

Spreekschetsen D.MLB t.g.v. RvE conferentie “a new notion of media”, 28 mei 2009, Reykjavik

Algemene tekst voor plenaire bijeenkomst
(alleen het gesproken woord geldt)

Dear fellow Europeans,

My contribution is inspired by the review of state aid rules for public service broadcasting, the so-called Broadcasting Communication. I feel most of us present here agree on what is at stake. Two things.

- First, will member states remain firmly in charge of the remit and funding of their public broadcasters?
- Second, will there be room for public broadcasters to make full use of the new media?

State aid for public broadcasting is a very important subject, but also a delicate one.

The media not only add up to a multi-billion Euro sector of the European economy; they also add up to multi-billion hours of viewing, listening and reading by European citizens. The media are not just *any other business*; they are in the business of shaping people’s hearts and minds. And by doing so, they shape our societies.

In fact, the review of the Broadcasting Communication is a balancing act. We must ensure fair trade and competition within the internal market. And at the same time we must foster values important to the public in the media, such as editorial independence, integrity, diversity, quality, and access for all.

It is obvious that the Commission and the member states share a great responsibility. Each of us might approach the issue from a somewhat different angle, but in the end we must find common ground together. Our common duty, at the end of the day, will be to explain our choices in parliament and to our people.

It is from this perspective I would like to speak about the actions from the Netherlands, together with 19 other countries and with the support of another 3, against the planned review of the Broadcasting Communication by the European Commission.

This, I believe, is as well interesting for the Member States of the Council of Europe, because for 27 out of 47 Member States of the Council of Europe, the European Union is a dominant player. In several fields we have to align our internal rules with the decisions made in Brussel. And broadcasting is such a field.

A strong public broadcaster is a typical Western European development, dating back to the years before World War II. There was a time public broadcasting was the business of each government on its own, but nowadays, it is under severe pressure.

Rules for state aid press public broadcasting in a defensive position, and in some countries political motives are added to this. Don't get me wrong, the Netherlands shows is in European perspective not only interested in public, but also in commercial broadcasting. Two examples to prove this:

1. The Netherlands supported liberalising on the rules of advertising in the Audiovisual Media Directive, which helps commercial broadcasters generating more income.

2. We want Member States of the European Union to have the possibility to allocate frequency's for broadcasting. This prevents big (and rich) telecom companies pushing radio companies off the market, in their hunt for valuable frequency space for their telecommunication services.

Advertising, frequency's and cable networks are at no doubts bound to the rules of the European internal market. Only public broadcasting seems, on the base of the Amsterdam protocol still a mainly national affair. I say 'seems', because daily reality is more complicated.

In September 2008, on behalf of 19 member states, and in reaction to the Commission's consultation document, the Dutch Minister of Education, Culture and Science Mr. Plasterk, sent a common position paper to Commissioner Kroes about the revision of the Broadcasting Communication.

The general conclusion of this position paper was that only small changes were needed to adapt the Communication to the technical developments of the digital age. It was obvious that DG Competition of the Commission tried to meet the needs of the member states as laid down in the common position paper.

However, a majority of member states, including the Netherlands, was critical about the first draft communication.

The draft contained many detailed criteria and examples which would leave member states little room to design procedures that would fit in national systems. In summary the current situation:

- The European Commission interferes more and more with national broadcasting policy.
- The European Commission wants member states of the European Union to adopt a market impact assessment before they approve new media services of the public broadcasters.
- Such a market impact assessment must prevent disproportionate market distortion.
- I would not, and I repeat, *not* want to exclude public broadcasting state aid rules. But it is important that the European Commission acts in the spirit of the Protocol of Amsterdam of 1997.
- This, in brief, means that member states have the freedom to organise public broadcasting as they like, and the Commission only acts in the case of violation of the rules
- Regarding the definition of the public service remit, the rule of the commission is to check for manifest errors.

Many of the demands of the European Commission are reasonable. Like a clear definition of the public service mandate, 'this is important for market parties, so they can plan their activities, no overcompensation, no underselling, no cross-subsidy. But the public service remit cannot be limited to services which are not available in the market.

This matter is also of importance for the Council of Europe we think, because it could effect an other development: the enlargement of the European Union with member states with a total different media tradition.

When entering the Union, new member states must prove they are a democratic society, including freedom of the press. But the proof of the pudding is in the

eating. In the Netherlands, it took years to break the ties between political parties, churches and media outlets. And when we did, the media market only existed of public broadcasting and newspapers.

New EU- members experience, after years of communism a rapid change from state monopoly broadcasting to a market economy, with commercial media, digitalisation and internet.

This is not always easy. In some countries there are tensions between governments and public broadcasting. Sometimes politicians want to place own representatives in top positions of media organisations. Or public broadcasting is associated with former state run broadcasting and commercial media with freedom and prosperity. Other politicians prefer harmless entertainment instead of critical journalism.

The risks for the media landscape in some countries are well described in reports of the *Open Society Institute* and the *OSCE*.

Under no circumstances should a public broadcaster whose mission it is to inform all citizens regardless of their social, political or other affiliations be the object of a boycott by a government or governmental body, or, dramatically speaking, victim of a market impact assessment.

The question is, what's next. The European Commission will publish the broadcasting communication before summer. In some member states state support cases are under judgment. At this moment, only the state support cases of the Netherlands and Austria aren't finished. We sometimes feel like the village of Asterix and Obelix, resisting against the Romans.

Of course the Netherlands wants a fair agreement with the Commission.

But we also want to stick to our principles.

Ladies and gentleman,

European citizens still hold their national public service broadcasters in high esteem. People value the quality and reliability of public programming. But there is more to it. Public broadcasting systems are deeply rooted in the social and political fabric of our communities; they reflect our ways, our visions, our identity. That is yet another reason to ensure that member states keep control over the remit, organization and funding of public broadcasting.

I thank you for your attention.