



# **Member states' current practice regarding the democratic and social contribution of digital broadcasting**

Group of Specialists on Media Diversity (MC-S-MD)



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**Report prepared by the Group of Specialists on Media Diversity (MC-S-MD), November 2008**

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## Introduction

On 28 May 2003 the Committee of Ministers of the Council of Europe adopted Recommendation Rec (2003) 9 on measures to promote the democratic and social contribution of digital broadcasting.

The recommendation to the governments of member states includes a series of measures whose observance may, together with the general principles set out in the appendix to the recommendation, be decisive for the successful, smooth and social responsible transition to digital broadcasting in the member states.

In the recommendation the Council underlines the great importance of a wide variety of independent and autonomous media, particularly public service media (PSM), for modern democratic societies, their political, legal and social structures and the respect of human rights, culture and political pluralism. Being aware of the fact that the development of digital technology, particularly in the field of digital terrestrial television (DVB-T), offers great opportunities for both broadcasters and the population but also presents risks regarding its possible adverse effects to public interest objectives and social inclusion in the digital environment, the Committee of Ministers particularly stressed the importance of creating adequate legal and economic conditions for the development of digital broadcasting, the protection of media pluralism, minors and human dignity, the reaffirmation of the remit of public service broadcasting and the preparation of the public for the new digital environment.

The monitoring of the implementation of the recommendation was assigned to the Group of Specialists on Media Diversity (MC-S-MD) under the authority of the Steering Committee on the Media and New Communication Services (CDMC). In relation to this objective, set out in the MC-S-MD's terms of reference, the Group was instructed to complete the monitoring of the implementation of Recommendation (2003) 9 and compile a compendium of good

practices in member states in order to provide further guidance to member states on how to ensure a smooth and effective implementation of the recommendation.

Accordingly, following the 2nd MC-S-MD meeting on 14 and 15 November 2005, a questionnaire addressed to member states was drafted and put on line. The replies to the questionnaire as received by the Secretariat by 24 April 2006 were compiled in a document (document MC-S-MD (2006) 005rev) which was presented by the Secretariat at the 4th meeting of the MC-S-MD on 21 and 22 September 2006. As a first remark to the document it came out that, on the one hand, overall replies to the questionnaire were considerably different from each other, making it difficult to draw conclusions and provide pertinent guidance to member states on how to ensure the implementation of the recommendation; and, on the other hand, few states had adopted measures concerning two particular subjects of the recommendation, namely the preparation of the public for the new digital environment and the adoption of the public service remit to the digital environment. In view of that, the Group brought up the idea of drafting a compendium of good practice in member states which should be annexed to the general evaluation report and could serve as a source of inspiration for other member states.

Therefore, the present report examines on the one hand the general questionnaire on the implementation by member states of Recommendation (2003) 9, and on the other hand the compendium of existing good practices in member countries regarding two particular subjects addressed in the recommendation ("preparation of the public for the new digital environment" and "adaptation of the public service remit to the digital environment").

As to the scope of the report, it should be noted that the analysis is mainly based on information received by the Secretariat by April 2006 (document

MC-S-MD (2006) 005rev) and March 2007 (document MC-S-MD (2007) 004), meaning that very latest changes and amendments in the digital environment of member states could not be included in the present report and that particularly the compendium of good practices is not exhaustive, considering that several European countries which take a leading role in the digitisation process have not been able to answer the additional questionnaires so far.<sup>1</sup> Also, for the same reason, Montenegro's separation from Serbia in June 2006 could not be taken into account, resulting in a classification of the questionnaire which refers to the two states collectively as Serbia and Montenegro.

Moreover, it must be pointed out that **the report focuses primarily on the contribution of public service media to the new digital environment** and does not assess the role of the two other media sectors, the commercial media and the community media ("third sector media"). This is on the one hand due to the design of the questionnaires (see Appendix, page 18) which does not include explicit questions on the involvement of commercial or community media in the digitisation process. On the other hand, the compilation was restricted to data transmitted by member countries in the form of official responses to the questionnaires in order to keep the report disinterested, impartial and of manageable size. No material of third parties or interest groups whatsoever has thus been used or accepted for the composition of the paper. However, regardless of the present report's emphasis on public service broadcasting, any future assessment of the topic will have to pay increased attention to new forms of community media which are neither public nor commercial and have the ability to not only deliver major benefits to social cohesion and inclusion of marginalised population

1. For example Sweden, Italy, and the Netherlands, all of them possessing media markets with very strong PSB; on the other hand, current replies from France and Ireland could be incorporated into the report.

groups, but are also likely to play an increasing role in the new digital environment. Likewise, future initiatives in the field of digital broadcasting should increasingly reflect latest developments in communication media such as internet television, new communication services, blogs, etc.

Furthermore, owing to the mostly quantitative nature of the survey's outcome, **the information set out below consists of a compilation and evaluation of the current member states' practice in the field of digital tech-**

**nology** rather than an autonomous analysis of the findings or even recommendation for improvement. Accordingly, **the aim of this report is not to provide ready-made answers to the question of how properly and to which extend member countries have already implemented Recommendation (2003) 9 of the Committee of Ministers, but rather to illustrate and compare the different proportions and percentages of those areas where measures have already been adopted and those**

**where there is still need for regulative action.**

Finally, the present report aims to present the data collected in the documents MC-S-MD (2006) 005rev, MC-S-MD (2007) 001 and MC-S-MD (2007) 004rev as clear and readable as possible. For this purpose, and in order to convey a good general idea of the topic, information will sometimes be generalised or simplified. For the exact results of the survey, however, readers are encouraged to refer to the above-mentioned documents.

## Questionnaire

Following the 2nd MC-S-MD meeting on 14 and 15 November 2005, a questionnaire on the implementation of Recommendation R (2003) 9 was addressed to the member states (see annex). It covers various questions and sub questions concerning the measures recommended by the Committee of Ministers to the governments of the member countries, inviting them to

- ▶▶ create adequate legal and economic conditions for the development of digital broadcasting that guarantee the pluralism of broadcasting services and public access to an enlarged choice and variety of quality programmes, including the maintenance and, where possible, extension of the availability of trans-border services;

- ▶▶ protect and, if necessary, take positive measures to safeguard and promote media pluralism, in order to counterbalance the increasing concentration in this sector;

- ▶▶ be particularly vigilant to ensure respect for the protection of minors and human dignity and the non-incitement to violence and hatred in the digital environment, which provides access to a wide variety of content;

- ▶▶ prepare the public for the new digital environment, notably by encouraging the setting-up of a scheme for adequate information on and training in the use of digital equipment and new services;

- ▶▶ guarantee that public service broadcasting, as an essential factor for

the cohesion of democratic societies, is maintained in the new digital environment by ensuring universal access by individuals to the programmes of public service broadcasters and giving it inter alia a central role in the transition to terrestrial digital broadcasting;

- ▶▶ reaffirm the remit of public service broadcasting, adapting if necessary its means to the new digital environment, with respect for the relevant basic principles set out in previous Council of Europe texts, while establishing the financial, technical and other conditions that will enable it to fulfil that remit as well as possible;

- ▶▶ bring the basic principles contained in the appendix to this recommendation to the attention of the public authorities and the professional and industrial circles concerned, and to evaluate on a regular basis the effectiveness of the implementation of these principles.

On the basis of the replies to the questionnaire which had reached the Secretariat by March 2006, a first document (document MC-S-MD (2006) 005) was drafted. It contained in a form of a table the replies of 16 member states, a summary of these replies and the first conclusions which could be drawn. By 24 April 2006 the replies of another 7 member states<sup>2</sup> had reached the Secretariat, which made it necessary to draft a revised

document (document MC-S-MD (2006) 005rev) containing the replies of a total of 23 Council of Europe member countries (Albania, Armenia, Flemish and French Community of Belgium, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Malta, Norway, Poland, Portugal, Serbia and Montenegro, Slovenia, Sweden, Switzerland, Turkey, Ukraine). Besides, two other states – namely Cyprus and Greece – responded to the questionnaire. Cyprus pointed out that, at that time, it would be too soon to reply to the questionnaire regarding the fact that the question of digital broadcasting was still under high-level discussion; and Greece declared that it was not able to reply in detail to the questionnaire, as its Ministry for Transport and Communications was still busy drawing up a draft law concerning the switch-over to digital. Nevertheless, Greece indicated that its constitution contained a set of measures allowing it to reply to some of the questions in the questionnaire (diversity, protection of minors and human dignity, regulation of media ownership).

As the MC-S-MD noted that the replies to the questionnaire were considerably different from each other, making it difficult to draw pertinent conclusions, and that, moreover, only a few states had adopted measures concerning certain specific points in the recommendation which are of particular importance for social cohesion, it en-

2. Czech Republic, Germany, Lithuania, Poland, Portugal, Sweden and Ukraine.



dorsed the idea of drawing up a kind of compendium of existing good practices in member states regarding two particular subjects addressed in the Recommendation. This proposal was presented to the CDMC Bureau at its meeting on 12 and 13 April 2006, after which a request for further information was sent to certain member countries which had already replied to the first questionnaire (Belgium, Czech Republic, Finland, Germany, Lithuania,

Norway, Slovenia, Switzerland and Turkey).

The additional questionnaire on the implementation of Recommendation (2003) 9, addressed to a number of selected member states (see Appendix, page 18) contains questions regarding:

▶ the preparation of the public for the new digital environment (paragraph d of the recommendation),

▶ the adoption of public service broadcaster's remit to the new digital environment (paragraph f of the recommendation), and

▶ other related measures which do not fall directly under the above but have been particularly successful in the view of the member states.

## Results

### Questions concerning the preparation of conditions for the development of digital broadcasting (a)

Out of 23 member states, slightly more than half<sup>3</sup> have already developed a strategy for the transition to digital broadcasting. Among those states that have not yet adopted a digital strategy are countries which are currently studying such a policy (like Portugal) or are already modifying the existing laws to adapt them to digital (like Serbia and Montenegro). Consequently, the vast majority of those states where a transitional strategy has not yet been drawn up has initiated studies and activities which will lead to the adoption of appropriate measures in the foreseeable future.

In those member countries where a strategy for the transition to digital broadcasting has already been drawn up, relevant industries and the public have been consulted in advance. Throughout, the strategies aim to promote cooperation between operators, complementarity between platforms,<sup>4</sup> interoperability of decoding devices<sup>5</sup> and the availability of a large range of content.<sup>6</sup>

The public authorities in charge of the elaboration of a digital strategy in the different member states are usually

the Ministries of (Transport, Informatics and) Communications, and/or state Agencies (National Councils) for (Radio and Television) Broadcasting.<sup>7</sup>

A little more than half of the states which replied to the questionnaire<sup>8</sup> have set a specific date for digital switch-over at national level, ranging from 2006 to 2016. On average, however, the digital changeover will take place in 2012 and will be done regionally in stages. In this connection, many countries (such as France, Germany and Lithuania) start the digital transition in the big metropolitan areas and then subsequently spread it out throughout the whole territory. Yet there is also a different approach (taken for example by Sweden) which consists in testing the digital switch-over in small, sparsely populated regions and then continually advance to the densely populated metropolitan areas.

All the 23 states consulted declare that they have taken into account both the interests of the public and broadcasters and have set up a legislative framework and appropriate technical conditions where they have carried out work on the transition to digital. Furthermore, the vast majority of the states have taken into account the creation of appropriate technical conditions.

While legislation to regulate digital broadcasting has already been adopted by 10 states,<sup>9</sup> 18 states are still in process of adapting such legislation. Accordingly, 6 states<sup>10</sup> have already adopted legal measures in the field of digitisation but are currently modifying or complementing the existing legal framework by supplementary provisions.

### Questions concerning the safeguard and promotion of media pluralism (b)

When awarding licenses, member states' authorities have almost always ensured that the services offered are many and varied and that the establishment of regional and local services is encouraged.

Furthermore, authorities have indicated that they have taken measures to provide for a high degree of interoperability and compatibility of reception, of decoding and decrypting equipment and of systems granting access to digital broadcasting services and related interactive services.

While virtually every country will maintain the availability of free-to-air services in the digital environment, slightly less than half will provide national digital broadcasting services abroad and only one third will make

3. Albania, Czech Republic, Finland, France, Germany, Italy, Lithuania, Malta, Norway, Poland, Slovenia, Sweden, Switzerland, Turkey, Ukraine.

4. Except for the Czech Republic and Italy.

5. Except for the Czech Republic, Italy and Switzerland.

6. Except for the Czech Republic.

7. For further information see MC-S-MD (2006) 005rev, p. 6-7.

8. Albania, Bulgaria, Czech Republic, Finland, Germany, Hungary, Italy, Lithuania, Malta, Poland, Portugal, Slovenia, Switzerland, Turkey.

9. Flemish and French Community of Belgium, Czech Republic, France, Germany, Italy, Lithuania, Malta, Norway, Poland, Sweden, Switzerland.

10. Czech Republic, France, Germany, Flemish Community of Belgium, Italy and Sweden.

regional digital broadcasting services available outside of the country.

Most states possess legislation limiting the concentration of media ownership.<sup>11</sup> Where such legislation exists, it also applies to digital broadcasting.<sup>12</sup> None of those countries where media ownership regulation already exists is planning not to maintain its legislation.

About two-thirds of the states surveyed have also another type of regulation which contributes to diversity and content diversity in particular. Out of the remaining 6 states which declare not to have any other type of regulation, only two<sup>13</sup> intend to adopt such regulatory measures in the future.

**Questions concerning respect for the protection of minors and human dignity and the non-incitement to violence and hatred in the digital environment (c)**

In all of the 22 member states that replied to the questionnaire,<sup>14</sup> regulatory measures protecting minors against harmful content exist. Half of the states will adopt or modify (have already adopted or modified) these regulatory measures during the switch-over to the digital environment. While most of the countries have established a monitoring system and self-regulative measures on this subject, only one half has taken other measures such as information campaigns to protect minors against harmful content.

Regulatory measures for the protection of human dignity exist in 17<sup>15</sup> of the states that have answered the

questionnaire. Nearly the same number of states, namely 16, have also adopted a monitoring system in respect of this legislation. Less than one-third of the states will neither adopt nor modify these regulatory measures during the changeover to digital and have no plans to take other measures such as information campaigns to protect human dignity.

In all of the 22 countries (usually legislative) measures which aim to avoid content which is an incitement to hatred, violence, xenophobia or religious intolerance exist. These measures will be adopted or modified at the switch-over to the digital environment in slightly more than one third of the states.<sup>16</sup> Beside these regulatory measures, a monitoring system has been established in 18 states and other action such as information campaigns or self-regulation has been taken in 11 states.<sup>17</sup>

Regarding the protection of consumers, 19 out of 22 states<sup>18</sup> have taken appropriate measures.

**Questions concerning the preparation of the public for the new digital environment (d)**

13 out of 23 member states<sup>19</sup> which replied to the questionnaire have provided the public with wide-ranging information about digital broadcasting services. The same number of states has taken measures to encourage industry to make available a variety of decoding services.

By contrast, only 5 member countries<sup>20</sup> have already initiated or envisaged training courses in the use of digital equipment and new services to facili-

tate the access to these services by people with specific needs. Likewise, only 5 countries<sup>21</sup> have taken measures to reduce the cost of decoding and decryption equipment.

Approximately half of the states that answered the questionnaire have adopted regulations regarding electronic programme guides (EPG),<sup>22</sup> usually including measures to ensure a fair, reasonable and non-discriminatory position for service providers on the EPG. Some state's regulations additionally include measures to secure a prominent display of and easy access to public service channels<sup>23</sup> and an adequate consideration of the specific needs of people with sensory handicaps.<sup>24</sup>

**Questions concerning the guaranteed maintenance of public service broadcasting in the new digital environment (e)**

A clear majority of 18 member states<sup>25</sup> have created conditions, including legal, economic and technical conditions,<sup>26</sup> which enable public service broadcasting to be present on the different digital platforms.

Furthermore, 16 member states<sup>27</sup> have adopted legislation concerning must carry and must offer regulations.

11. Except for Finland, Latvia, Poland and Sweden and Portugal, where such legislation is currently being studied.

12. Except in Flemish Belgium, in the Czech Republic and in Bulgaria, where however, it is foreseen to extend it to include digital broadcasting.

13. Hungary and Latvia.

14. Please note that Malta has not responded to this series of questions.

15. Armenia, Flemish and French Community of Belgium, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Lithuania, Malta, Norway, Poland, Portugal, Serbia and Montenegro, Slovenia, Turkey, Ukraine.

16. Bulgaria, Croatia (probably), Finland, Italy, Latvia, Malta, Serbia and Montenegro.

17. Bulgaria, Croatia, Czech Republic, Germany, Lithuania, Portugal, Serbia & Montenegro, Sweden, Switzerland, Turkey, Ukraine.

18. Including Armenia, Flemish and French Community of Belgium, Bulgaria, Croatia, Czech Republic, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Norway, Poland, Serbia & Montenegro, Slovenia, Sweden, Switzerland, Turkey, Ukraine.

19. Namely Albania, Finland, France, Germany, Italy, Latvia, Lithuania, Malta, Norway, Slovenia, Sweden, Switzerland, Turkey, Ukraine.

20. Finland, Slovenia, Switzerland, Turkey, and Ukraine.

21. Germany, Italy, Latvia, Norway, Slovenia; measures are being studied in Lithuania and Poland.

22. French Community of Belgium, Finland, France, Germany, Italy, Lithuania, Malta, Norway, Switzerland.

23. Namely regulations in Germany, Italy, Malta, Norway, Slovenia, and Switzerland.

24. Regulations in Italy, Malta, Norway, Slovenia, and Switzerland.

25. Including Albania, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Italy, Latvia, Lithuania, Malta, Norway, Poland, Serbia and Montenegro, Slovenia, Sweden, Switzerland, Turkey.

26. Legal conditions have been created by Albania, French Community of Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Italy, Latvia, Lithuania, Malta, Norway, Poland, Portugal, Serbia & Montenegro, Slovenia, Sweden, Switzerland, Turkey. Economic conditions have been created by Czech Republic, Finland, France, Germany, Latvia, Lithuania, Malta, Norway, Poland (under consideration), Slovenia, Switzerland, Turkey. Technical conditions have been created by Albania, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Italy, Latvia, Lithuania, Malta, Norway, Poland, Slovenia, Switzerland, and Turkey.

### Questions concerning the reaffirmation and adoption of public service broadcaster's remit to the new digital environment (f)

In less than half of the member states, the remit of public service broadcasting has been adapted to the digital environment.<sup>28</sup> Those states which have undertaken such a modification, have included basic general services like news, educational, cultural and entertainment programmes as well as the possibility to create new interactive services like EPG and associated on-line services in this remit.<sup>29</sup> Furthermore, these states have also foreseen the possibility of creating new specialised channels.<sup>30</sup>

On the other hand, 10 member countries<sup>31</sup> have declared that there has been no adaptation of the remit of public service broadcasting to the digital environment. In these states, the remit of public service broadcasting remained to a large extent identical to the existing remit. Furthermore,

27. Including the French Community of Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Italy, Latvia, Lithuania, Malta, Norway, Portugal, Slovenia, Sweden, Switzerland, and Turkey.

28. The states which have already adopted the remit are Belgium, Czech Republic, Finland, France, Germany, Italy, Sweden, Switzerland, Turkey; Portugal is currently examining the issue.

29. Except for the Flemish Community of Belgium, but including Bulgaria and Slovenia.

30. Except for Belgium, but including Slovenia.

31. Albania, Croatia, Hungary, Latvia, Lithuania, Norway, Poland, Serbia and Montenegro, Slovenia, Ukraine.

no PSB remit for digital broadcasting services has been defined.

8 out of 23 states<sup>32</sup> specify that the financial, technical and other conditions which are necessary for public service broadcasting to fulfil its remit in the new digital environment have been created.

Finally, a slight majority of member states<sup>33</sup> declare that public service broadcasting plays (or will play) a central role in the transition process to digital terrestrial broadcasting.

### Questions concerning the implementation of the basic principles contained in the Appendix of Recommendation R (2003) 9 (g)

The principles contained in the recommendation have been brought to the attention of public authorities in 17 out of 23 member states which answered the questionnaire.<sup>34</sup> The principles have usually been communicated on government web pages and during conferences, sometimes by special delivery, similar targeted communica-

32. Namely French Community of Belgium, Czech Republic, Finland, France, Italy, Norway, Slovenia, Switzerland.

33. Including Albania, Armenia, French Community of Belgium, Croatia, Czech Republic, Finland, Germany, Italy, Lithuania (foreseen), Norway, Poland, Slovenia, Sweden, Switzerland, Turkey.

34. Notably in Albania, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Italy, Latvia, Malta, Norway, Poland, Portugal, Slovenia, Sweden, Turkey, Ukraine.

tion or other means and, in certain cases,<sup>35</sup> also by official gazettes.

In half of the member states<sup>36</sup> the principles contained in the recommendation have also been brought to the attention of the professional and industrial circles concerned, mostly on government web pages, during conferences, by special delivery and similar targeted communication, by other means and, in very few cases,<sup>37</sup> by means of official gazettes.

The effectiveness of the implementation of these principles will be evaluated on a regular basis in 13 member states.<sup>38</sup> Out of these 13 states, 9<sup>39</sup> have already established (or are planning to establish) a monitoring system, whose results will be made public.

Finally, the majority of the member states which replied to the questionnaire<sup>40</sup> declare that the development of internet has influenced national legislation on digital broadcasting.

35. In the case of Latvia, Norway, Ukraine.

36. Namely Albania, Bulgaria, Croatia, Finland, France, Germany, Italy, Latvia, Lithuania, Norway, Poland, Portugal, Ukraine.

37. Norway, Ukraine.

38. French Community of Belgium, Croatia, Finland, France, Italy, Latvia, Lithuania (foreseen), Malta, Norway, Poland, Serbia and Montenegro, Slovenia, Ukraine.

39. French Community of Belgium, Croatia, Finland, Lithuania (foreseen), Malta, Poland, Serbia and Montenegro, Slovenia, Ukraine.

40. French Community of Belgium, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Lithuania, Norway, Poland, Serbia and Montenegro, Slovenia, Switzerland.

## Compendium of good practice

### General

At the 3rd meeting of the MC-S-MD on 20 and 21 March 2006, delegates agreed on the necessity to send a supplementary questionnaire (cf. Appendix, page 18) to selected member states in order to acquire additional information on good practices in terms of (a) preparation of the public for the new digital environment and (b) adaptation of the public service remit to the digital environment. With regard to these two issues and on the basis of the additional questionnaire,<sup>41</sup> the Di-

rectorate General of Human Rights (the Secretariat) consecutively prepared three documents (MC-S-MD (2007) 001, MC-S-MD (2007) 004, MC-S-MD (2007) 004rev) which contain a compilation of responses of selected

41. Please note that after the 5th MC-S-MD meeting on 4 and 5 April 2007, a revised additional questionnaire modelled on the additional questionnaire but comprising a supplementary question (c) regarding other related measures which do not fall directly under the above (a and b) and have been particularly successful in the view of the member states was sent to selected member states.

member states where digital broadcasting penetration rates were at least 50% (Austria, Belgium, Czech Republic, France, Finland, Germany, Ireland, Lithuania, Norway, Switzerland, Turkey, United Kingdom). The present draft compendium of good practices is based on the three above-mentioned documents and is meant to serve as source of inspiration and further guidance to those member states which are still in the process of adopting their media market to the new digital environment.

## Question concerning the preparation of the public for the new digital environment

### Austria

To prepare the public for the switch to digital broadcasting, various measures have been taken in by the Austrian authorities:

» As a starting point for the digitisation process, the Austrian Federal Chancellery set up the "Digital Platform Austria", a forum of experts which, together with the national regulatory authority, developed a transition concept for the introduction of digital broadcasting. According to the timetable, the transition to digital will be completed in 2010.

» As a second step, a home page that enables the public to follow the rollout plan and a help desk service to provide assistance and give technical support have been established. Besides, a certificate for digital receivers has been elaborated in order to give consumers an orientation when adapting their TV-sets with set top-boxes.

» Together with the start of the simulcast period in 2006, a national information campaign and various events informing the public about the rollout plan and giving advice to customers have been launched.

### Flemish Community of Belgium

In Flemish Belgium, a series of measures have been taken by the public broadcaster VRT to prepare the public for the new digital environment:

» In 2006, an audiovisual and cross-media project with specific attention on new media services in television and radio programming was set up on various TV channels.

» Specific programmes around digital media were organised, a seminar was arranged, a book was published and a website was set up.

» On the public broadcaster's different channels, digital services are frequently fostered and new applications via new media channels are offered to the public.

### Czech Republic

Although no concrete measures for the preparation of the public to the new digital environment have been set yet, the following steps have been taken in the Czech Republic:

» The digital broadcasting development policy approved by the Czech Government in 2006 provides for a nation-wide information campaign to be mounted.

» The public has been informed about the new areas covered with the digital terrestrial signal and about new services available via both of the two Czech Public Service Broadcasters.<sup>42</sup>

### Denmark

The Danish public has been prepared for the evolution in broadcasting technology by the following means:

» The Danish parliament has granted 50 million DKK (approximately 6.7 million EUR) for the period 2007-09 to a public information campaign on digital television broadcasting, supported by the public service broadcasters, relevant government departments, the gatekeeper and representatives from the business. The platform-neutral campaign is aimed at the public as a whole, but with special regard to public groups which are lacking of knowledge or are less interested in new technology.

» The licence, allowing the company I/S DIGI-TV (a co-venture between the two Danish public service broadcasters DR and TV 2) to distribute digital television in Denmark stipulates obligations to provide the public with relevant information on digital broadcasting and to cooperate with industry stakeholders in order to ensure an efficient system of troubleshooting in case of any problems with the digital reception.

» Similar provisions providing for an obligation to inform the public and cooperate with other professional stakeholders are foreseen in the licence which will be issued to a private gatekeeper of four Multiplexes.

42. Česká televize and Český rozhlas.

### Finland

Being one of the first European countries<sup>43</sup> to transfer to all-digital television, Finland took a series of measures to accompany the public through the digitisation process. A particularly good practice and important contributor in implementing the major digitisation project in a fairly short period of time was the successful collaboration between the players involved, including the Ministry of Transport and Communications, other public authorities, the Finnish Broadcasting Company YLE, the network company Digita Oy and commercial and cable television operators. Moreover, the whole technological changeover process was accompanied by a great enthusiasm among the public and private stakeholders. Most notably, the following action made a significant contribution to the extremely successful switch to digital in Finland:

» At a quite early stage, a working group was appointed by the Ministry of Transport and Communications to prepare a communications plan and monitor and coordinate the digitisation process. The working group included representatives and stakeholders from the Finnish Communications Regulatory Authority as well as major private and public broadcasting companies.

» As early as 2004, an information team with representatives from the entire sector took up its work to inform the media and viewers about the switch-over. In this connection, special attention was paid to the adequacy, correctness and user-friendliness of the information provided. The digital TV information team produced information spots for television, cinema and radio, distributed brochures and information leaflets and set up a web page<sup>44</sup> giving information about the digitisation process.

» In 2006, one year before the definite switch to digital, a working group

43. Finland abandoned analogue terrestrial television transmissions and completely switched over to digital television on 31 August 2007.

44. The website <http://www.digitelkari.fi/> constituted a very important part of the information campaign which also included television spots, cinema pre-feature ads, radio, etc.

was set up<sup>45</sup> to develop and organise the education of different social and public organisations, providing them with the necessary knowledge to help private individuals to cope with acquiring and installing digital equipment. Apart from that, the working group was also assigned the task to coordinate the different operations and processes involved in digital transition and keep special interest groups informed about the situation regarding digitisation.

► Furthermore, the working group organised a national campaign where trained volunteers installed set-top boxes in (especially elderly) people's homes and assistants were instructed to assist organisations for the disabled and retired.<sup>46</sup>

### France

The adoption of a new law providing for a modernisation of audiovisual transmission and digital TV<sup>47</sup> by the French Parliament in March 2007 has considerably boosted the digitisation process in France. According to this law, analogue transmission will be switched off on 30 November 2011 at the latest. Furthermore, the law provides for a set of measures which aim to protect the consumer in the new digital environment:

► Both producers and sellers of new technological equipment necessary for an active participation in the digital environment are obliged to furnish detailed information about the exact usage of the products. Moreover, future televisions to be sold have to be equipped with digital receivers and new buildings must be fit for reception of all kinds of frequencies and platforms.

► In order to inform the broad public about the digitisation process the new law provides for the mounting of a vast information campaign. The

campaign will be financed by the state and carries a value of €8 million per year.

► A joint venture including major broadcasting companies<sup>48</sup> has been founded with the purpose to hold in trust funds to finance informative campaigns and allowances for people in need.

► Even before the new law on digital broadcasting came into force in March 2007, French authorities took a series of measures to promote the transition to "all-digital": an association of interested stakeholders<sup>49</sup> was founded in 2004, with the objective to inform the general public about the switch-over process and facilitate access of the population to the new technologies. The association set up a special Internet page<sup>50</sup> and a helpline which, among others, provide customers with an answer to their question of whether or not their region has already been covered by digital transmission.

### Germany

The following measures were among those taken by the German authorities to foster public awareness of digital TV:

► To accompany the switch-over process to digital TV which was undertaken in a very short simulcast phase region by region, information to the public was provided very early and sufficiently via press campaigns, radio, internet and national as well as local TV spots. Furthermore, chain stores also participated in the information campaign by circulating flyers and handouts.

► Additionally, information concerning costs and convenience, additional value and interactive functionalities of the new digital technology was furnished to the public.

### Ireland

In Ireland, DTT has not yet been fully implemented. Nevertheless, trial operations have been undertaken since

2006. The purpose of the trial is two-fold:

► First, the testing aims to build momentum amongst key stakeholders in relation to the potential of digital terrestrial television.

► Secondly, general public should be informed about the new technological prospects.

### Lithuania

Among others, Lithuania's public was prepared by the following means for the new digital environment:

► The permissions to use frequencies in the digital terrestrial television networks contain provisions requiring that service providers invest in the development of digital networks and compensate society's expenditures on set-top boxes during a certain period of time.<sup>51</sup>

► The Lithuanian Ministry of Transport in cooperation with other competent institutions plans to adopt measures which will encourage the public to use digital terrestrial television until 31 June 2008.

### Norway

Norway has taken the following steps to ensure an efficient preparation of the public for the new digital environment:

► Both the private broadcaster NTV<sup>52</sup> and the Norwegian public service broadcaster NRK<sup>53</sup> are required to provide information to the public about the changeover to digital broadcasting. Above all, NTV is due to establish a special customer support service and NRK is ordered to distribute information about the change of technology not only by mail but also by using all its radio and television transmissions.

► In addition, the Norwegian Media Authority is providing platform-independent information about the technological diversification.

45. The working group was appointed by the Ministry of Transport and Communications, runs until autumn 2007 and assembles all major companies involved in the digitisation process.

46. Apart from the working group, many civic organisations, too, have arranged numerous events informing the public about the digital switch-over.

47. La loi n° 2007-309 du 5 mars 2007 relative à la modernisation de la diffusion audiovisuelle et à la télévision du futur.

48. A group consisting of national analogue TV channels, called "France Télé Numérique".

49. Télévision numérique pour tous.

50. <http://www.tnt-gratuite.fr/>.

51. The period ranges from 2006 to 2010.

52. Norges Televisjon (NTV).

53. Norsk rikskringkasting AS (NRK), NRK is actively involved in technological innovation and is playing a key role in the switch to all-digital; For instance, NRK is one of the pioneers of digital radio in Norway.

## Spain

There are some useful initiatives aiming at preparing the public to use Digital Terrestrial Television (DTT). Among the most general ones we can highlight:

▶ The institutional information is hosted in the website of the Ministry of Industry, Tourism and Commerce, which is the department in charge of the execution of the Plan through the Agency of Telecommunications and for the Information Society (SETSI), which in turn includes an Office that is responsible for the initiative and is accountable for its development (<http://www.televisiondigital.es/>). Moreover, a User Care Centre is available on the telephone number 901-2010-04, which shows the date of the analogical switch-off (year/month).

▶ ImpulsaTDT: It is an Association that joins national and regional radio broadcasters as well as the main operator of the broadcasting network, and aims to implement and develop DTT, in permanent co-operation with public administrations. In its website, any citizen can have access to updated and full information of the DTT implementation process and may check on the expected coverage for their home area (<http://www.impulsatdt.es/>).

▶ Overall communication campaigns: So far they have been organised twice a year, in spring and for Christmas. The message has been focused first on informing the population about the advantages of the new technology over the analogical one and about the requirements to have it; then, it has been directed to informing them of the analogical switch-off and of the fact that the DTT will be the only alternative standing. All the available media is used: in the press with small ads or cartoons as well as booklets with more explanatory leaflets, spots on TV, radio and the Internet, billboards in the street, bus stops, shopping centres, information spots in big capitals, etc. Several means have been used in the campaigns to deepen the transition process. Thus, for instance, in spring "Mother's day" is used to promote the sale of decoders.

▶ Specific information campaigns: Together with Impulsa TDT, an awareness campaign was launched for property administrators, which has been completed with an Aerial-set-up Programme in co-operation with the Regional Communities. This Programme has led to the adjustment of 52% of the buildings in need for adjustments. Also campaigns have been launched for neighbourhood associations through mailing in coast areas and others nearby, tourist places, settlements of over 10 000 people.

▶ It is worth highlighting Pilot Project Soria, which takes in the capital and 68 municipalities for a total of 40 000 people, in which a number of measures have been developed for determining how effective it was and consequently whether it is convenient for application in similar areas. The town councils are helping identify needs and problems, and direct information activities are being carried out, to the extent of sending out volunteers for training in the use of DTT and taking the technical means to isolated rural areas where there are elderly people. The whole project is being monitored and penetration studies are being performed.

## Switzerland

While Swiss public authorities have adopted the legal framework for the introduction of digital TV, the actual implementation of the digital change-over is primarily undertaken by the Swiss public service broadcaster SRG SSR, so far the main Swiss broadcasting company that plays a major role in the digitisation process. Starting with the Swiss canton Tessin in July 2006, digital switch-over is now carried out by SRG SSR in the whole territory. Together, a vast information campaign has been mounted to inform the population about the technological changes to come. Particularly, SRG SSR has taken various – mostly informative – measures such as:

▶ Providing information through handouts, leaflets, newspaper articles, press releases, information spots for television, setting up of an Internet platform and a helpline.

▶ Granting financial support for the acquisition of set top-boxes in certain cases.

## Turkey

In 2005, the Turkish Communication High Council approved the "Turkish terrestrial digital television plan", providing for the appointment of Radio and Television Supreme Council (RTUK) as co-ordinator of the digitisation process. RTUK is currently negotiating with major stakeholders, relevant authorities, organisations, and broadcasting enterprises in the sector. Since 2006, pilot projects on digital terrestrial television broadcast have been launched in 3 major cities. Besides, the transition process is accompanied by

▶ Issuing press releases and informative online content as well as information spots for audiovisual media informing the public about digital media and its facilities.

▶ Implementing a project on media literacy, carried out by RTUK in co-operation with the Turkish Ministry of Education. In the context of the project, new courses on media literacy will be included in the school's curricula and seminars for the use of digital equipment will be organised in order to facilitate the access of people with specific needs to the new services.

## United Kingdom

In the United Kingdom, digital switch-over will start in 2008 and end in 2012. Already today, the United Kingdom is the most digitised media market in Europe, with over 90% of homes receiving digital television via one of several platforms. The British public service broadcaster BBC is taking the lead in converting all terrestrial receiving homes to digital. The Secretary of state for Culture, Media and Sport on his part is responsible for the switch to digital reception and will take a set of measures to assure the effective preparation of the public for the new digital environment:

▶ Knowing that elderly and disabled people will need help to switch, the Secretary of State has announced a

digital switch-over help scheme to provide assistance to these groups.<sup>54</sup>

» Digital UK,<sup>55</sup> the body formed to oversee the technological changeover in the United Kingdom has targeted with leaflets households in the regions switching earliest and has also advertised nationally.<sup>56</sup>

» An independent organisation<sup>57</sup> has been set up with the task of publishing detailed evaluation and explanations of customer electronics equipment for digital reception.

### **Question concerning the adoption of public service broadcasters' remit to the new digital environment**

#### **Austria**

Concerning the adoption of public service broadcaster's remit to the new digital environment, Austrian has taken the following steps:

» The Austrian public service broadcaster ORF offers a multi-text service providing a wide range of information (news, culture, entertainment) and is now developing interactive applications. On its TV channels, the ORF refers to digital services and new applications. Moreover, an electronic programme guide (EPG) has been established.

» The Multiplex license regulating the distribution of digital terrestrial television provides the obligation to imperatively distribute the Austrian public broadcaster's two channels (ORF 1 and ORF 2) and one private channel (ATV).

#### **Flemish Community of Belgium**

Flemish Belgium has taken the following action in order to adopt public broadcasters' remit to the new digital environment:

» The existing public service remit for the public broadcaster is gradually

being changed to fit into the new digital environment. The new service contract explicitly commands the public service broadcaster VRT<sup>58</sup> to explore new media technology and content. Accordingly, new media services are currently being developed and the public service remit is distributed over new platforms.

» Although a time plan for the effective implementation has not yet been set, the evolution of Flemish Belgium's public service remit to new digital environment has been put down in a "management agreement" between the Flemish Government and the PSB.

#### **French Community of Belgium**

In the course of the adoption of public broadcasters' remit to the new audiovisual communication technology, the Government of the French Community of Belgium has imposed on the public service broadcaster RTBF<sup>59</sup> to

» Reaffirm the public remit which contains basic principles such as the implementation of high journalistic standards, objective information, impartiality and education;

» Adopt the public remit to the new digital environment by expanding the means of broadcasting. In particular, the RTBF is encouraged to set up non-linear services, new audiovisual services and new internet services which provide the customer with updated audiovisual content, live stream and current information.

#### **Czech Republic**

The laws on the organisation of public service broadcasting in the Czech Republic<sup>60</sup> were amended in 2005, changing public service broadcasters' remit with regard to new technological possibilities. The framework for the digitisation process was set by the digital broadcasting development policy approved by the Government in 2006.<sup>61</sup> Even if digital terrestrial TV is not yet available in the whole of the

territory, several measures have already been taken by Czech authorities:

» It was decided that the two Czech public service broadcasters<sup>62</sup> shall operate as well the current analogue channel on the digital terrestrial platform and another two new digital television channels as multimedia content and additional services accompanying TV and radio services.

» As for the financial conditions, the Czech Parliament approved a law in 2005 allowing for the license fee to be increase in the years 2007 and 2008 in order to supply Czech Television with sufficient financial resources to fulfil the new tasks.

#### **Denmark**

According to the public service contract between the Ministry of Culture and DR, one of the two Danish public service broadcasters<sup>63</sup> – DR – has the right and duty to offer public service content on all relevant platforms to the general public. The public remit includes general information, art, education and entertainment and shall be offered by way of text, sound and images on all relevant technological platforms. Accordingly, DR shall focus on the production of public service broadcasting services specifically developed for such platforms. Furthermore, DR shall provide for the following content:

» Especially with regard to children and young people, DR has made an effort to offer sites which succeed in attracting this age group. Hence, DR is planning to establish a digital channel combining history and children's programming.

» In order to contribute to the public purpose, DR broadcasts a number of nation-wide DAB channels and is planning to provide services for persons with sensory handicaps such as sign language interpretation of newscasts on the digital broadcasting network.

54. The projected BBC budget for the help scheme is £600 million.

55. <http://www.digitaluk.co.uk/>.

56. Expenditure on the information campaign is £200 million, making it the most expensive in Europe.

57. The organisation can be visited at <http://www.ricability-digitaltv.org.uk/>.

58. Vlaamse Radio- en Televisieomroep.

59. Radio-télévision belge de la Communauté française.

60. Law No. 483/1991 on the Czech Television; Law No. 484/1991 on the Czech Radio.

61. Available at <http://www.micr.cz/>.

62. Česká televize and Český rozhlas.

63. The two Danish public service broadcasters are DR and TV2.

» DR is currently developing its web presence, which, according to DR's yearly report, is the most popular content site in Denmark. The broadcaster's internet site includes a category "DR Update", which enables the public to watch news around the clock from DR.

### Finland

Finnish public service broadcasters' remit requires public service broadcasters to be present on all the available platforms. Moreover, it provides for a wide range of programmes for minorities and disadvantaged groups, for promoting the Finnish culture and for broadcasting children's, religious, educational and study programmes. Among others, public obligation refers to:

- » The easy accessibility of all services throughout the digitisation process. In particular, the technological quality of public service television programmes and services must be the same for everyone.
- » The supply of a certain number of digital channels. For example, the Finnish Broadcasting Company (YLE) introduced, in addition to the existing basic channels,<sup>64</sup> three new digital channels (one channel specialised in culture and science, one current affairs channel and one Swedish-language channel). As to the supply of commercial channels in the new digital environment, the terrestrial digital television network extended its offering 2007 to seven free-view commercial channels and six pay-TV channels.
- » The supply of additional services. For example, YLE has produced additional services in digital television particularly for disabled people and minorities (including audio description for the visually impaired and subtitles for the hearing impaired), as well as MHP-based services like the electronic programme guide and digital teletext.

### France

In France, the new law on public audiovisual communication<sup>65</sup> defines the public service remit in general and

for each broadcaster in particular. In general, the public service remit includes the obligation to transmit a varied range of analogue and digital programmes in the fields of culture, education, news, sport and entertainment. French public service broadcasters<sup>66</sup> started to offer new digital and interactive services quite early. Each public service broadcaster signs a four or five year contract with the French government, which stipulates, among others, that PSB must foster relations with the public through the use of all interactive services available and try to provide the public with the latest audiovisual techniques available. Accordingly, the different broadcasters have set up a large variety of measures, including

- » The constant and simultaneous transmission of digital TV by France 5 and ARTE.
- » The setting up of a web site offering high quality audiovisual content<sup>67</sup> which can be used by children, teachers and students for educative purposes.
- » The launch of France 4, a new entertainment and cultural channel. The new channel offers programmes such as theatre and musical performances, cinema and sports.
- » The introduction of an all-digital public affairs channel<sup>68</sup> providing the French public with current political topics, live transmission of parliamentary debates and a platform for political debate.
- » The implementation of a broad variety of online and multimedia services by several broadcasting companies such as Radio France, ARTE and France Télévision.<sup>69</sup>

65. La loi n° 2007-309 du 5 mars 2007 relative à la modernisation de la diffusion audiovisuelle et à la télévision du futur.

66. France Télévision, Radio France, Radio France International, France 3, France 5, ARTE, La Chaîne Parlementaire et Public Sénat.

67. The content spans the following areas: citizenship, media literacy, art, science, geography, history, economics and news; <http://education.france5.fr/>.

68. La Chaîne Parlementaire et Public Sénat.

### Germany

Following the recent compromise reached between Germany and the European Commission regarding the funding of PSB, the exact definition of the public service broadcasters' remit is currently under discussion. In the framework of the compromise on state aid, which will be implemented within two years, Germany announced the establishment of an evaluation procedure and criteria for all new or modified digital services provided by public service broadcasters. Although the exact dimension of the above-mentioned remit has not been determined yet, public service broadcasters are, on the basis of constitutional guaranteed fundamental rights,<sup>70</sup> entitled to

- » Use all (analogue and digital) platforms to deliver their content to license fee payers;
- » Provide online and mobile services.

### Ireland

In order to be well prepared for the definite future rollout of digital broadcasting, Irish public service broadcasters are participating in the current testing process. This has provided them with an opportunity to learn about the new digital technologies ahead of the actual changeover. Only recently the first digital broadcast license was issued to the public broadcaster RTÉ. Accordingly, public broadcasters in Ireland have already started to publish information on its website regarding the technological changeover and to develop new digital services such as:

- » Digital teletext, HDTV;
- » Audio-description services.

69. Among the services offered: Radio France's podcasting for free, <http://www.radiofrance.fr/services/rfmobiles/podcasts/>; ARTE's free video-on-demand: <http://www.artevod.com/>; France Télévisions' interactive platform and the possibility of setting up subsidiaries to produce public service programming: <http://www.francetv.fr/>.

70. In Germany, broadcasting of audiovisual content is governed by the 1949 Constitution that enshrines broadcasting freedom as a fundamental right. Correspondingly, German public service broadcasters like ARD, ZDF, regional and specialised channels such as 3sat, ARTE, KinderKanal and Phoenix enjoy editorial, administrative and financial independence.

64. YLE1 and YLE2.



## Lithuania

Although the digitisation process is still under way in Lithuania, a model of Lithuanian digital television implementation in Lithuania, approved by the Lithuanian Government in 2004, provides for:

» The need to endow Lithuanian public service broadcaster with the technical resources necessary to broadcast its television programmes through the digital television networks.

» The requirement to restrain from encoding at least 5 programmes in the networks, involving PSB television programmes.

## Norway

Norwegian's media scene covered by the public service remit consists of four broadcasters: the state-owned NRK<sup>71</sup> and three private broadcasters.<sup>72</sup> Works to adapt the remit of the public service broadcaster NRK to the digital environment are still in progress. The three private broadcasters operate under license and are free to adopt their own strategies concerning the new technologies. As the statutes of NRK are primarily related to broadcasting in the traditional sense and do not reflect the developments in technology and media usage, the remit will have to be modified in the near future.<sup>73</sup> Current plans for the adoption of the remit include the idea of:

» Drafting a new type of document – a charter for the public service broadcaster – where the main elements of the public service remit are enshrined. The document is meant to form a fundamental basis of the legal exceptions and requirements PSB is supposed to meet.<sup>74</sup>

» Extending the remit to include the distribution of content via new

71. The public service broadcaster Norsk rikskringkasting AS (NRK).

72. TV2 and two radio stations, Kanal 24 and P4.

73. It has to be noted that, despite the outdated remit, NRK is already offering new technologies such as podcasting, live streaming, and mobile services.

74. At present, the document is being circulated for public comment and will then be presented to the Norwegian Parliament.

platforms and applying the principle of technological neutrality.

» Expanding the remit to the use of new technologies such as the Internet, podcasting, web services, and live streaming.

## Spain

Law No. 17/2006 of 5 June, of Public Radio and Television, includes a basic design to adapt public TV to the new digital environment. Likewise, the regulations to develop digital terrestrial television in Spain pay special attention to the state PSB insofar as, in the transition or simulcast period until the analogical signal switch-off (3 April, 2010), a larger number of digital programmes have been allocated as compared to private television operators (5 programmers for TVE in comparison with 3 given to each private operator).

Moreover, as of 2010, TVE will be granted two multiplex channels (a minimum of 8 DTT programmes) in comparison with only one multiplex channel that would be given to each private TV air broadcaster.

Basically, TVE, through its iRTVE (interactive media) department, is currently rendering the following interactive services:

- » Advanced digital teletext
- » Information about the weather, traffic and the stock exchange
- » Electronic Programming Guides (EPGs) in its DTT channels
- » Dual sound format in the films broadcast (and with standard Digital Video Broadcasting subtitles)
- » Emplea-T: Access to several job offers, linked to a daily programme broadcast on one of the television channels.<sup>75</sup>

Implementing these services, as well as fulfilling the expectations of the new RTVE corporation, born after the aforementioned Law No. 17/2006 was enacted in 2007, will contribute to developing the information society by including a wide range of related and

75. The user may access to the job offers advertised in the different Regional Communities and get further information about these jobs through the decoder connected to their telephone line.

interactive services, many of which are already accessed to by the citizens.

As to the programmes broadcast, Canal Clan TV is worth mentioning, which is specifically oriented for children.

## Switzerland

After the federal authorisation to introduce digital terrestrial television in 2003 and after the adoption of Switzerland's public service remit to the new digital environment in 2007,<sup>76</sup> the Swiss public service broadcaster SRG SSR it is not restricted to the emission of solely radio and television programmes any more. The concession<sup>77</sup> granted to SRG SSR broadens its field of duty, imposes quality requirements, places obligations on the public broadcaster concerning information, culture and training and provides for the use of new communication services to reach as many people as possible.<sup>78</sup> Taking a leading role in the digitisation process, SRG SSR has developed a multimedia concept containing, among others, the following elements:<sup>79</sup>

» Multimedia platform providing current information via video, audio and teletext;

» Audiovisual portal with more than 20 channels and a video-on-demand platform. Newscast concerning major events is currently being put online and the video on-demand pool is continuously being updated after the programmes emission.

» New modes of production such as multimedia review, multimedia magazines and updated TV programmes on the Internet, HDTV and mobile telephone.

## Turkey

At the moment, the "Turkish terrestrial digital television plan" approved by the Communication High Council in 2005 is still in the testing process. The

76. The Federal Act on Radio and Television of March 2006 entered into force on 1 April 2007.

77. SSR was granted a 10-year concession effective as of 1 January 2008.

78. Articles 4, 5 and 9 of the concession SRG SSR.

79. The present example refers to Télévision Suisse Romande (TSR), a regional branch of SRG SSR.

public service broadcaster Turkish Radio Television Company (TRT) plays a central role in the transition to digital terrestrial broadcasting. Accordingly, digital broadcasting capacities were tested in three major cities for the first time in 2006, using the technical infrastructure facilities supplied by TRT. The outcome of the current testing process will be considered in the "future action plan" which is to be drafted by the Television Supreme Council (RTUK). While basic general principles concerning the duties and tasks of the public service broadcaster are laid down in the current Law of TRT, it is very likely that the remit will be adapted to digital environment in the wake of the outcome of the evaluation process. The "future action plan" particularly provides for:

- ▶▶ The possibility to create new specialised channels;
- ▶▶ The possibility of setting up new interactive services like EPG, banking services, pay TV, recent formats like MHP and MHEG 5.

### United Kingdom

In 2002-03, the British public service broadcaster BBC was granted approval by the Government to launch a major package of new digital television and radio services. The new BBC charter which came into force on 1 January 2007 provides for the BBC to take a leading role in the switch-over to digital television. Additionally, the BBC itself has been developing new projects which do not require Government approval and include

- ▶▶ Freesat, a guaranteed free-to-view satellite programme.
- ▶▶ On-demand-service, which allows the download of both TV and radio content over the internet.

### Question concerning other related measures, which have been particularly successful in the view of the member states

#### Austria

To support the introduction of digital television, a set of (mostly financial) measures was taken by the competent

Austrian authorities and approved by the European Commission under state aid regulations. Since 2004, a legal framework for a scheme of promotion and development of digital television in Austria<sup>80</sup> has been established. According to these provisions, grants are awarded on the basis of technology-neutral criteria with due attention to all transmission means and platforms for digital broadcasting. Moreover, consumers can apply for financial support when buying their set-top boxes and low-income households get financial support for the purchase of set-top-boxes to switch to digital reception and to prevent them from exclusion of the digitisation process.

#### Finland

In Finland, one of the pioneer countries in the field of digital broadcasting, analogue television broadcast ended on 31 August 2007. The first steps towards a digital environment were taken by the Finnish public service broadcaster YLE in 1997, when it was among the first operators in the world to start testing digital terrestrial transmissions. The first licences for digital television were granted in 1999 to eight operators for ten years. The license holders started digital transmissions in three transmission networks in 2001 making Finland one of the first countries in Europe to start terrestrial digital television broadcasting.<sup>81</sup> Today, digital television broadcasting is being practised in five multiplexes (A, B, C, D, E).<sup>82</sup> Multiplex D is used exclusively for mobile television broadcasts. Programmes transmitted in the network can be viewed by means of a receiver using DVB-H

80. "Digitalisierungsfonds", endowed with €6.5 million per year; earmarked not only for projects promoting digital transmission technologies and digital applications based on European standards but also for consumer-oriented measures.

81. The first European countries that have completed analogue switch off are the Netherlands, Finland and Sweden.

82. Multiplex A: covers 99.9% of the population, used by YLE and the two biggest commercial channels; Multiplex B: covers 99.9% of the population, used by YLE and the two biggest commercial channels; Multiplex C: covers 80-85% of the population, transmits mostly sports and music channels; Multiplex D: for a mobile television network; Multiplex E: covers 95% of the population, used by seven pay-TV broadcasters.

technology, such as a mobile phone, pocket TV or a device installed in a car.

#### Germany

With regard to the fact that digital terrestrial TV will not be available in the whole country in the near future due to high infrastructure costs, German authorities are planning to provide the population with information about the availability of alternative digital reception possibilities such as satellite or cable. Recipients should be in a position to opt for the kind of infrastructure that fits their personal needs best.

#### Ireland

In 2007, new legislation was adopted to provide for digital broadcasting at both a public service and commercial level. It is anticipated that the modification of the legal framework will help develop consumer interest in the new digital technologies and advance the analogue switch-over process. In addition, a stakeholder group has been formed prior to licensing DTT. The stakeholder group's tasks are to ensure interoperability across a digital platform that will be set up and provide for the development of a receiver and service specification.

#### Lithuania

Lithuanian government institutions responsible for the implementation of digital television provide relevant information concerning digital broadcasting online. In addition, individuals have set up a special Internet page<sup>83</sup> providing information about digital TV.

#### Spain

Sharing experiences is one of the most useful measures. So, it is highly profitable for Spain to consider the Andorra case, in which the analogical switch off occurred in September 2007, and also Pilot Project UK in the municipality of Whitehaven.

83. Available at: <http://www.skaitmenine.lt/>.

## Conclusion

As a wide variety of different, usually country-specific, approaches to introduce digital broadcasting and switch off analogue networks exist and market conditions, government efforts, political will, operating schedule and determined willingness on the part of private stakeholders and public service broadcasters involved vary from member state to member state, it may not be appropriate to entirely follow a specific rollout plan and apply one uniform formula across all markets. Nevertheless, the previous practice of member countries which have already successfully completed digital switch-over and analogue switch off or are currently in the process of adopting their media market to the new digital environment can serve as helpful guidance and circumscribe the most promising path toward digitisation.

All in all, assessed on the member states' replies to the questionnaires, roughly two third of the Council of Europe member countries is actively participating in the digitisation process by either implementing an elaborated strategy for the transition to digital broadcasting or developing such a strategy. Also, the services which are offered by broadcasting companies on the basis of licenses granted by national authorities usually have to be varied, divers and technologically neutral. Most states have legislation limiting the concentration of media ownership which also applies to digital broadcasting. While regulatory measures protecting minors against harmful content exist in virtually all of the member states, the corresponding

legal provisions will be modified at the switch-over to digital in only half of the states.

Furthermore, it can be noted that one of the key conditions for a successful introduction of digital technology is a strong market presence of public service broadcasters willing to take a clear leading role in the digitisation process. Accordingly, most of those states that have declared that public service broadcasting plays a central role in the transition process usually also rank among the most successful ones regarding digital policy and the transition process.

However, apart from the primary importance of a strong public sector for a successful introduction of digital broadcasting, other factors which could only briefly be touched upon in this report such as a well-functioning private sector and a clearly visible community media sector might be decisive for the fast public acceptance and employment of the new digital technology. Particularly the third sector media is of great importance for the inclusion of oftentimes marginalised social groups<sup>84</sup> which receive insufficient attention from the mainstream media into the new digital environment. Yet, in order to be conducive to the digitisation process, the third sector media requires several conditions to be met, including the creation of an appropriate legal framework together with a supportive policy infrastructure and the existence of an organisation representative of the

84. Such as young children, older people and ethnic minorities.

sector at least partially supported by the state.<sup>85</sup>

Moreover, the practice of the various member states that replied to the additional questionnaire shows a series of other factors that may be essential for the effective implementation of digital television: First of all, a good coordination of the different industry players together with an euphoric spirit among the public and cooperation and enthusiasm of both public and private broadcasters which undertake the conversion. Secondly, a good preparation of the public for the new digital environment by mounting well funded information campaigns and providing financial subsidies for home equipment for people in need. Thirdly, an incentive for broadcasters to innovate and take up a leading role in the general promotion of new media technologies by renewing public remits and including obligations to operate on all existing platforms, promote digitisation, establish internet media and simulcast programme services.

Ultimately, European Union member states will also have to incorporate the new Audiovisual Media Services Directive into national law by 2009, which will progressively lead to a further dissolution of borders between media services and technologies and thus push the European media market towards all-digital.

85. See Lewis, Maynard, *The role of media in promoting social cohesion with particular reference to community, local, minority and social media*, Report prepared for the Council of Europe's Group of Specialists on Media Diversity (MC-S-MD), Directorate General of Human Rights and Legal Affairs, Council of Europe, 2007.

## Appendix

### Questionnaire on the implementation of Recommendation R (2003) 9

*a. create adequate legal and economic conditions for the development of digital broadcasting that guarantee the pluralism of broadcasting services and public access to an enlarged choice and variety of quality programmes, including the maintenance and, where possible, extension of the availability of transfrontier services*

#### Questions

- 1 Has a strategy for the transition to digital broadcasting been drawn up?
  - 1.2 If yes:
    - 1.2.1 Have relevant industries and the public been consulted?
    - 1.2.2 What does the strategy seek to promote?
    - 1.2.3 Co-operation between operators?
    - 1.2.4 Complementarity between platforms (terrestrial, satellite, cable)?
    - 1.2.5 Interoperability of decoders?
    - 1.2.6 Availability of a wide variety of content?
  - 2 If no:
    - 2.1 Have you organised activities to elaborate a strategy?
    - 2.2 What is the public/governmental authority responsible for the elaboration of the strategy?
- 3 Has a date for digital switch-over nationally been set?
  - 3.1 If yes, please indicate the date:
- 4 Will digital switch-over be done regionally in stages?
  - 4.1 If yes, please indicate the start and the stages below
- 5 Has the work towards digital switch-over also included:
  - 5.1 Taking into account the interests of the public?
  - 5.2 Taking into account the interests of the various broadcasters?
  - 5.3 Providing an appropriate legal framework?

5.4 Providing favourable economic conditions?

5.5 Providing favourable technical conditions?

6 Has legislation to regulate digital broadcasting been adopted?

7 Is legislation to regulate digital broadcasting in process?

8 Is adopted or planned legislation to regulate digital broadcasting :

8.1 A revision of existing broadcasting legislation?

8.2 An entirely new legislation relating specifically to the digital environment?

*b. protect and, if necessary, take positive measures to safeguard and promote media pluralism, in order to counterbalance the increasing concentration in this sector;*

#### Questions

- 1 When awarding licences to Digital Broadcasting Services, do the authorities ensure that:
  - 1.2 The services on offer are many and varied?
  - 1.3 The establishment of regional/local services is encouraged?
  - 1.4 There will be a high degree of interoperability and compatibility:
    - 1.4.1 – of reception?
    - 1.4.2 – of decoding and decrypting equipment?
    - 1.4.3 – of systems granting access to Digital Broadcasting Services and related interactive services?
- 2 Will the availability of free-to-air services be maintained?
- 3 Will national Digital Broadcasting Services be available abroad?
- 4 Will regional Digital Broadcasting Services be available abroad?
- 5 Is there regulation limiting the concentration of media ownership?
  - 5.1 If yes, does media ownership regulation apply to Digital Broadcasting Services?
    - 5.1.1 If yes, will it be maintained?

5.1.2 If no, will it be extended to include Digital Broadcasting Services?

6. Is there another type of regulation which contributes to diversity, notably to the diversity of content?

6.1 If no, do you intend to adopt such regulation?

*c. be particularly vigilant to ensure respect for the protection of minors and human dignity and the non-incident to violence and hatred in the digital environment, which provides access to a wide variety of content;*

#### Questions

- 1 Are there regulatory measures protecting minors against harmful content?
  - 1.1 If yes:
    - 1.1.1 Were/will these regulatory measures be adapted/modified during the switch-over to the digital environment?
    - 1.1.2 Is a monitoring system established?
    - 1.1.3 Are other measures taken (e.g. information)?
    - 1.1.4 Are there self-regulation measures on this subject?
  - 1.2 If no:
    - 1.2.1 Is the adoption of such regulatory measures envisaged?
2. Does the protection of the human dignity form the subject of particular regulation?
  - 2.1 If yes:
    - 2.1.1 Were/will this regulatory measures be adapted/modified at the switch-over to the digital environment?
    - 2.1.2 Is a monitoring system established?
    - 2.1.3 Are other measures taken (e.g. information)?
    - 2.1.4 Are there self-regulation measures on this subject?
  - 2.2 If no:
    - 2.2.1 Is the adoption of such regulatory measures envisaged?

3 Do measures exist which aim to avoiding content which is an incitement to hatred, violence, xenophobia or religious intolerance?

3.1 If yes, which kind of measures:

3.1.1 Legislation?

3.1.2 A monitoring system?

3.1.3 Other measures (information, self-regulation)?

3.1.4 Were/will these measures be adapted/modified at the switch-over to the digital environment?

3.2 If no, is the adoption of such measures envisaged?

4 Are measures taken regarding the protection of consumers?

*d. prepare the public for the new digital environment, notably by encouraging the setting-up of a scheme for adequate information on and training in the use of digital equipment and new services;*

#### Questions

1 Is the public being provided with wide-ranging information about Digital Broadcasting Services?

2 Is the industry encouraged to make available a variety of decoding devices?

3 Are training courses in the use of digital equipment and new services initiated or envisaged to facilitate the access to these services by people with specific needs?

4 Are measures taken to reduce the cost of decoding and decrypting equipment?

5 Is there any regulation regarding EPGs?

5.1 If yes, does regulation (or other measures) include:

5.1.1 Ensuring a position for service providers on the EPGs where they operate, under fair, reasonable and non-discriminatory terms?

5.1.2 Securing a prominent display of and easy access to public service channels?

5.1.3 Paying particular attention to the specific needs of people with disabilities?

*e. guarantee that public service broadcasting, as an essential factor for the cohesion of democratic societies, is maintained in the new digital environment by ensuring universal access by individuals to the programmes of public service broadcasters and giving it inter alia a central role in the transition to terrestrial digital broadcasting;*

#### Questions

1 Have the conditions been created to enable PSB to be present on the different digital platforms?

1.1 Legal conditions?

1.2 Economic conditions?

1.3 Technical conditions?

2 Has regulation for Public Service Broadcasting concerning must-carry/must-offers on these platforms been adopted?

*f. reaffirm the remit of public service broadcasting, adapting if necessary its means to the new digital environment, with respect for the relevant basic principles set out in previous Council of Europe texts, while establishing the financial, technical and other conditions that will enable it to fulfil that remit as well as possible;*

#### Questions

1 Has the remit of Public Service Broadcasting been adapted to the digital environment?

1.1 If no:

1.1.1 Is it identical to the existing Public Service Broadcasting remit?

1.1.2 Has any Public Service Broadcasting remit for Digital Broadcasting Services been defined?

1.2 If yes:

1.2.1 Is the basic general service (news, educational, cultural and entertainment programmes aimed at different categories of the public) included in the remit?

1.2.2 Is the possibility to create new specialised channels included?

1.2.3 Is the possibility to create new interactive services included (e.g. EPG and associated on-line services)?

2 Are the financial and other conditions created to enable the Public

Service Broadcasting to fulfil its remit in the new digital environment?

3 Does/will Public Service Broadcasting play a central role in the transition process to Digital Terrestrial Broadcasting?

*g. bring the basic principles contained in the appendix to this recommendation to the attention of the public authorities and the professional and industrial circles concerned, and to evaluate on a regular basis the effectiveness of the implementation of these principles.*

#### Questions

1 Have the basic principles contained in the appendix to the recommendation been brought to the attention of the public authorities?

1.1 If yes, how have they been communicated:

1.1.1 On government web pages?

1.1.2 In official gazettes?

1.1.3 In conferences, or similar meetings?

1.1.4 By special delivery or similar targeted communication?

1.1.5 By other means?

2 Have the basic principles contained in the appendix to the recommendation been brought to the attention of the professional and industrial circles concerned?

2.1 If yes, how have they been communicated:

2.1.1 On government web pages?

2.1.2 In official gazettes?

2.1.3 In conferences, or similar meetings?

2.1.4 By special delivery or similar targeted communication?

2.1.5 By other means?

3 Will the effectiveness of the implementation of these principles be evaluated on a regular basis?

3.1 If yes:

3.1.1 Is a monitoring system established or planned?

3.1.2 Will the results of the monitoring be made public?

4 Has the development of the Internet influenced your legislation on digital broadcasting?

### Additional questionnaire

d. prepare the public for the new digital environment, notably by encouraging the setting-up of a scheme for adequate information on and training in the use of digital equipment and new services:

f. reaffirm the remit of public service broadcasting, adapting if necessary its means to the new digital environment, with respect for the relevant basic principles set out in previous Council of Europe texts, while establishing the financial, technical and other conditions that will enable it to fulfil that remit as well as possible:

### Additional questionnaire (revised)

Implementation of Recommendation No. R (2003) 9 on measures to promote

*the democratic and social contribution of digital broadcasting: additional questions addressed to a number of selected member states*

#### 1. Preparation of the public for the new digital environment

Please give examples of what you consider as particularly successful steps taken in your country in order to prepare the public for the new digital environment. (For instance, has a scheme for informing and training the public on the use of digital equipment been set up?)

#### 2. Adaptation of public service broadcasters' remit to the new digital environment

Please give examples of what you consider as particularly successful steps taken in your country in order to adapt

the remit of public service broadcasters to the new digital environment? (For instance, please describe which new services, such as new specialised channels, on-line services, electronic programme guides, etc., contributing to the democratic and social objectives, have been developed by the public service broadcasters.)

#### 3. Which other related measures, which do not fall directly under the above, have been particularly successful in your view?

This could concern, for instance, access to networks and associated facilities, etc.)



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