

Principles for Better Self- and Co-Regulation

As presented in table 1, a distinction is made between principles aimed at the conception of schemes, and principles aimed at the implementation of the schemes. The principles ‘participants’, ‘openness’, ‘good faith’, ‘objectives and ‘legal compliance’, refer to the conception of the schemes. The principles ‘iterative improvements’, ‘monitoring’, ‘resolving disagreements’ and ‘financing’ focus on the implementation of the schemes.

Table 1: Principles for Better Self- and Co-Regulation¹

1. Conception	
1.1. Participants	<ul style="list-style-type: none"> Except in cases where the competitive nature of an initiative makes this inappropriate, participants should represent as many as possible of potential useful actors in the field concerned, notably those having capacity to contribute to success.
1.2. Openness	<ul style="list-style-type: none"> Envisaged actions should be prepared openly. The preparatory phase should include the involvement of any interested parties: public authorities, enterprises, legislators, regulators and civil society. Public authorities should be ready to convene, moderate or observe, as most helps the process and is deemed appropriate. The initial blueprint, or "concept agreement", for any action should be multi-stakeholder and developed in a concerted and collaborative way involving open exchange between interested parties. (some text omitted from overview)
1.3. Good Faith	<ul style="list-style-type: none"> Participants of different sizes and types have different contributing capacities. The different capabilities of participants, including the situation of SMEs, and smaller non-profit organisations, should be taken into account when designing the envisaged action. Participants should bring to the preparatory process all information available to them that can contribute to a full analysis of the situation. Similarly, in launching an action, participants should ensure that their activities outside the action's scope are coherent with the aim of the action. Both in developing and in executing self- and co-regulatory actions, participants are expected to commit real effort to success. They retain the possibility to withdraw, should the action fail to reach the agreed objectives.
1.4. Objectives	<ul style="list-style-type: none"> The objectives of the action should be set out clearly and unambiguously. They should start from well-defined baselines, both for the issue on which change is being pursued and for the commitments that participants have made. They should include targets and indicators allowing an evaluation of the impact of the action undertaken.²
1.5. Legal Compliance	<ul style="list-style-type: none"> Initiatives should be designed in compliance with applicable law and fundamental rights as enshrined in EU and national law. Participants are encouraged to have recourse to existing guidance¹ provided by public authorities. In case of doubts, an assessment clarifying, inter alia, impact and complementarity with the <i>acquis</i> and with the Charter of Fundamental Rights should be conducted.
2. Implementation	
2.1. Iterative improvements	<ul style="list-style-type: none"> Successful actions will usually aim for a prompt start, with accountability and an iterative process of "learning by doing". A sustained interaction between all participants is required. Unless the action covers a short time-span, annual progress checks should be made, against the chosen objectives and indicators, as well as any available broader background data.
2.2. Monitoring	<ul style="list-style-type: none"> Monitoring must be conducted in a way that is sufficiently open and autonomous to command respect from all interested parties. Each participant shall monitor its performance against the agreed targets and indicators. Monitoring results are shared by each actor for discussion with the participants as a whole, and are made public. A monitoring framework or template will be commonly agreed.

Compiled by SCM (2019) from:

Effectiveness of self- and co-regulation in the context of implementing the AVMS Directive. FINAL REPORT, A study prepared for the European Commission DG Communications Networks, Content & Technology

¹ European Commission, (2013) Principles for Better Self- and Co-Regulation, available at: <https://ec.europa.eu/digital-agenda/en/news/principles-better-self-and-co-regulation-and-establishment-community-practice>

² Though not in the Principles for Better Self- and Co- Regulation, these objectives should be defined according to SMART criteria (Specific Measurable Achievable Realistic Time-dependent).