Swiss Political Science Review 20(3): 388–412 doi:10.1111/spsr.12118

The Political Communication of Independent Regulatory Agencies*

MANUEL PUPPIS[1], MARTINO MAGGETTI[2], FABRIZIO GILARDI[3], JAN BIELA[2] AND YANNIS PAPADOPOULOS[2]
[1]University of Fribourg
[2]University of Lausanne
[3]University of Zurich

Abstract: *Since independent regulatory agencies (IRAs) became key actors in European regulatory governance in the 1990s, a significant share of policy-making has been carried out by organizations that are neither democratically elected nor directly accountable to elected politicians. In this context, public communication plays an important role. On the one hand, regulatory agencies might try to use communication to raise their accountability and thereby to mitigate their democratic deficit. On the other hand, communication may be used with the intent to steer the behavior of the regulated industry when more coercive regulatory means are unfeasible or undesirable. However, empirical research focusing directly on how regulators communicate is virtually non-existent. To fill this gap, this paper examines the public communication of IRAs in four countries (the United Kingdom, Germany, Ireland, and Switzerland) and three sectors (financial services, telecommunications, and broadcasting). The empirical analysis, based on qualitative interviews and a quantitative content analysis, indicates that the organization of the communication function follows a national pattern approach while a policy sector approach is helpful for understanding the use of communication as a soft tool of regulation.*

KEYWORDS: Accountability, Legitimacy, Media, Regulation

Introduction

In the last decades, substantial amounts of policy-making authority have changed hands through processes of, for instance, regionalization, devolution, transnationalization, and supranational integration (Bache, Flinders and Flinders 2005; Hooghe and Marks 2001). This phenomenon of denationalization does not stem only from the reallocation of sovereignty from nation-states to less representative supranational institutions (Follesdal and Hix 2006) or the growing importance of urban and regional politics (Kübler and Schwab 2007). The large-scale "sideward" process of delegation of decision-making capacity towards unelected bodies is also intimately related to denationalization, at least with respect to two of its dimensions: the formation of these bodies is largely the outcome of a global diffusion process (Jordana et al. 2011) and, once established, these bodies join

*We would like to express our gratitude to our interview partners, as well as to Daniel Kübler, Frank Marcinkowski, Thomas Schillemans, Mark Bovens, and two anonymous reviewers for highly helpful comments on earlier versions of this paper. This research is funded by the Swiss National Science Foundation in the framework of the NCCR Democracy.

transnational networks of regulators (Slaughter 2004), which enjoy partially autonomous policy-making capacity. The role of elected politicians in the regulatory process is becoming less relevant, in favor of the influence of "non-majoritarian" technocrats that are working at arm's length from representative institutions (Majone 1996; Thatcher and Stone Sweet 2002).

The most important type of unelected actors operating at the domestic level are independent regulatory agencies (IRAs) that have been established in Western Europe and beyond, covering sectors such as financial services, electricity, telecommunications, broadcasting, and many others (Gilardi 2005, 2008; Jordana et al. 2011; Levi-Faur 2003). By design, they were entrusted with statutory independence from the pressures of political decision-makers to secure the credibility and stability of regulatory policies and to reinforce decision-making efficiency through technical expertise (Majone 1994b, 2001a, b). Politicians delegated crucial regulatory functions to IRAs: goal formulation, information gathering, rulemaking, monitoring and control, enforcement, adjudication, and the application of rewards and sanctions (Christensen and Lægreid 2001; Hood et al. 2001).

IRAs have been quite extensively studied from the point of view of their creation and diffusion (Gilardi 2004, 2005, 2007, 2008; Jordana and Levi-Faur 2004, 2005; Levi-Faur 2003, 2006a), independence and performance (Carpenter 2001; Christensen and Lægreid 2006; Coen and Thatcher 2005; Maggetti 2007, 2009; Thatcher 2002a, b, 2005), and accountability (Maggetti 2012). This body of research points to the fact that IRAs represent a "third force" in regulation, in addition to politicians and the regulated industries, in that they mostly enjoy formal and de facto independence and they can influence law-making in their area of competence. IRAs are also embedded in complex accountability relationships with different types of actors. More specifically, since agencies work "at arm's length" from governments, what matters for a comprehensive understanding of their accountability is not only the relationship with political actors but also less formal accountability mechanisms vis-à-vis professional peers (Papadopoulos 2007) or the wider public (Smulovitz and Peruzzotti 2000). These mechanisms can potentially configure a comprehensive system of controls that keep IRAs accountable without conflicting with their independence (Majone 1994a, 1998, 1999; Maggetti 2012). Communication via the media could play a crucial role with respect to accountability to the wider public. This holds especially in the context of the on-going processes of mediatization, whereby IRAs are expected to come under even closer media scrutiny (Altheide and Snow 1988; Strömbäck and Esser 2009).

However, the public communication of IRAs is largely neglected by scholars of both regulatory governance and political communication. While the former rarely recognize merit in connecting research on regulation and accountability with the question of communication, the latter primarily examine the media coverage of politics or, if interested in political actors at all, only the communication of political parties, governments and elected officials (Puppis and Maggetti 2012). Therefore, in this paper we argue that there are good reasons for shedding light on how such organizations are communicating in different countries and sectors. Following Black (2008), it can be argued that communication contributes to the accountability of regulatory agencies and might eventually help them to mitigate their inherent democratic deficit. Moreover, regulatory communication can also be conceptualized as an instrument of industry regulation (Black 2002; Majone 1997; Yeung 2005). In this paper, we thus ask the questions of how IRAs in different countries and sectors organize their communication function; how and what they are communicating with political actors, the regulated industry, and the public at large; and whether they make use of communication as an instrument of regulation.

To tackle these questions, this paper uses a compound research design (Levi-Faur 2006b) in order to understand how national patterns and policy sectors shape the communication of IRAs. Consequently, the communication of regulatory agencies in four countries (the United Kingdom, Germany, Ireland, and Switzerland) and three sectors (financial services, telecommunications, and broadcasting) are compared. The empirical analysis is based on 23 qualitative, semi-structured interviews with representatives of IRAs and industry associations as well as on a quantitative content analysis of IRAs' media releases. Results indicate that while the organization of the communication function follows a "national pattern approach," a "policy sector approach" is helpful for understanding the use of communication as a soft tool of regulation. In the following, we present the theoretical framework of the study and discuss the methods employed. Following an overview of the empirical results, we engage in the interpretation and discussion of these results before coming to a conclusion.

Theory and Hypotheses

In the last two decades governments delegated crucial regulatory functions from the public administration to independent regulatory agencies (IRAs) (e.g., Gilardi 2004, 2005, 2007, 2008; Jordana and Levi-Faur 2004; Jordana et al. 2011; Levi-Faur 2003; Christensen and Lægreid 2001; Pollitt et al. 2001, 2004). Some authors even claim that the real work in running democracies is now done by unelected actors such as independent regulators (Vibert 2007). Considering this significance of IRAs in policy-making, journalists could play an important role in holding them accountable by reporting about decisions, changes, failures, and scandals of IRAs as they do for other political actors. Indeed, despite traditional news organizations struggling to "do more with less" resources as a result of the so-called media crisis (e.g., Curran 2010), the media are expected to act as a public watchdog that monitors political actors (Schudson 1995; Graber 2003). Past research on environmental protection in the United States has shown that the press actually covers the actions of regulatory agencies more comprehensively than expected. The media are, however, selective. They focus on regulatory actions that have a direct impact on the public, namely when regulatory policies affect everyday life, shift policy in novel directions, or result in policy failure (Coglianese and Howard 1998). What is more, the analysis of the media coverage of government regulators of market competition in Switzerland and the UK suggested that such coverage, while confined to the most salient policy issues, follows the regulatory cycle quite coherently (Maggetti 2012).

In light of these results and in line with scholarly debates about the so-called mediation and mediatization of politics, it can reasonably be expected that—despite their nature as unelected bodies—IRAs "are not inclined to dismiss the role of the press" (Coglianese and Howard 1998: 41) and will engage in political communication. First of all, it is commonly argued that political communication is an integral part of politics and a necessary prerequisite for the functioning of any political system because the mass media *mediate* between citizens and political institutions (Mazzoleni and Schulz 1999). Second, the media are said to hold significance for political communication beyond mere mediation. Scholars argue that political actors are also *mediatized* as they adapt to and adopt a "media logic" (Altheide and Snow 1988; Hjarvard 2008; Mazzoleni 2008; Strömbäck 2008; Strömbäck and Esser 2009). The concept of mediatization thus allows for moving the focus of analysis from actual media coverage to political organizations and their communication. After all, political communication entails more than media coverage of political actors but also includes their communication (McNair 2003). Previous political and organizational communication research discusses how (political) organizations and their communication are affected by *perceived* requirements in their media environment (e.g., Donges 2008; Hjarvard 2008; Lammers and Barbour 2006; Schrott 2009). These studies show that an analysis of the communication of political actors cannot focus on content alone. Rather, it is necessary to include communicative structures and practices of organizations (e.g., Jarren and Donges 2011).

Given that IRAs have become key political actors, that political communication is an integral part of politics, and that mediatization might shape the organization and content of political actors' communication, there is need for a more thorough examination of regulatory communication. Whereas an analysis of media coverage would allow for discussing the (potential) success and impact of IRAs' communication, this article focuses instead on the regulators and their communicative intent in order to better understand whether and how they try to respond to the perceived importance of the media in the political process, and what they aim at achieving with their communication. Specifically, we ask: how IRAs in different countries and sectors organize their communication function; how and what they are communicating with political actors, the regulated industry, and the public at large; and whether they make use of communication as an instrument of regulation.

So far only a few studies have looked into the structures, practices, and content of regulatory communication. In their seminal paper, Coglianese and Howard (1998) analyzed press releases of the Environmental Protection Agency in the United States, offering a first overview of what regulators are communicating. In their research on the public communication activities of quasi-autonomous non-governmental organizations in the UK, a category that also includes IRAs, Deacon and Monk (2001) were able to show that claims about the insularity of these organizations have been overstated. Yeung's (2009) study of the Australian and the British competition regulators reveals how they employed presentational strategies to establish and maintain their legitimacy via the mass media. An analysis of the Israeli banking regulator's responses to public expressions of opinion revealed that this agency tends to keep silent on issues for which it enjoys a strong reputation, while responding to opinions challenging its core functions for which its reputation is not so well established (Maor et al. 2012).

However, systematic comparative work that looks into the public communication of IRAs in different sectors and countries is missing, making it a terra incognita that deserves a detailed exploration. The starting point of our inquiry is thus the identification of systematic patterns of regulatory communication. For such an analytical approach the characteristics of both nation-states and policy sectors have to be taken into account. In the literature on regulatory governance, it is commonplace to distinguish between a "national pattern approach" and a "policy sector approach" (Levi-Faur 2006b). According to the former, national-level characteristics, such as political institutions and actors' constellations, are expected to greatly vary across countries and thereby explain the variation in the design and behavior of regulatory agencies. Following the latter, however, policy sectors are expected to be populated by distinctive policy communities with their own political, economic, and technological features. Thus, the design and behavior of regulatory agencies should be fundamentally similar within each sector, irrespective of the national context. These approaches correspond with research on political communication and the relationship between media and politics. On the one hand, some scholars have shown that the national characteristics of media systems and political systems heavily shape the communication of political actors and news coverage (Hallin and Mancini 2004; Esser and Strömbäck 2012a; Pfetsch and Esser 2012; Plasser and Plasser 2002). On the other hand, empirical research pointing at differences in political communication and mediatization between policy sectors is less conclusive (Jarren and Sarcinelli 1998; Koch-Baumgarten and Voltmer 2009). Accordingly, we expect the organization of the communication function and the communication activities of IRAs to be shaped mainly by national conditions.

- *Hypothesis 1*: Regulatory communication is more likely to follow national rather than sectoral patterns (if any).

In addition to discussing national and sectoral patterns of regulatory communication, this study aims at making sense of such patterns. In scholarly debates, agencies are presumed to communicate mainly for two reasons: They may try to gain additional legitimacy by seeking accountability and they might use the dissemination of information as a regulatory instrument.

First, regulators could use communication mainly with the *intent to increase accountability*. Following Black (2008), communication contributes to the accountability of regulatory agencies and thereby helps them to mitigate their inherent democratic deficit. Precisely because of this democratic deficit, they will actively seek to legitimize their activities by offering justifications for their actions in order to become more accountable and to secure their organizational persistence. There indeed exist arguments according to which the media constitute an important element of a "multi-pronged system of controls" that should allow IRAs to become accountable while not interfering with their independence (Majone 1994a, 1998, 1999; Maggetti 2012). Following this argument, agencies are expected to put considerable emphasis on communication to reach the audiences that could challenge their legitimacy and to provide justifications for their actions instead of simply stating what they did. There is no consensus, in the few studies dealing with this topic, on whether these communication activities are driven by the need to demonstrate effectiveness to their "principals" (Deacon and Monk 2001) or if agencies are directly targeting broader audiences and the public at large (Yeung 2009). While it is also possible that agencies aim at both targets at the same time, given their nature as unelected bodies dealing with rather technical issues, one can reasonably argue that IRAs put an emphasis on using communication to try raising their accountability toward their principals.

- *Hypothesis 2a*: Regulators are expected to use communication through the media with the intent to increase their accountability by justifying their actions.
- *Hypothesis 2b*: As technical and unelected organizations, regulators are expected to use their public communication mainly to give account to their "principals" rather than to address broader audiences or the public at large.

Second, regulatory communication can also be conceptualized as an instrument of industry regulation (Baldwin et al. 2012: 119-21; Grabosky 1995). Regulatory conversations, i.e., the private communications between IRAs and regulated firms (Black 2002), are not the only communicative possibilities to regulate the industry. Rather, publicity management and public communication may also be seen as a tool of regulation (Yeung 2005), foremost via "naming and shaming" practices and by communicating expectations toward the industry. It has been shown that enlisting non-complying companies in a "naming and shaming" procedure is an effective method of regulatory enforcement (Foulon et al. 2002; Konar and Cohen 1997). Seen in this light, regulators may recognize communication as a tool of regulation. They might try to use regulatory communication via the media to address the regulated industry and aim at steering the behavior of those being regulated when more coercive means are unfeasible or undesirable with the intent of promoting compliance, as suggested by numerous works on "soft" governance modes (Majone 1997).

- *Hypothesis 3:* Regulators are expected to use communication via the media with the intent of industry regulation.

Methods

To explore these hypotheses, this paper uses a compound research design (Levi-Faur 2006b) in order to compare the communication of regulatory agencies in four countries and three sectors. This stepwise comparative approach combines cross-national and cross-sectoral comparison to identify and explain similarities and differences. The selected cases are regulators for financial services, telecommunication, and broadcasting in the United Kingdom, Germany, Ireland, and Switzerland (see Appendix 1). They were selected by employing a purposeful sampling strategy to maximize variation among both sectors and countries. The three selected sectors differ in terms of the internationalization of their markets (high for finance, medium for telecom, and comparatively low for broadcasting) (Braithwaite and Drahos 2000; Coen and Heritier 2005; Donnelly 2010; Thatcher 2009). The financial sector is considered politically salient, structurally resilient to national regulation, and more sensitive to systemic risks. What is more, we expect broadcasting to be more politically sensitive than telecommunications because not only economic but also cultural goals (e.g., protection and promotion of diversity of content; institutionalization of public service media) are considered important for broadcasting regulation, leading to a more interventionist approach (e.g., Feintuck and Varney 2006; Napoli 2001; Karppinen 2006).

Regarding variation across countries, it can be reasonably argued that typologies of media systems help in identifying differences that are relevant for political communication. On the one hand, according to Hallin and Mancini's (2004) now seminal typology of media systems, Germany and Switzerland belong to the democratic-corporatist model while the United Kingdom and Ireland are part of the liberal model. Media pressure seems higher in the liberal model because of commercialization. One may also expect media in the democratic-corporatist model to be more sensitive to IRAs' communication on technical matters than more commercialized media. On the other hand, Ireland and Switzerland are small media systems confronted with large next-door neighbors sharing the same language (Lowe and Nissen 2011; Puppis et al. 2009). Both political tradition and market size shape the media systems of the four selected countries and can be expected to affect the political communication of regulatory agencies.

The comparison is, on the one hand, based on 23 qualitative semi-structured interviews (Kvale 1996; Mason 2002) with both representatives of the regulatory agencies (mostly heads of media relations or strategic communication) and trade associations of the regulated industries (mostly heads of regulatory affairs, public affairs, or media relations). During the interviews, the organization of communication within the regulator (structures of the responsible division), the relationship of the regulator to the media, and the regulated industry as well as communication activities (instruments, content, target groups, objectives) were discussed (Appendix 2). The semi-structured interviews were conducted in spring and summer 2012 and lasted between 60 and 120 minutes. The interviews were subject to an interpretative analysis using a method of inductive content categorization (Mason 2002; Mayring 2007) which was done with the aid of the software MAXQDA.

On the other hand, in order to get insights into IRAs' communication activities, a quantitative content analysis of media releases issued by these organizations was performed. All media releases issued in 2011 and 2012 by the investigated IRAs were collected. Given the total number of media releases and especially the variance among regulators, a stratified random sampling with disproportionate allocation was done. The quota depends on the number of media releases an agency issued (1-30: 100%; 31-100: 50%, 101-300: 25%; >300: 15%). The media releases themselves were randomly selected. Eventually, a stratified sample of 362 media releases was analyzed (see Appendix 3 for details and a description of the sample). This analysis covered the subject of media releases, potential justifications given for regulatory action, the main actor addressed in the releases, and whether a regulatory intent is identifiable (see Appendix 4 for the codebook). All variables were coded at the article level by one of the authors. Krippendorff's Alpha (Hayes and Krippendorf 2007; Krippendorff 2004) was computed as an intra-coder reliability test in order to ensure consistency over time. For "subjects of press releases," Kalpha was 0.89, for "justifications for regulatory action" 0.77, for "actor addressed" 0.87, and for "regulatory intent" 0.95. These reliability results are satisfactory.[1]

The first hypothesis is addressed by the interview data. Here we asked for organizational features such as the existence of a specialized communication function, the number of staff and the reporting duties to top-level management in order to flesh out the relevance of communication for the respective agency. The other hypotheses are covered both by interview and content analysis data, which implies additional validity through data triangulation. Both data sources were checked for the main target groups of communication. Additionally, interviewees were asked for the media used for, and the goals of communication. The latter, together with the analysis of the press releases' content, provides evidence of the use of communication to generate accountability. Last, the regulatory intent of regulatory communication was measured interview questions and press release codings indicating the existence of "naming and shaming" procedures, and the communication of expectations.

In the next section, the empirical results will be presented using the above-mentioned stepwise comparative approach by first comparing regulatory communication across countries in the different sectors and then outlining cross-sectoral differences and similarities. The subsequent then examines explanations for these results.

Empirical Results

This empirical analysis of regulatory communication focuses on the organization of the communication function, the communication activities of IRAs, and the use of communication as an instrument of industry regulation. For each of the three aspects it proceeds

[1] The Kalpha value for the variable "justifications" is slightly lower than for the other variables, which is explained by the fact that it was the most challenging variable to code. It is, however, still satisfactory. Kalpha for "regulatory intent" is suspiciously high. The result is explained by the fact that only a minority of press releases feature a regulatory intent, thus leading to high congruence in zero-values. An additional reliability test that excludes the cases of congruent zeros shows a lower but still very satisfactory Kalpha value of 0.87.

through the comparative inspection of similarities and differences across countries and sectors.

Organization of Communication

Comparing the organization of the communication function *across countries* in the three analyzed sectors reveals both differences and commonalities (see Table 1.a).

Looking at *financial regulators*, the interviews showed clear differences between bigger and smaller countries. While the financial regulators in the UK and Germany have large, separate communication divisions (72 and 21 persons respectively), in Switzerland and Ireland the regulator's general secretariat (12 and 15 persons respectively) is also responsible for communicative tasks. A common feature of all four regulators is that these general secretariats and communication divisions report directly to the chairperson or another member of the executive committee. This proximity to top-level management is considered crucial by interviewees for effective communication. Moreover, communication in all four cases needs to be coordinated with the respective central bank.

The picture in *telecommunications* is very similar. Again, there are clear differences between regulators in big and small countries. The regulators in the UK and Germany have a specialized communication division (20 and 11 persons respectively). In Ireland the

Table 1: Organization of communication and communication activities

Country	United Kingdom			Ireland			Switzerland			Germany		
Sector	Fin	Tel	Brc	Fin	Tel	Brc	Fin	Tel	Brc	Fin	Tel	Brc
a. Organization of communication												
Separate communication division	•	•	•			a			•	•	•	•
Large communication division	•	•	•							•	•	
Reporting to top-level management	•	•	•	•	•	•	•	•	•	•	•	•
Coordination with third actors	b			b			b			b		c
b. Target groups of communication												
Political system		•	•	•	•	•	•	•	•		•	•
Regulated industry	•	•	•	•		•	•	•	•	•	•	•
General public	•	•	•	•		•	•	•	•	•	•	•
Analysts	•	•	•	•			•			•	•	
c. Media used for communication												
Mainstream media	•	•	•	•	•	•	•	•	•	•	•	•
Trade journals	•	•	•	•	•	•	•	•	•	•	•	•
News agencies	•	•	•	•	•	•	•	•	•	•	•	•
Analysts	•	•		•			•			•		
Financial press	•			•			•			•		
d. Goals of communication												
Provide information	•	•	•	•	•	•	•	•	•	•	•	•
Build reputation	•	•	•	•							•	•
e. Regulatory intent												
Naming and shaming	•			•								•
Communicate expectations	•			•			•			•		•

Note: Fin=Finance, Tel=Telecommunication, Brc=Broadcasting; •: affirmative answer in qualitative interviews; a: matrix organization, b: with Central Bank, c: with *Bundesländer*.

one person responsible for communication is part of the corporate services division; in Switzerland the general secretariat (3 persons) also takes care of communication. Each division head reports directly to the executive management.

In *broadcasting*, however, we find a slightly different situation. While the regulators in the UK, Germany, and Switzerland have a specialized division for communication, the Irish regulator does not. Rather, that organization has a "matrix structure" in place. With the exception of the UK's single regulator (20 persons) these divisions tend to be rather small (around 3 persons). The situation in Germany is a special one due to the responsibility of the federal states (Länder) in broadcasting. Each state's media authority does its own communication. In addition, the newly established joint management office in Berlin also has its own press office. The persons responsible for communication all directly report to executive management in their respective states.

The *cross-sectoral* comparison of IRAs' organization of communication mainly reveals commonalities. In the *United Kingdom*, all regulators feature big and separate communication divisions that report directly to the executive management. The situation in *Germany* is very similar (with broadcasting being an exception regarding the size of divisions, given the responsibility of the *Bundesländer* for broadcasting regulation). While there are no separate communication divisions within *Irish* regulators, the persons responsible for communication directly report to the executive management as well. And in *Switzerland*, aside from the broadcasting regulator having a dedicated communication division, the situation is similar. The only remarkable cross-sectoral variation is the fact that financial regulators need to coordinate their communication with central banks (Ireland being a special case, as the financial regulator was recently re-unified with the central bank).

Communication Activities

As with the organization of the communication function, a *cross-national* comparison of regulators' public communication activities shows both differences and commonalities in the analyzed sectors (see Table 1.b-d).

Financial regulators feature many commonalities across countries. Regulators and industry representatives agree that communication is mainly about informing the general public, the industry, and financial analysts about decisions and positions of the regulator via mainstream media (including the financial press), trade publications, and news agencies. Yet there are also some differences in their communication activities. In contrast to Switzerland and Ireland, regulators in the UK and Germany clearly state that they do not wish to participate in political debates via the media and that all communication with the political system is done directly by the executive committee. Moreover, while all regulators are aware that financial regulators have lost a lot of public confidence because of the 2008 financial crisis, not all of them actively try to rebuild their reputation. In contrast to their Irish and British counterparts, the German and Swiss regulators argue that confidentiality considerations restrict their possibilities to talk about enforcement action that could possibly help their reputation.

Interviewees from both IRAs and industry associations state that *telecommunication regulators* use communication mainly to inform interested parties about their decisions and positions via mainstream media, trade publications, and news agencies. The political system is the only group targeted by all organizations. However, there are also noticeable differences across countries. The Irish regulator seems to be an exception. A representative of the industry claims that it mainly targets the political system and is less interested in media attention. The regulators in the UK, Germany, and Switzerland also target the general public and the regulated industry. According to interviewees, the communication goals of the German and the British regulator go beyond mere information as they put a stronger emphasis on managing their reputation and promoting their activities.

Looking at *broadcasting*, all regulators aim at informing the general public, the industry, and the political system about their decisions and actions using mainstream media, trade journals, and news agencies. Yet there are also considerable differences in communication activities across countries. First, Swiss and German interviewees state that the regulators' mediated communication also targets the political system. Industry representatives in the UK and Ireland share that view, yet the British and Irish regulators disagree. Second, in the UK and Germany reputation management seems to be a goal of communication in addition to providing information. A representative of the industry in the UK mentions that the regulator wants to be perceived as effective. And in Germany an interviewee reveals that even "giving issues a spin" is considered part of the communication.

The comparison of public communication activities across sectors shows several commonalities and variations as well. In *the United Kingdom* all analyzed regulators target the general public, the regulated industry, and financial analysts via mainstream media, trade journals, and news agencies to inform about decisions and positions and also to manage their reputation.

While all *German* regulators aim at informing the public and industry about decisions and positions, their target groups differ. Additionally, interviewees claim that the telecommunication and broadcasting regulators use communication not only for information but also for building their reputation.

Differences between sectors are most pronounced in *Ireland*. This is mainly due to the fact that the telecommunication regulator is mostly focused on the political system and non-mediated communication, whereas the other sectors also target the general public and industry. In the financial sector, re-building its reputation after the crisis is an important aim.

In *Switzerland*, the communication activities of regulators in the different sectors are generally similar. They aim at informing the general public, industry, and the political system about their decisions and positions via mainstream media, trade journals, and news agencies. However, the financial regulator, as in the other countries, also targets analysts and makes use of the financial press.

The content analysis confirms that information about decisions of the regulatory agency, as well as about other actions (such as the beginning of a consultation or a tender), are by far the most important subjects of public communication (see Table 2). Yet there are differences among sectors and countries. In telecommunications and broadcasting, information about actions of the regulator other than regulatory decisions are far more common (30.8% and 28.3% respectively) than in the financial sector (15.7%), as there are often tenders for licenses. Media releases about the agencies themselves (reorganization, new member of the executive, etc.) or about market developments are less common. However, financial regulators inform about their organization more often (15.0%) than telecommunication or broadcasting regulators (4.4% and 7.1% respectively) due to the recent reorganizations following the financial crisis. Moreover, in Ireland a third of releases are about the regulated sector (compare to 17.8% in Germany and the UK and 6.8% in Switzerland). In contrast, Swiss regulators inform more frequently about themselves (19.2%).

The content analysis of press releases also reveals that regulators in all countries and sectors offer justifications for their actions in more than 80% of media releases (see

Table 2: Subjects of media releases by sector and country, in percent

	N	Information about					Chi-Square
		Agency	Sector	Decision	Consultation etc.	Other	
Financial Sector	153	15.0	20.9	48.4	15.7	0.0	$\chi^2(8) = 24.306$
Telecom	91	4.4	25.3	37.4	30.8	2.2	$p = 0.002$
Broadcasting	127	7.1	18.1	46.5	28.3	0.0	
Total	371	9.7	21.0	45.0	23.7	0.5	
United Kingdom	101	9.9	17.8	46.5	25.7	0.0	$\chi^2(12) = 34.910$
Ireland	115	3.5	33.0	41.7	20.0	1.7	$p = 0.000$
Germany	73	6.8	17.8	50.7	24.7	0.0	
Switzerland	73	19.2	6.8	47.9	26.0	0.0	
Total	362	9.1	20.4	46.1	23.8	0.6	

Note: The difference in the total number of coded media releases for sectors and countries is due to the role of the British Ofcom as both a telecommunications and broadcasting regulator (see Appendix 3).

Table 3: Justification for regulatory action (simple Yes/No) by sector and country, in percent

	N	Justification			Kruskal-Wallis-Test	
		No	Yes	Chi-Square	Mean Rank	
Financial	153	18.3	81.7	$\chi^2(2) = 2.504$	188.05	$H(2) = 2.497$
Telecom	91	15.4	84.6	$p = 0.286$	193.46	$p = 0.287$
Broadcasting	127	23.6	76.4		178.18	
Total	371	19.4	80.6			
United Kingdom	101	1.0	99.0	$\chi^2(3) = 50.661$	215.71	$H(3) = 50.522$
Ireland	115	38.3	61.7	$p = 0.000$	148.25	$p = 0.000$
Germany	73	24.7	75.3		172.87	
Switzerland	73	12.3	87.7		195.18	
Total	362	19.9	80.1			

Table 3). This is particularly frequent in the UK, where as much as 99.0% of media releases contain some kind of justification, whereas in Ireland only 61.7% of media releases contain one ($H(3)=50.522$, $p=0.000$). Coherently with the previous results supporting a national pattern approach, the sectoral variation is much smaller, ranging from 76.4% in broadcasting to 84.6% in telecommunications ($H(2)=2.497$, $p=0.287$).

Most media releases do not directly address specific actors (see Table 4). When they do so, they usually target the general public, or, less frequently, the regulated industries. The general public is more often addressed by telecommunications regulators and by British regulators, whereas the industry is addressed more often by broadcasting regulators and Swiss regulators.

Communication as a Tool of Regulation

Similar to the organization of the communication function and IRAs' communication activities, a *cross-national* comparison shows that the use of communication as an

Table 4: Mainly addressed actor in media releases by sector and country, in percent

	N	None	Industry	Political System	General Public	Media	Chi-Square
Financial Sector	153	76.5	9.2	2.0	11.1	1.3	$\chi^2(8) = 26.753$
Telecom	91	62.6	5.5	0.0	30.8	1.1	$p = 0.001$
Broadcasting	127	73.2	14.2	0.0	12.6	0.0	
Total	371	72.0	10.0	0.8	16.4	0.8	
United Kingdom	101	70.3	5.9	1.0	22.8	0.0	$\chi^2(12) = 20.971$
Ireland	115	75.7	9.6	0.0	13.9	0.9	$p = 0.051$
Germany	73	78.1	9.6	0.0	12.3	0.0	
Switzerland	73	63.0	17.8	2.7	13.7	2.7	
Total	362	72.1	10.2	0.8	16.0	0.8	

instrument of regulation features differences and commonalities in the investigated sectors (see Table 1.e).

All four *financial regulators* use their communication toward the media with a regulatory intent to communicate expectations, i.e., to let the industry know how it should behave and that forthcoming inspections will focus on certain issues. Yet there are also differences. In contrast to their German and Swiss counterparts, the regulators in Ireland and the UK also make use of naming and shaming techniques to influence the behavior of the industry. Such communication is thought to sanction firms when they breach the rules, and also to deter others from misbehaving.

Other than in financial regulation, none of the interviewees report that communication is used with a regulatory intent by *telecommunication regulators*.

In *broadcasting*, only in Germany regulators claim to use communication as a tool of regulation by both communicating expectations toward the industry and using naming and shaming techniques.

Commonalities and variations in using communication for industry regulation become apparent when comparing across sectors as well. In *the United Kingdom* the financial regulator, in contrast to the other sectors, uses communication as a tool of regulation in the view of both agencies and industry representatives.

While communication is used with a regulatory intent in *Germany* in both the financial and the broadcasting sector, this does not seem to be the case in telecommunications.

In *Ireland*, only the financial regulator makes use of both naming and shaming and communicating expectations towards the regulated industry.

Finally, as in the other countries, the *Swiss* financial regulator communicates expectations toward the regulated industry and thus also uses communication as a soft tool of regulation.

The content analysis of regulators' media releases confirms this picture (see Table 5). Most media releases do not have a visible regulatory intention. However, when they do, "naming and shaming" in order to punish firms for breaching rules and to deter others from doing the same, is an often used strategy in the UK (28.7%) and in the financial sector (23.5%). Regulators also communicate expectations on how the industry should behave. In contrast, threats of regulatory changes or enforcement action in case of failures to comply with existing rules are only rarely used, with the partial exception, again, of the UK (7.9%) and the financial sector (7.8%). It should be noted that even if regulation by

Table 5: Regulatory intent in media releases by sector and country, in percent

	N	None	Name & shame	Expectations	Threat	Chi-Square
Financial Sector	153	59.5	23.5	9.2	7.8	$\chi^2(6) = 33.759$
Telecom	91	81.3	11.0	5.5	2.2	$p = 0.000$
Broadcasting	127	87.4	7.1	4.7	0.8	
Total	371	74.4	14.8	6.7	4.0	
United Kingdom	101	57.4	28.7	5.9	7.9	$\chi^2(9) = 33.124$
Ireland	115	80.9	7.8	7.8	3.5	$p = 0.000$
Germany	73	75.3	11.0	11.0	2.7	
Switzerland	73	84.9	11.0	2.7	1.4	
Total	362	74.0	14.9	6.9	4.1	

information is rare, it could be important in some special cases. However, it is clearly not the main goal of regulatory communication.

Discussion

The empirical analysis revealed both cross-sector and cross-national commonalities and variations, thus showing considerable heterogeneity. However, some interesting regularities can be observed.

First, national patterns are more relevant than sectoral patterns regarding the *organization of the communication function* within regulators. There are persisting structural differences in the organization of communication following national specificities, whereas the way communication is organized is similar in each sector. In particular, country size seems to have an influence, as IRAs in the United Kingdom and Germany feature separate communication divisions that are well endowed whereas in Switzerland and Ireland smaller general secretariats are responsible for communication. Thus, the first hypothesis, that regulatory communication is more likely to follow national than sectoral patterns, is supported at least with respect to these structural aspects of communication. This insight is in line with previous research on the relationship between media and politics, pointing to the influence of national peculiarities of media systems on political communication (Esser and Strömbäck 2012a, b; Hallin and Mancini 2004; Pfetsch and Esser 2012).

Second, the public *communication activities* of regulators are rather similar across countries and sectors. With their communications, regulators actively aim at informing the general public and the industry about regulatory decisions, actions, and positions by disseminating media releases to mainstream media, trade journals, and news agencies. The regulated industries are targeted not only via the media but also through direct non-public communication (or regulatory conversations) between the regulator and regulated firms. The content analysis confirms and qualifies findings from interviews. Additionally, it shows that a vast majority of media releases contain a justificatory claim for regulatory actions across all countries and sectors. As giving justifications for actions and positions is a constitutive condition for accountability, this supports hypothesis 2a that independent regulatory agencies use communication with the intent to increase their accountability. These findings are in line with Yeung's (2009) study on presentational management, which offers evidence for accountability-seeking strategies and the active management of regulators' legitimacy, and with previous research on media coverage of IRAs (Maggetti 2012): Our empirical analysis shows that regulators perceive the media as an informal accountability forum and communicate with the intent of raising their accountability. Whether they are actually successful in influencing media coverage and in turn benefit from more legitimacy is another story that falls beyond the scope of this article.

However, our results do not support hypothesis 2b that IRAs' public communication mainly addresses their "principals" (i.e., elected officials). Rather, they target broader specialized audiences and also the public at large. One reason for this may be that in some agencies, communication with the political system is not among the competencies of the communication division but rather is done by the executive management itself. Another reason may be that regulators deploy more direct instruments of communication with elected politicians, such as governmental hearings, parliamentary committees, and regular reporting procedures. However, since the vast majority of media releases have a justificatory intent, regulators seem to anticipate that the media can constitute "fire alarms" that signal to their "principal" any potential problems associated with the activity of regulators. This point is consistent with the delegation literature emphasizing that the principal does not monitor the agency using a costly "police patrol" system (Hopenhayn and Lohmann 1996; McCubbins and Schwartz 1984). Instead, elected politicians tend to rely on external sources of information, namely the media, as "fire alarms" that solve their informational disadvantages and indicate the potential problems associated with the activity of regulators. Our results might imply that regulators are able to anticipate this "fire alarm" function of the press, which is particularly cogent in a context of mediatization, and actively strive to manage their relations with the media.

Third, a number of regulators try to use the media in addition to direct communication in order to send messages to regulated firms, pointing to the *relevance of communication as a soft tool of regulation*. While an explicit regulatory intent is less frequent in media releases, both the interviews and the content analysis reveal that communication via the media is sometimes used to communicate expectations and to name and shame, thus partially supporting our third hypothesis. Yet in contrast to expectations, we find differences between sectors that are constant across countries. Mainly IRAs in the financial sector make use of regulation by communication, which may be explained by the recent financial crisis and a relationship between regulators and the industry that has been traditionally quite close. However, it is important not to equate the regulatory intent with the actual impact of these activities.

Conclusion

In this paper, we set out to explore the public communication of independent regulatory agencies (IRAs). On the one hand, regulatory agencies might use communication with the intent of raising their organizations' accountability to mitigate their democratic deficit. On the other hand, communication may also be considered as a soft tool of regulation, when coercive means to steer the behavior of target industries are unfeasible or undesirable. Nevertheless, there is a lack of systematic comparative work investigating the communication of IRAs across sectors and countries. Given this apparent need for a more thorough examination of regulatory communication, we investigated the questions of how the communication function of IRAs is organized, how and what they are communicating with different actors, and whether they make use of communication as an instrument of regulation, by comparing four countries (the United Kingdom, Germany, Ireland, and Switzerland) and three sectors (financial services, telecommunications, and broadcasting) using a compound research design. The comparative analysis was based on both qualitative interviews with representatives of IRAs and trade associations of the regulated industries and on a quantitative content analysis of media releases.

This study provides important insights into the public communication of regulators across sectors and countries. With respect to the *organization of the communication function* within regulatory agencies, the findings clearly support a national pattern approach (Levi-Faur 2006b). In the larger countries under scrutiny, the UK and Germany, regulators have specialized with comparatively large communication divisions; while in the smaller countries Ireland and Switzerland, resources available for communication are more modest.

Yet there is no clear pattern regarding IRA's *communication activities*. This might be due to the fact that all regulators, irrespective of country and sector specifics, aim at using communication with the intent of raising their *accountability*. Empirical results confirm that regulators aim at informing the general public about their decisions and positions and that most media releases contain a justification for their actions. Regulators seem to recognize that the media can act as an important accountability forum. With respect to the use of communication as a soft tool of *regulation,* patterns are more systematic but concern a minority of IRAs. It is mainly regulators in the financial sector that use communication in order to share expectations with industry and also to name and shame in the case of non-compliance, pointing to the pertinence of a policy sector approach (Levi-Faur 2006b). More generally, this article contributes to our knowledge of how regulatory agencies work, and helps in extending political communication research beyond traditional actors of policy-making. It does so by focusing on the regulatory agencies themselves, instead of media coverage, in order to understand the intent behind regulatory communication.

On the one hand, our contribution sheds a different light on regulators' activities. It shows how regulators try to use communication both to enhance accountability and, to a lesser extent, to regulate the industry. So far the question of accountability has rarely been connected to public communication. This is surprising, since the increased need for accountability in the case of independent agencies has found many advocates. In this regard, we can attest that agencies have a certain awareness of accountability issues. However, whether this will result in an adequate overall level of accountability (and democratic legitimacy) is another question. Interestingly, the proposition that agencies actively attempt to shape accountability relations has been neglected in accountability research so far.

The somewhat ambiguous results of our study deserve a second look. First, the lack of support for hypothesis 2b probably stems from the fact that most agencies have channels of communication to the political sphere other than press releases. It would therefore be interesting to contrast the use of press releases with the strength of other, more formal, accountability mechanisms. This also affects the other hypothesis on accountability (2a), where we find no differences across countries and sectors regarding accountability to the wider public. However, one could imagine that the intent behind that communication is varying: In light of the limited resources of political actors, or a high level of agency independence, it can be interpreted as voluntarily enhanced transparency, maybe to strengthen mutual trust, which would come close to Majone's (1999) idea of a "fiduciary relationship." On the other hand, an active communication strategy could aim to generate public support to better repel political interference. To corroborate these considerations, a more thorough test of communication strategies in light of agencies' independence, their accountability regimes, as well as features of the respective political and media systems would be necessary. For practitioners, the second case would be of particularly strong interest, since it would suggest a more thorough examination of agency communication.

Future research should aim at comparing the public communication of agencies with media coverage and media interest in agencies across countries and sectors in order to better understand the interactions between these two sides. Moreover, the use of communication as a tool of regulation deserves more attention in order to examine its coexistence with other regulatory instruments and its impact.

On the other hand, the paper makes clear that in modern democracies the analysis of the relationship between media and politics cannot confine itself to traditional political actors but has to include powerful regulatory agencies as well. First, results show that regulatory agencies seem to be well aware of the media's role for democracy and policy as they have created specialized communication divisions in place (at least in the bigger countries) and use press releases to inform the public about their actions. A future comparison of the political communication of agencies with other actors like political parties, governments, or associations could improve our understanding of how mediatization affects actors with different needs for public or electoral support. Yet the communicative activities of regulators are not the only sign of mediatization. One could also interpret regulation by communication as an indication of IRAs' awareness that regulated firms cannot elude the media either. Pervasiveness of mass media in society is a prerequisite for communication potentially having a regulatory impact. Future research could also look into the question of how media coverage influences regulation. Developments like a financial crisis and the increased scrutiny by the media as the crisis unfolded could be expected to shape the rigor employed by regulations. Second, the fact that regulators—similarly to governments and the public administration—make extensive use of communication raises a problem from a democratic point of view. While statutory bodies certainly should inform their different stakeholders and the public at large about their work, there is a need for some limitations to prevent their communication from turning into mere public relations. Third, and related to this, the so-called media crisis might have serious implications for the media coverage of regulators. In times of shrinking resources for journalism it would be worthwhile to analyze whether journalism is capable of continuously holding regulators to account, and thus fulfil its role for democracy, or whether it will focus only on more visible, but less powerful, political actors. Scholars repeatedly discussed that professional journalism relies more and more on official sources like press releases—a development that has intensified as news organizations are forced to cut back (e.g., McChesney and Nichols 2010). This offers organizations ever better chances to influence media coverage. While enticing for political actors like regulatory agencies, this phenomenon considerably restricts the watchdog function of journalism. The crisis of journalism is connected to the advent of the Internet. Yet the Internet has repercussions not only for the future of journalism but also for political actors. Hence, and finally, it would be worthwhile to look into the growing use of online communication by regulatory agencies. Via their websites, newsletters, and social media IRAs have the possibility to at least partially bypass traditional mass media. One could expect that the Internet is mainly used to reach the regulated industry and special interest groups as most citizens will not make use of such specialized websites. To reach the public at large and to exert public pressure on the regulated industry, the mass media will presumably maintain their important role. In further research, it will be interesting to observe how online communication changes regulatory communication toward the media and whether it can contribute to accountability as well.

We can conclude that there is a wide array of interesting issues within the emerging field of regulatory communication. While the present article has aimed to explore the organizational preconditions and strategies of regulatory agencies, there remain several exciting avenues for future research.

References

Altheide, D. and R. Snow (1988). Toward a Theory of Mediation. In Andersson, J. (ed.), *Communication Yearbook 11*. Newbury Park: Sage (194–223).

Bache, I., M.V. Flinders and M. Flinders. (2005). *Multi-level governance*. Oxford/New York: Oxford University Press.

Baldwin, R., M. Cave and M. Lodge (2012). *Understanding Regulation*. Oxford/New York: Oxford University Press.

Black, J. (2002). Regulatory Conversations. *Journal of Law and Society* 29(1): 163–196.

—— (2008). Constructing and Contesting Legitimacy and Accountability in Polycentric Regulatory Regimes. *Regulation & Governance* 2(2): 137–164.

Braithwaite, J. and P. Drahos. (2000), *Global Business Regulation*. Cambridge: Cambridge University Press.

Carpenter, D. (2001). *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928*. Princeton: Princeton University Press.

Christensen, T. and P. Lægreid (2001). New Public Management: The Effects of Contractualism and Devolution on Political Control. *Public Management Review* 3(1): 73–94.

Christensen, T. and P. Lægreid (eds.) (2006). *Autonomy And Regulation: Coping With Agencies in the Modern State*. Cheltenham: Edward Elgar.

Coen, D. and A. Heritier (2005), *Refining Regulatory Regimes: Utilities in Europe*. Cheltenham: Edward Elgar.

Coen, D. and M. Thatcher (2005). The New Governance of Markets and Non-Majoritarian Regulators. *Governance* 18(3): 329–346.

Coglianese, C. and M. Howard (1998). Getting the Message Out: Regulatory Policy and the Press. *Politics* 3(3): 39–55.

Curran, J. (2010). The Future of Journalism. *Journalism Studies* 11(4): 464–476.

Deacon, D. and W. Monk (2001). Quangos and the 'Communications Dependent Society'. Part of the Process or Exceptions to the Rule? *European Journal of Communication* 16(1): 25–49.

Donges, P. (2008). *Medialisierung politischer Organisationen. Parteien in der Mediengesellschaft*. Wiesbaden: VS Verlag.

Donnelly, S. (2010). *The regimes of european integration: constructing governance of the single market*. New York: Oxford University Press.

Esser, F. and J. Strömbäck (2012a). Comparing Election Campaign Communication. In Esser, F. and T. Hanitzsch (eds.), *Handbook of Comparative Communication Research*. London/New York: Routledge (289–307).

—— (2012b). Comparing News on National Elections. In Esser, F. and T. Hanitzsch (eds.), *Handbook of Comparative Communication Research*. London/New York: Routledge (289–307).

Feintuck, M. and M. Varney (2006). *Media Regulation, Public Interest and the Law* (2nd ed.). Edinburgh: Edinburgh University Press.

Follesdal, A. and S. Hix (2006). Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *Journal of Common Market Studies* 44 (3): 533–562.

Foulon, J., P. Lanoie and B. Laplante (2002). Incentives for Pollution Control: Regulation or Information? *Journal of Environmental Economics and Management* 44: 169–187.

Gilardi, F. (2004). The Formal Independence of Regulators: A Comparison of 17 Countries and 7 Sectors. *Swiss Political Science Review* 11(4): 139–167.

—— (2005). The Institutional Foundations of Regulatory Capitalism: The Diffusion of Independent Regulatory Agencies in Western Europe. *The ANNALS of the American Academy of Political and Social Science* 598(1): 84.

—— (2007). The Same, But Different: Central Banks, Regulatory Agencies, and the Politics of Delegation to Independent Authorities. *Comparative European Politics* 5: 303–327.

—— (2008). *Delegation in the Regulatory State: Independent Regulatory Agencies in Western Europe*. Northampton: Edward Elgar.

Graber, D. (2003). The Media and Democracy: Beyond Myths and Stereotypes. *Annual Review of Political Science* 6: 139–160.

Grabosky, P. (1995). Using Non-Governmental Resources to Foster Regulatory Com-pliance. *Governance* 8(4): 527–550.

Hallin, D. and P. Mancini (2004). *Comparing Media Systems: Three Models of Media and Politics*. Cambridge: Cambridge University Press.

Hayes, A.F. and K. Krippendorff (2007). Answering the Call for a Standard Reliability Measure for Coding Data. *Communication Methods and Measures* 1(1): 77–89.

Hjarvard, S. (2008). The Mediatization of Society. A Theory of the Media as Agents of Social and Cultural Change. *Nordicom Review* 29(2): 105–134.

Hood, C., H. Rothstein and R. Baldwin (2001). *The Government of Risk: Understanding Risk Regulation Regimes*. Oxford: Oxford University Press.

Hooghe, L. and G. Marks (2001). *Multi-Level Governance and European Integration*. Lanham et al.: Rowman & Littlefield Publishers.

Hopenhayn, H. and S. Lohmann (1996). Fire-Alarm Signals and the Political Oversight of Regulatory Agencies. *Journal of Law, Economics, and Organization* 12(1): 196–213.

Jarren, O. and P. Donges (2011). *Politische Kommunikation in der Mediengesellschaft. Eine Einführung*. Wiesbaden: VS Verlag.

Jarren, O. and U. Sarcinelli (1998). „Politische Kommunikation" als Forschungs- und als politisches Handlungsfeld: Einleitende Anmerkungen zum Versuch der systematischen Erschliessung. In Jarren, O., U. Sarcinelli and U. Saxer (eds.). *Politische Kommunikation in der demokratischen Gesellschaft. Ein Handbuch mit Lexikonteil*. Opladen/Wiesbaden: Westdeutscher Verlag (13–20).

Jordana, J. and D. Levi-Faur (2004). *The politics of regulation: institutions and regulatory reforms for the age of governance*. Cheltenham/Northampton: Edward Elgar.

—— (2005). The Diffusion of Regulatory Capitalism in Latin America: Sectoral and National Channels in the Making of a New Order. *The Annals of the American Academy of Political and Social Science* 598(1): 102–124.

Jordana, J., D. Levi-Faur and X. Fernández i Marín (2011). The Global Diffusion of Regulatory Agencies. *Comparative Political Studies* 44(10): 1343–1369.

Karppinen, K. (2006). Media Diversity and the Politics of Criteria. Diversity Assessment and Technocratisation of European Media Policy. *Nordicom Review* 27(2): 53–68.

Koch-Baumgarten, S. and K. Voltmer (2009). Policy matters – Medien im politischen Entscheidungsprozess in unterschiedlichen Politikfeldern. In Marcinkowski, F. and B. Pfetsch (eds.), *Politik in der Mediendemokratie*. Wiesbaden: VS Verlag für Sozialwissenschaften (299–319).

Konar, S. and M. Cohen (1997). Information As Regulation: The Effect of Community Right to Know Laws on Toxic Emissions. *Journal of Environmental Economics and Management* 32: 109–124.

Krippendorff, K. (2004). *Content Analysis. An Introduction to its Methodology* (2nd ed.). Thousand Oaks: Sage.

Kübler, D. and B. Schwab (2007). New Regionalism in five Swiss Metropolitan Areas. An Assessment of Inclusiveness, Deliberation and Democratic Accountability. *European Journal of Political Research* 46: 473–502.

Kvale, S. (1996). *InterViews. An Introduction to Qualitative Research Writing*. Thousand Oaks: Sage.

Lammers, J.C. and J.B. Barbour (2006). An Institutional Theory of Organizational Communication. *Communication Theory* 16(3): 356–377.

Levi-Faur, D. (2003). The Politics of Liberalisation: Privatisation and Regulation-for-competition in Europe's and Latin America's Telecoms and Electricity Industries. *European Journal of Political Research* 42(5): 705–740.

—— (2006a). Regulatory Capitalism: The Dynamics of Change beyond Telecoms and Electricity. *Governance* 19(3): 497–525.

—— (2006b). Varieties of Regulatory Capitalism: Getting the Most Out of the Comparative Method. *Governance* 19(3): 367–382.

Lowe, G. and C. Nissen (2011). *Small Among Giants: Television Broadcasting in Smaller Countries*. Göteborg: Nordicom.

Maggetti, M. (2007). De Facto Independence After Delegation: A Fuzzy-Set Analysis. *Regulation & Governance* 1(4): 271–294.

—— (2009). The Role of Independent Regulatory Agencies in Policy-making: A Comparative Analysis. *Journal of European Public Policy* 16(3): 445–465.

—— (2012). The Media Accountability of Independent Regulatory Agencies. *European Political Science Review* 4(3): 385–408.

Majone, G. (1994a). *Independence vs. Accountability? Non-majoritarian Institutions and Democratic Government in Europe*. Florence: European University Institute.

—— (1994b). The Rise of the Regulatory State in Europe. *West European Politics* 17(3): 77–101.

—— (1996). *Regulating Europe*. London/New York: Routledge.

—— (1997). The New European Agencies: Regulation by Information. *Journal of European Public Policy* 4(2): 262–275.

—— (1998). Europe's 'Democratic Deficit': The Question of Standards. *European Law Journal* 4(1): 5–28.

—— (1999). The Regulatory State and Its Legitimacy Problems. *West European Politics* 22(1): 1–24.

—— (2001a). Nonmajoritarian Institutions and the Limits of Democratic Governance: A Political Transaction-Cost Approach. *Journal of Institutional and Theoretical Economics* 157: 57–78.

—— (2001b). Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance. *European Union Politics* 2(103): 103–122.

Maor, M., S. Gilad and P. Bloom (2012). Organizational Reputation, Regulatory Talk, and Strategic Silence. *Journal of Public Administration Research and Theory* 23(3): 581–608.

Mason, J. (2002). *Qualitative researching*. London/Thousand Oaks/New Delhi: Sage.

Mayring, P. (2007). *Qualitative Inhaltsanalyse. Grundlagen und Techniken*. Beltz: Weinheim.

Mazzoleni, G. (2008). Mediatization of Politics. In Donsbach, W. (ed.), *The International Encyclopedia of Communication*. Malden/Oxford: Blackwell (3047–3051).

Mazzoleni, G. and W. Schulz (1999). 'Mediatization' of Politics: A Challenge for Democracy? *Political Communication* 16(3): 247–261.

McChesney, R.W. and J. Nichols (2010). *The Death and Life of American Journalism: The Media Revolution that Will Begin the World Again*. New York: Nation Books.

McCubbins, M. and T. Schwartz (1984). Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. *American Political Science Review* 28: 165–179.

McNair, B. (2003). *An Introduction to Political Communication*. London/New York: Routledge.

Napoli, P.M. (2001). *Foundations of Communications Policy. Principles and Process in the Regulation of Electronic Media*. Cresskill: Hampton Press.

Papadopoulos, Y. (2007). Problems of Democratic Accountability in Network and Multilevel Governance. *European Law Journal* 13(4): 469–486.

Pfetsch, B. and F. Esser (2012). Comparing Political Communication. In Esser, F. and T. Hanitzsch (eds.), *Handbook of Comparative Communication Research*. London/New York: Routledge (25–47).

Plasser, F. and G. Plasser (2002). *Global Political Campaigning. A Worldwide Analysis of Campaign Professionals and Their Practices*. Westport/London: Praeger.

Pollitt, C., K. Bathgate, J. Caulfield, A. Smullen and C. Talbot (2001). Agency Fever? Analysis of an International Policy Fashion. *Journal of Comparative Policy Analysis: Research and Practice* 3(3): 271–290.

Pollitt, C., C. Talbot, J. Caulfield and A. Smullen (2004). *Agencies. How Governments do Things Through Semi-Autonomous Organizations*. Basingstoke/New York: Palgrave Macmillan.

Puppis, M., L. d'Haenens, T. Steinmaurer and M. Künzler (2009). The European and Global Dimension Taking Small Media Systems Research to the Next Level. *International Communication Gazette* 71(1–2): 105–112.

Puppis, M. and M. Maggetti (2012). The Accountability and Legitimacy of Regulatory Agencies in the Communication Sector. In Just, N. and M. Puppis (eds.). *Trends in Communication Policy Research: New Theories, Methods and Subjects*. Bristol/Chicago: Intellect (75–94).

Schrott, A. (2009). Dimensions: Catch-All Label or Technical Term. Lundby, K. (ed.). *Mediatization. Concept, Changes, Consequences*. New York: Peter Lang (41–61).

Schudson, M. (1995). *The Power of News*. Cambridge: Harvard University Press.

Slaughter, A. (2004). *A New World Order*. Princeton: Princeton University Press.

Smulovitz, C. and E. Peruzzotti (2000). Societal Accountability in Latin America. *Journal of Democracy* 11(4): 147–158.

Strömbäck, J. (2008). Four Phases of Mediatization: An Analysis of the Mediatization of Politics. *The International Journal of Press/Politics* 13(3): 228–246.

Strömbäck, J. and F. Esser (2009). Shaping Politics: Mediatization and Media Interventionism. In Lundby, K. (ed.). *Mediatization. Concept, Changes, Consequences*. New York: Peter Lang (205–223).

Thatcher, M. (2002a). Delegation to Independent Regulatory Agencies: Pressures, Functions and Contextual Mediation. *West European Politics* 25(1): 125–147.

—— (2002b). Regulation After Delegation: Independent Regulatory Agencies in Europe. *Journal of European Public Policy* 9(6): 954–972.

—— (2005). The Third Force? Independent Regulatory Agencies and Elected Politicians in Europe. *Governance* 18(3): 347–373.

—— (2009). *Internationalisation and economic institutions: comparing the European experience*. Oxford: Oxford University Press.

Thatcher, M. and A. Stone Sweet (2002). Theory and Practice of Delegation to Non-majoritarian Institutions. *West European Politics* 25(1): 1–22.

Vibert, F. (2007). *The Rise of the Unelected: Democracy and the New Separation of Powers*. Cambridge: Cambridge University Press.

Yeung, K. (2005). Government by Publicity Management: Sunlight or Spin? *Public Law* 2: 360–383.

—— (2009). Presentational management and the pursuit of regulatory legitimacy: a comparative study of competition and consumer agencies in the United Kingdom and Australia. *Public Administration* 87(2): 274–294.

Appendix 1: Analyzed IRAs by Country and Sector

	Financial Services	Telecommunications	Broadcasting
United Kingdom	Financial Services Authority (FSA)*	Office of Communications (Ofcom)**	
Germany	*Bundesanstalt für Finanzdienstleistungsaufsicht* (BaFin)	Bundesnetzagentur (BNetzA)	Joint Commissions of the *Landesmedienanstalten* (State Media Authorities)
Ireland	Central Bank of Ireland***	Commission for Communications Regulation (ComReg)	Broadcasting Authority of Ireland (BAI)
Switzerland	*Eidgenössische Finanzmarktaufsicht* (Finma)	*Eidgenössische Kommunikationskommission* (ComCom)	*Bundesamt für Kommunikation* (BAKOM)****

* The FSA was replaced by two new organizations in 2013 (FCA and PRA); ** Ofcom is a single regulator for both telecommunications and broadcasting; *** The Irish Financial Services Regulatory Authority was reunified with the Central Bank following the financial crisis; **** BAKOM is part of the federal administration.

Appendix 2: Interviews

The interview guide for *interviews with representatives of regulatory agencies* first focused on their communication division (inner workings, resources, organogram) before touching upon their communication activities (target groups, instruments, content, objectives). It then discussed the relationship between the regulator and its environment. On the one hand, the relationship to industry, the role of communication and the media in that relationship, and the use of communication as a tool of regulation were discussed. On the other hand, the relationship of the regulator to the media was looked at. Finally, changes in the regulator's communication and reasons for such changes were the subject of discussion. Aside from questions of the organization of communication, *interviews with representatives of trade associations* were structured similarly. Obviously, the interview guide was merely a basis for discussion, allowing for a different order of topics as well as additional topics.

One representative of each regulator was interviewed (no interview could be arranged with ComReg in Ireland; given the peculiarities of German broadcasting regulator, two representatives of the joint federal commissions of the *Landesmedienanstalten* were interviewed; in three organizations two persons were interviewed jointly). Interviewees were usually the persons responsible for the communication and media strategy of the organization (heads of strategic communication, heads of media relations, heads of general secretariat, members of executive management). On the industry side, a representative of the respective trade association was interviewed. Interviewees were usually the persons responsible for regulatory affairs or for public affairs. In some organizations the managing director or a member of the executive management as policy and regulation falls into their responsibility.

Appendix 3: Description of Sample (Content Analysis)

Media Releases		2011	2012	Total	Quota	Sample
United Kingdom	**Ofcom***	77	96	173	25	43
	FSA	118	115	233	25	58
Germany	***Landesmedienanstalten***	63	60	123	25	31
	BaFin	6	5	11	100	11
	BNetzA	56	69	125	25	31
Ireland	**Central Bank**	157	190	347	15	52
	BAI	33	52	85	50	43
	ComReg	7	13	20	100	20
Switzerland	**BAKOM**	28	34	62	50	31
	ComCom	6	4	10	100	10
	Finma	28	35	63	50	32
Total				**1252**		**362**
Min				10		10
Max				347		58
Mean				113.82		32.91
STD				104.182		15.430

* Given the fact that Ofcom is a "single regulator" for both broadcasting and telecommunications, media releases were coded either as broadcasting or telecommunications in order to make possible a comparison not only among countries but also among sectors. The few (nine in total) media releases that were not about one of the two sectors, but about the regulator itself or both sectors, were coded twice, bringing the total to 371 (instead of 362).

Appendix 4: Code Book (Content Analysis)

coder_id	**ID of Coder**
document_id	**ID of Press Release** (level of press release)

Sequential number for each regulatory agency

country	**Country** (level of press release)

1 = Ireland
2 = UK
3 = Germany
4 = Switzerland

sector	**Industry/Sector** (level of press release)

1 = Financial Sector
2 = Telecommunications

Appendix 4: Continued

sector	**Industry/Sector** (level of press release)
3 = Broadcasting 41 = Convergent Communications Regulator-general example: concerns regulator in general/no sector-specific issue 42 = convergent regulator-telecommunications example: concerns telecommunications issue 43 = convergent regulator-broadcasting example: concerns broadcasting issue	

regulator	**Regulatory Agency** (level of press release)
1 = BAI 2 = ComReg 3 = Central Bank 4 = Ofcom 5 = FSA 7 = BaFin 8 = BNetzA 9 = BAKOM 10 = ComCom 11 = Finma 12 = ALM (Arbeitsgemeinschaft der Landesmedienanstalten) 13 = DLM (Direktorenkonferenz der Landesmedienanstalten) 14 = KJM (Kommission für Jugendmedienschutz) 15 = ZAK (Kommission für Zulassung und Aufsicht)	

date	**Publication Date of Press Release** (level of press release)
Date in format dd.mm.yyyy	
length	**Length of Press Release** (level of press release)
Characters (incl. spaces) incl. date, title, lead, contact information	

title	**Title of Press Release** (level of press release)
Record complete title	
topic	**Topic of Press Release** (level of press release)
1 = Information about Agency example: new board or executive member or employee; annual report; reorganization etc. 2 = Information about regulatory decision or reminder of existing regulation example: adoption of new rules; adjudication or imposition of sanctions/penalties 3 = Information about regulated industry example: market development (e.g. security issues; infrastructure development); how companies deal with complaints, etc. 4 = Information about hearing, consultation, auction, event, etc. example: invitation to workshop or press conference; call for tender or start of an auction; start of public consultation, etc. 5 = other	

Appendix 4: Continued

actor_speaking	**Position of Actor Taking Position** (level of press release)

Position of the person that is quoted (directly or indirectly) in the press release. If several actors are quoted, the actor with the longer quote (number of words) is coded; if same number of words first-mentioned actor is coded.
0 = no actor quoted
1 = Board Member/Chairperson/President (non-executive)
2 = managing Director/member of Management (executive)
3 = employee
4 = press officer
5 = other actor

Justification	**Justification** (level of press release)

Justification means that the regulator is offering a rationale for its actions, positions, opinions, etc. (in other words: explicating what they did beyond simply stating what they did); a justification can be an utterance, one or several sentences.
Code up to two justifications.
0 = no justification
example: regulation made a decision/adopted a new position (simple without explanation)
1 = justification
example: reason for decision/position/action is provided (e.g., obligated by law to fine a company; license given to a company because it won the tender, etc.)

justification1_content	**Content of Justification No. 1** (level of press release)
justification2_content	**Content of Justification No. 2** (level of press release)

summarize up to two justifications – if there is none: 999

actor_addressed	**Actor that is Mainly Addressed** (level of press release)

Main actor that is addressed in the press release. If several actors are addressed, the actor more intensely addressed (number of words) is coded; if same number of words first-mentioned actor is coded.
0 = no actor addressed
1 = regulated industry
example: communication of new regulation; admonition/reminder about rules; call for tender
2 = political system
example: regulator suggests/sees need for political action
3 = general public
example: invitation to public event; start of public consultation
4 = media
example: invitation for press conference
5 = other actors

Appendix 4: Continued

regulatory_intent	**Regulatory Intent** (level of press release)
Press releases contains a regulatory intent (i.e., aims at changing behavior of the regulated industry). 0 = no regulatory intent 1 = naming or shaming of industry or single firm example: industry/firm is praised or criticized; penalty/fine/adjudication accompanied or communicated by press release; informing about performance of industry (in order to deter/incentivize firms) 2 = communication of expectations toward industry or single firm example: regulator clarifies how the industry should behave or reminds the industry of its obligation/regulations already in force 3 = threat to industry or single firm example: beyond communicating an expectation, the regulator announces monitoring of compliance, inspections, or sanction for non-compliance 4 = other	

regulatory_intent_content	**Content of Regulatory Intent** (level of press release)
Summarize regulatory intent – if there is none: 999	

Manuel Puppis is an Associate Professor in Media Systems and Media Structures at the University of Fribourg. Puppis holds a PhD in Communication Science and an M.A. in Communication Science (major subject), Political Science and Economic and Social History (minor subjects) from the University of Zurich. His research interests include media policy, media regulation and media governance, media systems in a comparative perspective, political communication and organization theory. *Address for correspondence*: University of Fribourg, Department of Communication and Media Research DCM, Boulevard de Pérolles 90, CH-1700 Fribourg. Email: manuel.puppis@unifr.ch.

Martino Maggetti is an Associate Professor of political science at the Institute of Political and International Studies (IEPI) of the University of Lausanne. His research articles have appeared in the journals European Journal of Political Research, West European Politics, Business & Society, European Political Science Review, Journal of European Public Policy, Political Research Quarterly, Regulation & Governance and Swiss Political Science Review.

Fabrizio Gilardi is an Associate Professor at the Department of Political Science of the University of Zurich. His work on regulatory institutions and policy diffusion has been published in journals such as the American Journal of Political Science, the British Journal Political Science, Comparative Political Studies, the Journal of European Public Policy, and the Journal of Theoretical Politics, among others. His latest book, co-authored with Martino Maggetti and Claudio M. Radaelli, is Designing Research in the Social Sciences (SAGE Publications, 2013).

Jan Biela is a PhD student at the University of Lausanne. He currently works on his dissertation on the accountability of regulatory agencies. Besides, his research interests include federalism and decentralization, as well as the structure and performance of governments. His work includes articles in Comparative Political Studies, International Review of Administrative Sciences, and Regional & Federal Studies, as well as the co-authored volume Policy Making in Multilevel Systems (ECPR Press, 2013).

Yannis Papadopoulos is Professor of Swiss Politics and Public Policy at the University of Lausanne. He published extensively on accountability and is the author of Democracy in Crisis? Politics, Governance and Policy (Palgrave, 2013).

