CONCLUSION

The dissertation opened with a discussion of academic approaches to public service broadcasting and moved on to an analysis of the regulatory framework and legislation on public service broadcasting in the European Union, the Czech Republic, the Slovak Republic and the Republic of Ireland. In the course of the analysis it became clear that the academic approach to public service broadcasting and the approach on the part of legislators and regulators differ significantly. In the following I summarize the findings of the dissertation in relation to the three overarching themes identified in Chapter I and pursued throughout the dissertation. Regulatory and legislative approaches to public service broadcasting and democracy, to the material base of such broadcasting and to the independence of public service broadcasting from both the state and the market are interrelated and overlap thus in the following I do not maintain a clear distinction among them.

The dissertation opened with a discussion of Habermas' concept of public sphere and the link between the public sphere and media, it moved on to consider this link in contemporary societies and in the context of public service broadcasting. There are, however, other issues to be kept in mind as well that relate closely to broadcasting and public interest. Broadcasting is a field that should be regulated in the public interest, it is so not only because of a number of philosophical arguments (e.g. broadcasting serving citizens' cultural and political rights etc.) but also because of its very specific economic characteristics (broadcasting is a public good, it is non-excludable and non-exhaustible). Chapter I also outlined ways in which the theoretical issues related to public service broadcasting, public sphere and public interest are translated into concrete systems of public service broadcasting.

The chapter outlined three such systems: the social devolutionary, the liberal corporativist and the public service ones. All the three systems are characterized by measures that attempt to ensure the broadcasters' independence from political and economic influences and all of them have inbuilt imperatives to serve the public (e.g. in terms of providing programmes that maintain the culture of various groups living in the given society). Systems of public service broadcasting were established mostly in the 1950s and 1960s when they were seen as legitimate institutions with educationalist and nation-building agendas. However, the situation has changed radically since and public service broadcasters face questions of legitimacy, fiscal

problems and a general questioning of the mission of public service broadcasting in the face of increasing national as well as supranational competition. All the three outlined systems of public service broadcasting are vulnerable to imbalances, there are niches through which interest groups might attempt to influence them and financial backing has also often been problematic.

All the above mentioned issues are closely linked to the regulation of public service broadcasting. General issues linked with broadcasting regulation were discussed in Chapter II. The implications of the overwhelming trends of deregulation and the neo-liberal economic ethos for public service broadcasting are profound. The increased stress on competition and adherence to rules governing competition on broadcasting markets (including state aid regulation) put public service broadcasters into a complicated situation, not least because they are expected to gain part of their revenue from commercial activities. The licence fee system of public service broadcasting funding has been under constant attack from commercial broadcasters who understand it as unjustified. Changes in the regulation of public service broadcasting have been rather frequent in the three analyzed countries but – paradoxically – they have not been concerned with technological convergence. The USA and Great Britain reacted to technological convergence by establishing new regulatory bodies, this line has though not been followed by the European Union and it is unlikely that the analyzed countries will have new regulatory bodies set up in the near future to specifically address convergence issues.

The public service broadcasting systems in the three analyzed countries can be characterized as the public service type, characterized by a high degree of internal diversity. Public service broadcasting is in the three countries funded by a combination of licence fee and income from advertising. The amount of the licence fee as well as of advertising (respectively income from advertising) is set by the government. None of the countries has a system of indexed licence fee that would ensure that the licence fee would grow in line with inflation. In all the countries public service broadcasters are essentially self-regulated (supervised by specific bodies) and the supervision over public service broadcasting is to a large degree in the hands of the government. This is obviously due partly to the fact that the legislative framework for public service broadcasting (and broadcasting in general) is set by the political representation but also because of the way in which bodies supervising public service broadcasters are set up. Although in some of the analyzed countries nominations to

these bodies are expected from a wide ranged of groups existing in the given society, they are in the end approved by the government respectively parliament. The case studies illustrate clearly that in all the three countries at some recent point in time politicians attempted to exercise control over public service broadcasters, it is enough to think about the fate of the Slovak Television under Prime Minister Mečiar or the rationale behind the Broadcasting Act 1990 passed in Ireland.

In terms of findings related specifically to the legislation analyzed there are general points that apply to all the researched countries. First of all, stipulations and definitions that one finds in such legislation are sometimes too general and that in fact in relation to issues that can easily become subject to disputes (such as objective and fair political reporting). In this respect, it is enough to think of the decision of the Irish High Court in relation to a report on the referendum on divorce broadcast by RTÉ when the broadcaster allegedly gave more space to political parties supporting the "yes" vote than to those of the opposite opinion. The Court decided that RTÉ "was wrong in using political parties as its starting point in the allocation of broadcast time in a referendum campaign". This decision was to have serious consequences for the broadcaster.

> By applying *equality* in broadcast coverage as the guiding principle in covering a general election, individual candidates or political parties could claim with some justification that they were not being treated fairly unless coverage for their views was equal to that provided to larger parties. … It is likely that any dissatisfied minority party or independent candidate could institute legal proceedings to ensure coverage equal to the major parties. This would substantially inhibit RTÉ's general editorial independence in deciding its broadcast treatment of future elections (Corcoran, 2004: 89, for more detail see pp. 87-90).

The three countries all have a dual regulatory system, i.e. private and public service broadcasters are regulated separately. Also, in all the three countries legislators equate public service broadcasting with public service broadcasters, not making significant use of the possibility of binding private broadcasters to devote a portion of their broadcasting time (income) to programmes in the public interest (e.g. original national programming, original children's programming etc.). The fact that in Ireland public service radio and television are not supervised separately could provide an inspiring example to Czech and Slovak legislators, such an arrangement

would make all the parallel legislation and regulatory and supervisory bodies for public service television and radio unnecessary.

Another general feature of the regulation of public service broadcasting (and indeed of broadcasting in general) is the lack of a public debate on the regulation of broadcasting as well as its roles in the society. Issues that are of general interest and should be subjected to a public discussion include the deregulation of the broadcasting market and its subsequent impact on the broadcasting market (for example, the impact of competition in the advertising market or the future funding of public service broadcasters in a deregulated market). Anecdotal evidence though suggests that there is much more interest on the part of the general public and the government in high-profile but somewhat tabloid issues (Corcoran, for example, recalls pressures on the Authority to inform the government of the salaries of the most popular television anchors).

Another general feature of public service broadcasting regulation is the lack of channels that would set up effective means of communication which the supervisory bodies and broadcasters would use when making decisions that must be approved by the government (such as major investments or sales).

The following sections summarize the findings in relation to the three overarching themes that were pursued in the dissertation, the first of them being public service broadcasting and democracy. In general public service broadcasting is characterized by diverse programming (the simplest and most often used way of reflecting this demand in legislation is to bind the public service broadcaster to cater for the needs of various groups within society), general accessibility, accountability to the public and some element of public finance. In legislation, as I already hinted, we find references to the provision of a service for various groups within society (including ethnic minorities; in the case of Ireland there is a separate Irish language channel), to the maintenance of the national cultural heritage (e.g. a stipulation to look after the national film archives, provide opportunities for new talents etc.) as well as roles that are closely related to the political aspects of citizenship (such as the provision of objective and balanced news and current affairs; separate stipulations on political advertising) yet these tend to be vaguely defined leaving the broadcasters vulnerable to accusations of not properly fulfilling their assigned roles. Legislation in all the analyzed countries tends to stress the informational role fulfilled by public service broadcasters and tends to disregard the creation of a forum for public debate.

Essentially, in all the three countries the accountability of public service broadcasters to the public is mediated by the supervisory bodies which represent the public. The major problem in this respect, however, is that the supervisory bodies are first and foremost accountable to the political (respectively parliamentary) representatives. My analysis of policies relating to public service broadcasting shows that there are loopholes through which political pressure can (could) be exercised. In the case of the two former communist countries there is a gradual move towards regulatory and supervisory bodies that are somewhat less at the mercy of political parties (however, the parliaments still play a decisive role). In the case of Ireland, on the other hand, it is not really any of the houses of parliament that has significant powers related to broadcasting but the relevant minister himself/herself. I attempted to outline the long process in the case of the Czech and the Slovak Republics during which negotiations were made as to the establishment and appointment of members of regulatory and supervisory bodies. Bearing in mind the complex legislative arrangements relating to the nomination and appointment of, for example, members of regulatory and supervisory bodies, it comes as something of a surprise that in the case of Ireland the minister (respectively the government) is free to appoint members of such bodies. This strikes me particularly in the case of public service broadcasters where one would expect some representation of the public in the supervision (not necessarily financial management) over the institution.

The mechanisms in which the public is represented in decisions about public service broadcasters are clearly insufficient in all three countries, the same relates to mechanisms of accountability (the Czech and Slovak Republics do not have a formal complaints commission related to broadcasting). In the case of the Republic of Ireland there was a not entirely successful (judging by information available on RTÉ's website) attempt at setting up an Audience Council, a similar arrangement had a very short-lived existence in the Slovak Republic. I would argue that it is of crucial importance to find new ways in which the public can have its say in matters relating to public service broadcasting and its supervision. This is profoundly important as public service broadcasters find themselves under increased pressure to compete with private broadcasters for ratings. This pressure is very often exacerbated by the political representatives themselves. In fact, to force public service broadcasters into battles over ratings does not seem to make any sense as public service broadcasting is

a merit good thus by its very nature a good of which more should be consumed than people would willing do.

Moreover, although I have not dealt with this issue in detail here, Czech and Slovak legislators go into great length to prevent the conflict of interests in the case of members in regulatory and supervisory bodies, in the Irish case the stipulations are much less strict (they do not relate, for example, to membership in political parties). Obviously, these comments relate to formal arrangements and disregard the actual reality of appointing members which may have much to do with the overall political culture and broader socio-economic issues.

In relation to the provision of finances for public service broadcasting I have already argued that more attention should be paid to the basic economic characteristics of broadcasting. In all the three countries public service broadcasting is funded from two sources: licence fee and income from advertising (the amount of which is regulated stricter than in the case of private broadcasters). It is without any doubt that public service broadcasting is becoming increasingly more expensive, for example in Ireland in 1995 RTÉ's revenues increased by 8% while operating costs went up by 13%.

Problems with the financing of public service broadcasting are similar in nature in the three countries. The unwillingness of political representatives to index the licence fee on an annual basis (according to the inflation rate) or to allow increases in advertising time apply to all the three countries. In the Irish case the application for an increase in the licence fee directly to the relevant minister appears to be a better procedural arrangement than in the case of the Czech and Slovak Republics where there is no formal channel in which an application could be made (the Council of the Czech (respectively Slovak) Television can make suggestions to the respective chamber of the parliament in its annual report). It is relevant to pose for a second and consider (or rather speculate on) the unwillingness of the political representations in all three countries to increase the licence fee. Rather than provide my own speculation I rely on Farrel Corcoran's:

> The myopic view of this is that Governments live in constant fear of the electoral effect of declaring an increase and when it has to be done, tend to want to minimise the public impact by announcing it in July, as the political (and much of the media) apparatus is preparing to wind down and go on vacation. If this were the full explanation, a relatively painless way to ensure

> that the licence fee matches inflation is to link it to the consumer Price Index. … A more realistic explanation for the very low level of public support for broadcasting in Ireland [and arguably also in the Czech Republic and Slovakia] is the desire of politicians (of all parties) to feel they have some leverage over, if not control of, RTÉ [respectively CT and ST] and that this is manifested in a public way (2004: 99-100).

Although my analysis did not go to such a depth as Corcoran's it is likely that I would have arrived at the same conclusion when he argues that attitudes to increasing the licence fee actually reflect that there is a "lack of consistent attention to policy formulation and revision across the whole administrative system, from political parties to the recesses of the civil service" (ibid.: 100). There is another point in relation to the licence fee that is reflected in legislation. Public service broadcasters are bound by law to have the licence fee collected by the postal service operating in each of the countries, maybe the time has arrived when the collection should not automatically be attributed to the postal service but be the subject of a tender.

Income from advertising (thus effectively the setting of limits on the daily broadcasting time to be allocated to it) can actually become a political question. In fact legislators should not only be concerned with the impact of the amount of advertising on the quality of programmes (advertising as such does not increase or decrease the quality of programmes) but also with the intensity of competition for advertisers that broadcasters face in the same market as this is of key importance in relation to the quality of broadcasting.

The last issue in relation to the financing of public service broadcasting that I would like to raise is the lack of any stipulation that would bind public service broadcasters to inform the public in detail of the cost of individual programmes and their detailed expenditure. Arguably, this would provide public service broadcasters with another set of justifications when seeking public support, for example, for an increase in the licence fee.

I have already dealt with issues related to the independence of public service broadcasters from the state, let me now consider the market. In all the three cases it is clear that public service broadcasters face a pro-market approach on the part of political representatives. This results in a number of complications and unrealistic expectations (for example, the Czech Television was expected to provide a public service but for almost four years from its establishment it was not clear which frequencies it will be awarded permanently or there were suggestions in the Czech

Council for Radio and Television Broadcasting that the Czech Television should purchase set-top boxes for each Czech household as part of its leading role in digitalization). Irish public service broadcasters in comparison with Czech and Slovak ones face much more competition. The pro-market deregulatory approach is reflected also in the overwhelming scope and amount of regulation (particularly amendments) relating to public service broadcasting in the case of the Czech and Slovak Republics which is not matched by similar regulation relating to private broadcasters.

The award of licences for private broadcasting in all three cases offers food for thought. The Czech and the Slovak cases illustrate extremes in terms of intervention for "economic" (pro-consumer, more choice arguments, competitive media market) and political party purposes (the case studies of TV Nova and Markíza are good examples of how not to award licences). In the case of Ireland it is striking at first glance that TV3 was awarded a licence without being bound to begin broadcasting within a certain period of time. The delay of ten years can be explained neither in competition terms (if you do not broadcast you do not compete) nor in public service terms. In the cases of the other two countries the licence is revoked unless the broadcaster starts broadcasting within a time limit set by law. Despite the pro-market approach in all the three cases competition authorities fail to ensure that there is no medium with a dominant position on the broadcasting/print media market.

In the course of the dissertation (except for Chapter I) I have knowingly refrained from using loaded terms such as crisis to characterize the current understanding of the role of public service broadcasting as reflected in legislation. My analysis, has, however, reflected that in many ways legislation does not reflect and match the findings and arguments developed by academics and that there is much space left for improvement. In this respect in all the analyzed countries the case of digitalization and the legislators' failure to establish a framework within which public service broadcasters could act as "beacons" in introducing a new and challenging technology is a telling one.

Perhaps the most important and also the most obvious conclusion is that in all the three countries legislators should first and foremost decide upon a consistent, comprehensive and workable vision of the role of public service broadcasting in contemporary democratic societies (and in this be guided by the term public service which should not be confused or equated with political or partial service). They could be aided by bringing public service broadcasting into the centre of an informed public

debate. In respect of likely future developments in the regulation of public service broadcasting one can safely say that the pressure to comply with competition regulation is likely to grow. It would be surprising to see changes in legislation that would lead to establishing new – more sustainable – ways of financing public service broadcasting and such that would decrease the power of governments (respectively parliaments) over supervisory bodies. These approaches will continue not only on the part of national organizations, supranational organizations (such as the European Union) are equally unlikely to go any further than declaring the continued need for public service broadcasting.