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The funding of public service broadcasting

Reply to Recommendation[1]: Recommendation 1878 (2009)
Committee of Ministers

1. The Committee of Ministers welcomes the Parliamentary Assembly's Recommendation 1878 (2009) on "The funding of public service broadcasting" which it has transmitted to the governments of member states in order for it to be forwarded to the competent ministries, regulatory bodies for broadcasting and public service broadcasters. It has also communicated the recommendation to the Steering Committee on the Media and New Communication Services (CDMC) (for the comments received, see below).

2. The Committee of Ministers considers the recommendation to be a timely and useful addition to the arsenal of instruments elaborated by the Council of Europe in support of public service broadcasting. It notes in particular the Assembly's recognition of the need for public service broadcasters to make full use of all the technologies and platforms currently available and those of the future in order to provide high quality programming to the widest audience possible.

3. In its reply to Parliamentary Assembly Recommendation 1641 (2004) on "Public service broadcasting", the Committee stressed that public service broadcasting constitutes a vital element of democracy in Europe and fulfils a specific mission in the areas of information, culture, education and entertainment. In its 2006 Declaration on the guarantee of the independence of public service broadcasting in the member states, the Committee highlighted the specific remit of public service broadcasting and reaffirmed its vital role as an essential element of pluralist communication and of social cohesion which, through the provision of comprehensive programme services accessible to everyone, comprising information, education, culture and entertainment, seeks to promote the values of modern democratic societies, in particular, respect for human rights, cultural diversity and political pluralism.

4. As to the Parliamentary Assembly's recommendation that the European Audiovisual Observatory be asked to collect information about the funding of public service media in Europe, the Committee of Ministers notes that follow-up action or future review of developments in the funding of public service broadcasters is very important. It further notes that the Observatory has recently published a most valuable edition of IRIS Plus "The public service remit and the new media" with much information that directly concerns this recommendation.

5. The Committee of Ministers further notes that the European Broadcasting Union promotes cross-border co-operation, *inter alia*, of national public service broadcasters, joint production of audiovisual works and programmes, preservation of audiovisual archives, as well as technical co-operation and training. The large majority of the Council of Europe's member states are active members of the European Broadcasting Union. The Committee of Ministers invites the Secretary General to explore possible means of increased co-operation with the European Broadcasting Union.

6. Finally, the Committee of Ministers recalls that the aim of the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183) is to ensure the protection of the European audiovisual heritage and its appreciation both as an art form and as a record of our past by means of its collection, its preservation and

1. adopted at the 1083rd meeting of the Ministers' Deputies (21 April 2010)

the availability of moving image material for cultural, scientific and research purposes, in the public interest. It notes that so far, this instrument has been ratified by only five member states, but signed by another 10 and that it entered into force on 1 January 2008.

Appendix to the reply

Comments of the Steering Committee on the Media and New Communication Services (CDMC)

1. The CDMC warmly welcomes Parliamentary Assembly Recommendation 1878 (2009) on "The funding of public service broadcasting". The recommendation is well-timed, coinciding as it does with the revision of the European Convention on Transfrontier Television and the recently published European Commission Communication on the Application of State Aid Rules to Public Service Broadcasting.

2. The timing of the recommendation is particularly apt given the current global financial crisis and recession. In member states where there is either mixed funding or the public service broadcasters rely solely on state subsidies, governments may be tempted to see public service broadcasters as fair game for cuts in their subsidies and indeed, in some member states this has already happened.

3. The CDMC appreciates the Assembly's reinforcement of the importance of public service broadcasting and the vital role it plays in a democratic society through the maintenance of a plurality of opinion, the provision of unbiased information, educational and cultural content that private broadcasters could not be expected to provide without public funding.

4. Similarly, the CDMC notes the Assembly's recognition of the need for public service broadcasters to make full use of all the technologies and platforms currently available and those of the future in order to provide high quality programming to the widest audience possible.

5. The recommendation rightly points out the need for public service broadcasters to provide value for money and for them to be fully accountable to the public they serve.

6. The reference to developments in the European Union with regard to public service broadcasting (paragraphs 10 and 11) is a poignant reminder of the essential difference between the two organisations (Council of Europe and European Union). Although not specifically mentioned in the recommendation, the European Commission Communication on the Application of State Aid Rules to Public Service Broadcasting has, in the drafting process, highlighted the friction between public services and private media and was seen by some as a concerted attempt to weaken the position of public broadcasters and an encroachment on the member states' right to determine their own media policy. Paragraphs 10 and 11, while tactfully formulated, are, nevertheless, an unambiguous exposition of the problems faced by those Council of Europe member states that are also bound by European Union rules.

7. Having regard to Recommendation Rec(2007)3 of the Committee of Ministers on the remit of public service media in the information society, the CDMC considers that public value in respect of public service broadcasters or more broadly public media services can only be assessed if they are considered as an integral whole, rather than as discrete and disconnected features of public service. More particularly, public service media cannot be confined to a subsidiary role, characterised by offering services that do not feature highly on the agendas of commercial broadcasters.

8. The assertion in paragraph 12 that "public acceptance of funding public service broadcasting is decreasing" in view of greater content becoming available on other platforms is, perhaps, to overstate the case. It might be truer to say that the public has become more demanding in terms of quality programming and value for money when it comes to paying either indirectly through taxes or directly through licence fees. However, this does not detract from the message of the paragraph in that public service broadcasting is of particular importance in smaller states.

9. Paragraph 16 calling for action by member parliaments is not only a useful reminder of what member states have already subscribed to by way of various instruments but also points out that part of the public service remit may be allocated to commercial broadcasters as is already the practice in some member states. Indeed, commercial organisations may also enjoy the status of being public service broadcasters, as noted in the Explanatory Memorandum.

10. The CDMC notes the Parliamentary Assembly's endorsement of the Ministerial Conference (Reykjavik, 28-29 May 2009) Action Plan (paragraph 17) and the invitation to ministers to reaffirm their commitment to it at the national level. The CDMC would, however, draw attention to part 3 of paragraph 17, which speaks of Europe-wide co-ordination of national policies for public service broadcasting. Neither the Council of Europe nor the CDMC is responsible for co-ordinating national policy and indeed this runs counter to the spirit of paragraph 10 of the recommendation. The CDMC fully supports international co-operation in the setting of standards but it is the role of the member states themselves to determine national policy.

11. The Action Plan does not foresee the co-ordination of national policies but speaks of the possible elaboration of “a policy document containing guidance for member states on governance approaches for public service media”. (This task is also within the terms of reference of the CDMC Ad hoc Advisory Group on Public Service Media Governance (MC-S-PG). With a view to preparing the work of the latter, a consultation meeting on the matter was held in Strasbourg on 17 and 18 September 2009. One of the main conclusions of the meeting was that governance approaches for public service media should respond to technological and socio-cultural changes; at the same time, principles of openness, transparency and accountability should be fully respected).

12. The Assembly rightly calls on the Committee of Ministers to forward the recommendation to the institutions it concerns (ministries, regulators and the broadcasters) and it might be assumed that the reference to requesting assistance from the European Audiovisual Observatory (paragraph 18.2) is the follow-up action or future review of developments in the funding of public service broadcasters that is very necessary. The Observatory has recently published a most valuable edition of IRIS Plus “The public service remit and the new media” with much information that directly concerns this recommendation.

13. Finally, the CDMC considers this recommendation to be a timely and useful addition to the arsenal of instruments elaborated by the Council of Europe in support of public service broadcasting.