



## **Response by the Campaign for Press & Broadcasting Freedom (CPBF) to the Issues Papers for the Liverpool Audiovisual Conference, September 2005 – Revision of the *Television Without Frontiers* Directive**

### **Introduction**

1. The CPBF was established in 1979. It is the leading independent membership organisation dealing with questions of freedom, diversity and accountability in the UK media. It is membership based, drawing its support from individuals, trades unions and community based organisations. It has consistently developed policies designed to encourage a more pluralistic media in the UK and has regularly intervened in the public debate and political debate over the future of broadcasting in the United Kingdom in the last quarter of a century. The Campaign also has links with media related organisations in mainland Europe, particularly the European Federation of Journalists. In Britain we have strong links with the National Union of Journalists who support this submission.
2. The CPBF welcomes the opportunity to respond to the public consultation on the revision of the 'Television without Frontiers' Directive, but regrets the short time scale operated over the summer months.
3. Below we make general comments on the revision of the TWF Directive. We have made separate detailed submission in respect of three issues papers. These are: Issue Paper 4 *Commercial Communications*, Issue Paper 5 *Protection of Minors and Human Dignity, Right of Reply* and Issue Paper 6 *Media Pluralism*.

### **General Comments on the Revision of the TWF Directive**

4. The *Television Without Frontiers* (TWF) Directive is a central component of EU audiovisual policy and the content of any revised directive will therefore have a significant impact on the future regulation of audiovisual services in Europe. The issues involved in the directive revision are technical and complex and inevitably preclude many organisations within civil society from responding to consultations or other initiatives taken by the Commission during the consultation process.
5. It is the case, however, that amongst organisations, which have responded to the 2003 consultation, or made other pronouncements on the content of a revised directive, there are two clear positions. One puts stress on protecting general interest objectives for a future European audiovisual policy, including cultural and media diversity; access to information; freedom of expression and the right of reply; the protection of viewers/consumers; and the protection of authors and their works. A second position sees the directive as an opportunity to remove obstacles to the development of the internal market, and to limit regulatory intervention to a minimum. As the Association of Commercial Television (ACT) 2003 submission put it: 'The primary objective of, and legal basis for, this directive is the free movement of services.'(p7)

6. Democracy depends upon the extension of freedom of expression and social justice worldwide and upon an understanding of the special and particular role of the media in democratic society. Media policy-making debates have varied in quality across Europe. One point is certain, once a nation deregulates much of its media to private interests, it is very difficult to maintain public involvement in the policy making process. Private interests are able to use their cultural, economic and political power to prevent open evaluation of whether they are the proper stewards of the nation's media. Once this deregulatory process is near completion, it is very difficult to reverse the process, as extremely powerful interests block the democratic path. We also share the concerns expressed by a number of civil society organisations that the weakness of European broadcasting regulation is that such provision is not a requirement for member states. We therefore support the proposal put forward by Public Voice that a levelling up of the quality of public service provision throughout the EU member states through a new mechanism to ensure that all citizens can enjoy a range of broadcasting programmes that can fulfil their democratic, social and cultural needs.

7. The political context is also important. The Liverpool conference, under the UK EU Presidency, has been seen as an opportunity to resist what a Department of Culture, Media and Sport (DCMS) senior international official, Chris Bone, called 'regulatory creep' at a Westminster Media Forum TWF conference on 20 July 2005. Ofcom, the UK regulator, is also strongly in favour of minimal regulation preferring self-regulation and broadcasters adhering to their own codes of practice. Also a Policy Focus Group, involving the UK industry and international broadcasters licensed in the UK, has been meeting regularly and has reached a broad consensus on issues raised by the TWF review. The CPBF notes that the existence of this group, and its link with the DCMS and Ofcom, has not been complemented by another forum to allow UK civil society organisations, media unions, and others with a different perspective to also have an input into policy formation.

8. We are also concerned about the marginal presence of NGOs and civil society organisations at the Liverpool conference, and strongly supported the letter by Public Voice sent to the DCMS asking for broader representation. In addition we would support the views of Public Voice that in all such future Commission/Presidency conferences, there should be official, planned support for an accompanying NGO Forum (including the trades unions). In addition attendance at such Commission/Presidency conferences should more widely represent citizens' and trades union interests.

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