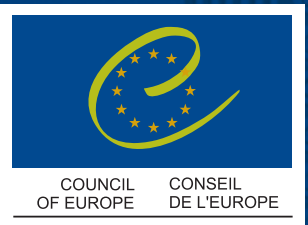




**1ST COUNCIL OF EUROPE CONFERENCE  
OF MINISTERS RESPONSIBLE FOR MEDIA  
AND NEW COMMUNICATION SERVICES**

*A new notion of media?*

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## BACKGROUND TEXT

# Public service media governance: looking to the future



# **Public service media governance: Looking to the future**

**Discussion paper prepared by the Secretariat**

Media and Information Society Division  
Directorate General of Human Rights and Legal Affairs  
Council of Europe

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## Executive summary

In order to better fulfil their remit in an environment under thorough technological and socio-cultural transformation, public service media should call itself into question, and to be able to take up the challenges it faces today. Among the issues to be tackled are those concerning public service remit and its possible adaptation to the new digital environment; strategies to be elaborated in order to facilitate solving problems that PSM currently face; and finally, governance models in diverse public and private sectors, in order to foster reflections on possible alternative governance models for public service media.

Regarding the remit of public service media, via its Recommendation (2007) 3,<sup>1</sup> the Council of Europe encourages member states to entrust PSM with a remit adapted to technological and socio-cultural changes, whilst at the same time making sure that appropriate legal, technical, financial and organisational conditions are guaranteed. According to the same Recommendation, PSM should elaborate strategies enabling it to preserve its role as a factor for social cohesion and integration of all individuals, as well as a contributor to cultural identities and diversity and to a wider democratic debate. Reflections on governance models, have only just started and the Council of Europe is interested in examining the matter because it is crucial matter for the future of PSM.

It would be interesting to examine governance models taken from domains outside the media, both in public and private sectors, to be used as possible sources of inspiration for PSM. The governance models currently being elaborated by certain Council of Europe projects might also prove to be useful.

An important element to be taken into account in the framework of the debate on the future of PSM in general and on possible future governance models in particular, concerns “the democratic participation of the public”. In recent years, the strategic move towards the public can be seen in the growing number of interactive services which allow public participation. This is not yet a direct involvement of the public in the decision-making process but it could be a first step towards a reconceptualisation of the notion of PSM governance. It seems a valid idea to open management and supervisory structures to involve the audience, who should receive a quality product for public money.

The discussions on the future of PSM should be straight forward and clear and keep pace with the dynamic changes of our time that affect all areas of life. In addition to theoretical reflection, new practices that show the way to possible alternative governance models should be encouraged. The Council of Europe will undoubtedly have something to say in this debate.

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1. Recommendation Rec (2007) 3 of the Committee of Ministers to member states on the remit of public service media in the information society





# Introduction

According to different sources – including surveys, analyses and reports prepared by public specialised bodies, academic institutions and independent experts – public service media (PSM) face today a number of challenges related to technological developments and transition to the digital environment, to changes in audience's needs/behaviour, to political/economical pressures, to competition with commercial media, etc.

Given present-day developments in the media landscape/market, communication technologies/platforms, public's interests/expectations, and in order to survive and maintain their crucial role in modern societies, PSM have no other solution than to get closer to the public. They should do so, primarily, by promoting broader debate and participation, with the assistance, among other things, of new interactive technologies, offering the public greater involvement in the democratic process.

To meet these challenges and to ensure their proper functioning in the future, PSM should reflect thoroughly and elaborate concrete strategies allowing it to adapt to the new environment and fulfil its remit in the information society. In this connection, PSM should think about possible alternative governance models, as existing ones appear to be less and less adapted to fundamental technological and social changes, and less and less capable to address the increasing difficulty to reach wide (in particular younger) audiences.

The document will refer to a number of recent examples showing how PSM try to face new challenges by using new interactive services with a view to reaching broader audiences, in particular young people, and to involve the public in creating media content. Furthermore, it will describe some governance models beyond media sector that might serve as possible sources of inspiration for PSM and raise a number of questions regarding possible alternative governance models for PSM that will allow the latter to fulfil their public service remit.

**NB: This document focuses on the issue of *governance* solely and does not include two other important elements which are closely related to governance, notably the *funding* and the *legal/regulatory framework*. The latter might be worth while exploring in the process of examining relevant topics related to PSM governance.**

For the purpose of this paper, the term “PSM governance” is used in a *very broad sense*, covering both the process of decision-making and the structures by which decisions are implemented. Regarding the structures, “PSM governance” should refer not only to the executive and supervisory branches (administration/management/executive structures and internal supervisory boards) of a PSM organisation, but also to other elements with potential impact on PSM governance, such as consultative programming structures, regulation/co-regulation, etc.



# I. Fulfilling public service remit in the digital environment: Towards possible alternative governance models for PSM in the future?

## 1.1 Open questions for further examination

Today, there are emerging ideas about possible future governance models for the public service media. Such new thinking is developed in organisations like BBC, ZDF, ARD, etc. Given the differences in political cultures, economic situations and variety/complexity of the European media landscape, one could not reasonably imagine for the future a unique governance model for the PSM. It might be rather a variety of concrete practices based on some common principles. The latter should be elaborated duly taking into account the

present-day political, economical, legal context, as well as radical developments in technological environment and in public/users' behaviour.

Given the importance of the issue for modern societies, the CoE will be examining relevant elements related to the future evolution of PSM, including its governance, decision-making mechanism, structure, etc. For the time being, within the scope of this paper and in relation with the elements dealt with, it could be useful to formulate:

### *Some questions surrounding the debate on possible alternative governance models for PSM*

#### *Public service remit*

- 1) How can the need of extending the public service remit to diversified new services and technological platforms be harmonised with the public/private dual structure of the European electronic media landscape and the market and competition questions?
- 2) How should PSM adapt to the limits imposed by present-day's legal frameworks and funding systems, by the traditional organisational, structural and governance models?
- 3) How can one secure the editorial autonomy of PSM when they are owned by society and regulated and controlled by parliament and government?

#### *Challenges to be met by PSM*

- 1) How should PSM deal with the development in technological environment and changes in public/users' behaviour?
- 2) How should PSM face the increased pressure of the political, societal and market environments?

- 3) How could PSM stop losing audiences (in particular youth) and bring them back to socially/culturally important content, including news programmes/services?
- 4) How could PSM adapt formats to people like e-games users in order to transmit socially/culturally important info/comment and other quality content?
- 5) How could PSM, via new interactive services, involve the public in a broader democratic participation and in media content creation?
- 6) Should potential audience/users be involved in PSM governance (in a broad sense), beyond participation in content/format elaboration?
- 7) What is the role of new technologies in facilitating broader democratic participation in the decision-making?

#### *Governance models beyond media sector: a possible source for inspiration*

- 1) What kind of governance models (or their elements) could be fruitfully used in PSM organisations?

- 2) Is a more open/democratic governance model by definition less professional/efficient and less capable of taking clear-cut competent decisions? Is the right balance possible in this domain?
- 3) To what extent does the information about the quality of service for users help the governance to make rigorous decisions about improving quality?
- 4) Do those who govern PSM receive regular and comprehensive information on users' views of quality and how effectively is this information used in the process of decision taking?
- 5) To what extent does the information on costs and performance help those who govern to make rigorous decisions about improving value for money? How effectively do they use this information in the process of decision taking?

## 1.2 Need to adapt public service remit to the digital environment: CoE approach

According to CoE standards, member states have the competence to define and assign a public service remit to one or more specific media organisations, in the public and/or private sector. Given the wide diversity and particularities of cultural, political and economical frameworks among the different member states, there is no one encompassing definition of public service remit. Nevertheless, there are a number of key elements describing public service remits throughout Europe. These key elements are evoked in Prague Resolution No. 1 ("The Future of Public Service Broadcasting"), adopted at the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994), and have been referred to on various occasions in Council of Europe documents. Recommendation (2007) 3 of the Committee of Ministers to member states on the remit of public service media in the information society, which focuses on the issue of public service remit, defines public service broadcasting/media as, amongst other things:

- a reference point for all members of the public, offering universal access;
- a factor for social cohesion and integration of all individuals, groups and communities;
- a source of impartial and independent information and comment, and of innovatory and varied content which complies with high ethical and quality standards;
- a forum for pluralistic public discussion and a means of promoting broader democratic participation of individuals;
- an active contributor to audiovisual creation and production and greater appreciation and dissemination of the diversity of national and European cultural heritage.

The Recommendation invites the governments of member states to guarantee the fundamental role of the public service media in the new digital environment, setting a clear remit for public service media, and enabling them to use new technical means to better fulfil this remit and adapt to rapid changes in the current media and technological landscape, and to changes in the viewing and listening patterns and expectations of the audience. Furthermore, the instrument recommends to member states to include, where they have not already

done so, provisions in their legislation/regulations specific to the remit of public service media, covering in particular the new communication services, thereby enabling public service media to make full use of their potential and especially to promote broader democratic, social and cultural participation, *inter alia*, with the help of new interactive technologies.

Finally, the Recommendation highlights that in the information society, which relies heavily on digital technologies, where the means of content distribution have diversified beyond traditional broadcasting, member states should ensure that the public service remit is extended to cover the provision of appropriate content also via new communication platforms. To this end, member states should ensure that the specific legal, technical, financial and organisational conditions required to fulfil the public service remit continue to apply in, and are adapted to, the new digital environment. Taking into account the challenges of the information society, member states should be free to organise their own national systems of public service media, suited to the rapidly changing technological and social realities, while at the same time remaining faithful to the fundamental principles of public service.

Public service media from different member states are following, to a different degree, this approach, expanding their activities to new services. In some countries, these activities fall under the main task of PSB, which means that, for instance, Internet activities have to comply with the remit and should be non-commercial. This should result in a limited advertising and sponsorship and a clear and recognisable distinction between editorial content of a public service broadcaster on the Internet and commercial information of third parties. In other cases, advertising and sponsoring are not allowed on PSB websites but the broadcaster may provide programme-related information and references online. In any case, online services are required to serve the purpose of fulfilling public service remit.<sup>2</sup>

The number of PSM throughout Europe developing interactive online services aiming at a wider democratic participation of the public is constantly growing. In Part 3 of this document, a series of concrete examples of good practice on the matter are described.

2. M. Betzel, "Public Service Broadcasting in Europe: distinctiveness, remit and programme content obligations", in *Media between Culture and Commerce*. Bristol: Intellect Books, 2007.

## 1.3 Traditional PSB governance

### 1.3.1 CoE standards

The CoE Recommendation (96) 10 on the independence of public service broadcasting makes a clear distinction between two main elements for the governance of PSB organisations, notably, the executive bodies (management/administrative/directors' boards) – on the one hand, and the supervisory bodies (governors'/observers' boards) – on the other hand. Management boards may consist either of corporate bodies like administrative boards or persons acting in an individual capacity (president, director general, general administrator, etc),

or the two together. As for the competences of supervisory bodies, it is essential to avoid any conflict of jurisdiction between the management boards and the supervisory bodies and in particular to prevent the latter from encroaching on the management functions which the former should be able to discharge with complete independence, subject to any controls prescribed.

For more detailed description of the CoE standards regarding PSB governance see Appendix 1.

### 1.3.2 Current PSB governance models

The executive and supervisory functions described in Appendix 1 can be found in most current PSB systems throughout Europe. This being said, there are different concrete governance models, depending on media market parameters, as well as political, cultural, social traditions, etc.

In 2007 the European Audiovisual Observatory published a comprehensive study on PSB in Europe – Iris Special “The Public Service Broadcasting Culture”<sup>3</sup>, which gives a broad overview of issues regarding the

PSB in Europe, including aspects concerning PSB governance.

In the Appendix 2 one can find a summary regarding a number of PSB governance models described in more detail in the European Audiovisual Observatory publication, which shows a great diversity among current PSB governance models. These examples might be interesting for a future reflection on possible improvement/evolution of the governance models and, furthermore, on possible alternative approaches.

### 1.3.3 Some common features and problems observed in PSB governance models

As can be seen from the examples cited in 1.2.2, there are large variations among the present systems in member states that stem from their different traditions and political cultures. It is probably impossible to propose a single model suitable for every country. However, according to C. Nissen<sup>4</sup>, it is possible to group the different models in three more or less distinct categories based on their formal structures:

- systems where government and majority parties in parliament play an active and rather direct steering role;
- systems based on proportional representation where government has no formal role, but influence is distributed among several political parties including the opposition, and in some cases also includes a number of non-political organisations and institutions in society;
- systems based on an attempt to insulate the public service institution from the political system, for instance by introducing a governing body as a go-between, and regulatory bodies more or less independent from government.

As C. Nissen recognises, this categorisation is rather theoretical as it does not take into account that actual governance and regulatory practice may be at variance with the formal setup and that many countries found in one group share traits from systems in other categories. It does, however, serve as a starting point for the follow-

ing description of elements of governance in what could be termed the basic model that presents some of the fundamental mechanisms of regulation and autonomy.

It is an important characteristic that parliament (and government) has limited direct influence on the day-to-day business of the PSM organisation. Parliament might participate on the basis of proportional representation in the appointment of the board of governors. A yearly report on the activities is submitted to parliament either by an independent regulatory body or directly by the PSM organisation (or from both) and can form the basis of a debate in parliament. The government is closely linked to the PSM organisation, primarily in its capacity as the contracting part when setting up the service or management contract (or other similar regulations) stipulating obligations and the remit in more detail.<sup>5</sup>

Concerning the “management contract”, in recent decades such contracts have become typical in public administration. There could be advantages as well as disadvantages should one try to apply this model also to public service media. Having the government set the goals for and closely control the work of the public service media obviously bears the risk that the government could try to exert control over editorial content. On the other hand, such a model could be very helpful for the internal management process of the PSM organisation. Setting goals and regularly controlling the degree to

3. Iris Special “The Public Service Broadcasting Culture”, 2007, published by the European Audiovisual Observatory.

4. C. S. Nissen, *Public service media in the information society*, 2005. Report prepared for the CoE Group of specialists on Public Service Broadcasting (MC-S-PSB).

5. idem.

which one is on the right track is a successful approach to the management of any company or organisation.<sup>6</sup>

A characteristic of many PSM organisations seeking more independence is the establishment of a board of governors. According to C. Nissen, three issues are worth mentioning in this connection:

- Who is to appoint the board members? From an autonomy point of view, appointment by parliament rather than government is preferable because the element of proportional representation distributes power to all (or most) political parties, whereas appointment by government is a reflection of majority rule.
- Who should be appointed? What is needed are board members with a knowledge of the cultural and political landscape and at the same time with the backbone and stamina needed to secure the necessary institutional autonomy.
- What is the role of the board? On the one hand, the board represents its “owners” (society/parliament) and has as such an externally-linked role in steering and controlling. On the other hand, the board is expected to work solely in the interests of the PSM organisation, guiding and supporting the management internally and defending the interests of the institution against attacks from the outside.

Ideally, the supervisory board should act professionally in the way well functioning boards do, concentrating on strategy and leaving the daily business to the director-general and the rest of the managing board.

It is very important how the broadcaster’s public service obligations are described and handled, how the supervisory board and senior management are nominated and how managerial powers and relations between the board and the senior management are organised and function. According to a study by the

Danish Radio and TV Board,<sup>7</sup> in theory there are basically two different methods of appointing boards, the one-string model and two-string model. In the one-string model there is more or less an overlap between the board and senior management, whilst in the two-string model there is a clear distinction between these company roles. The background of the different styles of governance is the conflict between the board’s need for independence from the senior management and its need for information and knowledge of day-to-day operations.

According to the quoted study, the choice between the two models must, amongst other factors, take into account which of the two main factors – the independence of the board or its insight into day-to-day operations – is to be emphasised the most. However, it must also be recognised that hybrid forms of the one- and two-string models have developed, which cover both factors. As a result it is not that uncommon for the governance of public service institutions to be a hybrid of the two models.

It is important that supervisory board and senior management can, in practice, work together and agree on both the division of responsibilities and the goals for the broadcaster. Set regulations can ensure this co-operation to some extent, but personal issues will always play a role. That is why the method and criteria used to appoint the board and select/nominate the senior management is so important. The expression “professional board” is used in the public debate, often without it being clear what this actually means. This concept is best used to describe a board whose members are appointed or chosen for their specialist qualifications and experience and who, at the same time, realise and accept that their task is to pursue the goals that the broadcasting operation has been created for.<sup>8</sup>

## 1.4 Challenges for traditional public service broadcasters

### 1.4.1 Developments in technological environment

The introduction of digital technology brought radical changes in media sector. As C. Nissen<sup>9</sup> argues, the key changes fall into three categories in the “food chain” from content production and content distribution to the consumption of media in households. The transition from analogue to digital in the production systems of media companies is a huge endeavour from a technical, economic and managerial perspective. In the area of distribution, at first glance the most striking new element

is that digital technology makes it possible to expand the capacity of the distribution systems. Finally, an increasing proportion of media consumption takes place while the individual is on the move via an ever-growing number of mobile and handheld devices. From a broadcaster’s point of view such changes merely pave the way for the development of new types of content and services and a concomitant change in consumer behaviour.

### 1.4.2 Development in audiences’/users’ behaviour

New technical possibilities brought a radical change in audiences’/users’ behaviour – from a passive mass audience to interactive individuals. In the era of digitisa-

tion, we are witnessing the opportunity to choose among several channels, which have softened some of the original characteristics of stream channels. With the

6. *idem*.

7. Radio and Television Board Denmark: *Executive summary of the Report on Public Service Governance* (source: European Platform for Regulatory Authorities, September 2005). The report was commissioned by the Danish Minister of Culture in 2004; it examines *inter alia* governance of PSBs in Great Britain, Norway, Sweden and Finland, the Netherlands, Austria and Germany.

8. *idem*.

9. C. Nissen, *op. cit.*



use of digital personal video recorders integrated in the receiver, the viewer is offered new and better means of breaking the constraints of stream channels. The opportunities for interactivity that come with the introduction of a return path with which we are familiar from the Internet pave the way for “on-demand use”. This gives the user the freedom and power to use “what” he/she wants. However, the more freedom of choice the user is given, the more fragmented and individualised the audience becomes.<sup>10</sup> According to C. Nissen, the shift from shared to individualised media use will continue, transforming the collective public of today to the individual consumer of tomorrow. If this development is combined with elements of the new revenue streams such as “pay per view”, the consumer will probably

consider himself as a customer making trade-offs between the costs and benefits of the media he/she can access.

In view of such diversification, individualisation and fragmentation, as W. Rumphorst<sup>11</sup> points out, it will be even more important to maintain at least one strong service which performs the function of a national point of reference and of national identification, and the role of the market place for public opinion. In concrete terms, this means that public service programming must be available on all distribution platforms where citizens look for content and, furthermore, that new types of programming and services are developed and offered which are specifically geared to the characteristics of new distribution platforms.

### 1.4.3 Decline of the number of audiences: alarming signal for PSM

Because they are to a great extent financed collectively by citizens, PSM are supposed to continue to follow their ambitious strategic objective. PSM should fulfil its mission to contribute to social political and cultural cohesion. At the same time, the decline of audience numbers has become in recent years a stable and worrying trend. According to figures published by the European Audiovisual Observatory,<sup>12</sup> in 2007, as in 2006, the loss of audience share among the public service channels was confirmed in most European countries. The market share of the public service channels in the majority of markets (25 out of the 32 studied) declined in 2007. The fall was most marked in Romania (-5.4%), Austria (-4.3%), Cyprus (-3.2%), Croatia (-3%) and Poland (-2.9%). In 2007, the average individual audience mainly declined in the Czech Republic (-12 minutes), the Netherlands (-11 minutes), Croatia (-10 minutes), Italy (-9 minutes) and Romania (-8 minutes).

One of the main sources of speculation about the future concerns the Internet's impact on television con-

sumption. According to a recent OFCOM (UK) study, young people aged 16 to 24 are increasingly losing interest in watching television. On average, they watch one hour less than the average viewer. Moreover, they are spending less and less of their viewing time watching public service channels (74% of their total viewing time in 2001 compared with 58% today). Instead, the Internet plays a central role in their daily lives; more than 70% of 16-24 year olds use social networking websites, compared with 41% of all British Internet users; 37% of 18-24 year olds have contributed to a blog or a website message board, compared with 14% of all British Internet users.<sup>13</sup>

Besides the phenomenon of “migration” of a part of young audiences to the Internet, some authors explain the decrease of PSM audiences also by the attractive offer of some commercial media which become more and more competitive, and by the emergence of thematic channels and on-demand services.

### 1.4.4 Increased pressure on PSM: political environment and societal accountability

As C. Nissen<sup>14</sup> points out, many European PSM companies are governed within a framework whose formal elements are the close approximation of an ideal; however, they often live with a completely different reality with frequent political interference in editorial processes, with all kinds of political pressure being applied and with top management coming and going with each new puff of political wind. Open or covert interference and pressure often work indirectly by creating a climate in which self-imposed censorship is the key to survival. One of the difficult problems in PSM governance is how to ensure the necessary distance between government and the PSM institution.

In recent years, the perspective of societal accountability has become an increasingly prominent part of

public service governance. From being an internal management tool, the goal setting and reporting system has been turned into a compulsory control system stipulating detailed performance indicators and often requiring rather complicated reporting procedures. According to C. Nissen, “the risk of using this kind of formal control through performance indicators is that it tends to focus on what can be communicated quantitatively. Sustaining national culture and enriching citizenship and the political debate are all very difficult to quantify [...]. There is an important task ahead in developing relevant metrics and methods for the evaluation and reporting of new media activities”.

10. idem.

11. W. Rumphorst, *Public service broadcasting: model law*, 2007.

12. European Audiovisual Observatory: *Yearbook 2008*, Volume 2, Chapter 7.

13. idem.

14. C. Nissen, op. cit.

### 1.4.5 Adjusting to social and cultural change

As K. Jakubowicz argues, PSM must respond and adjust to social and cultural change affecting use of, and attitudes to, the media.<sup>15</sup> He lists some of these processes of change and the way PSM should respond:

- The levelling of social divisions, resulting in major changes in the mass audience as traditionally understood. It is no longer willing to accept the role of passive receivers of content, nor will they accept old-style paternalism of “the voice of authority” approach from the PSM;
- Individualisation and fragmentation, also in media consumption, replacing the group experience. Hence the need for individualised and personalised modes of communication, using the new technologies;
- Growth of social networks and political disengagement. The desire for networking is revealed in the success of online community tools and chat rooms. Trust in authority has declined. The same may apply to the media which can no longer take the trust and respect of the audience for granted. This calls for a change in the relationship between PSM and the audience into one of partnership and dialogue, so that there is a greater sense of “public ownership” of PSM;
- A sense of entitlement: a trend toward access and inclusion in which service users have rights which exist by virtue of citizenship. The “cultural entitlement” agenda: the idea that individuals should have roughly the same opportunities of access to creative and cultural opportunity, regardless of where they live. All this has fundamentally changed the relationship between the media and their audiences and added many more voices to the process of mediated, society-wide or even global communication. To meet those needs, PSM should open up to dialogue with, involvement and user-generated content contributed by, the audience, and establish other participatory schemes. PSM should address all generations, but especially involve the younger generation in active forms of communication.

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15. K. Jakubowicz, *The role and future of public service media, in particular with regard to e-democracy*, presentation for Council of Europe Forum for the Future of Democracy, Madrid, 15-17 October 2008.



## II. Governance models beyond media sector: Sources for possible inspiration?

### 2.1 The notion of “governance”

#### 2.1.1 Defining “governance”

The term “governance” covers the process of decision-making and the process by which decisions are implemented; an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision (UN Economic and Social Commission for Asia and the Pacific – ESCAP).

The UNDP’s Regional Project on Local Governance for Latin America defines governance as the rules of the political system to solve conflicts between actors and adopt decision (legality). It has also been used to describe the “proper functioning of institutions and their acceptance by the public” (legitimacy). And it has been used to invoke the efficacy of government and the achievement of consensus by democratic means (participation).

The World Bank defines governance as: “The exercise of political authority and the use of institutional resources to manage society’s problems and affairs.”

The Worldwide Governance Indicators project of the World Bank defines governance as “the traditions and institutions by which authority in a country is exercised”. This means the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies and the respect of citizens, and the state of the institutions that govern economic and social interactions among them.

An alternative definition describes governance as: “The use of institutions, structures of authority and even collaboration to allocate resources and co-ordinate or control activity in society or the economy.”

The term “governance” can be used in several contexts such as corporate governance, international governance, national governance and local governance.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential land lords, associations of peasant farmers, co-operatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision-making or in influencing the decision-making process (UNESCAP).

All actors other than government and the military are grouped together as part of the “civil society”. In some countries in addition to the civil society, organised crime syndicates also influence decision-making, particularly in urban areas and at the national level.

Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures or informal advisors may exist. In urban areas, organised crime syndicates such as the “land Mafia” may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such informal decision-making is often the result of corrupt practices or leads to corrupt practices.

#### 2.1.2 Some typical governance models

There are several governance models, depending on types of structure, business field, mode of funding, legal status, corporative principles, geographical area, etc.

From a structural point of view, and with the risk of schematisation, according to N. Garber, there are five more or less typical governance models, notably: advi-

sory board model, the patron model, the co-operative model, the management team model and the policy board model, which are briefly described below.<sup>16</sup>

*Advisory board model* emphasises the helping and supportive role of the Board and frequently occurs where the Chief Executive Officer (CEO) is the founder of the organisation. The Board's role is primarily that of helper/advisor to the CEO. Board members are recruited for three main reasons: they are trusted as advisors by the CEO; they have a professional skill that the organisation needs but does not want to pay for; they are likely to be helpful in establishing the credibility of the organisation for fund raising and public relations purposes.

*Patron model* is similar to the advisory board model; the board of directors in the "patron model" has even less influence over the organisation than an advisory board. Composed of wealthy and influential individuals with a commitment to the mission of the organisation, the patron board serves primarily as a figurehead for fund raising purposes. Such boards meet infrequently as their real work is done outside board meetings.

*Co-operative model*, labelled also "peer management" or "collective management": in this model, all responsibility is shared and there is no CEO. Decision-making is normally by consensus and no individual has power over another. In order to be incorporated, however, there must be a board of directors and officers. The organisation therefore strives to fit the board of directors into its organisational philosophy by creating a single managing/governing body composed of official board members, staff members, volunteers, and sometimes clients. Seen by its advocates as the most democratic style of management, it is also, perhaps, the most difficult of all models to maintain, requiring a shared sense of purpose, an exceptional level of commitment by all group members, a willingness to accept personal responsibility for the work of others and an ability to compromise. When working well, the organisation benefits from the direct involvement of front-line workers in decision-making and the synergy created by the interaction of board and staff. However, as N. Garber argues, there are two areas of concern with this model: (a) although the ability to compromise is an essential element in the successful functioning of this model, co-operatives often arise out of a strong ideological or philosophical commitment that can be inimical to compromise; (b) the difficulty of implementing effective accountability structures.

*Management team model*: where there is no paid staff, the board's committee structure becomes the organisation's administrative structure and the board members are also the managers and deliverers of programs and services. Individually or in committees, board members take on all governance, management and operational tasks including strategic planning, book-keeping, fund-raising, newsletter, and program planning and imple-

mentation. This model fits well with the widely held view of nonprofits as volunteer-driven or at least non-professional organisations. Boards which operate under the "management team model" are characterised by a high degree of involvement in the operational and administrative activities of the organisation. In organisations with professional management this normally takes the form of highly directive supervision of the CEO and staff at all levels of the organisation. While this model works well for all-volunteer organisations, it has proven to be less suited to organisations that already have professional management and full-time employees.

*Policy board model*: the job of the board is to establish the guiding principles and policies for the organisation; to delegate responsibility and authority to those who are responsible for enacting the principles and policies; to monitor compliance with those guiding principles and policies; to ensure that staff and board alike are held accountable for their performance. Boards operating under the "policy board model" are characterised by a high level of trust and confidence in the CEO. There are relatively few standing committees, resulting in more meetings of the full board.

From a global perspective, according to E. Bates and S. Wiseman ("The Evolution of the US Public Company Governance Model"), there are three main governance models:<sup>17</sup>

- *Anglo-American model*

The Anglo-American model was traditionally a management dominated entity over which shareholders had little control. Management controlled the proxy process and the CEO typically dominated the director selection process. The Sarbanes-Oxley Act required that the boards of exchange-listed companies have independent directors, that the independent directors meet in executive sessions at least annually, and that the audit, compensation, and nomination committees consist solely of independent directors. Thus, the Anglo-American model has evolved to a place where shareholders have a much larger role in the management of a company, and directors generally have become more focused on such matters as the strategic direction of the company and appropriate compensation levels for management.

- *Private equity model*

The private company/private equity model, a by-product of the Anglo-American model, operates with representatives of the private equity (PE) firm, or general partner, serving on and effectively controlling the boards of their portfolio investment companies. PE managers also serve as board directors, and the other directors of the portfolio company are typically selected by the PE managers for the expertise they bring to the company. PE managers come to the board with insider knowledge and a hands-on approach. Board members are not only well-informed, but they tend to require a steady flow of information. PE portfolio company

16. N. Garber, *Governance Models: What's Right for Your Board*, 1997.

17. E. Bates and S. Wiseman, "The Evolution of the US Public Company Governance Model", in *Boardroom briefing: the board consultants issue*, 2008.

boards also tend to be smaller, meet more frequently, and are not afraid to replace poor managers promptly.

- *Continental European model*

The traditional governance model in Continental Europe has been a two-tier board system, with a management board in charge of running the business and a supervisory board with a Chairman representing the shareholders. The supervisory board, which can have no member of management, is elected by shareholders and is responsible for appointing management and approving management's actions. In Continental Europe, moves were made to increase the independence of the supervisory boards and statutory auditors. The increased active involvement by supervisory boards, as well as the focus on more independent representation, when compared to the recent changes in the US, have significantly lessened the practical differences between the traditional one-tier and two-tiered models. Nevertheless, the traditional two-tier model, despite its changes, still represents a system that provides equal footing to other stakeholders in addition to shareholders.

The two authors conclude that whatever the model, there are general goals for good corporate governance.

## 2.2 The notion of "good governance"

### 2.2.1 Defining "good governance"

Good governance is an ideal which is difficult to achieve in its totality. However, to ensure sustainable human development, actions must be taken to work towards this ideal with the aim of making it a reality.

According to the UNESCAP, good governance has eight major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimised, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

#### *Participation*

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organised. This means freedom of association and expression on the one hand and an organised civil society on the other hand.

#### *Rule of law*

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent

Some of the key attributes of the private equity model and Continental European model can be applied to the Anglo-American model with similar positive results. The independence of the supervisory board and at least an understanding of the impact of company operations on other stakeholders are important. Moreover, the heavy focus in the private equity model on electing directors who have the appropriate skill sets for the particular company and industry and providing significant information flow is also important.

Regardless of the system, getting the right ground-level business information to board members on a real-time basis is essential for comprehensive review of management's decisions and strategies. More transparency in a company better informs directors, allows for earlier detection of problems, increases directors' confidence in making decisions, and encourages board members to become active contributing directors.

Every board needs independent thinkers. Moreover, it is critical that boards meet as often as necessary, taking time to fully consider the specific issues and risks affecting the company, and then that the board focus particularly on the company's strategic goals and the significant risks that may affect the company.

judiciary and an impartial and incorruptible police force.

#### *Transparency*

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

#### *Responsiveness*

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable time-frame.

#### *Consensus oriented*

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

#### *Equity and inclusiveness*

A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel

excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

### *Effectiveness and efficiency*

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

### *Accountability*

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organisations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organisation or institution. In general an organisation or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

## *2.2.2 The notion of “good governance” in the sector of public services*

The Independent Commission on Good Governance in Public Services has proposed six core principles of good governance, each with its supporting principles.<sup>18</sup>

### *1. Good governance means focusing on the organisation’s purpose and on outcomes for citizens and service users*

- Being clear about the organisation’s purpose and its intended outcomes for citizens and service users
- Making sure that users receive a high quality service
- Making sure that taxpayers receive value for money

### *2. Good governance means performing effectively in clearly defined functions and roles*

- Being clear about the functions of the governing body
- Being clear about the responsibilities of non-executives and the executive, and making sure that those responsibilities are carried out
- Being clear about relationships between governors and the public

### *3. Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour*

- Putting organisational values into practice
- Individual governors behaving in ways that uphold and exemplify effective governance

### *4. Good governance means taking informed, transparent decisions and managing risk*

- Being rigorous and transparent about how decisions are taken
- Having and using good quality information, advice and support
- Making sure that an effective risk management system is in operation

### *5. Good governance means developing the capacity and capability of the governing body to be effective*

- Making sure that appointed and elected governors have the skills, knowledge and experience they need to perform well

- Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group
- Striking a balance, in the membership of the governing body, between continuity and renewal

### *6. Good governance means engaging stakeholders and making accountability real*

- Understanding formal and informal accountability relationships
- Taking an active and planned approach to dialogue with and accountability to the public
- Taking an active and planned approach to responsibility to staff
- Engaging effectively with institutional stakeholders

Some of the principles above seem particularly relevant in the context of the discussion about governance models for PSM. For instance, according to these principles, members of governing bodies are elected or appointed to direct and control public service organisations in the public interest. The primary functions of the governing body are to establish the organisation’s strategic direction and aims, in conjunction with the executive; to ensure accountability to the public for the organisation’s performance; to assure that the organisation is managed with probity and integrity.

As for the principle regarding the capacity and capability of the governing body to be effective, the commission above argues that public service organisations need people with the right skills to direct and control them effectively. Governing bodies should consider the skills that they need for their particular situation. To increase their chances of finding these people – and to enrich governance deliberations by bringing together a group of people with different backgrounds – governing bodies need to recruit governors from different parts of society. Public trust and confidence in governance will increase if governance is not only done well, but is done by a diverse group of people who reflect the community.

Governance is also likely to be more effective and dynamic if new people with new ideas are appointed regularly, but this needs to be balanced with the need for stability to provide continuity of knowledge and relationships.

18. The Independent Commission on Good Governance in Public Services: *The Good Governance Standard for Public Services*, London, 2004.

## 2.3 Possible governance models suggested by some CoE projects

Different CoE bodies are currently developing projects related in one or other way to the issue of governance. In this connection, one can refer to the projects developed, for instance, by the Directorate of Youth and

Sport, the European Health Committee, the European Committee on Local and Regional Democracy or the Ad hoc Committee on Electronic Democracy. For more details, see Appendix 3.





### III. Facing new challenges: First steps

One of the answers to the challenges evoked in Part 1 would be for PSM to try and reach broader audiences, in particular young people, and to involve the public in democratic participation and in media content creation. This is not (yet) about involving the public in the decision-making process as such, but it might be a step for-

ward to re-thinking the principles of PSM governance. In any case, as it will be seen from several good practice examples below, a broader democratic participation of the public has at least an indirect influence on content elaboration or format selection (feedback from the users).

#### 3.1 The notion of democratic participation of the public

According to the Action Plan adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005), member states should design strategies “with the aim of encouraging the media, in particular public service broadcasting organisations, to assume an increased role in promoting a wider democratic participation of individuals, *inter alia* with the help of new interactive technologies”.

The Steering Committee on the Media and New Communication Services (CDMC) has been examining this issue via one of its subordinate bodies (the Group of Specialists on Public Service Media – MC-S-PSM), which prepared a Report on good practices of public service media as regards promoting a wider democratic participation of individuals.

As for the notion of democratic participation of the public, G. Lowe argues that the right to communicate is the normative basis for media policy supporting participation in democratic discourse and is a proper foundation for renewal of the public service mission in that role.<sup>19</sup> In so far as the focus is squarely on citizenship and the potential for widening individual and collective participation in democratic practice, it is least emphasised in the common market principle – the framework for telecommunications policy which mainly situates newer and non-linear media.

G. Lowe remarks *inter alia* that the Council of Europe has taken the lead in efforts to extend the public service principle to new media to redress this potential imbalance. The Council’s position is in sync with broader trends among civil society organisations worldwide

where consensus is emerging about the core principles of communication rights which have been summarised as:

- Freedom: of expression, of thought, of assembly
- Inclusion / Access: to media, to information, to networks
- Diversity / Pluralism: in culture, in language, in media
- Participation: for cultural life, for media discourse, for political process

Only participation can guarantee the other three. Participation is also the principle that most challenges the development of PSM and requires the most effort and investment for development because it is at the heart of cultivating partnership between PSM and the publics it must serve. This obligation is about the degree to which people are able to impact decision-making by political representatives; it can also be seen as the degree to which people influence production in media content.

G. Lowe concludes that if public service media are to strengthen their role in promoting wider democratic participation of individuals, they must keep and strengthen some of their present features and develop new ones. Also, they should formulate relevant strategic objectives and craft tactical designs that concretise the objectives in programmes and services. In an era of media abundance and market fragmentation, PSM are essential to ensure unity and cohesion – on the one hand, as well as diversity and pluralism – on the other hand.<sup>20</sup>

19. G. F. Lowe: *The Role of Public Service Media for Widening Individual Participation in European Democracy*, report prepared for the Council of Europe’s Group of Specialists on Public Service Media (MC-S-PSM).

20. idem.

### 3.2 PSM and the promotion of democratic participation

The good practice examples show that member states have generally taken into account the need of public service broadcasters to provide their public service offer on new media platforms when defining the remit, though the exact definition of the public service remit varies widely amongst the member states. Several examples of member states can be identified where the PSM remit is defined in a two- or multiple-step way, with a general remit generally defined by the legislator and more precise regulations defined or agreed upon at another level – by the legislator again, by the administration, by agreement between the State and the public service media organisation through a contract or using self- and co-regulatory instruments.

Several member states have recognised the need for a specific role of PSM in this regard and have therefore included specific tasks related to the topic in their PSMs' remits. In other member states, while there might not be a specific reference in the remit, it is at least understood that the general (and universal) task of PSM to inform the public carries with it an important significance for the democratic processes and the public's approach to them.

The strategies PSM follow increasingly take account of the possibilities the new technologies open up. This ranges from making use of additional spectrum available through the digital switchover (making special-interest broadcasting channels easier), facilitating the public's access to content through non-linear offers, to increasingly interactive services offered via the Internet.

Providing the public with trustworthy, balanced and unbiased information about political, social and cultural life will remain one of the most important tasks of PSM, which will allow them to contribute to the promotion of democratic participation of citizens and for which new communication technologies can usefully be employed. In this regard, it has to be pointed out, however, that the majority of PSM reviewed by researchers seem to still be very attached to traditional broadcasting. Further innovation is to be expected.

Longer-term examples on how a promotion of democratic participation of individuals is possible include:

- dedicated parliamentary channels, giving viewers a first-hand knowledge on the issues debated and decided by the legislator;
- on-demand offer of news and information programmes;
- Internet offer of background information to TV and radio reports;
- offers for young people, especially via technical modes they prefer (Internet, mobile phones) that facilitate their critical understanding of media reporting and democratic processes;
- objective pre-election reporting on all platforms that increases the transparency of political processes (such as through a comparative analysis of party positions) and also gives viewers, listeners and users the opportunity to discuss, comment and exchange opinions;
- games for users that make them experience the functioning of the political system and the complexities of political actions (also for young people);
- specific services (such as Internet offers and web radio) that are addressed to those citizens or residents that are not mother tongue speakers of the majority language, will not follow the regular media, keeping them informed about politics and democracy;
- international or pan-European co-operation projects that focus on democracy issues.

As K. Jakubowicz argues, by involving its audiences and users in different online participatory and networking schemes, PSM could help overcome the cultural and organisational barriers to greater online citizen engagement in the democratic process.<sup>21</sup> To this end, PSM should undergo an evolution from a mainly transmission mode to a proper communication mode, and engage in partnership with civil society. Participatory schemes and services encourage citizens to become users rather than viewers of content: active participants who produce, modify, comment on, judge and repurpose content rather than act as the passive recipients of broadcast information and entertainment.

### 3.3 New PSM services helping to reach broader audiences: Good practice examples

In Appendix 4, one can find a brief selection of good practice examples of programmes/services promoting wider democratic participation of individuals. These examples are organised in five summary categories that are treated in turn: information; facilitation; collaboration; democratisation; mobilisation.<sup>22</sup>

#### *Information*

PSM news is unique in casting an equally critical eye on economic actors as well as political actors and due to their non-profit status, in so far as public funding and

editorial independence are secure. Full scale coverage and in depth information is a particular aspect in this category provided by every PSM company. The idea is to organise content that is currently in the news in combination with documents and other materials to give users robust opportunities to develop a deeper understanding beyond the transitory surface story. On-demand archives of previously broadcast material present an aspect of great importance in this category of PSM services. Such service links radio and television programmes, national cultural and social heritage, in

21. K. Jakubowicz, cit. presentation in Madrid, see above.

22. These five categories are proposed by G. Lowe in op. cit.



both current and historic terms, with on-demand services via company web sites. The information aspect also refers to the transparency function of PSM with regard to political decision-making.

### *Facilitation*

A range of services are offered by PSM companies that enable individuals to explore a variety of issues and topics in order to learn new things that might enrich their life. These services allow them to expand their knowledge in ways that are educative rather than educational. The difference lies in the approach to pedagogy. An educational approach is the historic lecturing model while an educative approach is interactive and communication-based. The election engine system is a common example in PSM. Online games could also be a useful means to enhance the general knowledge and comprehension of the society. Such services are particularly attractive to young audiences.

### *Collaboration*

Web 2.0 describes the development of social networking online. A number of such services are popular today,

especially YouTube, Flickr, MySpace and Facebook. Although the social networking services offered by PSM companies that integrate broadcast and online services in together with user-created content of thematic interest are not always quoted in this context, they are still of great importance for constructing democratic discourse.

### *Democratisation*

The role of PSM is not only in promoting individual participation with regard to a specific issue or in a particular situation, as important as that is. The role of PSM is also of broader importance in supporting the ongoing project of democratisation which nurtures perspectives, routines and involvements that construct democracy in society.

### *Mobilisation*

This category focuses on services that assist citizens in personal efforts to be active with regard to social movements and involvement. One very good example is provided by the BBC.



## IV. Open to the future: New thinking and practice

### 4.1 New thinking: Some excerpts for further reflection

A certain number of experts have tried to rethink PSM governance in recent years in order to help it adapt to technological, social and political changes and to better fulfil its role in society. Below is a series of excerpts from various studies illustrating the complex-

ity of the issue and, at the same time, a fresh approach to the theme of the future of PSM in general and PSM governance in particular. These examples of new thinking may be considered as a source of inspiration for a more targeted reflection in the future.

Christian S. Nissen (Denmark): *The question of governance – a complex one*<sup>23</sup>

A specific aspect of PSM organisation is the question of governance. How can one secure the editorial autonomy of public service corporations when they are owned by society and regulated and controlled by parliament and government? This key question is linked to one of the many unresolved dilemmas in a period with clear trend in the direction of tighter governmental control that risks undermining the “constitutional” independence of public media. Several models and elements of formal organisational structures are discussed. Given the differences in political cultures in Europe, the conclusion is that it is unwise to aim for a single standard European model of governance. There are often disturbing differences between the spirit and letter of the laws governing broadcasting and the harsh realities of the

daily life of PSM.

[...] One of the difficult problems in PSM governance is how to ensure the necessary distance between government and the PSM institution. One way to solve the problem is to install a “buffer zone” or connecting link. It can be a trust, a council or some other kind of organ that can also encompass a corporate element of representatives from different non-political organisations in society. Without having any direct governance responsibility in relation to the PSM organisation it can be in charge of appointing a board of governors or the director-general. Such mechanisms are known in one or another form, for instance, Swedish (Trust) and the German “Rundfunkrat”. It may well be an element in the new BBC governance.

Karol Jakubowicz (Poland): *Reinventing European PSB*<sup>24</sup>

It is often argued that in the digital era, public intervention to guarantee a supply of ‘socially valuable’ content could take the form of direct funding for content producers (see Foster, 2007<sup>25</sup>; OFCOM, 2008<sup>26</sup>) rather than PSB institutions. This is known as ‘distributed public service,’ or ‘deinstitutionalisation of PSB.’ However, there is no evidence of a general policy move to this

as a replacement for PSB institutions. The British government is ‘committed to a strong, fully funded BBC at the core of delivering public purposes in Britain’s media’ (DCMS, BERR, 2009<sup>27</sup>). At a time when the media are entering a ‘post-objectivity’ period and especially the Internet is a source of highly partisan content, the

23. C. S. Nissen, op. cit.

24. Quoted from a chapter for a book to be published in 2009.

25. R. Foster, *Future Broadcasting Regulation*, London, Department for Culture, Media and Sport, 2007. <http://www.culture.gov.uk/images/publications/>.

26. OFCOM, *Second Public Service Broadcasting Review. Phase 2: preparing for the digital future*, 2008.

27. DCMS, BERR, *Digital Britain. The Interim Report*. London, Department for Culture, Media and Sport; Department for Business, Enterprise and Regulatory Reform, 2009.

importance of PSB as a provider of impartial, high-quality news is seen to grow (see also Humphreys, 2008<sup>28</sup>).

The shape and number of PSB institutions is another matter. The British government believes that 'we need at least one other provider of scale as well as the BBC' (DCMS, BERR, 2009, op. cit.; see also Foster, 2008, op. cit.). In this view, plurality of public service provision need not, however, mean only several different institutions, but also a decentralised production system, producing regional programming in the regions it is meant for, as well as reliance on independent producers.

[...] PSB should become 'the central node in a new network of public and civil institutions that together make up the digital commons, a linked space defined by its shared refusal of commercial enclosure and its commitment to free and universal access, reciprocity, and collaborative activity' (Murdock, 2004<sup>29</sup>). This could encompass various educational, cultural and other public institutions, libraries, universities, museums, community and alternative media, user-generated content and other elements of the non-commercial public forum and public-spirited digital commons. This could also be the structural and organisational answer to the issue of 'plurality' and to the obvious mismatch between network communication and society on the one hand, and a 'Fordist,' centralised PSB organisation on the other.

Policy intervention to support this form of 'PSB plurality' could ensure the availability of socially valuable content from a diversity of sources (including commercial entities, but without weakening PSB institutions, or their funding). To be able to encourage and facilitate co-operation among all these institutions and content creators and providers, PSB needs to have considerable institutional, organisational and financial capacity. This argues in favour of strong rather than weak PSB institutions.

There is need of a technology-neutral definition of the remit, with broadcasting and the new platforms treated equally, each in terms of how it can best be used to deliver a public service in contemporary and future circumstances. The new technologies offer PSB a chance to perform its role better and to serve the audience in more varied ways than before. This is why PSB should be transformed into PSM – multimedia institutions restructured to produce and distribute content digitally and to take full advantage of opportunities offered by the new platforms. There is a need to re-embed PSB institutions in society, by means of participatory programming, open and accountable management, opportunities for the public to participate in editorial decision-making, finally systems of governance in line with the way the network society operates.

#### Bissera Zankova (Bulgaria): *Pluralist governance model for PSM – advantages and disadvantages*<sup>30</sup>

We should clearly advocate the pluralist governance model for PSM, oriented towards a socially balanced composition and wider participation of various groups stands closer to the democratic ideal of pluralist public service media. The basic principle underpinning such an approach is the most influential civil society organisations and other structures to appoint their representatives on the public media boards. The main idea is that the pluralist arrangement of the internal bodies can serve as a more reliable safeguard for the protection of the pluralist values public service is obliged to promote than governmental appointments. Representatives of different social groups are expected to work better for the realisation of the public service ideal than a handful of governmental appointees and make considerable social input in the programme policy. Various views and opinions coming from all layers of society can contribute to the elaboration of a more comprehensive and inclusive media policy. This method of devising the supervisory boards provides also for greater dynamism and flexibility because it allows for quick orientation according to vital social necessities, which may effectuate in the adoption of the most appropriate public service policy. Pluralist public media governance can be viewed as an agreement between civil organisations and

associations on the means for the accomplishment of the public service remit to the benefit of society.

Supervisory boards which are devised on the basis of a discretionary governmental decision without consultations at large can hardly be a well-balanced structure of social representation. More plausibly they will mirror the preferences of the party in office and this inevitably will influence the programme policy and the everyday management of the company.

At the same time, there might be possible disadvantages of the pluralist model as well:

- a) In reality not all tastes and interests in society can be represented and respectively the boards will be structured not taking into account comprehensive representation but having in mind the preferences of the political forces that pass the law.
- b) The inclusion of political nominees representing political parties and the government alongside non-governmental members might prove problematic. The presence of the political interest although in a minority may prove crucial sometimes in final decision-making and bring in political bargaining instead of civil reasoning.
- c) The administrative efficiency of such pluralist boards might raise concerns. Sometimes they resemble more decorative structures set up for the purpose

28. P. Humphreys, *Redefining Public Service Media: A Comparative Study of France, Germany and the UK*, Paper for the RIPE@2008 Conference, Mainz.

29. G. Murdock, *Building the Digital Commons: Public Broadcasting in the Age of the Internet*. The 2004 Spry Memorial Lecture, <http://www.com.umontreal.ca/spry/spry-gm-lec.htm>.

30. *Public service broadcasting: definition and goals; CoE standards in the field of public service broadcasting*, presentation during the Seminar on the legal framework for the audiovisual sector, Chisinau, 2006.

of embellishment instead of taking sound decisions. The outcome of their work then is mostly mainstream programming instead of innovative and bold decisions and they will exert no influence over the policy of the media in the long run.

- d) Additional difficulties may appear with regard to the existence of high democratic culture, stable administrative tradition in efficient co-ordination and competent decision-making, availability of a well-developed third sector comprising non-governmental organisations, which are truly committed to act for the public good and not for narrow private interests.

The emphasis in any particular case must be put on the personalities and especially on their professionalism and skills. An ineffective internal structure is at odds

with the modern principle of good administration and the transformation of public service broadcasters into competitive organisations. Public service media may respond to the challenges in the media environment and set up ad hoc consultative commissions in different areas of importance for the elaboration of their strategies and policies or introduce internal supervision over specific issues of public importance or related to vulnerable groups by the appointment of public broadcasting ombudsman. The appointment of such commissions, panels and single bodies personifies the link between the public broadcaster, professionals in the sector, NGOs and the public at large and their advantage lies primarily in the independent opinion and expertise they are able to secure.<sup>31</sup>

Anja Bechmann Petersen (Denmark): *Public service placement*<sup>32</sup>

Broadcasting corporations are challenged by the fact that multiple platforms make too much potential information time and space to fill. The production studies show that the broadcasting corporation is used to have a limited communication time in the broadcast TV and radio network. The Internet is (almost) limitless in this sense. This means that the idea of having to produce enough content to fill out the platforms time (and space) that is common among the managers now is an unproductive way of thinking as to allocate resources to produce quality products on the Internet. The studies show that Internet production is time consuming if the aim is to innovate and not settle with the least resource needed model. Several scenarios are interesting to discuss in the connection of which only two are mentioned here.

First, the question whether flow TV and radio can be redefined. This is at the moment politically difficult because one of the traditional ways of measuring and/or arguing for the success of public service is to show the positive development in the amount of e.g. hours of kids' TV and news in the total broadcast time. A sudden decrease in this amount would in this line suggest a decrease in the fulfilment of the obligations. The introduction of more platforms (and the space of the Internet) can give rise to a renewed discussion of the relationship between amount and quality in the remits of public service.

Second, the question whether the meaning of institutionalisation for public service can be reinterpreted. In the production studies one of the managers were joking about the concept of public service placement playing with the scenario of 'being where the young users are'.

This means that the public service products should not be produced for the traditional distribution channels such as TV, radio, and website but in games, YouTube, and Facebook (at the time of the interview Myspace). These channels would then not only (which is the case in 2008) be used as a lead-in to the website, radio or TV but as the place to communicate. This model deconstructs almost all institutional elements of the broadcast corporation. The distribution ownership structure is broken down but it also raises the question whether the brand of e.g. DR is of importance to this kind of public service. The answer to this complex question must be to distinguish between different genres. One could assume that the brand for news products would be of greater importance than in the case of entertainment for young people. However, the studies executed do not have the ability to answer this question.

The implications of this scenario however far exceed the question of genre. First of all it would be difficult to suggest a distribution of communication design from DR on a commercial international site as the only channel. This means that commercial international ventures such as Google or NewsCorp make money on public service products. This is the case already on especially YouTube and places the remits (Commission of the European Community 2008) on public service and commercial digital businesses in an odd perspective where leading (this is where the user are) commercial players are supported by public service by allowing them to make money on public service products. This model prolongs the business cycle of the grand innovations but may not foster new ones on a grand scale.

31. In Canada for instance, the CBC Ombudsman determines whether the journalistic process or the broadcast involved in the complaint did, in fact, violate the Corporation's journalistic policies and standards may also intervene when the Corporation fails to respond to a complaint within a reasonable time. A special panel of staff-members and journalists including also representatives of the public appoints him for a five-year term.

In Germany it is mandatory for public media organisations ARD and ZDF as well as for all media broadcasting nationwide to appoint an ombudsman for the protection of young persons. The ombudsman is free from any instructions and has advisory functions on programming within the scope of his/her duties

32. A. Bechmann Petersen, *Cross Media as Innovation Strategy: Digital Media Challenges in the Danish Broadcasting Corporation*, paper for the RIPE@2008 conference, Mainz.

The new context of public service broadcasting has an impact on all of its operations. Much more than in the past, PSBs have to legitimise their existence, both in terms of positive and explicit political and cultural purposes and as a compensation for the market failure of private partners. [...] The essence of the European concept of public broadcasting is its comprehensive programming, and until now no European country had made the choice to narrow the task and focus of PSB.

[...] However, the new concepts such as 'distributed public service', 'deinstitutionalising' PSB and 'convergent media and communications policies', despite their apparent vagueness, are beginning to gain ground. The State is also redefining its role vis-à-vis public broadcasting. Since the traditional regulation is too static to cope with the rapidly changing context, new concepts such as 'self- or co-regulation' and 'process regulation' are introduced. Finally, also the funding of PSB is subject of debate, both because of the questionable willingness of the public to continue to pay the license fee and the uncertain future of mixed funded PSBs due to the complaints of commercial competitors and the EU procedures to prevent 'unfair competition'.

[...] Although outsourcing parts of program production or entering into partnerships with private companies, where cost-effective, is experienced as good practice, the answer of a distributed public service is not seen as a viable solution yet in most EU countries. The public value manifesto by the BBC underlines the distinctive value of the public service content provider, making it a fundamental and a binding force in society, attractive for a diversity of audience groups, including young audiences. This vision is broadly perceived as paramount in the survival of the public service content provider.

[...] Some fear that the current European public broadcasting systems will converge towards a more limited, liberal model; others believe that the European diversity in media systems will continue to exist also in the information society. Most important, however, is that the European concept of PSB – as a universal and comprehensive service, reflecting Europe's cultural diversity, and independent from both the State and the market – will remain able to be put into practice throughout Europe.

A unique institution in German PSM are the Broadcasting Councils (BCs) as central supervisory bodies. They see themselves as a kind of "users' parliament" and are made up of representatives of the "socially relevant groups" (as the Federal Constitutional Court put it). Their responsibility is to elect the Director General, to decide on the budget and to develop guidelines for programming. BCs exist in all PSM organisations (ARD, ZDF, Deutsche Welle), sometimes they are accompanied by a separate Administrative Council for daily functions.

The BCs have not changed much since their establishment during the years after WWII – which is 60 years ago. The research shows that they represent the idea of "layperson's supervision": most BC-members are not experts, often identify with the organisation and enjoy the "club" character of the meetings. Intensive and competent control is the exception. This has also been commented critically in recent procedures of the European Union.

BCs are an invention that has a great potential in PSM, but they have to adapt to challenges of the future.

It seems that there is wide room for improvements of BCs functioning, for instance:

- select less representatives of politics and more of the civil society (e. g. women, migrants, citizen action groups);
- select representatives for BCs that are competent in media management and other media functions;
- establish coaching and training of BC representatives;
- BCs have to meet in public, documents of the proceedings have to be public;
- The work has to be transparent, the principle of freedom of information must apply to PSM;
- establish independent secretariat for BCs;
- strengthen the complaints structure of BCs;
- use full potential of Internet (separate website of BC, streaming of meetings, interactive complaint functions etc.).

The recently established BBC Trust already incorporates some of these ideas.

## 4.2 New practice: Some emerging examples for possible inspiration

Beyond new thinking on PSM governance, there are some (not many for the moment) emerging examples of new practice in this area. The examples below are related to the BBC; examples from other countries,

which have started experimenting in the area, are less accessible for linguistic reasons. At a later stage, it might be useful to prepare a compilation of good practice that

33. J. Bardoel and L. d'Haenens, *Reinventing Public Service Broadcasting in Europe: Prospects, Promises, and Problems*, Paper presented at the annual meeting of the International Communication Association, Dresden International Congress Centre, Dresden, Germany, 05-02-2009; [http://www.allacademic.com/meta/p90715\\_index.html](http://www.allacademic.com/meta/p90715_index.html).

34. Abstract from: H. J. Kleinstaub, *Participation in the Management of Public Service Media Broadcasting Councils in Germany: Making Them Fit for the Future*, RIPE@2008, Mainz, October 2008.



would cover several countries and could serve as inspiration for both PSM and relevant public authorities.

#### 4.2.1 Public service media sector

##### The BBC: governance open to the needs, interests and concerns of audiences

The BBC Trust works very closely with the Audience Councils<sup>35</sup> in England, Northern Ireland, Scotland and Wales. These councils play a key role helping the BBC Trust understand the needs, interests and concerns of audiences. Each council is chaired by the BBC Trust member for that nation. The councils' role is to bring a wide range of licence fee payers' perspectives to bear on the work of the Trust.

The councils have links with many different communities in their nations and organise outreach programmes and other activities enabling them to advise the Trust on how well the BBC is promoting its Public Purposes, and how well it is serving licence fee payers in different parts of the UK. The councils have the right under the Charter and Agreement to be consulted on a range of issues including reviews of Service Licences and any proposal requiring a public value test.

The councils for Scotland, Wales and Northern Ireland each have 12 members, including the Chairman. The council for England is larger because it is supported by a network of Regional Audience Councils, one for each of the broadcasting regions within England. The Chairman of each Regional Council is a member of Audience Council England.

Council members are recruited to ensure they reflect the diversity of the UK, have connections with communities and are able to take a view on how the Public Purposes should be promoted.

The creation of Audience Councils shows the BBC governance's strategy vis-à-vis its audiences. The coun-

cils meet at least six times per year to assess the BBC's performance in the respective regions. The regional councils' chairs give their view on the various BBC services, both national and regional, as well as provide their contribution to the Trust's formal consultations.

According to the Agreement between the Secretary of State for Culture, Media and Sport and the BBC, the Councils have the following remit:<sup>36</sup>

- (a) to engage with licence fee payers including geographically-based communities and other communities of interest;
- (b) to be consulted on all relevant proposals that are required to be subject to a Public Value Test by virtue of any Framework Agreement;
- (c) to be consulted, as part of any review of service licences which the Trust undertakes in accordance with the requirements of any Framework Agreement, on the content of the service licences and the performance of the services to which the review relates;
- (d) to be consulted on the BBC's performance in promoting the Public Purposes;
- (e) to submit a report to the Trust each year on the BBC's performance in each nation and advise on issues arising; and
- (f) to publish an Annual Review Report each year in the nation concerned, assessing how well the BBC is meeting the needs of licence fee payers in that nation.

##### Changing the relationship between the BBC and audiences

According to L. Jackson, the BBC comes to terms with an interactive, creative audience and the renegotiation of control and ownership of the media space.<sup>37</sup> Audiences are now able to change BBC content and add to it in creative ways creating archives of content and inhabiting the shared spaces offering the *potential* for greater proximity to the BBC and to BBC producers. The audiences wish to be acknowledged by the BBC and to have an interactive relationship which is not merely managed through automated reactions.

There is as yet no holistic, global BBC strategy which considers the changes to the relationship between the BBC and audiences. Such a strategy would have to take into consideration ideas such as customer relationship management, something which would be new to the Corporation, as well as the idea of sharing the management of the participatory media. The idea of a new governance system between the BBC and audiences might

complement the new governance systems which were put in place at the start of the BBC's new Charter, the formation of the BBC Trust. L. Jackson believes the BBC should appoint an Ambassador for the audience who could arbitrate on behalf of audience groups at a high level; she makes this suggestion partly because it is felt the BBC Chairman cannot act on behalf of both the audience and the BBC, which is the current position.

From the point of view of methods, the author believes in order to fully study interactive content it is impossible to separate out production from mediation, the user-interface from the content, and the audience from all four. Ethnographic work on interactive content must, ideally, consider the processes across all the mediation agents and overtime; in participatory media the producers and the content management production systems are as integrated into the content as the audiences themselves.

35. [http://www.bbc.co.uk/bbctrust/about/audience\\_councils/](http://www.bbc.co.uk/bbctrust/about/audience_councils/).

36. Agreement between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation, July 2006.

37. L. Jackson, *Facilitating participatory media at the BBC* (2008), Communication and Media Research Institute, University of Westminster.

There are many new mediation techniques emerging at BBC, some to do with helping audiences to orientate themselves within the new shared space environments, some to do with pure 'customer relationship management' and others to do with providing cohesion between platforms. It may be possible to automate many of the

actions active audiences expect from the BBC, but not all; to automate the relationship between the audience and the BBC fully would be to destroy the opportunity for a 'deeper two-way' relationship with audiences, something the BBC has been stating it wishes to provide for licence fee payers.

BBC World Service can offer citizens equipment and training for Your Story project<sup>38</sup>

Your Story is the BBC World Service's citizen journalism project, running since June 2008. Anyone can send in ideas for stories and news reports, or personal stories, photos, audio and video. A senior broadcast journalist at the BBC World Service runs the project and works with individuals to pursue report ideas and will provide them with recording equipment, and training and advice. This media professional then edits material received. Some of it ends up on the blog and some of it ends upon air: on Newshour, The World Today, Europe Today, World Update and Outlook. Other bits are featured online. Now, the team is working to build the blog to incorporate further with the World Have Your Say (WHYS) blog community. The idea behind this project is to have citi-

zen journalists in every country in the world, someone who will be available to give an on the ground personal view if there's a relevant news event, especially in those hard to reach areas where the company does not always have reporters – Riyadh, Darfur, Gaza, etc. Twitter is another new focus for the project.

The examples above show a clear tendency towards decentralisation of the governance to ensure diversity in the decision-making mechanism. The regional Audience Councils contribute to the Trust's consultations and have an impact on the governance as a whole. Furthermore, the BBC emerging mediation techniques, as well as "citizen journalism" are able to reinforce the participatory element of the governance system.

#### 4.2.2 Beyond public service media

Facebook opens governance of service and policy process to users

Facebook released the first proposals subject to these new procedures – *The Facebook Principles*, a set of values that will guide the development of the service, and Statement of Rights and Responsibilities that set out clearly Facebook's and users' commitments related to the service. Users will have the opportunity to review, comment and vote on these documents. An update to the Privacy Policy is also planned and this change will be subject to similar input. "As people share more information on services like Facebook, a new relationship is created between Internet companies and the people they serve," said Mark Zuckerberg, founder and CEO of Facebook. "The past week reminded us that users feel a real sense of ownership over Facebook itself, not just the information they share."

"Companies like ours need to develop new models of governance," Zuckerberg added. "Rather than simply reissue a new Terms of Use, the changes we're announcing today are designed to open up Facebook so that users can participate meaningfully in our policies and our future." "This is an unprecedented action. No other company has made such a bold move towards transparency and democratisation," said Simon Davies, Director, Privacy International. "The devil will be in the detail but, overall, we applaud these positive steps and think they foreshadow the future of web 2.0. We hope Facebook will realise these extraordinary commitments through concrete action and we challenge the rest of the industry to exceed them."

##### *Transparency and User Input*

Facebook committed to holding virtual Town Halls following the announcement of the new Principles and Statement of Rights and Responsibilities for 30 days. After the comment period ends, Facebook will review and consider submissions. Facebook will then republish the Principles and Statement of Rights and Responsibilities, incorporating any changes it has made. The company will also provide users a summary of the most common and significant comments received, including its response to those comments where appropriate.

If these documents are approved, then all future policy changes would be subject to notice and comment periods of varying lengths depending upon the nature of the change. Following the comment period, Facebook would publish a final policy proposal that reflects the comments received.

##### *Direct Voting*

Following the first Town Halls, The Facebook Principles and the Statement of Rights and Responsibilities will be the first set of policies subject to a vote, which may include other alternatives. The vote is open to all Facebook users active as of February 25, 2009. The results of the vote will be made public and will be binding if more than 30% of all active registered users vote. If users approve the draft Statement of Rights and Responsibilities, then all future policy changes would be eligible for a vote by users, provided the level of intensity of user interest would justify it. User interest would

38. See <http://www.journalism.co.uk/5/articles/533793.php>.



be determined by the number of users who comment on any proposed change during the comment period.

#### *User Council*

Facebook also announced its intention to establish a user council to participate more closely in the development and discussion of policies and practices. As a start, the company indicated that it would invite the authors of the most insightful and constructive comments on

the draft documents to serve as founding members of the group.

The example of Facebook seems to go much further in giving up traditional approaches towards governance: the users of this service have the possibility to intervene directly and actively in the decision-making process which becomes totally open and transparent. To what extent such a model would be applicable to the public service media? This is a question to be clarified in the future.



## Conclusion

Public service media are now at a turning point. Technological changes related to the transition to the digital environment, as well as changes in socio-cultural behaviour, interests and needs of the public who are becoming more (inter)active and “individualistic”, place very serious and even vital challenges before the public service media because in a way the very survival of PSM is at stake.

The gradual, or in some cases rapid, decrease of the audiences, in particular, as regards the young public, partially caused by the growing number of viewers turning to other sources of information/opinion/entertainment, questions the need for public service media, which by definition and according their remit should address the public at large.

Given this situation, public service media as well as the legislator/decision-maker in member states should analyse the problem and elaborate strategies enabling PSM to adapt to changes whilst at the same time keeping its essential role as a factor for social cohesion and integration of all individuals/groups/communities, a source of impartial and independent information and comment, a forum for public pluralist debate and a means of promoting broader democratic participation.

In order to solve the problem of audiences “exodus” several public service media organisations have started developing interactive services allowing active involvement of the public, including their involvement in the creation of new content and in selection of innovative formats. In Appendix 4 one can see a series of good practice examples illustrating the move of PSM towards the public. This process should continue and extend to more PSM and widen to a more diverse range of services.

An essential precondition for PSM survival is that member states ensure the specific legal, technical, financial and organisational conditions required to fulfil the public service remit in the new technological and socio-cultural environment. The issue of governance is a key-factor for PSM in becoming more efficient and able to take up the challenges it faces today. Governance models of a number of European PSM, described in Appendix 2, and the brief analysis of the common parameters/problems related to these models, examined in Part 1, show

that the traditional approach with a relatively centralised governance which is not very flexible should be re-conceptualised today with a view to a possible revision. Alternative governance models should be examined/envisaged.

In this respect, the examination of governance models functioning outside the media domain, in other sectors of public services, but also in private sector companies, may be sources of inspiration for PSM. Models described in Part 2 of this document, as well as the examples of emerging practices, still too insignificant in terms of quantity, appearing in Part 4, show that in order to render the governance more effective, one should give up the old approaches in favour of creativity/flexibility, diverse types of modern management and transparent and participatory decision-making mechanisms.

This document poses a certain number of questions (see in particular 1.1) without any claiming to give all the answers. At this stage, it is important to be aware of the issue and of the need to rethink certain mechanisms in order to render them more efficient and adapted to our time. Certain responses will probably come after a thorough analysis of the phenomenon of governance in general, in contributing to the reflection on the future of PSM governance.

This being said, already at this stage, and taking into account some elements provided by this discussion document, one could formulate a certain number of possible topics for Council of Europe work on the issue of public service media governance:

- Explore possible alternative governance models that should contribute to fulfilling public service media’s remit in the changed technological and social environment.
- Explore further the idea of a wider democratic participation of the public, including young persons, in PSM decision-making mechanisms (governance, regulation, management) with regard to services provided to them and, as a result, make a creative input into and feel associated more closely to those services.

- Examine modalities for public delivery to the widest possible public of trustworthy, diverse and pluralistic media services, paying attention to the way in which information and media services are sought and received.
- Examine the limits imposed to the development of possible alternative governance by the present-day legal frameworks and funding systems, and explore potential solutions.
- Explore how member states could complement traditional public service broadcasting operators with

other media carrying public service tasks, in particular with a view of guaranteeing the independence of such public service operators and safeguarding the coherence of their public service media system.

These suggestions should be without prejudice to the work on the issue of the Steering Committee on the Media and New Communication Services, in light of the Action Plan to be adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (28-29 May 2009, Reykjavik).

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# Appendix 1

## CoE standards regarding PSB governance

According to CoE Recommendation (96) 10 on the independence of public service broadcasting, there should be two main elements in the governance mechanisms of public service broadcaster: the executive bodies,

such as management/administrative/directors' boards, and the supervisory bodies, like governors'/observers' boards.

### *Management boards*

Management boards may consist either of corporate bodies like administrative boards or persons acting in an individual capacity (president, director general, general administrator, etc), or the two together. These bodies or persons should be solely responsible for the day-to-day operation of the PSBs. As a matter of principle, interference in the day-to-day management of the activities of PSBs should be prohibited not only for all authorities outside the organisations but also for their own supervisory bodies. It is important to establish a strict separation of powers between management and supervisory bodies, notwithstanding which of the activities of the former may be supervised by the latter.

The applicable rules governing management boards should thus be defined in a way which prevents any such interferences, irrespective of whether these concern the appointment of the boards, their functions, etc. Special attention must be given to the arrangements for appointing members of boards of management when the latter are collegiate bodies. Although such bodies may include representatives appointed by the government and/or parliament, any such representatives must not, however, be in a position to exercise a dominant

influence on the management board. It is equally essential that these representatives exercise their functions in complete independence vis-à-vis the political powers. The status of a member of a management board is incompatible with the exercise of a political mandate at the national and/or European regional or local level.

Besides political interference, PSBs must be protected from all economic interference. The management boards or the persons assuming such functions in an individual capacity may not maintain links with enterprises or other organisations in media or media-related sectors where this would cause a conflict of interest with their functions in the public service broadcasting organisation which they administer.

To prevent any authority not expressly empowered to do so from interfering with the operation and independence of public service broadcasting organisations by assuming an arbitrary power of control over them, the management boards may be called to account for their functions only before the competent bodies, whether internal (e.g. supervisory board) or external (e.g. parliamentary commissions).

### *Supervisory bodies*

As for the competences of supervisory bodies, it is essential to avoid any conflict of jurisdiction between the management boards and the supervisory bodies and in particular to prevent the latter from encroaching on the management functions which the former should be able to discharge with complete independence, subject to any controls prescribed. The sharp division of responsibilities between boards of management and supervisory bodies naturally does not imply that they should have

no contacts. On the contrary, this may greatly benefit the satisfactory operation of the service.

Programming and the design and production of programmes should rest exclusively with the management boards. Accordingly, the supervisory bodies of such organisations may in no circumstances exercise any a priori control over programming. This does not preclude that they may be called upon to advise the boards

of management on programming matters and possibly to assist them in this area.

The supervisory bodies may vary in their nature, being external (parliamentary commissions, regulatory authorities for the broadcasting sector) or internal. The actual composition of the supervisory bodies and the manner of their appointment may also vary considerably. The members of the supervisory bodies should be appointed in a transparent manner, namely according to clear and specific procedures enabling the public to ascertain which rules govern their appointment. The members of the supervisory bodies must be appointed in a pluralistic manner. This means that they should not represent only one point of view, political tendency or population group but should as far as possible reflect the diversity of current political trends or of society's constituent groups. Aiming at this goal, in some member states, the supervisory bodies of PSBs comprise representatives of various groups so as to reflect the intrinsic diversity of society (churches, organisations

representing employers and employees in the various sectors of activity, consumer organisations, representatives of the arts, culture, the sports world, etc).

Given that PSBs carry out a public interest mission, the CoE recommends that members of the supervisory bodies represent collectively the interests of the public in general. This implies that the supervisory bodies themselves, being responsible for verifying the due performance of this mission, serve the general public. This principle does not exclude the possibility that members of the supervisory bodies, individually, may represent the interests of particular groups, especially minority groups, which reflect social diversity. The corollary of this principle is that the members of the supervisory bodies are immune from dismissal, suspension or replacement during their term of office by any body or authority other than the one which appointed them, unless the supervisory body on which they serve duly certifies that they are incapable of exercising their functions or prevented from doing so.



## Appendix 2

### Examples of current PSB governance models in member states<sup>39</sup>

#### *Bulgaria*

The collective governing body – the Management Board – consists of five members, appointed by the media regulator CEM upon nomination by the Director General. The term of office of the Management Boards of BNR and BNT is three years.

The Management Boards perform different functions. They are mainly entrusted with taking economic and budgetary decisions in regard to the PSB, but also perform administrative tasks. Among these are, for example, (i) the determination of basic guidelines for the development, scope and structure of the programme service; (ii) the adoption of rules for the structure and organisation of operation, for wages, for payment of part-time contributors, for editing, for advertising, for the storage and use of stock material, and for external productions and co-productions; (iii) the taking of decisions on the establishment of expert and advisory boards, and the establishing of the procedure for their work; (iv) the adoption of the structure and staffing schedules of employees, the terms and procedure for conclusion of contracts with part-time contributors and journalists; (v) the endorsement of all advertising and sponsorship contracts, as well as any other contracts for a value exceeding a level specified in the rules of organisation and operation etc.

An important scope of competence is budget-related questions. The Management Boards adopt the draft budget and, after co-ordination with the Council on Electronic Media, transmit the subsidy request to the Ministry of Finance for inclusion in the draft National Budget Act. Furthermore, they adopt the budget as well as the report on its utilisation.

The Director General is elected by the media regulator. The Directors General of the public service broadcasters implement the programming policy, manage operatively BNT and BNR respectively, and their property, and they conclude and terminate the labour con-

tracts of their employees. They organise the preparation of the draft budget, submit the said draft to the Management Board for endorsement and organise the implementation, balancing and reporting of the budget, and submit it to the Management Board for adoption. The Director General is personally liable for the lawful performance of the public service broadcasters' activities. This leads to a further exception to the rule generally prohibiting his early dismissal.

The media regulator, CEM, was set up as an independent specialised regulatory body to guarantee the freedom of expression and the independence of the broadcasters, as well as the public interest. The Council is composed of nine members, of whom five are elected by the National Assembly and four are appointed by the President of the Republic. The CEM fulfils its regulatory competence on the basis of standardised monitoring. This includes monitoring compliance with the legal requirements for advertising, sponsorship, copyright and related rights, protection of minors etc., and licences. The media regulator has additional competencies in the field of the establishment and the monitoring of the governing bodies of the public service broadcasters.

A Public Council has been established recently. The members of the Council are well-known public figures, scientists, artists, etc., but there is no visibility of the tasks and results of their work. There is neither any public announcement of the criteria for the nominations and selection of the members nor any information on the functions and meetings of the Council.

The Management Board decides on the establishment of additional expert and advisory boards, which have specific missions, relating to programming content, organisation of production, development of internal legal regulation, and management of conflicts. Several boards have been set up, such as: Art Board for TV Pro-

39. Source: Iris Special "The Public Service Broadcasting Culture", 2007, published by the *European Audiovisual Observatory*.

grammes, Assessment Board for TV Films, Programming Board, Technological Development Council, Board for Implementation of TV Production, Budget Board for

Film-making. A special unit for analysing the opinion of viewers was established – the Department for Audience Opinion Analysis and Special BNT Initiatives.

## Germany

Each public broadcasting corporation is managed by its Director-General, who is appointed by the Broadcasting Board. Directors-General are employees of their corporation and their employment contracts are concluded by the Board of Administration. Directors-General must co-operate with their respective Board of Administration and Broadcasting Board in many different ways. For example, they need the Board of Administration's consent to carry out certain legal transactions and the agreement of the Broadcasting Board before appointing directors.

There are incompatibility rules between all the supervisory bodies: no individual may be a member of more than one body. Above and beyond these basic rules, the duties of the Director-General and the incompatibility rules concerning him differ from one corporation to another.

The internal supervisory bodies of public broadcasting corporations are the Broadcasting Board and the Board of Administration; the Director-General reports to both. The corporations are subject to State legal supervision, which is exercised by the *Länder*. However, legal measures may only be taken if the corporation's own bodies fail to fulfil their own monitoring responsibilities.

The Broadcasting Board is the highest body of the corporation. It appoints the Director-General and elects the members of the Board of Administration. It is responsible for drafting the basic rules of the corporation (such as statutes and programme guidelines) as well as its budget. It also advises the Director-General about programme organisation and monitors some programmes. However, the supervisory bodies do not monitor programmes in advance in a way that would extend beyond their advisory function and role in drafting general programme guidelines and rules. The Broadcasting Board members represent "socially relevant" groups and thus guarantee the pluralistic structure of the corporation. The actual size and composition of the supervisory bodies vary hugely. For each broadcasting corporation, the relevant Broadcasting Act regulates the size of each body and lists the institutions, groups and associations that are entitled to elect or appoint its members. The rules on the length of terms of office and on personal requirements incumbent on members also vary; these rules sometimes take regional factors into account.

The main task of the Board of Administration is to monitor the activities of the Director-General. In order to carry out certain important transactions, the Director-General needs the agreement of the Board of Administration. Sometimes the Board of Administration is involved in electing the Director-General. It represents the corporation in concluding the Director-General's employment contract and participates in budgetary planning and the adoption of corporation rules. The

Broadcasting Board elects either all or the vast majority of the members of the Board of Administration.

The members of the Broadcasting Board and Board of Administration are unpaid; they are not bound to follow any instructions from external bodies. As well as the general rule of incompatibility, under which no individual may be a member of more than one body, there are further provisions, which vary from one corporation to the next, on the incompatibility of various interests. In principle, members of a Broadcasting Board should not be in the paid employment of a broadcasting corporation, a *Land* media authority or a private broadcaster, and they should not have any interests, economic or otherwise, that would be likely to jeopardise their ability to fulfil their responsibilities.

The tasks of the Television Board, Board of Administration and Director-General are interlinked in numerous respects and the way they function together depends on each broadcasting corporation's own particular rules. In principle, however, the drafting or amendment of statutes, programme guidelines and other fundamental corporation rules is carried out by the Board of Administration, which submits them to the Broadcasting Board for discussion and adoption. The Director-General needs the approval of the Board of Administration or Broadcasting Board in order to carry out various legal transactions; the budget and annual accounts that he prepares must usually be submitted to the Board of Administration, which in turn sends them to the Broadcasting Board for approval.

The structure and procedures of the *ARD* are particularly worth mentioning, since there are several unusual features that result from the chosen form of co-operation (as an association of independent public-law corporations without legal capacity). The *ARD* General Assembly decides which corporation should manage its affairs and the Director-General of that corporation chairs the *ARD* and acts as its external representative. The *ARD* Chairman co-operates with the General Assembly with regard to the *ARD*'s day-to-day affairs. The General Assembly takes decisions on these matters at working meetings attended by the Directors-General of the member corporations. For certain tasks, the *ARD* Chairman can seek the help of leading members, who with the authorisation of the General Assembly are also empowered to represent the *ARD* in its relations with third parties. The *ARD* directors (programme director, general secretary) are appointed in conjunction with the Conference of Supervisory Body Chairpersons.

There is no actual supervisory body for the *ARD* itself; under the *ARD* structure, the Broadcasting Board and Board of Administration of each *Land* broadcasting corporation monitor the situation for their respective corporations. Where *ARD* matters are concerned, the Conference of Supervisory Body Chairpersons co-

ordinates the supervisory activities of the individual corporations. Following various recent incidents, discus-

sions are under way concerning the creation of effective supervision at ARD level.

## Denmark

DR is managed by a board of directors consisting of 10 members appointed by the Minister for Culture. The Parliament nominates six of the 10 members, ensuring that the majority of the board reflects the composition of the Parliament in terms of political views. Members of Parliament cannot themselves be appointed as members of the board. The employees nominate one member and the Minister for Culture nominates the remaining three, including the chairman. In order to ensure that the board also possesses the necessary skills and professionalism (given the fact that nine out of 10 members are recommended by Government and Parliament), the appointments to the board shall reflect expertise regarding media relations, culture, business and management.

The board appoints the management, including the director-general, who is responsible for the day-to-day operations, including the programme schedules. In the event of a conflict of interests between a board member's duties as a board member and other functions/positions which the member exercises, the general rules in the Administrative Procedures Act regarding incapacity/bias apply. The Broadcasting Act contains no provisions regarding the accountability of the board of management. Thus, the general liability rules under Danish law apply. Likewise, the Act contains no provisions regarding the employees of DR. They are covered by the general rules of Danish labour law.

The Press Council acts as a supervisory body in relation to DR's programme activities (matters concerning press ethics, etc., pursuant to the Media Liability Act). The Press Council is a politically independent body consisting of eight members appointed by the Minister of Justice and representing legal expertise, editors, journalists and media user organisations. Complaints must be brought before and decided by DR before they can be handled by the Press Council. Decisions of the Press Council cannot be brought before another administrative body, but can be brought before the courts. Complaints about issues not relating to programming activities are decided by DR itself and cannot be appealed to another administrative body. According to the draft Bill, another supervisory body, the Radio and Television Board,<sup>40</sup> shall in future issue a (non-binding) statement regarding a so-called "value test" which DR shall be obliged to conduct on new interactive services before they can be introduced, in order to ensure that these services comply with the requirements set forth in the EC Commission's recommendation on broadcasting and state aid. Pursuant to the recommendation, PS activities shall, *inter alia*, fulfil the cultural, democratic and social needs of society.

As a consequence of TV2's conversion from a public company into a private limited company (presently with the State as the sole shareholder), the procedures for the management of the company are no longer regulated in the Act, but in the Public Companies Act – like other private companies. TV2 is managed by a board of directors consisting of 12 members, eight of whom are appointed by the shareholder (the Minister for Culture as representative of the State owner), and four are appointed by the employees, in accordance with the Companies Act. The members appointed by the Minister represent business, media and culture expertise (and thus do not represent the political system). The board appoints the management of the day-to-day operations, including the chief executive officer. Issues regarding the duration of the term of office of the board and management, conflict of interests and accountability/liability are regulated in the Companies Act and general liability principles under Danish law. Likewise, issues regarding employees, such as the right to strike, etc., are regulated by the general labour law rules.

The Radio and Television Board acts as a supervisory body in relation to TV2's compliance with the PS obligations and other obligations set forth in the programming licence issued by the Minister for Culture. The Radio and Television Board also acts as a supervisory body regarding TV2's compliance with the advertising and sponsorship rules laid down in the Act. The Radio and Television Board's decisions cannot be appealed to another administrative body, but can be brought before the courts. As with DR, the Press Council acts as a supervisory body in relation to issues regarding press ethics.

Each of the RTV2s is managed by a board of directors of 5-7 members appointed by a board of representatives. One of the board members is appointed by the employees. The duration of the appointments is four years. The board members shall possess competences within media relations, culture, management and business administration. The board of directors holds the overall responsibility for the RTV2s activities. Members of Parliament cannot be board members. The board of directors appoints the management, including the director-general, who is responsible for the day-to-day operations, including the programme schedules. As regards conflicts of interests, accountability/liability and rights of the employees, the same rules apply as described above regarding DR.

The board of representatives consists of a diverse representation of each region's cultural and social life. The size of the board of representatives varies from 35 to more than 100 members. The members of the board of

40. The Radio and Television Board is the independent regulatory authority in charge of supervising the implementation of the Danish broadcasting legislation. The Board issues licences to private national and local broadcasters, monitors whether private and public broadcasters are fulfilling their legal obligations, and administers the grants for non-commercial local radio and television. The Board consists of seven members that together represent expertise in legal, financial/administrative, business and media/cultural affairs.

representatives are appointed in accordance with by-laws for each of the RTV2s. The duration of membership of the board councils is usually four years.

## Finland

During 2006 decisions were taken by YLE's Administrative Council concerning a reorganisation of the company as of 1 January 2007, founded on a client- and content-based operating model. The programme operations were organised into four programming areas: Fact and Culture YLE, YLE24 (news and sport), YLE Vision (entertainment, popular music, children's and youth programmes) and Swedish-language YLE. The radio and television channels and YLE New Services commission programmes from competence centres situated organisationally in one of the four programming areas. Together with YLE's Director General, the Directors in charge of the four programming areas, the Director of Corporate Affairs, the Director of Corporate Finance and the Director of Strategy and Development, form the YLE Executive Group.

The company's programme and service output is planned in an extensive and detailed planning process on the basis of the YLE Strategy 2010 (adopted by the Administrative Council in March 2006) involving first the Heads of channels and the Heads of the competence centres. The respective plans are then brought to the Executive Group to be analysed as a whole and, where necessary, revised to form the service proposition. This service proposition is then brought to the Board by the Director General to be approved on an overall strategic level as the basis for the planning of operations.

The Board appoints the responsible editors of YLE's programmes and YLE's New Services. The Director General appoints the Heads of the programme channels on the proposal of the Director to whose area of responsibility the channel belongs. The Heads of the channels are commissioning editors who decide upon the contents of their channels within the given financial and channel profile frameworks. In practice, they are also the ones to be appointed responsible editors for their channels within the meaning of the Act on the Exercise of Freedom of Expression in Mass Media. In addition, responsible editors are appointed for the regional television news, the regional radio programmes, religious programmes, Sámi language programmes, and Internet and other services.

## Hungary

The relevant decision-making structures concern two different levels, namely:

- a) the level of the public foundations;
- b) the level of the broadcasting companies.

### *Decision Making at the Level of the Public Foundations*

The decision-making bodies of the public foundations are the boards of trustees, which are composed of two different elements:

- The presidency has the role of representing the State in the governance of the public service broadcaster.

The Press Council acts as a supervisory body in relation to press ethics complaints regarding RTV2s' programme activities.

The Directors of programme areas lead and supervise the activities of the respective Heads of channels and are responsible for organising supervision and responsibilities within their own area.

As a means of self-regulation, Programme Regulations have been defined and approved by YLE's Administrative Council. These guidelines are followed in YLE's editorial work which in itself protects against undue efforts of influencing and against undue reprimands by politicians and other decision-makers. Anyone who considers that good journalistic behaviour has not been followed or that the regulations have been contravened can bring their case to the Council of Mass Media. The regulations set out guidelines regarding, for example, the main programme principles, the rights of the individual, and principles concerning the right of reply and correction. It is stated that the Administrative Council should decide upon the principles to be followed in connection with election programmes. Otherwise the Administrative Council does not involve itself in issues concerning individual programmes, although one of its tasks is to oversee and supervise the carrying out of tasks involving public service programme activities.

To conclude, ex ante inspection of broadcast content by an external body is not allowed under the provisions on freedom of expression in the Constitution. The Administrative Council shall oversee and supervise the carrying out of tasks involving public service programme activities, and submit a report to Parliament every other year. The financial frames are decided in the budget by the Board and the Board shall submit an annual report to the Finnish Communications Regulatory Authority. The Board approves the overall strategy in the service proposition put forward by the Director General. The Executive Group prepares the budget proposal. The Directors of the programme areas are responsible for the programme operations within their area. Heads of channels are commissioning editors. Responsible editors are named for all programmes and services. The Programme Regulations set out the basic guidelines for YLE.

Therefore, this body mirrors the composition of the parliament to a certain extent. The members of the presidency are elected for a four year-term of office that overlaps with the term of the government and of the Parliament. The members of the presidency are expected to perform their duties on a professional basis. They have to comply with strict rules of incompatibility.

- Apart from the presidency, the body of the board of trustees is expected to represent society. The "ordinary" members of the board are nominated by civil



associations. The Broadcasting Act defines the categories of organisations entitled to nominate members (i.e. national self-governments of the national and ethnic minorities living in Hungary, churches, human rights organisations, trade unions, professional organisations representing journalists, women, children and the youth, people with disabilities, etc). The civil members of the board are appointed for a period of one year. They are not entitled to receive a salary for carrying out their functions; only compensation for expenses incurred in connection with their membership is paid.

### *Decision Making at the Level of the Broadcasting Companies*

The decision-making procedure at the level of the public service television companies is similar to the decision making mechanisms of other companies. The

boards of trustees are entitled to elect the chairman of the company, but this shall be done in a competitive procedure. Within the board of trustees the presidency has the right to nominate one or more candidates for this position. The election takes place by a vote at the plenary session.

The chairman of the public service broadcaster is elected for a four-year term. He is also subject to strict incompatibility rules designed to keep him separate from the political sphere and from other economic entities active on the media market.

The chairman of the public service company is entitled to define the programming of the public service broadcaster, and to make all the operative decisions at the level of the broadcasting company. In practical terms this means the leadership of the company and the arranging of the actual performance of the public service tasks.

## *Lithuania*

In order to ensure successful public broadcast services, it is essential that the PSB's governing bodies function well and collaborate with each other. It is equally important that the process for deciding on the PSB's day-to-day activities, its programme grids and long-term plans is effective.

The Director General is responsible for the activities of Lithuanian Television, for the broadcast of the programmes and the implementation of the Council's decisions. The decisions of the Council are mandatory for the PSB. However, the Director General has the right to oppose the Council's decisions. The Director General can address a reasoned request to the Council which then has to reconsider its decision on the basis of the Director's statement. If more than one-half of all Council members confirm their previous vote the original decision becomes ultimately binding on the Director General. In general, the Council adopts the decisions by a simple majority of all its members. The Council of LRT meets periodically, i.e. it has to convene at least once a month.

This system gives rise to two problems in practice. The sporadic presence of the Council and the fact that there is no operating personnel assigned to it can overstrain the capacity of the Council, and therefore, cause

difficulties in regard to proper analyses of current problems and the taking of the most appropriate decisions concerning the public service broadcaster. Further, when analysing the management structure and the competence of the governing bodies of the public service broadcaster it can be concluded that the decisions are actually taken by the Director General. If a decision is not within his competencies, the Director General has to ask the Council for approval. However, the Director General may, assisted by the personnel of the public service broadcaster, prepare the documents supporting his decisions and thus provide the Council with relevant information. Furthermore, the Director General has the right to participate, without a right to vote, at the Council's meetings and the possibility of presenting his draft decisions. Consequently, he can exercise influence on the members of the Council before a vote takes place, especially in light of the fact that the members of the Council are not specialised in management and financial issues.

Once the above-mentioned Administrative Commission has been established the Council will be in a position to form an opinion more independently of the Director General.

## *Netherlands*

On 1 January 2006 an amendment to the Media Act came into force that changed the balance of decision-making power. The amendment restricts the membership of the supervisory board by excluding the broadcasting organisations, which were members of the supervisory board in the previous structure. However, the broadcasting organisations are members of the newly-created board of public broadcasters. This board has primarily an advisory function, but can ask the supervisory board to overturn certain decisions made by the board of directors.

Concerning the actual broadcasts, the board of directors has two important tasks. First of all, the board of

directors adopts the profiles of the three national television and five radio networks/channels. The profiles contain the principles of recognisable programming on the various television and radio networks, taking into account the relevant general principles (mission and other principles on the public tasks laid down in the law or stated in by-laws). The second aspect involves the adoption (and execution) of a regulation for co-ordinating the television and radio programmes on and between the different networks. The regulation – among other things – includes rules on the scheduling of programmes; creating a balanced range of programme services for sections of the public of varying size and

composition, spread over the different networks; preventing similar types of programmes being broadcast on different networks; promoting the introduction of new programmes, etc.

The Media Act grants the board of directors a limited budget of 25 per cent of the total amount available for the provision of the programme services of the establishments which have obtained national broadcasting time. The board can use this budget for the purposes of strengthening programming. This means strengthening the distinctive nature of public broadcasting programming or promoting programming aimed at a specific audience or of a specific nature. With this budget, the board can supplement the regular output of broadcasting organisations (by (co)financing specific programmes or other activities).

Within the criteria of the Media Act (such as specific regulation on quota), public broadcasting organisations have full control over the form and content of their own programmes. As such, this control cannot be superseded by the board of directors.

Nevertheless, the structure described above is complicated. The tasks of the board of directors – primarily

focused on the interests of national public broadcasting as a whole – interact with the position of the individual broadcasting organisations (which have to take into account the interests of the groups they represent). Certain differences exist between the board of directors and the broadcasting organisations about the interpretation of the new regulatory framework. The broadcasting organisations are therefore challenging several decisions of the board of directors. In general, the organisations argue that the board of directors is seeking too much influence on the programming for which they consider themselves responsible. It is expected that most of the underlying issues will finally be dealt with by the courts.

Within the Dutch national public broadcasting system, there is no direct relationship between the board of directors and the employees who are responsible for creating the programming (with the exception of the programming tasks which are executed by the *NOS radio en televisie*). Most of the public service programming is made by the individual broadcasting organisations which employ their own personnel.

## Poland

### System of PSB company's governance

<i>PSB governing body</i>	<i>Appointed by:</i>
Supervisory Council (an internal body) – 9 members in national companies; 5 members in regional companies	1.National Broadcasting Council (5 members: 2 appointed by the Diet, 1 by the Senate, 2 by the President) appoints: 8 members in case of national companies; 4 members in regional companies 2.Minister of State Treasury appoints 1 person in each case
Board of Management – 5 members in national companies; 3 members in regional companies	Supervisory Board
Programme Council (purely consultative functions) – 15 members	National Broadcasting Council: 10 members in each case are designated by parliamentary parties; the remaining 5 are appointed by the Council from among “individuals with a record of achievement and experience in the field of culture and the media”

With the exception of members of the National Broadcasting Council (who should be individuals with “exceptional knowledge and experience in the field of the mass media”) and 5 members of Programme Councils, there are no requirements and no legally defined procedures for the process of their appointment. Members of Programme Councils should “represent public interests and expectations related to the programming activities of the company”.

In addition to PSB companies as such, Programme Councils have also been created at the level of the regional stations of Polish Television, and TV Polonia, the satellite channel of TVP, addressed to the Polish diaspora.

The law established rules of incompatibility for National Broadcasting Council members (their membership in governing bodies of associations, trade unions, employers' associations, as well as church or religious organisations must be suspended, and they may not hold an interest or shares, or have any other involvement in an entity which is a radio or television broadcaster or producer, or hold any other gainful

employment, save for educational or academic positions of an academic tutor or lecturer or performing creative work), but no rules for any members of the governing bodies of PSB organisations.

### Decision-Making Process

The general scope of activities of any PSB organisation is laid down in the Broadcasting Act, with the National Broadcasting Council empowered to grant them licences for additional channels. The scope of activities is described in more detail in the statutes of any PSB company, adopted together by the Minister of the State Treasury and the National Broadcasting Council. On a day-to-day basis, companies are run by Boards of Management, except for any decisions reserved for the Supervisory Councils. Content of programming is the sole preserve of the Board of Management and its staff within a framework established by legislation.

Statutes of PSB companies may specify the powers of a supervisory council in more detail. And so, for example, the Statutes of Polish Television give the Supervisory Council the following additional areas of competence:



- 1) to appoint an auditor to audit annual accounts,
- 2) to set the dates for the Board of Management to submit annual plans and strategic plans, and the scope of such plans,
- 3) to approve the strategic multi-annual plans of the company, as well as the annual financial plans,
- 4) to adopt an opinion on the motions submitted by the Board of Management to the Annual Meeting of Shareholders and the National Broadcasting Council,
- 5) to approve the plan of work of the internal unit for auditing and supervision,
- 6) to approve promissory notes issued by the Board of Management in excess of the equivalent of EUR 50 000,
- 7) to approve the fact that members of the Board of Management hold positions in the governing bodies of other companies,
- 8) to appoint directors of regional stations following a motion from the Board of Management,
- 9) to approve conclusion by the Board of Management of a collective agreement with staff representatives.

## Romania

The Board of Administration has decision-making responsibilities for the fields of business strategy and control, human resources and the budget. It approves the development plan, the programme strategy and the structure of TVR and ensures the programme plans decided upon are observed and the duties flowing from the broadcasting licence (awarded by the CNA) are carried out. It confirms the organisational and personnel structure and the employment conditions for advertised positions of members of the executive committee. Moreover, it approves the budget, the distribution of available funding to the autonomous sub-units as well as the investment plan. The Board of Directors authorises the specific assignments of public-service television, which are governed and defined in accordance with the relevant national or international legislation. It adopts measures for extending or limiting the activity of the TVR, presents proposals to the Ministry of Finance (which subsequently have to be approved by the Parliament), reviews current reports on the way the company operates (as drawn up by the individual departments). The Board also sanctions measures affecting company strategy and proposals from the management committee on co-operation with other companies (based on domestic or foreign capital) and the conclusion of international contracts with other broadcasting organisations.

Lastly, the Board presents an annual report to Parliament on the company's activities and is responsible for any further reports that may be called for by the standing parliamentary technical committee.

The Director General is in charge of day-to-day management along with members of the executive committee. One of his most important tasks is to monitor the

way decisions of the Board are being implemented and compliance with contracts entered into by the company. He authorises – as indicated by the executive committee – the operational and maintenance standards for the technical facilities, corresponding commercial and financial measures, staff appointments and ongoing training. The positions of chief executive officer and board members of the regional sub-units of the public service broadcasting organisation are publicly advertised. The winners of the competitive procedure are then appointed by the Director-General. He is also responsible for any dismissals (as a result of disciplinary measures, for example).

The executive committee of public service television is made up of a Director-General and a maximum of seven further members. Its tasks include developing programme strategy, all documents that have to be presented to the Board of Administration for approval, as well as all draft standards and regulations. Moreover, the executive committee takes decisions on tasks of every kind it is required to perform and, as part of the responsibilities conferred upon it by the Board, on commercial or financial transactions.

The regional studios of public service television work autonomously, without actually enjoying the status of a legal entity. They are recognised as having “technical, economic, business, administrative and financial responsibilities as well as powers of representation in legal affairs”. The regional units of public service television are run by their own executive committee appointed by the Board of Administration. The Board of the parent company transfers to the regional executive committee some of its own powers within certain limitations.

## Spain

Formally, the main body of RTVE is its Management Board. The twelve members of the Management Board must be chosen from duly qualified and experienced candidates, endeavouring to keep a balance between men and women. In order to be eligible for membership, the candidates must have been working for more than five years as managers or advisors or exercising functions of similar responsibility in public or private entities, or as researchers or professors. Eight of these members are appointed by Congress and four by the

Senate (upper house of the Parliament), by a two-thirds' majority, for a non-renewable mandate of six years. Two of the members appointed by the Congress will be elected from candidates proposed by the two main national trade unions represented at RTVE.

Being a member of the Board shall be a full-time job. Members of the Board shall not be members of Parliament, and shall have no interest in any company related to this sector. They shall exercise their functions in an independent way, without receiving orders from the

Government, the Administration or any other institution.

The main competences of the Management Board are the definition of the strategy of RTVE; the appointment of the main executive officers of RTVE and its companies; the approval of the organisational chart; the approval of basic guidelines regarding production, advertising, programming and access to its television programming by relevant social and political groups, as well as the approval of the most important contracts, of the annual report, of the yearly balance and of the budget to be proposed to Parliament.

The President of the Corporación RTVE should be appointed by the Management Board, but the final version of the Act has established that s/he will be elected by Congress, which can also dismiss him/her by a two-thirds' majority decision. The President has responsibility for the day-to-day operations, and his/her main competences shall be to execute the resolutions of the Management Board and to manage the corporation in accordance with the guidelines provided by this Board, as well as to prepare the documents (annual report, proposed budget, etc.) which will later be approved by the Board.

## Switzerland

Legally the decision-making power within the SRG corresponds to the rules of the association in accordance with civil law principles. Additional regulations are contained in the license under which the SRG carries out its activities and in the statutes. In particular, these documents provide for the specific, already mentioned appointment rules relating to the supervisory board.

(1) The power of the general director is rather broad and extensive. The general director liaises informally with the political bodies (Federal Council and Parliament) and issues the main guidelines relating both in general and in detail to the programme activities. Looking at the fact that the general director is appointed by the "Zentralrat" ("Verwaltungsrat"), such appointment subject only to the approval of the Federal Council, it cannot be said that the political influence is very strong. Nevertheless, since the Federal Council decides on the amount of the fees payable by the consumers to the SRG, it is unlikely that the key actors of the SRG would be inclined to constantly criticise the political bodies because such kind of programme activity could easily have detrimental financial effects in the long run. Furthermore, since the general director must be an acceptable person throughout the whole country of Switzerland, it is likely that only a person having a substantial amount of political experience and being generally accepted by the public is appointed. The power of the general director is also remarkably broad due to the fact that the supervisory body is relatively "weak" and that many of its members do

## Supervisory Bodies

A new internal supervisory body has been created in 2006: the News Council. Its members will be RTVE journalists and its goal will be to safeguard the independence of RTVE and of its journalists. The Management Board shall approve the provisions regulating the organisation and procedures of this News Council. In 2006, RTVE also approved the creation of an Ombudsman.

There are several external bodies that supervise in some way the activities of RTVE. Congress has an internal Committee which follows the activities of RTVE. The economic performance and procedures of RTVE are assessed by the Court of Auditors and by the members of the General Inspection Service from the Ministry of Economy.

Several supervisory functions are entrusted to an audiovisual authority which was expected to be created by now, but has not yet come into being. Several of those specific functions are currently being exercised by the Secretary of State for Telecommunications and the Information Society of the Ministry for Industry, Trade and Science.

not have much experience in the field of production of broadcast programmes.

The supervisory body is partly appointed by political bodies. Therefore, a certain risk of governmental interference cannot be fully excluded; nevertheless, the independence of the supervisory body is not endangered. The remuneration of the members of the supervisory body is relatively modest, but this fact does not seem to have an influence on the execution of the given tasks.

(2) The management of SRG is structured in the same way as a "normal" business corporation, even if the hierarchical order is relatively flat. Apart from the general director, management functions are assumed by a director who takes the responsibility for the day-to-day operations. In particular, the director is accountable for the actual programme activities and the decisions on specific television series and political emissions. The allocation of competences between the general director and the director does not seem to be always clear; however, actual disputes have not arisen so far.

The level of transparency is not very high for two reasons: (1) The SRG is structured as a holding "company" in the form of associations in a rather complicated way; the law governing the associations does not provide for much transparency and the license granted to SRG has not yet put emphasis on this aspect. (2) The accounting system does not always allow for easy identification of the product-directed cost calculation.

## United Kingdom

### The BBC

This section covers the arrangements under the new Charter and Agreement taking effect from 1 January 2007. The new structure involves an Executive Board and the BBC Trust. The Executive Board has a chairman appointed by the Trust and includes both Executive and non-Executive members; the total number of members is currently sixteen. The Chairman, who is the Director-General of the BBC (the equivalent of Chief Executive), is appointed by the Trust; the other members are appointed by the Board itself, but it may only make an appointment proposed by its nomination committee, whilst non-executive members also need the agreement of the Trust. The Board is responsible for the management of the BBC; day-to-day operations are carried out by the Corporation's 14 divisions. The Executive Board is accountable to the BBC Trust.

According to the White Paper on Charter Review, "[t]he Trust will be the sovereign body within the BBC. What this means in practice is that the Trust's word is final. However ... the Trust and the Executive have clearly defined, and different, roles and responsibilities." The Trust has twelve members, appointed by the Crown on the advice of ministers; the posts are first advertised and the standard procedures for filling public appointments (the Nolan principles) are followed. Appointments are for up to five years, and may be renewed once. The members are drawn from a range of backgrounds and professional experience; the only constraint is that the Trust must include individual members representing the interests of the four constituent parts of the UK: England, Scotland, Wales and Northern Ireland. Otherwise, none of them is appointed to represent a particular interest; most importantly, there is no member with the role of expressing the views of government, and indeed a major stress in their appointment and in their role is on their independence. Thus the Charter gives as one of the Trust's general duties "securing that the independence of the BBC is maintained". The Trust has adopted a procedure for dealing with conflicts of interest, reflecting that currently in place for the Governors.

A key theme of the reforms is to create a greater degree of separation between Trust and Executive Board than existed between its predecessors. Thus the White Paper emphasised that "[t]he new system is designed to strengthen the BBC's independence from Government. It will create a new line of accountability – from the new

Trust directly to the licence fee payer. This new accountability will be reinforced by very clear separation between the Trust and the Executive Board, coupled with an unprecedented obligation to openness and transparency." Under the Charter, the general functions of the Trust are:

- a) setting the overall strategic direction for the BBC within the framework set by the Charter and Agreement
- b) approving high-level strategy and budgets
- c) assessing the performance of the Executive Board in delivering the BBC's services and activities and holding the Executive Board to account for its performance.

More specific responsibilities include:

- drafting performance criteria and issuing service licences for particular BBC services;
- approving guidelines on standards;
- holding the BBC to account for compliance with regulatory requirements
- setting the framework for the handling of complaints, and acting as final arbiter in appropriate cases;
- commissioning value for money investigations,
- adopting a statement of policy on fair trading and holding the Executive to account for compliance with it; and
- setting an approvals framework for new services.

The Trust is also responsible for issuing more specific rules in the form of Protocols setting out a more detailed framework for the discharge of its functions and its relationship with the Executive Board, and dealing explicitly with how it will seek the views of, and engage with, licence fee payers. A Protocol will also set out how the Trust will ensure that the BBC observes high standards of openness and transparency. As regards the latter there is a major stress in the reforms on the importance of such openness, and one of the general duties in the Charter applying to the Trust is to ensure that the BBC observes such high standards. The BBC is covered by the Freedom of Information Act 2000, which provides a (qualified) right of access to official information; this right of access however only applies to "information held for purposes other than those of journalism, art or literature."

### Commercial Broadcasters

This can be dealt with more briefly because PSB requirements are implemented for the commercial broadcasters through external regulation by Ofcom rather than through their internal structures. ITV is an ordinary commercial company, with the conventional structure of a Board of ten members: a chairman, two executive members and seven non-executive members.

Management is undertaken by a team headed by a Chief Executive. Channel 5 is now solely owned by the RTL Group but has its own executive board. Channel 4, as mentioned above, has a different status, that of a public corporation with no shareholders. The corporation acts under the terms of the Broadcasting Act 1990 and of the Communications Act 2003; the latter sets out its pri-

mary functions as securing the continued provision of Channel 4, and the fulfilment of the public service remit for the Channel. The Corporation has a board of 13 members, the majority of which are non-executive. The chairman is appointed by Ofcom, and members are appointed by Ofcom after consultation with the chairman and with the approval of the Secretary of State. Management is undertaken by a Senior Executive Management Committee.

Ofcom is the external regulator and is an independent body corporate with ten members appointed by the Secretary of State. It has a wide range of regulatory functions in broadcasting and telecommunications. The structure adopted is that of a board and a separate exec-

utive responsible for management; the Chief Executive Officer sits on the board. Thus, as with other regulatory bodies, Ofcom has moved towards the model preferred in UK private sector corporate governance of a separate board and chief executive. It has practical independence from government, and there are no general powers of governmental direction over it. The key functions in broadcasting include licensing all broadcasters (apart from the BBC) and enforcing licence conditions. Ofcom has power to impose substantial sanctions for breach, including ultimately withdrawal of the licence and imposing financial penalties of up to seven per cent of the broadcaster's revenue.

## Appendix 3

### Possible governance models suggested by CoE projects

#### 1. Directorate General of Education, Culture and Heritage, Youth and Sport (DG-IV)

##### Directorate of Youth and Sport

- (1) The co-management model as practiced in the Directorate of Youth and Sport, i.e. co-decision and partnership between governments and representatives of civil society (youth NGOs) in all matters that concern youth policy development. This model has inspired some member states to adapt it to the national level in the youth field.  
For details see: [http://www.coe.int/t/dg4/youth/Coe\\_youth/co\\_management\\_en.asp](http://www.coe.int/t/dg4/youth/Coe_youth/co_management_en.asp)
- (2) The “Revised European Charter on the participation of young people in local and regional life” (of the Congress of Local and Regional Authorities) contains many examples of good practice for involving young people in local and regional youth policy development and constitute as many examples of good governance.  
For details see: [http://www.coe.int/t/dg4/youth/Coe\\_youth/Youth\\_Participation\\_Charter\\_en.asp#TopOfPage](http://www.coe.int/t/dg4/youth/Coe_youth/Youth_Participation_Charter_en.asp#TopOfPage)
- (3) A good and rich source of examples of good practice on new governance in relation to municipalities, youth and civil society was produced as a documentation of the project “Towards a common culture of co-operation between civil society and local authorities”, a project of 10 large European cities (co-operation between the Centre Français de Berlin, Berlin Senate, the DYS and the CLRAE) from 2006 to 2007. The trilingual documentation (English, French, German, including theoretical reflections and documented good practice) is available online at <http://www.centre-francais.de/seiten/d/archiv.html> and in a printed version. Some of the examples of good practice include a media dimension.
- (4) In the field of sport, one could mention the following references:
  - Resolution of the 10th Council of Europe Conference of Ministers Responsible for Sport (Budapest, 2004)
  - CM Recommendation Rec (2005) 8
  - And the preparatory study commissioned on this topic: [http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit\\_aliasid=1802](http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=1802)
  - The recent work of the International Olympic Committee (IOC) on this subject (which goes much further in terms of *operationalising* the principles of good governance, but which politically speaking have no chance of being adopted at the IOC Congress in October 2009; the Council of Europe will however continue promoting these principles but updating and improving our Recommendation).

#### 2. Directorate General of Social Cohesion (DG-III)

##### European Health Committee (CDSP)

The European Health Committee has established a Committee of Experts on Good Governance in Health Care Systems. This Committee’s objective is to promote value-based governance in health care (based on human rights, equity, transparency, accountability and participation), to incorporate into health policies the ethical, social and human rights dimension, and to identify and

apply standards for patient-oriented care and to guarantee equity in access to health care.

Patient-oriented, rights based health care needs to be supported by a strong system of standards, values and principles.

The main challenge facing all public health organisations is that of striving to continuously reduce the



impact and burden of illness, injury and disability while simultaneously finding ways to improve people's health and well-being. Good governance has an important role to play in overcoming this challenge as well as creating new opportunities moving forward.

Governance is concerned with all the conditions that bear on the institutions, laws and codes, mechanisms and processes that determined collective decision-making. In short, governance is concerned with the process of governing.

At the heart of good governance lie the core values: accountability, openness, transparency, oversight, trust and above all, a focus on the common good. Good governance involves policy-making and decision-making that serves the public interest. Good governance is a vital component of democracy and has a key role in achieving collective goals, especially those concerned with new public health policies (integration of public health policy and practice with curative care).

In recent years there has been a great deal of interest in issues relating to governance, both in the public as well as the private sector. The current worldwide economic crisis has highlighted the crucial role of good governance, and the dangers of its absence. In the public sector, all major international organisations (WHO, World Bank, OECD, UNDP, etc.) have made clear that good governance is the key to progress and development.

Good governance provides the solid foundation for a health care system that includes oversight, allocation of responsibility and accountability. Within the general healthcare context, good governance provides states with safeguards for the health of its citizens: a lack of adequate governance systems can have direct and at times catastrophic consequences.

The Committee of Experts on Good Governance in Health Care (a subordinate body to the European Health Committee), is currently preparing a recommendation on the matter. The aim of this recommendation is to propose a conceptual framework to define, promote and monitor democratic accountability in the field of health policy as both a means of ensuring good governance as well as a preventive measure towards corruption and other negative issues. The conceptual framework provides a common reference framework for member states to provide high quality, patient-orientated health care.

The framework for assessment and monitoring of good governance covers five dimensions: transparency, participation, accountability and efficiency. As a (self) assessment tool, it will serve to:

- measure governance in health care at a national as well as organisational level;
- monitor the impact of governance from the perspectives of all stakeholders;
- raise awareness and promote a common understanding of governance in health care.

Furthermore, this standard-setting instrument will promote the development of self regulatory tools for all

stakeholders, specifically for institutions and professionals. Specifically the formal adoption of explicit codes of conduct will be recommended. Provisions for enforcement will be included; prevention, detection and management of conflicts of roles and conflicts of interest will be tackled. Elements for their regulation will be proposed. The education of health professionals, administrators, managers and policy makers in value-based good governance in health systems will be addressed specifically.

According to the draft Recommendation, in many countries, rules, standards and norms regarding governance are changing, taking into account the key message of improving accountability throughout the reform in health and social services. This accountability focuses more on individual public service managers, in the context of devolution of previously centralised powers.

Governance can be viewed as one of a number of key organisational elements or building blocks necessary for the improvement of health care. The World Health Organization (WHO, 2007) identifies governance and leadership as one of six key building blocks or 'enablers' required in order to improve health outcomes. In other words, governance should be seen as one of a number of enabling factors, which if implemented effectively, should ultimately result in an improvement in outcomes. Other enabling factors include: consumer and community involvement, competent and well-performing workforce, information management and reporting, financing, etc.

Governance includes clinical and managerial performance management, decision making, risk management and accountability. In practical terms it can include initiatives such as:

- Creating a culture where open disclosure, reporting and learning from errors and adverse events and clear accountability for and participation in safety improvement are embedded and rewarded.
- Encouragement of community participation.
- Establishment of mechanisms and structures for the collection and reporting of data.
- Boards and executives should delegate accountability for ensuring appropriate care to senior clinicians within an appropriate committee structure.
- Boards should receive regular reports on appropriateness issues such as overuse, underuse and misuse of care, including utilisation rates for high volume, high cost and high complaint areas.

Governance is of particular significance within healthcare systems as it provides the foundation for a system of oversight, allocation of responsibility and accountability. Within the health care context, governance is of particular importance because of the direct and at times catastrophic consequences a lack of adequate governance systems can have on the health of its citizens.



### 3. Directorate General of Democracy and Political Affairs (DG-DAP)

#### European Committee on Local and Regional Democracy

On 11 March 2009, the Committee of Ministers adopted Recommendation CM/Rec (2009) 2 on the evaluation, auditing and monitoring of participation and participation policies at local and regional level. This recommendation contains a clear self-assessment tool for citizen participation at the local level which is an important tool for governance at the local level.

It is based on five key factors affecting participation:

- Can do – that is, have the resources and skills and knowledge to participate;

- Like to – that is, have a sense of attachment that reinforces participation;
- Enabled to – that is, are provided with the opportunity for participation;
- Asked to – that is, are involved by official bodies or voluntary groups;
- Responded to – that is, see evidence that their views have been considered.

#### Ad hoc Committee on Electronic Democracy

On 18 February 2009, the Committee of Ministers adopted Recommendation CM/Rec (2009) 1 on e-democracy, which provides European governments and other stakeholders with a comprehensive set of principles and guidelines concerning e-democracy. It is accompanied by several practical tools (e.g. a set of generic tools; a checklist for the introduction of e-democracy tools; an evaluation of e-democracy; a glossary of technical terms).

Regarding the issue of e-democracy, the CoE's Forum for the Future of Democracy in Madrid (October 2008)

concluded that e-democracy is an additional channel for democratic practice and participation, which can significantly contribute to achieving more transparency, accountability and responsiveness of democratic institutions, to facilitating people's democratic engagement and deliberation, and to increasing the accessibility and inclusiveness of the democratic process. E-democracy therefore presents a tremendous opportunity for people and public authorities alike, it being understood that all stakeholders join together to harness its benefits and control its potential risks.



## Appendix 4

### New PSM services helping reach broader audiences: Good practice examples

#### 1. Information

**ARD** offers a specific online service (<http://www.ard.de/>) which is based on the Internet presence of the 9 regional public service broadcasters. In terms of content, the provided offer is related to ARD's TV programme and is free of ads and sponsorship. Amongst other things, ARD provides for several multimedia on-demand services related to the newscast "Tagesschau", which is the eldest and most popular evening newscast in Germany, with its 8 o'clock format. This service allows Internet users to watch all "Tagesschau" broadcasts either in real time or to watch singular news reports selected in advance. Users are enabled to have a review of former events of the day. Furthermore, this offer links a television programme to an on-demand service. It enables users to gather customised information in order to fill gaps in knowledge concerning former political and social occurrences. Generally speaking, this service helps to create general knowledge and calls peoples attention to daily news.

**La Chaîne parlementaire** is a French public service television network responsible for broadcasting activity from the National Assembly of France and the Senate of France. This is a prime example of the role of PSM in promoting transparency in political decision-making. It is available through digital terrestrial television "TNT". The channel broadcasts 24h from the Assembly followed by 24h from the Senate in a pre-arranged order. The channel provides for online videos of the debates,

too, which are available in the categories "Videos relating to the different programmes", "Most frequently watched videos" and "What's currently on".

**BBC 4**, the radio talk and current affairs channel in the UK, produces the Today programme which is a good example, therefore linking radio and the Internet. The Today website is the legacy of an earlier popular programme strand called The Great Debate (1999-2003) which provided dialogue on news items especially focused on civic issues. The Today version features an issue of the day, typically related to national or international political concerns that effect Britain. The online site includes an archive of past issues and an overview of the issue currently under debate. Today offers participants opportunity to influence the radio programme's substance and approach via their questions and input, and by suggesting issues for future programmes.

**Radio Slovenia** offers a useful example that illustrates PSM effort to provide a distinctive service within traditional broadcast media and not only in the new media context. In a series of programmes called "Europe in Person!" the producers go and look for people across Europe who give voice and personality to the rich variety of life in Europe today. The programme works to lower boundaries in perceptions by crossing borders. Much emphasis in the 12 to 15 minute features focuses on the person's views on Europe and ideas about different European societies.

#### 2. Facilitation

There are numerous examples of programmes and services aimed at stimulating a wider democratic participation and there is a long tradition in **DR** (Denmark) for involving citizens in programming – not only as vox-pop but as sources of knowledge, experience and opinions. Worthy of mention are the daily radio programme "Poul Friis" on P1 with phone-in debates on current topics, public debates combining radio or TV shows with Internet debate and "Dogworld", where

young people between 11 and 17 years of age are learning democracy through playing games.

Election engine in its current form can be described as the invention made in **YLE** (Finland). The election engine enables citizens to discover which candidates most closely represent their personal views and interests. Candidates fill out a questionnaire which users later fill out as well and then click on a dialogue button. The "machine", which is a software programme, compares

the user's answers to each of the candidates standing for election and reveals the 'distance' between the user and the candidates.

In advance of the elections to the Bundestag, **ZDF** (Germany) offered a programme called "logo! Kinderreporter interviewen Spitzenpolitiker". This programme was especially aimed at children and allowed them to put questions to politicians. Although the targeted audience of this programme (for minors) was not entitled to vote, political understanding and interest thereby was already raised at an early age. Today, this format has moved to KiKA, a special interest channel for children, operated by ZDF. This is another example for the dedicated strategy that German public service media operators pursue to promote and facilitate democratic participation of individuals.

Another relevant example of game-oriented play in PSM efforts to facilitate insight and enlightenment is Latvia's **Latvijas Televizija** ([www.ltv1.lv/lat/forums](http://www.ltv1.lv/lat/forums)). Topical questions are posed online and people participate in offering answers. The results are assessed and provided as summary information. The answers open new opportunities for discovery. One recent topical question was "what kind of Latvia do you want to live in 25 years from now?"

### 3. Collaboration

A very interesting project is currently being developed by **ARTE**, the Franco-German PSM operator. In ARTE radio ([www.arteradio.com](http://www.arteradio.com)) this PSM provider uses the creative commons licensing approach to all the content. Especially interesting is the open platform nature of the enterprise. Listeners are producers submitting material which is posted on the site. ARTE offers the space and the contents are posted with the ambition of building a community partnership between user-created content producers and ARTE radio's own work and production. ARTE Radio is a web on-demand radio. It's operated by the French part of the Franco-German PSM. It offers a huge amount of reports and audio files, strictly non-commercial and without advertisement. The Internet radio does not offer any music or commentary but rather special sounds, compositions, montages, mixes. The productions are usually made by the listeners themselves (sometimes in collaboration with the Radio personnel) and then, after a selection process, put online.

**RTV Slovenia** provides for special broadcast offers dedicated to national minorities. The programmes concerning protection of minorities are produced regardless of the relatively small number of people watching them in relation to the total number of population. The Italian national community (the programmes are broadcast

A different angle is evident in an online service offered by Slovenia's **RTV** – **Odpri kop** ([www.rtvlo.si/odprtikop](http://www.rtvlo.si/odprtikop)). Translated 'Datamining', the service enables each individual user to investigate topics of personal interest to learn about issues in the news or relevant to the public sphere. This is essentially a specialised search engine programme that functions on the basis of closed captioning subtitles and video streams.

Another example is the Citizenship Assimilation Test that was a national television show produced by **Teleac/NOT** (Netherlands). People participated at home via the Internet in taking the national test immigrants must pass as a requirement for Dutch citizenship ([www.nationaleinburgeringtest.nl](http://www.nationaleinburgeringtest.nl)). Dutch citizens got a clear idea of what the government has defined as essential to become a citizen, and what a citizen should know of Dutch values and culture. The test was so popular that more than a million visitors took it in 2005. The results raised so much reaction that Teleac/NOT forwarded the thousands of responses to the responsible ministry and have kept the site live. It is interesting to note that a majority of Dutch participants failed to pass. The programme and the site generated public debate on the meaning and usefulness of this type of exam.

from the regional studio in Koper/Capodistria) can be proud of its 24-hour radio and 10-hour TV programme in Italian language (every day), while the Hungarian minority has a new and modern broadcasting centre in Lendava/Lendvai producing 18 hours of radio programme per day and a daily 60 minutes TV broadcast. Apart from that, there is also a weekly radio and TV programme for the Roma ethnical minority (30 minutes once a week).

From a diversity perspective, **Swedish Radio** offers an arena on the web for radio broadcasting free from advertising and independent of political and economic influence. It has a brand with high credibility and strives to offer a democratic forum both online and through its radio transmissions. Examples of online services to promote diversity, freedom of speech and democracy are: web news offered in 16 different languages through the international section of the site (this service has a multi-ethnic and multi-cultural focus and is primarily intended for immigrants and minority groups within Sweden); web-radio channels in Finnish and Sami for these two minority groups; P3 Star community – one of the more popular SR programmes "P3 star", aimed at younger audiences; Ring P1 (call P1) – a forum where people can call in to the radio programme and have their say about various topics.

### 4. Democratisation

The best current example of what PSM is doing here is in the *Why Democracy?* project ([www.whydemocracy.net](http://www.whydemocracy.net)). Why Democracy? is a collaborative production of public service broadcasters from across Europe and around the world. These include the **BBC** (UK), **DR**

(Denmark), **YLE** (Finland), **ZDF** (Germany), **SBS** (Australia), **SABC** (South Africa), **ARTE** (France) **NHK** (Japan), and many more. This is about fostering public interest and stimulating public involvement in democracy today. This initiative is supported by the EBU

(EuroVision), the Danish Film Institute, the Ford Foundation, Sundance Institute in the USA, and many others. In October 2007, ten one-hour films that focus on contemporary democracy were broadcast in what is reportedly the world's largest ever factual media event. These can now be screened online and there is ample opportunity to join in dialogue and debate. More than 40 broadcasters are participating with an estimated audience of 300 million viewers. Each participating broadcaster will produce a locally-based season of film, radio, debate and discussion to tie in with the global broadcast of the Why Democracy? documentary films. This will result in 20 short films dealing with personal, political and rights issues around the theme "What does democracy mean to me?"

Another example is Logo! a daily production of ZDF (Germany). This programme provides news for children with lots of explanation and background information at a language level appropriate for children's understanding and in a way that is suitable to their interests. Users can see a stream podcast of "logo" in the ZDFmediathek section [www.zdf.de](http://www.zdf.de). Research has found that adults also use the service because the producers present complicated things in ways that are easy to understand.

A weekly analytical programme is called *De Facto* and is produced on the basis of **Latvian television** news service. The main task of this programme is to help people to study and analyse economical and political processes within Latvia and the European Union. The programme producers look into some of the most important events or decisions of the previous weeks, analysing the causes and trying to predict the consequences, which will take place in near future. *De Facto*

can be considered as one of the opinion makers within the Latvian society. The central news programme of public television *Panorama*, as well as *De Facto*, are on top of the rating lists. That proves the public loyalty to the news service and to information and analytical conclusions which are provided. Very often other Latvian media, when distributing information, quote facts and opinions provided by Latvian television news service.

**TVP** (Poland) has contributed to promoting democracy by a) launching *Bielsat Channel*, a satellite channel to promote democratic values and human rights in Belarus (programmes are aired everyday in Belarusian); b) launching the news channel *TVP Info* and scheduling slots to:

- provide trade unions and employers' organisations with opportunities to present their positions on key public issues;
- provide political parties with an opportunity to present their positions on key public issues;
- enable supreme State authorities directly to present and explain State policy;
- ensure possibilities to broadcast election programmes by participants in the election campaign; Telewizja Polska S.A. made accessible all programmes dedicated to parliamentary elections in Poland in 2007. On the election website apart from public information, news and debates, also accessible were election news and links to proper institutions. This website was created to promote society's participation in elections through wide access to information and related content (<http://wybory.itvp.pl>).

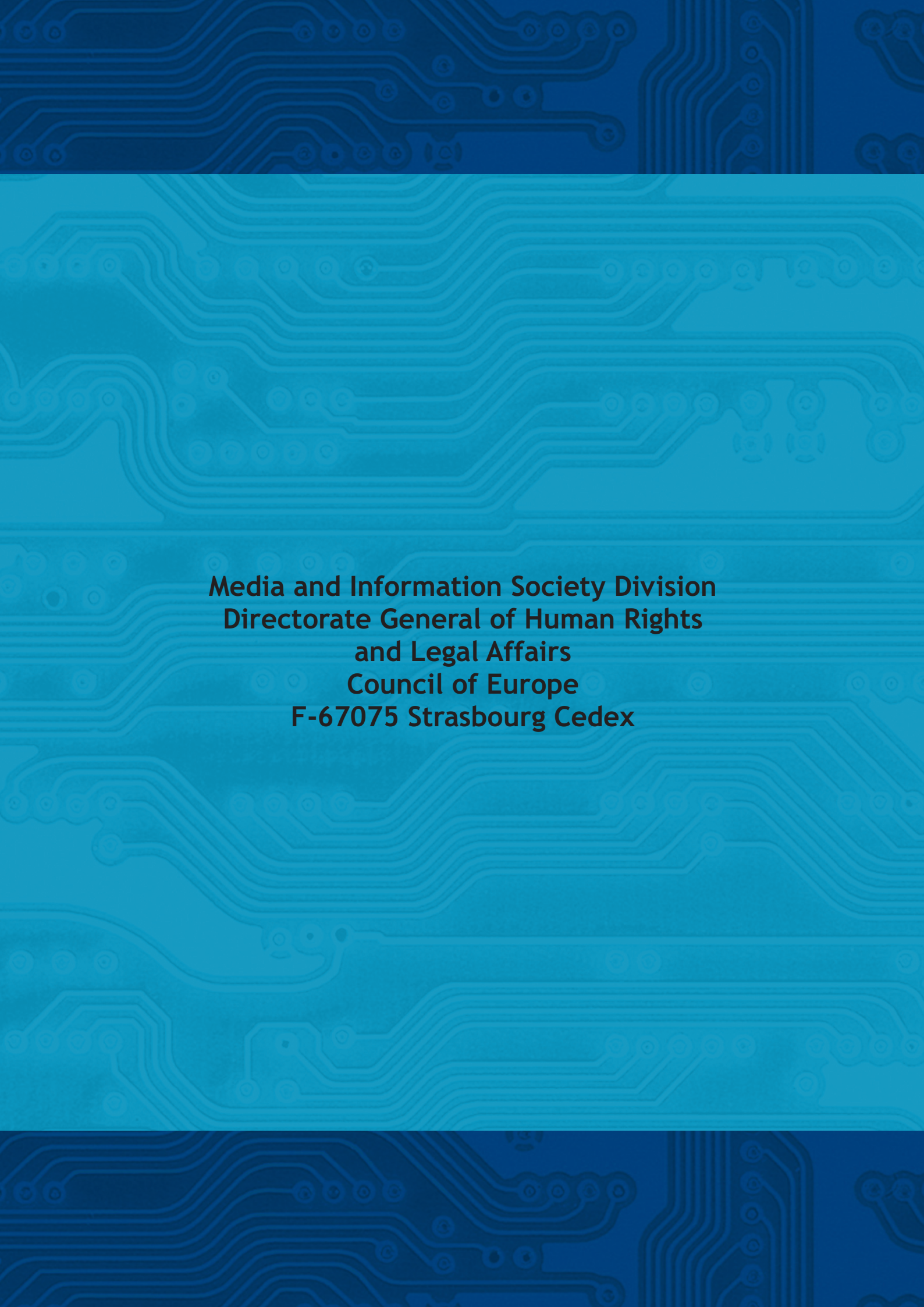
## 5. Mobilisation

The **BBC's Action Network** ([www.bbc.co.uk/dna/actionnetwork](http://www.bbc.co.uk/dna/actionnetwork)) service provides advice and tools to people who want to run campaigns on (mostly) local concerns. Action Network producers leverage the BBC's television and radio networks to publicise the range of

self-organising groups who are using its database to store documents and communicate via messages and email alerts. The service maintains distance from Government and is careful not to endorse particular campaigns or be directly involved.







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