



# The legal and economic framework of the third audiovisual sector in UK, Netherlands, Switzerland, Niedersachsen (Germany) and Ireland<sup>☆</sup>

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## ABSTRACT

The multiple roles and services of community media have gained new attention in recent years throughout many countries, particularly in the context of maintaining and promoting independent local communication. The present work is intended to provide a basis for discussion on the legal foundation of, and support for community media. It outlines a series of recommendations for further media–political discussions with the third broadcasting sector based on community media experiences in five European countries: the Netherlands, Ireland, Germany (Lower Saxony), Switzerland and Britain.

First, this article gives an overview of the historical development, the current legal, structural, economic and technical framework of community media, as well as their roles and functions within the respective media landscapes. In addition to the aspects of the formal legal anchoring of the sector, indications of social recognition and representation of the sector in immediate media and political practice will also be analysed, in combination with the role of the national community media organisations and the way they contribute to the development of the third media sector framework, in interaction with political systems and authorities.

The authors see this article as a high resolution snapshot of the community media landscape in Europe. Apart from offering an overview of the third media sector in Europe, the article will show “good practices”, general trends, and key challenges and difficulties. This article is intended to serve as a productive impulse for the further academic exploration of community media and to contribute to the growing significance of research on participation.

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## 1. Introduction

The subject of this study, carried out by two community media activists, is community media and in the wider sense the “third sector media” in the Netherlands, Ireland, Lower Saxony, Switzerland and Britain in the light of current discussions at a European level. The study follows an exploratory approach combining qualitative and quantitative aspects. Kleinstaub (1991) and his research on the role of non-commercial local radios and the tradition of policy research was a main source of inspiration. The study gives an overview of the historical development, the current legal, structural, economic and

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technical framework for community media, as well as their roles and functions within the respective media landscapes. In addition to the aspects of the formal legal anchoring of the sector, indications of social recognition and representation of the sector in immediate media and political practice have also been analysed. The focus of the study is upon terrestrial analogue radio. The analogue FM radio spectrum still remains the main form of dissemination of community media in all the countries of comparison. Only licensed providers have been taken into consideration. Another focus was on the contribution of the national community media organisations to the development of the framework of the third media sector, especially in interaction with politics and authorities. In each country the organisation has been selected that plays the most significant role for the development of the sector. The authors see this study as a snapshot of the community media landscape in Europe. The study offers an overview of (a segment of) the third media sector in Europe that does not exist in this form. It shows “good practice” approaches, general tendencies and trends, and focuses on key challenges and difficulties that the sector currently faces.

A particular challenge for the investigation of community media lies in the portrayal of the heterogeneity of the sector itself. Community media and their frameworks differ not only from country to country. Just the different terms used for community media already illustrate this heterogeneity. But even within the countries of comparison, we are confronted with a highly diversified range of projects with different structures, approaches and emphases. Add to this the extraordinary dynamics of the sector and the media landscapes as a whole. Particularly technical developments, like the advancing digitalisation of broadcasting and its effects but also (often short-term) changes in the political framework must be considered. The study attempts here to provide an overview of the situation in the individual countries that is as differentiated as possible. Nevertheless, many of the issues addressed here require a deeper investigation that would go beyond the scope of this work. In this sense, the study is also intended to serve as a productive impulse for further academic exploration of community media and the growing significance of participative research.

## 2. Country reports

The decision to focus the research on the five countries, UK, Ireland, Switzerland, Lower Saxony and the Netherlands was taken due to the very different form of recognition, support and social embedment community media and especially community radio have. Although in all these countries community radio is defined as a proper sector through specific media legislation.

### 2.1. Ireland

The Irish media landscape is under the strong influence of British media outlets. This mainly applies to the newspapers but also (to a lesser degree) to the broadcasting sector. In the field of radio we have actually 4 public service channels, 2 national commercial and 29 regional/local commercial stations and 19 community radio stations.

The first 4 community radios got their licenses in 1990. In 1995 a larger group of 11 community radios received licenses for an 18 month pilot phase. The Broadcasting Commission of Ireland (BCI) combined the pilot phase with intensive evaluations and research. The BCI supported the creation of the Community Radio Forum, which later developed into CRAOL, the actual umbrella organisation of the sector. Based on the evaluation of this first pilot phase, the BCI drafted its *Policy on Community Radio Broadcasting* (BCI, 2001) and defined a separate community radio sector – differentiating it clearly from the public service and the commercial radio sector.

*A community radio station is characterised by its ownership and programming and the community it is authorised to serve. It is owned and controlled by a not-for profit organisation whose structure provides for membership, management, operation and programming primarily by members of the community at large. Its programming should be based on community access and should reflect the special interests and needs of the listener ship it is licensed to serve. (IRTC, 1997)*

At this moment, 19 community radios hold a license, transmitting in the cities but also in rural areas. The coverage areas in the cities are quite small; for instance five community radios are active in Dublin. But even then, with their programs and their regional characteristics, they contribute to diversity and pluralism of the broadcasting landscape.

The Irish media policies created a legal framework for community radios which supports and encourages these organisations to use multiple sources of revenue. For instance the Near Media Co-op (Radio Near FM) in Dublin generates about 2% of their income on the bases of sponsoring and advertising; while 80% of its income is based on regional, national and European funding. These diverse resources are generated through cultural, social and educational activities which are corresponding with the policies of various governmental departments. To give one more detailed example: Several community radios were funded for their contribution to community development programmes by the government agency POBAL ([www.pobal.ie](http://www.pobal.ie)) which aims to fight poverty and exclusion. With the Broadcasting Funding Act 2003, the media authorities are in the position to use the Sound and Vision Fund to distribute up to 5% of the broadcasting fee to support the production of commercial and community stations. In 2006 and 2007, up to 25% of the available funds were directed to community broadcasters – both radio and TV. The productions that received support contributed mainly to Irish culture and language, lifelong learning and children programming.

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