruments to improve regulation. The use of co-regulation is emphasized in particular as a factor that might result in improvements.

The Commission fosters participation by either:

1. encouraging voluntary, consensus-based compliance by means of recommendations that are *legally non-binding* (i.e. *self-regulation*). This approach is sometimes also referred to as soft law[25] and comprises, among other things, non-legislative instruments such as recommendations or codes of conduct. In other words: "There is no legal obligation to act, nor any firm expectation that private agreements will be formally endorsed by public authorities" (Liikanen, 2000b).
2. or by providing a *regulatory framework* that contains essential requirements and goals, but without detailing how these have to be achieved and therefore leaving it to the concerned stakeholders to find ways of complying with it (i.e. *co-regulation*). Co-regulation is based on "legislating through a partnership between private companies and public bodies, involving a mix of voluntary and obligatory measures" (Liikanen, 2000b). It implies further, "that a framework of overall objectives, basic rights, enforcement and appeal mechanisms, and conditions for monitoring compliance is set in the legislation." And if it "fails to deliver the desired results or where certain private actors do not commit to the agreed rules, it will always remain possible for public authorities to intervene by establishing the specific rules needed" (COM (2001): 428).

In both cases the incentive for voluntary commitment by industries is huge, because self-initiative might pre-empt the enactment of possibly more comprehensive and strict, legally binding provisions. The legislators, in other words, are practicing a "carrot-and-stick strategy," i.e. refraining from legally binding intervention as long as the industries in question adhere to voluntary self-restriction or self-control.

The application of the terms self- and co-regulation is not only *inconsistent* in academic literature, but also in the various documents of the European Commission and some working groups[26] set up by them. Lately, however, the European Commission has made it clear that co-regulation requires a legal basis while self-regulation does not (COM (2002): 278). To avoid misunderstandings and misinterpretations the terms should be used consistently. To what extent, for example, should one use the term co-regulation instead of self-regulation once the term self-regulation has been used in a legally binding document which also lays down the details of its implementation? According to Decision 276/1999/EC, the promotion of industry self-regulation and content-monitoring schemes is to be undertaken under the guidance of the Commission. As self-regulation is defined above, there would be no legal obligation to act. Decisions, however—contrary to recommendations, for example—are binding in their entirety upon those to whom they are addressed (Art. 249 of the Treaty). Although this Decision is addressed to the member states and not directly to the companies that are to draw up self-regulatory schemes, it can be seen as an example of co-regulation.

According to our understanding of self- and co-regulation on a continuum between market and state, the dividing line between models of self- and co-regulation is variable. Legally binding norms, for example, can result from initially purely self-regulatory processes and then become co-regulatory in nature. In general, one can distinguish two forms of how co-regulation is institutionalized: (1) the top-down type and (2) the bottom-up type. As for the top-down type, the general objectives as well as the mechanisms and methods of supervision/monitoring and application are set ex-ante by legal authority. Subsequently, private actors are put in charge of implementation. For the bottom-up type, private agreements are transformed into legally binding rules and/or self-regulatory arrangements are institutionalized by means of legal authority.

The question of which areas and under what kind of conditions co-regulation will be successful is still being debated. The "White Paper on Governance," the "Mandelkern report,"[27] the action plan "Simplifying and improving the regulatory environment" and other documents throw light upon the success factors and requirements for the use of co-regulation:

- Maintaining the primacy of the public authority
- Co-regulation is set in legislation with clearly defined policy objectives
- Compliance with principles of transparency
- Clearly defined scope of application
- Representative and accountable participants as well as compatibility with competition law

Co-regulation has been applied since the 1980s in the field of product standardization in the context of the New Approach. The New Approach, a new regulatory technique for technical harmonization and standardization, is presented by the Eu-

ropean Commission as *the* model for successful co-regulation and as proof that co-regulation can work (COM (2001): 130; COM (2001): 428; Liikanen, 2000a). In our understanding of the use of co- and self-regulation as a makeshift or ideal solution, the introduction of the New Approach can be seen as a makeshift solution. In order to meet the deadline for the realization of the Common Market it was necessary to refrain from a Europe-wide harmonization of standards in favor of a harmonization limited to essential safety requirements and other public interests and in favor of the concept of mutual recognition, i.e. the reciprocal recognition of national standards (Majone, 1992; 1996b; Ogus, 1995).

The current encouragement of self- and co-regulation by the EC can be explained in a comparable way: the danger of losing ground to the United States and Japan in the international competition for predominance in the information society calls for flexible mechanisms adapted to technological reality. Traditionally, Europeans are compared to the United States, less in favor of self-regulation or *laissez-faire* approaches. While the United States relies heavily on pure industry self-regulation,[28] Europe emphasizes the sharing of responsibilities between industries and the state, i.e. co-regulation. However, this heavy emphasis on the term co-regulation can also be interpreted as a symbolic policy aimed at emphasizing the notion of sharing responsibilities with the industry as opposed to the notion of the delegation of responsibilities for public policy goals to the industry, which is conveyed by the U.S. concept of self-regulation. For example, the debate about the global e-commerce regulation in the framework of Global Business Dialogue on e-commerce (GBDe) has been dominated by such differentiations (Cowles, 2001). Similar differentiations in the preferred terms (not so much in the content) occurred earlier when the United States launched its NII—National Information Infrastructure initiatives—whereas within Europe its counterpart was termed the Information Society initiatives in order to stress (symbolize) the consideration of social aspects within these initiatives (Latzer, 1997). It is very likely that in Europe most efforts will result in co-regulatory approaches within a legally binding framework. In this sense the Council directed the Commission to examine the potential of co-regulation within Europe and at international level systematically, and to identify whether this instrument, which has successfully been established in the area of standardization, can be applied to other areas, for example also to non-technical areas as well.[29]

Whereas co-regulation still plays a crucial role in standardization, an extension from technical to less technical applications is evident. Currently, self- and co-regulation are being extended to and intensified in areas such as telecommunications and new media services[30] (for example the Internet). At the supranational level, industry self-regulation, especially by means of codes of conduct or out-of-court dispute settlement mechanisms, is encouraged in areas such as the protection of minors and human dignity,[31] illegal and harmful content,[32] e-commerce,[33] data protection,[34] universal service,[35] or consumer protection.[36] Self- and co-regulation are recommended for these areas and to some extent even prescribed.

Generally speaking, taxation, combating serious crime, competition policy, defending fundamental public interests and copyright issues are at the moment considered exempt from self- and co-regulation (Liikanen, 2000a). In these areas the conflicts of interest are too great. The intensity of intervention by the regulator would be high, hence requiring strong grounds for justification. Further, pure self-

regulation is not considered suitable for copyright issues, because the copyright holder will need protection in law to enforce financial claims (COM (1999), 657). On the other hand, self- and co-regulation seem adequate for content-related matters and for developing standards, for program quality and advertising standards. In the context of the review of the "Television without frontiers" directive (Directive 97/36/EC) the application of self-regulation might play some role in regard to newly emerging advertising techniques (e.g. virtual advertising, split screens (Bird & Bird and Carat Crystal, 2002)). Further, the role that self-regulation can play in the area of harmonization of ratings for audiovisual work is under discussion (COM (2001): 534). For areas such as the protection of minors and human dignity there are contradictory statements. While Liikanen and Bolkestein (s.a.) see this as "a matter for the law, not self-regulation of the market," self-regulation is instead being promoted for online audiovisual services and information services by means of a recommendation of the Council (98/560/EC), by a Decision of the Parliament and the Council (276/1999/EC), and—internationally—by a recommendation of the Council of Europe (Council of Europe, 2001).

The areas where self-regulation seems adequate are those where it has traditionally already played a role at the national level: in press and broadcasting as well as in advertising. As a result of differing cultural, legal, and institutional traditions, there are substantial differences within Europe between the different national self-regulatory systems. Developing shared rules and norms against this background is a difficult task. A central question is therefore: to what extent should self-and co-regulatory initiatives and the later implemented systems have a *European dimension* and to what extent will differences in national systems be *counterproductive* for achieving desired goals and impair the development of a single market? An empirical analysis of self-and co-regulation in the Austrian mediamatics sector by Latzer et al. (2002) indicates a clear tendency towards Europe-wide and international cooperation, in particular for the Internet via e.g. EuroISPA, INHOPE, or ICANN. There is also one example of a cross-border self-regulatory system in advertising, where national advertising bodies have worked together through EASA (European Advertising Standards Alliance). This is responsible for the resolution of complaints relating to advertising content (including online advertising). Here the "carrot-and-stick strategy" referred to above has proved successful: it was created in 1992 in response to a direct challenge from the then Competition Commissioner, Sir Leon Brittan, to show how the issues affecting advertising in the Single Market could be successfully dealt with through cooperation rather than detailed legislation (The EU Committee of the American Chamber of Commerce in Belgium, 2000).

Besides identifying where self- and co-regulation will work in the future, the *institutional forms* have to be elaborated upon as well. As a matter of fact, many self-regulatory efforts have failed in the past, such as the NAB Radio Code (National Association of Broadcasters) (Campbell, 1999). This indicates how difficult such efforts will be.

At the supranational level, alternative regulatory models are encouraged in different areas. Here, the following are described briefly: (1) the New Approach as the model example for successful co-regulation, and (2) the European Social Partners agreement as a special form of co-regulation. Further (3) out-of-court/alternative

dispute resolution systems and (4) protection of minors and human dignity, which can be arranged both as self- and/or co-regulation.

New Approach

With the New Approach a new regulatory technique for technical harmonization and standardization was introduced in 1985.[37] Accordingly, legislative harmonization is limited to essential safety or other general interest requirements with which products put on the market must conform. Technical specifications for products will be laid down in *harmonized standards*, which are elaborated and adopted by the European standards organizations, CEN, CENELEC and ETSI,[38] upon a mandate by the European Commission and in collaboration with all interested private and public parties. It has already been successfully applied to harmonizing technical standards in more than 20 sectors, ranging from radio and telecommunication terminals to medical devices. The standards mandated by the European Commission are *not* mandatory, but *voluntary* and producers may always choose to use other standards. However, products manufactured in conformity with harmonized standards benefit from a presumption of conformity to essential requirements laid down in respective directives. Nonetheless, only a small fraction (15 percent) of the European standards have been developed under a mandate from the Commission. The vast majority of them are purely market initiated, and more than 90 percent of the costs are borne by market participants (COM (2001) 527; Internal Market Scoreboard, November 2001, No. 9). Most standards are market initiated because of lengthy procedures for drafting and obtaining consensus on a European standard (e.g. for CEN the average time increased from 4.5 years in 1995 to eight years in 2001) (Internal Market Scoreboard, November 2001, No. 9).

European Social Partners Agreement

The possibility established by the Maastricht Treaty (1992), under which the European social partners can negotiate agreements regarding social policy matters such as working conditions or social security matters, which may later be implemented by directives, is regarded by the European Commission as a *special form of co-regulation*. As such it is not affected by the "Action: A framework for co-regulation" of the action plan "Simplifying and improving the regulatory environment," which followed the White Paper on European Governance.

The European Commission is promoting consultation between social partners in two stages: they are consulted first before proposals regarding social policy are submitted and later on the content of the envisaged proposal. During the second consultation the social partners may inform the Commission that they wish to initiate a process according to Art. 139 of the Treaty and draw up agreements on their own. This process is not to exceed nine months. These agreements may later be implemented by directives. Six agreements have been reached so far, of which five have resulted in directives, e.g. on parental leave, on part-time work, or on working hours for mobile workers in civil aviation (Council Directives 96/34/EC; 97/81/EC; 2000/79/EC).

Out-of-Court Dispute Resolution (Alternative Dispute Resolution)

Out-of-court dispute resolution systems are being promoted in various areas such as financial services or consumer and labor rights. Alternative dispute resolution mechanisms cover, among other things, arbitration or mediation procedures providing for the out-of-court resolution of litigation. The mechanisms for resolving disputes vary from binding decisions to recommendations or agreements. The organization and the management of the procedures may be publicly and/or privately organized and may take various forms (ombudsman, private mediator, etc.) (COM (2001): 161). Currently, the use of such services is particularly encouraged in the field of e-commerce (see e-Europe action plan, e-commerce Directive 2000/31/EC, eConfidence,[39] etc.).

Generally speaking, the European Commission, as explained in two recommendations, distinguishes between two forms of out-of-court dispute mechanism: (1) a third person resolves the dispute by decision or recommendation (Recommendation 98/257/EC), or (2) a third person operates as mediator and tries to lead the parties towards a resolution (Recommendation 2001/310/EC). The EEJ-Net (European Extra-Judicial Network), a network for out-of-court dispute resolution established by the European Commission, comprises both forms; the FIN-Net, a network for litigation in the area of financial services, comprises only institutions of the first category.

In April 2002 the Commission initiated consultation on alternative dispute resolution in civil and commercial law (COM (2002): 196). The central question is whether or not a distinction should be made between traditional forms of out-of-court dispute mechanisms and new forms, especially online procedures. These questions will be central to a forthcoming communication from the Commission. An analysis of the German pilot project *Cybercourt* has shown good results for the practical application of online *mediation* services, but raised doubts about online *arbitration* services (Niedermeier et al., 2000). This is caused by uncertainties regarding the stipulated national jurisdiction under which proceedings are to be heard, and consequently the choice of procedural law as well as the lack of security regarding the adequate compliance with the principle of hearing in accordance with the law.

Protection of Minors and Human Dignity

The media landscape has changed a lot during the past two decades because of liberalization and technological novelties that allow for the convergence of services. Developments in the field of digital TV and especially the Internet have made the protection of minors more difficult: the source of illegal or harmful content is not always easy to detect and access is possible with little effort. The situation is further aggravated by the fact that content made available on the Internet may be illegal in one country while in another it is not (e.g. Nazi memorabilia offered by Yahoo! from a U.S. web site). Within the European Union the implementation of a comparable level for protection of minors and human dignity is

being pursued by legally binding as well as non-binding instruments, among other things by a recommendation of the Council (98/560/EC) and a decision of the Parliament and the Council (276/1999/EC). Accordingly, measures to promote self-regulatory systems are to include, among other things, codes of conduct, hotlines for illegal and harmful content, and monitoring and filtering devices.

Democratic Legitimacy of Self- and Co-Regulation

Although alternative regulation is not a new phenomenon there are evident changes in respect to the extent of its use in the convergent communications sector (Latzer et al., 2002, 2003). This is paralleled, as shown above, by concerns regarding potential risks and disadvantages, most notably the anticipated lack of democratic legitimacy of new regulatory modes.

The "White Paper on European Governance" stimulated a governance debate, which included criticism of the European Commission's attempt to introduce new regulatory models (especially co-regulation). The central matters being discussed are the question of the democratic legitimacy of new regulatory models and instruments, as well as the question of the extent to which the European Commission, because of its lack of elective democratic legitimacy, is entitled to enforce new regulatory forms.[40] The European Parliament fears, for example, that its legislative powers and its participation in the legislative process may be reduced and considers that there are no inter-institutional agreements on co-regulation that would allow the Parliament to effectively exercise its political role and responsibility.[41] The European Parliament considers its participation as the basis of democratic order in the European Union because it is the only Community institution that is directly elected by European citizens. It therefore warns the Commission in its resolution on the "White Paper" "against taking measures in the legislative sphere which might affect the roles of Parliament and the Council in the legislative process before Parliament has been fully consulted."[42]

The European Commission has reacted to this criticism inasmuch as it put the European Parliament in charge of the "Action: A framework for co-regulation" that is part of the Action Plan "Simplifying and improving the regulatory environment," which followed the White Paper on European Governance. Further, the European Commission made clear that co-regulation requires a regulatory framework and consequently the legislator will be in charge of all proposals.

Generally speaking, the answer to the question of whether an institution that has not been elected democratically (e.g. a self- and/or co-regulatory institution) can take responsibility for the fulfillment of public policy goals is dependent upon the model of democracy applied (parliamentary-representative vs. regulatory model), the intensity of intervention and the adherence to democratic standards such as accountability and transparency (Latzer et al., 2002).

A comprehensive institutional analysis of alternative regulation in the Austrian mediamatics sector shows, for example, that there are high entry barriers to participation in self-regulatory institutions and that they have low enforcement powers and sanction mechanisms (Latzer et al., 2002). However, this and the likely disadvantages (e.g. lack of accountability, unbalanced representation of interests) deriving from it, do not necessarily call for the rejection of alternative regulation as a

whole, but for its well thought-out application. Attention has therefore to be devoted to ascertain which types of institutions are most suited to the realization of which regulatory goal. There is no normative problem, *per se*, in applying alternative regulation. The decisive factor—from a normative point of view—is the *intensity of intervention* of the regulatory measure. While measures that encroach extensively upon individual basic rights require a stronger (democratic) legitimacy and may therefore not be suited for alternative regulation, less invasive measures may be so in principle. Further, it is misleading to dichotomously reduce the discussion to the application of *either* state regulation *or* self-regulation because the effectiveness and efficiency of regulation depends in many cases on the concurrent application of different forms of regulation. As such, the increased advocacy of alternative regulation does not essentially imply a loosening of state control, or a handing over of regulatory powers to industries, but mostly a change towards a fortified remix of different complementary regulatory forms.

Conclusions

The analysis of policy changes at the EC level regarding self- and co-regulation leads us to the following conclusions:

The EC policy provides empirical evidence of the trend towards increased reliance on self- and co-regulation within a transformed statehood in the mediamatics sector. Self- and co-regulation are seen as a means of improving the quality of regulation. This is evident in the context of the general governance reform (e.g. the White Paper on European Governance, subsequent communications), and in particular for sector-specific policies in areas such as telecommunications, audiovisual policy, and the Internet.

The effects of convergence (media and telematics) and globalization (Internet) are given as major reasons for the public control crisis in the communications sector. Intensified self- and co-regulation are proposed as they are expected to be faster and more flexible than the traditional regulatory regime (ideal solution), but also as a makeshift solution as central regulation fails owing to globalization.

Political reasoning means it is rather likely that more co-regulatory than self-regulatory institutions will be established within the European Union. This can be concluded from the Council's request to the Commission to examine the potential for co-regulation within the European Union and at international level systematically, and identify possible areas of application as well as from the action plan "Simplifying and improving the regulatory environment." Further, because co-regulation requires a legal act as its basis, its establishment may reduce problems of the democratic legitimacy of new regulatory forms. Further, it may help reduce the tensions that have arisen between the European Parliament and the European Commission regarding new forms of regulation, because with co-regulation the legislator will be in charge of all possible proposals.

Unlike the U.S. policy, which favors the term self-regulation, within Europe there is more reliance on the term co-regulation. However, besides the analytical distinction we have provided, there also seems to be some symbolic notion in the preference of the term co-regulation.

The success factors and requirements for the use of co-regulation are: maintaining the primacy of the public authority, co-regulation is set in legislation with clearly

defined policy objectives, compliance with principles of transparency, clearly defined scope of application, representative and accountable participants as well as compatibility with competition law

Co-regulation is to be applied in various areas, ranging from the protection of minors to universal service. A trend from technical to less technical applications of co-regulation is evident.

Notes

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1. For approaches and analyses related to the Information Society see, for example, Bellamy and Taylor, 1998; Castells, 2000. For an overview of theories of the Information Society see Webster 1995.
2. Mediamatics refers to the convergence of electronic mass *media* (broadcasting) with *telematics* (*tele*communications and computers/infor*matics*). For a detailed analysis of mediamatics, the convergent communications system see Latzer 1997; 1998.
3. For major industrial economic characteristics of the digital economy and its implications for market structures, business strategies and public policy see Latzer and Schmitz, 2001, 2002; Schmitz and Latzer, 2002.
4. For an overview of the transformed statehood in the mediamatics sector see Latzer, 2000.
5. For a functional approach see, for example, Majone, 1996a.
6. For a comparative analysis of the transformation of institutional structures in telecommunications see Schneider, 1999; 2001.
7. For example, in the United Kingdom the competencies of the Broadcasting Standards Commission (BSC), the Independent Television Commission (ITC), the Radio Authority, the Radiocommunications Agency and OFTEL are merged in the Office of Communications (OFCOM) that assumed its powers at the end of 2003.
8. See Parental Control of Television Broadcasting (http://europa.eu.int/comm/dg10/avpolicy/legis/key_doc/parental_control/index_en.html.
9. For an extensive analysis of self- and co-regulation and its application in the Austrian mediamatics sector see Latzer et al., 2002.
10. The vague concept of governance not only refers to the horizontal extension of government but also to the vertical extension towards a multilevel governance. See Héritier, 2001; Engel 2001.
11. For examples regarding internet see Price and Verhulst 2000, for applications in the U.K. telecommunications regulation see OFTEL, 2000; 2001.
12. For different meanings of regulation, varying in particular in the scope of the term, see Baldwin and Cave, 1999.
13. As opposed, for instance, to the definition of regulation by Lessig, 1998.
14. Some authors use self-regulation as the catch-all phrase for self- and co-regulation; others distinguish between voluntary and mandated (enforced) self-regulation. See Price and Verhulst, 2000; Gunningham and Rees, 1997.
15. This categorization was developed in Latzer et al., 2002, and applied for a detailed empirical analysis of institutional regulatory forms in the Austrian mediamatics sector.
16. For details see Latzer, 1998; for the implications of convergence on market power see Just and Latzer, 2000.
17. e.g. within the Global Business Dialogue (GBDe) to regulate e-commerce see Cowles 2001.
18. See below.
19. For a U.S.-Europe comparison of self-regulation regarding privacy protection see Newman and Bach 2001.
20. From a corporate perspective, the major advantage/incentive for self-regulation is to pre-empt state intervention. Correspondingly, "carrot-and-stick strategies" by state regulators are often decisive for the introduction of self-regulation by the industry.

21. We are referring here to the possibility for the European Social Partners to negotiate agreements in the social policy field, e.g. labor or security issues. This has been introduced with the Protocol No. 14 of the Maastricht Treaty (1992)—for all members but the United Kingdom—and has been integrated in 1999 within the Amsterdam Treaty (Art. 138, 139) applicable to all members.
22. The main elements of the New Regulatory Framework for electronic communications are the Framework Directive 2002/21/EC, the Authorization Directive 2002/20/EC, the Access Directive 2002/19/EC, the Universal Service Directive 2002/22/EC, the Data Protection Directive 2002/58/EC, and the Commission Directive on Competition 2002/77/EC.
23. "White Papers are documents containing proposals for Community action in a specific area. They often follow a Green Paper published to launch a consultation process at European level. While Green Papers set out a range of ideas presented for public discussion and debate, White Papers contain an *official* set of proposals in specific policy areas and are used as vehicles for their development" (http://europa.eu.int/comm/off/white/index_en.htm, our emphasis).
24. Launched in December 1999 by "e-Europe. An Information Society For All. Communication on a Commission Initiative for the Special European Council of Lisbon, 23 and 24 March 2002" and set out by "e-Europe 2002. An Information Society For All Action Plan prepared by the Council and the European Commission for the Feira European Council 19-20 June 2000."
25. "The concept of soft law was originally adopted in international law to refer to (a) legally non-binding rules or principles that (b) have been issued by a body that is also competent to issue legally binding norms." (Tala, 1987: 341)
26. See Report of the Working Group "Better Regulation" (Group 2c), May 2001.
27. See e.g. http://www.staat-modern.de/infos/daten/mandelkern_gesetze.pdf.
28. Self-regulation was the US leitmotif during the Clinton administration in areas such as DNS (ICANN), digital broadcasting, and online privacy protection (Mueller, 1999; 498).
29. See Council Resolution on the role of standardization in Europe; Council conclusions on standardization. The CEN/ISSS Initiative on Privacy Standardization in Europe, for example, that has been established to assess the role of standards in data and privacy protection, does not only deal with technical issues (e.g. PET—privacy enhancing technologies), but with managerial issues (codes of conduct, guidance materials) as well.
30. See also Council Conclusions on the role of self-regulation in the light of the development of new media services.
31. See Council Recommendation 98/560/EC.
32. See Decision 276/1999/EC.
33. See Considerations 32, 49 and Articles 16, 17 of the Directive 2000/31/EC.
34. See Consideration 61 and Article 27 of the Directive 95/46/EC.
35. See Directive 2002/22/EC.
36. See COM (2001) 531.
37. See Council Resolution on a new approach to technical harmonization and standards. The directives based on the New Approach also use the concepts set out in the Council Resolution on a global approach to conformity assessment and in Council Decision 93/465/EEC.
38. Community law recognizes CEN (European Committee for Standardization), CENELEC (European Committee for Electrotechnical Standardization) and ETSI (European Telecommunications Standards Institute) as European standards organizations. See Directive 98/34/EC as amended by Directive 98/48/EC.
39. The *eConfidence* initiative (launched in May 2000) is regarded as an example of self-regulation (see COM (2001) 130). This initiative brings together various stakeholders, such as members of the GBDe (Global Business Dialogue on e-commerce), of BEUC (The European Consumers' Organization) and of UNICE (Union of Industrial and Employers' Confederations of Europe), to tackle issues of consumer confidence in e-commerce and discuss possible codes of conduct as well as possible systems for evaluating, approving and monitoring these codes.
40. The question of who is legitimized is also dependent upon the chosen model of democracy. See Majone, 1996c; Latzer et al., 2002.
41. See Parliament resolution on the Commission White Paper on European governance.
42. Parliament resolution on the Commission White Paper on European governance.

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