

MEDIA POLICIES & REGULATION FOR MEDIA FREEDOM & INDEPENDENCE

Structural regulation - Belgium: safeguarding plurality in the national media landscape when borders disappear

CONTEXT

- Belgium comprises two small media landscapes (and a third, smaller)
 - AV: PSB + one main private group + small others
 - press: 2 main « quality » papers + others (survival threatened ?)
- How to maintain / support a diversity of media actors on a small market ?
 - Geographical borders
 - Convergence: emergence of new media services

- Pluralism \neq diversity of services (different services may be owned/operated by the same company)
 - in Fr. Cty, the powers of the regulator to deal with threats on pluralism focus on the offer of media services (if there's a threat on diversity, the regulator may initiate proceedings against a company that has significant market position)
- Plurality of actors \neq « internal pluralism », a system where the PSB's board (and top-level employees) reflects the political composition of Parliament

LEGAL FRAMEWORK

- Pluralism is one criterion in the allocation of frequencies for FM radio (Fr. Cty)
- Regulators monitor pluralism
- Transparency requirement (owners, composition of board, cross participations, etc.) + website www.csa.be/pluralisme
 - « *to help the public assess the value to be given to opinions and information that are broadcast* »

LEGAL FRAMEWORK

- (previously) : compulsory participation of newspapers into the capital of private broadcasters, so that they may benefit indirectly from the income broadcasters draw from the advertising market
- Financial support for small / weak actors (for instance, Fr. Cty, local community/alternative radio stations may be granted help from a fund that is financed by contributions from the networks)

TERRITORIAL JURISDICTION

- AVMS Directive defines territorial jurisdiction, but
 - (a) Media services from a neighbouring culturally dominant country (Fr. Cty, less so in Fl. Cty)
 - might drain the advertising income, some day (see study on the cost financing of PSB if advertising is eliminated)

TERRITORIAL JURISDICTION

- AVMS Directive defines territorial jurisdiction, but
 - (b) Biggest private broadcaster (RTL), originally under Fr Cty's jurisdiction, now operates under the laws of the Grand Duché de Luxembourg
 - might not contribute to finance local production any more (now on a voluntary basis) + pressure to lower national rules to EU minimal level

CONVERGENCE

- That thing called the internet:
 - (A) Ongoing lawsuit against the PSB (Fr Cty, same feeling in Fl Cty even if no lawsuit)
 - no right to do online advertising
 - no right to do « written press activities » on PSB's website
 - One possible issue: regulation of online advertising market (no PSB) to the profit of the press ? (benefits to the private broadcasters ?)

CONVERGENCE

- That thing called the internet:
 - (B) Emergence of new media services on the internet (web radios, a city web TV, ...)
 - CSA has launched a public consultation
 - identify the services (legal definition: 7 criteria)
+ rules (transparency)
 - light-hand approach

CONCLUSION

- A plurality of actors in a local landscape: is the Internet the solution?
 - new media services appear
 - but where are the **centers of gravity** of the (new) media eco-system / the national public sphere ? (and what level of pluralism at the level of the centers of gravity ?)