

THE CHALLENGES OF ICT TO MEDIA PLURALISM¹

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Introduction

In March 2000, the European Council in Lisbon set up an agenda for the economic and social renewal of Europe. Realizing that the continent is facing a paradigm shift driven by globalization, the EU Heads of States and Governments agreed to make the European Union 'the most competitive, dynamic and inclusive knowledge-driven economy by 2010'. It was noted then that 'the knowledge economy is profoundly changing the types of skills required for work and that information technologies can help reduce long-term structural unemployment' (European Council 2000). In 2005, following the Commission's mid-term review of the Lisbon agenda, a comprehensive strategy for the Information Society 2005-10 was launched.

Further on, the 'i2010 - a European Information Society for growth and employment' initiative was adopted by the European Commission on 1 June 2005 as a framework for addressing the main challenges and developments in the sector of information, communication and media industries up to 2010. The initiative contains a range of EU policy instruments envisaged to encourage the development of competitive digital economy, such as regulatory instruments, research and partnerships with stakeholders. It also promotes ICT as a key driver of social inclusion and better quality of life.

'i2010' has three main policy objectives:

- To create a single European information space, which will secure an open and competitive internal market for the digital economy (electronic communication and media services) both for industry and consumers.
- To strengthen investment in innovation and research in ICT and to encourage the industrial application of ICTs.
- To foster inclusion, better public services and quality of life through the use of ICT. (EC 2005).

The creation of a single information space started with the upgrading of EU rules on audiovisual content services. Practices have demonstrated considerable progress: telecommunication providers already offer broadcasting services and content providers supply communications services. The goal is for the consumers to be able to watch audiovisual content anytime, anywhere, and on all technical platforms (TV, computer, mobile phone, personal digital assistant and so on). Broadband, triple play and quadruple play, fixed-mobile convergence, fibre rollouts, and mobile TV are the new challenges to the media markets. Next generation networks, capable of offering speeds that can support Internet and high-definition TV (IPTV, VOIP, mobile TV, Web 2.0) are on the way. This entire exciting variety of technological options and services needs regulatory certainty in developing a common internal market for electronic communications (Reding 2007).

This gives rise to the question: How well does the traditional media system with its main social pillars, such as plurality and diversity, fit into the newly developed situation, in which geopolitical boundaries are becoming ever more conditional?

The perspective of mediamatics

Theoretical verification and legal regulation of the traditional mass media developments have difficulty in keeping pace with the headlong progress of new technologies. The type and pace of these changes will predetermine the further development of the Information Society and will present mankind with challenges in many aspects. We are on the threshold of change in the very paradigm of the mass media system: technologically, financially, administratively, creatively and, above all, socially.

Of all factors affecting the building rate of the new type of society, the technological one is undoubtedly the most active. Arrangement and processing of information have been optimized and the speed of communication has increased. The mass scale advent of digital electronics and computer software in everyday life presumes the introduction of new schemes and mechanisms for the creation, distribution and consumption of information. The range of traditional communication products and services is steadily expanding. Moreover, the satellite links, digitalization and new information technologies have brought to the fore the question of convergence in communications development on various levels.

In its 1997 'Green Paper' the European Commission defined convergence as follows:

- Ability to transfer kindred services on different platforms.
- Bringing together of such large-scale public works as the telephone, television or personal computers.

The 'Green Paper' also identified the basic characteristics of the Internet and digital technologies that challenged the applied grounds for the existing media regulation in a converged marketplace: the overcoming of scarcity, the interactive merge between publisher and consumer, user-driven status, and decentralized (horizontal) communication. Thus, it prompted media industries that, in the vast growing technological era, they would be predominantly governed by market mechanisms and economic objectives for achieving wider social, economic and general policy aims (EC 1997: 18).

The 'Green Paper' has set clear goals on the convergence policy in audio vision. The information and communication technologies have outpaced regulation and have set up an

economic basis for the convergence of entire industries: the electronic, entertainment and media industries. In this sense, Santiago Lorente sees two stages in technological development: 'convergence between telecommunications and informatics (telematics) and between telematics and audio-vision (mediamatics)' (Lorente 1997: 119).

Being the backbone of the knowledge society, broadband provides access to advanced public services and diverse multimedia content for information, entertainment, training and work. Broadband access has become a prerequisite for a wide range of issues, from economic growth to social inclusion. The move to broadband will fundamentally add new phenomena to the Internet experience, such as 'user-generated' content sites and advanced 'digital ecosystem' technologies (EC 2006a).

It is the Single European Information Space pillar of i2010 that combines regulatory and other instruments for the creation of a modern, market-oriented regulatory framework for the electronic communications, with an emphasis on the audiovisual policies, radio spectrum management, and the process of switchover to digital TV. In 2006, at the ITU's Regional Radiocommunication Conference (RRC-06) in Geneva, a treaty was signed according to which the transition period from analogue to digital broadcasting should end on 17 June 2015. The new Digital Plan based on broadcasting standards known as T-DAB (for sound) and DVB-T (for TV) will replace the analogue broadcasting plans which had existed for Europe since 1961 (ITU 2006).

The switchover from analogue to digital broadcasting is expected to create new distribution networks and expand the potential for wireless innovation and services. Just prior to the reform of the EU telecom rules, on 29 March 2007, the European Commission published its twelfth report on the EU telecom market. It pointed out that although the consumers have more choices in a sector with almost €290 billion in revenues, the full potential of the EU internal market still remains untapped (EC 2007a).

In 2007, the ITU held its World Radiocommunication Conference 2007 (WRC-07) under the motto: 'Bringing all radio services together'. The Conference adopted an international treaty, known as 'Radio Regulations Governing the Use of the Radio-Frequency Spectrum and Satellite Orbits'. These regulations were revised and updated to meet the global demand for radio-frequency spectrum efficiency. Digital broadcasting was among the 30 agenda items addressed at WRC-07 (ITU 2007).

In the final documents of RRC-06 and WRC-07, as well as in other documents, special attention was focused on various aspects of the digital dividend. Priority was assigned to the public orientation of the digital dividend usage. According to the EC 'Communication on Reaping the Full Benefits of the Digital Dividend in Europe: a Common Approach to the Use of the Spectrum Released by the Digital Switchover', the transition from analogue to digital broadcasting and HD services has been regarded as a possibility to increase media pluralism, growth in media content production, and higher-quality and more interactive services for viewers. Thus, digital dividend is related, above all, to the support of existing broadcasting services in a fully digital environment, with special attention to public service obligations (EC 2007b).

In early 2008, the Committee of Ministers of the Council of Europe adopted a 'Declaration on the Allocation and Management of the Digital Dividend and the Public Interest'. According to this, the Member States must declare that they 'should acknowledge the public nature of the digital dividend resulting from the switchover and the need to manage such a public resource

efficiently in the public interest, taking account of present and foreseeable future needs for a radio spectrum' (CoE 2008).

Despite the general progress of broadband developments, access to the new services in remote and rural regions appears to be limited because of high costs resulting from low density of population and remoteness. With this in mind, in March 2006 the European Commission published the communication 'Bridging the Broadband Gap', which refers to territorial differences in broadband access, speeds, quality of service, prices and use between urban and rural/remote areas, as well as between more/less developed areas in Europe (EC 2006b). This is a direct move towards the protection of fundamental democratic achievements, such as freedom of expression and access to information.

The contemporary European audio-visual policies

Protection of freedom of expression and promotion of media pluralism are two of the most important democratic pillars of contemporary society. The necessity of sustaining these social achievements was already underlined in the first pan-European documents. In 1950, these intentions were outlined in Article 10 (Freedom of expression) of the Convention for the Protection of Human Rights and Fundamental Freedoms (CoE 1950a).

About half a century later, Article 11 (Freedom of expression and information) of the Charter of Fundamental Rights of the European Union reaffirmed that:

1. Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected. (EUP 2000)

Within the meaning of the 'Treaty of Rome' – the founding document of the European Union – broadcasting is considered a service. The requirement for freedom of movement of goods and services across the frontiers of the Member States is a basic requirement for achieving the pan-European objectives (EU 1957). Some thirty years later, revising the Treaty of Rome, the Single European Act (SEA) added new momentum to European integration by completing the internal market (EU 1986). According to the 'General Agreement on Trade in Services' (GATS), the audiovisual services sector has become the subject of multilateral trade negotiations since January 2000. The sector includes motion picture and video tape production and distribution services, motion picture projection services, radio and television services, radio and television transmission services, and sound recording (WTO 2000).

As the main intergovernmental organization at a pan-European level dealing with the democratic dimensions of communication, the Council of Europe (CoE) has been consistently active in setting common standards for media developments. Attention to these developments has become particularly strong since the 1990s with the rapid progress of information and communication technologies, which stimulated the media concentration process (CoE 2007a).

The acts of the Council of Europe important for the audio visual developments are the legally binding European treaties or conventions, many of which are open to non-member states, as well as the acts of the:

- Parliamentary Assembly
- Committee of Ministers
- Steering Committee on the Media and New Communication Services (CDMC)
- Standing Committee of Transfrontier Television
- European Court of Human Rights.

Mostly significant for the audiovisual sector are the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention on Transfrontier Television (ECTT).

Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms provides the right of everyone to freedom of expression, which includes the right 'to hold opinion and to receive and impart information without interference by public authority and regardless of frontiers'. This freedom is subject to certain restrictions that are 'in accordance with law' and 'necessary in a democratic society' (CoE 1950b).

The aim of the ECTT is to facilitate, among the parties, the transfrontier transmission and the retransmission of television program services (CoE 1989). It lays down a set of minimum rules in areas such as the responsibility of broadcasters in regard to programming matters, including the European content of programming; advertising, teleshopping and sponsorship, as well as the protection of certain individual rights. Application of the ECTT mostly relies on mutual cooperation between the parties.

The ECTT and the amending Protocol, on the one hand, and the newly adopted Audiovisual Media Service Directive (which has replaced the Television without Frontiers Directive), on the other, have similar objectives, although the intention of the AVMS Directive as an instrument of the European Commission is to create a common market in broadcasting.

Alongside the European Parliament and the Council of the European Union, the European Commission is one of the three main institutions governing the European Union. The primary role of the European Commission is to propose and implement the legal basis for the European Union. The Commission is also responsible for adopting technical measures to implement legislation adopted by the Council and, in most cases, the Parliament. It monitors the Member States' compliance with the Union's agreed Treaties and Directives, taking action against those in default. The Commission is intended to be a body independent of the Member States. It consists of 27 Commissioners, one from each Member State of the European Union, supported by an administrative body of the Directorates-General (EC 2007c).

The EU Directorate General for the Information Society and Media was expanded as of January 2005 to include the media (which were formerly under DG for Education and Culture). DG InfSo deals with the research, policy and regulation of the areas of information, as well as with communication technology and media. It defines and implements the regulatory framework for services based on information, communication and audio-visual technologies. Its regulation has cultural, societal and economic objectives, and covers some of the largest economic sectors in Europe. Furthermore, it fosters the growth of the content industries drawing on Europe's cultural diversity. 'i2010 - European Information Society for Growth and Employment' is currently the main ruling policy document of DG InfSo (DG Infso 2005).

The European Union as one of the largest economic and political entities in the world is a supranational and intergovernmental alliance of 27 states with 495 million people (EUROSTAT 2007) and a combined nominal GDP of €11,295 (\$15,183) billion in 2007 (EU GDP 2007).

Following the rigorously developing TV and radio market, the need to set some minimum regulatory standards applicable to all Member States was felt. Thus on 3 October 1989 the European Union came up with the Television without Frontiers Directive 89/552/EEC. This Directive constitutes the legal EU framework aimed at coordination of certain provisions laid down by law, regulation or administrative actions in the Member States concerning the pursuit of television broadcasting activities. It aims to ensure free movement of broadcasting services within the internal market and at the same time to preserve certain objectives of public interest, such as cultural diversity, the right to reply, consumer protection, and protection of minors. It is also intended to promote the distribution and production of European audiovisual programmes, and to ensure, whenever possible, that they are given a majority position in the programme schedules of the television channels (EC 1989).

Parallel to these actions, a report 'Europe and the Global Information' (largely known as the 'Bangemann Report') proved to be extremely influential in starting the discussion on the future European communications policy, by pointing out that the building of a European Information Society would be market-driven (EC 1994).

In the process of implementation of the TVWF Directive it was impossible to adopt decisions, contradictory to the norms of the ECTT. The fact that the Amending Protocol of the ECTT was adopted after the revision of the Directive in 1997 can serve as an illustration of the coordinated actions of the European Union and the Council of Europe in the audiovisual area. This Protocol practically reflected the amendments to the Directive. The current discussions of the revision of the ECTT are in tune with the newly adopted AVMS Directive. As a matter of fact, this process started quite a time ago: since 2001 the effectiveness of the articles of the Convention and the Directive has been thoroughly analysed.

In the five years since the TVWF Directive was amended, the European audiovisual sector has dramatically changed. The convergence of technologies has provided interweaving of linear and non-linear services. The expansion of fixed broadband, digital TV and 3G networks has rapidly changed the viewers' habits. The vertical structure of audio-visual programming was gradually displaced by horizontal fragmentation of the audiences, who wished to follow their own viewing time schedule. Technological progress has made a strong impact on the business models of the media industry. A need for modernization and adjustment of the regulatory framework was felt in this new situation of a rigorous market and technological developments.

After a long and intensive discussion, more coherent measures for reinforcing the pan-European audiovisual policy were proposed to the Community legislator, taking into account the objective of creating a pro-competitive, technologically driven and growth-oriented environment for the development of the audiovisual sector. A broad consensus on the scope, European works, co- and self-regulation, and independence of the national media regulators was achieved. Thus, the amending Directive was adopted on 11 December and entered into force on 19 December 2007. Member States have two years to transpose the new provisions into national law, so that the modernized legal framework for audiovisual media services will be fully applicable throughout the European Union by the end of 2009.

The AVMS Directive offers an updated and comprehensive legal framework that covers all linear (broadcasting) and non-linear (on-demand) audiovisual media services, provides less detailed and more flexible regulation and modernizes rules on TV advertising to better finance audiovisual content. The AVMS Directive also upholds the basic pillars of Europe's audiovisual model, such as cultural diversity, media pluralism, and protection of minors, consumer protection, and intolerance of incitement to racial and religious hatred. It acknowledges that:

audiovisual media services are as much cultural services as they are economic services. Their growing importance for society, democracy – in particular by ensuring freedom of information, diversity of opinion and media pluralism – education and culture justifies the application of specific rules to these services.

In particular, the new Directive underlines the importance of promoting media literacy, the development of which can help people 'exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communication technologies' (EC 2007d). Thus, people will be better able to protect themselves and their families from harmful or offensive material.

The field both of the ECTT and the AVMS Directive is very flexible and dynamic. That is why the work on their improvement is an ongoing process. In particular, the revision of both instruments by the participating parties concerns:

- The scope of the Convention and Directive (the broadening of traditional television broadcasting towards the ICT audio-visual services).
- The duties of the parties to the Convention and the Directive.
- The broadening of the jurisdiction and scope of regulatory practices, involving co-regulation and self-regulation.
- The freedom of reception and retransmission, including intended and unintended transfrontier distribution.
- The developments of advertising techniques (advertising, sponsorship, teleshopping, product placement and so on).
- The protection of rights granted by the Convention and the Directive (such as the right to information and cultural objectives, media pluralism, right to reply, protection of minors and respect for human dignity) and so on.

The rapid change of the audiovisual market requires a thorough refining of the existing norms in the Convention and the Directive under a broad consensus. The question is whether the regulatory changes should anticipate or follow the practices.

Promotion of media pluralism and content diversity

For many years already, one of the constant objectives in achieving a sustainable democratic environment on a pan-European level has been the persistent promotion of media pluralism and diversity of media content. Both the Council of Europe and the European Union have been very

active and productive in discussing the issue through a number of recommendations, resolutions, declarations, opinions, communications, research papers, and so on, prepared to reflect the rapidly changing media sector.

One of the first pan-European documents attempting to define the concept of pluralism, is the Commission's Green Paper 'Pluralism and Media Concentration in the Internal Market' COM (92) 480 of 23 December 1992.

The variety of expressions used containing the word 'pluralism' – pluralism of the media, pluralism in the media, the pluralist nature of the expression of currents of thought and opinion, pluralism of information, pluralism of the press, plurality of the media – shows that there is no common understanding of the concept. However, two common features do emerge from a legal analysis of the European Convention on Human Rights as interpreted by the European Court of Human Rights and of national laws:

- The concept of pluralism serves to limit the scope of the principle of freedom of expression.
- The purpose of such limitation is to guarantee diversity of information for the public. (European Communities 1992).

The phenomenon of media pluralism and content diversity has been unceasingly a central issue of European policy-making. In 2007 both the European Commission and the Council of Europe published a number of documents concerning problems in the media environment arising from the rapid technological developments in the audiovisual area.

On 16 January 2007, the Information Society and Media DG of the European Commission initiated a three-step approach to 'Media pluralism: the need for transparency, freedom and diversity in Europe's media landscape'. This new programme points out that the media pluralism debate should concentrate not only on the grounds of media ownership but also on the transparent mechanisms, which will guarantee access of the citizens to varied information so that they can form opinions without being influenced by one dominant source. A key issue in this process is the functioning of the media as genuinely independent.

Presenting the three steps, the Information Society and Media Commissioner Viviane Reding underlined especially that:

while the media face radical changes and restructuring due to new technology and global competition, maintaining media pluralism is crucial for the democratic process in the Member States and in the European Union as a whole. This requires a sound understanding of the economic and legal reality of today's European media landscape, which our three-step approach seeks to achieve. (EC 2007e)

Two weeks later, on 31 January 2007, the Committee of Ministers of the Council of Europe adopted three documents concerning the further promotion of media pluralism and content diversity in the new digital environment:

- 'Declaration on protecting the role of the media in democracy in the context of media concentration'.

- 'Recommendation Rec (2007) 2 on media pluralism and diversity of media content'.
- 'Recommendation Rec (2007) 3 on the remit of public service media in the information society'.

'The Recommendation Rec (2007) 2 to Member States on media pluralism and diversity of media content' stipulates that the Governments of the Member States shall consider including in national law or practice:

- Measures promoting structural pluralism of the media, such as: ownership regulation; public service media, other media contributing to pluralism and diversity; access regulation and interoperability, other support measures.
- Measures promoting content diversity, such as: promotion of wider democratic participation and internal diversity; allocation of broadcasting licensees and must carry/offer rules; support measures; enhancing awareness of the role of the media.
- Media transparency.
- Scientific research. (CoE 2007b).

The challenges to television

Media pluralism is usually linked to the democratic performances of society. However, a greater number of media outlets does not necessarily mean that diversity of content has been achieved. The concept of pluralism can be defined both in terms of its function and in terms of its objective. Concerning television, media pluralism can be assessed through the number and types of channels, the number and structure of their owners, the editorial content of the broadcasts, and the access of different societal groups to programming.

Over recent years, media concentration has been considered the main threat to media pluralism. Concentration in the ownership structure of mass media industries usually suggests a state of monopoly/oligopoly, or large-scale owners in a given media industry. Concentration of media ownership suggests also the presence of media conglomerates, such as Disney, CBS, Time Warner, News Corp, Bertelsmann AG, Viacom and General Electric, which together own over 90 per cent of the media market (Concentration of media ownership 2007).

Fear of the negative consequences of media concentration is mainly connected with the availability of less diverse opinion in the media and with fewer opportunities for certain minority groups (including ethnic, religious, cultural, linguistic groups and so on) to reach the broad public through media. Both of these problems are considered significant obstacles to the development of a healthy, competitive media market. A major concern is also whether a consolidated media market (especially on a local level) can be accountable and dependable in serving public interest, especially in times of crisis and in cases of emergency. The ultimate results of such a media market consolidation is viewed as a poorly-informed public, restricted to reduced options of media array, which offer mainly information supporting the media owners' interests. Increased concentration of media ownership may also lead to censorship of critical debate on certain problems, to the absence of a wide range of issues of public interest and to increased commercialization of content. However, extensive research into the issue of media concentration and pluralism could not identify in quantitative terms a direct link between media concentration and content diversity (Ward 2006: 1).

In some cases consolidated capital may even have a positive effect on pluralism. It may ensure more effective competitiveness against the media conglomerates, maintain reduced costs of operation, increase diversity of content supply to an extended area, and provide for more and more differentiated products and services, thus better answering the demands of the public.

Comparing the two sides of the problem, it should be noted that 'approaching the issue of media pluralism solely from the perspective of media ownership concentration is unproductive' (Jakubowicz 2006).

A prevailing trend in contemporary society is the growing number of TV channels which carry out the external (structural and market) pluralism. In this case, regulatory measures may be directed at organizing such relations between the various media companies so as to ensure a degree of autonomy between them. In the contemporary world, the media are clogged with unvaried entertainment formats in form and content. The form of presentation certainly has its powerful say in television, but if deprived of content, it becomes nondescript and unpromising. Along with this, some programmes that are meaningful for public interest are neglected, owing to a lack of attractiveness as compared, for example, with reality shows. Thus it becomes evident that realization of the principle of structural pluralism is tightly bound to the meaningfulness of content in the TV programmes. If we fail to find such a combination of diversity and quality, we will be doomed to endless switching from channel to channel, seeking in vain for something meaningful in the ocean of flickering TV images: pluralism is meaningless in such a situation (Raycheva et al. 2003). In this case, the measures may be directed either at the internal organization of the media company whose control structure will have to represent the various currents of opinion, or at the editorial content of the broadcasts.

From the viewpoint of content, guaranteeing of political and cultural pluralism merits special attention.

Concerning political pluralism, television often acts as the main subject of political manipulation, especially before elections. The starting point in this process is the selection, processing and distribution of information.

A fundamental assumption in contemporary political science is that authorities rely on information resources. The skill of sifting out meaningful from immaterial information enhances the power potential. The possibility to distribute information, in one's own interpretation at that and with channels to boot, or to withhold some of it, multiplies the power capacity (Bauman 1998: 21). Direct exercise of such power is a prerogative of the media. That is why, when powerful media fall under the control of economic or political power groups, this significantly deforms democracy.

Concerning cultural pluralism, there are two risks in this sphere: one is diluting the national cultural identity and uniqueness, the other is national encapsulation. Multiculturalism is rife with the danger of forcing in and taking up foreign models. Transnational TV formats gain ever larger territories in the poorer countries, displacing their cultural traditions and threatening main public values. Thus, pluralism may turn into its own opposite by losing entire styles, epochs, national models, and favourite works of other generations along the way. In this sense, it is important to preserve cultural identities, the letters and the languages in the EU integration processes. The constitutional rights of minority groups (ethnic, religious, cultural, linguistic and so on) to education and information in their mother tongue are also part of the cultural pluralism of the media.

Contemporary television is a convergent phenomenon, combining the intellectual product with technological potential, market mechanisms, regulatory practices and the response of audiences. Along with this, television is both a reflection and an embodiment of the post-modern concept, with its key characteristics of fragmentation, intertextuality, simulation and plurality. Fragmentation is intrinsic to television owing to its programmed and multi-channel character. Intertextuality received a boost with the advancement of digitalization. The principle of simulation in fact reversed the situation of television mirroring society into society mirroring television. Contrary to these three characteristics, however, pluralism cannot be viewed as intrinsic to television. Pluralism is determined by the tasks set for television, and the manner it deals with these tasks.

There is, however, a problem that comes to the fore: greater opportunities for selection carry weight only if there is something to choose from. What is the use of the great number of channels if they are filled with the same programmes, or with similar tastelessness? That is, the pluralism of content has been reduced to nil.

Conclusion

The significance and role of television in the contemporary world have grown enormously with the development of new platforms for the distribution of audio-visual content. Television continues not only to inform audiences but to shape their views as well. Moreover, it catalyses rather than reflects public processes, thus creating preconditions for reformatting the very society to the extent that society begins to reflect the developments on the TV screen. This mutual interpenetration is aided by diffusion of some other activities kindred with the media world. The political elite are quick to use the media for their PR purposes. For the economic elite, the media are the main distributors of their advertisements. The needs of the public are increasingly forced out of the media. Paradoxically enough, governments engage in regulatory protection of public service television, which is supposed to be their most vehement critic. Self-regulation has, as yet, failed to become the public ombudsman and corrective of commercial influence. Even enhanced interactivity could hardly pull the recipients out of their assigned role of users and consumers. The Internet environment is aiding the fragmentation of audiences, but still fails to change the prevailing vertical communication model. The moment it succeeds would probably bring about large functional restructuring of the traditional mass-media system.

Rapid technological developments of the information and communication industries outline the need to modernize the regulatory framework and practices. The new Audiovisual Media Service Directive will be implemented in the national legal framework within two years and the revision of the European Convention on Transfrontier Television is on its way. Modernization can be viewed from several perspectives:

- *In political terms*, the development of free and unhindered transmission of audiovisual services on a pan-European level governed by a common legal framework is important for pursuing EU objectives. In view of the democratic, social and cultural significance of the media, policy-makers and public authorities should enforce adequate measures to ensure transparency in the media sector and prevent conflicts of interest which pose a threat to the independence and plurality of the media.
- *In technological terms*, the turbulent progress of information and communication technologies is challenging the concept of traditional broadcasting, which is limited to the number of analogue

channels. The rapid spread of cable systems, broadcasting satellites and low-power TV has expanded the offer of diverse programs. Digital technologies, broadband and web casting increase the number of channels, providing the viewers with multiple choices of programs and audio-visual services. The contemporary audiovisual reality becomes more and more complex with the interweaving between linear and non-linear services. A key question in the context of the digital switchover refers to the task of determining the best use of the spectrum dividend.

- *In economic terms*, the expanding tendency towards deregulation and privatization in broadcasting leads to predominance of the commercial structures. The media content becomes more and more dependent on market mechanisms. Thus, the merger control at the European, as well as at national level, should be complemented with specific measures to protect and promote media pluralism.
- *In regulatory terms*, the tendencies to merge media, telecommunications and entertainment industries lead to changes in the legal basis of the regulatory approaches (in structure and duties of the regulatory authorities, in methods of regulating – regulation, co-regulation and self-regulation – and in audiovisual content, subjected to regulation). In this sense, it is of great importance to outline the parameters of the ‘regulatable’ content.
- *In social terms*, the quantity of programmes on offer leads to fragmentation, demassification of the audiences of the traditional broadcasting (one-to-many), thus opening ground for non-broadcasting and interactive audio-visual services. Furthermore, the Information Society services offer their products in a ‘one-to-one’ mode. Through citizen journalism and citizen media, individuals can produce and disseminate information and opinions that are marginalized by the mainstream media. The broad impact of media on the general public in real time is reduced due to asymmetric communication offered by diverse electronic sources. This new communication environment needs an energetic developing of media literacy programmes.
- *In professional terms*, the rapid introduction of the technological innovation is challenging the traditional formats, styles, and modes of programming. The process of media convergence as well as interactivity tendencies raises serious questions in the managing of editorial content. The significance of self-regulation and application of ethical codes of conduct become ever more important for journalist practices. Public service broadcasters should contribute to media pluralism by providing a diverse range of quality programmes. Media organizations should develop better accountability systems in order to strengthen professional values, editorial and journalistic independence and quality journalism.

The new pan-European moves for further promoting media pluralism and content diversity in the audiovisual sector are of major economic, social and cultural importance: TV is still the most significant source of information and entertainment for 98 per cent of the European households that watch television on the average of more than three hours per day. However, bearing in mind the rapid technological developments in a highly competitive market, a major concern about the vitality of the new regulatory rules may be how long the pillars of Europe’s audiovisual model (cultural diversity, protection of minors, consumer protection, media pluralism, and intolerance against racial and religious hatred) will be protected. And all of this makes ever more obvious how the compression of historical time dictates the new pace of the communication process with the good, the bad and the unexpected challenges of ICT.

Note

1. The topic has been analysed by the author in the following publications: *Tracing the Digital Switchover in Enlarged Europe*. A chapter in Urban, Agnes; Sapio, Bartolomeo and Turk, Tomaž (eds.), *Digital Television Revisited. Linking Users, Markets and Policies* (2008), Budapest (Hungary): COST Action 298 'Participation in the Broadband Society', pp. 155–64; *Television: The Good, the Bad and the Unexpected Challenges of ICT*. Presented at the International transdisciplinary conference organized by COST Action 298 'The Good, the Bad and the Unexpected. The User and the Future of Information and Communication Technologies', Moscow, Russian Federation, 23–5 May 2007, <http://www.costa30.eu/?q=node/32>. Accessed 20 May 2008.

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