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NETWORK MEDIA PROGRAM

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SLOVENIA  
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# Television across Europe:

regulation, policy  
and independence

*Summary*

Monitoring Reports

2005

*Published by*

OPEN SOCIETY INSTITUTE

Október 6. u. 12.  
H-1051 Budapest  
Hungary

400 West 59th Street  
New York, NY 10019  
USA

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H-1051 Budapest  
Hungary

*Website*

<[www.eumap.org](http://www.eumap.org)>

ISBN: 1-891385-35-6

Library of Congress Cataloging-in-Publication Data.  
A CIP catalog record for this book is available upon request.

Copies of the book can be ordered from the EU Monitoring and Advocacy Program  
<[eumap@osi.hu](mailto:eumap@osi.hu)>

*Printed in Gyoma, Hungary, 2005*  
*Design & Layout by Q.E.D. Publishing*

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## Acknowledgements

The EU Monitoring and Advocacy Program of the Open Society Institute would like to acknowledge the primary role of the following individuals in researching and drafting these monitoring reports. Final responsibility for the content of the reports rests with the Program.

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We would like to also thank the following organisations for their invaluable contribution to the reports through their partnership throughout the process of developing the reports:

Albanian Media Institute (Albania); Mediacentar Sarajevo (Bosnia and Herzegovina); Open Society Institute – Sofia (Bulgaria); Institute for International Relations (Croatia); CEES Center for Media Studies at Charles University (Czech Republic); Meediaseire, University of Tartu (Estonia); CEVIPOF, the Center for Political Research at the National Foundation for Political Sciences (France); Center for Independent Journalism (Hungary); Providus (Latvia); Lithuanian Journalism Centre (Lithuania); Macedonian Institute for Media (Macedonia); Center for Independent

Journalism (Romania), Concept Foundation (Romania); Belgrade Media Center (Serbia); Memo 98 (Slovakia); Mirovni institut/Peace institute (Slovenia); Istanbul Policy Center at Sabanci University, Open Society Institute Assistance Foundation – Turkey (Turkey).

We would also like to particularly acknowledge the following people for their contribution to the reports: Prof. Karol Jakubowicz, Dr. Alina Mungiu-Pippidi, Guillaume Chenevière, Peter Noorlander.

In addition, we would also like to acknowledge the following people and institutions for their contribution to the reports: IP International Marketing Committee, for permission to publish their data; Mirjana Milošević, the Communications Regulatory Agency (Bosnia and Herzegovina); Goethe-Institute Prague (Czech Republic); TNS Latvia (Latvia).

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## Preface

The **EU Monitoring and Advocacy Program (EUMAP)** of the Open Society Institute monitors human rights and rule of law issues throughout Europe, jointly with local NGOs and civil society organisations. EUMAP reports emphasise the importance of civil society monitoring and encourage a direct dialogue between governmental and nongovernmental actors on issues related to human rights and the rule of law. In addition to its reports on “Television across Europe: regulation, policy and independence”, EUMAP has released monitoring reports focusing on Minority Protection, Judicial Independence and Capacity, Corruption and Anti-corruption Policy, Rights of People with Intellectual Disabilities, and Equal Opportunities for Women and Men. EUMAP is currently preparing reports on Equal Access to Quality Education for Roma; publication is expected in 2006.

EUMAP reports are elaborated by independent experts from the countries being monitored. They are intended to highlight the significance of human rights issues and the key role of civil society in promoting governmental compliance with human rights and rule of law standards throughout an expanding Europe. All EUMAP reports include detailed recommendations targeted at the national and international levels. Directed at Governments, international organisations and other stakeholders, the recommendations aim to ensure that the report findings impact directly on policy in the areas being monitored.

The present reports have been prepared in collaboration with the **Network Media Program (NMP)** of the Open Society Institute. The Media Program promotes independent, professional and viable media, and quality journalism. More concretely, it supports initiatives aimed at helping media-related legislation conform to internationally – recognised democratic standards, increasing professionalism of journalists and media managers, strengthening associations of media professionals, and establishing mechanisms of media self-regulation. The Media Program also supports media outlets that stand for the values of open society, as well as efforts aimed at monitoring and countering infringements on press freedom, and promoting changes in media policy that ensure pluralism in media ownership and diversity of opinion in media. The program works globally, primarily in countries undergoing a process of democratisation and building functioning media markets.

The decision to monitor television across Europe was inspired by the observation that television – a basic component and gauge of democracy – is undergoing rapid changes throughout Europe. Public service broadcasters face unprecedented challenges across the continent. The ever-increasing commercial competition and the emergence of new technologies are major challenges, while the transformation of former State-controlled broadcasters has proved controversial in many transition countries. Private television broadcasting, on the other hand, is also put into question with respect to its programming and to broadcasters’ ownership patterns.

The monitoring of “Television across Europe: regulation, policy and independence”, was based on a detailed methodology – available at [www.eumap.org](http://www.eumap.org) – intended to ensure a comparative approach across the countries monitored. The reports cover the eight Central and Eastern European (CEE) countries that joined the EU in May 2004 (the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia); Bulgaria and Romania, expected to join in 2007; two candidate countries (Croatia and Turkey); four older EU member States (France, Germany, Italy, and the United Kingdom) and the potential EU candidate countries in South-Eastern Europe (Albania, Bosnia and Herzegovina and the Republic of Macedonia, plus a special report on Serbia). The preparation of reports on both member and non-member States highlights that international standards must be applied and monitored equally in all countries. It also provides an opportunity to comment on general trends in the development and the policy application, of these standards.

These volumes include individual reports on each of the countries monitored, plus an overview report resuming the main findings across all the countries. First drafts of the country reports were reviewed at national roundtable meetings. These were organised in order to invite comments on the draft from Government officials, civil society organisations and international organisations. The final reports reproduced in this volume underwent significant revision based on the comments and critique received during this process. EUMAP assumes full responsibility for their final content.

## Foreword

This report, prepared by the EU Monitoring and Advocacy Program of the Open Society Institute (OSI), in cooperation with OSI's Network Media Program, is an extremely timely and important contribution to the ongoing and increasingly urgent debate on the future of television in Europe.

The report includes a regional overview and 20 individual reports focusing on the state of television – both public service and commercial broadcasting. The countries monitored include the whole of Central and Eastern Europe, South-eastern Europe, selected Western European countries and Turkey.

It is of particular interest to me, in my role as OSCE Special Representative for Freedom of the Media, for a number of reasons.

First, because all of the 20 countries surveyed here are OSCE participating States, representing nearly half of our full OSCE membership.

Second, because the range of countries represented here is very broad, both politically and economically, with the result that the report has particular salience for the breadth of the OSCE itself.

Third, and in particular, because many of the countries here are emerging from a totalitarian past and are headed, hopefully, into a democratic future.

Good television coverage – objective and impartial news coverage, diversity of good quality content, coverage of issues for all segments, including minorities, in each country – is absolutely essential, in my view, for democracy. Sadly, excellence in television is under increasing pressure, from the combined effects of increasing commercialization, hand in hand with technological advances.

The report provides a rich picture of current and potentially troubling developments in three main areas: broadcasting regulators, public service broadcasting, and commercial broadcasting. Let me briefly comment on each.

Broadcasting regulators are the bodies that make the entire broadcasting system work. They grant and oversee broadcast licenses and counter the development of monopolies. It is vital, given these pivotal roles, that regulators be fully independent of Government, both in their operations and in their funding. Yet, we learn from the country reports that such independence is in jeopardy. Appointment processes are often flawed, resulting in Government officials' "favourites" being appointed to high roles in regulatory bodies. Regulators are insufficiently funded, and thus unable to carry out monitoring and other tasks essential for the oversight of broadcasters. In some cases, they are also not given sufficient sanctioning power to have a real impact on the national broadcasting set up.

Perhaps one of the most significant findings of the reports, however, is that there is no single “model” that fits the needs of all regulators, in so far as their independence goes. An appointment procedure that produces a highly independent regulator in one country, will not necessarily do so in a different country. A procedure that empowers civil society to make appointments can be effective in countries with active and independent civil society players, and not effective in those with weak civil society. Context, we learn, is ignored at considerable peril here.

Public service broadcasting, the country reports plainly show, is facing an identity crisis. The advent of commercial broadcasting – often by deluge – has put enormous pressures on public service broadcasters to enter into “ratings wars” with commercial broadcasters. The inevitable result has been the “dumbing down” of public service content in many countries. At the same time, with the predictable advent of niche and other new broadcasting players, of digital “boutiques” and other pay services, arguments are being made that public service content will automatically appear, and there is no need for States to be in the business of providing it. These arguments, typically made by commercial players, are taking root: the licence fee, which is the traditional means of support for public service broadcasters, is being viewed with increasing suspicion by viewers, and even by the European Commission. Such arguments, I believe, need to be rebutted both in principle and in practice, through careful analysis and advocacy: otherwise, we will continue witnessing the erosion of public service principles and services, with, as I have already suggested, a concomitant threat to the democratic process itself.

Finally, and intimately related to the previous point, is the fact that diversity of content and impartiality of news content is becoming increasingly at risk in the commercial broadcasting sector, where cross-ownership is on the rise, ownership structures are becoming increasingly opaque, and the number of broadcast media players is radically shrinking. The lack, or retreat, of pluralism in television is spreading across the regions covered in this report, and is threatening even further the information and cultural needs of citizens in these regions.

This report is vital, in my view, as a snapshot of how television is currently serving – and often, disserving, if truth be told – the development of democracy in a significant part of the OSCE region, and as a source of a blueprint for how the broadcast media can be reshaped to assist in that development.

The pressures are great, and so are the challenges. The report’s recommendations point a way forward, with an aim to securing a central role for broadcasters in the process of democratisation, and in the service of the right to information held by all. I heartily endorse the recommendations, and pledge my support in working towards their implementation.

*Miklós Haraszti*

OSCE Representative on Freedom of the Media