



# EUROPEAN FORUM FOR NEW IDEAS

## BRIEF FOR PANELISTS

DATE OF PANEL:	<b>28 September 2012, time: 12.45 – 14.00</b>
LOCATION:	<b>Hotel Sheraton, Columbus conference room A</b>
PARTNER:	<b>TVP SA</b>
PANEL THEME:	<b>Will the EU survive without public service media?</b>
MODERATOR:	<b>Andrzej Goldewski, TVP SA, Poland</b>
PANELISTS:	<b>1. Juliusz Braun, TVP SA, Poland</b> <b>2. Ingrid Deltenre, European Broadcasting Union, Switzerland</b> <b>3. Grzegorz Hajdarowicz, Gremi Media, Poland</b> <b>4. Elaine Monaghan, Journalist, USA</b> <b>5. Alexander Scheuer, Institute of European Media Law, Germany</b>
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## Opinion-leading media - what does it mean?

Opinion-leading media are often deemed to be the fourth estate, shaping social and political discourse of public opinion (market for exchange of ideas) through their publications and editorials. They define its boundaries, define main points of narration and finally lay out the countering opinions of key players in a given issue or problem. Opinion-leading media engage representatives of public life – citizens, politicians, business and experts. It should also be noted that they are tasked with one of the most important functions of media in a democratic system, which is to act as a watchdog, *Bringing attention to events, issues and actions of institutions and people of power as well as looking at the hands of the politicians and observing what they do*<sup>1</sup>.

From this perspective, the definition of opinion-leading media should be made more specific: which of the today's media satisfy the cited criteria? It seems that electronic media, mainly radio and television, are transitory and have not enough neither time nor space to place greater focus on any one issue or a problem. They are always "in a hurry" to keep up with the schedule or succumb to an overload of other, often trivial pieces of news. An exception can be public service media, although it is often print media that dig up materials that are later discussed on television or radio where time restrictions are ruthless. It is time pressure that often prevents reporters from carrying out analyses as thorough as ones done by journalists working at daily or weekly opinion-leading publications, which have different working style<sup>2</sup>.

## Public service media can be independent and opinion-leading, fact or myth? Financing European public service media

Public service media such as TVP could be considered opinion leading since by definition, their mission and public service is to stimulate and facilitate pluralist social and political discussions. Unfortunately, Polish public service media for years have been burdened with problems that significantly undermine their position on the market and lead to accusations of partiality, failing to realize its mission and finally, being influenced by competition from private broadcasters for advertisers – lowering its standards. It's an open secret that since 1989, TVP is continually under pressure from various parties and political groups (problem of politicization – despite a multi-level procedure of selecting TVP management: President and Parliament appoints members of National Broadcasting Council, which appoints the TVP Supervisory Board that in turn, hires the TVP Board of Management through a competition of candidates.)

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<sup>1</sup> B. Dobek-Ostrowska, *Komunikowanie polityczne i publiczne*, Warsaw 2007, pgs. 183-184; M. Wheeler, *Politics and the Mass Media*, London 1997, pg. 1 and n.

<sup>2</sup> See: latest report about media – supplement to „Press” No. 5 (196) 2012 r. – „Prasa głupcze!” – PBC, ZDKP.



Another problem is an outdated staffing model. Despite restructuration and lay-offs, TVP still employs nearly three times more employees than private broadcasters<sup>3</sup>. Even if the scale of business of the public broadcaster is taken into account, the employment structure in public television still renders it unprofitable. **Overwhelmingly significant are also its financial problems. The National Broadcasting Council year-by-year records declining revenues from subscriptions: in 2007 they reached 515 million zloty while in 2010 just 221 million zloty<sup>4</sup>.**

Considering that on one hand the public broadcaster is stricken with the above-mentioned problems, while on the other taking into account hopes placed in it by the public, a question should be raised if TVP can actually be an opinion-leading broadcaster that sets the tone of the public debate? If so, how should the Polish public television station be helped?

Many experts use the British BBC as an example in terms of organization and business model for other public broadcasters. However, what must be kept in mind is that BBC in its long history has had its fair share of problems, no lesser than those at TVP. Examples such as the so-called Group 76 that in the 1970's called for a thorough review of the structure and financing of the BBC in order to deregulate the market. Or the Peacock report, which was to serve Prime Minister Thatcher (who disliked the BBC for referring to the British soldiers fighting in the Falkland Islands as the "British army" instead of "our soldiers") as a tool to change the way in which the broadcaster was financed (getting rid of the subscription model) as well as the Hutton Report dated January 2004 in which the BBC was accused of embellishing data in the matter of Iraqi weapons of mass destruction. Lord Hutton's findings caused consternation amongst public opinion. Mark Thompson, Director-General of the BBC, called this report the biggest crisis in the 80-year existence of the British public television<sup>5</sup>. At the same time, the dominating point of view in evaluating the British public media derives out of the recent OFCOM (British independent regulator and competition authority for UK communication industries) report published in 2005 that notes there *are two reasons for such media to exist: to correct what the market cannot and to make use of the potential that lies in society*<sup>6</sup>.

It is worthy to bring up that the BBC is financed solely by public funds, primarily through subscriptions that have more than 90% collection success rate. Furthermore, the BBC's "public mission" is strengthened through the BBC-Trust called into existence in 2007 in place of the Board of Governors. It consists of 12 members representing various social groups in Britain (the BBC-

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<sup>3</sup> See <http://www.wykop.pl/ramka/828457/pracownik-tvp-pracuje-45-razy-mniej-efektywnie-od-pracownika-polsatu/> (accessed 1.06.2012)

<sup>4</sup> See <http://www.wirtualnemedia.pl/artukul/braun-tvp-zamknie-2011-rok-bez-straty-bedziemy-skracac-bloki-reklamowe> (accessed 1.06.2012)

<sup>5</sup> *Przyszłość dziennikarstwa w dojrzałych demokracjach*, pod red. P. J. Andersona, G. Warda, transl. A. Piwnicka, Warsaw 2010, pg. 163.

<sup>6</sup> OFCOM, Office of Communications, 2005, *Review of public sector broadcasting: Phase 3 – Competition for quality*, [www.ofcom.org.uk](http://www.ofcom.org.uk) [cited by:] *Przyszłość dziennikarstwa w dojrzałych demokracjach*, pod red. P. J. Andersona, G. Warda, transl. A. Piwnicka, Warsaw 2010, pg. 165.



Trust must be represented by all nations of the United Kingdom). According to Robert Kozak, former head of the BBC Warsaw Office, the fact that the BBC is used as an example for other public service broadcasters in Europe is decided by the following five factors<sup>7</sup>:

- **political culture** (politicians believe that it is “not proper” to interfere with BBC matters, it is unheard of for a politician to be on the BBC-Trust),
- **corporate culture** (many managers are sent for additional studies and management training to raise qualifications. Further to developing a technocratic structure as a way to remain free of political influence),
- **respect of standards** (commitment to maintain BBC standards, each program reviewed in terms of compliance with public mission and standards - self-regulation),
- **programming impartiality** (internal impartiality of programming) – so-called external impartiality where a public broadcaster guarantees ideological pluralism by offering viewers various programs hosted by biased journalists is unacceptable,
- **financial and organizational independence** (high rate of subscription collection, board’s autonomy in use of these funds).

Public broadcasters in France and Germany are an example of two opposing, yet systemic, approaches to the functioning of public television. Public media in both countries up until the 1980's were in the hands of the state. However, the way in which the legislator decided to deregulate and commercialize the electronic market in each of these countries differed greatly. The Chirac government decided in 1986 to sell TF1 to a consortium controlled by the construction company – Bouygues. One of the effects of this move was the closing of the private channel La Cinq in 1992 that began broadcasting 7 years earlier. Changes, resulting from deregulation of the electronic market, caused far-reaching modifications to the programming and in the nature of programs not only aired on state-owned stations, FR2 (Antenne2) and FR3 but also by private broadcasters. The use of “state-owned” rather than public is deliberately used here. As Krzysztof Turski<sup>8</sup> says no one really calls France Television a public broadcaster, referring to it rather as “state owned”, especially since political leaders are increasingly interfering with personnel choices on key positions at FT.

The most important regulatory body for the French radio and television market is Conseil Supérieur de l’Audiovisuel (CSA), which succeeded the Office de la Radiodiffusion-Télévision Française

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<sup>7</sup> See <http://www.fcp.edu.pl/aktualnosci/1-nowinki/268-debata-o-mediach-publicznych> (accessed 1.06.2012).

<sup>8</sup> See <http://www.fcp.edu.pl/aktualnosci/1-nowinki/268-debata-o-mediach-publicznych> (accessed 1.06.2012)



(ORTF). On a sidenote, the Polish legislator used this entity as a model when forming the National Broadcasting Council.

The CSA, referred to as the "gendarme of the audiovisual media" by the French, is an institution aimed to bring balance to the points of view and interests of various interest groups. It consists of nine members appointed for a six-year term - three are appointed by the President of the Republic of France, further three are selected by the President of the Senate and the remaining members are nominated by the President of the National Assembly. A third of CSA members change every two years. This is aimed to maintain the continuity of the organ's functioning. There is no doubt that the method in which members are chosen attracts criticism from the opposition as well as from citizens who allege strong politicization of the "public" media. The situation is quite similar to the one that takes place in Poland.

It is worthy to point out that the CSA has the power to manage radio and television frequencies, hold broadcaster legally accountable, control advertising as well as to impose penalties and sanctions on broadcasters such as suspending program broadcasts, reducing duration of licenses, financial penalties up to 3% of annual turnover (!) or even temporary and permanent suspension of broadcast rights. The CSA has also the power to nominate the Board of Directors at France Television. **France Television, much like TVP, is also experiencing problems of relatively low when compared to BBC collection of subscription dues. Hence, for years FT can and must count on state funding.**

The functioning of the electronic media market in Germany is entirely different. Its complete transformation began in 1981 when the Federal Constitutional Court ruled on the need to eliminate the monopoly of public stations. On January 2, 1984, the first private broadcaster, RTL, began operations.

The situation at the public broadcaster towards the end of the 80's was systematically worsening – declining advertising revenues, declining viewership (in favor of private stations RTL, SAT1 and ProSieben) and the government's refusal to increase subscription rates led the public television into a serious crisis in the middle of the 1990's. This in turn forced to a nationwide debate on the significance of the public broadcaster, its character and method of realizing its public mission. At the turn of 2000, shares of public stations (ARD, ZDF) and private broadcasters (RTL, SAT1, ProSieben) reached nearly 80%. Despite strong rivalry between public and private media, programming of public stations did not become similar to what was broadcast by private stations. ARD and ZDF air more news and current affairs programming. They account for 40% of the programming offered by both stations each day. In case of RTL, SAT1 or ProSieben, such broadcasts make up just a few percent of total programming. Knut Hickethier believes that the



public media did not adopt a more commercial format similar to private broadcasts, investing in series and informative shows<sup>9</sup>.

Although falling viewership of ARD and ZDF must be reason for concern. For the past two years RTL and not ARD is the market leader, while SAT1 is quickly catching up to ZDF (see <http://www.press.pl/newsy/pokaz/24850,ARD-nie-jest-liderem-ryнку-telewizyjnego-w-Niemczech> and [http://www.dnmediow.org/a42,60\\_lat\\_telewizji\\_publicznej\\_w\\_niemczech.html](http://www.dnmediow.org/a42,60_lat_telewizji_publicznej_w_niemczech.html))

The German model of mass media is called a pluralistic dual system that includes strong public and private broadcasters. This system is characterized by a strong conditional regionalization by the federal structure of the state. Furthermore, an important factor is the so-called political parallelism, which manifests itself in the political variety and its ideological ties to particular parties and political circles. It is particularly visible amongst electronic media, especially in the strong representation of political parties and social groups on public media boards and state media authorities (Landesmedienanstalten). Electronic media markets are regulated by the Lands.

It is worthy to highlight that since 1996, a federal press law does not apply hence the strong decentralization and regionalization of the media system has a significant influence on the way it functions.

An important role on radio and television market in Germany play interstate broadcasting treaties (Rundfunkstaatsvertrag Staatsvertrag über den Rundfunk im vereinten Deutschland ) introduced in 1987. Public television and radio ARD and the second channel of public television ZDF function based on these agreements.

Rulings of the Federal Constitutional Court are an important element in the development of the electronic media system in Germany. The already mentioned media authorities decide on granting licenses to private broadcasters. According to agreements between German Lands, these institutions cannot refuse granting of licenses to a corporation if the stations it owns have more than 30% in television viewership. The German Commission on Concentration in the Media (*Ger: KEK*) also plays an important role as it ensures capital and programming pluralism in the media.

Independence of the public broadcaster is guaranteed by the 9<sup>th</sup> radio and television treaty signed in 2007 between the Lands. It sets out obligations for objectivity, broadcast of supra-party content as well as consideration of differing opinions and balancing views in broadcast programming<sup>10</sup>. **German public television receives funding primarily from subscriptions as well as advertisements and other sources (effective collection of subscription dues (over 17 Euro per month per TV set) is handled by an external institution created in 1976, *Gebühreneinzugszentrale (GEZ) with headquarters in Cologne*).** Radio and television

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<sup>9</sup> K. Hickethier, *The media in Germany*, [w:] *Markets and Myths: Forces for Change in the European Media*, pod red. A. Weymouth'a, B. Lamizeta, London 1996.

<sup>10</sup> Rundfunkstaatsvertrag (Neunter Rundfunkänderungsstaatsvertrag), „Media Perspektiven“, I, 2007, pg. 9.



treaties limit the broadcast of advertisements, i.e. ARD and ZDF cannot air commercials after 8 p.m. or on Sundays and holidays. The third, regional public program has no advertisements whatsoever.

Protecting the independence of each public station and ensuring they adhere to their programming mission are three organs:

- Radio and Television council – whose aim is to represent the interests of the viewers. Councils are appointed by state parliaments or by political parties, labor, cultural or commercial unions and associations. It is a "parliamentary" model. The council chooses an authorizing officer and board members, approve budgets, consult in programming matters and ensure adherence to programming policies.
- The boards control the realization of programming rules, approve budget proposals and manage the institution. It needs to be stressed that the board does not get involved in programming itself.
- The authorizing officer, who is employed by the board, is the one responsible for programming that she or he creates based on resolutions passed by the radio and television councils.

The case of the Italian public broadcaster, which has found itself in a deadly grip of the commercial broadcaster owned by Silvio Berlusconi, should also be mentioned. According to Umberto Eco (Turning Back the Clock: *Hot Wars and Media Populism*, 2007), the former Prime Minister of Italy is responsible for the populist character of the Italian public discourse. This in turn, according to the philosopher, limits freedom of speech in a drastic way, making the freedom to change channels and illusion of uninhibited choice. (see <http://pl.ejo-online.eu/138/polityka-medialna/medialny-populizm>).

Europe knows various ways in which public broadcasters function. British researchers, Kevin Williams, identified three models for functioning of European public media<sup>11</sup>. First, so-called **formalized media autonomy system** – assumes existence of mechanisms that ensure independence of programming policies from political parties holding power. A system that exists in Great Britain, Ireland and Sweden.

Second **"policies for media"** model allows appointment of representatives of main political parties and groups connected to them to the boards of media companies, like in Germany, Denmark, Holland and Belgium.

The third **"policies for media"** assumes that governments and other state authorities have the power to be directly involved in operations of broadcasters. Greece, Italy and France being an example.

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<sup>11</sup> K. Williams, *Media w Europie*, transl. A. Piwnicka, Warsaw 2008, pg. 65.





The public media system functioning in Poland does not seem to fit into any of these. On one hand, there are laws that guarantee independence of public media (multi-level selection process of management), while on the other jobs at the public television station serve as a bargaining chip in negotiations between coalition members. Lastly, there are incidents of outright interference by politicians in contents of television programs<sup>12</sup>.

European public media can be grouped based on three factors: **methods of financing public television, nature of relations between broadcasters and state authorities as well as understanding and approach to the public mission**<sup>13</sup>. These three criteria can serve as a matrix to evaluate effective functioning of public media in particular countries.

The Polish public broadcaster is currently burdened with a number of problems, risks and limitations. From a troublesome definition of the character of its public mission, problematic institutional and decision-making independence, to significant financial troubles caused by dramatically declining inflows from subscriptions year by year (and of course what cannot be forgotten is the tragic in consequences public discouragement for paying subscription fees by politicians themselves<sup>14</sup>). **Only three television stations in Europe are solely financed through public funding: BBC in Great Britain, NRK in Norway and SVT in Sweden. But in these countries, collection of subscription dues is nearly 90 percent.**

**In Poland there are no funds to support mission programs, hence ambitious shows on TVP are a burden on the station in an uneven competition with private broadcasters. For example, there are four special funds in Austria dedicated to electronic media (digitalization fund, television fund (Fernshefonds Austria), non-commercial broadcast fund (Fonds zur Förderung des nichtkommerzielle Rundfunks) and private broadcasters fund (Fonds zur Förderung des privaten Rundfunks).**

TVP facing off with commercial broadcasters is forced to shorten news, current events, cultural and even educational programs as well as to broadcast them during less attractive hours. The effect of this unbalanced competition, as Kevin Williams says, (...) *is also a change in the way politics is reported on television. It is growingly focused on rituals and personalities rather than on political issues (...) immediacy and emotions of the broadcast gain an advantage over thorough analysis and presentation of the issues. Short, aggressive and sensational clips sell better (...). Taking advantage of the situation are these parties and politicians that communicate in an emotional way, thus the level of the public debate is deteriorating. The effect is that politicians become cynical, voters grow apathetic and society loses interest in politics*<sup>15</sup>. This leads to the exclusion of public service broadcasters from the prestigious group of opinion-leading media.

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<sup>12</sup> E.g. [http://wyborcza.pl/1,75478,10805527,TVP\\_naciski\\_szpiegowanie.html](http://wyborcza.pl/1,75478,10805527,TVP_naciski_szpiegowanie.html) (accessed 1.06.2012)

<sup>13</sup> K. Williams, *Media w Europie*, transl. A. Piwnicka, Warsaw 2008, pg. 73.

<sup>14</sup> See <http://blog.rp.pl/szuldrzynski/2012/01/10/zgubne-skutki-sluchania-premiera-tuska/> (accessed 1.06.2012).

<sup>15</sup> K. Williams, *Media w Europie*, transl. A. Piwnicka, Warsaw 2008, pg. 72.





## Can citizen journalism take on the role of a watchdog for free media?

In light of rising costs of publishing daily and weekly materials, the question if citizen media and Internet journalism will not take on the role of a watchdog for authorities is growing in significance.

In order to respond to this question, citizen journalism must first be explained. Is journalism a profession that assumes a defined mission or is it simply a task. If so, who deserves to be called a journalist? British researchers, Anderson and Ward<sup>16</sup>, claim that citizen journalism *is the involvement of citizens in gathering, reporting, commenting and spreading of information about events. (...) The aim of these actions is to deliver independent, credible, precise information from various areas, which is needed for democracy to function.* The researchers believe that journalism is a profession (a calling) and not just a job. A journalist is obliged to at least five things: *serve society (journalism as a watchdog for democracy, obligation to seek out information etc.), be objective (neutral, just - hence credible), be autonomous (freedom, independence), be swift (timely delivery of information about events, hence the name 'news') and follow the professional code of ethics (responsibility, verification, legitimacy)*<sup>17</sup>. Authors cited earlier identify four categories of citizen involvement in publishing materials on the Internet that bear the characteristics of journalism. These are:<sup>18</sup>

1. Rise of interaction between professional journalist and citizen: witnesses of various events are often the main source of news stories, i.e. witness and victim accounts of London bombings (video recordings and photographs taken with mobile phones) in July 2005 were used directly in mainstream BBC reports as well as on citizen blogs on the Internet.
2. Supplementary citizen journalism: information and opinions from citizens are treated as a supplement to professional materials: discussions, posts, comments on mainstream media portals.
3. Citizen journalism is created with help from journalists: materials created / co-created by citizens with involvement / based on incentive from journalists of institutional media (publishing blogs, encouraging citizens to gather materials, etc.).
4. Citizen journalism as competition: information from citizens as an alternative to institutional media, a form of controlling mainstream media. An example of this can be blogs popping up one after another after the attacks on WTC in 2001, when it was citizens who reported facts not found in reports by major media outlets<sup>19</sup>.

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<sup>16</sup> *Przyszłość dziennikarstwa w dojrzałych demokracjach*, pod red. P. J. Andersona, G. Warda, transl. A. Piwnicka, Warsaw 2010, pg. 140 and n.

<sup>17</sup> *Ibid*, pg. 146.

<sup>18</sup> *Ibid*, pg. 143-145.

<sup>19</sup> See S. Allen, *Kultura newsów*, transl. A. Sokołowska, Kraków 2006.



It seems that citizen journalism will become more significant (especially thanks to the idea of reciprocity. Citizen-viewers controlling the citizen-publisher at all times, establishing between them a partnership whereby everyone checks one another, here and now, points out embellishments and condemns inaccuracies. This is without a doubt the biggest advantage of citizen Internet journalism). Although prophecies that alternative, citizen, Internet media will decisively shape public opinion seem exaggerated. Nevertheless, citizen journalism in the form of opinion-leading blogs, Twitter and Facebook accounts, Internet forums or various portals, is not subject to pressure of commercialization, as it does not generate exorbitant costs. At the same time, they are not limited by publishing cycles, are fully editable and hypertextual, facilitate ongoing interaction as well as the reconstruction of the development of the problem, issue or subject. All of this is possible through the unlimited amount of space offered by the Internet.

The virtual world allows to "archive reality" that we can freely scrolled and replayed countless number of times as all posts, comments, opinions and analyses can be easily found in the vast resources on the Internet. All it requires is a few clicks in the Internet browser. These great benefits of Internet journalist materials do however have monstrous limitations: Huge number of people in the world cannot even dream of a computer and about acquiring the skills to use it, let alone think of access to the Internet and an appropriate, selective use of its resources. Many people are digitally excluded even in Poland, not so much because of finances but rather by psychological limitations as well as lack of courage, reluctance or avoidance of new technologies. These are the main reasons for failing to participate in the Internet community, especially amongst older generations of Polish people. Therefore, opinion-leading print media will continue to play a key role in shaping public opinion.