

## Local and Community Media: A comparative Report

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### Foreword by EPRA Secretariat

Local and community media, although sometimes overlooked by media and regulatory frameworks, have been a regular topic of discussion at EPRA level, and a recurring item since the beginning of 2012, resulting in the creation of a working group on local and community media. The aim of the group was to discuss and exchange best practices around the regulation of local and community media and more specifically with regard to licensing, assessing and monitoring content requirements, analysing necessary prerequisites for a sustainable sector - not to forget issues raised by digital transition. The structure of the work has been based on two complementary tools: an online working group and three meeting sessions. The first meeting of the group in Portorož<sup>1</sup> featured a roundtable debate on community media with Sally Galiana and Francesco Diasio of AMARC Europe as guest speakers. For its second session in Kraków, the group focused on the issue of local advertising and, more generally, the sustainability of local TV and radio with a keynote speech by Prof. Guy Starkey from the University of Sunderland<sup>2</sup>. The third session of the group, which convened in Vilnius on 3 October 2013, looked at the issue of local TV and EPG Prominence<sup>3</sup>.

The ultimate two-fold purpose of the group has been the development of an informal network of experts and peer regulatory officers in charge of local and community media across EPRA members and the drafting of a comparative report on how regulatory frameworks and regulatory authorities deal with local and community media. The first aim was soon fulfilled through regular exchanges between group members. The second objective was much more time-consuming and started by drafting an ambitious questionnaire and circulating it to EPRA members.

The present report, which is based on the outcome of the questionnaire, has been drafted by working group coordinator *Bernard Dubuisson*, who was until recently Head of Radio at the Belgian CSA. EPRA wishes to use this opportunity to thank him for the extensive and high-quality work, excellent coordination of this working group and production of high-quality papers. Bernard has been an invaluable member of the EPRA community and will be greatly missed. EPRA wishes him all the best in his professional endeavours.

The report is a revised version of a draft presented at the EPRA meeting in Vilnius in October 2013. It incorporates three additional contributions from the regulatory authorities in Croatia, Netherlands and Slovakia and well as comments and suggestions made by EPRA members.

Thanks to *Maria Borkowska* (KRRiT, Poland) and EPRA Chairman *Jean-François Furnémont* for submitting their comments on earlier drafts of the report. A very special mention goes to *Asja Roksa Zubcevic* (CRA, Bosnia and Herzegovina) for taking over the coordination of the working group at very short notice and editing this report. Last but not least, many thanks to EPRA members for answering the questionnaire and actively contributing to the success of this working group.

**Disclaimer:** This document has been produced by the EPRA, an informal network of 52 regulatory authorities in the field of broadcasting. It is not a fully comprehensive overview of the issues, nor does it purport to represent the views or the official position of the EPRA or of any member within the EPRA network.

<sup>1</sup> Introduction: <http://www.epra.org/attachments/portoroz-wg2-local-and-community-media-introduction>

Summary: <http://www.epra.org/attachments/portoroz-wg-2-local-and-community-media-summary>

<sup>2</sup> Introduction: <http://www.epra.org/attachments/krakow-wg2-local-and-community-media-introduction>

Keynote speech: <http://www.epra.org/attachments/krakow-wg2-local-and-community-media-presentation-by-guy-starkey>

<sup>3</sup> <http://www.epra.org/attachments/vilnius-wg2-local-community-media-presentation-by-ofcom-uk>

## Introduction

Local and community media (LCM) are essential to a pluralistic and diverse media landscape. As stated by one of the respondents, *“local broadcasting increases plurality and offers an important platform to take part in the decision-making process. Besides daily newspapers, local broadcasting grants plurality of opinion. Regional and local content with specific regional topics plays an important role in the everyday life of the recipients. Non-commercial broadcasting (CM) is referred to as the “3rd pillar“ of broadcasting because its function and tasks differ from those of public and private commercial broadcasters. Only CM offer free access to resources and production of programmes.”*<sup>4,3</sup>

Yet, in order to deliver added-value, specificities of LCM require to be taken into account by media policies and regulation, which are often primarily designed for and aimed at bigger and powerful media outlets. This report examines how national legal and regulatory frameworks take the specificities of LCM into account and is based on the answers provided by several EPRA members to a questionnaire on a wide range of aspects, such as LCM presence and acknowledgement, licensing, requirements, relationships with regulatory authorities, means of existence, digital switchover, EPG prominence and financial support by public authorities across four dimensions: Local TV (LTV), Local Radio (LR), Community TV (CTV) and Community Radio (CR). Respondents included the regulatory authorities emanating from:

- Belgium – French speaking Community (BE)
- Bosnia and Herzegovina (BA)
- Czech Republic (CZ)
- Croatia (HR)
- Denmark (DK)
- France (FR)
- Germany– State of Thuringia (DE-TH)
- Germany – State of Saxony (DE-SN)
- Germany – State of Mecklenburg-Vorpommern (DE-MV)
- Germany – State of Hesse (DE – HE)
- Germany – State of Bavaria (DE-BY)
- Germany – State of Baden-Württemberg (DE-BW)
- Germany – State of North-Rhine-Westphalia (DE-NW)
- Ireland (IE)
- Montenegro (ME)
- Netherlands (NL)
- Norway (NO)
- Poland (PL)
- Serbia (RS)
- Switzerland (CH)
- Slovakia (SK)
- United Kingdom (GB)

Due to the exploratory nature of this topic, the report does not aim to provide an exhaustive account, but rather to illustrate the question of how media policies and regulation take the specificities of LCM into account.

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<sup>4</sup> As stated in the report from the German Land of Saxony.

## **LCM Specificities with regard to other players**

Local TV and Radio cover only a fragment of the national territory: a sub region, a province, a department, a town or even a neighborhood and are distinct from national media. Their activity is set within a spatial dimension of their area of distribution, but also with a social dimension through the local nature of the content they provide.

Community TV and Radio usually share several, (but not all) of the following characteristics: they are non-state-owned media, they have a not-for-profit approach, they have a democratic ownership, they are civil society based and they offer social benefit<sup>5,4</sup>. They are distinct from public service and private commercial media.

### **1. LCM presence**

Either LCM existence can be effective without legal recognition, or LCM can exist under a legal framework. When there is no legal framework, it is likely that regulation acknowledges the specificity of those media. If not, LCM might not survive in the long run.

The following table provides information on the existence of different types of LCM among the respondents.

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<sup>5</sup> The specificities of Community Radio are more thoroughly covered in the introduction paper produced for the EPRA Barcelona Meeting in 2010. See <http://www.epra.org/attachments/628>

Type	Question	BE-FR	BA	CZ	HR	DK	FR	DE-TH	DE-SN	DE-MV	DE-HE	DE-BY	DE-BW	DE-NW	IE	NL	NO	PL	RS	CH	SK	GB	ME	
LTV	1.1. Present	x	x	x	x	-	x	x	x	x	-	-	x	x	x	x	x	x	x	x	x	x	x	x
LR	1.1. Present	x	x	x	x	x	x	-	x	x	-	-	x	x	x	x	x	x	x	x	x	x	x	x
CTV	1.1. Present	-	-	-	-	x	x	x	x	x	x	-	-	x	x	-	-	x	x	x	x	-	-	-
CR	1.1. Present	x	x	-	-	x	x	x	x	x	x	x	x	x	x	-	-	x	x	x	x	x	x	-
LTV	1.2. Legal recognition	x	-	x	x	-	x	x	x	x	-	-	x	-	x	x	x	-	x	-	x	x	x	x
LR	1.2. Legal recognition	x	-	x	x	x	x	-	x	x	-	-	x	x	x	x	x	-	x	x	x	x	x	x
CTV	1.2. Legal recognition	-	-	-	-	x	-	x	x	x	x	-	-	x	x			-	x	-	-	-	-	x
CR	1.2. Legal recognition	x	x	-	-	x	x	x	x	x	x	-	x	x	x			-	x	x	-	x	x	x

Table 1: Existence and legal recognition of different types of LCM

LCM cover a wide range of realities across the respondents, a diversity that is essential to the concept.

Local media can have various geographical ranges and population coverage. *In France*, Local Radio and TV are allowed to cover up to 6 million people (with an exception for 10 million people of Paris), which is more than the population covered by national media in many other jurisdictions such as Ireland, Montenegro, or Switzerland.

Community and citizen media can also take various forms, from community non-profit media to open channels (widely present in German *Länder*) or student media.

Radio and television in European countries differ also in such matters as distribution and digital switch-over, budget and income, distribution, etc.

To summarize, here are the different types of LCM encountered in this study:

- Local television
- Independent local radio
- Community radio
- Community television
- Local public service television
- Local public service radio
- State-run open channels
- Student radio

It is worth noting that community TV is much less often recognized and present as compared to community radio. Nearly half of the 16 respondent countries state that community TV is not present in their respective media landscapes. Also, in many countries, LCM are proportionally more frequently represented as radio than as television operators.

Aside the most common representation of local TV and radio stations as privately owned media, a fair number of respondents report the existence of local public (service) media (notably television), where private local players cannot make sustainable business cases. The financial scarcity can also lead to hybrid forms. The following are only but a few examples of this question.

*In Serbia and Bosnia and Herzegovina*, a common model is local public television and radio. Those are established either by the state, by public entities or on a public-private partnership basis. [BH RS LTV LR].

*In French speaking Community of Belgium*, local television services are all local public service broadcasters, funded by the state and controlled in part by political representatives. The public service radio broadcaster also provides local windowing. This offer coexists with numerous local and regional private radio stations. [BE-FR LTV LR]

In the *German State of North-Rhine Westphalia*, the legal/regulatory framework for local radio station is quite unique. One local radio station license is granted to a non-commercial organisation in each of the 44 designed areas of coverage. The model separates programme production from financing of the station. The licensees have a minimum standard for locally produced programming hours (5 - 8 hours), the remaining time being supplied by the framework commercial radio NRW, also delivering music, world/national news, and features for the local radio stations. In the evening, one hour must be provided between 9 and 10 pm to non-commercial broadcasters. [DE- North-Rhine Westphalia LR]

## 2. Legal recognition, licensing and selective criteria

### 2.1. Recognition

Presence and legal recognition are distinct in different countries. While a legal framework usually corroborates the reality of the field, some respondents report an effective presence of certain types of players without an effective legal recognition, and vice-versa.

*France* reports the presence of a few Community TVs but the law does not explicitly mention Community TV. [FR CTV]

In *Montenegro*, the law contains provisions for Community TV and Radio, but no players are effectively operating with such licenses. [ME CTV CR]

Six - out of 16 - respondent countries state that their legal framework does not explicitly recognize community radio. This includes many central eastern countries, such as the Czech Republic, Croatia, Slovakia, Poland, but also Norway and the Netherlands. 11 - out of 16 - respondent countries state that their legal framework does not explicitly recognize community TV. This includes many central eastern countries, such as Bosnia and Herzegovina, Czech Republic, Croatia, Slovakia, Poland, but also Belgium (French-speaking Community), France, Norway, the Netherlands, Switzerland and the UK.

The respondents describe briefly the way they handle categories of LCM:

In *Switzerland*, while Local and Community Radio services are legally differentiated from other operators, Local Community Television is not mentioned by the law. In each of the 13 regions defined by the government and covering together the entire country, one single local commercial TV broadcaster is granted a license with public service duties. In return, this private TV broadcaster receives a public financial support (part of the income of the reception fee). All other Swiss TV broadcasters – including local and community TV services – just notify their planned broadcasting activity to OFCOM and must only fulfill basic legal duties. [CH LTV CTV]”

In *Ireland*, there is a legal framework adapted both to non-national radio and television, and to not-for-profit radio and television. For the latter, the community benefitting from the media must be defined in order to qualify the service as community radio or television – whether geographically or by a community of interest. [IE LTV LR CTV CR]

In *France*, the legal framework defines several categories of operators to better acknowledge locally produced services as well as community media. Radio Category A defines associative radio providers as a specific category of operators, with a mission of proximity social communication and with advertising revenue limited to 20% of the turnover. Radio Category B is defined as a group of independent local or regional services which do not broadcast programmes with national content. Their broadcasting area must not cover more than six million people. They have to broadcast at least four hours between 6:00 am and 10:00 pm. French legislation also recognizes Local TV as a specific category and defines it as a TV service (“télévision à vocation locale”), broadcasting in a specific area of less than 10 million people (a region, a French department, a town or a district) planned by the CSA and offering local content. [FR LTV LR CR]

In the *Czech Republic*, regional and local players are defined on the basis of population coverage. Regional TV services can cover from 1% to 70% of the national population (80% for radio), while local services cover less than 1% and provide a programme intended, due to its reach, for a locally defined area. [CZ LTV LR]

In the *Slovak Republic*, local radio and TV is also defined in terms of population coverage, as broadcasting that can usually only be received within the geographical limits of a single municipality and covers a population of up to 100 000 or, in a city, up to 200 000. There is neither legal recognition nor acknowledgement of community radio and TV. [SK LTV LR CR]

In *Poland*, there is neither legal recognition nor acknowledgement of LCM; the legal framework refers to the category of “social broadcasters” which is similar to the concept of community media. The current arrangement makes it difficult to adopt and apply specific provisions which could boost the development of LCM. [PL LTV LR CTV CR]

In *Croatia*, while the concepts of community radio and TV are not included in the Electronic Media Act, their specificity is acknowledged in practice to a certain extent through the term of “non profit media providers”. Local TV and radio operators are acknowledged through their concession area [HR LTV LR CTV CR]

## **2.2. Mixed national and local players**

In several jurisdictions, mixed players are present or allowed. They can either be local players broadcasting national programmes for a part of the time, or national players broadcasting local windows:

In *France*, Radio Category C is defined as a group of independent local or regional services which can broadcast programmes with national content. Their broadcasting area must not represent more than six million people. They have to broadcast at least three hours between 6:00 am and 10:00 pm. Local TV are also allowed to broadcast national content, with strict constraints to ensure prominence of local content. [FR LTV LR]

In *Denmark*, regional community TV (operating on digital multiplexes) has a common time slot for national broadcasts. [DK CTV]

In the *German State of Baden-Württemberg*, for media concentration reasons, TV stations with an audience beyond a certain threshold have to transmit regional window programmes. [DE-Baden-Württemberg LTV]

It is also the case in the *German State of North-Rhine Westphalia* where two national television programmes, RTL and Sat.1, include half hour programmes of independent programme producers during access prime time. According to a legal provision, the national programmes get a “bonus” in evaluating the market share of the programmes in regard to media concentration standards. Also, local radio stations rebroadcast a common “framework programme” outside of local programming hours. [DE-LFM LTV LR]

In the *United Kingdom*, the regulator determines the minimum acceptable level of localness in local radio through a published Localness Guidance. This allows some level of networking between local licensees. [UK LR]

In *Switzerland*, according to the programme mandate of their licence, local and regional TV and radio broadcasters must broadcast primarily local-regional information. Beyond that, they may also broadcast national and international news. [CH LTV LR]

In the *Netherlands*, local radio and TV broadcasters are obliged to broadcast at least 50% local information (information, culture or education). They may broadcast other material, such as national and regional content beyond that limit. Many local players will however broadcast music during the rest of the time or rebroadcast their own programmes. [NL LTV LR]

### **2.3. Licensing**

Licensing processes applying to LCM can be distinct or separate from other players in several ways. This is often required in order to make sure LCM specificities are taken into consideration during the process. One common and effective way to support LCM is to have reserved spectrum for them, where spectrum capacities are needed to operate, typically for radio or DTT.

In the *German State of North-Rhine Westphalia*, the licensing procedures for campus radio stations are much simpler than for other stations, with a lower threshold of application standards/requirements. This is due to the fact that certain regulatory requirements, which are prerequisites to obtaining a license for this category, set limits to the activity of such stations, in terms of coverage area, content focus, ownership and licence duration. [DE-LFM CR]

In German Länder that provide open channels, those stations are not subject to a licensing procedure where they are set up and run by public authorities, such as in the State of Hesse where Open TV Channels are organized and run by a department of the media authority. [DE-Hesse CTV]

In *Switzerland*, the local radio licensing process is standardized, but the mandate provided by the license to Community radios differs from that of local commercial broadcasters. While FM frequencies are reserved all over the country for local commercial radio, there are 9 agglomerations in Switzerland where frequencies are specifically assigned to Community Radio.



Also, in contrast to commercial local radio broadcasters, whose public service mandate concentrates on providing local political, economic and cultural information, community radio providers can choose editorial offerings on which they want to focus their programme. For example: education, foreign languages, alternative music, culture etc. [CH LR CR]

In *Norway*, there is spectrum capacity reserved for local TV on DVB-T. As for local radio, spectrum capacity is reserved on analogue FM and transmission to digital radio is on-going with reserved spectrum. [NO LTV LR]

In *France*, while the licensing process is common for all radio categories, the regulatory authority is allowed to decide for which category a tender is proposed; each tender must specify precisely the category of radio affected. The law acknowledges the specificity of local and associative services and the regulatory authority must ensure that a sufficient part of frequency resources is attributed to associations. Local public radio stations have a priority right of access to the spectrum because of their public service mission. [FR LR CR]

In the *German State of Saxony*, while the same licensing process applies to all categories, and while LCM licensing procedures are not separated from other players, the law requires that LCM specificities are acknowledged in the licensing process. For Local TV and Radio, the specific requirements, such as local focus and local ownership, are considered in the selection process. This process only applies if there are more applications for a licence than capacities. For Community TV and Radio, specific requirements, such as volunteer work, non-profit goals and social value, are considered in the selection process. [DE-Saxony LTV LR CTV CR]

*In the Netherlands*, LCM are subject to the same licensing procedure which also applies to regional broadcasters. The most important part of the procedure is the advice of the city council regarding the public broadcasting body (PBB), which sets out the policy of the broadcaster concerning the media-supply and controls the way the broadcaster acts on local information, culture and educational programmes. The policy at least includes information about the type of media (TV, radio, internet) and the kind of programmes that are to be broadcast to fulfil the needs of the local community, etc. In case the PBB does not function adequately (within four months after licensing), the Dutch Media Act determines that the license for the public broadcaster should be suspended. [NL LTV]

In *Croatia* and *Slovakia*, LCM are not subject to a different licensing process than the one applicable to other media players.

### **3. Requirements, monitoring & sanctions**

#### **3.1. Requirements**

Since LCM are usually smaller types of players, it could be assumed that the requirements are lower to adapt to a lower level of constraints. However, it appears that those players are usually subject to identical rules as other types of operators. In many cases, regulation is even tighter because additional rules apply to LCM. Yet, some jurisdictions have differentiated the regimes, and set lower requirements:

In the *United Kingdom*, Community Radio stations are subject to higher requirements due to specific law provisions applying to them. Those requirements are reflected in each station's "Key commitments" which form part of the licence. This includes 'off-air' activities such as social gain and accountability measures. [UK CR]

In *Switzerland*, Community radio services requirements are subject to thematic, musical and cultural differentiation from other licensed radio programmes in the same area, taking into account the linguistic and cultural minorities of the coverage area. Also, Community radio providers are subject to lower requirements, regarding financial guarantees and in the field of training and professional development. [CH LR CR]

Requirements regarding in-house production can be a useful tool to guarantee that local media provide local content. If no requirements exist, the landscape faces the risk of having "ghost" local services that actually focus essentially on non-local content. This question is most sensitive where terrestrial frequencies are at stake. In-house production requirements may be replaced by requirements to provide programmes that focus on local or regional content:

In *Bosnia and Herzegovina*, TV stations are required to broadcast 20% of in-house programmes, at least 75 minutes of which shall be broadcast daily between 17:00 – 23:00 hours. The requirement is higher for radio stations, for which at least 70% of the daily programme shall be comprised of the licensee's own radio programme of which 50% should come from in-house production. [BH LTV LR]

In *France*, there is no direct requirement regarding in-house production for local TV, but they are subject of high requirements on local content. Local TV stations fulfil their obligation of broadcasting unreleased local content every week with mainly in-house production. The main part of this production is constituted by talk shows, a small part by local news and reports. [FR LTV]

In *Croatia*, TV stations are required to broadcast at least 20% of in-house programme, at least 50% of which shall be broadcast daily between 16:00 – 22:00 hours. The requirement is higher for radio stations, for which at least 30% of the daily programme should come from in-house production. [HR LTV LR]

In *Slovakia*, there are no in-house production requirements, but there might be some quota for in-house production contained within the broadcasting licence, but only if broadcaster itself includes such programmes in its application [SK LTV]

There can also be questions arising around some types of requirements. For example, the same local programming or in-house requirements can be subject to controversy and different interpretations.

In *Norway*, the definition of "local content" to be met by local radio operators was deliberately defined broadly, and has caused some debate concerning grey areas. The interpretation of what is local and what is not is gradually set by practice from the Media Authority's supervision of the local broadcasters. [NO LR]

In *Denmark*, it is reported that many community television operators seem to misuse the system, as it turns out they do not make the amount of in-house productions they claimed they would. [DK CTV]

In *France* also, community radio stations of group A have to broadcast at least four hours a day of in-house production. As they have a very little budget, the CSA authorizes them to use banks of programmes and others suppliers: the suppliers must have an authorization of group A, or if it is an association or an EIG whose members come from group A, the content of the programme is exclusively for operators of group A, and the CSA is aware of the organization's financing. [FR CR]

### **3.2. Monitoring**

Monitoring is an essential tool for regulation, as it provides evidence and facts to corroborate the licensee's declarations. Yet, when confronted with a large number of small, remote players, regulatory authorities are faced with several issues:

- The players being remote, catching their signal may incur additional costs for a centralized authority;
- The players being numerous, human-led monitoring tasks are resource consuming;
- The players being small, their impact on the general public is reduced and the outcome of monitoring is thus less cost-efficient.

This is why some regulatory authorities monitor LCM with less intensity than other operators. For example, they might not monitor them permanently but instead rely on the obligation to provide recordings upon request from authorities.

In *Ireland*, the regulatory authority BAI takes a risk-based approach to monitoring so community media are less monitored than commercial, unless there are specific issues identified. [IE CTV CR]

In *Switzerland*, the output of local and community radio is not monitored 24h a day. Concerning the usual obligations of broadcasters in the field of advertisement and sponsoring, the regulatory authority collects samples and reacts to complaints by the audience. As far as the accomplishment of the local public service mandate is concerned, OFCOM passes programme samples of the commercial local broadcasters to media specialists of independent institutions (universities, research centers), who scientifically analyze the samples. OFCOM publishes the results of this annual analysis, allowing thus a public comparison of the quality of different programmes. An adequate qualitative programme research module is currently being developed for Local Community Radio. [CH LR CR]

In the *German States of Thuringia and Mecklenburg-Vorpommern*, random monitoring is reported for community TV and radio, but on a much smaller scale. [DE- Thuringia DE-Mecklenburg-Vorpommern CTV CR]

In *Slovakia*, local broadcasters are monitored more frequently than major broadcasters that are monitored almost solely based on complaints. There are however few complaints against local broadcasting. That is why there is a regular monitoring routine (at least twice a year) set up for local broadcasters. [SK LR LTV]

In some cases, the regulatory authority has set a technical solution for remote monitoring of services. However, with the development of web broadcasting, remote monitoring has become easier.

In *Montenegro*, the regulatory authority does not have the possibility to monitor local TV media 24/7 from their headquarters. It periodically organizes monitoring by temporary installation of PC stations at different transmission sites located at different parts of country. [ME LTV]

### **3.4. Sanctions**

The questionnaire included a question whether sanctions were proportionate to small size service providers. In most cases, however, there is a uniform set of sanctions applicable to all players. Nevertheless, as they are as rule less scrutinized than other media, this may lead to lesser sanctions than for bigger players.

In *Bosnia and Herzegovina*, in the Schedule of infractions and resulting penalties (which is adopted by the Council of Ministers), the financial impositions are in most cases divided into three categories according to the population covered. It means that for local stations with coverage up to 100.000 inhabitants the lowest penalties are foreseen. [BH LTV LR CR]

In *the Netherlands*, sanctions mostly consist of warning letters, and sometimes a small monetary penalty. If the PBB does not function adequately, the license will be withdrawn after a warning letter. The LCM will have a period of six months to establish a well-functioning PBB. Sanctions are less heavy than for bigger broadcasters, although this possibility of withdrawal of license is considered a severe penalty. [NL LTV]

## **4. Interaction**

As we have seen, LCM may represent a high number of small, diverse and often remote players. Community media in general may have non-professional staff that needs special attention to make sure they are aware of the requirements. Depending on the situations, regulation authorities may take special measures to deal with:

- small media outlets
- remote players
- services not run by permanently appointed staff
- services run by volunteers

It appears that, while not explicitly formulated, the respondents are aware of those specificities in their day-to-day interactions with LCM. For example, some regulation authorities hold regular meetings to “feel the pulse” of the sector and keep everyone up to date.

A few authorities have set up decentralized offices to deal with local media. It is the case in *France*, the *United Kingdom* (4 remote offices) and *Bosnia and Herzegovina* (2 remote offices).

In *France*, to interact efficiently with remote areas, the law has created several CTAs (Regional Committees for Audiovisual). There are 16 CTAs, 4 of them overseas. The CTAs contribute to the information of the regulatory authority. They stay up to date on agreements concluded between a licensee and the CSA. The territorial committees for audiovisual services ensure the instruction of authorization requests for the broadcasting of the services of terrestrial radio and monitor the execution of the obligations which they contain. CTAs can also organize information meetings. [FR LTV LR]

The relationship between a large number of small players and a central authority can be facilitated by the existence of federations. Those intermediaries are widely present within the respondents and can play a crucial role in the dialogue with the public authorities or in public consultations. In some cases, those federations may have a legal role to play.

In the *Czech Republic*, there are representative bodies for local media, and some of them are recognized as co-regulators. These are considered partners in legislation process. When there is a legal case of breach of rules, they can send their expert opinion related to the reason for sanctioning. [CZ LTV LR]

In the German State of Baden-Württemberg, representative bodies have to be heard (by law) when transmission capacities are being dedicated for specific purposes and when the media law of Baden-Württemberg is being revised. [DE-Bad- Württemberg LTV LR CR]

In Croatia, NUT (National Association of Local television Stations) and HURIN (Association of Local Radio and Print) are two umbrella organizations that bring together representatives from television and radio. The cooperation between these organisations and the regulator is very active in all areas. [HR - LTV LR]

## **5. Distribution**

### **5.1. Digital Switch-over**

The level of Digital Switch-Over (DSO) is far more advanced and even completed in most cases for television, while the process is less advanced for radio.

When regulators prepared DSO plans, they usually consulted all stakeholders, including smaller ones, even though they might not have been integrated in the planning. Some players might have been indifferent to those plans, or seen them as threats due to lack of integration. Some may have seen them as opportunities. The attitude of the players depends on their awareness and on how well their interests have been taken into account. For example, the planning of local multiplexes is necessary to let local service providers find their target audience:

In the *United Kingdom*, some smaller local stations, who fear they had been left 'marooned' on FM, oppose DAB migration, while the bigger stations move to DAB. Many community radio players are indifferent to current DSO plans but a handful of licensees are currently carried on local DAB multiplexes as well as FM/AM. Each targets a community of interest that exists beyond their geographical coverage area. [UK CR LR]

In *France*, transition of TV towards DTT has been an opportunity to create new local services. The regulatory authority decided to reserve one place in each area in the public service multiplex for a local TV channel. DTT allowed an increase from 10 to 50 local services. [FR LTV]

In *Slovakia*, DSO plans included legislation for local digital multiplexes, with the main purpose of ensuring local programmes transmission via DVB-T. [SK LTV]

In *Croatia*, while all stations broadcast via digital signal, and while some local TV stations perceived this process as an opportunity for increased coverage, it has been reported that LCM are barely able to support current costs. [HR LTV]

When switch-over is planned, authorities should ensure that the operation costs (equipment, share of a multiplex, simulcast, etc.) do not discriminate smaller players. Due to the relatively high costs for smaller service providers, DSO might not be affordable for them. The risk is to leave them behind and build a digital landscape where they cannot reproduce their current ecosystem. While there is a justification in delaying a DSO for smaller players in order to keep them from bearing simulcast costs for a long period, authorities should ensure that enough digital broadcasting capacities are preserved in order to let them switch-over at a later time:

In the *United Kingdom*, small radio stations – both local commercial and community – struggle with DAB carriage costs or simply cannot afford carriage costs. While no support plan is currently in place, it is envisaged that these smaller stations may stay on FM. [UK LR CR]

In *Switzerland*, local radio service providers usually regard DAB+ broadcasting as an opportunity. Local multiplexes are being designed and it is likely that local and community broadcasters will profit from the legally foreseen technology promotion funds, which shall bring financial relief to them. [CH LR CR]

## **5.2. Must-carry and EPG Prominence**

Distribution via cable and satellite, as well as a fair positioning in Electronic Programme Guides (EPG) is important for any service. Again, due to their small size, local and community channels can suffer from a lack of visibility due to an inadequate positioning in the EPG. Regulation can be set to include a “must-carry rule” to the cable operators and/or a fair positioning of local and community TV service providers. Half of the respondents have set up “must-carry” rules for local TV services. Some, without having “must-carry” as such, have legal provisions pursuing a similar goal:

In *Bosnia and Herzegovina*, there is “must offer” obligation, stating that a licensee is obliged to announce on non-commercial basis a permanent offer to all licensees for the provision of audiovisual media services and radio media services in Bosnia and Herzegovina in terrestrial broadcasting, whose zone of broadcasting and adequate reception capacities are located in the zone of the telecommunication network used for the distribution. [BH LTV LR]

In *Serbia*, local TV channels are available on different distribution platforms. They are not considered as must-carry, but as cases envisaged by Article 101 of the Law on Electronic communication. The public authorities determine the operator of electronic communications for distribution and broadcasting of the media, which is required to transmit one or more radio and television programmes, at the national, provincial, regional or local level, when 1) a significant number of end-users are using electronic communications network operators as the only or primary way to receive media content, and 2) it is necessary to achieve clearly defined objectives of common interest, as determined by the broadcasting authority, respecting the principle of proportionality and the public. [RS LTV]

When it comes to the visibility of local services in EPGs, none of the respondents reported a situation where public authorities have their say on how the positioning in the EPGs is decided. Only United Kingdom and France report that they issue guidelines and codes, but overall, the situation is mostly left to be set by operators themselves. The best positioning can be found in Denmark, where Community TV channels are situated within the first 30 numbers, and possibly in the United Kingdom, with a varied situation depending on the size of the offer. France reports positions after the first 100 channels and the German State of Mecklenburg-Vorpommern reports positions over 150. In at least six jurisdictions, the poor visibility in the offer has been pointed out as problematic by local or community television service providers:

In the *United Kingdom*, all platforms are required to offer local television services appropriate prominence. On DTT, the EPG provider has indicated that local services will be carried at the highest available vacant slot: this is position eight in England and Northern Ireland, and a higher number yet to be established in Scotland and Wales – likely to be in the first 100 but not in the first 30<sup>6</sup>. [UK LTV]

## **6. Financial sustainability and public support**

### **6.1. Financial aspects**

Financial sustainability of private local media depends on how local players can protect themselves, for example against broadcasting of local advertisement by national media. When national media are allowed to broadcast local advertising (for example, through local windowing), financial sustainability of local media through advertising is usually compromised. Furthermore, local players who are able to federate to be in a position to gain a share of the national advertising market are much more sustainable.

These issues and their intensity can vary greatly depending on the size of the country. The bigger countries are usually more successful at ensuring a proper balance on the advertising market compared to smaller ones.

In the *Czech Republic*, national TV and radio can rely on local advertisement. Only very small advertisers interact with local media, hence they are able to survive but cannot be considered successful on the advertising market. [CZ LTV LR]

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<sup>6</sup> On this issue, see also the presentation of Oli Bird, Ofcom, at the EPRA Meeting in Vilnius: <http://www.epra.org/attachments/vilnius-wg2-local-community-media-presentation-by-ofcom-uk>

In *France*, local radio stations reflect a great variety of situations. Due to the great size of the allowed broadcast area (covering up to 6 million people in population, with an exception for the Paris area where they can cover 10 million people); some local operators can be quite successful. In addition, local radio stations can create interest groups to attract national advertising. Moreover, the local advertising market is only open to national operators on the condition that they also broadcast at least three hours of local editorial content. [FR LR]

The sustainability of local commercial players also relies on them being taken into account in audience surveys. Those tools are essential to provide the necessary visibility to attract media planning professionals and, through them, significant advertising accounts. Again, this possibility is usually left to local players operating in significant population areas.

In the *United Kingdom*, the vast majority of local radio stations participate in RAJAR, the audience survey, while it is not yet the case of local TV. [UK LTV LR]

In *France*, both local radio and local TV participate in locally focused surveys (“Local TV” and “Médialocales” held by Mediametrie). [FR LTV LR]

In the *French speaking Community of Belgium*, local TV and radio operators complain about their exclusion from audience research. This exclusion is due to the difficulty to combine market size and sampling cost, but also because audience surveys are paid for by national players. [BE-French LTV LR]

In *Croatia*, a recent study on the TV market<sup>7</sup>, which was commissioned by the regulatory authority, provided valuable information about the viewership of local radio and TV stations as well as the opinion of viewers on local content with an emphasis on local TV stations. [HR LTV]

Community media are usually less sensitive to the advertising market, being not-for-profit and financed by a diversity of sources. Depending on the jurisdiction, they are sometimes allowed to access advertising income, sometimes not. Community media revenues from advertising are not allowed but are allowed from sponsoring in Switzerland, Serbia, and the German States of North-Rhine-Westphalia, Bavaria and Saxony.

In the *United Kingdom*, up to 50% of Community radio stations annual income may come from the sale of on-air advertising and sponsorship. [UK CR]

In *France*, advertising resources can amount up to 20% of associative radio stations’ annual turnover. [FR CR]

In *Serbia*, community radio stations can have advertisement but resources for the work of radio and/or television stations of the civil sector may be provided only from donations, citizens’ contributions, sponsorship and other sources of revenue, in keeping with a separate law regulating the founding and the activities of civic associations and non-governmental organizations. [RS CTV CR]

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<sup>7</sup> For more information: [http://www.epra.org/news\\_items/croatian-tv-market-analysis-a-new-study-by-the-electronic-media-agency](http://www.epra.org/news_items/croatian-tv-market-analysis-a-new-study-by-the-electronic-media-agency)



## 6.2. Funding

There are many schemes for the financial support of LCM. As a rule, community media receive more support than local commercial media for obvious reasons. Still, some authorities also help financially local media. The main funding schemes are outlined below.

**Direct funding, sometimes with conditions.** The funds can come from the general public budget or from specifically dedicated funds fed by license fees or contributions from bigger players. The conditions range from guaranteeing that the funding is aimed to help sustainability, to the beneficiaries not being allowed to get advertising revenue.

In the *UK*, the Government funds a Community Radio Fund which is only open to licensees. Only <£500k per annum (200 stations eligible to apply). It is administered by Ofcom and supports posts that help sustainability, e.g. fundraisers or station managers. Average grant was £12k in the last round. There are two funding rounds per year. [UK CR]

In *France*, the Fund of support for the local radio expression (FSER), which was created in 1982, aims at allowing local associative radio stations to comply with their mission of proximity social communication, thanks to aid planned in the law. The subsidies of the FSER are attributed to associative regional radio stations doing a mission of social communication of nearness, with advertising resources which are lower than 20 % of their total turnover. [FR CR]

In *Denmark*, public funding of small radio stations is organized around a system of points gained (with a maximum) according to first time broadcast hours. [DK LR CR]

In the *Netherlands*, local municipalities are required to pay EUR 1.30 per household to the local public broadcaster if its Public Broadcasting Body (PBB) was granted a positive opinion. [NL LR LTV]

**Selective funding.** Money is granted in order to achieve specific goals, content types, training, etc.

In *Ireland*, there is no dedicated fund but community TV, local radio and community radio players can access the regulator's programming support fund. [IE LR CTV CR]

In *Croatia*, local and community radio and TV players can access the regulator's Fund for Promotion of Pluralism and Diversity of Electronic Media established by the Electronic Media Act. LCM also benefit from other sources of public funding such as local authorities. [HR LR CTV CR]

In *Norway*, there is a general fund for local and community radio stations, administered by the Media Authority, mainly intended to support the financing of programmes but also capacity building. [NO LR CR]

In *France*, one line of funding from the FSER, selective subsidies for radio action aims at supporting radio stations according to their action in the following areas: diversification of resources, vocational training of the employees and consolidation of jobs, culture and education, integration and fight against discrimination, environment and local development, amount of broadcasts produced by the station. [FR CR]

**Indirect funding through third party** such as public service broadcasters or media federations.

In the *UK*, the Government has agreed with the BBC that up to £40m of licence fee funding will be available for local services in this licence fee period (up to the end of 2017). This is split into £25m to fund capital expenditure of the local TV multiplex transmission network, and £15m to purchase content from local services, guaranteeing them a revenue stream. [UK LTV]

In the *German State of Baden-Württemberg*, there are legal provisions for funding local/regional broadcasting and specific funding directives. The regulatory authority is paying to the cable provider a share of the transmission costs charged to the broadcasters. Satellite transmission costs are paid to one broadcaster which is “renting” channels to the others. [DE-Baden-Württemberg LTV LR]

Also in *Baden-Württemberg*, the regulatory authority is funding the Bildungszentrum Bürgermedien, which organizes radio workshops for community radio stations with different topics. [DE-Baden-Württemberg LTV LR]

**License fee exemption or reduction**, or other reductions such as Multiplex cost (reported in Denmark).

**Funding by local public authorities.** This is the case, to some extent, in most jurisdictions.

**Non-financial support.** Training, technical support, research and development...

In the *German State of North-Rhine-Westphalia*, the regulatory authority supports the notion of programme quality in local media. Therefore, the LfM supports trainings of editors, personnel directed and related to programming content and producing programme quality for all local and community media. The LfM does not provide financial means for operating the student radio stations. The LfM, however, supports the training of campus radio students by offering a wide variety of free-of-charge seminars. The LfM also established a training programme “Media Coaches” to qualify campus radio students to become “media coaches” conducting seminars for campus radio stations. The training programme of the LfM is an important asset to provide a standard of quality in training with experienced professional coaches/trainers with a background in public and commercial radio/media. [DE- North-Rhine-Westphalia LTV LR CTV CR]

In the *French speaking Community of Belgium*, the regulatory authority organizes one day workshops and seminars twice a year for all local and community radio stations. The subjects may vary greatly and are a way to make sure local players have opportunities for training, awareness raising, and networking. In the absence of strong radio federations, the radio players greatly appreciate those meetings. [BE- French LR CR]

## Summary and conclusions

Local and community media (LCM) are essential to a pluralistic and diverse media landscape. In order for them to reach their maximum potential, LCM's specificities should be taken into account by media policies and regulation, which are often primarily designed for and aimed at bigger and powerful media outlets. The study identified eight different types of LCM (independent local radio, local television, community radio, community television, local public service television, local public service radio, state-run open channels, student radio). Community or local radio stations constitute the most prominent type of LCM.

Distinctiveness: community TV and radio are distinct from public service and private commercial media and usually have common characteristics: they are non-state-owned media; they have a not-for-profit approach; they have a democratic ownership; they are civil society based, and last, but not least, they offer social benefit.

Legal recognition: as a rule, where there is no specific legal framework for LCM, it is likely that regulation acknowledges the specificity of those media. Should this not be the case, LCM might not survive in the long run. Presence and legal recognition are distinct. While a legal framework usually corroborates the reality of the field, some respondents report an effective presence of certain types of players without an effective legal recognition, and vice-versa.

Mixed players: in several jurisdictions, mixed players are present or allowed. They can either be local players broadcasting national programmes for a part of the time, or national players broadcasting local windows:

Licensing processes applying to LCM can be distinct or separate from other players in several ways. This is often required in order to make sure LCM specificities are taken in consideration during the process. One common and effective way to support LCM is to have reserved spectrum for them, where spectrum capacities are needed to operate, typically for radio or DTT.

Legal requirements: since LCM are usually smaller types of players, it could be assumed that the requirements are lower to adapt to a lower level of constraints, as is the case with several respondents. However, it appears that those players are usually subject to identical rules as other types of operators. In many cases, regulation is even tighter because additional rules apply to LCM.

The level of Digital Switch-Over (DSO) is far more advanced and even completed in most cases for television, while the process is less advanced for radio.

When regulators prepared DSO plans, they usually consulted all stakeholders, including smaller ones. The attitude of the players depends on their awareness and on how well their interests have been taken into account.

When switch-over is planned, authorities should ensure that operation costs do not discriminate smaller players. The risk is to leave them behind and build a digital landscape where they cannot reproduce their current ecosystem. While there is a justification in delaying a DSO for smaller players in order to keep them from bearing simulcast costs for a long period, authorities should ensure that enough digital broadcasting capacities are preserved in order to let them switch-over at a later time.

Distribution via cable and satellite, as well as a fair positioning in Electronic Programme Guides (EPG) is important for any service. Local and community channels may suffer from a lack of visibility due to an inadequate positioning in the EPG. Regulation can be set to include a “must-carry rule” to the cable operators and/or a fair positioning of local and community TV service providers. Half of the respondents have set up “must-carry” rules for local TV services. Some have legal provisions pursuing a similar goal.

Financial sustainability of private local media depends on how local players can protect themselves. When national media are allowed to broadcast local advertising, financial sustainability of local media through advertising is usually compromised. Local players, who are able to federate to be in a position to gain a share of the national advertising market, are much more sustainable. Bigger countries are usually more successful at ensuring a proper balance on the advertising market compared to smaller ones.

The sustainability of local commercial players also relies on their existence being taken into account in audience surveys.

Community media are usually less sensitive to the advertising market, being not-for-profit and financed by a diversity of sources. Depending on the jurisdiction, they are sometimes allowed to access advertising income, sometimes not.

In terms of financial support, community media, as a rule, receive more support than local commercial media for obvious reasons. Some authorities also help financially local media. The main funding schemes include direct, selective or indirect funding (through third party), license fee exemption or reduction, funding by local public authorities, and various forms of non-financial support (such as training, technical support, research and development).

Exploring the way public authorities take the specificities of LCM into account reveals a global picture that is too varied to be globally depicted. Almost every topic addressed in this report calls for more detailed research to analyse such multi-faceted situations. The great variety of definitions and concepts of LCM within Europe also makes any reliable in-depth comparative analysis particularly difficult.

Nevertheless, the report demonstrates and illustrates the possibility for public authorities to act on a great variety of levels, where a good understanding of LCM specificities can make a real difference in supporting diversity and pluralism.