

31st EPRA Meeting (Barcelona, May 12-14, 2010)  
**Working Group on Community Radio Regulation**

**Summary of Answers to the Questionnaire**  
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The issue of Community Radio (hereafter CR) was only discussed once during the 19<sup>th</sup> EPRA meeting which took place in Stockholm in June 2004. On this occasion, a working group debated on the issue of *Regulation of Radio: Localness, Licensing, Digitalisation* by looking at current developments in Denmark, Ireland, France and the UK<sup>1</sup>.

The AMARC, the World Association of Community Broadcasters, defines CR in the words of its members as *a tool for community development, with programmes using local voices, characterised by the active participation of the community, and delivering a non-commercial service*.

The Community Media Forum Europe speaks about the “*Third Media Sector*”, which is made up of non profit-making media serving a local community and has as such a clearly distinct identity alongside the national public service sector and private commercial media.

There are many issues which could be worth examining when one deals with CR, be it of a technological nature, such as digital migration and the carriage of community radio services, or policy-oriented, i.e. to what extent do individual regulators take into account Europe-wide community media policy positions, not to forget the integration of CR in wider European policy topics, such as convergence or media literacy. The most crucial issue remains, however, how the existence of CR, mainly in comparison with other types of radio, may bring positive benefits to media landscapes in Europe and the society in general.

The aim of this paper, however, is to focus on two issues, that have been identified as crucial by the various European policy documents, such as the Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue<sup>2</sup>, i.e. the issue of the distinctiveness of community radio and its recognition and the issue of support/funding. In addition, this working paper looks at the involvement of broadcasting regulators in the field of CR, e.g. through licensing procedure and supervision.

This document is based on the responses to a brief survey prepared and circulated by the EPRA Secretariat in order to provide additional background information to the working group on community radio<sup>3</sup>. It provides facts and figures on current CR issues. One of the main transversal issues is related to CR distinctiveness, with regards to the social inclusion and the intercultural dialogue they promote. This distinctiveness is considered as a necessary precondition for their support by public authorities, as well as a crucial issue for their running.

The role of media regulatory authorities is another focus of this comparative document. As a specific player in the media regulatory landscape, CR stations are closely tied to media regulation, and many RAs therefore pay attention to their interests, most of them converging with the regulator’s mission of promoting pluralism and diversity.

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<sup>1</sup> [http://www.epra.org/content/english/members/working\\_papers/Stockholm/EPRA\\_2004\\_05.doc](http://www.epra.org/content/english/members/working_papers/Stockholm/EPRA_2004_05.doc)

<sup>2</sup> Such as the **Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue** (Adopted by the Committee of Ministers on 11 February 2009 at the 1048<sup>th</sup> meeting of the Ministers’ Deputies) [http://www.cmfe.eu/docs/Declaration\\_Community\\_media\\_adopted\\_CM-11-02-09E1.pdf](http://www.cmfe.eu/docs/Declaration_Community_media_adopted_CM-11-02-09E1.pdf)

<sup>3</sup> The authors would like to thank the content producer of this WG: Bernard Dubuisson, from the Belgian CSA, for his great commitment in drafting the questionnaire and providing his feedback on this comparative document. Also many thanks to Ciarán Kissane (BAI, Ireland) and Susan Williams (Ofcom, GB) for their active support.

This summary compiles answers from 28 regulatory authorities: KommAustria (AT), the Communications Regulatory Agency (BA), the Flemish Regulator for the Media - VRM (BE), the CSA of the French Community of Belgium( BE), the Council for Electronic Media (BG), the OFCOM (CH), the Cyprus Radio-Television Authority (CY), the Council for Radio and TV Broadcasting (CZ), the Director's Conference of the State Media Authorities (DE), the Radio and Television Board (DK), the Catalonia Audiovisual Council – CAC (ES), the Audiovisual Council of Navarra (ES), the Conseil Supérieur de l'Audiovisuel - CSA (FR), the Ofcom (GB), the Hungarian ORTT (HU), the Broadcasting Commission of Ireland (IE), the Lithuanian Radio and Television Commission (LT), the Conseil National des Programmes (LU), the Council for Coordination on the audiovisual activity in Moldova (MD), the Broadcasting Authority (MT), the Commissariaat voor de Media (NL), the Norwegian Media Authority (NO), the National Broadcasting Council - KRRiT (PL), the Regulatory Authority for the Media (PT), the National Audiovisual Council (RO), the Republic Broadcasting Agency (RS), the Swedish Radio and Television Authority (SE), the Council for Broadcasting and Retransmission (SK).

The **Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue** has been used as a text of reference to illustrate, through thematic entries, the different sections of this comparative paper.

## 1. DISTINCTIVENESS

### 1.1 Regulatory framework:

*The Committee of Ministers of the Council of Europe, Declares its support for community media, with a view to helping them play a positive role for social cohesion and intercultural dialogue, and in this connection:*

*i. Recognises community media as a distinct media sector, alongside public service and private commercial media and, in this connection, **highlights the necessity to examine the question of how to adapt legal frameworks which would enable the recognition and the development of community media and the proper performance of their social functions;***

As stated in the above mentioned CoE Declaration, the adaptation of legal frameworks is the key to a fully-fledged recognition of CR. However, from the answers to the questionnaire, it appears that in many Eastern and Central Europe countries and a few Western and Southern countries, there is **no specific legal recognition** nor any **legal terminology for CR** which means that either CR does not really exist, as in Portugal or Moldova, or that some CR may operate in practice but that their regulation falls under the general rules as in the Czech Republic. A more common approach is to recognise local radio stations, a category under which most CR fall.

- In Lithuania, a few small radio stations operate in a few secondary schools and a university, but it appears that the content they produce does not reflect community needs.
- In Cyprus, small local and local radio stations as well as TV stations are licensed but not considered as CR. The RA law defines small local radios stations as stations that are of very limited coverage (for a neighbourhood or a small village) because they broadcast with a power of only 20W in FM whereas local radio and TV stations are meant to cover towns or districts of the island with a power of 1KW maximum.
- In Luxembourg, a number of local frequencies are earmarked for local radio stations: they have to be operated by non profit organisations. While 14 operate at his time, only one has much of the characteristics of a CR. Its frequency has been granted through a regular public contest.
- In Denmark, the Broadcasting Act only mentions "local radio" and has a specific licence for that purpose.
- In the Flemish Community of Belgium, the *Act on radio and television broadcasting of 27 March 2009* does not really recognise a framework for CR, although the regulation discerns the categories of the *regional radio broadcasters* (responsible for producing information programmes from the region, cultural, sporting and other events contributing to the general

social and cultural development of the region) and the *local radio broadcasters* (responsible for broadcasting for a city, part of a city, a municipality, a limited number of adjacent municipalities, or a particular target group).

Austria is an interesting case, as they do not have any specific legal framework, but the association of Austrian free radio has developed a Charter in 2007 laying down the principles and the specificities of CR, such as open access, non-profit orientation, transparency, regional development, independence, specific public orientation and cultural concern.

It is worth noting at this point that the AMARC, the world Association of Community Broadcasters has adopted on 18 September 1994 a similar Charter:

[http://www.amarc.org/index.php?p=Community\\_Radio\\_Charter\\_for\\_Europe](http://www.amarc.org/index.php?p=Community_Radio_Charter_for_Europe).

In Navarra (Spain), there is currently no specific legal framework but the newly adopted Spanish law introduces a definition of non profit community audiovisual media services<sup>4</sup>.

It appears that most of the Western EU countries have **a specific regulatory framework applicable to CR, including inter alia a definition and also referring to a specific licensing procedure**. In most cases, there is no autonomous legal instrument but rather a **distinct section** in the Broadcasting Act. This is for instance the case in the French Community of Belgium, Catalonia, France, Ireland, Malta, the Netherlands, Norway, Poland, Serbia and Sweden.

In United Kingdom, however, a **separate statutory instrument** was put in place: the *Community Radio Order 2003*. This defines **community radio**, sets out various rules for the sector (e.g. on funding and ownership) and sets out criteria for consideration when licences are awarded. It does so by modifying existing legislation – the Broadcasting Act 1990.

In Bosnia and Herzegovina, the specific legal framework is enshrined in the *Rule on Licences for Terrestrial Broadcasting of Radio and Television Programmes*, which includes a **Special Licence for terrestrial Broadcasting Stations Aimed at Specific Social Groups**. This licence is defined as “licence for terrestrial broadcasting of radio programme issued to non-profit organisations or civil groups with the aim of fulfilling specific needs of a certain group of society.” However, it is important to note that no radio stations operate under this system so far.

In a few countries, such as Hungary and Romania, the definition of CR is enshrined in the audiovisual law, thus operating a legal recognition of CR but the recognition does not however go as far as foreseeing a specific licensing system.

Here again, the terminology to describe CR varies greatly according to the countries.

It can be referred as:

- **Non profit** as in Norway to describe niche radio with restrictions concerning income from ads and sponsorship
- **Local sound radio broadcasts by associations**, as in Sweden where associations entitled to receive a licence are given the opportunity to broadcast CR programmes in a municipality
- **Local PSB** as in the Netherlands, where the Dutch regulator is in charge of granting broadcasting time to them. Transmission of broadcasts is in principle restricted to the geographical area of a local municipality. **Local PSB have** more obligations than commercial operators as a result of their public nature and rights of transmission.
- **Radio and television of the civil sector**, as in Serbia, which are required to satisfy specific interests of particular **social groups and civic associations**. They should only cover a local area and may not be profit-making.
- **Complementary non-profit-oriented radio programme services as in Switzerland**  
Such programmes must differentiate themselves thematically, culturally and musically from other licensed radio programme services that can be received in the same coverage area.

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<sup>4</sup> For more details, see the last section on envisaged reforms.

- **Associative radios**, as in France or the French Community of Belgium.
  - Poland refers to “**social broadcasters**”, to qualify a broadcaster who:
    - propagates learning and educational activities, promotes charitable deeds, respects the Christian system of values, is guided by the universal principles of ethics, and strives to preserve national identity in the programme service.
    - does not transmit programmes or other broadcasts referred to in Art. 18 par. 5 within the programme service
    - does not transmit advertising or teleshopping, sponsored programmes or other sponsored broadcasts
    - does not charge any fees for transmission, retransmission or reception of the programme service.
- (Art. 4, para 1a of the Broadcasting Act).

## 1.2 **Criteria applying to CR distinctiveness:**

Regarding **distinctiveness**, the question addressed how restrictive regulatory structures need to be in order to maintain the distinctiveness of the sector?

Various criteria have been developed and may apply to CR distinctiveness, such as:

- The existence of non profit goals
- Democratic ownership
- Accountability to the community
- Diversity of funding sources
- Reliance on volunteer work
- Presence of specific content with regard to social gain/benefits for the community
- Other criteria

From the answers, it appears that there are specific requirements on the **missions** of CR, like fulfilling non-profit goals, catering for the needs of the community and the presence of specific content. Requirements are also related to the **structure** of CR, regarding democratic ownership, funding sources and use of volunteer work.

**The requirement for a limited area of transmission** is also a widespread criterion, in diverse countries like Hungary, Malta, Netherlands, Serbia, Sweden, and Switzerland.

- In the French Community of Belgium: along with the structural condition of relying on volunteer work and of involving the volunteers in the management board, there is a content condition specifying that the service must be mainly dedicated either to certain types of programmes (information, emancipation, cultural development or citizen participation) or to musical genres that are not among the most sold or played.
- In Bosnia and Herzegovina: a criterion applying to CR’s distinctiveness is related to the planned programme, which should be aimed, both in terms of programming and language, at a specific group of society, which the legal person applying for the licence claims to represent and/or gathers and whose rights, interests and promotion it advocates.
- In France: apart from the presence of specific content with regard to social gain/benefits for the community, community media services must comply with a local and social communication mission.
- In Hungary: CR serve national, ethnic or other minority goals, cultural aims or an underprivileged group, or intends to serve as the public forum of a community. According to the Hungarian legal regulations, CR may only operate within a reception area of 1km radius.
- In Switzerland: a complementary non-profit-oriented radio programme service must differentiate itself thematically, culturally and musically from other licensed radio programme services that can be received in the same coverage area. In particular, it must take account of the linguistic and cultural minorities in the coverage area. The reliance on volunteer work is not a legal requirement, but as CRs are not allowed to broadcast commercial communication with the exception of sponsoring (and self-advertising), they rely on volunteer work in practice. The obligation to provide for volunteer work may be incorporated in the licence.
- In Romania: a television or radio community service shall have the meaning of a service that broadcasts audiovisual programmes dedicated to the public of a specific community.

CR can be characterised by **specific terminology**, such as:

- In the Netherlands: CR and community TV are defined as **local PSB**. The transmission of broadcasts is in principle restricted to the geographical area of a local municipality. Furthermore only legal entities like an association or a foundation can acquire broadcasting time. As a principle local PSB has a different status to local private operators: they have more obligations following their public nature and rights of transmission.

- In Serbia: radio and/or television **stations of the civil sector** are those stations that satisfy specific interests of particular social groups and civic associations.

They may be founded by a civil society non-profit organisation (a non-governmental organisation or a civic association). The content of the programme broadcast by a civil sector radio and/or television station must be related to the field of activity of the non-governmental organisation or the civic association which founded the station.

They may be founded to cover only a local area and may not be profit-making.

- In Sweden: "Community radio" is defined as **local sound radio broadcasts by associations**. Associations shall be given the opportunity to broadcast CR programmes in a municipality. Outside metropolitan areas, efforts should be made to ensure that transmissions can be received throughout the municipality. In exceptional cases, the Swedish Radio and Television Authority may approve larger transmission areas. Licences can be granted to not-for-profit associations with ties to the transmission area, parishes and religious bodies within the Church of Sweden, compulsory membership associations for students at universities and university colleges, associations of several licence-holders in a reception area for joint community radio purposes (community radio associations).

### **1.3 Link to FM:**

Operating exclusively or predominantly on the **FM band** is a distinct criterion applicable to CR.

- In Ireland, CRs are mainly linked to FM transmission, but some operators with experience develop their service on the web.

- In Switzerland, the CR-licences allow for a transmission by FM but also by cable and Internet. DAB would be an alternative as well. However, presumably mainly due to cost concerns, there is no such CR in Switzerland yet.

- In the United Kingdom, transmission is primarily on FM though there are a few services on AM too.

- In Spain (Catalonia), the Catalan Broadcasting Act applies to television and radio services using the radio electric space and those broadcast by means of technologies other than the radio electric space. CR is not linked to only FM transmission.

- In the French Community of Belgium, CR are firstly linked to FM, but the recognised CRs can get additional funded support if they broadcast on other channels (as of now, this is only aimed at web radio).

In France, CRs are also linked to digital radio and AM transmission.

An interesting case is the Netherlands, where CRs are **not linked to FM transmission, but local PSBs are entitled to have a terrestrial frequency**. In addition they can also broadcast their programmes through the local cable network and even on satellite if desirable.

### **1.4 Community TV:**

Countries with a specific **regulatory framework applicable to Community TV** tend to be Western European countries.

Even if not considered as community TV, some countries have **local TV stations**.

- In Cyprus: local TV stations are licensed (even if not considered as CR); they are meant to cover towns or districts of the island in UHF with a limited power.

- In Norway, licences are given to digital local TV but do not include obligations concerning local programme content.

- In Sweden: local cable transmission companies are regulated. In conducting its transmission activities, a local cable transmission undertaking must endeavour to achieve broad freedom of expression and freedom of information to the greatest possible extent.
- In Denmark: non-commercial TV has a channel in DTT from 21 pm to 17 pm, most of the time on a regional/local basis. For national programmes, 3 hours per day are allowed.
- In Ireland, community content contracts for all digital platforms and contracts have been issued for community television services.
- In Germany, there are open channels and open access in 8 Länder.
- In the Flemish Community of Belgium, the Flemish Media Act discerns the category of the regional television broadcasters. Art. 165: The duty of a regional television broadcaster is to provide regional information with the aim of promoting communication between the population and between the authorities and the population on the one hand, and to contribute to the region's general social and cultural development on the other hand within the service area allocated to regional television broadcasters.
- The French Community of Belgium has a status for local and community television, which has more characteristics of local public service media.
- Only in the Netherlands, community TV is defined as local PSB, with more rights and duties as a consequence of the public status.
- In Spain (Catalonia), the *Catalan Broadcasting Act* regulates the Non-profit community audiovisual media services.

## 2. SUPPORT

*iv. Stresses the desirability of:*  
*a. recognising the social value of community media and examining the possibility of committing funds at national, regional and local level to support the sector, directly and indirectly, while duly taking into account competition aspects;*

The existence of support funds provided by the RA or the State is another key factor of recognition for the CR.

### 2.1 State support:

Regarding countries with a **support system, support funds for the implementation and/or the running of CR** are mainly provided by the government's Media regulation and Culture departments. The Local Authorities and the Social Inclusion department also provide financial help.

- In Ireland, 70% of a typical CR budget would come from public support, when all public sectors are taken into account.
- In the French Community of Belgium, public support is often the main source, although diversified (media, culture, local support ...). For some CRs, like university radios, there are other sources of support that can amount to from 50 to 70% of their budget.
- In Hungary, support funds are provided by the Media/regulation, the Culture and the Social inclusion departments and by Local authorities.
- In Austria, support funds for the implementation and/or the running of CR is provided from the Media/regulation department, Culture department, Social inclusion department, Local authorities.

In five countries, **a fund is specifically aimed to support CR or local broadcasters.**

- In France, the Culture Ministry provides support funds for the implementation and/or the running of CR via the '**Fonds de soutien à l'expression radiophonique**' (**FSER**).

Associative and non-commercial radios might not have to pay the new tax on broadcasters implemented by the Finance Law 2010.

Public support ranges between 20% and 50% of a typical CR budget, depending on other resources like grants from local governments, publicity, events, memberships...

- In Ireland, the RA operates a community broadcasting support scheme as part of its overall training and development function. Community broadcasters also secure funding from the Broadcasting Funding scheme, allocating 14m Euros mainly to support radio and television programming.

- In Norway, the RA is administering a **fund aimed at local broadcasters**. The fund is provided by the State through the Ministry of Culture.

- In the United Kingdom, the only funding specifically set aside for CR is the **CR Fund**. It comes from the *Government's Department for Culture, Media and Sport*, and totals £500,000 per year, for over 160 stations broadcasting. CR support is based on the redistribution of a fraction of the advertising revenue of commercial broadcasters.

- In Denmark, local radio benefit from **resources coming from the licence fee revenue** (50m DKK = 7.5m Euros), which represents 40% for the CR and 60% for Community TV.

Licences are free, awarded by beauty contest. Public support gives 70-90% of a typical CR budget. 198 CR are kept alive by a modest sum (3,5m Euros) per year and cover a wide range of interests in political, religious and social terms.

- In the French Community of Belgium, the Fonds d'Aide à la Création Radiophonique (FACR) is financed (around 900.000 Euros) by a portion of the advertising revenues of PSB and commercial networks and is aimed at funding CRs as well as creative programmes and archiving projects. CRs that benefit from structural funding from this fund receive around 15.000 € every year.

Apart from countries that do not have CR and therefore no support fund, the countries that have no general support system may benefit from **other ways of support**.

Some **local authorities provide support funds** for the implementation and the running of CR. Otherwise different ways of support exist:

- In the United Kingdom, local authorities and other government departments also help fund services, but money is not specifically set aside for this sector.

- In the Flemish Community of Belgium, there is no structural financial support for the regional and local radio stations. An exception is the local radio FM Brussel, which receives around 1.700.000 € of support per year from the Flemish Community (culture department).

About one fifth of the other local radio stations in Flanders receive support funds from the local authorities (city, municipality,...); often not more than € 1.000.

- In Sweden, there is no general support system, but CR may be supported by the community and in return they broadcast community meetings. This support is usually directed to a CR association and covers the costs of the transmitter. The Authority has no figures on how many broadcasters finance their broadcasts in this manner.

- In Switzerland, CRs benefit from revenues originating from a fee-splitting licence, i.e. they receive a fixed share of the PSB licence fees. 50% of a typical CR budget would come from public support (with a maximum of 70%).

- In Spain (Catalonia) : CR may be funded by charges on the profits arising from commercial exploitation of the radio electric space.

**CR support is not based on the redistribution of a fraction of advertising revenue of commercial broadcasters in a majority of countries.**

- Only in the French Community of Belgium, commercial Networks and PSB are subject to a levy of 1 to 2% of their raw advertising revenue. The contributions go into the FACR fund mentioned above.

- In Spain (Catalonia): CR may be funded by charges on the profits arising from commercial exploitation of the radio electric space.

## 2.2 Public advantages:

In a few countries, CR specifically benefits from **reduced licensing fee or free licences**, reduced rights management fees, reduced broadcasting levy payments, exemption from paying the broadcasting fee, exemption from paying a compensation for terrestrial frequency or transmission through cable network.

- In Switzerland, as the licensing fee is owed only if the gross revenue exceeds 500.000 CHF, CRs are in practice exempt from the duty of payment.
- In Ireland, CR benefit from public advantages such as reduced broadcasting levy payments.
- In the French Community of Belgium, CR has no licensing fee and reduced rights management fees.
- In the Netherlands, CR benefits from reduced licensing fees and reduced rights management fees. They do not have to pay a compensation for terrestrial frequency or transmission through cable network. They are not charged a licence fee.
- In Denmark, licences are free, awarded by beauty contest.

It is worth noting that in two countries of Eastern Europe, even though there is no support provided by the State or the RA, CRs specifically benefit from other public advantages.

- In Serbia, according to the *Broadcasting Law*, civil sector radio and television stations shall pay only the radio station fee (radio frequency use fee) and shall be exempt from paying the broadcasting fee.
- In Romania, CR benefit from free licensing by the RA.

## 2.3 Advertising revenues:

In most of the States the CR are **allowed to earn advertising revenues**, but they have **restrictions** applying to the **content**, the **financial revenue** or the duration of **advertising time**.

- In Austria, the *Private Radio Broadcasting Act* does not differ between commercial and non-commercial broadcasters regarding advertisement money. Self restrictions are possible.
- In the Flemish Community of Belgium, there are no financial restrictions on CR to earn advertisement money; the only restrictions that apply are restrictions comparable to the ones prescribed in the AVMS-Directive for television broadcasters in a more lenient form.
- In Romania, the provisions of the *Audiovisual Law* are applied, as for all the other radio stations.
- In Sweden, general rules in the *Radio and TV Act* apply : CR associations may not send commercials.

Restrictions on financial revenue may apply:

- In the French Community of Belgium, there is no restriction to advertising but the funding will be larger if the CR does not earn advertising money.
- In France, associative radios can benefit from FSER grants only when their commercial resources coming from publicity and sponsorship are less than 20% of their total gross income.
- In Switzerland, in a non-profit-oriented radio programme service, the broadcasting of advertising is not permitted, with the exception of self-advertising, which predominantly serves to build audience loyalty, including references to media partnerships. The licence may provide for the broadcasting of advertising for broadcasters who make a special contribution to the training of media workers in a coverage area with fewer than 75,000 inhabitants aged 15 or more.
- In the United Kingdom, there are a number of restrictions for advertising, in terms of income and amount of advertising.

Restriction on the duration of advertising time may also apply:



- In the Netherlands, CR can earn money from advertisement: general limits apply, only 12 minutes per hour, 15% per day and 10% a year. Advertising cannot interrupt programmes. Rules on clear separation of editorial and commercial content apply.
- In Hungary, the advertisement money is restricted: in the case of broadcasters with public service missions, 6 minutes /hour of advertising and in the case of non-profit broadcasters only 3 min/hour are allowed.
- In Serbia, a maximum of 6 minutes of advertising messages may be broadcast within 1 full hour of public broadcasting service programming. This is also applicable to the civil sector media.

Special restrictions may apply:

- In Norway, there are income source restrictions on niche (non profit) radios, consisting of an upward limit for income related to sponsorship and advertisement, combined with no possibility to transfer niche radio enterprise profit to its owners.
- In Malta, advertising revenue should only come from commercial establishments situated within the area of cover.
- In Germany, the CR can earn advertisement money only for benefits through local events.

When advertising is **completely prohibited, sponsorship may be allowed**, as in Denmark or in Spain (Catalonia), where CR may receive sponsorship but may not include advertising, with the exception of social economy and third sector activities.

#### **2.4 Assessment of the public support and the general support system:**

Although assessed as largely insufficient by a number of countries, it is important to emphasise that public support does exist in many countries, whereas **in Eastern European countries, there is no public support (except in Hungary)**.

Although some countries have a support system, it is **assessed as poor or weak** :

- In the United Kingdom, an average of 43% of (cash) funding comes from public sources (e.g. local authorities). In addition, some stations get 'in-kind' support from public bodies. Public funding totalled around £3.3million for 2008/09 (99 stations surveyed). Monetary support for CR is considered poor. The CR Fund is considered insufficient, and so far all attempts to push the government to increase it have not succeeded.
- In France, the FSER is not fully satisfied with the support system and fears that grants may be not be enough for the digital switchover.

In other countries, the system is **new** and **difficult to assess**, or it is **changing** or **being evaluated**.

- Within the French Community of Belgium, public support is often the main source, although diversified (media, culture, local support, ...). For some CRs, like university radios, there are other sources of support that can amount to from 50 to 70% of their budget.
- In the Netherlands, there is a new obligation for local municipalities to contribute to funding since 1 January 2010.
- In Spain (Catalonia), the *Draft Act* establishes that the RA has to set up a financial management evolution system and a specific register for the deposit of the financial records.

Some support systems are assessed **positively**:

- In Germany, a typical budget would include approximately 40% from membership fees and 60% from support by the media authorities. The support system for CR is generally considered as successful.
- In Norway, support by fund is mainly aimed at programme production, development projects and development of radio competence.
- In Switzerland, as a legal requirement, the annual share of the PSB licence fee attributed to a broadcaster may amount to a maximum of 50% of its operating costs. As this is considered inadequate, as CR quite often run the risk of bankruptcy, the Federal Council (Government) has raised the maximum to 70%.

- In Ireland, operators do not close due to a lack of financial resources. The key difficulty faced is in engaging with the community. The successful CR stations tend to secure resources.
- In Austria, 16 CR are licensed and are broadcasting their programmes.
- In Denmark, 198 CR stations are kept alive by a modest sum (3,5m Euros) per year, and they cover a wide range of interests in political, religious and social terms.

### 3. RELATIONS WITH REGULATOR

#### 3.1 Licence:

For most of the countries of Eastern Europe, and also in Portugal, there is **no specific community licence** for CR activities. They are considered like any other radio and have the same kind of licence.

For countries not recognising CR as such, **authorisations for regional and local radios** can also be granted. This is the case in Cyprus, Luxembourg, Lithuania, Czech Republic, Bulgaria, the Flemish Community of Belgium, Romania and Denmark.

CR stations are provided with a **specific licence for their activities** in the rest of Europe.

- In Poland: a specific community licence is provided for the CR, to: associations, foundations, church or religious legal person of a given church, or a religious organisation whose status is regulated by an Act of Parliament. Social broadcasters shall be exempt from fees payable for awarding or altering the licence. 9 radio stations operate at this time. The licence is issued for 10 years. Some restrictions apply: a social broadcaster may file an application for a successive period no later than 12 months before the expiry of the licence.
- In Sweden, a license from the Radio & TV Authority gives a right to broadcast in a special community. There are 909 licence holders.
- In Malta, there is a somewhat different regime which includes limitations as to the power of transmission, content and advertising for CR. There are currently 27 radio stations. There is a 2 month licence specifically aimed at CR set up to transmit one-off activities or events, and a two-year licence.
- In the United Kingdom, 221 licences have been awarded; of which 165 are broadcasting and 15 have been handed back. The remainder are preparing to start broadcasting. Licences are issued for 5 years. Recent legislation allows stations to apply for a further 5 year extension (once only).
- In the French Community of Belgium, a special status can be given by the RA on top of 9-year regular licensing. The CR must report every year to the RA to prove that it fills the conditions. 16 radio stations operate as CR at this time.
- In France, non commercial associative radio stations have an A category authorisation for their activities. 600 CR operate with this licence. They are issued for 5 years.
- In the Netherlands, the broadcasts should be limited to a region of a maximum of 4 municipalities. The RA grants licences for broadcasting. For the terrestrial frequency an authorisation of the *Radio Telecommunications Agency* is also necessary. Around 300 CR operate with this licence, issued for a 5-year limit.
- In Switzerland, the licences provide for specific requirements concerning the content: obligation to provide information about local matters (topics, culture, music etc). CR should provide a platform for linguistic, social and cultural minorities. The RA is responsible for delivering CR licences. 9 radio stations operate with such a license. They are issued for about 10 years (all expire at the end of 2019).
- In Bosnia and Herzegovina, a special licence for terrestrial *Broadcasting Stations Aimed at Specific Social Groups* exists. No radio stations operate with this licence at this time. CRs have the same reporting obligations as all other licensees: notify on any changes in information delivered in the original application or changes in licence terms and conditions; obligation to submit information upon RA's request etc.
- In Norway, the licence is related to defined local broadcasting areas (geographical entities), consisting of one or more municipalities. 250 radio stations currently operate with such a licence, including both niche and commercial local radio. Licence period is 7 years.

- In Germany, CR is provided with a specific community licence for their activities. The number of radio stations operating with such a licence differs between regions: totalling 98 altogether. Licences are issued for 7 to 10 years.

- In Ireland, a specific community licence is provided for the CR, delivered by the RA. 20 CR stations, 3 community television stations operate with such a licence. 4 more CR stations are expected to start in 2010. 15 short term community stations broadcast annually for 1 to 30 days. The term has increased to 100 days annually. Licences are issued for 10 years.

### 3.2 Spectrum capacities:

*ii. Draws attention to the desirability of allocating to community media, to the extent possible, a sufficient number of frequencies, both in analogue and digital environments, and ensuring that community broadcasting media are not disadvantaged after the transition to the digital environment;*

The availability of sufficient spectrum capacity is a central issue for CR, also bearing mind digital migration.

The common rule is that the **RAs do not provide reserved spectrum capacities for CR.**

Nevertheless, many countries in Western Europe (Denmark, Germany, Spain (Catalonia), Switzerland, and the Netherlands) may reserve spectrum for CR on the basis of their legal provisions:

- In Norway, radio spectrum is provided in cooperation between the RA and the Post- and telecommunications Authority, as part of a coordinated licensing process, and related to presuppositions in e-commerce regulation on radio spectrum administration.

- In Sweden, the *Fundamental Law on Freedom of Expression* states that there should be a possibility for local associations to broadcast radio in local broadcasts if available spectrum allows.

### 3.3 Reporting and monitoring:

In countries where CR exists, they have **reporting obligations** regarding **content, administrative and organisation matters.**

The obligations can be linked to **general requirements** as for any other kind of radios: to notify on any *changes in information* delivered in the original application or changes in licence terms and conditions, obligation to *submit information* upon RA's request, *basic data* and *income*, *the number of employees/volunteers*, *the amount of European works* produced by independent producers.

Matters related **specifically to CR** can be "*content services* related to ethnic and linguistic minorities", as in Norway, or *local content, equal and open access* as in Germany, or *community benefits* as in the United Kingdom.

The content is usually **monitored ad hoc and upon complaints**, or the RA checks at random on its own initiative.

The monitoring focuses on **non-profit goals, open access of groups and individuals, ownership restrictions, community relations.**

- In Germany, the focus of monitoring is on open access of groups and individuals, programming and budget.

- In the United Kingdom, every company that will hold a licence is checked: it must be non-profit distribution and there are ownership restrictions (ownership across both commercial and CR is restricted for example). In addition, if the control of a company holding a licence changes, or if a company wishes to transfer a licence, the RA has a role in checking and/or agreeing to this.

- In Ireland, ownership and control, funding, community relations are monitored to ensure their compliance with contract commitments.

### 3.4 Administration of support funds:

A **share of PSB licence fee** may be used to finance local or community radio:

- In Switzerland, CR (or commercial radios) may benefit from a share of the PSB licence fee. This process is administered by OFCOM who supervises whether they use the financial resources economically and in accordance with the regulations.
- In Denmark, local radio also benefits from money coming from the licence fee revenue. Support funds are given on request by the Danish regulator, for max. 15 hours of programmes per week (independent from networking).

A few RAs are responsible for **administering a CR support fund**.

- In Norway, the *Norwegian Media Authority* is administering a fund aimed at local broadcasters. Support objectives mainly are programme production, developmental projects and development of radio competence.
- In Ireland, the *Broadcasting Authority of Ireland* operates a community broadcasting support scheme as part of its overall training and development function. This provides about 200k Euros per annum to support community broadcasting. Community broadcasters also secure funding from the Broadcasting Funding scheme, allocating 14m Euros mainly to support radio and television programming.
- In the United Kingdom, *Ofcom* grants aim to support core staff costs and in particular to help raise funds and ensure future sustainability. Not every station gets a grant – if the Fund is shared out between all stations, the grants would be too small to make a difference. Therefore it is a competitive process. The average grant in last round was around £16,000.

## 4. DEBATES AND ENVISAGED REFORMS

New or pending legislation concerning CR is often quoted by respondents:

- In Spain, the **new General Law** on Audiovisual Communication includes new provisions on "audiovisual non profit community media services". Further to Art. 32: *"Private entities that are legally considered non-profit entities may provide audiovisual media services, non-profit community to address the social, cultural and community-specific communication and social groups, and to encourage citizen participation and structuring the network of associations. In any case, these contents were cast in open and without any commercial audiovisual media. The availability of a public radio domain is guaranteed for the provision of these services."* Navarra also intends adopting similar provisions at the regional level.
- in Ireland, the **2009 Act** introduced a new "contribute to social gain" test for community stations. **Funding** constraints in the public sector are causing concern.
- in Sweden, for many years the possible **commercialisation of CR** has been in discussion. Some minor changes will be made when the **new Radio & TV Act** enters into force on 1st of August. But CR as such will not undergo any major changes.

**Financing and digital issues** are the main concerns of the countries having CR. There is a widespread concern about the future of CR which could be jeopardised in the wake of digital migration.

- In Austria, the funding of CR is an ongoing debate.
- In Belgium (CSA), there is still a debate on the applicability of current recent rules (i.e. the fund aimed at financing CRs as well as creative programmes on CR and other local radios).
- In Germany: in some of the Länder, there is an ongoing debate about financial support on distribution and content production.
- In Denmark, the debate centres on what shall happen to CR, when other FM-channels move to DAB/DAB+. DAB in the L-band was foreseen to be used for local radio. Now it is planned to be for mobile TV (DMB). In this context, the government has promised 2m DKK to support an internet site with CR. This is a challenge, especially as there are unclear costs for music rights.

- In France, the ongoing debate concerns the evolution of the support system in relation to digital switchover. A reform on financial support is being studied.
- In the United Kingdom: the debate is on the issue of digital broadcasting, the future regulation for CR if they are not digital (which means less regulation), the expenses of audience research, and funding. There were some legislative changes – allowing the RA to extend licences once, by 5 years, and dropping some funding restrictions.
- In Norway, the ongoing debate is on the digitalisation of local radio (mainly DAB). This issue will be addressed by a governmental white paper on broadcasting, which is currently being prepared.

### **Conclusion**

The questionnaire helped us to make a **typology of countries**:

- **No or very little recognition of CR** – i.e. countries with no specific legal framework, no support fund nor any other recognition : Moldova, Cyprus, Luxembourg, Lithuania, Czech Republic, Bulgaria, The Flemish Community of Belgium, Romania
- Countries with **no specific legal framework but with support funds** : Austria
- Countries with **specific legal framework but no support funds**: Malta, Sweden, Serbia, Bosnia and Herzegovina, Poland
- Countries with **specific legal framework and support funds**: Denmark, France, French Community of Belgium, Netherlands, Germany (in some Länder), Hungary, Catalonia, Ireland, United Kingdom, Norway, Switzerland.

A few countries operate with a very large number of CR compared to the rest of Europe (the common rule is to have under 60 CR - except Hungary with 65).

In Sweden, there are currently 900 licence holders<sup>5</sup>. France follows with 600 CR, then the Netherlands (around 300), Norway (250) and Denmark (198).

A legal framework is an important prerequisite for the recognition of CR, even if CR can exist without it. They are in that case operating under general rules.

It is interesting to note that in Bosnia and Herzegovina, there is a regulatory framework but no CR so far.

There is generally a **high level of recognition** of CR in Western Europe associating a legal framework and support funds (even though there are several exceptions)

There is an **intermediate recognition** in the other countries, providing no specific framework but funds, or framework but no funds. Those countries usually assess the overall social gain provided by CR or local radio, but do not provide a support that would result of a specific recognition of CR and their particular nature.

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<sup>5</sup> Even though it has to be specified that when an association receives a radio licence from the Swedish Radio and TV Authority, this simply means that it is acquiring the right to broadcast community radio. The association does not automatically acquire access to a radio transmitter, see: [http://www.rtvv.se/\\_upload/infomaterial/4-350614850403323625519102.pdf](http://www.rtvv.se/_upload/infomaterial/4-350614850403323625519102.pdf)

**Possible questions for discussion** (As identified by Bernard Dubuisson in its introductory paper)

1. What are the enablers and the barriers for CRs?
2. What are the current challenges for CRs?
3. What is the role of the regulatory authority in the development of the community radio/media sector? How does this differ from the role in relation to other media sectors? There is a clear licensing role, as is the case for other media, but should a regulatory authority have a greater development focus because of the role community media can play in achieving goals like pluralism and diversity?
4. What elements can explain the difference of the situations of CR in the different States?
5. What are the best practices on the issue of distinctiveness of CR compared to other categories of radio services? Which criteria work best, what are their risks and caveats? What impact do the applied methods have on the shape of the landscape?
6. What are the best practices in terms of recognition?
7. When it comes to support, is it better to set a gradual type of support or an “all or nothing” approach? Is structural funding preferable to a more indirect form of support (facilities, project-based financing, etc.)?
8. What can we learn from the experience of those who have already set a policy? What are the effects of the policies put in place? Are there evaluation procedures of the impact of those policies?
9. What authorities are involved in CR regulation, licensing and support? How satisfactory are the roles set in your jurisdiction? What are the pros and cons of granting the licensing and support roles to the regulatory authorities?
10. What active role could European institutions play in supporting CR?
11. What positive measures can regulators take to contribute to the recognition of CR?
12. What factors should be applied in assessing community media? As an example in Ireland, the BAI looks at audience in terms of use and participation and piloted a model based on other community evaluation initiatives. They are considering how to measure “adding social value”.