

The main recommendations of the EUMAP report “Television Across Europe”

1. International level

Monitoring/media diversity/media ownership

Rec. 6/p. 26 The OSCE, the CoE, the EU and other international governmental and nongovernmental institutions should, each according to its own remit, prioritise the following:

- the monitoring of media legislation and policy, and of their implementation in practice
- the provision of consultancy, research and funding in support of media reforms.

Rec. 18/p. 28 The European Commission, and the OSCE, should initiate legislation to ensure transparency of ownership in the broadcasting sector.

Rec. 19/ p. 28 The EU should establish an independent agency with the mandate of monitoring media markets and media concentration in the EU and on global markets.

Broadcasting regulation

Rec. 11/p. 27 The EU, the CoE and the OSCE should support the further transformation of broadcasting regulators into independent bodies that will be ensured sufficient resources and extensive powers to enable them to effectively monitor the performance of broadcasters, and broadcasters’ compliance with legislation and licence conditions. At the same time, they should condemn any undue political interference and pressures on broadcasting regulators.

Rec. 12/p. 27 The CoE, in particular, and also the OSCE, should tighten their monitoring of member States’ compliance with commitments to the independence of broadcasting regulatory bodies.

Public service broadcasting

Rec. 17/p. 28 The EU, the CoE and the OSCE should continue to uphold and protect public service broadcasting as a major European cultural achievement, an institution of vital importance to democracy and social coherence, and a stimulus to higher standards of programming in general. Policy and legislation should respect the principle that market forces alone cannot, and should not, determine broadcasting policy.

Digitalization

Rec. 9/p. 26 The EU, the CoE and OSCE should foster scientific research and public debate on the social, political and cultural effects of digitalisation in the broadcasting sector, as well as on the creation of national policies in this area.

Rec. 29/p.30 Parliaments should initiate legislation to forbid the formation of conglomerates grouping operators involved in the digital chain – such as digital multiplex operators, television stations, programmes packagers and software providers – in order to prevent the development of dominant positions in the digital television market.

TVWF Directive

Rec. 5/p. 26 The EU should, in view of the prospective further expansion of the EU, and the need to develop communications with all countries in the Western Balkans and those covered by the EU's European Neighbourhood Policy, revise the TWF Directive so as to appropriately redefine the category of "European audiovisual works".

2. National level

Albania

Digital broadcasting/legislation/policy

Rec. 8/p. 248 The Government should prepare a long-term strategy for media development that would anticipate the evolution of new technologies, including digital broadcasting and the Internet.

Rec. 9/p. 248 The Government should, as a priority, propose to Parliament amendments to the Law on Radio and Television aimed at regulating digital broadcasting, in conformity with international and European standards.

Media diversity/transparency of ownership/media funding

Rec. 11/p. 248 The Government and Parliament should enforce media transparency through the full implementation of media legislation, and by regular reviews of media ownership and funding.

Rec. 15/ p. 249 The Government should establish an independent body to be responsible for the allocation of all Government subsidies to media outlets, in accordance with the principles and

procedures set forth in the relevant recommendations of the Council of Europe. This allocation process should be clear and transparent.

Rec. 16/p. 249 The Government should take immediate steps to ensure the unbiased and apolitical allocation of State advertising and to increase the transparency of the allocation of such advertising.

Bosnia-Herzegovina

Legislation/media policy

Sustainability of the broadcasting market

Rec. 1/p. 329 All relevant players in the communications field – the RAK and individual broadcasters and their associations – should develop a strategy for Bosnia and Herzegovina (BiH) to ensure that its communications industries, including broadcasting, reach sustainability. In particular:

- The strategy should focus on reducing the number of broadcasters, while stimulating the market environment.
- Special attention should be given to balancing the market position of public broadcasters, on one side, and the commercial sector on the other, especially by gradually limiting the advertising revenues of the public broadcasters, as the licence fee collection system becomes more efficient.

Rec. 2/p. 329 The Council of Ministers and other relevant domestic and international players should lead the effort to develop sound public policy for the media and communications industry, with the ultimate goal of developing a strong and economically viable media sector. In particular, this would mean facilitating the work of Competition Councils at entity and State levels, in close cooperation with the RAK and broadcast associations, in order to eliminate the potential for monopolies and unfair competition.

A viable PSB

Rec. 3/pp. 329-330 The Council of Ministers, and especially the Ministry of Communication, the State Parliament, RAK, OHR and EC, need to work more thoroughly on the new legislation for public broadcasters, creating a framework for truly sustainable public service broadcasting. In particular:

- A consensus needs to be reached around a solution that would be both economically and organisationally viable and reasonable, but would also guarantee the equality of all three constituent peoples.
- In the draft System Law 2004, special attention needs to be given to the formula for re-distributing licence fee and advertising revenue among the three broadcasters, given that these are three separate legal entities. The burden of funding BHRT should fall proportionally on both entities in accordance with their population size. Arguably, advertising revenues should not be re-distributed at all but remain where they are generated, (i.e. be allocated to the broadcaster that has earned them), or at least should be re-distributed in a way that reflects the business success of each broadcaster.

New media technologies

Rec. 6/p. 330 The Communications Regulatory Agency (RAK) should engage more intensively with the issue of new media technologies, as it is the only State agency and regulatory body with the capacity to push forward the debate on introducing new media technologies in BiH. In particular:

- The first priority is to conduct a comprehensive survey of the current situation with regard to new media technologies in BiH, comparing it with other countries, and setting the agenda for policy development.
- This should be followed by intensive advocacy, pushing for the more rapid introduction of policies to develop the information society in BiH, through publications, public debate, and contacts with relevant State institutions (ministries and parliaments) and international agencies and organizations (OHR, EC, UNDP).

Bulgaria

Media policy/digitalization

Rec. 2/p. 419 Parliament should, as a priority, accept an updated “Strategy for the Development of Radio and Television in Bulgaria” as is stipulated in the Law on Radio and Television, in order to de-block broadcasting licensing procedures as soon as possible.

Rec. 3/ p. 419 The Government should accept a concrete strategy on digitalisation. The draft “Strategy for the Planning of Digital Terrestrial Broadcasting in the 174-230 MHz and 470-862 MHz Frequency Bands” needs to be updated, and, moreover, has never been officially approved.

Independent regulation

Rec. 4/pp. 419-420 Parliament should, following a process of wide consultation with media experts and NGOs, introduce amendments to the Law on Radio and Television to better ensure the independence of the main regulatory body, the Council for Electronic Media (CEM). These amendments should, in particular, do the following:

- introduce a civic quota in the CEM’s composition, capable of providing adequate checks and balances;
- introduce mandatory qualified majority voting for the election of the members from the parliamentary quota, in order to guarantee the economic and political independence of the regulatory authority (even if this might require a change in the Constitution);
- envisage a mechanism to hold CEM members responsible (as individuals or collegially) for those of their decisions that have proven to be in breach of the law as decided by the Supreme Administrative Court;
- create new mechanisms to guarantee the financial independence of the regulatory authority as an alternative source of funding to the State subsidy.

PSB reform

Rec. 9/p. 420 The Government and Parliament should amend the Law on Radio and Television to define concrete principles for targeted funding of the public broadcasters, and for the production

and broadcast of public service programmes, along with the relevant mechanisms for civic control over their expenditures.

Rec. 10/p. 421 The Government and Parliament should amend the Law on Radio and Television to define new mechanisms of election and appointment for the management of BNR and BNT, as well as a new division of rights and responsibilities between the Management Board and the Director General, in order to optimise the effectiveness of their performance and administrative structure.

Transparency of media ownership

Rec. 12/p. 421 A public register for media ownership in Bulgaria should be implemented as a self-regulatory mechanism within the media community.

Croatia

Transparency of ownership/monitoring

Rec. 9/p.476 The Council for Electronic Media (CEM) should establish a unit to monitor the compliance of the broadcasters with their obligations as set out in the broadcasting licence.

Rec. 10/p.476 The Council for Electronic Media (CEM) should take steps to ensure broadcasters' compliance with legal requirements for transparency of ownership and provision of credible data on their audience share.

Czech Republic

Independence of regulator

Rec. 5/p. 549 The Government should initiate a public debate, involving media experts and NGOs, on the issue of nomination of the members of the Council for Radio and Television Broadcasting (RRTV), and should initiate legislative changes to reform the RRTV so that its membership ceases to reflect the distribution of power in the Chamber of Deputies. This reform should ensure a broad social and professional representation.

PSB funding

Rec. 14/p. 550 The Government should propose changes of legislation to regularly raise the TV and radio licence fee in line with the rate of inflation or the retail price index.

Media diversity

Rec. 16/p. 551 Parliament should take steps to amend legislation to impose limits on cross ownership in the print and broadcasting sectors.

Estonia

Reform of regulatory structures

Rec. 5/p. 617 The Government should initiate amendments to the Broadcasting Act to clarify regulatory structures. These should preferably establish an **independent regulator** to supervise compliance of broadcasters with the requirements of the Broadcasting Act and other requirements and standards applying to all broadcasters, while leaving the Broadcasting Council to supervise the daily management of public broadcasters. Such amendments, and the activities of the resulting regulatory structures, should be directed at establishing systematic and permanent monitoring of the broadcasting sector, including programme content, to ensure compliance by broadcasters with their legal and license obligations.

France

Public consultation

Rec. 4/p. 713 Parliament should modify the Law of 30 September 1986 on Freedom of Communication, in order to make citizens' participation mandatory when broadcasters' licences are to be renewed by the CSA.

Rec. 5/p. 713 The High Council for Broadcasting (CSA) should, instead of waiting for comments from the public, request such comments, and feedback on various matters that it is going to decide, especially during the annual review of broadcasters programming activities.

Rec. 6/p. 713 The State authorities should provide financial assistance for the expansion of viewers' associations, so that they can enlarge their membership.

Rec. 7/p. 714 The State authorities should also allocate free airtime to viewers' associations, to enable them to present their activities and recruit new members.

Rec. 8/p. 714 The Government should publish the decree needed to implement Article 46 of the Law of 30 September 1986 on Freedom of Communication, which sets up an advisory body on programming within France Télévisions, composed of 20 randomly chosen viewers.

Monitoring

Rec. 9/p. 714 The State authorities should promote the creation of an **independent structure** or office –for instance within universities – to monitor broadcasters, with the aim to encourage a civic

culture for broadcasting. This **independent office** should complement the work of initiatives started recently by private groups. It should develop monitoring methodologies and indicators, develop and maintain permanent databases on programmes and broadcasters, and undertake in-depth and cross-national studies. It could also host every two years a general conference on the state and future of French broadcasting, to which all interested parties would be invited to contribute.

Germany

Media diversity

Rec. 1/p. 783 The Commission for the Assessment of the Financial Requirements of Public Service Broadcasters (KEK) should prevent further concentration in the television sector, in particular by making use of the anti-concentration rules contained in the Inter-state treaty on Broadcasting, which provide a potential for discretion in the application of audience share thresholds.

PSB

Rec. 2/p. 783 German policy makers at the national and Länder level should make every effort in to resist attempts by the European Commission to interfere with the dual broadcasting system in Germany under the pretext of enforcing European competition rules. The current dual broadcasting system has proven its functionality and value for the German society.

Rec. 3/ p. 783 Policy makers should refrain from further attempts to use the licence fee as a trigger to enforce structural reform in public service broadcasting. The independence of the KEF and the procedure by which this Commission sets the level of the license fee should be secured. If lawmakers envisage a different system, this should equally guarantee the absence of political interference in this procedure.

Rec. 7/p. 784 Policy makers should acknowledge the role of public service broadcasters in a future multimedia landscape, in particular allowing public service broadcasters to develop their digital offers and online services. Although it will become increasingly difficult in the digital environment to differentiate between “traditional” broadcasting and “new” services, the public service remit of public service broadcasting will not lose its relevance in this environment.

Rec. 8/p. 784 Public service broadcasters should try to stimulate an extensive public debate on the future of broadcasting in the digital age and, in particular, the digital strategy of public service broadcasters in the mid-term perspective. Emphasis should be placed on the value of public service broadcasting in an increasingly commercialised environment.

Hungary

Independent regulator

Rec. 2/p. 856 The parliamentary parties should consider modifying the Broadcasting Act in order to change the mechanism to nominate the members of the National Radio and Television Board (ORTT). Either Parliament should nominate them consensually, not the parliamentary parties separately, or they should not be re-electable so that they would not seek to meet the expectations of the political parties nominating them.

Rec. 4/p. 857 The parliamentary parties should consider modifying the Broadcasting Act in order to reform frequency licensing procedures, which are currently the major power of the ORTT. In particular:

- to avoid political influence, frequency licensing should be decided by lot, rather than tenders and application procedures, provided that the applicants meet certain publicly stated base criteria, including the amount of the broadcasting fee.
- a part of the frequency spectrum should be reserved for non-profit broadcasters.

PSB

Rec. 8/p. 858 The parliamentary parties should take steps jointly in order to improve the funding of the public service media, and to re-establish the abolished television licence fee. They should also consider abolishing commercial advertising in the public service media.

Rec. 9/p. 858 The parliamentary parties should consider modifying the Broadcasting Act in order to reform the current mechanism of nominating members to the boards of trustees of the public service broadcasters on a mixed (parliamentary and corporate) basis. Proposals which should be considered include, in particular:

- reducing the number of the board members so that each member assumes real responsibility for his or her decisions;
- abolishing the corporate nomination mechanism; and
- having the other members delegated jointly, rather than separately, by the parliamentary parties, which would increase their independence from the political parties.

Italy

Digitalization

Rec. 1/p. 942 The Government should postpone the deadline for the switchover to digital television, allowing analogue television for at least five or six more years. The Government should enact “neutral” policies with respect to the different media, so that cable and satellite are not penalised by a preference for digital television.

Reform of regulatory authorities

Rec. 2/p. 942 Parliament should adopt changes to legislation to strengthen the powers of the regulatory authorities. In particular, the Communications Guarantee Authority (AGCOM) should be assigned more sanction powers to enforce its decisions.

Rec. 3/pp. 942-943 Parliament should initiate changes in legislation to ensure the independence of the Communications Guarantee Authority (AGCOM), by changing the procedure of appointing its members so that the Prime Minister no longer appoints AGCOM's Chair and Parliament no longer appoints the other members based on political criteria (lottizzazione). One possible solution would be to entitle the President of the Republic with the power to elect AGCOM's members.

Reform of PSB

Rec. 7/p. 943 Parliament should halt the ongoing process of privatisation of RAI which is unrealistic from an economic point of view (as the Gasparri Law stipulates that a shareholder cannot own more than 1 per cent of RAI's shares) and unconstitutional (as it sets up a complete privatisation of a public service).

Rec. 8/p. 943 Parliament should take steps to split RAI into two separate companies, one with public service obligations and the other with a commercial profile, in line with the recommendations of the Competition Authority in its report of 16 November 2004 (AGCM Ruling no. 13770).

Rec. 9/p. 943 Parliament should take steps to make the public service broadcasting offered by the new RAI an independent public service (non-governmental) with the legal structure of a foundation like the British Broadcasting Corporation (BBC). The commercial part of RAI should be privatised and sold on capital markets, with no restrictions.

Rec. 10/p. 944 Parliament should take steps to amend the Gasparri Law to ensure that RAI becomes a truly independent institution, like the Constitutional Court or the Bank of Italy.

Rec. 11/p. 944 Parliament should take steps to guarantee that the members of the RAI Board are politically independent from the influence and control of the Government and political parties. This can be achieved for example if Board members are elected by a qualified majority vote, and serve staggered terms. Another way can be to entrust the appointment of a part of the Board to AGCOM or to the AGCM.

Rec. 12/p. 944 Parliament should adopt changes in legislation to ensure that members of the RAI Board are appointed according to their professional expertise and qualifications. To ensure this, candidates running for the RAI Board should be subjected to rigorous hearings in Parliament.

Rec. 13/p. 944 Parliament should make changes in legislation to introduce stricter incompatibility criteria for the members of the RAI Board. Individuals who have served in Parliament or been members of political parties, or had interests in communication businesses, should be forbidden from becoming members of the RAI Board.

Rec. 14/p. 944 Parliament should make changes in legislation so that the General Director of RAI is appointed solely by the RAI Board, without consultation with the Government.

Diversity and pluralism

Rec. 15/p. 944 Parliament should take steps aimed at solving the “Italian anomaly” by breaking Mediaset’s monopoly on commercial broadcasting before the changeover to digital television.

Rec. 16/p. 944 Parliament should amend the Gasparri Law to ensure the implementation of the Decision of the Constitutional Court – that demands a 20 per cent threshold for each analogue television broadcaster and guaranteeing an effective variety of sources of information to citizens – before the switchover to digital television.

Rec. 17/p. 944 The Government should promote diversity and pluralism in broadcasting by supporting financially new entrants on the broadcasting market.

Rec. 18/p. 945 The Government should follow European best practice in defining a monopoly in the broadcasting market, in terms of the audience share or the percentage of television advertising market.

Rec. 19/p. 945 Parliament should amend the articles of the Gasparri Law defining the integrated communication system (SIC), to establish clear definitions of the separate markets inside the SIC, and introduce new rules providing for clear thresholds to identify dominant positions, in order to protect pluralism and competition. Parliament should also adopt legislation imposing limits on the advertising revenues that a media company can control.

Rec. 21/p. 945 The Law on Conflict of Interest should be amended to introduce explicit incompatibility between the holding of elected or governmental positions and the ownership of media outlets.

Latvia

Reform of broadcasting regulation

Rec. 2/pp. 1012-1013 The Government should re-examine the prepared reforms of broadcasting regulation established in the draft new Law on Radio and Television and the draft Law on Public Broadcasting, to ensure the following in particular:

- The reforms should ensure the independence of the envisaged new regulators (the Public Broadcasting Council and the Ministry of Culture) and should define their powers in a way that does not threaten the independence of broadcasters.
- The Public Broadcasting Council should be accorded wider rights and responsibilities with respect to the public broadcaster, and should secure the representation of public interests and maintenance of public service broadcasting in the elaboration of audiovisual policy in general.
- Plans to entrust broadcasting regulation to the Ministry of Culture should be modified to create an independent regulator.
- If the new Law on Radio and Television fails to create an independent regulator, the envisaged powers of the Ministry of Culture to control the public broadcaster should be reduced.

- The planned role of civil society in both regulators should be increased, securing, in particular, representation of the Russian-speaking population.

Pluralism/transparency of media ownership

Rec. 4/p. 1013 The Government and Parliament should formulate and pass specific antimonopoly legislation for broadcasting. In particular, it should be defined clearly what it means for a broadcaster to hold a “dominant position” in the market, define restrictions on cross-media ownership, and provide clear rules, powers and sanctions to prevent or deal with such situations.

Rec. 8/pp. 1013-1014 Commercial broadcasters should be legally required to inform the Broadcasting Council (or relevant regulator) of their exact ownership structure. Any changes in ownership structure over a certain proportion of shares – for example, if more than five per cent of shares in the broadcasters changes hands – should be notified to the regulator and subject to the latter’s approval.

PSB: independence and remit

Rec. 6/p. 1013 The Government and Parliament should clarify the system of funding for LTV, consider the introduction of licence fees as a means of strengthening the independence of the public broadcaster, and introduce clear restrictions on the amount of advertising that it may broadcast.

Rec. 7/p. 1013 The Government should introduce amendments to the Broadcasting Law, or the Broadcasting Council should introduce relevant documents for the public broadcaster, which contain provisions for broadcasting in minority languages as a tool for ethnic integration and removing restrictions on minority-language and bilingual broadcasting.

Lithuania

Media ownership

Rec. 3/p. 1066 Parliament, in consultation with the Lithuanian Radio and Television Commission (LRTK), should introduce limitations on ownership concentration and media cross-ownership.

PSB funding

Rec. 4/p. 1067 The Government should initiate reform of the system for financing Lithuanian Radio and Television (LRT) in order to ensure its stability and the independence of the public broadcaster. This could be achieved either by introducing licence fees as the main source of financing, or by introducing a longer-term system of State subsidies – for example, on a three- to five-year basis.

Rec. 5/p. 1067 Parliament and the Government should, after the introduction of an alternative model of financing for LRT, consider banning or restricting advertising on LRT in order to ensure that the public service broadcaster is decommmercialised and its mission can be pursued fully.

Macedonia

Media policy

Rec. 1/p. 1224 Parliament and the Government should pass the new Law on Broadcasting Activity as soon as possible. This obligation is noted in the Government’s “Answers to the Additional Questions for the Economic Criteria” and the Chapters of the Acquis for European membership.

Rec. 9/p. 1225 The Government should adopt a National Strategy for Electronic Communication and Information Technology. Particular attention should be given to fostering the introduction of new information technologies and services. Together with experts from universities and research institutes, public authorities should also involve private enterprises in this task.

Industry relations

Rec. 14/p. 1226 The Association of Journalists of Macedonia (AJM) and other professional associations of journalists should establish a system of regular debates about journalistic professional standards.

Rec. 15/p. 1226 The Association of Journalists and other professional associations should start negotiations with media owners about media standards, codes of ethics and other self-regulatory instruments designed to protect the editorial integrity of journalists.

Rec. 16/p. 1226 The Association of Journalists and other professional associations should immediately establish co-operation with Trade Unions and formulate a platform for the protection of employees’ rights in the media industry.

Poland

Reform of regulatory body

Rec. 3/p. 1146 The Government should initiate changes in the Broadcasting Act to alter the procedure for appointment (or nomination) of members of the National Broadcasting Council (KRRiT), in order to ensure its independence from both governing and opposition political parties. This could, for example, be done by ensuring that nominees of the Polish Parliament and President constitute a minority on the Council, inter alia, through the inclusion of nominees of civil society organisations and non-state media organisations. In addition, existing provisions requiring members to be experienced media professionals should be observed by Parliament and the President when making appointments.

Reform of PSB

Rec. 4/p. 1146 The KRRiT should adopt clear rules to make appointments to positions in the Supervisory Board and Management Board of TVP conditional on professional experience and subject to effective conflict of interest provisions.

Rec. 7/p. 1147 The Government and Parliament should reform the system for financing TVP in line with restrictions on its commercial activities in order to make funding transparent, predictable and sufficient for the public broadcaster to fulfil its remit. This might be done either by making the current licence fee into a tax, or by creating a special fund financed by payments from commercial broadcasters. However, consensus and consistency in reform are at least as important as the details of reform.

Romania

Media diversity and transparency

Rec. 4/p. 1305 The National Audiovisual Council (CNA) should oblige applicants for broadcast licenses to disclose their ownership, especially the identity of their shareholders.

Rec. 5/p. 1305 The National Audiovisual Council (CNA), in cooperation with the local Competition Council, should enforce restrictions on the concentration of media ownership and cross-ownership. The two institutions should be held accountable for not fulfilling this task.

Rec. 6/p. 1305 The National Audiovisual Council (CNA) should monitor transfers of broadcast licences, and movements of shares of companies owning such licences, to prevent unlawful concentration of ownership.

Rec. 7/p. 1305 The National Audiovisual Council (CNA) should publish the audiences shares of all television stations every month, to strengthen the transparency of the broadcasting market.

Rec. 20/p. 1307 The National Council of Audiovisual (CNA) should oblige private broadcasters to reveal their sources of financing.

Local television

Rec. 9/p. 1305 The National Audiovisual Council (CNA) should monitor the ownership structures and sources of financing of local television stations.

Rec. 10/p. 1305 The National Audiovisual Council (CNA) should monitor the content of the local television market to ensure compliance with their remit.

Rec. 21/p. 1307 Professional associations of journalists should support local television stations in denouncing pressures and censorship by public authorities and various business and political groups of interests.

Rec. 22/p. 1307 Local broadcasters and advertising agencies should cooperate in setting up a unified system for measuring the audiences of the local broadcasters, and share the costs of its implementation. Introduction of such a system would help local television stations qualify for advertising orders.

PSB

Rec. 14/p. 1306 Parliament should adopt changes in legislation to ensure the independent position of the public service broadcasting. All segments of the society should be represented in the SRTV's and SRR's Councils of Administration.

Rec. 15/p. 1306 Parliament should adopt changes in legislation to introduce criteria of professional competence in appointing members of SRTV's and SRR's Councils of Administration, as well as at the executive level of the management of Romanian Public Radio (SRR) and Romanian Television Broadcasting Corporation (SRTV).

Rec. 16/p. 1306 Parliament should put forward changes in legislation aimed at separating the positions of the SRTV's Council of Administration's President and Director General.

Rec. 17/p. 1306 Parliament should initiate amendments to the Law on SRR and SRTV to forbid former collaborators with the communist secret police (the Securitate) to be employed in PSB.²⁰⁹

Serbia

Policy and institution establishment

Rec. 1/p. 1378 Parliament and the Government should undertake a review and reform of national media legislation to ensure its full compliance with the EU Acquis communautaire, in line with the preparation of Serbia and Montenegro to become EU member States. They should refrain from legal or policy changes that undermine the already achieved democratic gains in the sphere of public communication.

Rec. 3/p. 1379 Parliament and the Government should, without further delay, ensure the full implementation of existing media laws and the establishment of the institutions foreseen by these laws. New institutions – such as the **Telecommunications Agency**, the **Broadcasting Agency** and the **Ombudsman for Public Information** – should receive all necessary support from the public authorities to enable them to fulfil their duties.

Rec. 4/p. 1379 The Ministry of Culture and Media, in cooperation with other relevant institutions, should provide clear bylaws for the forthcoming privatization process of municipal media. An office

should be established within the **Privatisation Agency** to assist municipal media to prepare for the privatisation.

Rec. 7/p. 1379 The Government should, in order to foster the development of new media platforms in Serbia, establish **an inter-ministerial working group**, also involving non-governmental experts from academia, civil society and the media industry. An urgent task of this working group would be to formulate a plan for the digitalisation of broadcasting in the country.

Rec. 10/p. 1380 The Council of the Broadcasting Agency of the Republic of Serbia (RBA) should promptly prepare a coherent strategy for the development of the broadcasting sector. This strategy should pay particular attention to the issue of the technological convergence of various media platforms, as well as the liberalisation of media industries.

Rec. 11/p. 1380 The Council of the Broadcasting Agency of the Republic of Serbia (RBA) should initiate cooperation with the Telecommunications Agency without delay, and should immediately start preparing the first public contest for broadcast licences.

PSB

Rec. 12/p. 1380 The Council of the Broadcasting Agency of the Republic of Serbia (RBA) should, as a priority, launch the transformation of Radio Television Serbia (RTS), by appointing Governing Boards of future public service broadcasters of Serbia and Vojvodina. One of the most important parts of this transformation should be establishing the autonomous public service broadcaster for Vojvodina, according to the law, and finding a solution for the future status of the third channel of RTS.

Rec. 13/p. 1380 Radio Television Serbia (RTS) should, as soon as it reintroduces a licence fee, simultaneously introduce measures to ensure financial and editorial independence of the future public service broadcaster in Serbia. The transitional fund, set up to help the RTS transformation to public service broadcasting, should be under transparent public control, and there should be regular public reporting of licence fee expenditures.

Industry relations

Rec. 15/p. 1381 Journalists' associations should cooperate with trade unions on the issue of employees' rights. At the same time, they should enter into negotiations with media owners about acknowledged standards of internal press freedom, obligatory codes of ethics, and other self-regulatory instruments to protect the editorial integrity of journalists.

Rec. 16/p. 1381 Associations of media professionals, trade unions, civil society organisations, academia and all other interested parties should establish a **“media commission”** and entrust it with the task of providing a report to Parliament about the role of particular media outlets and journalists during the time of authoritarian rule and warmongering in Serbia in the 1990s. The findings of this report should include recommendations on how to prevent the recurrence of such degradation in the future.

Rec. 17/p. 1381 Media organisations, trade unions and civil society organisations should insist that the public authorities investigate, and bring to justice the perpetrators of, all cases of violence against media professionals since the 1990s. In the first place, the murderers of two journalists – Slavko Ćuruvija (1999) and Milan Pantić (2002) – and those who ordered these killings, should be uncovered and punished.

Slovakia

Transparency and media diversity

Rec. 2/p. 1463 The Council for Broadcasting and Retransmission should be granted a larger jurisdiction, to enable it to ensure transparency in the broadcasting market and prevent concentration of ownership.

Rec. 4/p. 1463 The Council for Broadcasting and Retransmission should utilise its competence and publish the names of all licence stakeholders, together with their shares.

PSB

Rec. 7/p. 1463 Parliament should amend the Law on Slovak Public Television (STV) and the Law on Slovak Public Radio (SRO), to introduce a new system of appointing the members of the Slovak Public Television (STV) Council and the Slovak Public Radio (SRO) Council that would minimize political influence on the public service broadcasters. Under these amendments, a certain number of members of both councils should be appointed from civil society and professional organisations' nominees.

Rec. 8/pp. 1463-1464 Parliament should amend the Law on Slovak Public Television (STV) and the Law on Slovak Public Radio (SRO), to introduce media expertise and experience as a new criterion for the appointment of the members of the STV Council and the Radio Council.

Rec. 9/p. 1464 The public service broadcasters (STV and SRO) should be ensured sufficient funding to fulfil their public service mission. To achieve this, Parliament should amend the Law on Licence Fees to change the procedure for establishing the level of licence fees, such that increases in the level of the licence fee are in future made directly proportional to the rate of inflation. Consideration should also be given to more effective enforcement measures as regards the collection of licence fees.

Slovenia

Diversity

Rec. 1/p.1531 The Government should take steps to guarantee the pluralism and diversity of the television sector. In particular, it should ensure – through amendments to general and specific laws,

such as the Law on RTV Slovenia and the Mass Media Act – that political pressures on the regulatory authorities and on the broadcasters are avoided.

Regulatory authorities

Rec. 5/p. 1532 Parliament and the Government should establish a clear-cut division of powers between the various media regulatory authorities over clearly defined areas, such as control over ownership, programme quotas, advertising and broadcast licensing procedures.

Rec. 6/p. 1532 Parliament and the Government should take steps to ensure the transparent selection of key personnel at the regulatory authorities, on the basis of professional credentials and not political preferences. They should also ensure that such personnel are not involved in any conflicts of interest and that there are clear rules over their appointment and removal. Parliament and the Government should also ensure that the personnel are selected by a two-thirds majority in Parliament, and with less than one third of the personnel nominated by the Government.

PSB

Rec. 12-21/pp. 1533-1535 Set of recommendations on transparency, professionalisation, independence of the public service broadcaster.

Private broadcasters

Rec. 23/p. 1535 Parliament should adopt legislation to prevent excessive cross-ownership and other forms of monopolisation, ensuring that precise and correct data on ownership of media and connections between different persons and companies is clearly established, monitored, regulated and sanctioned by regulatory bodies.

Turkey

Diversity and transparency

Rec. 12/p. 1597 The Radio and Television Supreme Council RTÜK should take initiatives to have the issues of diversity and transparency placed in the broadcasting legislation.

Rec. 13/p. 1597 The Government and the RTÜK should, in the digital broadcasting era, consider the consolidation of the commercial broadcasting market to be a policy issue rather than a matter of the market. The RTÜK should take the initiative in the policy-making process on this issue.

Reform of TRT

Rec. 8/p. 1596 The Turkish Radio and Television Corporation (TRT) should take steps to redefine its public service in the commercial broadcasting era. This should include the initiation of a forum with the participation of relevant agents to this end.

Rec. 9/p. 1596 The Government should reinstate TRT's autonomy, to ensure independence from the Government in financial, administrative and editorial matters.

United Kingdom

Media pluralism

Rec. 3/p. 1658 Ofcom should rigorously protect media pluralism in the new regulatory framework. It should ensure that the television market remains plural and open to new competitors. It should develop a transparent framework to ensure that the public interest test maintains acceptable standards of pluralism in the television sector.

The BBC

Rec. 4/p. 1658 Parliament and Government should ensure that adequate regulatory structures are put in place to ensure a clear separation between the management and the Board of Governors of the BBC. The strategic and regulatory functions of the Board should also be assessed as to the effectiveness of such an arrangement.

Commercial broadcasters

Rec. 6/pp 1658-1659 Ofcom should ensure that where a greater degree of self-regulation is introduced for the commercial broadcasters, co-regulatory measures are in place to guarantee that these broadcasters continue to contribute to the quality.
