Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1641 (2004)[1]

Public service broadcasting

Parliamentary Assembly

1. Public service broadcasting, a vital element of democracy in Europe, is under threat. It is challenged by political and economic interests, by increasing competition from commercial media, by media concentrations and by financial difficulties. It is also faced with the challenge of adapting to globalisation and the new technologies.

2. Public service broadcasting, whether run by public organisations or privately-owned companies, differs from broadcasting for purely commercial or political reasons because of its specific remit, which is essentially to operate independently of those holding economic and political power. It provides the whole of society with information, culture, education and entertainment; it enhances social, political and cultural citizenship and promotes social cohesion. To that end, it is typically universal in terms of content and access; it guarantees editorial independence and impartiality; it provides a benchmark of quality; it offers a variety of programmes and services catering for the needs of all groups in society and it is publicly accountable. These principles apply, whatever changes may have to be introduced to meet the requirements of the twenty-first century.

3. It is a matter of concern that many European countries have so far failed to meet the commitment that their governments undertook, at the 4th European Ministerial Conference on Mass Media Policy held in Prague in 1994, to maintain and develop a strong public broadcasting system. It is also worrying that the fundamental principle of the independence of public service broadcasting contained in Recommendation No. R (96) 10 of the Committee of Ministers is still not firmly established in a number of member states. Moreover, governments across the continent are in the process of reorienting their media policies in the light of the development of digital technology and are in danger of leaving public service broadcasting without enough support.

4. Public service broadcasting was born in western Europe and has evolved by adapting itself naturally to the needs of a mature democracy. In central and eastern Europe it is not yet socially embedded, since it was "transplanted" into an environment that lacked the necessary political and management culture, and in which civil society is still weak, has inadequate resources and little dedication to public service values.

5. The situation varies across Europe. At one extreme national broadcasting continues to be under strict governmental control and there is little prospect of introducing public service broadcasting by legislation in the foreseeable future. In the Russian Federation, for instance, the lack of independent public service broadcasting was a major contributing factor to the absence of balanced political debate in the lead-up to the recent parliamentary elections, as mentioned by the international election observation mission. Hardly any progress has been made in adopting the necessary public service broadcasting legislation that might meet Council of Europe standards in Azerbaijan, Georgia and Ukraine.

6. In Bosnia and Herzegovina and in Kosovo public service broadcasting still only operates under regulations imposed from outside by the international community. Adoption of a proper law has been delayed in Bosnia and Herzegovina as a result of internal resistance to structural change and in Kosovo because of attempts to undermine the funding of public service broadcasting.

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1. Assembly debate on 27 January 2004 (3rd Sitting) (see Doc.10029Doc.10029, report of the Committee on Culture, Science and Education, rapporteur: Mr Mooney). Text adopted by the Assembly on 27 January 2004 (3rd Sitting).

7. In other countries laws on public service broadcasting have been adopted, but certain provisions and practices contradict European standards. In Armenia all the members of the Council for Public Radio and Television are appointed by the President. It remains to be seen whether the day-to-day operation of TeleRadio Moldova will be able to be independent after two changes made to the law in 2003. The appointment of a Serbian broadcasting agency has been marred by scandals that have yet to be resolved.

8. More substantial progress has been made in other countries, although problems still remain. Changes to broadcasting laws, making broadcasting corporations more politically independent and financially viable, have been recommended by the Council of Europe in Bulgaria and "the former Yugoslav Republic of Macedonia". There are still attempts to change laws in order to make them more suitable for a ruling majority, as with the new Croatian Law on Radio and Television. Severe financial difficulties are experienced with public service broadcasting in the Czech Republic, Hungary and Slovakia.

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10. There is a growing tendency to go beyond hitherto existing forms of public service broadcasting regulation and define its obligations more precisely, often by contracts backed up by accountability reports to the parliament, the government and/or a regulatory agency. Increasing attention is paid to the financial aspects of the operation of the public service broadcaster. While such moves are to be welcomed in so far as they give public service broadcasting organisations greater stability, it should be ensured that they are not used by governments to undermine the financial and statutory situation of these organisations. Recent government decisions in the Netherlands and France have seriously affected the funding of their public service broadcasters.

11. Governments have been examining possible structural changes that would affect the very nature of public service broadcasting. Privatisation plans have been discussed in Denmark and Portugal, and in Italy with the recently proposed broadcasting legislation (the "Gasparri Law"), which has since then been referred back to Parliament by the President. In the United Kingdom, there is growing concern at the government's attitude to the renewal of the charter of the BBC, fuelled by the very public row between the corporation and the government.

12. In a large majority of countries, digital channels have not yet been defined in broadcasting legislation. There is also a clear absence of legal provisions concerning Internet activities by public service broadcasters in most countries. This might affect their ability to expand to new platforms.

13. The coexistence of public and commercial media has largely contributed to innovating and diversifying the supply of content and has had a positive impact on quality. However, commercial interests are trying to reduce competition from the public sector to a minimum. European Union competition law is often used to attack the funding systems for public service broadcasting. In this respect, the Assembly welcomes the judgment of the European Court of Justice in the Altmark case, regarding compensation for discharging public service obligations, and urges that the situation concerning public service broadcasting be further clarified on the basis of this judgment. Commercial broadcasters also challenge the possibility of public service broadcasting expanding into new areas and new services. Recent examples include the BBC's Internet activities and the plans of the German ARD to turn the Internet into its "third pillar", which had to be abandoned under commercial pressure.

14. Commercial broadcasters also claim that the shift to the multi-channel, on-demand broadcasting offered by digitalisation will enable the market to cater for all needs and therefore also fulfil the public service obligations currently assigned to public broadcasting institutions. However, there is no guarantee about the quality and independence of such provision, or that it would be free-to-air, universally accessible and constant over time.

15. It is recognised that there can be an overlap with commercial broadcasting in popular genres. However, the growing commercialisation and concentration of the media sector with the resulting "dumbing-down" of general quality vindicates, when this concerns public service broadcasters, those who criticise the use of public money for such purposes. Public service broadcasting is suffering an identity crisis, as it is in many instances striving to combine its public service obligations with chasing ratings and the need to secure an audience to justify its "public" character or simply to attract advertising revenue.

16. European countries and the international community in general must become more actively involved in efforts to develop general standards and good practice as guidelines for national policies in this area.

17. Therefore the Parliamentary Assembly recommends that the Committee of Ministers:

17.1. adopt a new major policy document on public service broadcasting, taking stock of developments since the Prague ministerial conference and defining standards and mechanisms of accountability for future public service broadcasting. The forthcoming Ministerial Conference on Mass Media Policy in Kyiv could include the preparation of such a document in its plan of action;

17.2. mobilise the relevant structures of the Council of Europe to ensure proper and transparent monitoring, assistance and, where necessary, pressure, so that member states undertake the appropriate legislative, political and practical measures in support of public service broadcasting;

17.3. consider specific measures to ensure that a legislation in this area in line with European standards is adopted as soon as possible in Azerbaijan, Georgia, the Russian Federation and Ukraine;

17.4. ensure close co-operation with other international organisations in maintaining its standards regarding freedom of expression;

17.5. continue to press for audiovisual services to be regarded as more than simply a commodity in the negotiations of the World Trade Organization (WTO) and the General Agreement on Trade in Services (GATS);

17.6. endeavour to ensure that the World Summit on the Information Society gives proper recognition to public service broadcasting as an important element in developing the information society and at the same time easing the shock of the rapid changes this development will involve;

17.7. call on the governments of member states to:

a. reaffirm their commitment to maintaining a strong and vibrant independent public broadcasting service, whilst adapting it to the requirements of the digital age, for instance, on the occasion of the next European Ministerial Conference on Mass Media Policy in 2004, taking concrete steps to implement this policy objective and refrain from any interference with the editorial independence and institutional autonomy of public service broadcasters;

b. define an appropriate legal, institutional and financial framework for the functioning of public service broadcasting and its adaptation and modernisation to suit the needs of the audience and the requirements of the digital era;

c. design education and training programmes, adapted to the digital media environment, for journalists.