

Memòria justificativa de recerca de les convocatòries BE, PIV, BCC, NANOS i BP

La memòria justificativa consta de les dues parts que venen a continuació:

- 1.- Dades bàsiques i resums
- 2.- Memòria del treball (informe científic)

Tots els camps són obligatoris

1.- Dades bàsiques i resums

Nom de la convocatòria

BE

Llegenda per a les convocatòries:

BCC	Convocatòria de beques per a joves membres de comunitats catalanes a l'exterior (BCC)
BE	Beques per a estades per a la recerca fora de Catalunya (BE)
BP	Convocatòria d'ajuts postdoctorals dins del programa Beatriu de Pinós (BP)
NANOS	Beques de recerca per a la formació en el camp de les nanotecnologies (NANOS)
PIV	Beques de recerca per a professors i investigadors visitants a Catalunya (PIV)

Títol del projecte: ha de sintetitzar la temàtica científica del vostre document.

Política de la competència de la Unió Europea en el sector audiovisual. El cas dels operadors públics estatals de televisió a Espanya i el Regne Unit: RTVE i BBC.

European Union Competition Policy in the Broadcasting Sector:
the case of Spanish and British Public Broadcasters (RTVE and BBC)

Dades de l'investigador

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Agència
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Número d'expedient

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raules clau: caI que esmenteu cinc coconceptes que defineixin el contingut de la vostra memòria.

Televisió pública, Unió Europea, Europeització, Regne Unit, Espanya

Data de presentació de la justificació

11/07/2007

esum del projecte: cal adjuntar dos resums del document, l'un en anglès i l'altre en la llengua del document, on n s'esmenti la durada de l'acció

Resum en la llengua del projecte (màxim 300 paraules)

L'objectiu d'aquesta recerca, que ha tingut una durada de 4 mesos, ha estat determinar i avaluar com la política de la competència de la Unió Europea ha contribuït a la configuració del sector públic televisiu espanyol i britànic. El marc teòric està basat en el concepte d' "europeització", desenvolupat per Harcourt (2002) en el sector de mitjans, i que implica una progressiva referencialitat de les polítiques estatals amb les europees mitjançant dos mecanismes: la redistribució de recursos i els efectes en la socialització de la política europea. Per tal de verificar aquest impacte en el sector televisiu, la recerca ha desenvolupat una aproximació en dues etapes. En primer lloc, a banda de fer un inicial repàs bibliogràfic s'han estudiat les accions de la Comissió Europea en aquest terreny, sobre tot la Comunicació sobre aplicació de la reglamentació d'ajudes públiques al sector de la radiodifusió de 2001. En una segona etapa, s'han desenvolupat un seguit d'entrevistes personals a directius i polítics del sector a Brussel·les, Londres i Madrid. Els resultats de la recerca mostren que el procés d'Europeització es un fenomen creixent en el sector audiovisual públic a Espanya i el Regne Unit, però que encara les peculiaritats estatals juguen un factor preponderant en regular aquesta influència de la UE. L'anàlisi de les entrevistes qualitatives mostren també que hi ha una relació inversament proporcional entre la tradició democràtica i el grau d'influència i de referència que suposa la UE en el sector audiovisual. Mentre que el Regne Unit, l'acció de la política de la competència de la UE es percebeix com a element suplementari, a Espanya la seva referencialitat ha estat clau, tot i que no decisiva, per la reforma dels mitjans públics estatals.

Resum en anglès(màxim 300 paraules)

This research has try to determine how the European media competition policy has contributed to the configuration of the Spanish and British public broadcasting sector. The study of EU and national political process (essentially descriptive) has been compared and contrasted to the attitudes and perceptions expressed by Spanish and British politicians and the managers of BBC and RTVE. The theoretical framework will be based on the concept of "europeization" as applied by Harcourt (2002). The process is not new and it has become frequent in most of the European sectors. It has habitually implied three consequences in the national policy: a redefinition of the political problems, the appearance of new political problems, and an ideological resource for the change or the maintenance of the national political structures. In order to verify this impact, this research has reviewed first the EU competition policy documents affecting Public Broadcasters, specially the European Commission Communication on State aid issues and Public Broadcasters. Second, a set of interviews has been carried out with politicians and managers in London, Madrid and Brussels. The results show that the europeization process is a growing phenomena in the public broadcasting sector, but at the same time the member states are still the main driving factor in regulatory television change. The EU competition policy is a necessary condition, but not a sufficient one to reform the public broadcasters. Finally, the analysis show that an opposite direct relation between democratic tradition and EU competition policy degree of impact exists. Whereas in the UK, the EU is perceived as a complementary and external element to broadcasting policy, Brussels is a key element in Spanish media policy debate, although not decisive.

2.- Memòria del treball (informe científic sense limitació de paraules). Pot incloure altres fitxers de qualsevol mena, no més grans de 10 MB cadascun d'ells.

“Política de la competència de la Unió Europea en el sector audiovisual. El cas dels operadors públics estatals de televisió a Espanya i el Regne Unit: RTVE i BBC”

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RESUM

L'objectiu d'aquesta recerca, que ha tingut una durada de 4 mesos, ha estat determinar i avaluar com la política de la competència de la Unió Europea ha contribuït a la configuració del sector públic televisiu espanyol i britànic. El marc teòric està basat en el concepte d' "europeització", desenvolupat per Harcourt (2002) en el sector de mitjans, i que implica una progressiva referencialitat de les polítiques estatals amb les europees mitjançant dos mecanismes: la redistribució de recursos i els efectes en la socialització de la política europea. Per tal de verificar aquest impacte en el sector televisiu, la recerca ha desenvolupat una aproximació en dues etapes. En primer lloc, a banda de fer un inicial repàs bibliogràfic s'han estudiat les accions de la Comissió Europea en aquest terreny, sobre tot la Comunicació sobre aplicació de la reglamentació d'ajudes públiques al sector de la radiodifusió de 2001. En una segona etapa, s'han desenvolupat un seguit d'entrevistes personals a directius i polítics del sector a Brussel·les, Londres i Madrid. Els resultats de la recerca mostren que el procés d'europeització es un fenomen creixent en el sector audiovisual públic a Espanya i el Regne Unit, però que encara les peculiaritats estatals juguen un factor preponderant en regular aquesta influència de la UE. L'anàlisi de les entrevistes qualitatives mostren també que hi ha una relació inversament proporcional entre la tradició democràtica i el grau d'influència i de referència que suposa la UE en el sector audiovisual. Mentre que el Regne Unit, l'acció de la política de la competència de la UE es percep com a element suplementari, a Espanya la seva referencialitat ha estat clau, tot i que no decisiva, per la reforma dels mitjans públics estatals.

“European Union Competition Policy in the Broadcasting Sector: the case of Spanish and British Public Broadcasters (RTVE and BBC)”

SUMMARY

This research has try to determine how the European media competition policy has contributed to the configuration of the Spanish and British public broadcasting sector. The study of EU and national political process (essentially descriptive) has been compared and contrasted to the attitudes and perceptions expressed by Spanish and British politicians and the managers of BBC and RTVE. The theoretical framework will be based on the concept of "europeization" as applied by Harcourt (2002). The process is not new and it has become frequent in most of the European sectors. It has habitually implied three consequences in the national policy: a redefinition of the political problems, the appearance of new political problems, and an ideological resource for the change or the maintenance of the national political structures. In order to verify this impact, this research has reviewed first the EU competition policy documents affecting Public Broadcasters, specially the European Commission Communication on State aid issues and Public Broadcasters. Second, a set of interviews has been carried out with politicians and managers in London, Madrid and Brussels. The results show that the europeization process is a growing phenomena in the public broadcasting sector, but at the same time the member states are still the main driving factor in regulatory television change. The EU competition policy is a necessary condition, but not a sufficient one to reform the public

broadcasters. Finally, the analysis shows that an opposite direct relation between democratic tradition and EU competition policy degree of impact exists. Whereas in the UK, the EU is perceived as a complementary and external element to broadcasting policy, Brussels is a key element in Spanish media policy debate, although not decisive.

Introduction

To try to answer how much “policy impact” EU rules have in public media sector is not an easy task. The cliché is that “EU is a key actor” and that “Europe is good for market and commerce”. However, beyond “Europe matters” and “Europe benefits us”, it would be interesting to analyze “how” it matters and to “whom” it benefits. It is true that several media studies about EU action and its relationship with Member States media policy have been published. There are some of them that focus on Brussels Policy, in their directives, decisions or resolutions. They are based on the evaluation of the European audiovisual policy and their social or economic effectiveness from a regional global arena in front of American audiovisual power. However, the study of the EU impact in the state broadcasting system is secondary (BUSTAMANTE, 1999; COLLINS, 1994; LEVY, 2001; IOSIFIDIS, STEEMERS & WHELEER, 2005). There are other studies, which are focused on some or all member states and they try to describe their particular broadcasting policies. They present an extensive account of the national media systems, while the explicit comparison is either left out completely or is only mentioned briefly. Moreover, these studies show the European action as an external variable, which is out of scope of the national broadcasting policy and therefore is hardly explained. (HANS-BREDDOW-INSTITUTE, 2000; DÍAZ NOSTY, 2001 and BUSTAMANTE, 2002). The idea was to frame this project between these two perspectives. To study EU media policy trying to link together these two aspects: the national and the European media policy field. This attempt to achieve this interrelation between European and national level in media policy has already been made by HUMPREHYS (1996) and especially HARCOURT (2002, 2005).

2.- Theoretical questions and literature review

Obviously, the first theoretical question came up immediately. What’s EU media policy? Is there a specific EU media policy or there are several policies that impact on a particular industry? In a narrow sense, media policy at EU level is only audiovisual policy: the Television Without Frontiers directive, the MEDIA programme, and some TV digital technical standards; but in a broad sense the media sector is affected by all kinds of EU regulation: from tax policy to interest rates or trade policy; from the regulation of the access to digital networks, to the negotiations in the World Trade Organisation, World Intellectual Property Organisation or the spectrum policy developed at the International Telecommunications Union.

The EU competition policy is one of these external policies, outside of the media field, but which have changed deeply the European media landscape, specially the broadcasting sector and digital pay-tv in particular. In fact, EU Competition policy is a key factor in the EU Media Policy, because paradoxically is very difficult to pass media rules at European level. The high sensitive cultural aspects of the audiovisual regulation and therefore its unanimous vote required in the Council and the slow process in any EU regulation makes quite difficult to approve any media related regulation. On the other hand, competition decisions made by the European Commission are direct and with immediate effect.

As a direct policy with a set of rules, the EU competition policy is a good field to look for this EU impact on media national policies. But EU competition policy is quite broad: it covers anticompetitive agreements, abuse of dominant position, —very important for sport and fiction rights—, state aid, —with influence in the PBS and film aid schemes—, the merger regulation—, quite important in the definition of the digital pay-TV platforms—, and monopolistic rights. This research has been focused to the specific issue of state aid and Public Broadcasters and two different countries Spain and United Kingdom.

A second theoretical debate is about the presence or not of an European Media Sphere, a virtual meeting-point of European public opinion. It seems that it doesn't exist as a reality. But, what about media policy? There is an "European Sphere" or "European level" of media policy, which is part of the global media policy? There is an European Union way of dealing with media policy? and, if it exists, how does it impact on European states? Therefore, the theoretical framework has been one of the challenges of this research.

The main studies are comparing states media policies from a horizontal level, and not from a vertical level as a national vs. regional, or global vs. regional. Even Hallin and Mancini (2004) theory of comparing media systems shows an underrepresentation of the broadcasting sector and the supranational level. On the other hand, Hernan and Galperin's "New Television, Old Politics" (2004) deals with the development of Digital Terrestrial Television (DTT) in United Kingdom and United States and try to establish differences and similarities. Again the national level is the level of evaluation, but concludes with the example of DTT development that the states have adopted new kinds of tools in order to avoid losing the control of their media systems. It also concludes that the main drivers of globalisation, –the economic and technological forces– have not enough strength to overcome the cultural and historical characteristics of each country. Frank Esser and Barbara Pfetsch (2004) explain in one of the chapters that the national context no longer suffices to explain common phenomena; it's necessary to include the European level. Here, it's necessary to discuss and define the concept of "Europeanization". It has its origins from the political science and means how the national media policies are more and more influenced by EU, and vice versa: EU policy is mediated with national policies. This concept was applied to European media policy by Harcourt (2004). She explains that EU has contributed to adjust an adaptation process of the different national policies towards a European frame of reference on broadcasting policy. The process is not new and it has become frequent in most of the others economic sectors. It has habitually implied three consequences in national policy: a redefinition of the existing political problems, the appearance of new ones, and an ideological resource for the change or the maintenance of the national political structures.

3.- Methodology and EU context

Therefore, the aim of this research is to describe how "europeization" of media policy works in United Kingdom and Spain public broadcasting sectors. At first glance, the Spanish case shows that the EU action involved this kind of changes. Brussels forced a redefinition of the Spanish Pay-TV sector with different decisions about the consecutive attempts of platforms mergers: Cablevisión (1996) and Sogecable-VíaDigital (1999-2002). The Commission has also created new political problems as the ultimatum on Spanish PBS funding scheme in 2004. Finally, the EU has been used as rhetoric and ideological weapon to partisan fight on Media Policy, as it was the case on the set-top-box issue of 1997.

The second aim of this research is to know if this process of "europeization" has reduced the big gap between the BBC, –considered as a model of independent and well funded PBS-, and RTVE, –considered under funded and highly manipulated.

The two main techniques used for approaching these questions have been: first, a deep evaluation of EU and Spanish and British documents searching for any reference about EU competition media policy; and second, in-depth interviews with top executives and managers of BBC and RTVE and top officials of the Member States.

Before presenting some of the results, it's necessary to describe the basics of EU media position respect PBS in order to add some context. The relationship of European Union policy and Public Broadcasting Services could be summarized as a historic dilemma between market and social aspects without a clear answer. Perhaps the text cited by the high level group on audiovisual Policy in 1998 explains the Gordian knot faced by EU: "We need balanced solutions able at the same time to respect two important points. The first is the basic function of Public Broadcasting Services in the most of EU Member States. [...] The second is that

European integration is based on free market and equal competition. The future of the dual European TV system depends on how we can be able to combine these two apparently incompatible principles". This two-sided approach is found as well in the Amsterdam PBS protocol of the European Community Treaty (ECT). It reveals a certain and intentional ambiguity between social and free-market values and it allows an interpretation by the European Court of Justice (ECJ) in accordance with the economic and social situation of each historical moment.

But even with the Amsterdam Protocol, the issue was far to be solved. After a tug of war between the Member States and Brussels, the European Commission published a set of rules in 2001. It is the Communication on the application of state aid rules to public service broadcasting according to the Service General of Economic Interest communication (EC, 2001). This text clarifies that Member States are a priori free to define the extent of the public service and the way it is financed and organised, according to their preferences, history and needs. This includes the possibility of a 'wide' definition (on-line services and thematic channels) and the legitimacy to look for mass audiences (entertainment and sport). The Commission calls for transparency on these aspects in order to assess the proportionality of State funding and to control possible abusive practices. This implies a mandatory separate accounting system to discover if overcompensation on PBS funding or side-effects in competitive markets has been made. Brussels asks Member States –whenever this is lacking– to establish a precise definition of the public service remit, to formally entrust it to one or more operators through an official act and to have in place an appropriate authority monitoring its fulfilment. Respect the extension of PBS to new media, Brussels demands a formal entrustment to PBS remit and a justification in order to cover users needs. This solution makes easier a discretionary decision in a case-by-case basis as wanted by member states.

4.- Results

This European Commission Communication has influenced the public broadcasters operations and structure as it will be described below. In the Spanish case, we find a historical democratic and economic deficit on RTVE. The Spanish Public Broadcaster had two main characteristics that were different from the standard model of other European PBS. The first one was his high dependence to government: the general manager of RTVE was named directly by the cabinet without intervention of the legislative power. He reported directly to government, and secondarily to the Parliament, which has only a supervision role. This model has been reproduced in almost all Public Regional Services Broadcasters in the last 25 years. It can be explained by the survival of some Franco's dictatorship characteristics in the young Spanish democracy. As RTVE was used as a main propaganda tool for the old regime, the new democracy was not enough self-confident to allow a more democratic control of the PBS. As a result, the Spanish Public Broadcasters in general have become a main instrument of power and manipulation, with independence of which party was in charge. The other specific characteristic is that the Spanish PBS has never had a stable funding system as the BBC licence fee. We can say that Italy RAI has the same high government manipulation, but it has a well establish system of funding: half of its income is coming from the licence fee. On the other hand, RTVE have based almost all of his funding on advertising and only with a small direct state subsidy. To cover the ordinary budget the state gave an unlimited guarantee to borrow bank funds. As a result of audience fragmentation and bad management, RTVE has constantly lost revenues and it has implied an enormous debt of 7 billion euros at the end of 2006 equivalent of the surplus money that Spain receives each year from EU.

In the end of 2003, the EU competition authorities request the Spanish government five measures in order to archive the claims of Spanish commercial broadcasters: to establish a legal mechanism to avoid the overcompensation of public service net costs, elimination of the state guarantee, to set up the analytical accountability, to abolish the RTVE exemption of some taxes and to adopt management guidelines according with market conditions. A year later, the Zapatero's Cabinet accepted this conditions and the Commission closed in April 2005 the Spanish case at the same time as the French's and Italy's PBS. As a result of this agreement,

not only the funding model of RTVE has changed a lot, but also the conception of the state media public sector regulation. First, funding: the state has abolished the state guarantee and has created a direct funding system by law, which are linked to a certain productivity, costs and revenues ratios. As a consequence, this year RTVE has been cutting off his workforce by 40%, from 10.000 workers to 6.000. The socialist cabinet decided at the same time to reform the RTVE in order to make it more democratic. There is a new law on public media that has addressed some of the EU demands as a formal definition of Spanish public service broadcasting, and the entrustment to control it to a new independent body, el "Consejo de Medios Audiovisuales", still to be created. At first view, it seems that the "europeization" has worked in the Spanish case and it had placed the Spanish Public Service Broadcaster and its regulation close to the European level. However, the in-depth interviews to the top RTVE managers have confirmed that the initial and final decision to reform the Spanish PBS was taken by initiative of the socialist government. The Brussels influence was more a posteriori, once the national decision was made as a framework. Although it's true that the European Commission exerted a pressure to reform the Spanish PBS, its role was more in establishing a set of guidelines than in the driving political will to initiate the reform.

As for BBC, the research has found that in all of the documents of the new charter review process (2003-2006), the European Union media policy is hardly mentioned. Moreover, if the relationship between Madrid and Brussels was top-down, the relationship between London and Brussels are more equal. The interviews realised in this research show that the models proposed by the BBC managers to protect and expand their public service remit, as the Public Value Test, are followed with great interest by EU competition officials as a model for future developments on European competition media policy. At the same time, it can be perceived also that there is a deaf influence of the EU state aid rules on some of the help schemes to Digital Switchover. The DMCS officials keep on mind constantly the EU state aid scheme to avoid complaints in the future. It seems that the "europeization" is also working in two directions and in countries like United Kingdom with a high level of historical quest for the best regulation of Public Broadcaster Service the "europeization" process is less evident, because it's less need. Finally, the analysis show that a opposite direct relation between democratic tradition and EU competition policy degree of impact exists. Whereas in the UK, the EU is perceived as a complementary and external element to broadcasting policy, Brussels is a key element, although not decisive, into Spanish political debate.

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