

## **Transparency in the work of the Observers Council of the National Public Broadcasting Institution “Teleradio-Moldova”: legal provisions and enforcement practices**

### **Case study**

#### *Introduction*

The Observers Council (henceforth the OC), in its capacity of a representative of the public interest in supervising the work of the public company “Teleradio-Moldova”, has the duty to insure the full transparency of its own work.

The Broadcasting Code establishes several general provisions of insuring the OC’s transparency, while the selection of the necessary mechanisms and means rests with the Council.

Thus, the Broadcasting Code provides for a series of norms, such as:

**Article 56. The Structure of the Observers Council**

*(2) The members of the Observers Council work in their own name and do not represent other interest, external for the company, than the public interest.*

*(7) The mode of work of the Observers Council is the open sitting, which is convened as often as needed to fulfill its duties.*

**Article 58. The Duties of the Observers Council**

*The Observers Council has the following duties:*

*c) evaluates the performance of the company and its administration, by publishing annual reports and recommendations;*

*e) organizes public reunions with representatives of different categories of the Moldovan audience in order to make audience researches;*

#### *Exposition*

In order to exert its functions, on the basis of the provisions of the Broadcasting Code, the Observers Council adopted its own Regulation of organization and functioning (henceforth – Regulation,) in which it established the following provisions concerning the insurance of its own transparency:

- 7. The work of the Observers Council is based on the principle of transparency. This principle shall not cover the materials and information with confidential or secret character.*
- 38. The sittings of the Observers Council are public. In certain cases, certain parts of the sittings may be held ‘closed-door’, upon the decision of the simple majority of the members of the Observers Council.*
- 40. Following the OC’s work, at sittings, as is the case, decisions, resolutions, recommendations, notifications, reports, responses to requests, and other documents may be adopted. The documents adopted by the Observers Council shall contain the opinion of the majority, but, upon request, also the separate opinions of other members, which, through the decision of the OC with the majority of votes, will be made public on the web page.*
- 49. The public authorities, organizations, political parties, non-governmental organizations, religious organizations, other associations of citizens with corporate interests may submit suggestions, opinions, etc., to the Observers Council, but are not entitled to intervene into its activity and offer instructions.*
- 50. The interpellations addressed in written form are answered by the Observers Council within 30 days.*

## *Findings*

Considering the OC's work in terms of insuring its transparency, since its foundation to present, one finds:

1. The OC holds its sittings publicly.
2. Under the provisions of the Broadcasting Code and its own Regulation, on February 22, 2008, the Observers Council made public its activity report for 2007.
3. In 2007-2008, the OC members had several meetings with the public, organized a seminar, debated on separate parts of the Task Book of the Company for 2008, activated a web page on the site of Teleradio-Moldova.
4. Although the OC displayed visible progress in order to insure the transparency of its work, however we find a series of important drawbacks in this respect:
  - a) the information on holding the OC's sittings was published only on the web page, neutralizing other communication means and possibilities, in due time, for the media and the interested public;
  - b) the information on holding the OC sittings was not regularly published on the web page;
  - c) the OC's web page was not sufficiently promoted for the public;
  - d) the decisions adopted by the OC were published on its web page sometimes as late as 4-5 months after adoption;
  - e) not all the information and materials staying at the basis of adopting the OC decisions are to be found on its web page;
  - f) certain key issues were adopted without debate (e.g.: the 2009 Task Book;)
  - g) contrary to the provisions of the Broadcasting Code, the OC attributed a right to itself, through its Regulation, to hold certain parts of the its sittings 'closed-door'.

## *Proposals*

In order to adjust the OC's activity to the provisions of the Broadcasting Code, we consider the following actions as proper:

- a) publicly informing in due time about date, time and agenda of the OC's sittings, through different communication channels;
- b) promoting the OC's web page;
- c) organizing public debates on the OC's annual report;
- d) regularly publishing the adopted decisions, accompanied by the materials and information staying at the basis of adopting them (except for the materials containing commercial, state or other types of secrets;)
- e) publicly debating on the issues of major importance for the NPBI "Teleradio-Moldova" and which touch on the public interests;
- f) popularizing the OC's work through: the participation of its members at different radio and TV programs on the tasks of the Council and the way they are accomplished; regularly holding seminars in order to inform and make the public aware, as well as to train and inform the OC members;
- g) adjusting the OC's Regulation to the provisions of the Broadcasting Code on the transparency of the Council's sittings, by removing the provisions through which it attributed itself the right to hold 'closed-door' sittings.