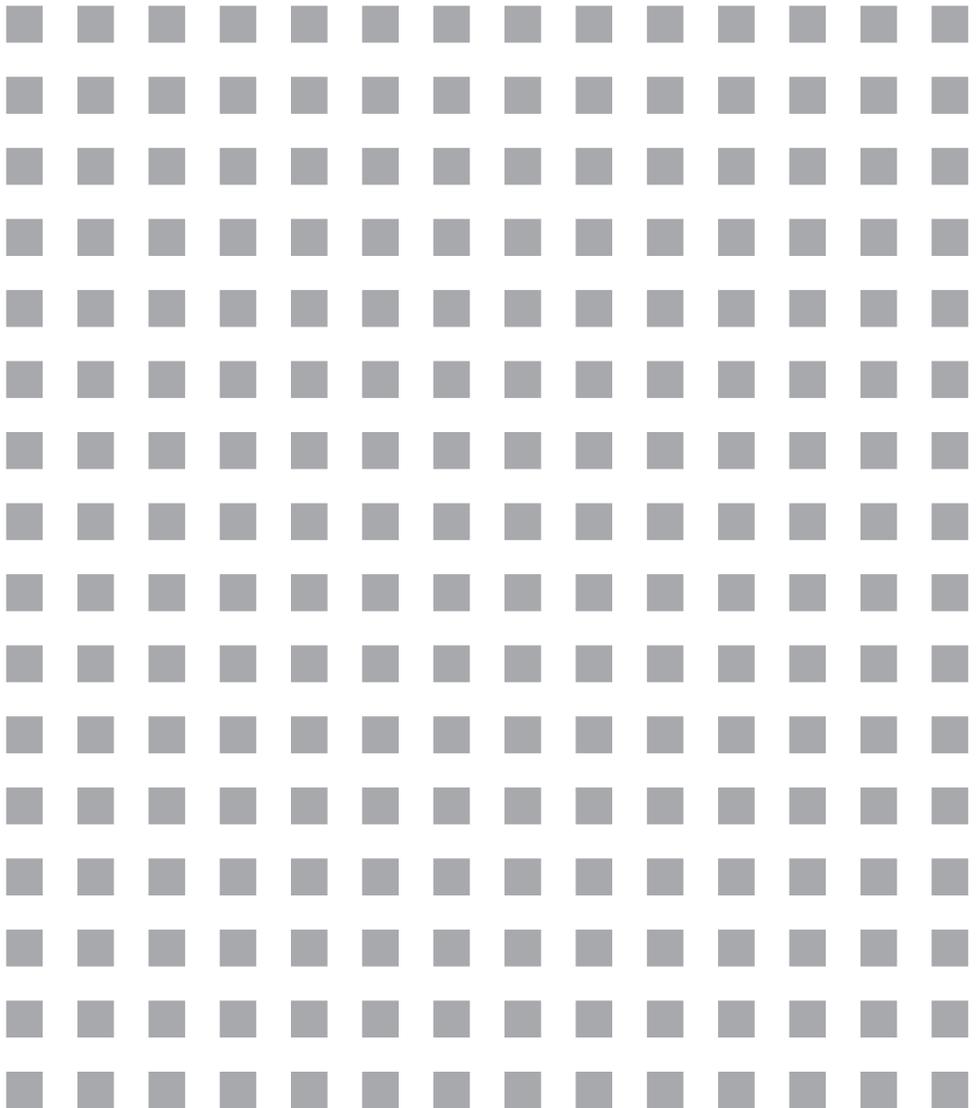


Impact of European Integration and EU Entry on the Media and Media Policy in “New Europe”



Editor's introduction: The highways and byways of "Europeanization" in the media



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POLAND

Let us begin by explaining the term "New Europe" used in the title of this issue. Given that the issue deals with a wide range of countries – from the Baltic States, through Central Europe and down to Turkey, alongside many post-Soviet countries – it was difficult to find a term (geographical or otherwise) to describe them all. "New Europe" was used for want of a better term, but should not be interpreted as acceptance of the view that a country becomes "European" by virtue of joining the European Union. Europe is not confined to the EU and both new member states, candidate countries, as well as countries not applying at present to join the organization have – geographically, culturally and historically – been part of Europe for centuries.

The effect of EU accession on the domestic politics, policies, and institutions of the new members has nevertheless often been referred to as "Europeanization": EU membership changes the way states define their interests and the international perspective becomes more part of their daily lives. In this issue of *Central European Journal of Communication* we will seek to examine what "Europeanization" has meant in practice for the countries of the region in the area of media and particularly audiovisual policy.

The beginnings of that process were not very auspicious. In the 1990s, as representatives of Central and Eastern European countries began taking part in the meetings of European organizations – first the Council of Europe, then the European Union – they were looking for answers to the dilemmas involved in building their new media orders.

Their countries were then – and to some extent still are – implementing what could be called "systemic media policy," serving to design and put in place a completely new media system. Problems abounded, of course: media freedom, independence and pluralism; prospects for public service broadcasting to take root and survive; independence of regulatory authorities; journalistic professionalism; development of the content industry; ability to enter the digital age. Naturally,

they were hoping that the Council and the European Union would act as honest brokers to adjudicate in, and help resolve their domestic battles around the new media order.

If any common features of media policy in post-Communist countries could be identified at the time, they certainly included a general tendency to protect the national culture and the national media market, as well as fear of outside domination.

However, as they began to raise issues during those meetings, and make proposals on matters of current importance to them, they soon realized that their proposals were getting nowhere. Issues being discussed often seemed somewhat esoteric and abstruse. For example, given the issues facing them at home, they found it difficult to concentrate during discussions of the more arcane points of new advertising techniques. In any case, they found that the Council of Europe, with its focus on human rights and democracy, spoke much more directly to the real concerns of Central and Eastern Europe than the European Union, concentrating primarily on internal market issues.

Generally speaking, we could say that the EU sought to affect media systems in the countries of the region primarily in three ways.

First, the general political and economic criteria for membership impacted on the overall shape of the media system and required respect for the same standards of freedom of expression and of the media as developed by the Council of Europe and the OSCE and accepted by the EU.

Second, Chapter 20 of the accession negotiations, “Culture and Audiovisual Policy” focused directly on alignment of the candidate countries’ broadcasting legislation with the “Television Without Frontiers” Directive which established the legal frame of reference for the free movement of television broadcasting services in the Union in order to promote the development of a European market in broadcasting and related activities, such as television advertising and the production of audiovisual programmes.

Third, the media and audiovisual policy of the EU is designed to achieve general objectives of the Community, especially the completion of the internal market and to achieve freedom of movement for goods (including newspapers and magazines, for example) and services (including radio and television broadcasts). This has meant, among other things, opening the doors to investment by EU companies into the media in the new Member States.

This issue of *Central European Journal of Communication* contains – with three exceptions (Andrei Richter from Russia, Burcu Sümer from Turkey and Angelika Wyka from Germany) – contributions from new EU Member States which by now have spent years getting ready for membership and have gained a place at the table where EU media policy is determined. The authors have been asked to describe in their contributions how the EU accession process has affected the media and media policies in their countries – not in theory, but in practice.

We begin the issue with Andrei Richter's contribution as it deals with post-Soviet countries in their "pre-EU" period. Richter concentrates on the role played by the Council of Europe (regarded by some as "the main tutor of democracy" in that region) and the OSCE in introducing basic standards of freedom of expression and information into the legal frameworks of those countries. Little is known of this work, yet it is precisely the Council of Europe which has done a great deal to align media legislation in post-Communist countries with European standards, long before they came under EU influence.

Still, most of the contributions to this issue deal with the legal and institutional framework in the media, as developed in Central and Eastern European countries in line with EU policies. Market developments and the digital switchover have also attracted special attention.

Papers on the legal and institutional framework point up the interplay between the EU impact and local conditions.

Two papers deal comprehensively with the EU impact on the totality of their media systems.

Nelly Ognyanova provides a thorough and wide-ranging overview of the process of "Europeanization" in the Bulgarian media, encompassing media policy development; elaboration and adoption of media legislation; establishment and functioning of national regulatory authority for implementation of media legislation; and media market trends. However, she also interprets "Europeanization" more broadly. And that is why she comes to the conclusion that while the process of Europeanization of Bulgarian media policy and law has brought some positive outcomes, truly radical reforms have not yet been carried out. In terms of the Europeanization of Bulgarian media policy, EU accession has not become a factor creating a continuous push for modernization, liberalization of economies and democratization. As a result, many of the new legal and institutional frameworks fail to work as intended.

Andres Jõesaar analyses the changes in the Estonian television landscape between the years 1992 and 2007. He says that Estonian liberal policy, European Union media regulation and television stations' economic conditions, conditioned by the size of the Estonian television market, led to the enforcement of the legislation which was economically advantageous and protectionist towards television stations owned by large international corporations. As a result, private television companies' profitable economic activities were guaranteed but, at the same time, the value of the offered contents diminished. The enactments for promoting Estonian culture and guaranteeing its better reflection, which were directed towards private channels and were added to the Broadcasting Act during the change of the century, did not have the desired effect. Programmes became commercialized. As a result of these processes, the private television programmes aired today are dominated by entertainment.

This is followed by studies concentrating on particular aspects of the transplantation of European norms and standards into the new European democracies.

Marcin Ożóg examines the Polish broadcasting regulatory authority. Because of the way the Broadcasting Act was written, Polish regulatory culture was provided in its very beginning with favorable conditions to develop in line with the leading European standards. Unfortunately the foreign legislative solutions, which have been mirrored in the Polish broadcasting law, have not become subject of serious reflection on their purpose and on how this model should be implemented in practice to enable development of media policy. The Polish regulatory model has remained trapped between the legacy of the communist heavily politicized and monopolistic model of media-related thinking and the modern replica of this school of thought, where the politics still played the predominant role. There is a substantial discrepancy between structure and performance, due to the fact that even the correctly construed regulatory model has its natural limits and may actually be applied in a manner which shall contradict its terms – if a society lacks the social capital of knowledge, trust and values to support statutory regulation.

Burcu Sümer deals with the situation in Turkey, a candidate country, saying that it has gone through a remarkable process of “Europeanization” of its public policies to fulfil the candidate criteria, also in the area of broadcasting. By asserting its influence through the enforcement of democratic conditionality, specifically the Copenhagen criterion on “respect for and protection of minorities,” the EU required Turkey to lift all the restrictions on the enjoyment of cultural rights in Turkey and allow broadcasts in languages other than Turkish, particularly in Kurdish. The article first develops a critique of EU democratic conditionality and then investigates the policy process behind this change in the language policy for broadcasting in Turkey, which was a very long process, full of controversies and bickering among political and non-political actors. Turkey’s response to democratic conditionality was directly influenced by prevailing ideas about “the credibility of the EU” as well as calculations of the “costs of compliance.”

Gábor Polyák and Gergely László Szóke of Hungary look at EU regulations concerning the country of origin principle. It ensures that all media enterprises (many of which usually provide services in more than one Member State at the same time) shall not have to apply more than one set of national legislation. They draw the conclusion that the EC regulation encourages media enterprises to act under that jurisdiction which is the most advantageous for them. The motivation of choosing a Member State to establish is usually based on economic factors, but political motivation is also possible. For these reasons, Member States are also motivated to establish the most favourable national regulation, since otherwise media establishments will move to another Member State. This also means that Member States are restricted in their ability to implement their own national media policy. Hungary has detailed and extensive regulation of broadcasting, creating so many obligations for broadcasters that when possible they prefer to move to another Member State. Both Romanian and Czech regulations are much more flexible and accommodating

concerning broadcasting fees, media concentration and the public service duties of commercial broadcasters.

Three papers deal with market trends accompanying, or resulting from the process of “Europeanization.” Andra Seceleanu deals with media concentration in Romania, an issue where EU policies have relatively little effect. EU regulations can potentially help deal with distortion of competition when media concentration exceeds acceptable limits (but not when it happens at the national level only), but offer no assistance in the area of media pluralism. The author examines in detail the market situation and concentration tendencies on the Romanian media market, noting that all active media markets in Romania show significant signs of monopoly. As a result, media have become “products” that spread a kind of globalism and vague corporatism and may abandon social and ideological debate in favour of easy topics, of entertainment.

Also Angelika Wyka deals, on the example of new EU member states, with the “dumbing down” of the media, as a result of significant foreign investment in them. EU membership has contributed to this process, as national media laws have become harder to apply and national competition rules are difficult to enforce against foreign undertakings. Since 2004, the restriction of foreign ownership is only possible as long as non-EU investors are concerned – right of establishment and free provision of services enshrined in the Article 43, as well as free movement of capital enshrined in the Article 73 are rudimentary principles of the EC Treaty. Therefore, there should not be discriminatory provisions although the protection of pluralism may justify non-discriminatory restrictions to both these freedoms.

The initial assumptions were that foreign capital, know-how and experience would contribute to the development of the East Central European media in terms of their content, quality and professionalism. In real life, the situation is somewhat different. Four years after Eastern and Central European countries entered into to the European Union, the unfortunate characteristics of East Central Europe’s media have, *inter alia*, been the devaluation of quality journalism, homogenization of media content, standardization of media content, uncritical reporting and commercialization/tabloidization.

Laima Nevinskaitė deals with a particular aspect of the EU membership – the publicity requirements of projects financed by EU structural funds and their impact on some areas of journalistic as well as public relations performance. A great deal of the information on projects is published as so called “commissioned articles,” i.e., material resembling editorial content, but in reality constituting public relations content. This sort of practice can be seen to have an impact in at least two respects. First, the media has received a considerable input in the form of commissioned articles. This should mostly be regarded as having a negative influence on the press. Besides general issues such as the meaning of advertising of state institutions, the risk of the influence of big advertisers on media and the ratio between journalistic and advertising material, it has a further negative aspect because a part of this mate-

rial was also commissioned from the journalists themselves. This has undermined their role as providers of objective and critical informants for the public. In turn, all this has a negative influence on journalistic culture and can further worsen the image of the media in the society.

Finally, two papers are dealing with the digital switchover. Mark Lengyel notes that in Hungary the most definitive driver of digitalization is European policy. There seems to be only one natural-born champion of the digital switchover and it is primarily the EU. He analyses EU policies in this area and notes that both at the European and at the national level, the thinking about the switchover tends to concentrate on the economic dimension of the process. Documents addressing the phenomenon of digital switchover often mention – as a sort of obligatory exercise – some social and cultural aspects. However the language decision-makers use comes almost exclusively from economics. At the level of the Community the only material indicator of success for the switchover process is the early 2012 switch-off date for analogue services. This is also in harmony with the economic reasons above, but at the same time it is not linked transparently to any social or cultural value or objective. The task, couched by the EU institutions in the language of economics, is translated into measures by member states also designed to meet primarily economic objectives. In the case of Hungary the rationales of boosting digital economy and benefiting from the digital dividend are joined by a third powerful driver. This is the shrinking market share of the terrestrial platform that also reduces the market value of the possibility to provide digital free-to-air services on the terrestrial platform. For the Hungarian regulator, it is clear that the later DTT services are introduced, the higher the price the state will have to pay for the free-to-air distribution of the public service programmes via this platform. This is economic pressure again.

From this perspective, the dominance of telecommunications regulation in this case and, correspondingly, the increasing activity of telecom regulatory authorities in issues of digital switchover and the falling significance of media regulation and media authorities can be explained as a natural consequence of the dominance of the economic approach. However, regulators must find the way to address social and cultural issues of digital switchover with the same efficiency as they do this in the case of economic aspects. Otherwise strategies for digital switchover may turn to simple action plans for analogue switch-off.

Branislav Ondrášik presents a thorough analysis of the European Union's policies, philosophy and strategy in the field of terrestrial digital switch-over and what impact it has had on the regulatory framework in Slovakia. Even before the switchover, television in Slovakia was dominated by one player (TV Markíza). This situation seems to be re-inforced in the age of digitalization. The most problematic aspect of EU's policy is the lack of guidance especially in the area of competition and concentration. For example the 2007 Slovak law on digital broadcasting is obviously providing unfair advantage to players already present and that can en-

danger the basic principles of the diversity that the terrestrial digitalization has to offer.

What, then, can we say on the basis of all this evidence about the impact of EU membership and policies on the media and media policies of new member states?

Obviously, they promoted the process of introduction of European standards into the media system, though using primarily standards developed by the Council of Europe and leaving it to the Council to respond to violations of such standards. At the same time, they reinforced, and in some cases imposed, the mimetic (imitative) aspects of media policy in the new Member States, to the detriment of any original or new solutions that might have been applied in developing a new media order.

As many authors point out, the EU's focus on market and economic aspects of media policy, and the requirement of openness to foreign investment, have accelerated media concentration and tabloidization. Meanwhile, the ability of the governments of new Member States to develop and implement national media policy – also in order to preserve national cultures and identities – was severely constrained. That was not all bad, given that the political establishments in post-communist countries were not always prepared to respect the independence of the media and that excessive protectionist tendencies may not have served their media systems well. However, this also has a more profound effect. Early post-communist media policy proceeded from the traditional definition of the media as political, cultural and educational institutions. EU policies largely disregard these aspects of the media, concentrating almost exclusively on their economic and technological dimensions.

It is clear that local circumstances have interfered with "Europeanization," often transforming it into a largely formal and superficial process and preventing the full realization of the vision of free and independent media, serving the development of democracy. By imposing a market-oriented template on media policies, the EU accelerated the process of commercialization and tabloidization of the media and facilitated the take-over of the media in many Central and Eastern European countries by foreign investors.

So, the record of "Europeanization" is mixed, at best. The question, however, is: was there any alternative?

