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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1147 (1991)[1]

Parliamentary responsibility for the democratic reform of broadcasting

Parliamentary Assembly

1. The Committee on Culture and Education held its 2nd Colloquy on East-West Audiovisual Co-operation in Prague, in October 1990, on the subject of parliamentary responsibility for the democratic reform of broadcasting.

2. The situation of broadcasting and the approach to it is changing in both Eastern and Western Europe. In the West we witness the impact of new technologies, new forms of commercial involvement and the transfrontier dimension of broadcasting ; whereas in the East political changes have washed away forty years of totalitarian ideology leaving behind a legal void. This situation leads to the present review of broadcasting throughout Europe.

3. Radio and television have a tremendous impact on public opinion. In a democracy, broadcasters have considerable power as a result of freedom of expression and the absence of censorship and must be accountable for their policies. Parliaments, which represent regional, political and cultural currents of opinion, and are guided by long-term national interest, must have the ultimate responsibility not only for setting up the legal frameworks within which radio and television are organised, but also for making provisions for guaranteeing their implementation

4. There is no single solution for organising radio and television. Models vary from country to country and are subject to an ongoing process of adjustment. Much can, however, be learnt from past mistakes. Central and East European countries should be involved in European co-operation and discussion on these questions. Assistance should also be made available on both bilateral and multilateral levels to each country in the process of working out the model that suits best its particular situation and constraints.

5. The basic problem facing the new democracies in Central and Eastern Europe is the search for an audiovisual system to replace the former centralised, politically controlled, media. However, the alternative should not be unbridled privatisation and complete liberalisation, as they could lead to ruinous competition for exclusivity rights or even monopoly. To prevent this, the legal void left by the collapse of the totalitarian systems must urgently be filled with the notions of public service broadcasting (as distinct from public ownership), pluralism, independence and balance.

6. Other problems that are common to most Central and East European broadcasting systems are :

   6.1. The evolution of the legal, organisational and financial structures for broadcasting is out of step with the development of democratic society and the market economy in these countries.

   6.2. Their present economic situation and the small size of the market do not allow advertising to play a major role in the financing of broadcasting.

   6.3. There are linguistic and minority realities.

   6.4. Their equipment is obsolete or badly serviced.

   6.5. They lack outlets in Western Europe.

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1. Assembly debate on 22 April 1991 (1st Sitting) (see Doc. 6405, report of the Committee on Culture and Education, Rapporteur : Mrs Grendelmeier). Text adopted by the Assembly on 22 April 1991 (1st Sitting).

7. Aware of these problems, the Assembly believes it helpful to identify the following basic principles that parliaments throughout Europe should take into account when revising broadcasting legislation in a democratic society :

7.1. The role of a broadcasting system is to provide information, education and entertainment to as wide an audience as possible, in conformity with the principles of the free flow of information, freedom of expression and human rights.

7.2. The information and education roles of broadcasting are those of a public service providing public goods. It should be recognised that under appropriate circumstances the function of public service broadcasting may be fulfilled by publicly or privately organised entities. It is for parliament to set objectives, to vote broadcasters the necessary funds to reach these objectives, and to verify that they are effectively attained. It is for the state or government to provide the means and mechanisms for executing these decisions and it is for the professionals to produce programmes that satisfy these requirements. Ideally, the audiovisual landscape should be mixed and include a public service sector, a commercial sector and a local or regional component.

7.3. Market forces alone, however, cannot be relied upon to ensure public service broadcasting. Purely commercial and public service objectives are opposites : the former is to make money, and therefore the companies need programmes ; the latter is to provide a service in the form of programmes, and therefore the broadcasters need money. Public service broadcasting should avoid direct competition for higher audience ratings to the detriment of programme quality.

7.4. In the fulfilment of their aims, radio and television should be accountable to a body independent of broadcasting and of the government, where relevant regional, political, social and cultural currents of opinion are represented, and which is itself accountable (however indirectly) to parliament.

7.5. This body should ensure transparency in the ownership and management of broadcasting, and guard against harmful media concentrations.

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7.7. It should ensure pluralism at least at the level of the overall media landscape.

7.8. It should also monitor programme standards. Guidelines or codes of conduct for presenting news, political views, violence, etc. should be drawn up in advance by parliament in concertation with broadcasters, reconciling broadcasters' rights to freedom of expression with the right of the public to receive information. Responsibility should replace censorship.

7.9. Regional broadcasting has an important role to play within a national system, and in particular when it includes the right of minorities to express themselves. It should be protected in order to preserve regional identity and the cultural heritage, although the additional financial difficulties should not be overlooked.

7.10. Broadcasters should be guaranteed independence whatever their sources of funding, and in particular by the diversification of these sources, including licence fees, advertising, subscriptions and the sale of services, and in addition direct state subsidies, if they are necessary, at national or regional level.

7.11. In an increasingly interactive media landscape it is useful to take account of the principles laid out in the European Convention on Transfrontier Television.

8. The Prague colloquy was a parliamentary contribution to a global approach in parallel with expert assistance provided by the Council of Europe at the intergovernmental level to the drafting of new legislation by Central and East European states. The Assembly therefore recommends that the Committee of Ministers give high priority to the continuation of this activity.

9. Co-operation, involving contacts and, where appropriate, exchanges, should indeed continue atall levels - parliamentary, governmental and professional - as new systems cannot be invented at a stroke and new ways of thinking need time to develop.