

## WG III: the Assessment of PSB content

### Summary of the discussion 32nd EPRA Meeting, Belgrade, 6-8 October 2010

Report submitted by Marie Therese Lilleborge and Ingvil Conradi Andersen,  
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As the chair of the group, Marcel Betzel (NL) introduced the scope which this time deliberately had been narrowed to a discussion on how we as regulatory authorities (hereafter RA) are involved with assessment of PSB content, hereby excluding state aid issues which on previous EPRA meetings have gotten a lot of attention. The themes to be addressed during the round table discussion were assessment criteria, in regard both to traditional broadcasting and to new media, the methods applied in the assessment, and how PSBs are followed up, both in terms of sanction possibilities and in the public debate (see working paper on *Introduction & Objectives of the Working Group*<sup>1</sup> prepared by the content producers Marie Therese Lilleborge and Ingvil Conradi Andersen (NO).

Betzel pointed out some interesting elements found in the *Summary of the answers to the questionnaire*<sup>2</sup> prepared by Emmanuelle Machet: Almost one third of the RAs responding had indicated that they did not have a role in assessing the PSBs, a vast majority of the RAs only assesses PSBs ex post, and for most countries setting the assessment criteria is a job for the Ministry. Those member states who did not respond to the questionnaire were urged to do so in order to get a complete sum up available on the EPRA website.

Marcel Regnotto (OFCOM-CH) then gave a presentation on the application of the public service mandate in Swiss radio and television based on the new act passed in 2007<sup>3</sup>. At the federal level public service broadcasters are established by law, while as private broadcasters (41 radio stations and 13 TV channels) apply for licenses at a local level. The national PSBs (referred to as SSR) have quite extensive obligations on their content output, with requirements on programming such as news, social events, economy, educational and even entertainment. At a regional/local level, the private broadcasters have a more limited public service mandate, with obligations to deliver information about events in their own area.

The characteristics of the Swiss system are requirements both in connection to input (production factors) and output (the programme services). When it comes to the input, all broadcasters must establish a coherent organisation, make sure of an adequate provision of professional journalists, set up concrete commitments in professional development and provide for adequate working conditions. The broadcasters must establish a quality control system, with procedures securing that their quality standards are met. The SSR broadcasters have to publish its quality criteria, plus an annual report conducted by its internal monitoring service on how the standards are met. The local

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<sup>1</sup> [http://www.epra.org/content/english/members/working\\_papers/Belgrade/wg3\\_introduction\\_objectives.pdf](http://www.epra.org/content/english/members/working_papers/Belgrade/wg3_introduction_objectives.pdf)

<sup>2</sup> [http://www.epra.org/content/english/members/working\\_papers/Belgrade/PSB\\_summary\\_answers\\_final.pdf](http://www.epra.org/content/english/members/working_papers/Belgrade/PSB_summary_answers_final.pdf)

<sup>3</sup> [http://www.epra.org/content/english/members/working\\_papers/Belgrade/WG3\\_PSB\\_assessment\\_OFCOM\\_CH.pdf](http://www.epra.org/content/english/members/working_papers/Belgrade/WG3_PSB_assessment_OFCOM_CH.pdf)

private broadcasters have their quality standards assessed every second year by an external body of their own choice, but recognised by OFCOM. The recommendations suggested by this body on improvements are audited by OFCOM. The broadcasters have to define their own quality criteria, and write it down in their charter. OFCOM imposes external auditing of these. Accordingly, there exists a co-regulatory regime on assessment of input.

When it comes to the output, OFCOM mandates external specialists such as academics to assess samples of content, and OFCOM publishes their reports in order to foster a public discussion about their mandate. One interesting point worth mentioning is that the broadcasters themselves have asked for sufficient identification of programme services in order to make comparisons with each other. The assessors appointed by OFCOM must be totally independent, and OFCOM puts on an annual basis the mandates out to tender.

The new quality control has only been going since 2008. However, some initial experience has been made. At the beginning, the Swiss broadcasters were very reluctant to the new assessment system, fearing a dramatic increase in bureaucratic work, but now they have recognized that they may benefit a lot from the new system. After the first round, quality management are being improved by the broadcasters. Three broadcasters have also achieved ISO certification in quality standards.

A number of RAs had questions to Mr. Regnotto's presentation. On a question from the Israeli RA, he explained that there has been no cases where OFCOM has found that the quality standards on input established by the broadcasters could not be accepted. But in the next assessment OFCOM will look for improvements, and if they can't be found, OFCOM will consider if there is a need to interfere. The Israeli representative also recognized the system of assessing input instead of output, e.g. in Israel the RA monitors obligations that a certain percentage of the broadcaster's income must be used on content production on different programme genres.

A round table discussion then followed on the different themes that had been introduced. The Irish RA posted some reflections on what should be the purpose of regulations, and that PSB assessment should be some sort of external validation of audience interests. In Ireland there is now a new system in place where the RA makes recommendations on funding of PSB based on fulfilment of their remit. The PSBs are obliged by law to make annual statements of programme commitments, but the first evaluation has not yet been taking place. Ireland addressed the issue on distinctiveness and pointed out that PSB will fail if not a full range of audience interests are taken into consideration. Accordingly, there should be quantitative measurement of a full spread of programming genres.

The representative for the Flemish Regulator (BE) pointed out that most of the PSB obligations are quantitative. VRM has slightly changed its approach, now doing more research on different performance indicators, also on genres not in the broadcaster's obligations. For example a study on how many Flemish songs were broadcast has been executed and published. The year after, the broadcaster had increased the number, so going public had an effect in itself. Several other countries also reported on the educational effect the assessments have on broadcasters, even though there seems to be a lack of public debate on the reports in most member countries.

British Ofcom reported on the new assessment criteria which have been developed for new media services on Channel 4 which Ofcom assesses. In Britain there is also now a new method for assessments in place. Previously, the broadcasters reported on their content delivery which Ofcom

then assessed. The new method is to consult with Ofcom prior to publishing their programming statements, which seems more effective and which also has the purpose to stimulate a public debate.

Slovenia is one of several countries with no role on assessing PSB, but there is a system in place where the RA monitors the output on local broadcasters. However, Slovenia is in the middle of a process of law revision and it is too early to say whether there will be changes. In Croatia there is a similar situation of no content evaluation, but a new Public Service law will pass by the end of this year, giving the RA a responsibility to conduct a public value test ex ante.

Some countries pointed out the interesting fact that several PSB receiving public funding have no obligations whatsoever in respect of content obligations which are monitored. This regards e.g. Israel, Channel Arte in France and German PSB. It also used to be the situation in Austria, but this has recently been changed with a new law in place defining the public service remit.