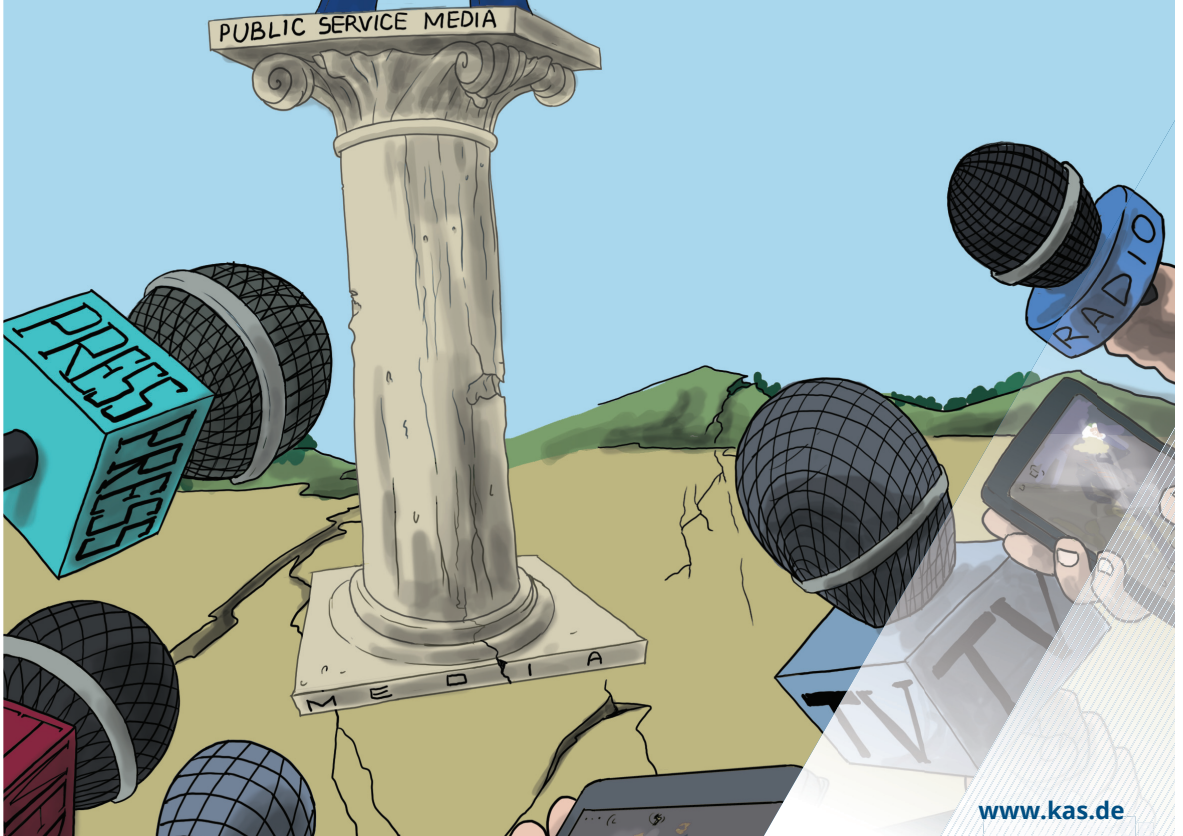




A Pillar of Democracy on Shaky Ground

Public Service Media in
South East Europe



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Imprint

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Table of Content

Preface	v
Public Service Media and Its Future: Legitimacy in the Digital Age (the German case)	1
Survey on the Perception of Public Service Media in South East Europe	17
Public Broadcasting in Albania: Between Legacy and Future Opportunities	27
Public Service Media in Bosnia-Herzegovina: A Crisis of Legitimacy and Sustainability	49
Public Service Media in Bulgaria: Lack of Sustainability	69
Public Service Radio and Television in Croatia - at the Service of the Public or Politics?	93
Kosovo's Public Broadcaster – Insufficient Editorial Independence and Management Competence	113
The Story of an Unfinished Transformation to True Public Service Media (the Moldovan case)	133
Public Service Media in Montenegro - a Leaf Aflutter in the Wind	151
Macedonian Radio Television in Need of New Professional Standards	173
Public Service Media in Romania: The Battle for Independence from Politics	191
Public Service Media in Serbia: A State of Flux	215
About Us	235

Preface



Dear readers,

Democracy cannot exist without free media. Journalists must be able to work independently – without political or economic influence or any other reprisals. This is also a recognition of the terrible history of the Second World War and the totalitarian rule of the National Socialists over a huge part of Europe. For this reason, public service media were established in (West) Germany after 1945

after the model of the BBC. It was without question a gift for Germany and its democratic development.

Public service media – in Germany as well as in other European countries – have a legal task. They are exclusively committed to the welfare of all and must not unilaterally support a party, organisation or any other type of grouping. Its programmes should inform, educate, advise. They can and should also entertain. Its contents, whether on television, radio or online, still stand for seriousness and credibility. Despite all doubts, trust in public service media remains high in many countries. This is confirmed by regular opinion polls across Europe. In almost all countries in which the European Broadcasting Union (EBU) is represented, the public broadcasters are ranked in the first place. But this trust is not self-evident. Even public service media must always face social and, above all, technical developments, reflect repeatedly on its foundations and mission and find answers in the democratic discourse.

This book gives an overview of public service media in South East Europe; referring to the ten countries, which the Media Programme of the Konrad-Adenauer-Stiftung covers. From Croatia to North Macedonia and Bulgaria to the Republic of Moldova, liberalised media markets have emerged following the collapse of socialism and its state-controlled media systems. State broadcasters have become public service media. For the first time, essential information about individual public broadcasters is being gathered. Media experts from the respective countries write, among other things, about the history, the legal framework, the financing model and organisational structures in place. The chapters are supplemented with the results of a

recent representative opinion poll commissioned by the Media Programme and conducted by the research institute Ipsos. We have asked the same six questions in all ten countries. In the results summarised for the entire region, two answers are very clear: almost 70 percent of respondents say that public service media are important for democracy. Unfortunately, almost 65 percent see these channels under political influence. In South Europe, in particular, this discrepancy becomes visible and audible at demonstrations when people take to the streets against their government. Then usually public service media are focus of protests and have been criticised as mouthpieces of the government.

As a Media Programme, we want to strengthen the role of free and independent media and improve the work opportunities for journalists. Freedom of the press and expression are central pillars of democracy. Here in South East Europe, we accompany the process of transformation – towards a united democratic Europe. In doing so, public service media play an important role. I am convinced that if public service media do not exist, one should invent them. They are essential for democracy – if they can act free of political influence and are well funded to fulfil their tasks.

We wish you enjoyable reading!

Hendrik Sittig
Konrad-Adenauer-Stiftung e.V.
Head of KAS Media Programme South East Europe

Public Service Media and Its Future: Legitimacy in the Digital Age

The case of public service media in Germany

Daphne Wolter

Introduction

Our democratic constitution requires a system of public service media (PSM) that is clearly differentiated from private services and that is simultaneously a tool of and a service provider for democracy.

Digitalisation and the technological convergence of media have given television viewers a new power: programmes can now be received irrespective of time and place. Broadcasters are afraid of losing control as new smart TV systems reduce ordinary television to one of several options. Some experts even predict that broadcasting will completely disappear in the future; video services available worldwide will gradually replace it. But what role should the public service media play in this scenario? Will it be reduced to an insignificant niche or will it be completely written out of the future?

From the viewpoint of public service media, the goal must be to remain in the 'relevant set'. According to the so-called development guarantee¹ one of the tasks of public service media is to adapt to the changing viewing habits of users.

The first media 'big bang' 30 years ago brought a fundamental change to public service media with the introduction of the dual system (see also next section). The change was far from damaging, if one compares the German TV landscape internationally. Similarly, the second major 'big bang' in the form of media digitalisation can help public service media benefit and avoid becoming a victim of the digital transformation. The transformation must not be obstructed by

¹ 6th Broadcasting Ruling - German Federal Constitutional Court ruling (BVerfGE 83, 238), <http://www.servat.unibe.ch/dfr/bv083238.html>.

regulatory media policy, however. On the contrary, regulators must promote the necessary reforms, in fact they must demand and shape them.

The history of public service media in Germany

As a response to Germany's Nazi past, control of media and cultural policy in Germany is decentralised: responsibility is vested with the federal states as opposed to the federal republic. Each federal state enacts its own laws regulating media and cultural matters. The legal basis for broadcasting is the so-called German Interstate Treaty on Broadcasting (Rundfunkstaatsvertrag), a contract entered into by all sixteen federal states. The Treaty provides for state public media agencies part of the ARD, the ZDF and other broadcasters. As a result, the legal structure of the contract is shaped by a variety of laws and treaties.²

As part of Germany's democratisation after World War II, public service media were introduced on the basis of, among others, the British model (BBC). To protect broadcasting media from renewed authoritarian intervention³, public broadcasting was established in 1949 with a government-mediated guarantee intended to ensure political independence. In 1950, broadcasters established the Association of Public Service Broadcasters of the Federal Republic of Germany (ARD). This was followed by the establishment of the Second German Television (ZDF) in 1961. These broadcasters are constituted as corporations under public law and financed by licence fees (more on this in the third section). Private broadcasters were established starting in the 1980s. Since then public service media have been one of the two branches of the so-called 'dual broadcasting system' of the German media landscape. However, public service media retain special importance in this constellation. The foundation of the dual broadcasting system was laid by the Fourth Broadcasting Decision of the Federal Constitutional Court⁴, a ruling that declared private commercial broadcasting programmes to be constitutional. While private sector providers are subject only to limited regulation, public service media are required to offer comprehensive public service. It is precisely this requirement that justifies

² Peter Raue, Jan Hegemann (ed.) (2017) *Münchener Anwaltshandbuch Medien- und Urheberrecht*, p. 467, para. 17, 18.

³ *Ibid.*, p. 461, para. 5.

⁴ 4th Broadcasting Ruling of German Federal Constitutional Court ruling (BVerfG 73, 118), <http://www.servat.unibe.ch/dfr/bv073118.html>.

public service media and its unique character. The Federal Constitutional Court has held that the collection of broadcasting fees (licence fee) is permissible in view of the public service provided by these broadcasters.

Today, around 38 million television households can receive the main programmes of ARD and ZDF via satellite, cable or digital terrestrial transmission. This represents 98 percent of the reception potential of German TV households.⁵

The structure of public service media in Germany

Public service media broadcasting is organised as follows: the ARD is an association of nine state-level broadcasters that have joined together to offer programmes via television and radio broadcasting as well as via the internet. A tenth member of the ARD is the Deutsche Welle, Germany's public international broadcaster. Together with the ZDF, the ARD also operates 'funk', an online distribution channel and content network marketed to adolescents and young adults, KiKA, a children's channel, and PHOENIX, a documentary channel. It is also involved in operating 3sat, a German-language culture TV channel run in cooperation with partners from Austria and Switzerland, and ARTE, a European culture TV channel run in partnership with France. Deutschlandradio offers a national radio programme for citizens in all sixteen federal states.

These institutions act through their bodies, the Broadcasting Council, the Administrative Board and their Directors. The Broadcasting Council is the highest body and represents the interests of the general public. It also has decision-making and supervisory powers (see section 4 for council structure). The Administrative Board supervises and advises the management and reports to the Director-General who manages the affairs of the broadcaster and is responsible for business and programme design.

The Federal Constitutional Court has repeatedly and clearly articulated the special role of public service media for our society: According to the Federal Constitutional Court public service media are intended to guarantee the basic supply of information, education, culture and entertainment to the

⁵ MEDIA Perspektiven (2019) Basisdaten 2018, p. 4, https://www.ard-werbung.de/fileadmin/user_upload/media-perspektiven/Basisdaten/Basisdaten_2018_Internet_mit_Verknuepfung.pdf.

population.⁶ This mandate of public service also requires that PSM fulfil their multifaceted task, only if the content is technically available to everyone. In order to carry out this task independently of any state and economic interest, public service media are financed by contributions from all citizens, companies and institutions. There are clear rules for the licence fees, which are payable by all citizens above the age of 18 years of age in accordance with the principle 'one apartment – one fee' (currently 17.50 Euro per month). The number of broadcasting devices and persons per apartment does not matter. If several people live together, only one licence fee is paid.

However, such a financing model must also be accepted by citizens. In the context of the financial independence secured by licence fees, public service media have a duty to distinguish themselves even more clearly from private providers by maintaining a distinct profile. Most funding is sourced from licence fees but a small part of income is raised from advertising, sponsorship and the exploitation of productions.

In its ruling on 18 March 2016, the Federal Administrative Court⁷ *inter alia* decided and confirmed that the levying of licence fees constitutes financing that is appropriate to public service media. This enables the relevant broadcasters to fulfil their mandate according to the dual broadcasting system while avoiding dependency on advertising or state funding which may jeopardise diversity.

Since broadcasting is subject to permanent change due to developments in the digital arena, the Federal Constitutional Court developed the 'dynamic broadcasting' concept. According to the concept in question it must be possible for PSM to also fulfil its task in the future by relying on modern technology.⁸

The market shares in terms of audience (total, from three-year old viewers) for 2018 stood at 11.5 percent for ARD (das Erste⁹) and 13.9 percent for ZDF. The broadcasters are followed, at a distance, by the private broadcasters RTL, Sat.1 and ProSieben with market shares ranging between 8 and 4 percent.¹⁰ However,

⁶ *inter alia*, 4th Broadcasting Ruling of German Federal Constitutional Court ruling (BVerfG 73, 157), <http://www.servat.unibe.ch/dfr/bv073118.html>.

⁷ Decision of the Federal Administrative Court (BVerwG 6 C6, 15).

⁸ 5th Broadcasting Ruling of German Federal Constitutional Court ruling (BVerfG 74, 297, 351), <http://www.servat.unibe.ch/dfr/bv074297.html>.

⁹ First channel to launch in Germany and is operated by all broadcaster part of ARD.

¹⁰ AGF (2018) Marktanteile der AGF- und Lizenzsender im Tagesdurchschnitt 2018, in Zusammenarbeit mit GfK, <https://www.agf.de/daten/tvdaten/marktanteile/?name=marktanteile>.

looking at the market shares of younger target groups, the PSM are clearly becoming less relevant: in the so-called 'advertising-relevant' target group (14-49 year olds) the private broadcaster RTL is the market leader with 12.2 percent, ahead of ARD (7 percent) and ZDF (6.8 percent).¹¹

How is the independence of broadcasting ensured?

Public service media have several defining features such as being independent of the state and internally controlled through largely sovereign supervisory bodies (internal pluralism) comprising the Broadcasting Council and the Administrative Board.

The Federal Constitutional Court ruling on the ZDF Interstate Treaty¹² showed a need for rethinking this arrangement, including in terms of programme content. Alongside the programme being diversified and kept independent from the government, the different boards are also required to be independent of the state and internally pluralistic. In the interest of fulfilling this mandate, the Federal Constitutional Court stipulated that public service media may not come under the influence of any interest group. It should be able to fulfil its mandate independently, especially with regard to political and economic interests. The supervision of public service media must therefore be organised in a manner that it represents the most diverse image of society, without any group being able to dominate others. In order to ensure this, as many different perspectives of society as possible must be taken into account.

The functioning of the state and politics alike involves of a large part of our society whose representatives have a mandate from citizens that is given legitimacy through elections. According to the judgment of the Federal Constitutional Court it therefore seems appropriate that politicians as well as representatives of society from diverse areas such as business, religion, sports, environment, minorities, customs, etc. are represented on the boards of public broadcasters. To ensure that politicians do not dominate the boards, the court

¹¹ AGF; GfK; Media Control, Horizont (2019) *Zuschauermarktanteile (14 bis 49 Jahre) der größten Sender in Deutschland in den Jahren 2017 und 2018*, Statista, Statista GmbH, <https://de.statista.com/statistik/daten/studie/653812/umfrage/zuschauermarktanteile-14-bis-49-jahre-der-groessten-sendergruppen>.

¹² Ruling of the First Senate of Federal Constitutional Court from 25 March 2014, https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2014/03/fs20140325_1bvf000111.html.

has specified that their share may not make up more than one-third of the seats and that they cannot make or block a decision with the number of votes they hold. Furthermore, board members may not represent the interests of the organisation to which they belong but must explicitly represent the interests of society. Unlike the members of supervisory boards of private companies, the prime concern of board members is not the economic success of the broadcaster but the interests of society.

The involvement of private individuals in the boards is now being tested.¹³ As such, the State Parliament of North Rhine-Westphalia has decreed that citizens may apply for two Broadcasting Council posts in the West German Broadcasting Corporation (WDR) as well as for two deputy posts. The selection of suitable and competent candidates is the responsibility of the WDR Broadcasting Council. If this model proves sensible and feasible, the federal states will have to consider whether to pursue the principle on a broader scale.

In any case, it must be ensured that the choice of citizens does not result in a political grouping appropriating supervisory control. This could for instance occur, if board elections are used by one party to attract as many people as possible who share their specific political convictions and act according to those convictions on the board. The current model does not allow this.

Unlike other countries, for instance from the immediate surroundings of the European Union, Germany consistently follows the path of the state independent public broadcasting. This path must continue to be pursued as the only way to guarantee diversity of opinion and freedom of expression.

Adapting to the digital age

How important are public service media in terms of social communication in the age of digitalisation? Journalism at public service media is inescapably affected by digitalisation. The new technologies could mean a golden age for research, preparation and marketing. A failure to seize this opportunity would mean that public service media will become a remnant of the online economy.

¹³ Volker Nünning (2016) Der Rundfunkrat des WDR wird von 49 auf 60 Mitglieder vergrößert, Medienkorrespondenz, 12 February, <https://www.medienkorrespondenz.de/politik/artikel/der-rundfunkrat-des-wdr-wird-vonnbsp49-auf-60nbspmitglieder-vergroessert.html>.

There is no longer a separation between different media types. Due to the internet, the 'dual broadcasting system' is no longer dual, but a multipolar system.

The digital transformation of the media raises a number of questions about the trustworthiness of sources, the funding of quality journalism and the success of political communication in a fragmented public sphere. A large 'counter-public' has established itself on the internet and social networks. Many reports and posts shared quickly gain 'truth' status, although they are later disproved as rumours or intentionally spread *fake news from the outset*. But errors in mass media coverage are also quickly revealed and often mercilessly pilloried. In addition to this, algorithms are increasingly taking on the role of journalists in selecting news based on their relevance and classifying their content.

In these frantic times, there is a need for *trusted content* like never before. Albeit a great challenge, this is also an opportunity for shaping the content profile of public service media. Where public discourse derails repeatedly, public service media must guarantee that it remains democratic and cannot be controlled by any party, thereby preventing the emergence of media segregation.¹⁴

Internally, institutions have already self-critically stated that the legitimacy of younger audiences is increasingly being lost in the areas of information and entertainment. Global online providers such as YouTube or Netflix are also in the process of conquering the German video market. Especially for younger age groups, the internet is becoming increasingly relevant as a source of news.¹⁵ The experts have no doubts – the generations to come will get their information and entertainment from the internet. The next TV generation dwells online. The analogue media system, where there is a good balance between public media and the private press, has been eroded by digitalisation, and the internet in particular. It would, however, be far from realistic to prohibit public service media from fulfilling their public service mandate on the internet. Younger viewers or users of information content are more often online than in front of the TV screen. They also pay the licence fee and have a right to consume the public content.

¹⁴ Karin Frick, Jakub Samochowiec, Detlef Gürtler (2016) Öffentlichkeit 4.0, GDI Gottlieb Duttweiler Institute, p. 19.

¹⁵ Sascha Hölig, Uwe Hasebrink (2018) Nachrichtennutzung und soziale Medien, Media Perspektiven 12/2018, p. 574, https://www.ard-werbung.de/fileadmin/user_upload/media-perspektiven/pdf/2018/1218_Hoellig_Hasebrink_2019-01-08.pdf.

In 2016, the prime ministers of the federal states unanimously decided to develop a youth programme for ARD and ZDF, which is exclusively available on the internet. 'Funk'¹⁶ is available on smartphone, tablet and PC. The aim is to provide the majority of the population with adequate information and meet media users on an equal footing.

Media and democracy only work with independent professional journalism: in order to have an open opinion and enable the decision-making process, society needs media that are capable of credibly conveying, explaining and classifying facts and values from reliable sources. The subversive effect of widespread disinformation campaigns should not be underestimated: by unsettling trust in information in general, such campaigns can also compromise the credibility of trusted sources. As a result, disinformation may undermine the ability and mission of journalists, which is to ensure reliability and transparency in society.

Public service media in particular must fulfil its role as quality media. This is an enormous challenge – but equally an opportunity – to shape the content profile of public service media. The broadcasters should aspire to an ambitious broadcasting mission. Independent, professional journalism is indispensable for democratic control. Consequently, it also needs to be secured and preserved in the form of public service media.

Current discussions: mandate and structure of reform

The aim of the federal states is to deliver a reform of the mandate and structure of public service media, adapting the Interstate Treaty accordingly and making the profile of broadcasters more professional. In the future, the content available from the profiles of public service media, without following economic market incentives but contributing to the variety of content that cannot be guaranteed by the free market alone, should be featured more strongly as a counterweight to the content available from private broadcasters in all areas.

Individual actors, associations and currently even a political party¹⁷ are calling for the abolition of the licence fee and thus a radical change in the dual broadcasting system. Viewed as a whole, the demands of the 'licence fee

¹⁶ Website Funk, www.funk.net.

¹⁷ Manifesto of the AfD, available at <https://www.afd.de/grundsatzprogramm/#kurzversion>.

opponents' contradict the underlying idea of public service media, which is to ensure that the entire population has access to high-quality information, education, cultural and entertainment and for PSM to mediate public opinion-making. The abolition of licence fees and a simultaneous switch to a pay TV model would *de facto* be the end of the dual broadcasting system. This would be impossible with a pay TV proposition, which would exclude large parts of society for various reasons. If public service media in a pay model were to concentrate on exclusively offering expensive information, education and cultural programmes, it can be assumed that this would soon result in social selection among users. Since the considerable costs for preparing the offers would have to be borne by a smaller group of viewers, the public service offers would inevitably become more expensive for the individual user. In the context of rising prices, the likely outcome will be fewer and fewer subscribers, making public service media become a proposition for the elites, provided that it continues to exist. It would no longer be able to fulfil its social mandate.

However, while criticism and demands are exaggerated, a reform for the future viability of public service media is long overdue and existential.

On their own initiative the ARD¹⁸ and ZDF¹⁹ have issued two expert opinions on legitimacy and future viability. However, these proposals, along with the drive for savings or other structural considerations, do not go far enough from the point of view of politicians.

Unfortunately, the issues of fee stability and structural reform have pushed aside the important question of mandate, a constituent element of the public service system. But what are the questions that must be asked in today's disruptive media environment: How can public service media respond to the increasing competition, especially online? Which functions they should and should not fulfil in the future? What kind of broadcasting does society need?

So, what is it that should specifically change?

¹⁸ Rafael Aigner, Lars Handrich, Anselm Mattes, Ferdinand Pavel (2017) Öffentlich-rechtlicher Rundfunk in einer konvergierenden Medienwelt, Politikberatung kompakt 119, Deutsches Institut für Wirtschaftsforschung, https://www.diw.de/documents/publikationen/73/diw_01.c.553625.de/diwkompakt_2017-119.pdf.

¹⁹ Dieter Dörr, Bernd Holznagel, Arnold Picot (2016) Legitimation und Auftrag des öffentlich-rechtlichen Fernsehens in Zeiten der Cloud (Studien zum deutschen und europäischen Medienrecht, Band 62), Peter Lang GmbH, Internationaler Verlag der Wissenschaften; Auflage: New, <https://www.zdf.de/assets/161007-gutachten-doerr-holznagel-picot-100~original>.

Clear distinction to private sector offers:

The pillars of public service media are independence, credibility, relevance and transparency. Without independent reporting, there is no credibility – and without credibility, viewers turn away from coverage. Currently, the debate about the current structural reform almost completely revolves around the vague notion of fee stability. The focus is therefore on the licence fee, on an appropriate financing model and the associated structural changes with potential for savings. But this must not be the sole focus: The central question should rather revolve around the content and profiles of the broadcasters ARD and ZDF.

A substantive and quantitative definition of the public service mandate and a clear distinction from the commercial offers are long overdue. Media politicians of the CDU/CSU-Union have been calling for time to allow ARD and ZDF to reflect on their mandate. As a result, it is now necessary to work together with all stakeholders concerned on the design of a contemporary mandate and develop television programmes accordingly. This being said, a popular demand among critics to restrict public service media to the areas of information, education and culture fails to recognise that entertainment programmes are also relevant to opinion-making. Relevant social, political or historical contexts are taken up in fictional programmes and their background is explained and discussed. Historical films or series on current affairs deal with important social issues and explore key social questions. Not only has news a socio-political function, its fictional content is also relevant to opinion and thus belongs to the public service mandate.

According to an analysis of programme orientation²⁰ the share of information content in ARD and ZDF ranks 8 out of 9 in European-wide comparison of public service media. The emphasis on information offers and its transmission time should be considered as part of the reform of structure and mandate.

More independence from the market share:

The following question is considered at this time: How crucial is market share for public service media? The consequences today include fierce competition with private providers, 'fearful' programming of high-quality reports in programmes broadcast at night and justifications, where a programme fails

²⁰ McKinsey Analysis (2017) Die Rolle des Öffentlich-rechtlichen Rundfunks (ÖRR) in der heutigen Medienlandschaft, September, p. 62, https://www.mckinsey.de/~media/McKinsey/Locations/Europe%20and%20Middle%20East/Deutschland/News/Presse/2017/2017-09-18/die_rolle_des_oerr_in_der_heutigen_medienlandschaft.ashx.

to attract an appropriate number of viewers. Content should naturally be acceptable to those paying the fees as public service media are dependent on this. But the focus should not be the interest of broadcasters but rather the interest of the public. Likewise, broadcasting financed by the general public should not only be convincing on account of independence, diversity and quality, but must reach all segments of the population.

The licence fee is justified solely by quality, and not by market share. The decisive factor is that it is possible for all sections of society to find and use public service content. Questions such as who watches, when and how much television are part of each individual's right to freedom of information.

The fact that younger viewers are watching less television is not an argument for abolishing the fee. It is important to give them access to new forms of public information and programme content. The newly established youth programme 'funk', which is broadcast exclusively online, is a sound approach. In order to produce content for the young, one needs a well-functioning youthful structure at editorial level. The ARD and ZDF should be allowed to experiment bravely in this area while, naturally, taking into account the issue of financing. Smart media specialists already recognise that it is interesting to know the answer to the question of what users see when they look at their smartphones: do you watch the news on Facebook, YouTube or Tagesschau24? Ultimately, it does not matter whether it is TV, radio or an internet post. From the point of view of public service media, however, it is important that their content is represented on these platforms and equal opportunities and accessibility are guaranteed.

Less advertising and sponsoring:

Broadcasters should be enabled to fulfil their mandate relying on their own funding, regardless of commercial revenues or government subsidies.

Transparency in commercial cooperation and a moderate reduction in advertising and sponsorship income are factors that could enhance quality. Much commercial cooperation is not transparent and it is not clear, for example, if whether a prize from a competition is financed by the cooperation partner or by the licence fee. This lack of transparency harms public service media, which should present and act independently, professionally and credibly. Reduced financing from advertising offers the opportunity to develop the programme independently of commercial interests and market shares. As a result, the often casually designated audience group '60 plus' could, for example, be served better. Just because this audience segment no longer

belongs to the coveted advertising-relevant target group between 14 and 49 years, the ARD and ZDF should not neglect it in their programming and monothematically provide sports coverage and folk music. Current political broadcasts, satire and high-quality TV and cinematographic productions are in top demand even among older viewers.

The increasing population of baby boomers has a stronger orientation to digital opportunities. Year after year, these 'best agers' increasingly use online media²¹ and want a good internet service from the ARD and ZDF to view the requested broadcasts there.

Conclusion

For the future viability of public service media, legitimacy and the corresponding public service mandate are crucial. It is important for politicians to explicitly commit to a constitutionally guaranteed continuation and development at this time. In terms of regulation, there is a need for the introduction of a new form of commissioning. The importance of constitutional broadcasting freedom and its demand on public service media must be consistently observed.

Strengthening the profile and focusing on the public service mandate and core competencies are essential for the future viability and acceptance of public service media. Ultimately, this depends on the content, specifically on high quality public content. This must be the unique selling point which public service media rely on in order to be distinguished from the variety of offers and appeals in the digital world. This is the only way to justify the financial resources available to public service media. All age groups should benefit from some of the offers, regardless of the device they are using, their platform of preference and the time of content viewing. This will ensure that public service media stands a good chance of becoming indispensable and properly equipped for the future. This will certainly not happen without criticism of the public service media system, but this is consistent in the context of pluralism of opinion and needed in a democratic society.

²¹ MEDIA Perspektiven (2019) Basisdaten 2018, p. 81, https://www.ard-werbung.de/fileadmin/user_upload/media-perspektiven/Basisdaten/Basisdaten_2018_Internet_mit_Verknuepfung.pdf.



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Situation of Public Service Media in South East Europe

Survey on the Perception of Public Service Media in South East Europe

This publication aims to give a complete overview of public service media in South East Europe. In addition to the case studies and analyses of the situation in each country, it was also important to have a look at the perception of citizens and how they view public service media in their countries. Thus, the KAS Media Programme South East Europe commissioned a national representative survey in all ten countries that participated in the study. The survey was conducted by the research institute Ipsos.

The survey envisaged the use of a single data collection methodology in all countries surveyed. In all countries, except Romania¹, the survey was conducted as part of the CAPI omnibus (Computer Assisted Personal Interviews). The CAPI omnibus is an open structure survey in which data is collected via personal face-to-face interviews, but not for single data users. Questions from several users, each contributing with own set of questions, are compiled into a single questionnaire form, scripted into digital application and distributed on the CAPI system. As part of the project set-up phase, some preparations and adjustments were undertaken as necessary for the successful implementation of the survey. This happened in consultation between Ipsos and the KAS Media Programme South East Europe. Data collection was undertaken in the period May – July 2019.

The questionnaire was provided by KAS Media Programme South East Europe. It was composed of six questions. The questionnaire was originally written in English and subsequently translated by Ipsos into the local languages. The

¹ Due to sample restrictions imposed to CAPI, the survey in Romania was conducted through the CATI omnibus (Computer Assisted Telephone Interviews). Namely, the CAPI sample would have been designed to cover only the urban population in Romania, thus missing on the opinions of 45 percent of the total Romanian population (official statistics for Romania). Following these considerations, firstly, the questionnaire is very short and differences between CATI and CAPI usually appear on longer questionnaires. Secondly, the survey questions are simple and very easy to understand – the risk that any of the respondents might not understand the question over phone is low and interviewer's assistance is not necessary. Finally, questions are also quite general and not with a sensitive topic, so the respondents would not have any draw backs answering over the phone. On the other hand, the topic of the survey suggests differences between rural and urban population; running a CAPI survey only in larger cities would disable us to collect valuable opinions from rural population.

Media Programme reviewed and approved all translations of the questionnaire. All interviewers were given written instructions containing general description of the questionnaire. People were asked following questions:

1. Are Public Service Media (PSM) important for democracy in your country?

Yes / no / I don't know

2. In your opinion, are PSM free from political influence in your country?

Yes / no / I don't know

3. How much trust do you have in following media?

Public TV / private TV / public radio / private radio / print media / online media

Very high / high / little / very little / no trust

4. How often do you use the services of public service media?

Daily / several times a week / several times a month / never

5. What type of funding do you prefer for PSM?

Tax subsidy / licence fees / advertisement / hybrid form / I don't know

6. What content shall PSM broadcast (multiple answers are possible)?

News / sport / culture / entertainment shows / educational shows / documentaries / talk shows / investigative political shows / movies / in-house produced films and series

Data was collected on the basis of representative samples from the population in the age group 18+ years in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Republic of Moldova, Montenegro, North Macedonia, Romania, Serbia; thus having a target population of 46.5 million people. The total sample size is 10 383 respondents. The table below sets out the overall distribution of the interviewees and the distribution of the different demographic profiles.

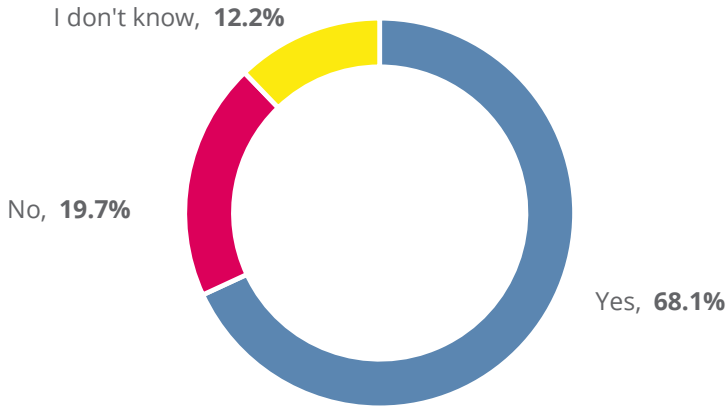
Survey on the Perception of Public Service Media in South East Europe

		AL	BiH	BG	HR	RKS	MD	MNE	NMK	RO	SRB
N	10383	1095	1024	1000	1000	1043	1116	1001	1045	1001	1035
Gender											
sig	0,49										
Male	48.7%	541	497	498	484	516	503	498	522	499	495
		49%	49%	50%	48%	50%	45%	49%	50%	50%	48%
Female	51.3%	554	527	502	516	526	613	526	522	502	540
		51%	51%	50%	52%	50%	55%	51%	50%	50%	52%
Age											
sig	0										
18-29	22.8%	278	204	249	192	338	203	233	267	189	216
		25%	25%	25%	19%	32%	18%	23%	26%	19%	21%
30-49	36.6%	336	378	384	337	427	372	370	416	403	374
		31%	31%	38%	34%	41%	33%	36%	40%	40%	36%
50-64	25.1%	332	251	279	258	184	347	238	190	270	258
		30%	30%	28%	26%	18%	31%	23%	18%	27%	25%
64+	15.5%	149	191	88	213	93	194	183	173	139	187
		14%	14%	9%	21%	9%	17%	18%	17%	14%	18%
Education											
sig	0										
Primary or lower	23.1%	427	226	6	280	355	161	147	259	312	228
		39%	39%	1%	28%	34%	14%	14%	25%	31%	22%
Secondary	57.5%	545	620	698	622	514	675	702	572	434	589
		50%	50%	70%	62%	49%	60%	69%	55%	43%	57%
University or higher	18.7%	121	119	296	96	174	276	175	214	255	218
		11%	11%	30%	10%	17%	25%	17%	21%	25%	21%
No answer	0.6%	2	59	0	2	0	4	0	0	0	0
		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

General results of survey

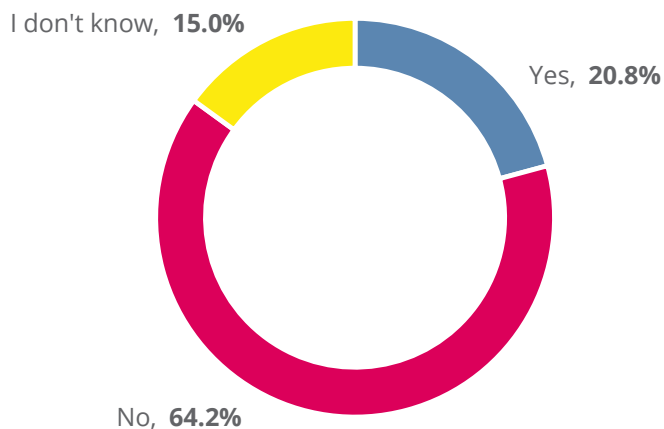
Every country chapter presents the results for the individual countries. Overall, numerous similarities are visible in public service media perception – but there are also some differences. In the following chapter, the regional averages will be presented with further details on the differences between the countries.

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total target population, in percent)



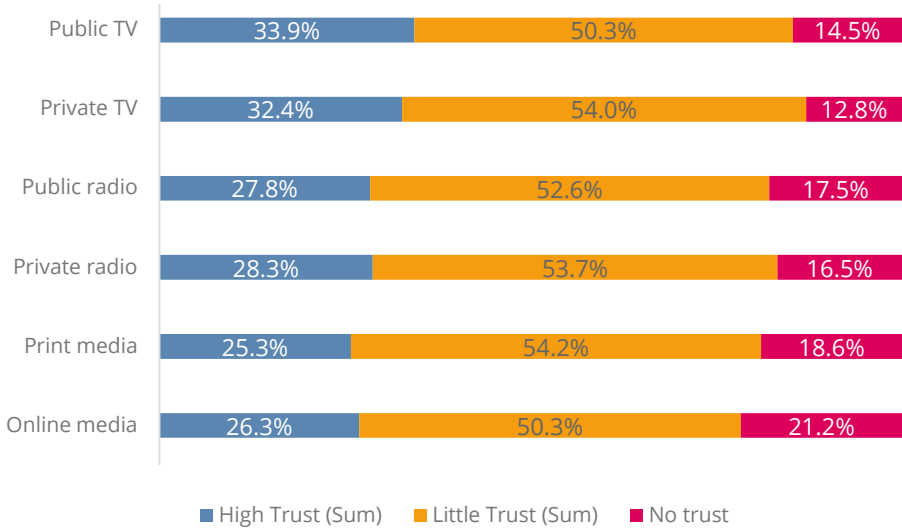
The influence and importance of public service media (PSM) in the monitored countries is recognised by 68.1 percent of citizens aged over 18 years (see Chart 1). There are significant differences in the responses to the question given by the citizens in Croatia, Bulgaria, Romania, Moldova and Bosnia and Herzegovina, where the importance of PSM for democracy is recognised to higher degree than the average for the region. For certain countries, this could be attributed to the political situation: Croatia, Bulgaria and Romania for example are already members of the EU and might have a stronger sense for democracy. Moldova could have a similar result due to its cultural connection with Romania. The reasons for the high recognition of the importance of PSM or democracy in Bosnia and Herzegovina should be sought in the specifics of the country: different cantons (ethnicities) are informed locally in different ways, and it could be that citizens wish for PSM to be most balanced and ethnically neutral information providers.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total target population, in percent)



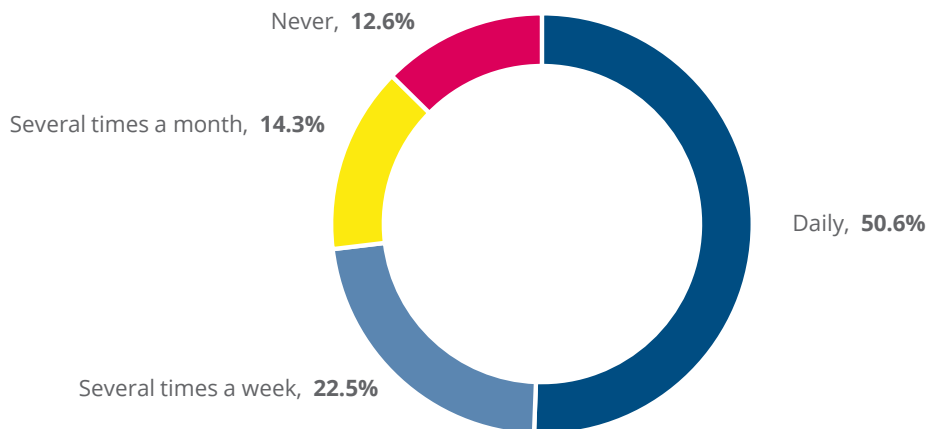
Although the majority considers PSM important for democracy, they also believe that PSM are not free from political influence. This is the opinion of 64.2 percent of the respondents interviewed in all countries (see Chart 2), but this percentage is significantly higher in Croatia (83 percent), Bosnia and Herzegovina (88 percent) and Montenegro (71 percent). In some of the monitored countries where people use the services of the national broadcaster less often, like North Macedonia and Albania, the percentage of people who believe PSM are free from political influence is interestingly higher.

Chart 3: How much trust do you have in following media? (Base: Total target population, in percent)



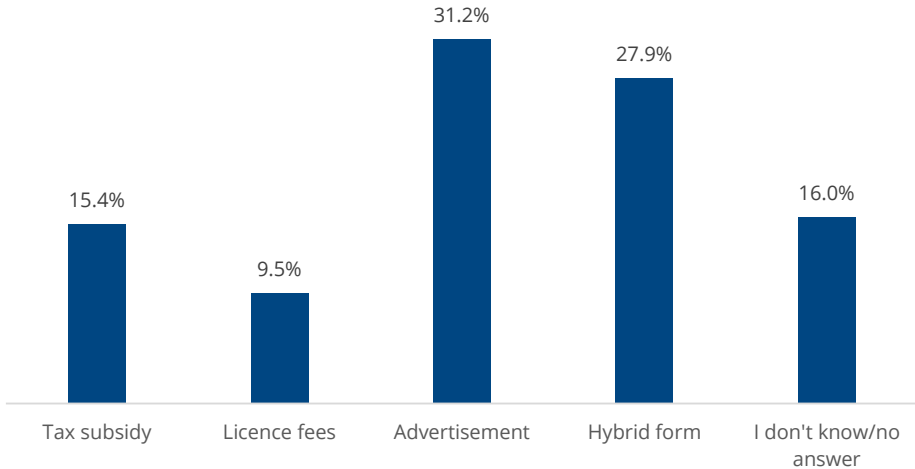
Citizens in the region do not have a high level of trust in any media channel. The range of the average rates for trust in each media channel shows that citizens do not point out any specific media channel that would be more reliable and trustworthy than others. Online media, together with print media are the least trusted media sources while TV enjoys the highest trust (see Chart 3). Media enjoy the least trust in North Macedonia, Serbia, Bosnia and Herzegovina, Croatia and Moldova. Looking at PSM, public television is generally trusted the most in the region, along with private TV stations. Public radio, however, is less trusted as compared to private radio.

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total target population, in percent)



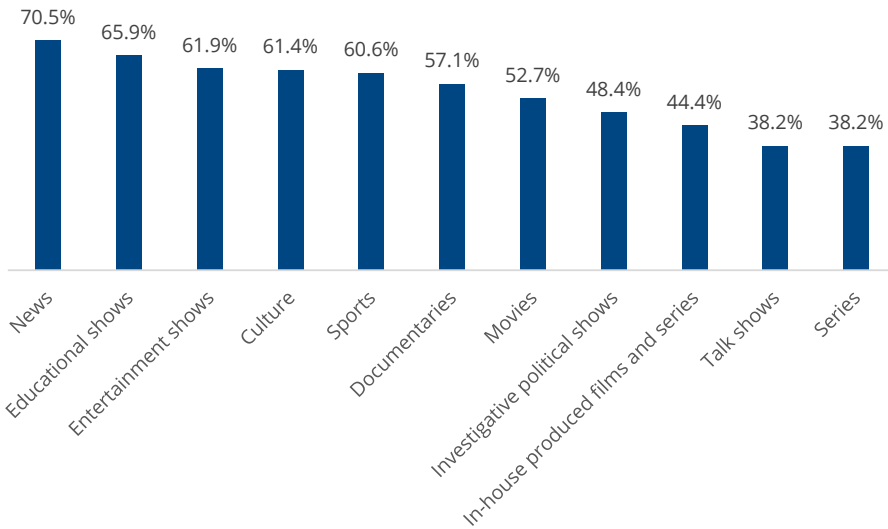
On average, half of the population uses PSM daily (see Chart 4). This percentage is significantly higher in Bulgaria (71 percent), Serbia (64 percent) and Croatia (69 percent). PSM are rarely used (several times a month or never) in North Macedonia and Albania, with similar percentages – 49 percent and 47 percent respectively.

Chart 5: What type of funding do you prefer for PSM? (Base: Total target population, in percent)



In Chart 5, you can see that the most preferred forms of PSM funding are advertising (31.2 percent of interviewed respondents) and a hybrid model (27.9 percent). In most countries, tax subsidies and licence fees have very low preference rates. Only in Romania and Moldova the tax subsidy system receives a higher percentage of preference as compared to the average for the region. In Moldova, it is even the preferred funding model with 45 percent. In general, it seems that people want less involvement of state organised financing and tend to prefer commercial models, and in particular advertising.

Chart 6: What kind of content should PSM present? (Base: Total target population, in percent, multiple answers possible)



PSM are primarily perceived as a channel for information, education and cultural programmes: the most mentioned preferences in terms of content that PSM should present includes news (70.5 percent), educational programmes (65.9 percent) and culture programmes (61.4 percent). Entertainment programmes are next in terms of audience preference: sport programmes (60.6 percent), entertainment shows (61.9 percent) and movies (52.7 percent). Most probably due to cultural and social specificities, the citizens in Albania, Bosnia and Herzegovina and Kosovo, refrain from deciding on PSM programmes, as the percentages for the answer allocated to each category are significantly lower but are consistent with the pattern observed: news, education, culture and sports.

Public Broadcasting in Albania: Between Legacy and Future Opportunities

Ilda Londo

Introduction

Public service broadcasting in Albania remains an area in need of reform. Despite the progress achieved in recent years, it remains difficult for the public broadcaster to shed its reputation of a propaganda arm of the government, on one hand, and assert itself as a powerful player in the media market, on the other. At the same time, since Albania has adopted a dual broadcasting system, the role of the public broadcaster has been hailed as essential for society and a driver for the development of the entire media industry.

In this context, the current report is a brief overview of the main challenges facing the public broadcaster, such as its mandate, structure, funding model, place in the media market, relations to politics and manner of adapting to digitalisation. As the public broadcasting system is complex and faces numerous challenges, the report can only briefly touch upon a handful of the many issues related to the current state-of-play of public service media in Albania.

History of public service media in Albania

The public service broadcaster is called *Radio Televizioni Shqiptar* (Radio Television of Albania – RTSH) and consists of Radio Tirana, on the one hand, *Televizioni Shqiptar* (Albanian Television – TVSH), on the other. Radio Tirana started broadcasting in 1938 and the TVSH followed in 1960. During the entire communist period, these were the only electronic media available to Albanians and all foreign media were subject to a blanket ban. Similar to the press and many other organisations at the time, the RTSH was also rigidly controlled by party-political bodies and in fact constituted a major propaganda tool – a legacy that has proven so difficult to overcome after all those years. 'In the early 70s, the communist party leadership issued a

directive stipulating that the country was to be also governed by radio and television, serving a role that until then had been played mainly by [the party newspaper] *Zëri i Popullit*.”¹

The transition from one-party rule to a multi-party system in the 1990s brought media liberalisation, allowing the emergence of private newspapers first, followed by private radio and television in 1995. This situation required new regulations, and eventually the Parliament enacted the Law on Public and Private Radio and Television in 1998. This law marked the formal transformation of the RTSH from a state-owned institution into a public service media.² Until then, the RTSH was still considered a state-owned entity and remained under the strong influence of the ruling parties and, very much still regarded as a continuation of the propaganda mechanism that had existed during the communist regime.

The model that the law established was similar to the European public broadcaster model, obliging the RTSH to provide public service content and respond to the diverse needs of society at large. Although the first law was amended several times and a new law on audio-visual media was subsequently enacted in 2013, the basic structure remains that of a dual system: a public service broadcaster charged with producing content serving the country as a whole, commercial operators subject to only minimum requirements in terms of public interest.

Structure of the broadcasting system

According to the law the Albanian Radio and Television is a not-for-profit legal entity operating under public law with the aim of providing public media service in Albania.³ According to its mission statement the RTSH provides quality programmes to ‘inform, educate, and entertain the public, serving the nation and all social groups, including ethnic minorities’.⁴ The

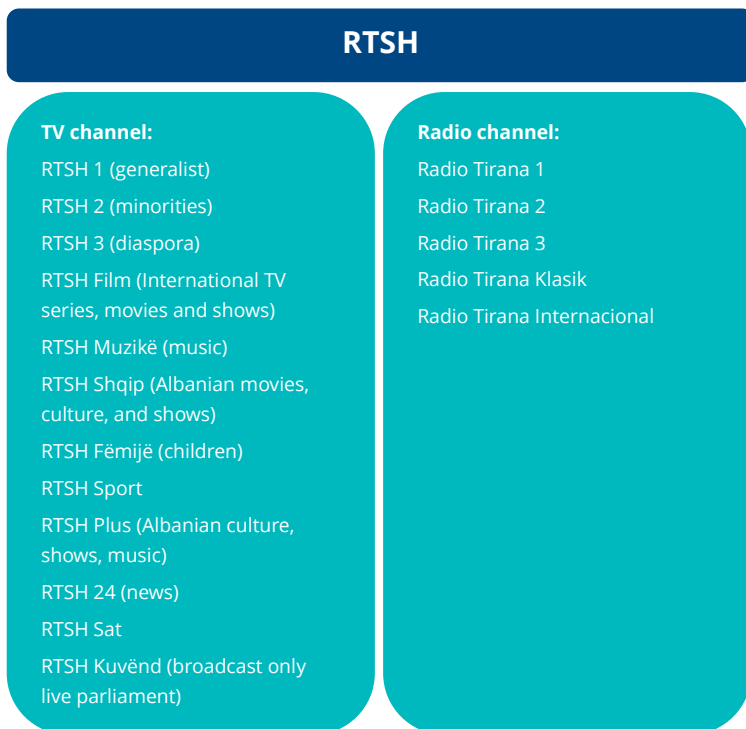
¹ Marash Hajati (2004) RTSH, profil i nje mediumi kontradiktor [RTSH, Profile of a Controversial Medium] *Monitori Shqiptar i medias*, no. 1, p. 71.

² Ilda Londo (2005) ‘Albania’, in *TV Across Europe*, osi/eumap, Budapest.

³ Law on Audio-visual Media Nr. 97/2013, amended by Law No. 22/2016 of 10.3.2016, amended by Decision no. 56 dated 27.07.2016 of the Constitutional Court of the Republic of Albania and Law no. 91/2017, Art. 90, <http://ama.gov.al/wp-content/uploads/2018/10/LIGJI-NR.-972013-%E2%80%9CP%C3%8BR-MEDIAT-AUDIOVIZIVE-N%C3%8B-REPUBLIK%C3%8BN-E-SHQIP%C3%8BRIS%C3%8BE2%80%9D-I-NDRYSHUAR.pdf>.

⁴ *Ibid*, Art. 91.

mission of the RTSH also includes reporting news without any bias and producing programmes that meet diverse needs in all areas of public life.⁵



From the administrative point of view, the law establishes three governing bodies of the RTSH: a Steering Council, a Director-General and an Administrative Board.⁶ The Steering Council has decision-making power and assists the Director-General in an advisory capacity. The Director-General is the chief executive officer of the public broadcaster, in charge of setting strategy, running day-to-day operations, and ensuring that the RTSH fulfils its mission. The Administrative Board advises the Steering Council and is in charge of preparing analyses on financial matters relating to the RTSH, except programming.⁷ The third body is the recently established Council of Viewers and Listeners, composed of one-third RTSH employees and two-thirds representatives of various social groups. It is in charge of guaranteeing

⁵ Ibid.

⁶ Ibid, Art. 92.

⁷ Ibid, Art. 107.

the representation of the listeners' and viewers' interest in relation to RTSH content.⁸ Changes made to the regulation have almost always focused on the need to secure the independence of the public broadcaster management and its governing bodies. The degree to which this independence has actually been achieved, however, remains a subject of debate. Please see the section on independence of the public broadcaster for an in-depth discussion. The section also explains the election process of the institutions within the structure of the RTSH.

Programme mandate

The law⁹ lists several general values, principles and aims supposed to guide RTSH activity, for example:

- › meeting the needs of the whole population and promoting Albanian language and culture;
- › supporting democratic values, especially the right to information and exposing the public to traditions of other countries, especially in Europe;
- › reflecting cultural diversity in programme content by covering an array of activities and fields, guided by respect for human dignity;
- › providing national and international news and current affairs coverage, etc.

In fulfilling its public service mission, the RTSH should include in its free programmes at least:¹⁰

- › two national audio-visual programmes (meaning TV);
- › two national audio programmes of a general nature (meaning radio);
- › one audio programme in foreign languages, dealing mainly with news and culture;
- › one audio programme for Albanians abroad, again mainly news and culture;
- › regional centres and programmes of a general nature;
- › one audio-visual satellite programme of a general nature;
- › one programme directly broadcasting the sessions of parliament.

The RTSH signal should reach at least 90 percent of the population in Albania and at least one of the networks should have reached a coverage of 99 percent

⁸ Ibid, Art. 112.

⁹ Ibid, Art. 118.

¹⁰ Ibid, Art, 119.

of the population within five years of the enactment of the law. i.e. in 2018.¹¹ According to the regulator (Audio-visual Media Authority) in 2018 the RTSH covered 70 percent of the population through digital broadcasting¹² whereas the RTSH claims that its signal reaches 97 percent of the population.¹³ The RTSH may establish an independent fund in order to support independent productions¹⁴ while the own productions of the RTSH should account for at least 50 percent of the broadcasting time.¹⁵

The quest for an adequate funding system

The funding model of the public broadcaster is mixed, allowing a variety of financing sources. These sources include a licence fee, advertising, contracts with third parties for the rental of technical equipment, sales of own productions, sales of content produced by the RTSH, and funding from the state budget.¹⁶ The central government subsidy, i.e. the component financed by the taxpayer, is subject to change annually, as provided for in the Law on the Annual State Budget. The funding from the state budget is used to finance the following aspects of RTSH work:¹⁷

- › the audio and audio-visual broadcasting services for Albanians abroad and the service in foreign languages;
- › major technical projects for the introduction of new production and broadcasting technologies;
- › major projects for the production of films or other national artistic activities;
- › the RTSH symphony orchestra and cinematography department.

¹¹ Ibid, Art. 121.

¹² AMA Annual Report 2018, http://ama.gov.al/wp-content/uploads/2019/04/RAPORT_VJETOR.pdf.

¹³ RTSH Annual Report 2018, http://parlament.al/Files/Kerkese/20190416130358RAPORT%20VJETOR-2018_ePLOTE_OK.pdf.

¹⁴ Ibid, Art. 123.

¹⁵ Ibid, Art. 124.

¹⁶ Law on Audio-visual Media Nr. 97/2013, amended by Law No. 22/2016 of 10.3.2016, amended by Decision no. 56 dated 27.07.2016 of the Constitutional Court of the Republic of Albania and Law no. 91/2017, Art.113, <http://ama.gov.al/wp-content/uploads/2018/10/LIGJI-NR.-972013-%E2%80%9CP%C3%8BR-MEDIAT-AUDIOVIZIVE-N%C3%8B-REPUBLIK%C3%8BN-E-SHQIP%C3%8BRIS%C3%8BE2%80%9D-I-NDRYSHUAR.pdf>.

¹⁷ Ibid., Art.116.

The biggest part of RTSH funding comes through the licence fee. In 2018, the total RTSH budget currently stands at 2 248 320 Albanian Lek (ALL) (app. 18 million Euro). The licence fee accounts for 53 percent of this amount, the state budget accounting for 30 percent and the remaining 17 percent being raised from advertising and contracts with third parties.¹⁸ The management of the RTSH has been persistently proposing a change in the licence fee scheme that would create a stronger and more financially independent public broadcaster. Until 2011 the licence fee was very low (approx. 4.5 Euro per household per year). It doubled in 2012, in order to increase funds for digitalisation projects. Currently, every household pays about 80 eurocents per month in licence fee, which is tacked on to the electricity bill. This the lowest licence fee in the Western Balkans and, in fact, in all Europe. The management of the RTSH has repeatedly petitioned the Parliament seeking an increase of the licence fee in order to strengthen the financial viability of the broadcaster but this request has not been granted to date as it is considered a tax burden on citizens.

RTSH staff have also complained in the latest report of the company that the licence fee is not actually being collected consistently and that the overall amounts received have decreased in the last three years. Delays in the RTSH receiving the funds – the electricity company has not been forwarding the money in a timely fashion – have caused further financial difficulties for the public broadcaster, the fee being its main source of income.¹⁹ RTSH staff have insisted on greater transparency as regards licence fee collection. They have also requested that the collection charge kept by the electricity company be lowered from 10 to 2 percent. This indicates that if the situation does not improve, the RTSH will not be able to survive without an increase in funding from the state budget.²⁰

Another financial problem for the RTSH has been the switch from analogue to digital broadcasting. The National Strategy for Digital Switchover has allocated two national digital networks²¹ to the public broadcaster that can be used to host RTSH programmes and also, for a fee, made available to other local broadcasters. The process of building the digital networks has been overly protracted, rife with controversy and a heavy financial burden on the public broadcaster. A second

¹⁸ RTSH Annual Report 2018, http://parlament.al/Files/Kerkese/20190416130358RAPORT%20VJETOR-2018_ePLOTE_OK.pdf.

¹⁹ Ibid.

²⁰ Ibid.

²¹ In the law foreseen is that RTSH has two national frequencies, for building two digital networks or platforms.

problem concerns the fees that local operators were supposed to pay the RTSH for the use of its digital networks. The fees in question were supposed to significantly help the RTSH cover the operating costs of the networks. After complaints from local operators and on the insistence of the Audio-visual Media Authority (AMA), however, the fee was greatly reduced, creating yet another hole in the budget of the RTSH.²² Finally, the delays have resulted in a prolonged transition period where both analogue and digital broadcasting are available, further adding to RTSH's immediate expenses and, in the absence of a final deadline for analogue switch-off, compounding long-term budget uncertainty.²³

Media landscape in Albania: a constant evolution

In terms of the number of media outlets, the Albanian media landscape is well saturated. Although print media are clearly in decline, 18 daily newspapers are still being published in a small country of less than three million inhabitants. The media landscape of audio-visual media is fairly dynamic. According to the Authority on Audio-Visual Media there are 49 local radio stations, four community radio stations belonging to the four main religious denominations in the country, two national private radio stations, and the public radio with its four local branches.²⁴ There are also 47 local television stations, 75 cable televisions, and five national commercial multiplexes with their respective programmes operating across Albania, in addition to the public broadcaster's digital platform with 12 programmes.²⁵

Recent years have seen an exponential growth in the number of online media, although there is no reliable information about this segment of the media market since online media are not regulated and under no obligation to register. The Union of Albanian Journalists suggests that there are now more than 800 online media outlets in the country.²⁶ In addition, social media use has

²² RTSH Annual Report 2018, http://parlament.al/Files/Kerkese/20190416130358RAPORT%20VJETOR-2018_ePLETE_OK.pdf.

²³ Interview with Thoma Gellci, General Director of RTSH, April 2018, qtd. in Albanian Media Institute (2018) Albanian media scene vs. European standards: Report based on Council of Europe's indicators for Media in a Democracy, <http://www.institutemedia.org/Documents/PDF/Albanian%20Media%20Scene%20vs%20European%20Standards.pdf>.

²⁴ Audiovisual Media Authority (AMA), List of operators: <http://ama.gov.al/subjekte-te-autorizuar-per-perseritjen-e-programit-audioviziv/#>.

²⁵ Ibid.

²⁶ Interview with Aleksander Cipa, Chairman of Union of Albanian Journalists, conducted in Tirana on 7 May 2019, for the purpose of this publication.

spread significantly, with Facebook as the most widely used social network. In 2018, there were 1.5 million active social media users in Albania.²⁷

In this context, it is clear that Albanian consumers have plenty of choice in terms of information and entertainment. It is not clear, however, what the roles and respective weights of particular media outlets on the Albanian market are. The major media companies, mainly television stations, and major advertisers conduct market studies and audience research, but their data is widely considered unreliable.²⁸ While commercial media representatives claim that the public broadcaster's influence and popularity within the population is negligible according to the existing audience research, these claims have been consistently dismissed by the management of the RTSH. Given the dispute over data and market research, it is impossible to know with certainty what the respective market share and popularity of each medium in Albania really is.

The search for guarantees of independence

During the transition period from a state broadcaster to a public service media, one of the main problems for the RTSH has been its perceived inability to act as a politically independent media, focusing on public interest rather than serving the interests of each party that comes to power. The public debate on this matter has remained alive, although it needs to be said that it is not always well-informed or grounded in well-researched data and analysis.

One of the main criticisms levied against the public broadcaster, for example, is that appointments are politically motivated, especially appointments to posts with decision-making authority. In fact, the struggle to find an appropriate formula guaranteeing fair representation of the various factions and interest groups has been relentless, often eclipsing other issues relating to the performance of public media.

²⁷ Hootsuite (2018) We are social – Digital 2018 yearbook, 29 January, <https://www.slideshare.net/wearesocial/2018-digital-yearbook-86862930>.

²⁸ IREX (2019) Media Sustainability Index 2019 – Albania, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-albania.pdf>.

Currently, the public broadcaster has three main governing bodies – a Steering Council, a Director-General and an Administrative Board.²⁹ One of the key competencies of the Steering Council is the appointment or dismissal of the Director-General. It also appoints or dismisses the Deputy Director-General and is in charge of founding documents such as the RTSH Statute and the overall organisational and programme structure.³⁰ The ten members of the Steering Council and its chair are elected by Parliament from nominations put forth by media associations, the academy, the bar association and human rights organisations.³¹ Steering Council members must not be members of political parties, candidates for parliament, or members of parliament in either of the two most recent legislatures, and cannot have been mayors, members of the Council of Ministers, or prefects at any point in the last three years.³² In addition, members or employees of the Council of Complaints and the Authority on Electronic and Postal Communications are also excluded from running. Another reason for exclusion is the possession of capital assets or shares in commercial companies and other stakes in the field of audio-visual media, advertising, audio-visual productions, electronic communication networks. Persons employed in or members of management bodies, advisors to such entities or people otherwise linked to such entities with a licence cannot serve on the Steering Council either.

The initial idea of the formula, based on accepting proposals from civil society organisations operating in different fields to be put forth for consideration to the Steering Council, had a two-fold aim: ensure representation of various interest groups and areas representing public interest and, more importantly, avoid political influence through nominations proposed by the civil society. However, while nominations do come from civil society Steering Committee members are still selected by Members of Parliament. After reviewing all nominations, the members of the Parliamentary Committee on Education and Public Information compile a shortlist by a process where the opposition and the ruling majority take turns in striking off nominations to ensure a balanced shortlist at the end that contains five nominations supported by the opposition

²⁹ Law on Audio-visual Media Nr. 97/2013, amended by Law No. 22/2016 of 10.3.2016, amended by Decision no. 56 dated 27.07.2016 of the Constitutional Court of the Republic of Albania and Law no. 91/2017, Art. 92, <http://ama.gov.al/wp-content/uploads/2018/10/LIGJI-NR.-972013-%E2%80%9CP%C3%8BR-MEDIAT-AUDIOVIZIVE-N%C3%8B-REPUBLIK%C3%8BN-E-SHQIP%C3%8BRIS%C3%8B%E2%80%9D-I-NDRYSHUAR.pdf>.

³⁰ Ibid, Art. 102.

³¹ Ibid, Art. 94.

³² Ibid, Art. 97.

and five by the ruling majority.³³ The most favoured candidates are then voted on in a plenary session of Parliament.

The appointment scheme was subject to prolonged discussion in Parliament at the time of drafting and debating the law. Still, doubts regarding the political independence of the Steering Council members remain, even though the formula seems to avoid party nominations and preferences. 'Although the law requires a long experience in media and other fields, with a wide representation of groups, including various NGOs and interest groups, the allegations that in essence most of the members are politically influenced and affiliated, remain.'³⁴

The tendency of the Steering Council to split along party lines in important votes is the most tangible evidence of party influence. Notably, this was the case in the election of the current Director-General of the RTSH. The director is elected by the Steering Council. When the opposition attacked the current director as a candidate linked to the ruling party, the Steering Council could not elect a new Director-General in 2015, even after three rounds of voting. The votes for the two candidates were consistently split 6 to 5, indicating that there were two camps, possibly aligned with the two major political parties, with very clear and persistent preferences. In the words of the current Director-General: 'The members of the Steering Council were divided into two military groups, facing each other.'³⁵ Faced with a deadlock, the ruling majority in the Parliament initiated a process that changed the formula of election. Originally, the law required three-fifths of the votes of the Steering Council to elect the Director-General. Under the new rules, a simple majority is sufficient, if the qualified majority cannot be reached in the first three rounds.³⁶ This amendment passed with the votes of the ruling party only. The opposition considered the reform to be an attempt on the part of the ruling majority to take control of the management of the public broadcaster. While this was an extreme case of political division and influence on the public broadcaster, it is also evidence that the formula

³³ Ibid, Art. 95.

³⁴ Albanian Media Institute (2018) Albanian media scene vs. European standards: Report based on Council of Europe's indicators for Media in a Democracy, <http://www.institutemedia.org/Documents/PDF/Albanian%20Media%20Scene%20vs%20European%20Standards.pdf>.

³⁵ Interview with Thoma Gellci, General Director of RTSH, April 2018, qtd. in Albanian Media Institute (2018) Albanian media scene vs. European standards: Report based on Council of Europe's indicators for Media in a Democracy, <http://www.institutemedia.org/Documents/PDF/Albanian%20Media%20Scene%20vs%20European%20Standards.pdf>.

³⁶ Law on Audiovisual Media, Art. 103.

selected for the appointment of the Steering Council and the election of the Director-General is neither particularly functional nor particularly successful at preventing political parties from exerting influence.

Apart from the general public debate and perception of public service media, however, there have been efforts to change the image of the RTSH as a propaganda tool of the government. The OSCE/ODIHR report on the general elections in June 2017 highlighted the fact that the public broadcaster had announced that it would not accept any party-produced footage. It also concluded that the RTSH news and information programmes clearly showed a balanced approach to campaign reporting, allocating 25 percent of its coverage to the Democratic Party, 24 percent to the Socialist Party, and 19 percent to the Socialist Movement for Integration; the tone of coverage was mostly neutral or positive.³⁷ At the same time, monitoring reports of main news editions regarding the percentage of coverage of political subjects also do not show the ruling majority to have received favourable treatment. In April 2019, the main news edition of the RTSH devoted 18 percent of the time to the main opposition party and 9 percent to the ruling majority party.³⁸ At the same time, the activities of the Prime Minister occupied 14 percent of the RTSH new broadcast time, which is lower than the corresponding numbers for the two main commercial TV stations – 22 percent and 19 percent, respectively, for Top Channel TV and Klan TV.³⁹ There are limitations to the measurement of political independence through the percentage of screen time in news editions but the result has been confirmed by other studies. In the latest Media Sustainability Index report, the panellists agreed that the public broadcaster does not cater to the government. Furthermore, opposition viewpoints are represented and enter into the public broadcaster's content.⁴⁰

A step forward for the RTSH was the drafting and the approval of the Editorial Principles in 2016, a very detailed document covering many aspects of public service media work and many of the questions it is facing: editorial and professional standards, diversity and balanced reporting, electoral campaigns,

³⁷ OSCE (2017) Albania, Parliamentary elections, 25 June 2017: Final Report, 28 September, <https://www.osce.org/odihr/elections/albania/346661>.

³⁸ Audiovisual Media Authority (2019) Media monitoring content reports, <http://ama.gov.al/monitorimi-i-permbajtjeve>.

³⁹ Ibid.

⁴⁰ IREX (2019) Media Sustainability Index 2019 – Albania, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-albania.pdf>.

reporting on politics and parliament, production standards, relations with state authorities, investigative reporting, respecting the values of the general public, programmes for groups with special interests, portrayal of specific social groups, children and minors in RTSH programmes, etc. The Editorial Principles have a special section on editorial independence which states that 'journalists should in any case respect the principle of autonomy and independence of the RTSH'.⁴¹ The Editorial Principles also dedicate a section to how RTSH staff should behave towards state authorities, stating that 'editors and journalists should keep their professional distance from all instruments of power; otherwise they risk the integrity of the institution they work for'.⁴² However, while the Editorial Principles are the first such document adopted by the public broadcaster, there is no self-regulatory mechanism within the public broadcasters that oversees the implementation of these principles in practice at this time.

Attempt to catch up with the digital age: a race against time

The beginning of digital broadcasting was a challenge for the public broadcaster but also presented an opportunity to structure and address its programming better as well as improve the signal quality. Currently, the RTSH digital network broadcasts on 11 channels. Three of them are general interest while the others address specific audiences. These include a sport channel, a children's channel, a music channel, a movie channel, an Albanian production channel, a news channel, a channel that broadcasts parliamentary sessions, etc. In addition, there are also two local branches of the RTSH television; TV Gjirokastrë and TV Korça (see illustration p. 29). One of the main achievements of the RTSH in 2018 was broadcasting the FIFA World Cup. For a long time, the World Cup had been broadcast by commercial digital pay TV platforms only. Last year Albanians were able to watch the World Cup for free.

The division of programmes has also enabled the RTSH to make progress in its mission to provide dedicated service to specific segments of the population. The RTSH2 has started broadcasting news in minority languages: Greek and Serbian in 2017, and Macedonian, Aromanian, and Romani in 2018.⁴³

⁴¹ RTSH (n.d.) Editorial Principles, <https://www.rtsh.al/parimet-editoriale-te-rtsh-se>.

⁴² Ibid.

⁴³ RTSH Annual Report 2018, http://parlament.al/Files/Kerkese/20190416130358RAPORT%20VJETOR-2018_ePLOTE_OK.pdf.

Even though the RTSH has made progress in enriching its programme content, aided by the digitalisation process, its mission is still not accomplished. The regulator, the Audio-visual Media Authority, has noted in its annual report that even though progress is evident, there are still some gaps that need to be filled, such as the opening of the second children's channel, the production of news editions in an all-news channel, and the opening of a lifestyle channel.⁴⁴

In terms of available channels, the RTSH makes use of digital broadcasting through the digital networks it has built as well as through its website and other online channels. The RTSH website offers access to three main general channels plus seven specialty channels. Their live broadcasting and the five existing radio programmes are available on the official website. However, video on demand and a more searchable database of programmes is not yet available. The RTSH has also produced its own mobile app, 'RTSH tani' [RTSH Now]. All RTSH channels and content are available online. Apart from the official website, RTSH programmes are available on the RTSH YouTube channel, which currently has more than 30 000 subscribers. These developments have certainly affected the work of journalists at the RTSH. News stories are covered both on the RTSH website and on Radio Tirana International, the RTSH website in foreign languages. Furthermore, apart from content uploaded to YouTube, there are Facebook pages for Radio Tirana, Radio Tirana 2, the RTSH, and for the regional studios. These pages contain mainly excerpts from programmes but also original content produced for the web. In addition, some of the TV programmes and journalists also have their own pages promoting the content of their respective programmes. Nonetheless, the RTSH recognises the need for further training in this regard. 'There is a need to organise and train staff, in order to guarantee full success of the reform process in terms of production and presentation',⁴⁵ the annual report states with regard to the digitalisation framework.

Challenges to the future of the public broadcaster

Public service media is not a particularly hot topic in Albania, and, in fact, the debate is often dominated by the conduct of commercial media rather than that of the public broadcaster. This situation is a result of several factors,

⁴⁴ AMA Annual Report 2018.

⁴⁵ RTSH Annual Report 2018, http://parlament.al/Files/Kerkese/20190416130358RAPORT%20VJETOR-2018_ePLOTE_OK.pdf.

such as the low influence of the RTSH on the public throughout the years, the preference of key politicians to attend political shows staged by commercial operators rather than by the public broadcaster, and occasional denigrating campaigns against the RTSH by commercial operators. In fact, a proper public debate in which both commercial and public actors participate and clarify matters for the public has been missing, often leading to the strengthening of prejudice and a perception of the RTSH that may not be entirely justified.

The latest controversy that became part of public debate was in June 2018, when the Association of Albanian Electronic Media, a group representing major owners and directors of media in the country, proposed an amendment to audio-visual media regulation to the regulator. The amendment would redirect part of the licence fee that funds the public broadcaster to the main commercial television stations in Albania.⁴⁶ More specifically, a broadcasting fund would be created and 30 percent of the licence fee would go to commercial television stations in order to support what the proposed amendment referred to as 'broadcasting spots that raised public awareness'.⁴⁷ After the completion of the digital switchover, the funds of the licence fee would be split in half between public broadcaster and commercial broadcasters.⁴⁸ This request came at a time when the licence fee for the public broadcaster in Albania was the second lowest among EBU members already, second only to Algeria.⁴⁹ The proposed amendment, if passed, would cut the RTSH budget in half, if not worse, further causing its financial position to deteriorate more. At the moment, the proposal has not been followed up on by either Parliament or government, but it serves to show the continuous challenges the competition is creating for public service media.

⁴⁶ AMA (2018) Takim konsultativ në AMA për propozimet e grupeve të interesit për ndryshime në ligjin 97/2013 [Consultative meeting with interest groups regarding legal amendments to Law 97/2013], 11 June, <http://ama.gov.al/2018/06/11/takim-konsultativ-ne-ama-per-propozimet-e-grupeve-te-interesit-per-ndryshime-ne-ligjin-97-2013>.

⁴⁷ Proposed amendments to law 97/2013 by Association of Electronic Media, June 2018, <http://ama.gov.al/2018/06/11/takim-konsultativ-ne-ama-per-propozimet-e-grupeve-te-interesit-per-ndryshime-ne-ligjin-97-2013>. However, the proposals have not made it to the parliament. They were opposed by international actors, the public broadcaster, and media organisations. So the initiative was rejected by the government. See more European Commission (2019) Albania 2019 Report, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>.

⁴⁸ AMA (2018) Takim konsultativ në AMA për propozimet e grupeve të interesit për ndryshime në ligjin 97/2013 [Consultative meeting with interest groups regarding legal amendments to Law 97/2013], 11 June, <http://ama.gov.al/2018/06/11/takim-konsultativ-ne-ama-per-propozimet-e-grupeve-te-interesit-per-ndryshime-ne-ligjin-97-2013>.

⁴⁹ Darian Pavli (2017) RTSH in the digital era: the insecure situation of Albanian Radio and Television, Report, OSCE Annual Media Forum, Albania.

Conclusions

The public broadcaster RTSH faces numerous challenges, both in terms of its internal organisation and regarding external factors. The election of its governing bodies remains part of the wider political battle and may indirectly influence RTSH operations and activity. Political balance and equal access of political parties to RTSH content seems to have improved, although the public broadcaster now seems to be at a greater risk of neglect from politics, rather than suffering its direct influence.

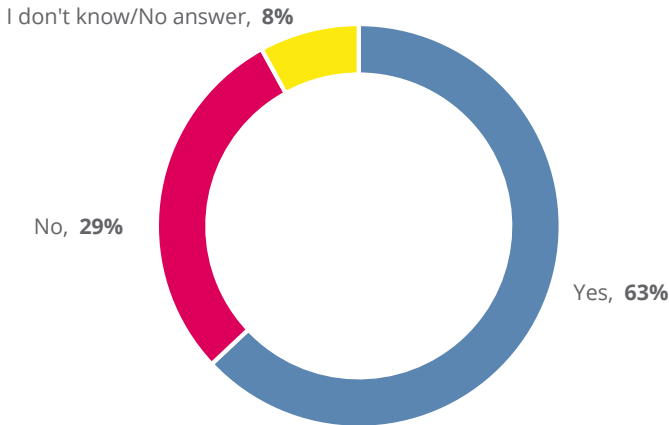
The funding scheme, while it has improved over the years, is still considered inadequate for RTSH needs by the management of the public broadcaster. The switch to digital has been a protracted, costly, and bumpy process, although RTSH has made progress in building its networks and has also improved its online presence through various channels and tools. At the same time, the need to produce high quality content and retain relevance to its own audience remain key challenges that the RTSH needs to address with a clear vision, in order to fulfil its public mission.



Ilda Londo has been a research coordinator at the Albanian Media Institute (AMI) since 2001. In this capacity, she deals with various research projects where AMI has been involved, such as study of trends that affect media freedom and independence, research on media ownership and concentration, monitoring performance of regulatory authorities and independent institutions on media development, ethnic minorities coverage, media landscape surveys, broadcasting development trends, self-regulation and ethical issues, etc.

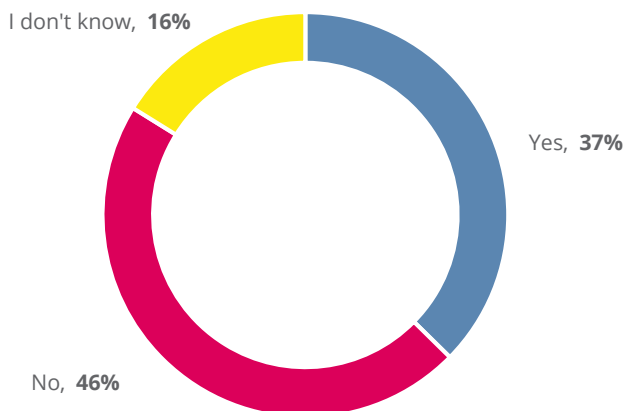
Opinion Poll Albania

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Albanian sample, in percent)



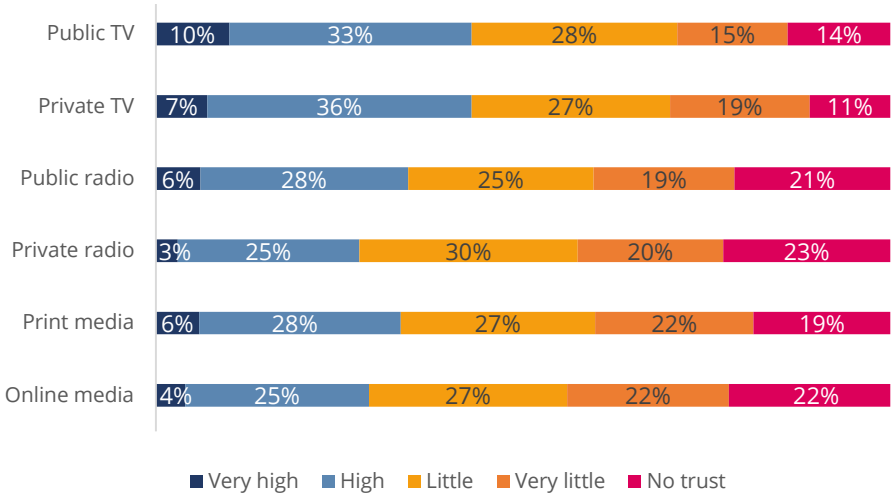
Two-thirds of Albanians believe that public service media (PSM) are important for the democratic processes in the country. This opinion is shared by all respondents regardless of their demographic profile (see Chart 1). However, this number is not as high as in other countries in the region. Thus, Albania is in the group of countries, together with North Macedonia (see p. 184), Montenegro (see p. 166) and Kosovo (see p. 127), where citizens are not seeing public service media (PSM) as important for democracy in comparison to other countries in the region.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Albanian sample, in percent)



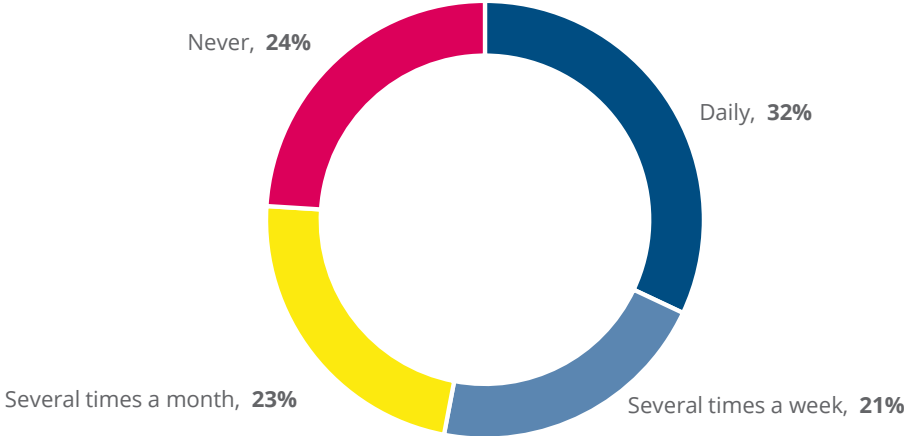
There are not any statistically significant differences among citizens of Albania with regards to the question whether PSM are free from political influences. 37 percent think that PSM are free from political influence, 46 percent believe that the opposite is the case and that PSM are influenced by politics (see Chart 2). In the region, Albania has the highest percentage of respondents who believe that PSM are free from political influence.

Chart 3: How much trust do you have in following media? (Base: Total Albanian sample, in percent)



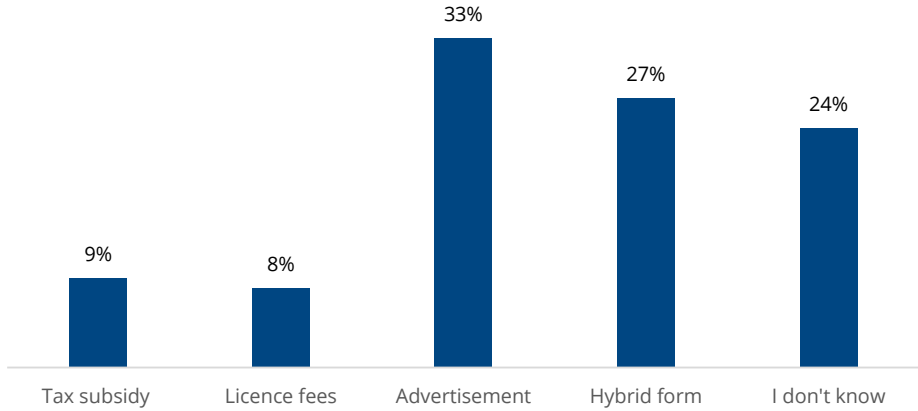
Compared to the region’s averages, Albanians have higher trust in media. They also have higher trust in television in general (both private and public channels) in comparison to other media (see Chart 3). Opinions differ only with regard to the age of the Albanian citizens interviewed. The age group 64+ years has, in general, lower trust in the media as compared to citizens aged 50-64 years who have greater trust in all types of media.

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Albanian sample, in percent)



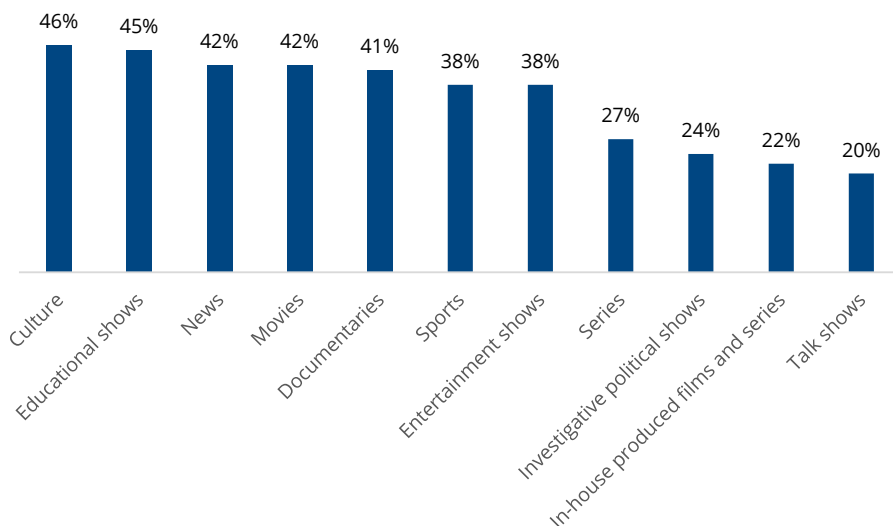
Albanians use the services of PSM less frequently compared to the citizens of other countries in the region. Only one-third uses PSM daily (see Chart 4) in comparison to the average for the region where PSM are used daily by half of the population. Significant differences among Albanian citizens are noted only with regard to their age. Only 21 percent of citizens aged 18-29 years use PSM daily in comparison to 42 percent of the respondents aged 50-64 years who have the same pattern of PSM use.

Chart 5: What type of funding do you prefer for PSM? (Base: Total Albanian sample, in percent)



Concerning the model of funding of public service media, Albanians do not have a clear preference. One-third of Albanians supports funding through advertising and 27 percent would prefer a mixed model of PSM funding (see Chart 5).

Chart 6: What kind of content should PSM present? (Base: Total target population, in percent, multiple answers possible)



Albanian citizens have less expectations on the content they like to watch as compared to the citizens of other countries in the region (see Chart 6). However, there are differences among certain demographic profiles. Men (55 percent) would prefer more sport programmes than women (23 percent) and younger people (aged 18-29 years) would like to see more movies, in-house productions, programmes, and series.

Public Service Media in Bosnia-Herzegovina: A Crisis of Legitimacy and Sustainability

Lejla Turčilo

Introduction

The extraordinarily complex state structure and divided society of Bosnia and Herzegovina (B&H) is directly reflected in the structure and work of public service media (PSM)¹ in the country. The public broadcasting system is neither a system nor public – a topic that has been discussed at great length in previous research and analysis² due to the fact that PSM operate under strong political pressure (which is reflected in the content of the programme itself and directly affects the level of trust the public has in PSM), burdened with problems of economic sustainability (especially the case with BHRT, the state-level part of the PSM), unable to cope with the demands of digitalisation (the entire country is behind of the curve on digitalisation due to the lack of political will and readiness to complete the process) and losing legitimacy as an institution that should put the public interest first.

It can be asserted that PSM in Bosnia and Herzegovina has struggled to fulfil all of its key tasks. It is in fact debatable whether there is such a thing as public service media at all, since most programming fails to meet even the minimum standard with regards to independence, diversity, balance, content quality, non-discrimination or serving the needs of the public – the basic principles of modern public service media. The crisis of legitimacy is existential.

¹ In this paper, we use the term 'public service media', although, by many parameters (such as political independence, economic sustainability, high level of professionalism, digital content etc.), B&H public service media are not that. It is more a public broadcaster without adaption to modern times, which is explained in more details in the paper.

² Nidžara Ahmetašević and Tea Hadžiristić (2017) The Future of Public Service Broadcasting in B&H. http://www.analitika.ba/sites/default/files/publikacije/psb_bih.pdf; Lejla Turčilo (2017) System of Public Broadcasting in B&H: Is There a Solution, http://safejournalists.net/wp-content/uploads/2017/11/PBS-analysis_Turcilo.pdf.

History of PSM in Bosnia-Herzegovina

At the end of the war in 1995, the media system in Bosnia and Herzegovina was divided along entity and ethnic lines, meaning that every ethnic group (Bosniaks, Croats, Serbs) was mainly oriented towards certain media outlets they considered 'their own'. The international community perceived public broadcasters as an important integrative element of Bosnia-Herzegovina's society and thus put the reform of PSM at the top on their agenda. The reform started in 1998, when the Office of the High Representative (OHR)³ called for the creation of a public service broadcasting system. Although this process started 21 years ago, it has not yet been completed and far from all elements of the PSM are functioning.⁴ The idea was to create a state-wide public broadcaster that would overcome ethnic divisions and serve as a source of information for all citizens. The process of its establishment was in effect a process of transformation of previously state-owned media – before the war, there had been Television Sarajevo, TVSA, a part of the Yugoslav system of PSM – which had to go hand in hand with the development of a system that would work in accordance to the idea of public interest journalism. Neither was an easy task in the war-torn post-communist country. Negotiations among political representatives of Bosnia and Herzegovina regarding the legal framework for the public broadcaster fell through. Thus, four years later in 2002 the Office of the High Representative imposed a set of laws establishing the PSM by decree. 'After 2003, the involvement of the OHR in PSB⁵ has been reduced as the European Commission took the lead, making the establishment of a functional PSB system a condition for EU accession. Consequently, in 2005, changing the legal framework for PSM was made an official condition for signing the Stabilization and Association Agreement between the EU and B&H. Since then the process has been in the hands of the political elites of B&H, which has arguably led to strife and stagnation.'⁶

³ Office of High Representative, here more information on the institution, <http://www.ohr.int>.

⁴ Corporation of the PSM has never been established, which will be further discussed later.

⁵ Short for Public Service Broadcasting.

⁶ Nidžara Ahmetašević and Tea Hadžiristić (2017) The Future of Public Service Broadcasting in B&H, http://www.analitika.ba/sites/default/files/publikacije/psb_bih.pdf.

Structure of PSM in Bosnia-Herzegovina

The media scene in B&H fraught with complexity due to the fact that, beside the Public Broadcasting System, there are 81 local public media – municipal, city, cantonal radio and TV stations (12 regular TV stations, 62 radio stations, and 7 TV stations that air their programme via alternative electronic communication networks).⁷ They operate according to local laws and are mainly financed from local budgets, although nominally answering to the description of public media. However, in this analysis we will discuss the PSM system at state-level only.

According to the legal framework the Public Broadcasting System of B&H includes one state-level and two entity-level broadcasters:

- › The state-level public broadcaster of B&H (*BHRT*), consisting of one television channel (*BHT*) and one radio channel (*BH Radio 1*)⁸,
- › the Radio Television of the Federation of Bosnia & Herzegovina (*RTVFBiH*), consisting of one TV channel (*FTV*) and one radio channel (*Radio FBiH*)⁹, and
- › the Radio Television of the Republika Srpska (*RTRS*), consisting of one TV channel (*RTRS*) and one radio channel (*Radio RS*).¹⁰

The fourth element of this system is prescribed by law. It is called the Corporation – an umbrella organisation in charge of equipment, development, strategic planning, coordination between the three other elements of the system, revenue collection and distribution, etc. The Corporation, however, never actually became operational due to the lack of political will to establish unified PSM for the entire country. This is the reason why we say that the process of establishing functional PSM in Bosnia and Herzegovina has never been completed.

The fact that the operational, functional and complementary system was never implemented has led to numerous problems affecting PSM operations and ability to serve public interest. The three existing elements of the system have become competitive rather than complementary. They set and follow their own

⁷ Uredile Sanela Hodžić and Anida Sokol (2018) Javni lokalni mediji između javnog interesa i finansijske ovisnosti. Sarajevo: Media Centar, http://media.ba/sites/default/files/javni_lokalni_mediji_između_javnog_interesa_i_finansijske_ovisnosti_final_za_stampu.pdf.

⁸ Website BHRT, <http://www.bhrt.ba>.

⁹ Website RTVFBiH, <http://www.rtvfbih.ba>

¹⁰ Website RTRS, <http://www.rtrs.tv>.

separate agendas, do not share human and technical resources nor do they share their respective revenue as required by law. The result is PSM that are dysfunctional, divided, and distrusted.

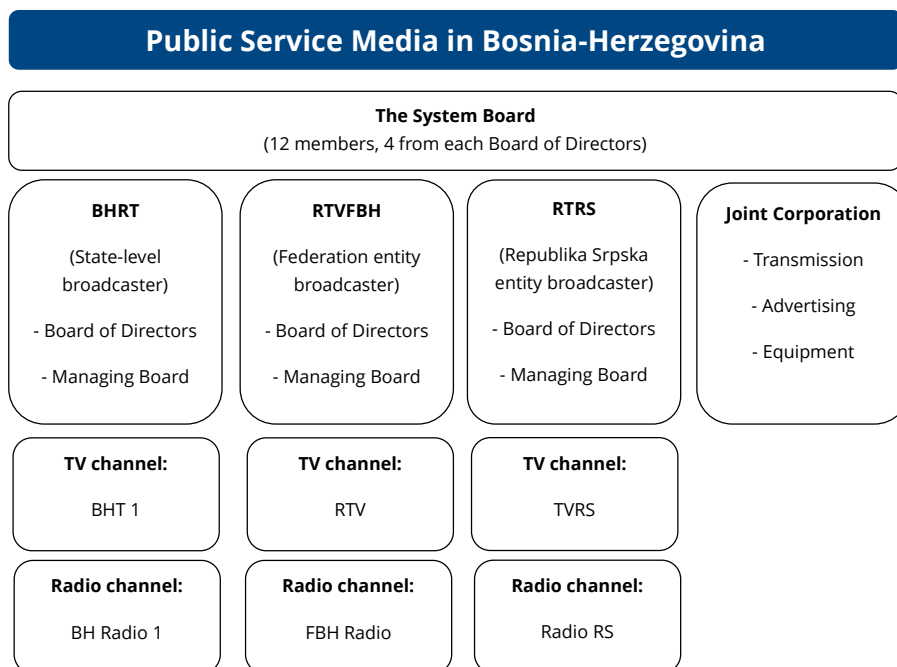
In terms of management, all three broadcasters have their own Steering Boards and Managing Boards. The Steering Board of BHRT has four members – one from each of the three constituent peoples (Serbs, Bosniaks, Croats), and one representing ‘Others’. The Parliamentary Assembly of B&H appoints them on the basis of a list provided by the Communications Regulatory Agency. The fact that a state body appoints the members of the Steering Board of a corporation supposed to serve the public interest, along with the fact that the Parliamentary Assembly is not obliged to appoint the people ranked highest on the list made by the Communication Regulatory Agency¹¹ means that the appointment process is subject to direct political influence.

Both the RTRS and RTVFBiH have the same structure but, unlike BHRT, their respective Steering Boards do not need to have equal representation of all constituent peoples. For example, the current Steering Board of the RTRS has only three members: one is Bosniak, one is Serb, and one is Montenegrin, i.e. belongs to the ‘Others’ category. There is no Croat. The RTVFBiH has not had a proper Steering Board in the past 5 years¹²; none was appointed due to lacking political will. The previous Steering Board continues to operate in a caretaker capacity that is not grounded in law.

It is even more than obvious from the structure of PSM and the management model that the three broadcasters operate separately, which is why we say that the Bosnian public broadcasting system is not a system at all.

¹¹ In 2016, first ranked on the list of Communication Regulatory Agency were: Drago Martinović (as a Croat), Rade Simović (as Serb), Emir Hadžimuratović (as Bosniak) and none of them were in the end appointed. See Visoko.co.ba (2016) Rang lista RAK-a za UO BHRT-a ne odgovara strankama: Hoće li biti imenovani sposobni ili podobni?, 9 December, <https://visoko.co.ba/rang-lista-rak-a-za-uo-bhrt-a-ne-odgovara-strankama-hoce-li-biti-imenovani-sposobni-ili-podobni>.

¹² More on political games related to Steering Board of the RTVFBiH on: Lejla Turčilo (2018), Imenovanje UO RTVFBiH – Zakonsko ili dogovoreno rješenje?, http://safejournalists.net/wp-content/uploads/2018/03/Lejla-Turcilo_bosanski.pdf.



Structure of PSM in B&H (source: Nidžara Ahmetašević and Tea Hadžiristić (2017) The Future of Public Service Broadcasting in B&H http://www.analitika.ba/sites/default/files/publikacije/psb_bih.pdf)

Political pressure and influence on PSM, economic (un)sustainability and lack of public trust

The general idea of the international community to establish a public service media which would overcome ethnic and territorial divisions in Bosnia and Herzegovina has not succeeded, not only because the Corporation has never been implemented, but also because the appointed steering boards operate under strong political influence. Also, all analyses of media content and media monitoring conducted to date, especially during pre-election campaigns¹³, have shown that

¹³ See BH. Journalists (2018) U prve dvije sedmice kampanje najviše medijskog prostora dobili aktuelni nosioci javnih funkcija, 26 September, <https://bhnovinari.ba/bs/2018/09/26/u-prve-dvije-sedmice-kampanje-najvise-medijskog-prostora-dobili-aktuelni-nosioci-javnih-funkcija>; BH. Journalists (2016) Finalni izvještaj o monitoringu izvještavanja medija u predizbornoj kampanji – Lokalni izbori 2016, 20 December, <https://bhnovinari.ba/bs/2016/12/20/finalni-izvjetaj-o-monitoringu-izvjetavanja-medija-u-predizbornoj-kampanji-lokalni-izbori-2016>; Media Plan Institute (2010) Kako su mediji pratili izbornu kampanju, December 2010, <http://www.mediaonline.ba/ba/pdf.asp?ID=452&n=KAKO%20SU%20MEDIJI%20PRATILI%20IZBORNUNU%20KAMPANJU>.

PSM mainly promotes the interests of political elites and not the general public, especially when it comes to entity broadcasters, which have become institutions *per se*, completely reflecting entity and ethno-national divisions as well as the politically competitive nature of the state of Bosnia-Herzegovina.

As mentioned in previous analysis¹⁴, the original sin of constituting PSM not according to the law but according to 'what was possible at that the time' or according to 'the political will of actors involved in the process' has led to a system that lacks political independence and accountability. Once the politicians had agreed to create a system that would serve their own needs, the development of the system that should have been was essentially abandoned in favour of one that reflects the existing minimum of consensus. The idea that the state and entity parliaments should play a key role in the appointment and removal of members of the Steering Boards of public broadcasters seems to be a logical consequence of this approach. But this type of appointments process not only allows direct political control of the selection of editors and of editorial policy. It is more than obvious that with politically controlled steering boards, management, and editorial structures (there are, of course, exceptions but they are not the rule) public service media cannot be expected to provide balanced, fair, impartial reporting or to honour other principles and standards that would cater citizens with quality information and representation of the interests of everybody.¹⁵ A number of cases of questionable editorial decisions made by BHT show that political appointments and political influence on the PSM are directly reflected in programme content. One example is an interview with the Head of the Medical Clinic in Sarajevo, the wife of former Presidency Member Sebjica Izetbegović. Not satisfied with how she was presented in the interview, she prevented the segment from being aired and forced the journalist to conduct a supplementary second interview. The channel eventually broadcast a combination of the two interviews, which she had signed off on.¹⁶ Another example is the controversial decision of the Editor-in-Chief of BHT to suggest

¹⁴ Lejla Turčilo (2017) System of Public Broadcasting in B&H: Is There a Solution, http://safejournalists.net/wp-content/uploads/2017/11/PBS-analysis_Turcilo.pdf.

¹⁵ It is fair to say that there are journalists and editors in PSM who do their job in accordance to professional standards, but in terms of editorial policy serious problems with impartiality, under-representation of minorities etc. are evident.

¹⁶ More on this on: Lejla Turčilo (2017) Approach of the Public Broadcasting Service B&H (BHRT) in Case of the Interview with dr. Sebjica Izetbegović: One or two interviews – numerous unanswered questions, 6 December, <http://safejournalists.net/postupanje-javnog-rtv-servisa-bih-bhrt-u-slucaju-snimanja-intervjua-sa-dr-sebijom-izebegovic-jedan-ili-dva-intervjua-bezbroj-neodgovorenih-pitanja>.

to their news anchors not to wear the symbol of Srebrenica on Srebrenica Genocide Memorial Day.¹⁷

When it comes to the quality of programme content, as already mentioned, the three public broadcasters have acted as competitors rather than complementary sister services from the very beginning. This has a direct effect on content quality. For example, FTV positions itself almost as a commercial station, with low-cost content such as cheap reality TV shows from Croatia, soap operas, etc., which is not the role a public service broadcaster should play. On the other hand, the FTV is able to survive economically and is in significantly better financial shape than the BHT. Other signs of competitiveness involve the use of resources, often including the same content. Sporting events, for example, are broadcast on all three channels but with three different commentators. Another area of inadequate cooperation is the funding of transmitter stations. In theory, the BHRT should receive 50 percent and entity broadcasters should receive 25 percent of the national licence fee revenue, but this system was never actually implemented. The failure of the Corporation has hindered and significantly slowed the switch to digital broadcasting, which has not yet been completed in Bosnia and Herzegovina.

When it comes to the financing of public service media, data on budgets, incomes and the collection of fees from citizens are hard to obtain and lack in transparency. A monthly fee of 7.5 KM (3.84 Euro) is collected from citizens via their electricity bills. But data on how much money is actually collected and distributed among the three elements of the PSM is hard to come by. In its report to the Parliament, the BHRT stated that in 2016 it sustained a financial loss to the tune of 9 million KM (approximately 4.6 million Euro) while collecting a total of 21 million KM (approximately 10.8 Euro).¹⁸ By contrast, the BH Telecom stated in 2009 that it collected 145.8 million KM (74.8 million Euro) between 2004 and 2009. BH Telecom is a telecommunications company that used to collect the licence fees through the phone bills at the time.¹⁹ Hardly any additional data on the matter is available.

¹⁷ Klix.ba (2018) Radoja preporučio da voditelji BHRT-a ne nose Cvijet Srebrenice, sada dobija prijetnje smrću, 12 July, <https://www.klix.ba/vijesti/bih/radoja-preporucio-da-voditelji-bhrt-a-ne-nose-cvijet-srebrenice-sada-dobija-prijetnje-smrcu/180712031>.

¹⁸ BHRT (2017) Programski izvještaji BHRT za 2016. godinu, Poslovodni odbor, <http://www.bhrt.ba/wp-content/uploads/2019/01/Izvje%C5%A1taj-o-radu-i-poslovanju-Radiotelevizije-Bosne-i-Hercegovine-za-2016.-godinu-bosanski.pdf>.

¹⁹ BH Telecom (n.d.) E-glasnik: Naplata RTV takse od strane telekom operatora, <https://www.bhtelecom.ba/fileadmin/eglasnik/pdf/4.1.pdf>.

The collection of licence fees is not only a significant technical but also a political issue, directly related to the public broadcasters' lack of political independence. To be specific, the RTRS positioned itself as a separate media establishment from the very beginning, with a separate infrastructure hub in Banja Luka that treats the fees collected in the area as its own private revenue. The political bias of RTRS and its close links to RS political power are mentioned as a problem in almost all relevant studies and media monitoring reports.²⁰ On the other hand, certain political representatives of the Croatian people who hold government office, dissatisfied with the lack of Croatian-language channels, directly called for boycotting the payment of the licence fee. Their appeal was successful with some citizens in the western part of Herzegovina, resulting in the lowest collection rates on record. The non-collection of fees was most significant for the BHRT, which is nearing a state of complete financial collapse.²¹

A telling illustration of how the public broadcasters and their biased reporting are perceived, and of how ready the general public is to financially support it, is the fact that 78.15 percent of the respondents in a recent study on media freedom in B&H²² said that the survival of public broadcasters should be ensured by abolishing licence fees and be financed from the budget of the State and the entities instead. This indicates two problems with how citizens view public service broadcasters. On the one hand, citizens see the broadcasters as media serving the State and the entities and promoting the interests of their elites, meaning that those elites should therefore pay for the service. On the other hand, citizens misunderstand what financing broadcasters from the general budget really means. That the citizens want to transfer the responsibility for financing public service media to the State and

²⁰ Monitoring of BH journalists in the period of election campaign, and other numerous studies, accentuate political dependency of RTRS as one of the key problems of media scene in the RS.

²¹ Although latest data on budgets and financial flows of the public broadcasters are not available, since they do not publish annual report on their website since 2016 and also do not want to share data on how much money they collect from the fee collection, most of their managers, in January 2019 Steering Board issued a statement that financial collapse of the BHRT is happening, saying that B&H might become the only European country without PSM (see Hayat.ba (2019) BiH bi mogla biti jedina država u Evropi bez javnog rtv servisa, 29 January, <https://www.hayat.ba/vijest.php?id=20568>). In the meantime, a model of collecting the fee through electricity bills has been developed, so situation has become slightly better, but still we do not know how better, since the data are not available.

²² Borka Rudić (2017) Rezultati istraživanja o medijskim slobodama u Bosni i Hercegovini u 2017: Novinarstvo, javno mnijenje i medijske slobode, Presentation, http://safejournalists.net/wp-content/uploads/2017/05/03.05.-Prezentacija_-Istrazivanje-o-medijskim-slobodama-u-BiH-3.5.2017.-BHN.pdf.

entities is actually an indicator of their low level of political literacy and poor understanding that tax money is ultimately their money. Even if they do see that the public service media is subject to political influence, they do not see that it would still be them who would be footing the bill, if funding were to come from the budget of the central government. They also do not appreciate that the financing of public service media from the state budget would be tantamount to transforming the public service media into state media. Public service media is established to serve the interests of the public and is therefore financed by the public. State media, at least in non-democratic societies, usually serves the interests of elites. Citizens should be made aware of what funding the PSM from the state budget would imply.

To conclude, we may say that poor implementation of the laws pertaining to PSM, political pressure that caused the public broadcasters to lose political independence, as well as inadequate editorial policy internally created a crisis of legitimacy of the public broadcasting system in Bosnia and Herzegovina among the general public. This, together with the economic difficulties PSM face, makes its future uncertain.

Adaptation to digitalisation

In Bosnia, digitalisation – the process of transition from analogue to digital broadcasting – was launched in 2006 with the establishment of the DTT Forum (Digital-Terrestrial TV Forum), a body of experts on digital transmission.²³ The Forum was tasked with preparing a national strategy for the introduction of DTT standards in B&H, forwarding it to competent state institutions for adoption and informing the broader public about the process – an excellent idea, which regrettably was never fully implemented in practice. The Strategy on Digital Switch-Over was adopted in 2009 and the first deadline for transition to a digital signal was set to 2011. Despite this, the transition has not yet been completed. The first phase of installation of the new equipment in three major cities (Sarajevo, Banja Luka and Mostar) started in 2014 and was completed in 2016. In the summer of 2016, it was announced that digital broadcast would finally commence, but few days later, the RTRS announced that they were not ready to do so at the same time as Sarajevo and Mostar, without giving the public any specific reasons for the delay. The first phase of installation was completed at the end of October 2016 with a digital test signal. The second

²³ www.dtt.ba.

phase started in 2017, the plan being to integrate additional cities in B&H to digital broadcasting and connect the country with its neighbours. This was supposed to have been done by early 2018, but the schedule slipped once again.

*'Apart from a complicated bureaucratic procedure with regard to procurement, structural problems built into the PSM system of the B&H also slowed digitalization significantly. Legally, B&H's digital transmitting equipment ought to be in the possession or in the control of the joint Corporation, but since the Corporation was never established, there is no dedicated body in charge of the process. Equipment was thus in the possession of each broadcaster, which fragmented and further complicated the process as mentioned in the episode where the RTRS attempted to set up a digital signal on its own.'*²⁴

Thus, digitalisation also became both a political issue and a sign for how dysfunctional both the system of government and the public broadcasting system are. At the time of writing, it is still unclear when the whole process will be completed.

In terms of online content, the BHRT has a website – www.bhrt.ba – with live streams and a Facebook profile – www.facebook.com/www.bhrt.ba – with 11 458 followers. A mobile application and a redesign of the website were announced in May 2019 but have not been presented yet. There is a live stream available but no content created specifically for online distribution.

The difficulties around digitalisation are one of the key reasons why we may say that the old-fashioned public broadcasting service has not yet been transformed into a modern public service media. Specifically, public service media should be a public broadcaster that is independent, works in the interest of the public and meets the digital needs of citizens. Digitalisation, as a process of switching from analogue to digital broadcasting, has not been completed in Bosnia-Herzegovina, which means that many services – TV on demand at the PSM, for example, among others – are not yet available. Thus, we may say that citizens in Bosnia and Herzegovina still do not have modern, digital public service media that meet their needs in terms of proper information, education, and orientation in society.

²⁴ Nidžara Ahmetašević and Tea Hadžiristić (2017) The Future of Public Service Broadcasting in B&H, http://www.analitika.ba/sites/default/files/publikacije/psb_bih.pdf.

Conclusion

The entity broadcasters' lack of political independence, the troublesome financial situation of the state broadcaster, the failure of the Corporation, the unclear vision and strategy for the development of the public broadcasting system in Bosnia and Herzegovina, the lack of support from the public for a genuine public broadcasting system – a system that is technologically obsolete and overburdened in terms of human resources – is a fitting description of the state of the public broadcasting system in Bosnia and Herzegovina today.²⁵ It is not unfair to say that Bosnia and Herzegovina does not have a public broadcasting system that is an unmitigated public good and that guarantees quality information – an institution that has a role to play in every prosperous state and democratic society. The dominant ethno-national forces do not want and do not need a system that is both functional and civic-oriented. On the contrary, they promote the idea that the current public broadcasting system in B&H is so burdened with problems and incapable of resolving them that the only solution is to split it along entity and ethnic lines.

However, it should be kept in mind that a public broadcasting system that works in the interest of citizens and the public is a precondition for the survival of democratic values in every democratic country and society. It follows from this realisation that the PSM reform is an important aspect of negotiations with the EU regarding B&H accession (as a part of Chapter 10 of the acquis). In this context, meaningful, politically conscious, and strategic discussion and dialogue about what the public broadcasting system in Bosnia and Herzegovina needs is, without doubt, the first step in solving the problems that have piled up. Recommendations put forward by previous research include.²⁶

- › It is necessary to start from the concept of a public broadcaster as an institution whose fundamental role it is to serve the interests of the general public – specifically, an institution that upholds the right of all citizens to fair, objective, impartial, balanced reporting and to high-quality, balanced

²⁵ More on this in Lejla Turčilo, Belma Buljubašić (2017) Media and Shrinking Space in B&H: Silenced Alternative Voices, Sarajevo: HBS, https://ba.boell.org/sites/default/files/schrinking_spaces_-_studija_-_eng_-_26-10-2017_-_web_1.pdf.

²⁶ Lejla Turčilo (2017) System of Public Broadcasting in B&H: Is There a Solution, http://safejournalists.net/wp-content/uploads/2017/11/PBS-analysis_Turcilo.pdf; Lejla Turčilo, Belma Buljubašić (2017) Media and Shrinking Space in B&H: Silenced Alternative Voices, Sarajevo: HBS, https://ba.boell.org/sites/default/files/schrinking_spaces_-_studija_-_eng_-_26-10-2017_-_web_1.pdf; <http://www.bhrt.ba/vijesti/bih/preporuke-sa-konferencije-o-nacionalnom-javnom-servisu-bih>.

and professionally created programme content that is inclusive in terms of all minority groups and that enables all citizens to consider themselves well-informed and well-represented.

- › Discussions regarding the application of existing legal solutions or the adoption of new ones should be based on European experiences and practices while respecting the specifics of the B&H context but bearing in mind the EU integration processes and the need to harmonise normative regulation with European standards and principles.
- › The focus should be shifted from politicised to policy solutions in order to bring the system in line with the standards and principles of democratic public service media.
- › Laws on public broadcasting should be amended to ensure stable and adequate financing of public service media and to create a joint service of all three public broadcasters for collecting licence fees to ensure proper funding of the PSM.
- › The Council of Ministers should adopt a programme of reform for the Public Broadcasting System of Bosnia and Herzegovina.
- › The Council of Ministers should establish a 'Task Force' for the implementation of these reforms and a Working Group to prepare amendments and harmonise public service media law with representatives of the international community.
- › Civil society should continue to mobilise citizens and exert pressure on B&H authorities in order to ensure adequate funding and an environment conducive to the normal operation of public service media.
- › The digitalisation process should be completed and content production should be modernised accordingly.
- › Steps should be taken to improve the image of the public broadcasting system in the general population in order for citizens to better understand its social role, its importance for themselves, and the importance of their support for the system.

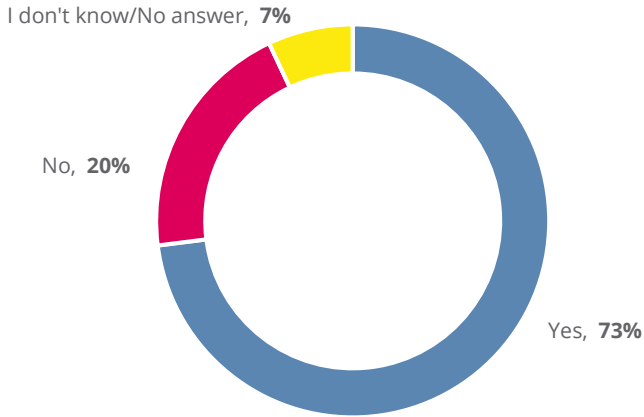
Bosnia and Herzegovina needs a strong, self-sustainable, democratic, digital public broadcasting system that serves the interests of all citizens. At the moment, unfortunately, it appears that the political structure of the country does not permit any such system to be established.



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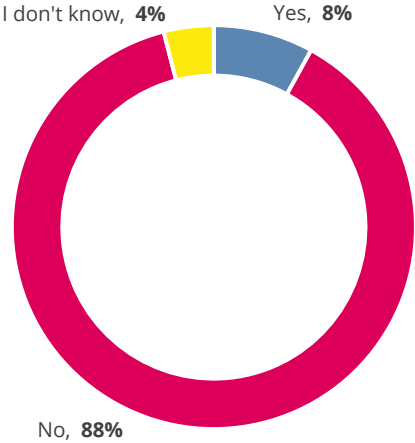
Opinion Poll Bosnia-Herzegovina

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Bosnian sample, in percent)



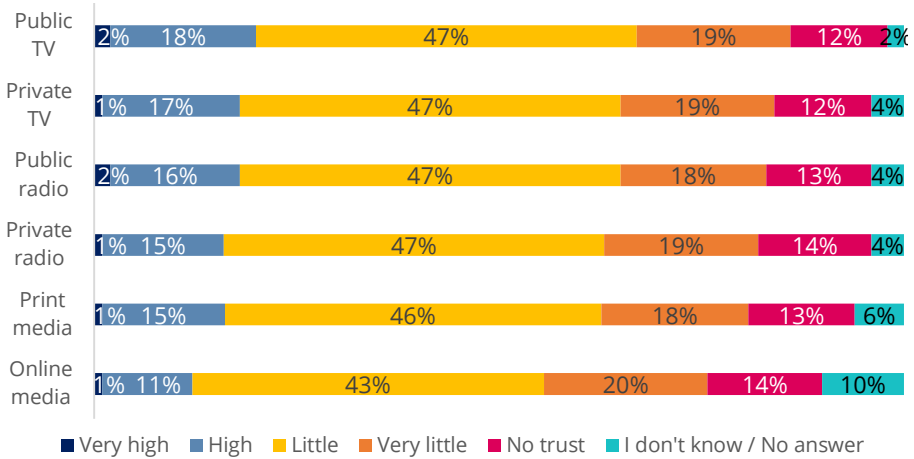
Bosnia and Herzegovina can be described as a specific example, where the central authorities have to align their activity with local/regional and cantonal authorities. This is reflected by the opinions of citizens about public service media. Looking at the overall picture in the country, 73 percent of citizens believe that PSM are important for democracy in their country (see Chart 1).

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Bosnian sample, in percent)



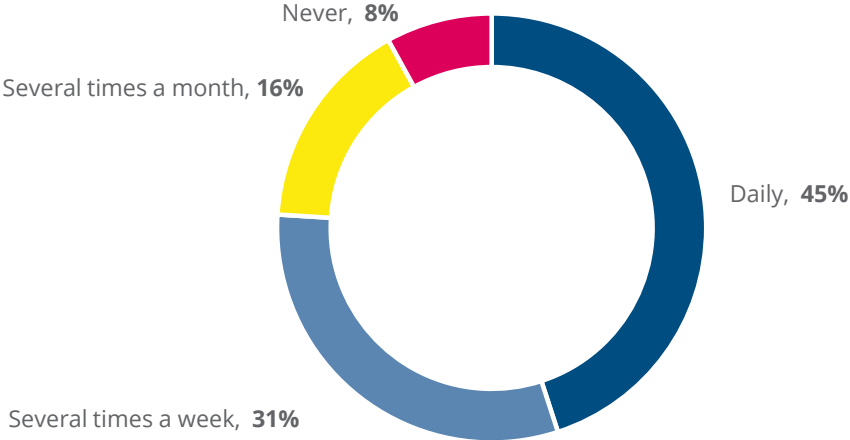
It is the general opinion of citizens of Bosnia and Herzegovina that PSM are under political influence by centres of power. Almost 9 out of 10 respondents have expressed this view (see Chart 2). The share of people with this opinion is the highest among citizens with university education. 94 percent of respondents in this group believe that PSM are under political influence.

Chart 3: How much trust do you have in following media? (Base: Total Bosnian sample, in percent)



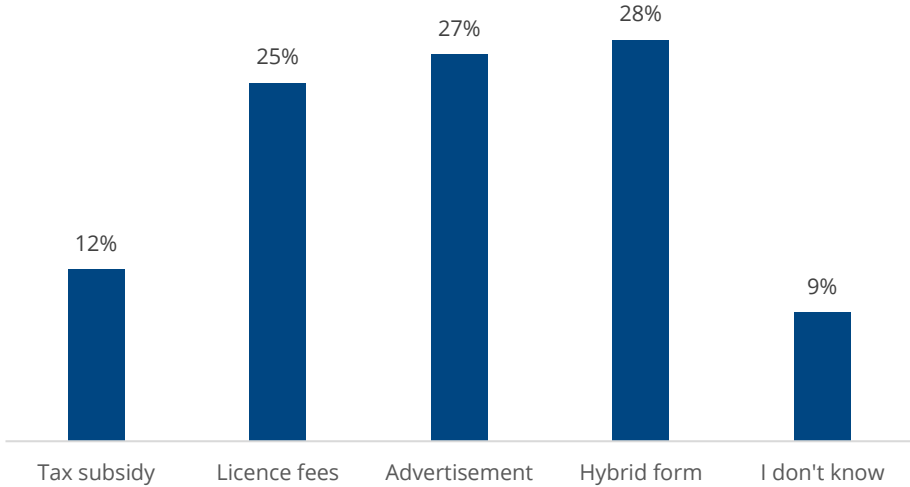
But political influence is not seen only in PSM but also in other media channels. Overall, distrust of all types of media is high, without any media enjoying greater trust than others. Online media are trusted by an even smaller share of the respondents. This does not mean that people distrust online media more than other media channels but that the number of people who do not know how much trust they have in online media is higher than for the other channels (see Chart 3).

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Bosnian sample, in percent)



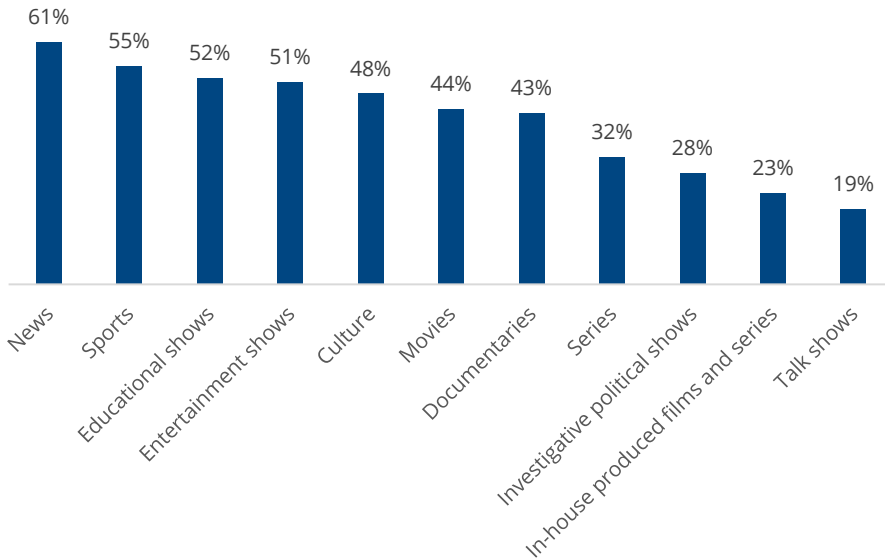
While Bosnian citizens do not differ in terms of their perception on the importance of PSM for democracy, there are differences in the frequency of PSM use among the different age groups. Only one-third of younger people (aged 18-29 years) use PSM daily as compared to almost two-thirds (59 percent) of senior citizens (64+ years).

Chart 5: What type of funding do you prefer for PSM? (Base: Total Bosnian sample, in percent)



The citizens of Bosnia and Herzegovina have almost equally distributed preferences with regard to the most preferred source of funding for PSM: licence fees, advertising and a hybrid model (respectively: 25 percent, 27 percent, 28 percent). Tax subsidies are the least favoured form of funding (see Chart 5). The hybrid model is most popular with Bosnian citizens holding university degrees (39 percent).

Chart 6: What kind of content should PSM present? (Base: Total Bosnian sample, in percent, multiple answers possible)



Regarding PSM content (average results in Chart 6), Bosnian citizens repeat gender-based differences: male citizens would like to see more sport programmes (72 percent as compared to only 39 percent of women), while female respondents would like to see more entertainment shows (mentioned by 58 percent as compared to 45 percent of men). Citizens aged over 64 years prefer watching news (81 percent) while citizens with university degrees would appreciate good culture (63 percent) or documentary programmes (58 percent). In the entire sample (see Chart 6), the most popular content is news (61 percent).

Public Service Media in Bulgaria: Lack of Sustainability

Orlin Spassov

This article sets out an overview of the evolution and current state-of-play of public broadcasters in Bulgaria. These are the Bulgarian National Television (BNT) and the Bulgarian National Radio (BNR). Several defining moments in their history will be put under scrutiny and their structure, including the regulatory framework in which they operate, will be analysed. A special emphasis will be placed on the financing and current market shares of the BNT and BNR and the key issue of their independence as well as on the instruments used to keep them under pressure and control them.

Media regulation and public broadcasters

In the wake of 1989, public broadcasters in Bulgaria went through a period of fundamental and radical transformation, which was fraught with multiple problems. The speed of decentralisation varied significantly from one sector to another. Media regulation soon emerged as a pressing issue. At the time, the printed press was governed by the principles laid down in general legislation. This largely explains the rapid emergence of numerous new print media that swiftly gained a foothold in the market in the immediate wake of the events that took place in the autumn of 1989.

However, change in the electronic media sector took a longer route. A delay occurred in the adoption of vital legislation. Until 1998 the Heads of the BNT and BNR were appointed by Parliament in a highly politicised procedure. The first sectoral regulatory body – the National Radio and Television Council (NRTC) – was established only at the end of 1997. In the following year (1998), the Radio and Television Act (RTA) was adopted, setting out the mechanisms available to the government to regulate the functioning of electronic media. Until then the sector had been governed by obsolete bylaws.

Many of the decisions adopted by the NRTC proved either controversial or openly favoured a variety of vested political and economic interests. Media

regulation itself often appeared to be governed by extraneous considerations. In 2001, the Council for Electronic Media (CEM) was set up as legal successor to the NRTC. One of the principal tasks of the new body was to select and dismiss the directors general of the BNT and BNR. The Council for Electronic Media is also responsible for the issuance of licences and the registration and monitoring of media service providers.

Public service media in Bulgaria: a short history

BNT

The Bulgarian Television broadcast its first programme on 26 December 1959. During the 1960s a large-scale effort went into building a network of transmitters and repeaters across Bulgaria. In 1973, the first colour TV programme was broadcast in Bulgaria and in 1974 a second channel (*Vtora Programa*) was launched.¹

During the socialist regime the Bulgarian Television enjoyed a mixed reputation. On the one hand, it had a firm ideological bias and never wavered from official political doctrine. At the same time, especially during the 1980s, the BNT allowed certain more liberal policies to take root that opened up the broadcaster to a more contemporary content and even some dissenting opinions.

At the very onset of the political changes in 1989, the state-owned television played a key role in the process of political and societal transformation. Even before the printed press and the radio had adapted to the new situation, the national television was quick to gauge the pulse of sweeping change. The volume of news and commentary programmes grew exponentially. On account of being both widely accessible and popular, the media quickly became a desirable tribune for newly sprung political parties and movements.

At the same time, the national television remained in the clutches of unrelenting political control and tended to act haphazardly when under pressure from the events of the day. All governments, sometimes changing in rapid succession, took turns at attempting to gain firm control over the broadcaster. All too often during the 1990s, the BNT found itself embroiled in public scandal. The situation within the broadcaster was also highly volatile. Directors and managing boards were appointed to be dismissed almost

¹ BNT (n.d.) История на БНТ, <https://www.bnt.bg/bg/p/istoria-bnt>.

instantly, journalists were fired. This uncertainty translated into internal conflict and a series of institutional crises.

In 1992, the first channel was renamed to *Kanal 1* and the second to *Efir 2*.² In 1993, the Bulgarian Television was renamed to Bulgarian National Television (BNT). Kanal 1 has had a 24-hour broadcasting schedule since the early 2000s. At the same time, the channel began broadcasting news in Turkish – the mother tongue of 9.1 percent of Bulgarian population.³ In 2013, the national television completed the transition to fully digital broadcasting.⁴

BNR

The first radio broadcast in Bulgaria hit the air in 1929 when a group of engineers built a 60-Watt radio transmitter at the then Engineering Studio in Sofia and launched experimental broadcasting. In 1930, the public organisation Bulgarian Radio Union was established and started radio broadcasts two or three times a week. In the same year, the first public transmitter began broadcasting under the name Radio Sofia. In 1935, the first public radio was established, uniting Radio Sofia, Radio Varna and Radio Stara Zagora. In 1961, the first VHF programmes were broadcast in Bulgaria. Since 1971, the two channels of the Bulgarian National Radio have been broadcast under the names Horizont (meaning horizon) and Hristo Botev, respectively. The Horizont Programme has been broadcast round the clock since 1974.⁵

On the brink of the political changes that swept Bulgaria at the end of 1989 the BNR enjoyed the reputation of a relatively liberal and stable media, which employed excellent professionals and was not averse to giving airtime to some of the more critical voices in society. In the wake of the events in 1989, the radio retained its popularity and leading position. In keeping with the BNT, however, it fell victim to political wrangling and pressure from the powers that be. Journalists were fired and strikes became commonplace. The multiple and exhausting internal conflicts and external pressure that afflicted the National Television in the 1990s also affected the National Radio.

² Ibid.

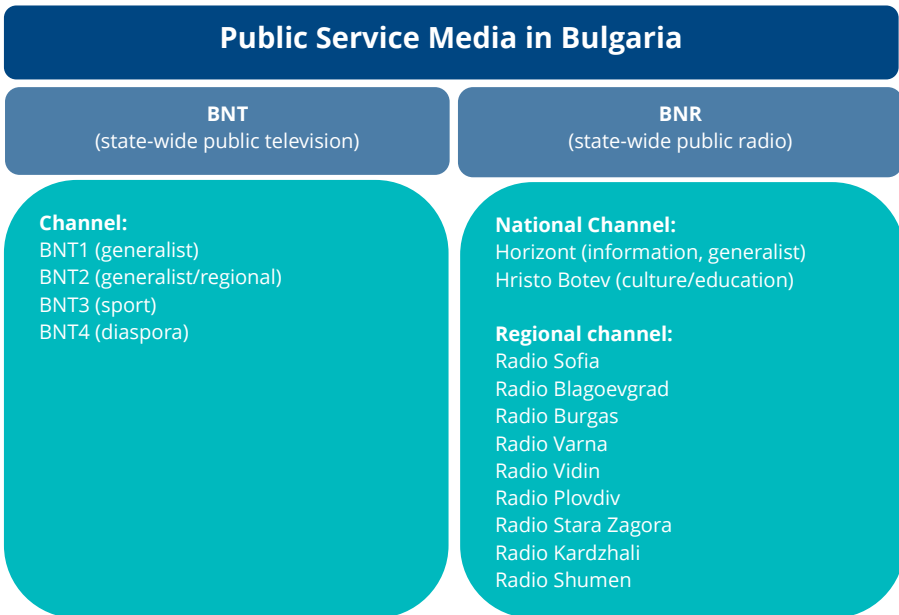
³ National Statistical Institute (2011) Преброяване 2011 (Census 2011), <http://www.nsi.bg/sites/default/files/files/pressreleases/Census2011final.pdf>.

⁴ Mihail Sterbak (n.d.) История на Българската телевизия, [predavatel.com, http://www.predavatel.com/bg/tv/bnt](http://www.predavatel.com/bg/tv/bnt).

⁵ Mihail Sterbak (2017) История на Българското радио, [predavatel.com, http://www.predavatel.com/bg/radio/bnr](http://www.predavatel.com/bg/radio/bnr).

On 26 March 1992, the Bulgarian Radio was renamed to Bulgarian National Radio (BNR). The online broadcasting of radio programmes in eleven languages was discontinued in 2016. Today, the Radio Bulgaria programme is broadcast only in Turkish in the provinces Shumen and Kardzhali (in VHF frequency).⁶ The BNT and BNR have well developed networks of correspondents across Bulgaria. They also have foreign correspondents. The BNT maintains full-time foreign correspondents in Brussels and Berlin and the BNR has full-time correspondents in Moscow and Istanbul.

Structure of the public service media model in Bulgaria



At present, the BNT produces and broadcasts four programmes. The main national TV channel is BNT1. It has a broad polythematic profile and targets a wide audience. The channel features news programmes, opinion journalism, documentary genres and entertainment programmes. BNT2 brought the former five regional programmes under the same umbrella. BNT HD (BNT 3) is a high-resolution sport and entertainment channel providing coverage of major national and international sport events. It is broadcast both terrestrially and via

⁶ Ibid.

cable and satellite. BNT WORLD (BNT 4) is a polythematic channel with content which is intended for Bulgarians living abroad and foreign audiences with an interest in Bulgaria.⁷

At present, the BNR has two programmes with national coverage and nine regional programmes. The two BNR programmes with national coverage are Horizont and Hristo Botev. Horizont features primarily news and music programmes and has a general polythematic profile. It broadcasts news at regular intervals as well as opinion features, music, sport and other programmes. Hristo Botev places an emphasis on cultural, educational and musical programmes and opinion journalism. The programme maintains orchestras and broadcasts classical music performances. It also organises international competitions in literature, dramaturgy, children's arts, singing, etc.⁸

According to the latest statistics published by the National Statistical Institute there are a total of 117 licensed and registered television operators and 85 radio operators in Bulgaria.⁹

Term of office and selection of directors general and managing boards of BNT and BNR

The BNT and BNR operate in accordance with the Radio and Television Act (RTA). The selection and appointment of directors general of the BNT and BNR is a prerogative of the CEM. The media regulator conducts competitions for the two senior positions at the two public broadcasters. After receiving applications, the CEM conducts public hearings and then makes a selection by open vote (three out of five votes of Council members are necessary). The term of office of the directors general of the BNT and BNR is three years. The heads of the two public institutions and the members of their managing boards may be elected to the board for a maximum of two consecutive terms.¹⁰

The managing board of each of the two broadcasters comprises five members proposed by the newly appointed Director-General and approved by the CEM. One of the seats on the managing boards of the BNR and BNT is reserved for

⁷ BNT (n.d.) За БНТ, <https://www.bnt.bg/bg/p/about>.

⁸ BNR (2017) За нас, <http://bnr.bg/hristobotev/post/100785637/programa-hristo-botev-za-nas>.

⁹ National Statistical Institute (2019) Телевизионни оператори ,22 Май, <http://www.nsi.bg/bg/content/3645/телевизионни-оператори>; National Statistical Institute (2019) Радиооператори, 22 Май, <http://www.nsi.bg/bg/content/3635/радиооператори>.

¹⁰ According to Article 60, Paragraph (2) of the RTA.

the respective Director-General who chairs the board by right.¹¹ According to the Radio and Television Act the members of the managing board of the BNR, respectively BNT, may not have prior convictions for general criminal offences committed with intent nor may they be sole traders, owners, shareholders, partners, managing director, signatories or members of the managing or supervisory boards of commercial undertaking and cooperatives.¹² A person may not concurrently be a member of the managing boards of the BNR and BNT nor may they concurrently be a member of the board of either the BNR or BNT and of the Council of Electronic Media.¹³

All decisions of the CEM may be contested before the Supreme Administrative Court.¹⁴

The selection of directors general is fraught with pressure and frequently accompanied by political manoeuvring. For example, in 2010 the Parliament voted to amend the RTA in order to reduce its members from 9 to 5 – three elected by Parliament and two by the President. The amendment triggered discontent among opposition parties in Parliament because in their view it strengthened the control of the ruling party over electronic media, particularly in combination with the appointment of the ‘right’ people at the helm of the BNT and BNR.¹⁵

However, other problems continue to throw a long shadow over the transparent appointment of directors general as well. For example, before a new Director-General of the BNT was appointed in 2017, the RTA was amended, making it possible to extend the term of the current incumbent, if the CEM fails to appoint a new Director-General.¹⁶ This change effectively allows the Head of the BNT to remain at the helm of the institution longer thus postponing the appointment of a new Director-General. In 2017, a new Director-General of the BNT failed to be appointed for more than 12 months after the term of his predecessor had expired and the incumbent continued to serve as Director-General. Such practices jeopardise the procedure for the selection and

¹¹ According to Article 58, Paragraph (1) and (2) of the RTA.

¹² Article 59, Paragraph (2), Points (1) and (2) of the RTA.

¹³ Article 60, Paragraph (3) of the RTA.

¹⁴ Article 38, Paragraph (1) of the RTA.

¹⁵ Yordan Velev (2010) CEM ще бъде съкратен и сменен, mediapool.bg, 5 May, <https://www.mediapool.bg/sem-shte-bade-sakraten-i-smenen-news164914.html>.

¹⁶ Article 66, Paragraph (4) of the RTA.

appointment of senior executive officers of the public broadcasters and give the appearance of political interference.

In May 2019, Members of Parliament from the ruling right-centrist party Citizens for European Development of Bulgaria (GERB) and the Movement for Rights and Freedoms (DPS), the centrist liberal party representing primarily the Turkish minority in Bulgaria, tabled a bill amending the RTA, which contained a proposal for the term of office of the directors general of the public broadcasters to be extended from three to five years. According to the accompanying justification the change was necessary in order to achieve 'stability and predictability in the management of the two public institutions'. Furthermore, according to the arguments of the parties that proposed the amendment 'approximately 4 to 6 months are wasted before an acceptable level of efficiency is achieved in the functioning of the two broadcasters following the appointment of a new Director-General. The pressing problems faced by the public broadcasters and society require that such a waste be prevented, particularly in light of the well-known recurrence of this problem every three years'.¹⁷ If the proposed amendments are adopted, in the future the Heads of the BNR and BNT will remain in office for five years as opposed to their current three-year terms.

Public service media financing

According to the RTA, the BNT and the BNR are to be funded primarily from a special Radio and Television Fund into which annual TV and radio signal reception fees (licence fee) collected from the households are to be paid.¹⁸ However, no such Fund has been set up to date and its future is uncertain. The reluctance to implement the relevant provisions of the law on the part of CEM and the central government stems from the realisation that the essentially economic nature of the measure will probably be met with general hostility by citizens. In this situation, the BNT and BNR continue to be primarily funded from subsidies from the central government in amounts determined annually by the government on the basis of a fixed rate per 'hourly broadcasting content'. The rates are determined without any public discussion. The proposal of the central government on the exact amount of the subsidies is deliberated by the Parliamentary Media and Culture Committee without inviting any

¹⁷ Mediapool (2019) ГЕРБ и ДПС искат да удължат мандатите на шефовете на БНТ и БНР27 March, <https://www.mediapool.bg/gerb-i-dps-iskat-da-udalzhat-mandatite-na-shefovete-na-bnt-i-bnr-news291522.html>.

¹⁸ Article 102, Paragraph (1), Point (1) of the RTA.

representatives of non-government organisations. The minutes from the meetings of the Committee are publicly available.

In 2016, the government subsidy for the BNT was BGN 65 147 000 (ca. 33.3 million Euro) and for the BNR – BGN 42 112 000 (approx. 21.5 million Euro). In 2017 and 2018, the subsidies remained effectively the same. In 2019, a subsidy of BGN 67 730 000 (34.6 million Euro) was granted to the BNT and BGN 44 294 000 (22.6 million Euro) to the BNR.¹⁹ The proposal tabled by opposition MPs to increase the annual subsidy of each public broadcaster by 5 million Bulgarian Lev was rejected.

The BNT and BNR may generate own revenue from advertising and sponsorship; non-core activities relating to TV and radio broadcasting; donations and bequests; interest rates and other income relating to TV and radio broadcasting.²⁰

The advertisements broadcast by both media are subject to strict limitations. The total airtime that may be allocated to advertising is limited to 15 minutes per 24 hours and 4 minutes per hour for the BNT.²¹ Furthermore, the BNT may use up to a third of the total daily airtime for advertising during primetime (7 p.m. until 10 p.m.).²²

Both public broadcasters have been effectively underfunded for years. The subsidies they receive from the central government fail to properly take into account both their needs and the public nature of their work. The BNT in particular has been continually relegated to the periphery of the media market in terms of market share and the same, albeit to a lesser extent, applies to the BNR.

Market shares of the BNT and BNR

According to summary data from the Bulgarian Media Landscape Map drawn up by Piero 97 in 2018 the market share of the BNT group was only 1.4 percent

¹⁹ Parliament of Republic of Bulgaria (2018) Committee on Culture and the Media, Law on the State Budget of the Republic of Bulgaria for 2019, No. 802-01-49, submitted by the Council of Ministers on 29.10.2018, 11 November, <https://www.parliament.bg/bg/parliamentarycommittees/members/2591/reports/ID/9724>.

²⁰ Article 70, Paragraph (3), Points (3) to (6) of the RTA.

²¹ Article 90, Paragraph (1) of the RTA.

²² Article 90, Paragraph (2) of the RTA.

in 2016, further dropping to 0.6 percent in 2017. By way of comparison, in 2017 NOVA Group²³ had a market share of 49.4 percent and bTV²⁴ had a share of 40.3 percent. They were followed by FOX Int. Channels²⁵ with a market share of 4.0 percent and the Discovery Channels with 1.2 percent. This means that the BNT held the fifth place with a negligible market share of less than one percent. The market is fully dominated by private commercial TV channels.

In terms of audience share distribution (in the age group 18 to 49 years) the most popular channel of the Bulgarian public TV operator was BNT 1 with a share of 3.72 percent in Sofia (2.89 percent in large cities and 2.32 percent in small cities, respectively).

According to the 2018 Bulgarian Media Landscape Map the BNR, unlike the BNT, had better positions in terms of competition with private radio stations. The BNR group had a 16.1 percent share of the audience in Bulgaria, including 7.5 percent in Sofia. Horizont, the most popular BNR programme, had a share of 11.4 percent in Bulgaria and 6.6 percent in Sofia. This places the BNR in the third position in terms of popularity and the Horizont programme in the second place in terms of average rating figures (in the age group 15 to 69 years).²⁶

Certain specific public commitments

These problems notwithstanding, the BNT and BNR remain uniquely placed in the Bulgarian media landscape. Against the background of aggressive commercialisation, dumbing down of media content and preponderance of fake news and hate speech, the public broadcasters stand out as an oasis for more

²³ NOVA Broadcasting Group is a private Bulgarian media company, which includes multiple TV channels and websites. In 2019, Advance Media Group EAD bought NOVA Broadcasting Group from Modern Times Group. The media in the group include one of the two most popular TV channels in Bulgaria – NOVA. Its history dates back to 1994 when it was first broadcast as a regional television channel in Sofia. In 2003, the television obtained a national terrestrial broadcasting licence and became the second private television operator in Bulgaria (after bTV).

²⁴ The TV Channel bTV is part of the bTV Media Group – the first private national television in Bulgaria, which hit the air in 2000. Until 2010, bTV was part of Rupert Murdoch's News Corporation. It was then acquired by Central European Media Enterprises, which was acquired by Time Warner in 2013. Today, bTV is locked in permanent competition with NOVA for the top position in the ranking of TV channels in Bulgaria.

²⁵ FOX International Channels is a private television network owned by Rupert Murdoch's News Corporation. Its first channel (FOX Life) has been broadcast in Bulgaria since 2005. The network currently comprises multiple channels, offering entertainment, documentary and lifestyle content.

²⁶ piero97.com (2018) Bulgarian Media Map, May 2018, <https://www.piero97.com/wp-content/uploads/2018/06/mm18-A.pdf>.

balanced discourse and topics that other media traditionally eschew. Both the BNT and BNR report on events and problems relating to various minority groups. Issues relating to minority groups are regularly given attention and discussed in a balanced manner on BNR's Hristo Botev programme as well. The BNT continues to broadcast the only foreign-language news programme in Bulgaria (in Turkish). It is also the only media that broadcasts content adapted to the needs of people with hearing impairments.²⁷

The RTA creates an obligation for both BNT and BNR 'to create programmes with national and regional content; programmes specifically intended for Bulgarians living overseas; and programmes for Bulgarians with a mother tongue other than Bulgarian, including in the respective language.'²⁸ Furthermore, the two broadcasters must produce content that is appropriate for all age groups, safeguard the culture of all Bulgarians, regardless of their ethnicity, promote the works of Bulgarian authors, artists and performers and provide access to national and European cultural heritage as well as produce information, educational and entertainment content.²⁹ The Radio and Television Act further requires that the two broadcasters promote mutual understanding and tolerance in interhuman relations.³⁰

Owing to these broad guidelines and obligations, the public broadcasters continue, at least to a certain extent and despite a host of deficiencies, to promote the idea of dialogue between the individual groups in society. The BNT and BNR strive to develop the public environment in line with the principle of inclusion as opposed to exclusion. They raise the level of egalitarianism in the public domain, clearly delineating areas of shared interests.

Public service media independence: legal requirements

The RTA creates an obligation to the BNT and BNR to follow principles of fair and balanced presentation of different political views in news reporting and in

²⁷ Orlin Spassov, Nely Ognyanova, Nikoleta Daskalova (2018) Мониторинг на медийния плурализъм 2017 – Наблюдение на рисковете за медийния плурализъм в ЕС, Македония, Сърбия и Турция, Национален доклад: България, http://www.fmd.bg/wp-content/uploads/2018/12/mpm2017_narrative_report_bulgaria_bg.pdf.

²⁸ Article 49, Paragraph (1) of the RTA.

²⁹ Article 49 of the RTA.

³⁰ Article 49 of the RTA.

opinion journalism. This is in line with the broader principle laid down by law according to which 'each opinion may be freely expressed in the media.'³¹

The RTA grants special protection to media professionals against external interference in their work: 'Journalists [...] may not receive instructions and orders in performing their work from persons and/or groups that are external to the managing bodies of media service providers.'³² Furthermore, 'journalists employed by media service providers may refuse to perform a task that they believe infringes on the principles laid down in this Act, the terms and conditions of the respective employment agreements or is contrary to their personal convictions.'³³

The principles and provisions laid down in the RTA are supplemented by a number of self-regulation instruments of the BNT and BNR, which govern the access of political figures to the two broadcasters.

For example, the Editorial Policy Rules of the BNT postulates that 'journalists and creative workers of the BNT may not receive instructions or guidance in connection with the journalistic materials they work on and in the context of performing their professional duties from persons and/or groups other than the managing bodies of the BNT.'³⁴ According to the Rules each journalist at the BNT has the obligation to resist acting as a mouthpiece for any external interest or succumbing to pressure or undue influence.³⁵

In turn, the Editorial Policy Rules of the BNT require that journalists and freelance collaborators of the broadcaster 'comply with the principle of independence from any political party; distance themselves from any commercial, social or religious group in Bulgaria and in other countries; and do not become proponents of any specific political, economic or religious interest. The BNR maintains full editorial independence in programme production, without any regard for sponsors, advertisers or third parties in external and joint productions.'³⁶

³¹ Article 11, Paragraph (1) of the RTA.

³² Article 11, Paragraph (2) of the RTA.

³³ Article 11, Paragraph (4) of the RTA.

³⁴ Article 4 of the Editorial Policy Rules of the BNT.

³⁵ According to Article 23, Paragraph (4) of the Editorial Policy Rules of the BNT: <https://p.bnt.bg/p/r/pravilnik-redakcionna-deinost-2011-522.pdf>.

³⁶ According to (Article 5, Paragraph (1), Point (1) of the Editorial Policy Rules of the BNT: <http://bnr.bg/aboutbnr/page/pravilnik-za-redakcionnata-deinost-na-bnr>.

Regardless of the safeguards envisaged in the regulatory framework and self-regulation instruments, the period after 1989 abounds in examples of public broadcasters failing to act independently from prevailing political context. Overall, an unstable and inconsistent picture emerges. There have been periods when both broadcasters were viewed as largely independent from external influence. The crucial factors in these situations were predominantly personal in nature, such as the appointment of specific directors general, the composition of the CEM, the political configurations in the national Parliament, etc.

Transition to digital broadcasting and deployment of new information technologies at the BNT and BNR

The transition from analogue to digital broadcasting was completed in 2013. Digital television broadcasting using the DVB-T (Digital Video Broadcast – Terrestrial) standard provides coverage to 96.2 percent of Bulgarian households.³⁷ The national digital radio broadcasting network provides coverage of the Horizont programme of BNR to 95 percent of the population.³⁸

The transition to digital broadcasting was accompanied by multiple scandals and political interference in the process of resolving multiplex ownership issues. In 2011, the European Commission launched an infringement procedure against Bulgaria on account of irregularities in multiplex tenders. Ultimately, the government lost its ownership of the TV and radio signal broadcasting infrastructure in Bulgaria. Both public and commercial broadcasters now pay a private multiplex for the terrestrial broadcasting of their programmes. On the other hand, under the Electronic Communications Act cable and satellite operators have an obligation to broadcast the programmes with national and regional coverage of the BNT and BNR free of charge and in real time.³⁹

The adaptation to the digital era has also entailed the roll-out of new information technologies for the purpose of the production and distribution of

³⁷ Predavatel.com (n.d.) Мультиплекс 2 (MUX-2), <http://www.predavatel.com/bg/digital/channels>.

³⁸ Mihail Sterbak (2017) История на Българското радио, predavatel.com, <http://www.predavatel.com/bg/radio/bnr>.

³⁹ Vesislava Antonova (2017) БНТ вече излъчва програмите си на търговския мултиплекс на НУПТС, Capital.bg, 3 April, https://www.capital.bg/biznes/media_i_reklama/2017/04/03/2947047_bnt_veche_izluchva_programite_si_na_turgovskia.

BNT and BNR media content. The significance of this need is highlighted in the RTA, which creates an obligation for the BNT and BNR to 'make full use of the latest available information technologies'.⁴⁰

According to the rules on the structure and organisation of the BNT the Multimedia Division of the organisation comprises three units: Web and Multimedia Content, Web and Multimedia Programming and Design, and Information Technology and Computer Services.⁴¹ More specifically, the Web and Multimedia Content Unit is responsible for the production of information and audio-visual products for the BNT webpage and for content management on the webpage of the national television. The BNT also produces dedicated multimedia content for its webpage. The tasks of the unit also include the maintenance of BNT's presence on social media, including Facebook, Twitter and YouTube.⁴²

Likewise, the rules on the structure and organisation of the BNR also provide for the active presence of the national radio in the new digital communication environment. The rules govern the work of the Multimedia Programmes Directorate. The BNR Web Portal Newsroom operates as a self-contained unit responsible for the 'development and maintenance of a web portal that provides a common platform for the websites of national and regional programmes of the BNR and the productions of Radio Bulgaria'. The newsroom makes decisions on the content of the BNR website, presents the production of the national radio orchestras and arranges the online video and audio broadcasting of all musical events organised by the BNR.⁴³ The Rules also govern the work of main editorial directorate Binar Internet Radio, which is responsible for 'the development and maintenance of a multimedia web platform with unique content blended with content from other BNR programmes; the maintenance of seven music channels, and the recording and broadcasting of concerts and other BNR events as well as the maintenance of a proprietary library and podcast website featuring all BNR programmes'.⁴⁴

⁴⁰ Article 6, Paragraph (3), Point (3) of the RTA.

⁴¹ Article 39, Paragraph (1) of the Rules.

⁴² Article 39, Paragraph (4), Points (1) to (4) of the Rules:
<https://p.bnt.bg/n/o/nov-pravilnik-bnt-2016-517.pdf>

⁴³ Section VI, Article 18, Paragraph (3), Point (2) of the Rules.

⁴⁴ Section VI, Article 18, Paragraph (3), Point (3) of the Rules:
<http://bnr.bg/aboutbnr/page/pravilnik-za-strukturata-i-organizaciata-na-bnr>.

Steps towards the transformation and restructuring of the BNT newsroom (and those of the other larger TV operators) into multimedia newsrooms were taken after 2011.

At the time, the BNT modernised its website and started applying the cross-media principle (disseminating the same content on all channels and platforms).⁴⁵ Similar changes were under way at the BNR.

The strategies for making full use of the digital environment soon began to pay off. Despite the relatively limited resources available for maintenance, in 2018 the BNT website was ranked seventh among the most visited websites of media with an online presence in Bulgaria.⁴⁶ The BNR, on the other hand, continued to rely primarily on its strong positions in terrestrial broadcasting.

Public service media under pressure

The instability of independent public broadcasters remains a pressing problem in the Bulgarian media environment. In the last two to three years, increasingly stronger criticism has been voiced, particularly with regard to the BNT. For example, in the country report on Bulgaria under the mechanism for media pluralism monitoring (MPM) for 2018 the following is noted: 'Worryingly, some recent tensions and disturbing tendencies have affected the public service Bulgarian National Television (BNT), involving programme management representatives (controversies with journalists over editorial guidelines, gaffes related to quality of content, etc.). Such ongoing developments influence the state of media pluralism in the country and have the potential to rapidly change the whole picture, which remains unstable.'⁴⁷

In 2018, due to pressure from senior figures in BNT management, several reporters resigned from the media. The senior producer of the BNT was

⁴⁵ Valeri Marinov (2013) Мултимедийният нюзрум, *Newmedia21*, 20 September, <https://www.newmedia21.eu/proekti/multimedijniyat-nyuzrum>.

⁴⁶ Reuters Institute (2018) Digital News Report 2018, <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/digital-news-report-2018.pdf>.

⁴⁷ Orlin Spassov, Nely Ognyanova, Nikoleta Daskalova (2018) Мониторинг на медийния плурализъм 2017 – Наблюдение на рисковете за медийния плурализъм в ЕС, Македония, Сърбия и Турция, Национален доклад: България, http://www.fmd.bg/wp-content/uploads/2018/12/mpm2017_narrative_report_bulgaria_bg.pdf.

dismissed without either an explanation or prior notice. The producers of a morning talk show on culture (*Denyat zapochava s kultura*) was also dismissed after voicing a critical opinion on management interference with the choice of topics and guests to be invited to the programme. Likewise, the senior producer of the Sport Content Production Centre, a unit of the Information Directorate, was similarly dismissed. Programmes discussing thorny or sensitive issues have been taken off the air at the last moment, the referendum programme being a case in point. The same applies to figures known to hold dissenting opinions who were refused participation in various programmes. The financial director, the senior accountant and other key figures responsible for the financial and business dealings and management of the BNT were also dismissed without any convincing reasons being cited.⁴⁸ These developments have given rise to speculation that news reporting and opinion journalism at the BNT have been effectively put under control.⁴⁹

In 2019, after the Director-General of the BNT Konstantin Kamenarov resigned (on account of the entry into force of a sentence for driving under the influence of alcohol), the CEM appointed Emil Koshlukov, Programme Director of BNT1, acting Director-General and later as Director-General. The appointment triggered a strong reaction from different associations as Emil Koshlukov is a controversial figure due to his previous engagements in politics.⁵⁰ How this will affect the editorial policy of BNT and its relations to politics needs to be observed further.

Regardless of the fact that it still employs some of the leading journalists in Bulgaria who have frequently voiced critical opinions against the status quo in Bulgarian politics, the BNR has also attracted criticism in recent years. In 2018, the national radio was criticised over 'the lack of a comprehensive development strategy, its failure to attract competent staff, the corporate culture of fear

⁴⁸ Vesislava Antonova (2018) Промените в БНТ: Равнис по интересите на властта, Capital.bg, 29 June, https://www.capital.bg/politika_i_ikonomika/bulgaria/prilojna_ikonomika/2018/06/28/3207994_promenite_v_bnt_ravnis_po_interesite_na_vlastta.

⁴⁹ Ibid.

⁵⁰ For example, the Association of European Journalists in Bulgaria (AEJ Bulgaria) declared that 'the appointment of Emil Koshlukov as acting Director-General is a blow against the integrity of the public broadcaster'. The main cited reasons were that the incumbent had 'a tendency to swap politics for journalism' and the fact that the incumbent was appointed at the BNT after declaring an internship at Alpha TV, the television of the right-wing populist political party Ataka whose leader has been sentenced for hooliganism and anti-social behaviour three times and espouses a political ideology that can be described as anti-EU and extremist.

of dismissal and staff demotivation.⁵¹ In January 2019, the CEM adopted the BNR report on its programme, technological and financial activity for the period June-November 2018. One aspect of the criticism levied on the BNR by the Council concerned the failure to give airtime to a wider range of different opinions and ideas in society.⁵² Despite this, key government officials continue to propagate the view that the BNR has the most critical attitude towards the government despite receiving a subsidy from the national budget as proof of the lack of political interference.⁵³

However, in the fall of 2019 this image of being more critical suffered after journalist Silvia Velikova got suspended by the new management, followed by a five-hour broadcasting interruption of the BNR's Horizont Channel. BNR's leadership claimed that the shutdown was because of technical reasons, but it widely has been linked to the temporary transfer of Velikova who is known for exposing corruption scandals and is considered a critical journalist. The case showed that there is a lot of pressure on journalists inside BNR and that even the public radio is not immune to political influence.

Conclusion: dilemmas faced by the BNT and BNR

Ultimately, both the BNT and BNR are torn between the opportunity to act as beacons of professional journalism and the possibility of falling into the trap of undue influence that pushes them into blind servitude. In some respects, both public broadcasters remain a role model and succeed in retaining the trust of their respective audiences. At the same, there is a clear threat of professionalism, and hence the professional function they perform, being eroded. Instead of ensuring that they are better funded, the two public broadcasters are pushed towards greater commercialisation of programmes, becoming more vulnerable to vested interests (mostly through external productions). This is first and foremost a threat to their ability to freely and publicly voice critical opinions seeking to highlight problematic issues in government and society. Instead of promoting and strengthening their valuable social function, their very existence has been put into question and must be

⁵¹ Union of Bulgarian Journalists (2018) Някой да е чувал нещо за рейтингите на БНР?, 15 April, <https://www.sbj-bg.eu/index.php?t=38944>.

⁵² CEM (2019) Protokol No 3, 16 January, <https://www.cem.bg/activitybg/1889>.

⁵³ 24 chasa (2018) Депутатите приеха бюджета на БНТ, БНР и БТА за 2019 г., 29 November, <https://www.24chasa.bg/novini/article/7175774>.

defended. The weakening of public broadcasters beyond a critically low level may pose a real threat to democracy in Bulgaria.

In January 2019, the Directors General of the BNT and BNR announced that a joint working group would be set up to draw up a draft strategy for the development of public broadcasters in Bulgaria.⁵⁴ The need for changes and guarantees for their successful continued functioning is apparent. We can therefore remain hopeful that the strategy will not remain an empty promise. The BNT and BNR should transform into innovative public institutions capable of making full use of both traditional terrestrial broadcasting and the possibilities provided by new technologies for the benefit of democracy.

Recommendations

1. Increasing the financing of the BNT and BNR.
2. Ensuring compliance with the obligation envisaged in the RTA to establish a Radio and Television Fund.
3. Developing mechanisms that lower the dependence of public broadcasters on the government (including by appropriate legislative amendments).
4. Election of Directors General of the public broadcasters with a qualified majority of the votes of CEM members to ensure broader consensus and political support for the decisions made.
5. Developing policies that safeguard and strengthen the public functions of the BNT and BNR (including though amendments to the RTA).
6. Ensuring ongoing monitoring of the work of public broadcasters, including by non-governmental organisations.
7. More active engagement of citizens in policy development at the level of CEM and public broadcasters.

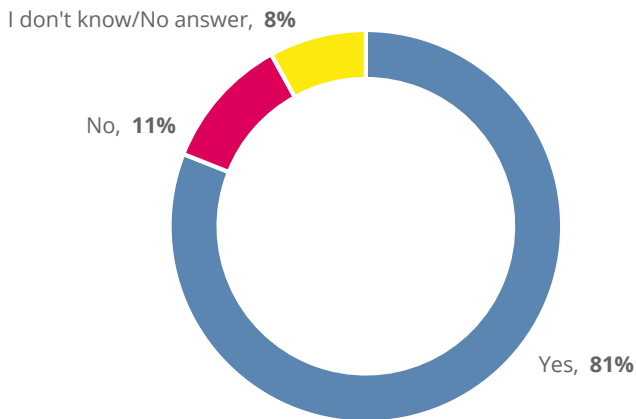
⁵⁴ Dnevnik.bg (2019) БНР и БНТ ще готвят стратегия за развитие на обществените медии, 25 January, https://www.dnevnik.bg/bulgaria/2019/01/25/3380808_bnr_i_bnt_shte_gotviat_strategiia_z_a_razvitie_na_l



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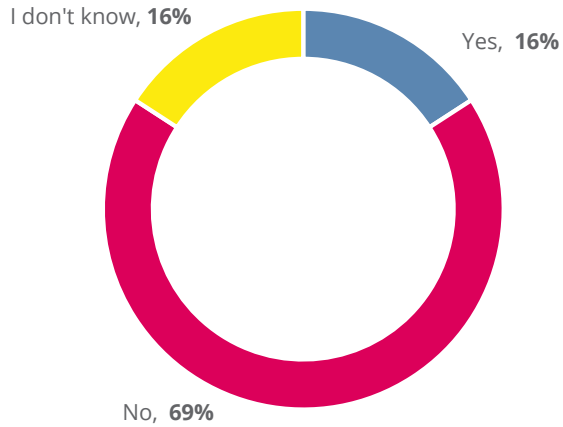
Opinion Poll Bulgaria

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Bulgarian sample, in percent)



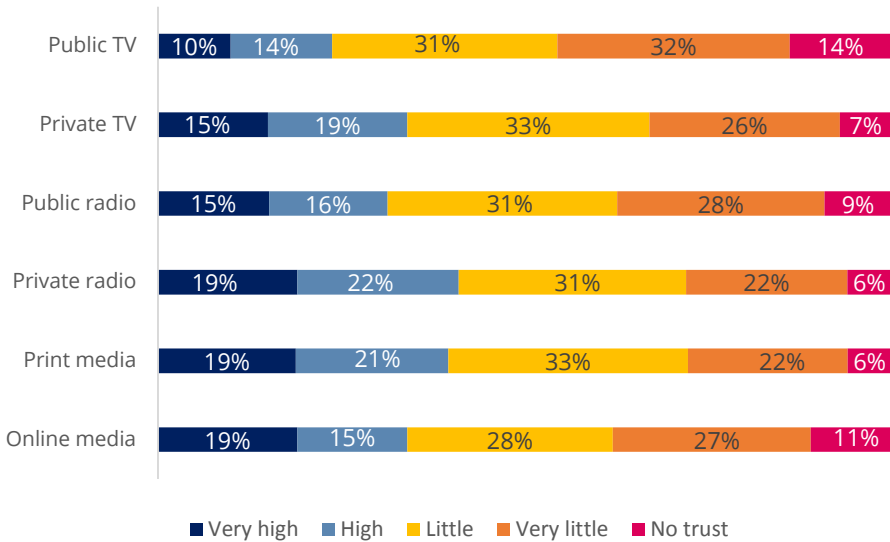
In the entire sample, EU countries generally consider PSM to be important for democracy to a higher degree as compared to non-EU countries. 8 out of 10 Bulgarians share this opinion, without significant differences between various demographic profiles (see Chart 1).

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Bulgarian sample, in percent)



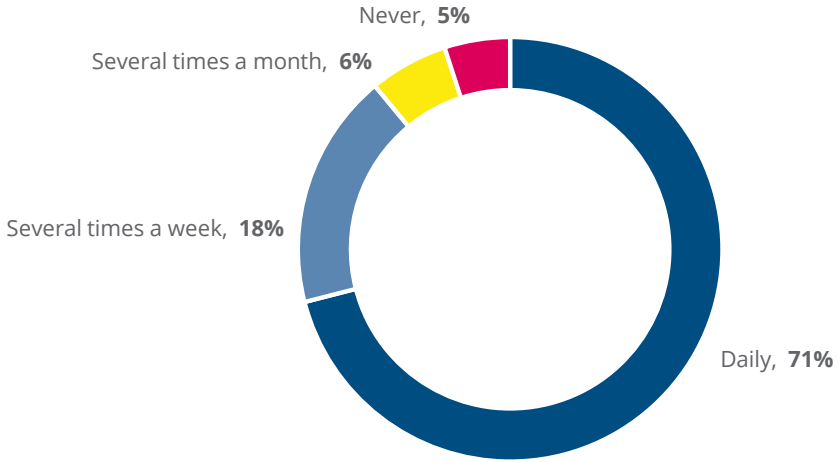
However, respondents in Bulgaria do not differ from the rest in the region regarding the question whether PSM are free from political influence. 69 percent said they PSM are not free (see Chart 2). This question did not present demographic profiles that would express significantly different opinions.

Chart 3: How much trust do you have in following media? (Base: Total Bulgarian sample, in percent)



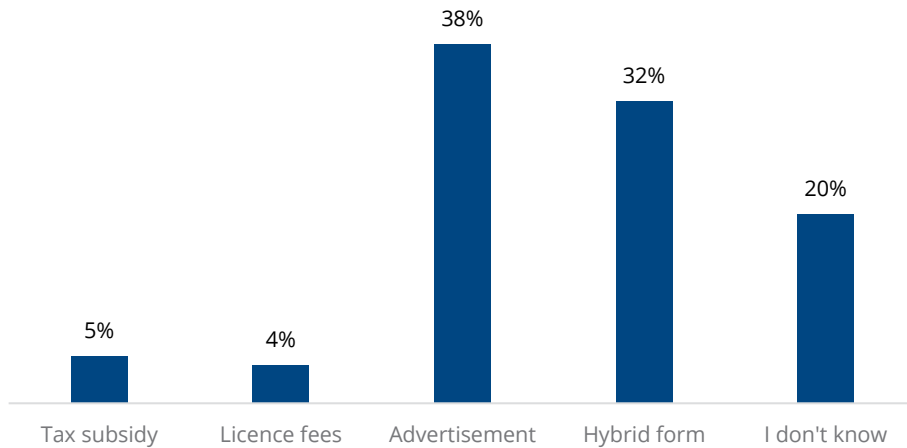
Bulgarians are generally very critical of media. As compared to other media, public service media enjoy the lowest trust of Bulgarian citizens. 77 percent either have little or no trust in public TV and 68 percent in public radio. This distrust applies to a lesser extent to private media. Two-thirds of respondents do not trust or have little trust in private TV and 59 percent distrust the private radio stations (see Chart 3).

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Bulgarian sample, in percent)



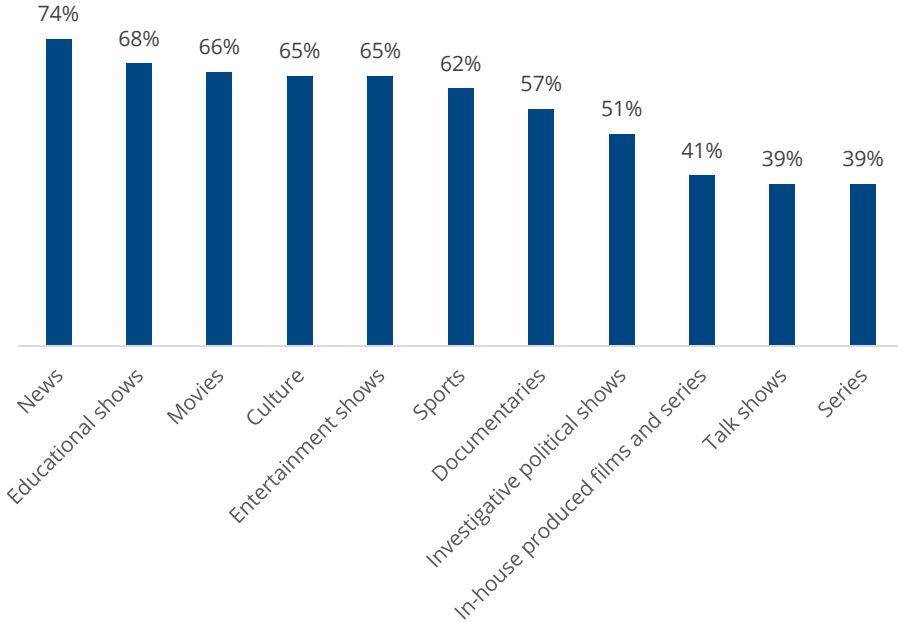
Despite low levels of trust in PSM, Bulgaria is one of the countries in the region where PSM have the largest audience: 71 percent of respondents use PSM daily and 18 percent several times per week, meaning that 89 percent of citizens use PSM at least several times a week (see Chart 4). Only young citizens, aged 18-29 years, have a lower percentage of their daily use, with 60 percent of referenced age group using PSM daily.

Chart 5: What type of funding do you prefer for PSM? (Base: Total Bulgarian sample, in percent)



Preferences in terms of private TV and radio are also visible in the preferred funding models, with a model similar to the financing of private channels through advertising being introduced for PSM, followed at a short distance by a hybrid model of financing. The direct funding of PSM through licence fees (4 percent) and the current tax subsidy system (5 percent) are not seen as a desirable model (see Chart 5).

Chart 6: What kind of content should PSM present? (Base: Total Bulgarian sample, in percent, multiple answers possible)



With regards to content preferences, Bulgarians do not differ from others in the region. They also confirm the gender-based pattern, with 74 percent of male citizens preferring to watch sport programmes as compared to 50 percent of women. However, there is higher percentage of female citizens (47 percent) who would like to watch in-house film productions and series as compared to 35 percent of men. Respondents with university education would, on average, like to watch more cultural (79 percent) and educational (83 percent) programmes.

Public Service Radio and Television in Croatia - at the Service of the Public or Politics?

Viktorija Car

Introduction

In the pre-internet era, journalists were in charge of publishing information to ensure that the public keeps abreast of current developments. This was especially true for journalists working for public service media who, as part of their professional role, had to be politically independent, unbiased, accountable and trustworthy. In the 21st century, information is instantly published online and shared on social media by public relations officers, social media managers, citizens, bots and trolls while journalists only republish news items. The public is 'overly informed' and can hardly plough through an ocean of online and network reporting, framed information, disinformation, overt propaganda, pseudo information in an overwhelmingly fake online and network reality. In the fake news society of today, a huge crisis is brewing that goes down to the core of journalism as a profession. In light of the oxymoron of 'fake news', what should journalists do?

More than ever before, there is a high need for professional, independent, economically viable, accountable and trustworthy public service media.

In Croatia, during the last thirty years public service radio and television have been up against the perpetual challenge of transition – firstly due to the change from one political system into another, and then due to the constant management and political crises. Against the backdrop of global trends, it seems that Croatian Radio Television (*Hrvatska radiotelevizija*, HRT) has remained ensconced in a bubble of local and in-house problems, without casting a glance at European and global trends and problems. The only constant feature of the media landscape has been the steady deterioration of programme quality, a decrease in public trust and a continual drop in HRT programme ratings.

Instead of focusing on building a media department for the future the premises and technical equipment of HRT have become obsolete, its building is falling

apart, with hardly any attention on the part of senior management on the quality of working conditions for journalists, editors and other employees. There is no place on the premises for approximately 3 200 employees and associates to eat and drink, no meeting rooms for journalists to exchange ideas and information or to sit and talk in – as a workplace the HRT is not an inviting proposition for the younger generation of journalists. For a long time now, the quality of programming has been a low priority on the management's agenda – an issue considered extraneous, something not to be talked about in public. Instead of doing its best to make the HRT the most professional journalistic environment, the management of the HRT files lawsuits against both its own journalists and against other media. Instead of promoting journalistic freedom and investigative journalism, the HRT has become polluted with an atmosphere of fear, bitterness and displeasure. It has become the place of 'fading discoloured faces'.

History of Croatian Radio Television

The first broadcast of Radio Zagreb hit the air on May 15, 1926. It survived many years under different regimes and different names as today's Croatia has been part of the Kingdom of Serbs, Croats and Slovenes (1918-1929) and the Kingdom of Yugoslavia (1929-1941) before becoming the Independent State of Croatia (1941-1945), the Federal People's Republic of Yugoslavia (1945-1963), the Socialist Federal Republic of Yugoslavia (1963-1991) and finally the Republic of Croatia in 1991. To commemorate the 30th anniversary, of Radio Zagreb, Television Zagreb commenced broadcasting in 1956. At that time, both Radio and Television Zagreb were under the leadership of Yugoslav Radio Television (JRT) – the state broadcasting system. The media market in Yugoslavia was more diverse and freer than in any other communist country of the Eastern European block. It developed within a decentralised paradigm controlled by the Republic but not by the Federal Government.¹ Still, the censorship became legal² and all media in the country acted as propagators of the communist party. The JRT coordinated radio and television broadcasting and programme exchange in each of the six republics, but each republic continued to broadcast

¹ Viktorija Car (2009) *Mythical Structures and Narratives in Croatian TV News*. PhD Dissertation. University of Ljubljana, Faculty of Social Sciences. Unpublished. pp. 25-26.

² This was in accordance to the Law on preventing the misuse of the freedom of the press. See Mark Thompson (1995) *Kovanje rata – Mediji u Srbiji, Hrvatskoj i Bosni i Hercegovini*. Zagreb: Hrvatski helsinški odbor/Građanska inicijativa za slobodu javne riječi/ARTICLE 19. pp. 10-14.

its own locally produced programme. At the beginning only the primetime TV newscast was produced in the capital Belgrade and transmitted to all TV centres part of JRT. This arrangement lasted until 1968 when Television Zagreb was officially allowed to produce and broadcast its own primetime news for evening broadcasting. To be clear, there was a pluralistic organisation of radio and TV stations in Yugoslavia, but all of them had to support and promote socialist values and communist party interests.³

Since 1991, when Croatia declared independence, the national radio and television market has undergone a very complex transformation from a social, political (socialist, communist and totalitarian) and economic system (planned economy) into a liberal democracy with a free market economy.⁴ Because of the War of Independence (1991-1995) the State retained its monopoly on national electronic media in order to remain in control and retain its ability to frame news content. Therefore, although under the *Croatian Radio Television Act*⁵ the HRT had the status of a public service radio and television broadcaster, it remained firmly under state control, strongly influenced by politicians from the ruling party HDZ (Croatian Democratic Union) and the President Franjo Tuđman.⁶ New political elites in Croatia attempted to take control of national media and transform it into a kind of 'pseudo public service media.'⁷ The new government enacted a new law and ensured public funding for the HRT but it retained control over the appointment of senior managers and editors-in-chief. That means it had near total control over the management and programming. This situation lasted until the end of what came to be known as the 'first era' of HDZ rule before the change in government in 2000.

Changes in the broadcasting media market in Croatia were set in motion by the adoption of the *Law on Telecommunications* (1994), which made provisions for

³ More in Viktorija Car (2009) *Mythical Structures and Narratives in Croatian TV News*. PhD Dissertation. University of Ljubljana, Faculty of Social Sciences. Unpublished.

⁴ Ivana Andrijašević and Viktorija Car (2013) *How We Survived Digital Television Broadcasting Switchover: The Case of Croatia*. *International Journal of Digital Television* 4 (3): 279-297. pp. 280.

⁵ *Croatian Radio Television Act (HRT Act)*, Official Gazette NN 28/90.

⁶ In the period of HDZ rule 1990-1999, HRT had five general managers, all of whom were influential members of the ruling party and a few of HTV's chief news editors were honorary members of HDZ. Read more in Kraljić Tanja (1998) *Forum 21 i njegov utjecaj na HTV [Forum 21 and its influence on HTV]*. Zagreb: Faculty of Political Science. Graduate thesis, not published.

⁷ Read more in Sandra Bašić Hrvatin (2002) *Serving the State or the Public*. Ljubljana: Peace Institute. pp. 20-26.

the grant of licences for privately owned radio and television channels at local level. Media privatisation led to media becoming more pluralistic. Nevertheless, due to the poor economy that has taken a hit in the war, the lack of capital and the constrained advertising market, the newly founded private local television channels sought and found protection from local authorities.⁸

At the national level, the HTV retained its monopoly until 1999 when the first private commercial competitor with national coverage Nova TV began broadcasting. Privatisation of the third HTV channel brought a second commercial television competitor – RTL, a company owned by the German corporation RTL Group, which started broadcasting in April 2004.

With a new government in office in 2000 (a centre-left coalition of six parties took power), the political transformation of the HRT began. The first step towards change was the 2001 *HRT Act* that finally placed a ban on politicians becoming members of the *HRT Programme Council*. Since then direct political influence on HRT programming has eased significantly. An analysis of political content in HTV's programming confirmed that HTV was no longer 'a Government propaganda machine as it was in 1999'. Despite this, it was a long way from becoming a genuine and high-quality, public interest media service provider.⁹ Political pressure was now stronger to align Croatian media legislation with EU recommendations and directives, with an emphasis on protecting media pluralism, placing restrictions on the concentration of ownership, and enhancing media independence and journalistic freedom.

In 2003, the new *HRT Act* and the *Electronic Media Act* were adopted. Further changes of the HRT Act were introduced in 2010, strengthening the independence of the public broadcaster. Regrettably, the changes enacted in 2012 provide for the election of a Director-General of the HRT with a majority vote of Parliament, which also elects 9 out of 11 members of the HRT Programme Council and 4 out of 5 members of the HRT Supervisory Board. Many international media organisations responded negatively to these

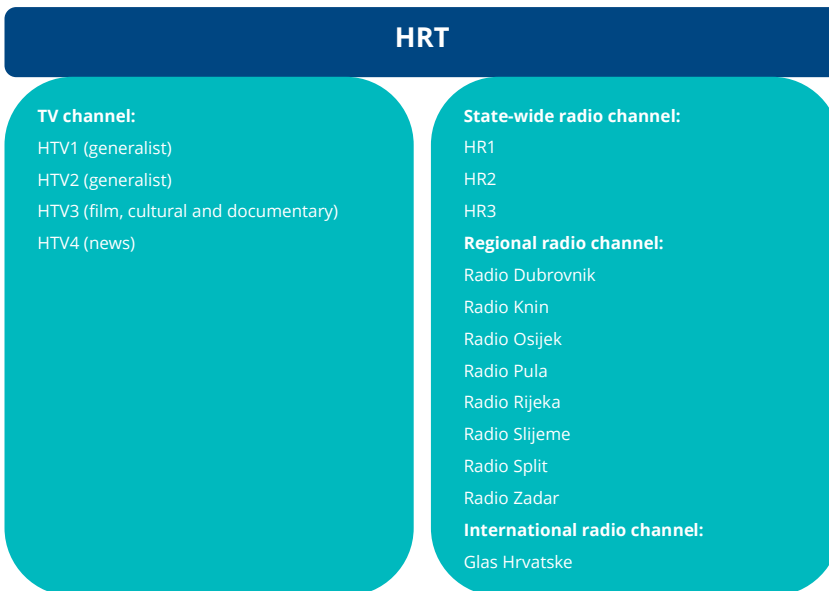
⁸ More in Ivana Andrijašević and Viktorija Car (2013) How We Survived Digital Television Broadcasting Switchover: The Case of Croatia. *International Journal of Digital Television* 4 (3): 279-297.

⁹ Geza Stantić (2003) *Politika u programu HTV-a (Politics in HTV Programming)*. Zagreb: Hrvatski helsinški odbor za ljudska prava. pp. 154.

changes.¹⁰ A handful of minor amendments to the law were introduced in 2016 and 2017 in respect of the licence fee.

To conclude, HRT has the status of a public entity whose activities, public service delivery mission, financing, management, control and operation are governed by the *HRT Act*. HRT performs public service broadcasting activities and the Croatian government provides for its autonomous and independent financing through a licence fee. The Ministry of Culture, which is in charge of proposing a new law or amendments to existing legislation to the Croatian government, has announced some planned amendments to be enacted in 2019¹¹; including the adoption of a national media strategy. However, it is still unclear whether these changes will have any implications for the *HRT Act*.

Structure of the HRT



¹⁰ Among them was the Vienna-based South East Europe Media Organisation (SEEMO), an affiliate of the International Press Institute (IPI), which stated that “the latest amendments would allow for political interference in the public broadcaster’s management. In SEEMO’s view, this legal solution does not comply with international standards of public broadcasting” <http://www.scoop.co.nz/stories/WO1206/S00637/croatian-radio-television-law-changes-mean-political-control.htm> (accessed 30 June 2012).

¹¹ At the time this chapter was revised, in the summer of 2019, still there was no further information on this issue.

As in the majority of European countries, the Croatian media landscape comprises three distinct types of media: public service media, commercial media, and not-for-profit socially motivated media that speak on behalf of different interest groups, organisations, movements, minorities, communities, etc. The media landscape in Croatia is diverse at both local and national level. The public service broadcaster has four TV channels¹² and seven commercial TV channels operate at national level, along with 24 local commercial TV channels.¹³ Public service radio (HR, Hrvatski Radio) has three national channels (HR1, HR2 and HR3)¹⁴ and eight local channels. There are also three radio stations with national coverage (two commercial and one of the Catholic Church), plus 141 local radio stations.¹⁵

As already mentioned in the previous section, the amendments to the HRT Act in 2012 that are still in force have made the majority in Parliament responsible for electing the Director-General of the HRT. The Director-General is elected for a term of five years. He/she has sole power to appoint and dismiss programme editors-in-chief. The Croatian Parliament also elects 9 out of 11 members of the HRT Programme Council and 4 out of 5 members of the HRT Supervisory Board. The election of members of the Programme Council is conducted by the Croatian Parliament on the basis of a public call published and implemented by the Committee on Information, Computerisation and the Media of the Croatian Parliament. A public call invites the institutions, associations and citizens to put forth nominations for members of the HRT Council. Nine members of the HRT Programme Council are elected by Parliament, while two are elected by HRT journalists and other HRT employees actively engaged in the creation of HRT programme content in the manner provided by the *HRT Act* and the *HRT Statute*. The HRT Programme Council represents and protects the public's interest through programme oversight and improving the radio and audio-visual programme, as well as other audio and audio-visual and multimedia services. The four members of the HRT Supervisory Board are appointed and dismissed by the Croatian Parliament by a majority vote of all members based on a public call published and implemented by the Committee on Information,

¹² HTV1 and HTV2 are general programming channels, HTV3 is film, cultural and documentary channel while HTV4 is news channel.

¹³ Website Agency for Electronic Media, <https://www.aem.hr/televizijski-nakladnici> (accessed 26 February 2019).

¹⁴ HR1 is more oriented on news, HR2 is more oriented on music and sport, while HR3 is a cultural radio channel.

¹⁵ Website Agency for Electronic Media, <https://www.aem.hr/radijski-nakladnici> (accessed 26 February 2019).

Computerisation and the Media of the Croatian Parliament, which proposes to the Croatian Parliament the election of members. One member of the HRT Supervisory Board is a representative of employees, appointed and dismissed in accordance with the *HRT Act* and the *Labour Law*. Members of the HRT Supervisory Board elect among themselves a Chair and Deputy Chair of the Board. The members of the HRT Supervisory Board are elected for a term of four years. The HRT Supervisory Board oversees the business operations of the HRT.

HRT's financial model includes income from licence fees payable by every household with a television set or radio or any other device that can receive radio or audio-visual programme. Part of the revenue comes from advertising. Since October 2010, the monthly licence fee is HRK 80 (approx. 11 Euro). Citizens pay the licence fee directly to the HRT and according to the financial statements of the HRT more than 90 percent of citizens liable to pay the licence fee do so regularly. On an annual basis, the HRT receives approximately 160 million Euro from licence fees. That accounts for approximately 85 percent of its total income, with the remaining of 15 percent of revenue being generated from advertisement.¹⁶ During the primetime (6 to 10 p.m.) advertising is limited to four minutes per hour while in the rest of programming is limited to nine minutes per hour.¹⁷

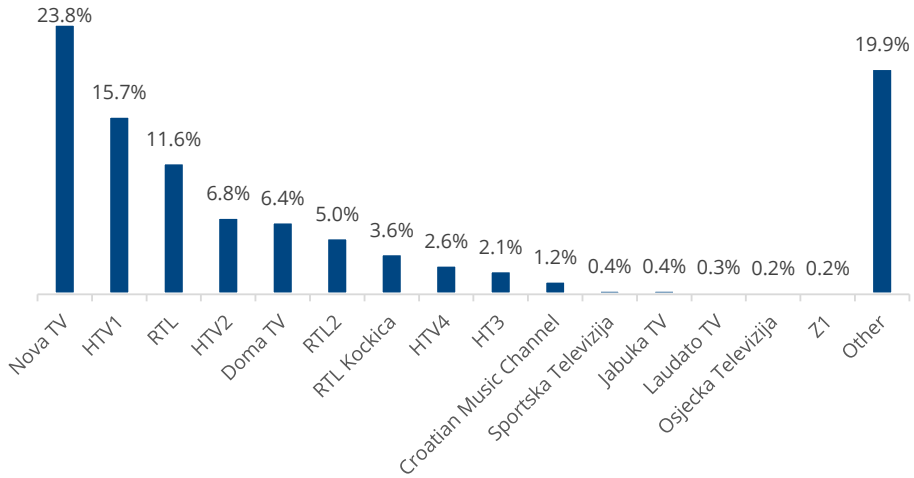
According to data from September 2018 set out in reports on television programmes viewing audiences¹⁸ the commercial television NovaTV had the largest market share, followed by HTV1.

¹⁶ Financial report is published in the document „Godišnje izvješće o radu Nadzornog odbora HRT-a i provedbi nadzora zakonitosti rada i financijskog poslovanja HRT-a za 2017. godinu“ Zagreb, November 2018, www.hrt.hr (accessed 26 February 2019).

¹⁷ Croatian Radio-Television Act (HRT Act), Official Gazette NN 28/90; NN 35/91 (amendments); NN 33/92 (amendments); NN 43/92; NN 24/96 (amendments); NN 17/01; NN 25/03; NN 137/10; (amendments NN 76/12).

¹⁸ Agency for Electronic Media (2018) www.e-mediji.hr.

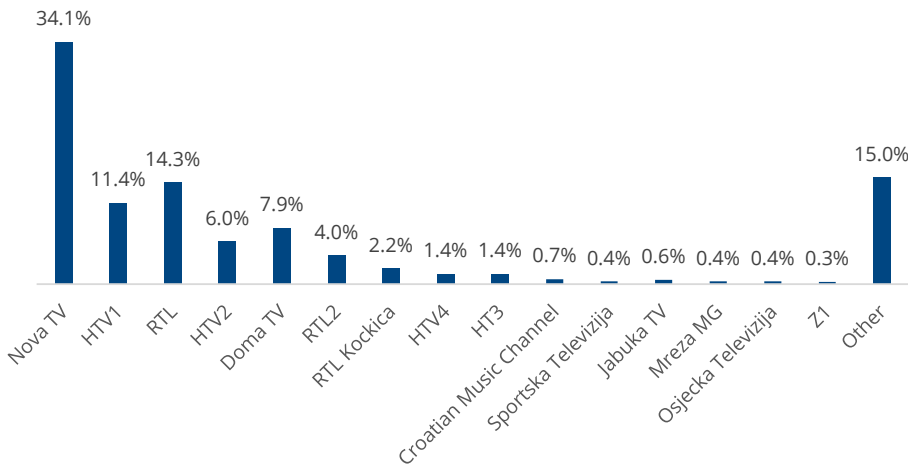
Chart 1. Average daily television viewing audiences in the entire population 4+ in September 2018



Source: Electronic Media Agency, 2018, www.e-mediji.hr

During the primetime, between 7 and 11 p.m. results are even worse for HTV, with both NovaTV and RTL having larger shares.

Chart 2. Average primetime (7 – 11 p.m.) television viewing audiences for the population 4+ in September 2018



Source: Electronic Media Agency, 2018, www.e-mediji.hr

It is important to note that unlike the public broadcasters in many other European transition countries, the HTV held out against commercial competition for a long time, retaining the highest market share until 2009. HTV's primetime newscast *Dnevnik* at 7.30 p.m. used to be the most watched television programme in Croatia over many years.¹⁹ However, since 2005 its popularity has been in continual decline. At the same time, the ratings of the NovaTV primetime newscast, also named *Dnevnik*, have been steadily rising to become the most watched newscast in Croatia in 2010, which it still is. One of the reasons why HTV's *Dnevnik* had been losing viewers was its strong pro-government bias news reporting. NovaTV has a more critical approach, in addition to being more politically balanced and neutral.²⁰ Its newscast is also produced in a style that has more popular appeal. Through news reporting where popular and simplified style of editing is used, commercial television stations, commercial television stations attract an audience segment that would not be otherwise interested in topics relating to local, domestic and international politics. Although simplified for viewers, commercial television newscasts still report important information, contributing to informing the share of the audience with no previous exposure to news.

Data from September 2018 indicates that the top ten most watched TV programmes by the age group of four years and older, include nine programmes broadcast by NovaTV with only one programme broadcast by the HTV (the midday news programme). The *Dnevnik* programme of NovaTV came in fifth in the ranking with a share of 41.58 percent, followed by AMR²¹ with 16.86 percent as the most watched national primetime newscast.²²

Independence of broadcasting

As already mentioned, one of the reasons why HTV has been losing viewers is its staunch pro-government stance. The HRT used to have some programmes where anchors and guests were strongly critical towards government politics

¹⁹ Viktorija Car and Ivana Andrijašević (2012) Mapping Digital Media – Croatia (country report). London: OSF.

²⁰ Viktorija Car (2010) O čemu i kako nas informiraju? (What About and How Do They Inform Us?) – Content analysis of primetime newscasts on HTV, NovaTV and RTL. Zagreb: Matica hrvatska.

²¹ AMR is abbreviation for “average minute ratings” and is related to percentage of viewers who were really watching TV at that particular time.

²² Agency for Electronic Media (2018) www.e-mediji.hr.

(for example the talk show 'Latinica'). However, this period ended ten years ago. For a long time since then, the HRT has not supported any investigative journalism in its programme scheme. Instead, news programmes consistently tow the government line, using programmes to promote government ideology (liberal or conservative, depending on the government in office at any given time). Furthermore, whenever there is a political scandal or case of corruption, the HRT never takes the initiative to report it, only taking up the story after other media have done so.

This strong relationship with the government of the day was forged with the amendments to the *HRT Act* in 2012. This is due to the fact the Director-General of the media is elected by a majority vote of Members of Parliament and so are the majority of members of the Programme Council and the Supervisory Board. When the changes to the law were introduced in 2012, a social democratic government was in power while in the autumn of 2015 and in 2016 a Christian-Democrat-Patriotic coalition was in power. With the change in government, the management of the HRT changed as well, repeating the tried and tested method of immediately demoting managers and editors appointed during the term of the previous government and appointing new editors who are ideologically in line with new government policy to edit news programmes and anchor political talk shows. This first happened in 2012 and was repeated in 2016.

Furthermore, it has become commonplace not to have 'for and against' guests in the studio, leaving room for one-sided 'debates' only. This unprofessional approach comes with a price tag, precipitating the relentless plummeting of HRT ratings.

Adaptation to digital age

The analogue switch-off in Croatia commenced in January 2010 and it was completed by the end of the same year. In Croatia, which has a population of approximately 4.2 million and 1.5 million households²³, in January 2010, when the regional switch-off decreased to under, 60 percent of households received television signal via terrestrial analogue television.²⁴ The process of

²³ Croatian Bureau of Statistics (2011) Census 2011, www.dzs.hr (accessed 26 February 2019).

²⁴ Viktorija Car and Ivana Andrijašević (2013) How We Survived Digital Television Broadcasting Switchover: The Case of Croatia. *International Journal of Digital Television* 4 (3): 279-297. pp. 281-2.

digital transition did not significantly alter the domination of terrestrial signal reception. The reason may be that buying a digital receiver and connecting it to an existing TV set was the least expensive solution. Citizens received subsidies for buying digital receivers, without any other state support being provided for HRT digitalisation. The HRT was nevertheless privileged in comparison to commercial competitors because its specialised channels HRT3 and HRT4 were automatically allocated MUX B multiplex frequencies under the *HRT Act* (Article 50) while all new specialty commercial channels (DomaTV, RTL2, Sport television and two cable channels, Kapital Network and CMC) had to go to public tender in order to receive multiplex frequencies.²⁵

Citizens benefited from HTV digitalisation as two new specialty TV channels (HRT3 for films, culture and documentaries and HRT4 for news broadcasts) were introduced in addition to the general content TV channels (HRT1 and HRT2).

The HRT website (originally launched in August 1995) received a major overhaul in 2015 to improve its visual identity. In addition to news and information, [Hrt.hr](#) streams all HRT radio channels and offers some video-on-demand content. The mobile platform application HRTi was launched in autumn 2015. It is a multimedia service for listening and watching HRT radio and TV programmes live and on demand. A large proportion of HRT-produced programming is available on demand. HRT's radio and TV programmes are very active on social networks and have a prominent presence on Facebook, Instagram and Twitter.

The process of programme digitalisation has helped the HRT radio and TV channels become more easily available to a significantly larger audience (via HRTi app, web streaming and social networks). However, it is not possible to ascertain if this has helped increase their influence and boost engagement with their audiences because no data is available about viewing and listening audiences or other kinds of active use of online and mobile platforms.

Current discussion in the country concerning the public service media

Two transformational changes affecting public service media in Croatia are under way. The first one started in the early 1990s. It continues to persist and involves cleansing programme content of ideological bias related to socialism

²⁵ Viktorija Car and Ivana Andrijašević (2012) Mapping Digital Media – Croatia (country report). London: OSF.

and communism and imbuing it with fresh ideological content related to current government ideas and values. The second one, notably programme changes aiming to boost the ability to compete with commercial media, dates back to 1999 when the first commercial television obtained nationwide licence. This process intensified in 2004 when RTL was granted a nationwide licence. This promoted the HRT to change its programming in order to include trivial entertainment shows (e.g. talent competitions, soap operas, reality shows), with product placement becoming highly visible in the programmes. Public opinion is divided on this move. While there are groups of concerned citizens who are very critical about such commercialisation and trivialisation of programme content, larger segments of the audience either like or are indifferent to this development.

Public debates tend to focus on the first issue of imbuing programming with ideological content related to current government ideas and values. Since 2016, conservative values have been receiving increasing coverage on HRT programmes in line with current government ideology. For example, at the beginning of 2019 there was a talk show on HRT4 that was simultaneously broadcast on the radio. On the programme abortion was debated and both guests in the studio were against it. One-sided reporting is not consistent with professional journalism and tends to frame topics in a manner that divides the audience, channelling it into a 'we' and 'them' discourse. The 'we' camp is that of the supporters of a proposition and 'them' is the camp of others, non-supporters, the message being that 'we' should be against 'them'. By broadcasting such programmes, the HRT becomes a tool for social divisions.

In addition to these reasons for the decline in HRT programme quality, at the end of 2018 yet another issue came up and triggered a heated public debate. At the end of December 2018, the senior management of the HRT made strong allegations against their own journalists and other media outlets, as well as the Croatian Journalists Association (Hrvatsko novinarsko društvo, HND). The story had begun in September 2018 when HTV journalist Hrvoje Zovko was elected HND President and spoke up about censorship of the HRT. He was fired immediately and senior HRT managers justified this with alleged threats against and a physical assault of the Editor-in-Chief of HRT News Service.²⁶ This dispute is currently in court.

²⁶ Hnd.hr (2018) HRT to Withdraw Claims Targeting HND and its Representatives as Soon as Possible, 29 December, <https://www.hnd.hr/eng/hrt-to-withdraw-claims-targeting-hnd-cja-and-its-representatives-as-soon-as-possible> (accessed 26 February 2019). HINA (2019) "Zovko je dobio otkaz jer je prijeto i nasrnuo na urednicu". 24sata.hr, 4 March, <https://www.24sata.hr/news/zovko-je-dobio-otkaz-je-je-prijeto-i-nasrnuo-na-urednicu-617397> (accessed 20 March 2019).

This sparked a protest organised by journalists in Zagreb in March 2019, which took place outside of the HND building, under the motto 'You took the media, we will not give you journalism'. A large number of editors and journalists from different print and online media and the HRT²⁷ attended. At St. Marco square, in front of the Government building, protestors asked the Government to protect journalistic freedom and, among other things, for the HRT to drop 35 lawsuits filed against journalists and media outlets. The Croatian Journalists Association (HND) published on their webpage a live ticker on the number of lawsuits.²⁸

Conclusions and recommendations

The challenges of the never-ending transition of PSM in Croatia are largely attributable to the management crisis and especially the difficulties in achieving political independence. There is a general climate of the HRT lacking bright prospects and of professional journalistic standards no longer being upheld. Altogether, it leads to a crisis in HRT identity as public service media on account of the loss of public trust. In order to earn the trust of citizens, public service media must constantly enhance its independence, credibility, programme quality and diversity, respecting social plurality and the rights of minorities to speak up for their interests. This obligation derives from the public funding of the HRT.

Further, global media trends also affect the Croatian media landscape: media services and products are being increasingly commodified on a global scale; media content is increasingly commercialised; digitalisation and new technologies engendered new audience practices; social media competition is large and multifaceted; traditional linear delivery of programmes is either not recognised or eschewed by younger generations.

The Minister of Culture has announced that Croatia will finally, for the first time ever, produce a media strategy – a document that will set out the vision for the development of the media landscape in Croatia. Such strategy is urgently needed. To reiterate, it should emphasise the role of public service media but equally question its current position and role. The latter should be redefined as 20th century definitions no longer apply in a digitally mobile and

²⁷ Goran Borković (2019) Prosvjed koji je ujedinio novinare. Hnd.hr, 2 March, <https://www.hnd.hr/prosvjed-koji-je-ujedinio-novinare> (accessed 20 March 2019).

²⁸ Croatian Journalists Association, www.hnd.hr.

networked society. The role of journalism and journalists must be emphasised and solutions found to return professional journalism to journalists. Trends like 'citizen journalism' and 'fake news' have caused enormous damage to journalism. This is so because if any citizen can be a journalist and news can indeed be fake, then nothing of what we were taught about journalism in the 20th century is valid any longer.

Considering the current situation of the HRT, a thorough programme analysis is required, following a public discussion on the future of PSM in Croatia. This analysis should consider the role of small independent not-for-profit media and the possibility of integrating them into the system of public financing. The system for electing senior managers and editors-in-chief should also be discussed to guard against political influence as it is obvious that parliamentary democracy in Croatia is not sufficiently mature to secure the political independence of public service media.

Having achieved this, including a change in management, the thorough process of HRT renewal may start with continuous education of present and future journalists and editors, deeply focused on professional journalistic standards and ethics. The HRT should really become the heart and the nucleus of professional, accountable and trustworthy journalism in Croatia.

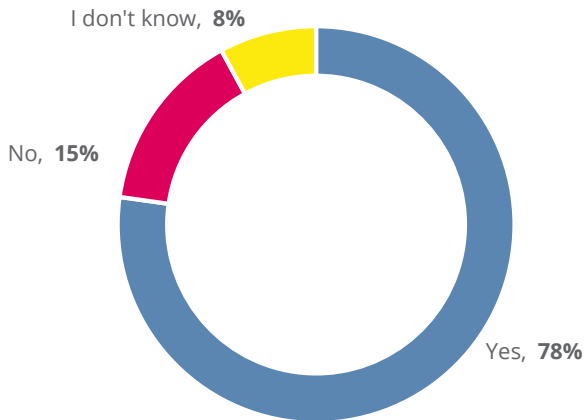


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Car was the founding Editor-in-Chief of the Media Studies journal (2010-2017). She is also a founding Chief-Coordinator of the regional conference Media Accountability (2010-2018). She was member of the HRT Programme Council (2011-2012).

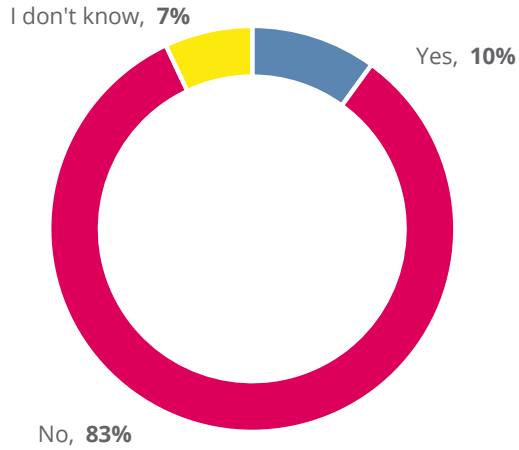
Opinion Poll Croatia

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Croatian sample, in percent)



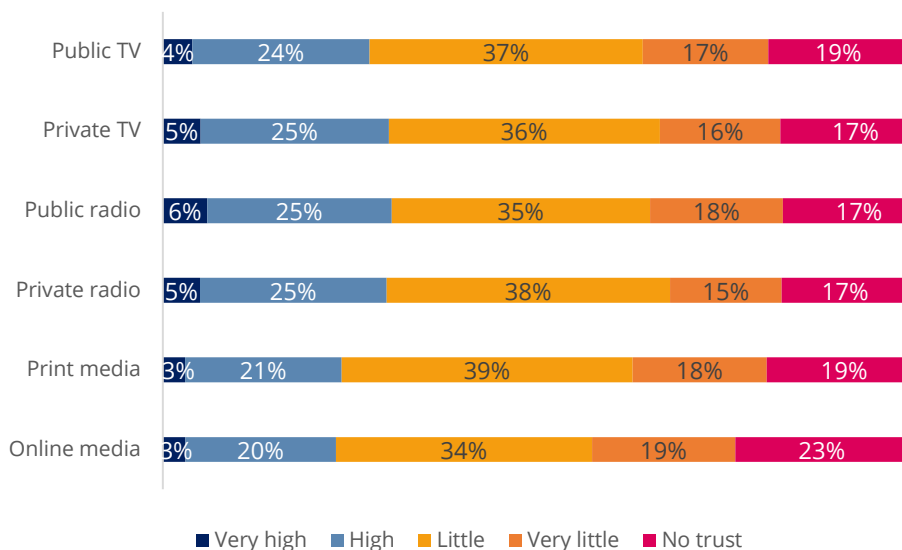
In keeping with Bulgaria, Croatians have greater appreciation of the importance of PSM for democracy than the citizens of other countries in the region – 78 percent (see Chart 1) as compared to 68 percent of total regional sample.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Croatian sample, in percent)



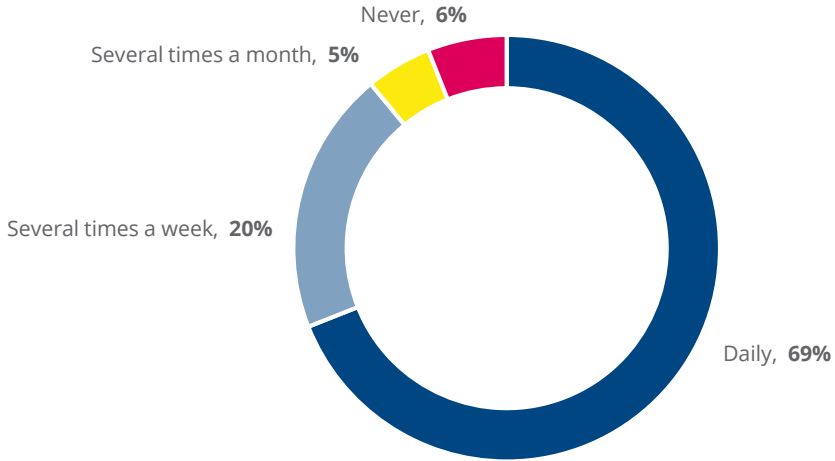
As compared to the rest of the region, less people believe that public service media are free from political influence. 8 out of 10 Croatians believe that PSM are influenced by the political powers (see Chart 2). There is no significant difference concerning gender, age or education for this question.

Chart 3: How much trust do you have in following media? (Base: Total Croatian sample, in percent)



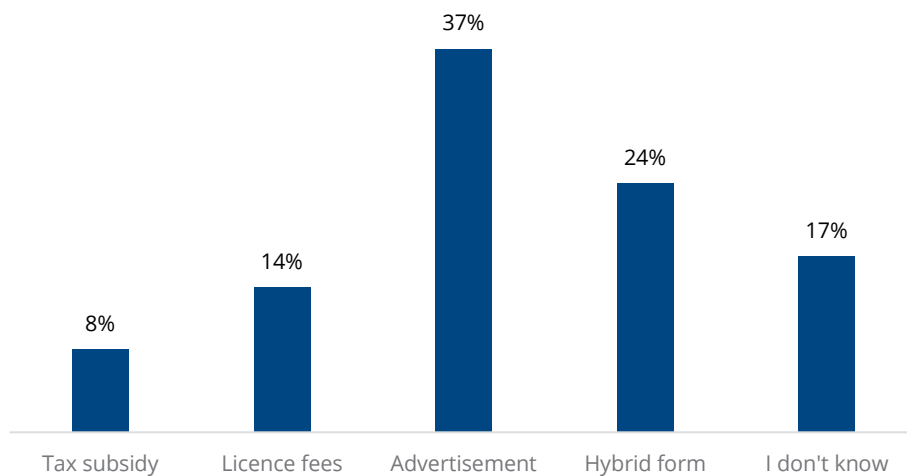
Croatia is among the countries in the region where citizens use media with reservations and do not place as much trust in them as the citizens of other countries in the region. Although PSM are believed to be under political influence, they are more trusted than print or online media. However, private broadcasters enjoy greater trust from respondents (see Chart 3). Public TV enjoys the greatest trust among citizens aged 18-29 years and over 64 years – both with 32 percent trust – and among those with primary education.

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Croatian sample, in percent)



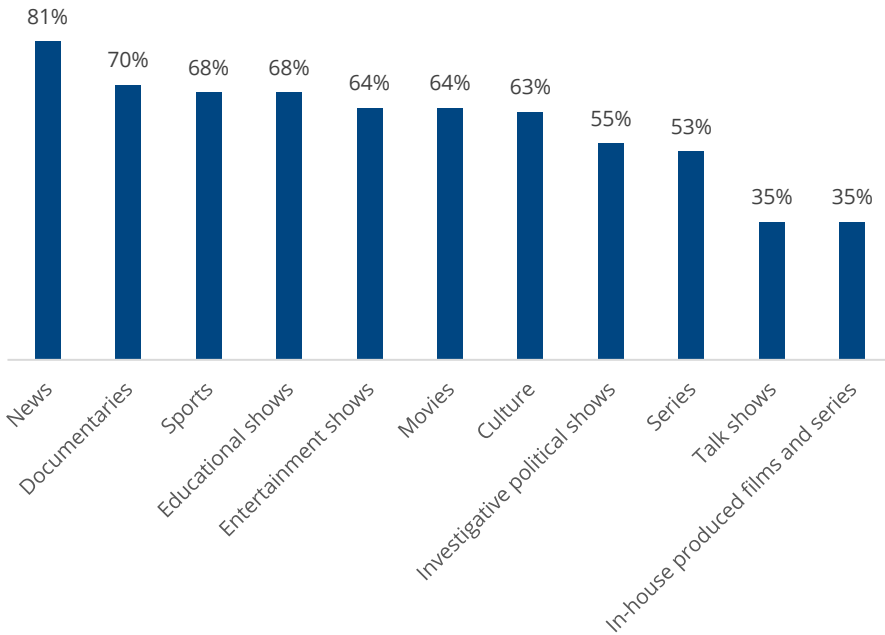
As compared to the region, Croatians together with Bulgarians use PSM most frequently. 69 percent of respondents use PSM on a daily basis (see Chart 4). The biggest difference among Croatian citizens is based on age – the respondents aged 18-29 years who use PSM daily (43 percent) is significantly lower than those in the age group 64+ years (90 percent).

Chart 5: What type of funding do you prefer for PSM? (Base: Total Croatian sample, in percent)



Most Croatian citizens believe that PSM should be funded from advertising, followed by a hybrid model. The current form of funding through licence fees is supported only by 14 percent of respondents. Tax subsidies are the least popular form of financing (8 percent).

Chart 6: What kind of content should PSM present? (Base: Total Croatian sample, in percent, multiple answers possible)



In terms of content, the expectations of Croatian citizens from PSM are higher than those of the citizens of other countries in the region. They expect to a higher degree than others to see news, sport programmes, documentaries, investigative political programmes and movies (see Chart 6). Except for the gender-based difference regarding sport content – 77 percent of men and only 60 percent women – there are no other significant differences among Croatsians.

Kosovo's Public Broadcaster – Insufficient Editorial Independence and Management Competence

Driton Qeriqi

Introduction to the Kosovo case

During the last two decades the media market in Kosovo has been going around in circles in an attempt to achieve quantitative growth, expansion and financial sustainability. Financial volatility, in particular, is a reflection of the economy of Kosovo, which is highly unstable. Despite the narrow market, Kosovo has 164 audio-visual media channels, licensed by the Independent Media Commission, that broadcast their content terrestrially and/or via 39 cable operators. The number of daily newspapers has declined to 5, and only 4 of these are members of the Kosovo Press Council, the self-regulation body. No precise data is available about the number of online media but according to a rough estimate of the Kosovo Press Council approximately 250 online media (news portals) currently operate in Kosovo. Only 28 online media have joined the Kosovo Press Council as members.

The chairperson of the Kosovo Press Council Imer Mushkolaj recently stated:

'Online media are currently expanding, which creates a number of problems. Anybody may launch a web portal, without there being any reliable information about the portal's owners and backers. These cases, as well as 'fake news', should come under the scrutiny of security and investigative bodies because only registered media should be allowed to operate.'

Despite this, the impact of the media in question is disproportionately high on account their rapid growth and strong dominance. According to data published by the Kosovo Statistics Agency in 2018 internet penetration in Kosovo households reached 93.2 percent. This is a strong indicator that online media

are becoming the principal source of information for Kosovo citizens. However, whilst growing, online media are also becoming less reliable.

Due to the combination of anonymous editorial management of online media and the fake news, traditional audio-visual media and newspapers remain the most reliable source of information. Operating within structured editorial management and policies and frameworks, traditional media are often used for fact-checking.

In a small media market and a difficult situation, the public broadcaster Radio Television Kosovo (RTK) has to fight in order to reach an audience while staying independent and securing financial means. And yet, the organisation is still far from taking tangible steps to ensuring that its Board and management are independent from political influence.

Despite these constraints, the RTK has the highest market share in Kosovo. It has approximately 900 employees and its planned annual budget for 2019 is approximately 13 million Euro. Yet, the public broadcaster is continually exposed to the threat of political influence and is overstaffed with political party militants.

History of public service media in Kosovo

Until 1990, Kosovo had only one television channel – Radio Television of Prishtina (RTP), one radio station – Radio Prishtina and one daily newspaper – *Rilindja*. The trio had the status of state media providing service in Albanian. With the collapse of former Yugoslavia, the RTP and all public institutions were usurped by the Milošević regime. Albanian journalists were expelled from their jobs while the RTP began to broadcast entirely in Serbian, spewing propaganda for Milošević's regime. The RTP broadcast only half an hour of news in Albanian per day – a poorly translated version of the news in Serbian. This discriminatory approach instantly transformed the RTP into an unreliable TV station for the majority of people in Kosovo.¹

¹ Laura Kyrke-Smith (n.d.) The Networked Communications Environment: the Case of Kosovo, POLIS, London School of Economics, <http://www.lse.ac.uk/media@lse/POLIS/Files/kosovonet.doc>.

Public service media in Kosovo emerged on the eve of the 21st century, immediately after a brutal war between Serbian military forces and ethnic Albanians that caused thousands of atrocities to be committed and had multiple other consequences.²

In June 1999, immediately after the war, the OSCE Mission in Kosovo was mandated by the UN to promote media pluralism by putting in place a legal framework and building an appropriate regulatory environment. Through the OSCE, the UN Special Representative for Kosovo initiated the process of establishing a media regulatory body named the Temporary Media Commissioner (TMC) and set up the Radio Television of Kosovo (RTK) as a public service broadcaster.

The aftermath of the Kosovo war caused a rift in society. For a relatively long period, political leaders remained locked in disputes, following protagonist approaches of 'patriots and traitors' in their attitude to and relations with the previous regime. The media were used as a platform for this public discourse and for levying accusations. Depending on their political group affiliation, the print media published derogative stories, going far beyond the code of ethics of journalists. Hankering after post-conflict news, media organisations abandoned their ethical principles and risked sliding into overt promotion of hatred and xenophobia. On a few occasions, media were careless in reporting interethnic tensions. They wrongfully revealed the identity of a suspect endangering their life at a very early stage of an ongoing investigation.

Due to constant clashes between various political groups, the print media continued to act as a forum for aggressive and groundless disputes. In the meantime, the RTK and other broadcasters have continued to build a reputation as unbiased and non-partisan organisations, which has survived for two decades after the Kosovo war.

² Since the collapse of former Yugoslavia, in 1990s, Kosovo Albanians (90 percent of the Kosovo population), were discriminatorily ruled by Serbian regime. Due to escalated war between Serbian regime forces and Albanian war volunteers, on 24 March 1999, NATO alliance initiated a military intervention on ending the conflict in June 1999. NATO intervention enabled safe return to Kosovo of 1 million Albanian refugees (from total of 2 million) who were forcibly deported during the conflict. For more: Blake Chambers (2018) The Kosovo Conflict has Left Long-Term Consequences, The Borgen Project, borgenproject.org/what-was-the-kosovo-conflict.

After Kosovo declared independence³, the national institutions embarked on a path to gradual improvement of democratic standards, which ultimately caused political tensions to subside. Today, media organisations strive to adhere to the code of ethics of journalists and the same applies to the RTK. However, they are still at the stage of structuring their independence and remain vulnerable to the attempts of political groups to influence their policy and work.

The RTK Board and its management team are seeking to enable the organisation to fulfil its role in providing independent media programmes to all communities living in Kosovo. Their aim is to continue developing all programme platforms; whether TV, radio, web portal, satellite, or YouTube streaming.

Initial legal basis and formal recognition

Although TV broadcasting commenced in 1999, the formal recognition of the RTK as public service media only occurred in June 2001 pursuant to UNMIK Regulation No 2001/13. The core provisions of the Regulation, and later RTK Law, laid down the guiding principles for broadcasters, the rules on the composition of RTK, the composition of the Board of Directors, the eligibility criteria for Board members, editorial policies, and the responsibility for programme content. The Regulation sets out the principles underlying the work of the RTK Board and outlines the tasks of the body, asking for clear apolitical Board membership. The first Board was constituted in September 2001.⁴

Indeed, the RTK was amongst the first Kosovo success stories of the UN administration's transferring competences by appointing, in 2001, a local professional as RTK Director. The Kosovo Assembly adopted the first Law on Radio and Television in Kosovo in January 2006, replacing the previous UNMIK Regulation No 2001/13 as well as other administrative instructions relating to the financing of the public service media. The RTK Law was amended again in 2012, and a third amendment has been tabled to the Kosovo Assembly due to uncertainties relating to the model of financing and the destiny of RTK property.

³ Kosovo declared its independence on 17 February 2008. International community, through a UN envoy was involved on providing a constitutional package that would ensure advanced standards for Kosovo minorities therefore, it was called 'supervised independence'. However, Serbia opposed this process calling it 'unilateral declaration of independence'. Since 2013, both countries are negotiating a peace process towards an agreement.

⁴ RTK Annual Report 2001, p. 8, http://www.rtklive.com/pages/files/2001_sq.pdf.

RTK's path and struggles

While UNMIK Regulation No 2001/13 was still in force, the RTK was financed from Kosovo's consolidated budget, administered by the UNMIK Special Representative. Later, the UNMIK Regulation and other administrative instructions enabled the conclusion of a contract between the RTK and Kosovo Electricity Corporation (KEK). Pursuant to this contract the licence fee was integrated into the electricity bills of households and this is how it was paid in the period 2006-2009. The KEK was collecting the RTK fee of 3.5 Euro from each household in Kosovo. However, this form of licence fee collection came under criticism because it was also paid by households that did not have RTK signal reception and by families on welfare, although these categories were expressly excluded by the law.

With the adoption of the RTK Law in 2006, the UNMIK Special Representative transferred responsibility for the financial affairs of the RTK to the Kosovo Assembly. The financing model remained the same with the TV licence fee being incorporated into the electricity bill. The shortfall in funds was covered by a subsidy from the budget of the central government. In addition, the RTK could also generate income from broadcasting advertising. This attracted criticism from commercial media as the public broadcaster became a player on the advertising market, regardless of its access to public funds.

The RTK and KEK contract lasted until 2009, when it was terminated by KEK due to a complaint submitted to the Constitutional Court. A Kosovo citizen alleged that the charge violated his rights. In relation to the contract, the KEK alleged commercial losses on account of unpaid bills. The bills issued by the KEK did not correspond to the amounts paid by customers. Despite this, the public broadcasting fee continued to be charged with each electricity bill.

Another issue the RTK faced at the time was the disputed ownership of the premises from which it operated, formerly owned by the RTP. In other words, since its establishment the RTK has always been in a precarious situation with respect to its property and sources of funding, both issues seriously undermining its effectiveness as an institution. The RTK still operates from premises situated in an old RTP building with disputed ownership. In addition, the premises are obsolete and too small for the journalists working for the institution and its senior management.

Programme development

One of the basic principles of the RTK, enshrined in UNMIK Regulation No 2001/13 and subsequently in the RTK Act, is that *'the RTK shall be independent and impartial, reflecting editorial integrity and objectivity.'*⁵ Responsibility for guaranteeing the editorial independence of the public broadcaster was delegated to self-governing institutions through the establishment of an independent RTK Board. However, in the period 2004-2006, international consultants of the OSCE were reinstated at the RTK due to editorial failures while reporting on the interethnic riots in 2004 that left 19 people dead.⁶

During the first two years after the war, RTK, through one TV channel and two radio-stations, broadcast in Albanian, dedicating 15 percent of airtime to programmes in Serbian, Bosnian and Turkish. International support enabled the RTK to gradually expand its programme, initially from two to four hours a day, to ultimately put in place a 24-hour broadcasting scheme in 2003. At the same time, the RTK also launched a website – rtklive.com. In the period in question, approximately 65 percent of programme content consisted of in-house productions. In 2003, the RTK continued developing by extending its news programmes in the Roma language. Through further development in 2013, it managed to launch the RTK2 channel (in Serbian), while a year later it established two other thematic channels, RTK3 (with news content and debates), and RTK4 (featuring documentaries, entertainment and sport content).

Structure of the public broadcasting system

The Law on the RTK, adopted in 2006 and amended in 2012, defines the Kosovo public broadcaster as:

*'(..) a legal not-for-profit entity with the status of an independent public institution of particular importance that provides a public media service (-)'*⁷

⁵ UNMIK Regulation 2001/13 (2001) On the establishment of Radio Television Kosovo, 15 June, http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_13.pdf.

⁶ OSCE (2004) The Role of the Media in the March 2004 Events in Kosovo, OSCE Report, p. 4, <https://www.osce.org/fom/30265?download=true>.

⁷ Law No -04/L-46 on Radio Television of Kosovo, Article 3.2, <https://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20Radio%20Television%20of%20Kosova.pdf>.

The RTK operates in accordance with Law 04/L-046 on Radio and Television in Kosovo. In addition, there are other essential documents approved by the RTK such as its Statute and Professional Standards and Ethical principles of journalism in RTK programmes. There are many other laws and regulation applicable to the RTK in the performance of its public service broadcasting mission.⁸

The founder of the RTK is the Kosovo Assembly. The Assembly is responsible for ensuring the independence of the institution and making provisions for adequate financing of the RTK that enables it to fulfil its mission and perform its functions.

RTK governing bodies and their competence

The main governing and managing bodies of the RTK are:

- › the RTK Board and
- › the RTK Director-General.

a) RTK Board composition and criteria

The RTK Board is composed of eleven members. In order to be eligible for election to the RTK Board, a candidate must have professional qualifications in any of the following areas: culture, art, cinematography, journalism, law, business and financial management, public relations, international relations, academia, media and engineering. In addition, Board members must be individuals with credibility and high human, professional and moral authority. Board members must undertake to perform the duties of their office with dedication, objectivity and impartiality.

The RTK Board respects the principle of inclusion of minorities and women. Therefore, three members must belong to minority communities and at least two members must be women. Through a competitive process, an ad-hoc committee of the Kosovo Assembly interviews and shortlists two candidates for each vacant position on the Board, and the candidate who gets majority votes in the Assembly session is appointed. The term of office of RTK Board members varies. Four members are appointed for a term of two years, another four members for a term of three years and three members for a term of four years. The term of office is determined by lots drawn by the Assembly's Media Committee.

⁸ On its operation, RTK is obliged to obey with; 17 laws, 9 bylaws, and 16 internal regulations, see RTK Annual Report 2018, pp. 10-11, http://www.rtklive.com/sq/pages/files/raporti_vjetor_2018_AL.pdf.

b) RTK Board competences

In terms of governing documents, the RTK Board approves the statute, internal operational documents, editorial policies, general programme scheme, organisational programme structures, and programme production. It also reviews and approves the annual budget and reviews, approves and submits the annual report on activity and financial report to the Kosovo Assembly.

In terms of management structures, the RTK Board has the authority to appoint and dismiss the Director-General and their deputies, and appoint and dismiss the directors of TV channels and radio channels.

c) RTK Director-General

The incumbent is in charge of managing RTK activities pursuant to the RTK Law, Statute, and Code of Ethics. The Director-General presents the annual plan to the Board for approval, adopts decisions on operational matters relating to programming, organisational and financial affairs, appoints and dismisses employees, represents the RTK and coordinates the work of all administrative and programme units. The responsibilities of the Director-General include reporting, at least once a month, to the RTK Board. The RTK Director-General is elected for a period of three years with an option for one subsequent reappointment for the same term.

The RTK broadcasting system

In 2019, the RTK invested in acquiring equipment and technology and installed two new studio cameras manufactured by Black Magic HD. This has enabled it to partially digitalise the studio equipment and technologies used to create in-house productions.

In 2015, the RTK staff programmers developed an inject and play-out system FBPS (File Based Production System) that has enabled RTK to replace recording tapes by storing programme content and broadcasting it from servers. Despite this, Kosovo has not yet digitalised its terrestrial broadcasting network. Therefore, audience members with analogue antennas do not have access to RTK HD programmes.

By law, the RTK must also ensure a share of at least 20 percent of independent programme content in its televised broadcast, excluding news programmes. In addition, 15 percent of the content broadcast by RTK1 (Albanian language) and RTK2 (Serbian language) must be in minority languages. These requirements also apply to radio channels. Both channels are striving to provide programmes that satisfy these requirements.

The RTK1 and RTK2 are managed by separate TV Directors. Operating from the same premises, they rely on joint technical staff and resources to produce their respective programme content. They also report to the same RTK Director-General but in ethnical context they function independently.

The RTK has also had to establish a multimedia department in order to maintain a presence on YouTube, Facebook, Instagram and Twitter, in addition to its webpage.

Current programmes and content

The RTK has a mandate to promote culture of civic dialogue as a wide forum for public discussion. In order to fulfil its public service mandate, the RTK must provide content information on events in the country, in cross-border areas, Europe, and the rest of the world.

Therefore, in line with the RTK Act, the RTK is guided by the principles such as promoting education, culture, health, science, Kosovo history and identity, domestic television products, drama, sports and entertainment. A particular legal obligation is to promote the rights of different groups such as minorities, youth, women, people with disabilities, religious communities, groups in society, children and the family. Programme content must also be appropriate to different age groups.

The RTK has kept its content and programmes by enabling programme production via deferent platforms.

*Table of RTK entities and programmes

Entity	Programme content / platform / language	Since
RTK 1	generalist ⁹ TV programme content in Albanian, (15% in Bosnian, Turkish, and Romani), 24-hour operation, terrestrial, cable TV platforms, satellite broadcasting and streaming	1999
RTK 2	generalist programme TV content in Serbian (15% of the in Bosnian, Turkish, and Romani), 24-hour operation in cable TV platforms and streaming	2013
RTK 3	information and documentary, debates, TV content programmes in Albanian language, 24-hour operation in cable TV platforms and streaming	2014

Entity	Programme content / platform / language	Since
RTK 4	sports and entertainment, movies, TV content programmes in Albanian, 24-hour operation in cable TV platforms and streaming	2014
Radio Kosova 1	generalist programme, with 24-hour audio content operation via terrestrial, satellite and internet-based broadcasting in Albanian, Serbian, Bosnian, Turkish and Romani; news edition of half an hour per day in English	1999
Radio Kosova 2	entertainment and music audio programmes, broadcast 24 hours in Albanian and other communities living in Kosovo	1999
RTK portal www.rtklive.com	generalist news, presented via web platform, in real-time in Albanian, English, Serbian, Bosnian, Turkish and Romani ¹⁰	2002

The RTK funding model

According to the RTK Act the public broadcaster may rely on different source of funding for its activities such as a licence fee, a government subsidy, own revenue from in-house productions and sponsorship and advertising.

At the time when the RTK was established its funding model was highly precarious. It was initially financed from the government budget by UNMIK/self-governance institutions and through advertising revenue. Subsequently, after the introduction of the licence fee, the RTK has been financed directly by the general public. This model of financing has endured and proved sustainable. However, in 2009 the KEK suspended the licence fee collection contract.

The RTK Act adopted in 2012 provides for the financing of the institution through a government subsidy and from advertising revenue. The reason for

⁹ Generalist programme consists of information content, education, thematic debates, sports and entertainment programmes.

¹⁰ RTK web portal is active in Albanian, Serbian and English, while RTK portals in Bosnian, Turkish and Roma are outdated.

this solution is that the Kosovo Assembly, as the founder of RTK, failed to agree on another viable model of financing of the Kosovo public broadcaster. In 2019, the government grant for the RTK stood at 11.2 million Euro. The RTK Act further provides that during a transitional period, an amount of 0.7 percent of Kosovo State budget will be allocated to the RTK.¹¹ In addition, by broadcasting advertising content, the RTK plans to collect an additional 1.5 million Euro, its budget thus totalling 12.7 million Euro. Therefore, around 88 percent of RTK funding depends on the state budget, with a share of only 12 percent of income from other sources such as advertising.

RTK editorial independence – links to political groups

A core principle laid down in the RTK Act is that the public service broadcaster is free and independent from political interference and state control.

Although the law provides for and safeguards the independence of the public service broadcaster, the RTK has yet to cope with certain challenges that have a negative impact on its editorial independence.

The signs of pressure from the international community administration of Kosovo's national media¹² were first felt in the wake of the 2004 interethnic riots.¹³ An OSCE report¹⁴ criticised Kosovo media for reckless reporting during these tragic events. The RTK reporting on riots also drew criticism. Although this criticism may be seen as having boosted careful and professional reporting, especially of interethnic conflicts, it was not the role of media to self-censor content, even if tensions might occur due to the sensitive nature of the stories reported.

Another negative sign of interference surfaced in 2009, leading to the resignation of the RTK Director-General Agim Zatriqi. Although he justified

¹¹ The article 21. 4 of the RTK law of 2012, stipulates '*For a transitional three-year period, until the solution of funding through licence fee, RTK will be allocated 0.7 % of this income from the Kosovo Budget annually...*'. Since the adoption of the RTK law in 2012, this provision still applies as the public broadcaster fee (licence fee) collection was not resolved yet.

¹² Initially, Kosovo had only 3 TV station with nation-wide terrestrial broadcasting; RTK with public broadcasting licence, and RTV 21 and KTV broadcasting with commercial licences.

¹³ See footnote 8 explaining the same.

¹⁴ OSCE (2004) The Role of the Media in the March 2004 Events in Kosovo, OSCE Report, p. 9, <https://www.osce.org/fom/30265?download=true>.

his resignation by citing ‘personal reasons’, media at the time reported that it was due to direct government pressure. It was alleged that Zatriqi found it impossible to run the RTK, as the then Kosovo Prime Minister, Hashim Thaçi had asked Mr. Zatriqi to reinstate the Editor-in-Chief Mentor Shala, whom he had dismissed due to lack of professionalism. Several years later, the RTK Board appointed Shala Director-General of the RTK.

Another perennial issue for the RTK is the uncertain budget. RTK financing is generally considered to be the back door for government control over the institution. Therefore, until 2006 the RTK Board and its management struggled to find a sustainable financing solution. This issue was temporarily addressed via licence fee collection through the electricity bills. However, three years later, upon contract suspension by the KEK, RTK financing has yet again become a crucial challenge for viability. The institution is now fully dependent on the subsidy it receives from the government, which clearly diminishes its independence as public service media.

Indeed, the financial constraints have affected editorial policy and overall planning developments relating to programme content. As the model of RTK financing from the state budget has been reinstated, the broadcaster has once again come under political influence. This conclusion is supported by the fact that for many years the questions to be asked of the incumbent President on live TV were transmitted in advance to a subordinate journalist who acted on instructions from the President’s advisors. The Facebook chat messages with the questions were disclosed by a former RTK journalist.

Indeed, an independent observer will on occasion notice that the RTK casts government activities in a positive light as compared to the actions of the opposition. This manner of reporting may last for several days, and even weeks, before turning reverting back to a more balanced mode of reporting. This raises the question whether RTK management is furthering the agenda of government leaders at the expense of the principle of impartial reporting.

Furthermore, a recently published EU Report on Kosovo has placed a strong emphasis on the challenges faced by the RTK.

The Assembly has drafted a new Law on the public broadcaster, including a potential solution for sustainable funding for Radio Television of Kosovo (RTK). To date, the broadcaster remains directly state-funded, with its budget determined annually by the Assembly. This undermines its

independence, weakens its long-term sustainability and leaves it prone to political influence. Trade unions allege a lack of transparency in its recruitment procedures'.¹⁵

Conclusions and recommendations

In order to enable a truly independent public broadcaster, Kosovo must ensure a proper and sustainable financing system for the RTK. The licence fee is the prevailing model of financing and it constitutes a direct relationship between citizens and the broadcaster. Thus, the RTK will either turn into a proper public broadcaster with the advantages and disadvantages that PSM across Europe face or turn into a state broadcaster with negative long-term implications.

In addition to a sustainable financial system and with the aim of enabling the RTK to fulfil its mission, the Kosovo Assembly and other relevant institution shall address the following;

- › RTK property issues should be resolved; RTK shall have the ownership over the building and programme production;
- › The issue of the former RTP programme archives should be resolved;
- › Political parties must refrain from putting any pressure and abandon nepotism and politically affiliated employment at the RTK;
- › Government, political interference, and other institutional pressure on editorial policy must also be removed;
- › The Kosovo Assembly must appoint competent and Board members in a merit-based selection. The RTK Board must do the same as regards to the RTK management, and not inject party activists into the RTK;
- › The Kosovo Assembly must accelerate appointment procedures to promptly elect Board members to vacant positions;
- › A separate sufficient fund must be set up to enable the RTK to acquire the requisite equipment and launch digitalisation.

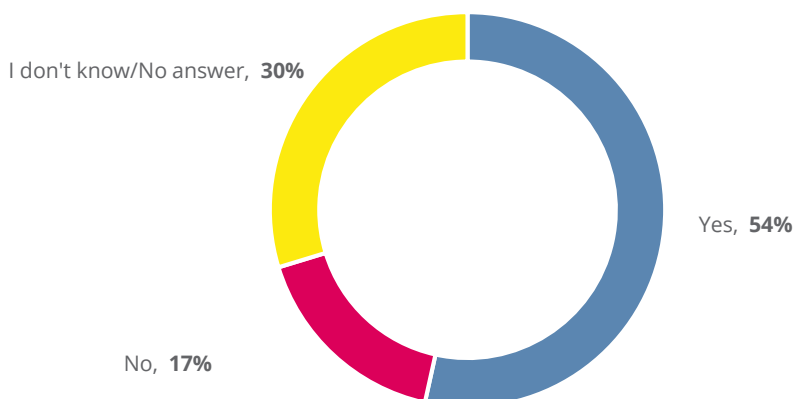
¹⁵ European Commission (2019) Kosovo 2019 Report, p. 85, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>.



Driton Qeriqi is actively working in the field of media regulation, institutional capacity building and election projects. Through an IREX/USAID media project in Kosovo, he has participated in working groups on drafting and amending media legislation and bylaws. In addition, Qeriqi served a three-year term as Media Commission member which is a decision-making authority responsible for endorsing policies, licensing and regulating audio-visual media in Kosovo. Currently, Qeriqi is working in an election project with the Democracy for Development Institute.

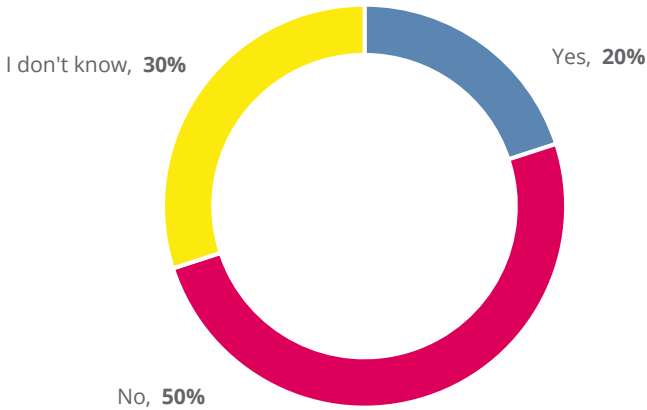
Opinion Poll Kosovo

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Kosovar sample, in percent)



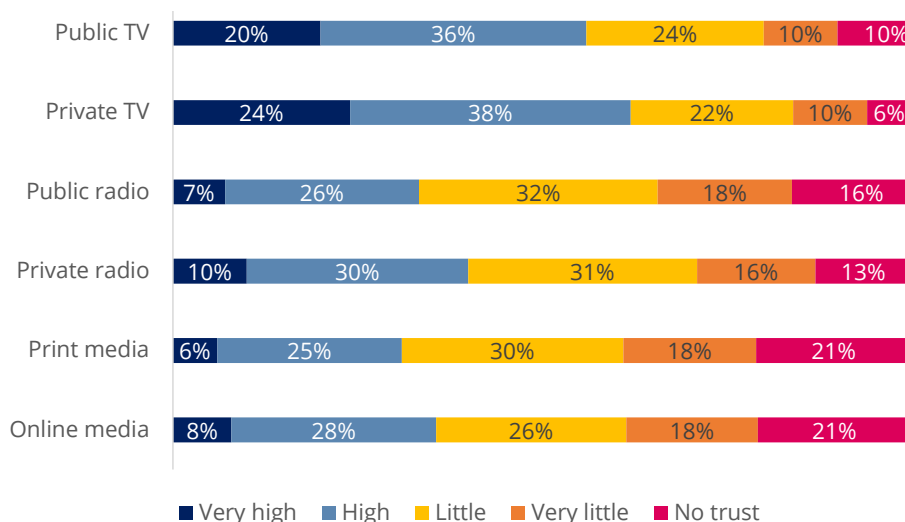
Kosovo has the lowest percentage of respondents who consider PSM important for democracy in the country. Only 54 percent believe that PSM are important for democracy in Kosovo. 3 out of 10 Kosovars do not have an opinion, which adds to the number of respondents who do not consider PSM to be important for democracy (see Chart 1). For this question there are no significant differences based on demographic profiles.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Kosovar sample, in percent)



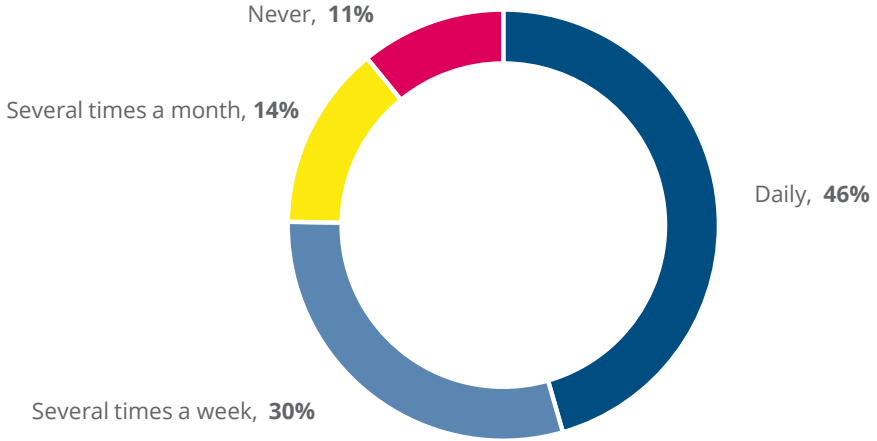
In keeping with the citizens of other countries in the region, Kosovars do not believe that PSM are free from political influence: although the share of respondents who share this opinion is 50 percent and thus significantly lower than the average share for the region (64.2 percent), the high number of respondents who did not answer the question (30 percent) indicates that these figures are in fact similar (see Chart 2).

Chart 3: How much trust do you have in following media? (Base: Total Kosovar sample, in percent)



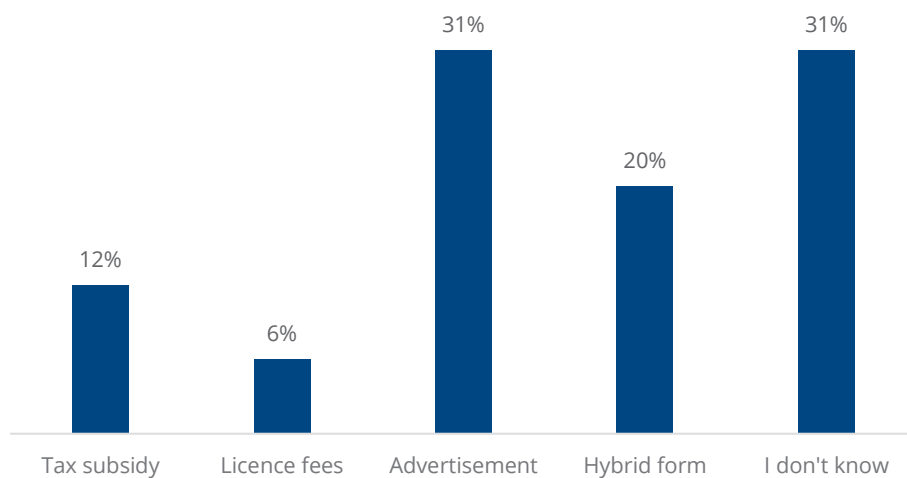
Compared to the citizens of other countries in the region, Kosovars have greater trust in the media based on the average level of trust in different media channels. For example, 56 percent of respondents have either very high or high trust in the public television and even 62 percent in private television channels. Television in general is the most trusted media channel. The least trustful media according to respondents are print and online media, with 21 percent of respondents having no trust in either media channel (see Chart 3).

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Kosovar sample, in percent)



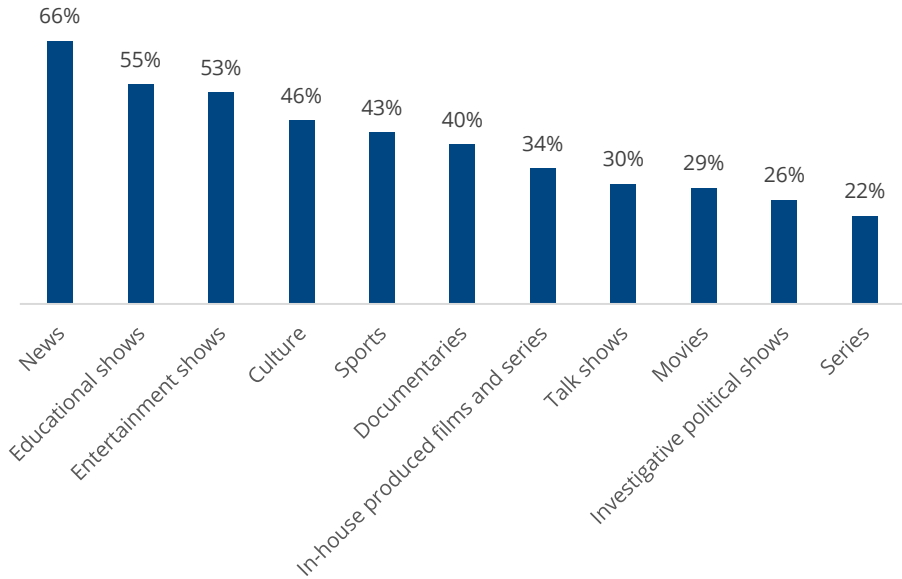
PSM daily use in Kosovo is similar to the trends in other countries in the region: 76 percent of respondents use PSM services several times a week or daily (see Chart 4). Expectedly, senior citizens, aged 50-64 years or over 64 years, use PSM daily to higher extent, with 63 percent, respectively 64 percent, of respondents in the two age groups using PSM daily.

Chart 5: What type of funding do you prefer for PSM? (Base: Total Kosovar sample, in percent)



Kosovo citizens have refrained from answering the question about best funding model for PSM. Almost one-third of respondents were unable to answer the question (see Chart 5). Despite this, the most preferred funding model is advertising (31 percent) and the hybrid model (20 percent).

Chart 6: What kind of content should PSM present? (Base: Total Kosovar sample, in percent, multiple answers possible)



Regarding PSM content the citizens of Kosovo (see Chart 6) confirm the pattern observed throughout the region: men would like to watch sport programmes (61 percent as compared to only 25 percent of women) and women would prefer series (32 percent as compared to only 11 percent of men). 88 percent of citizens aged over 64 years would like to watch news on PSM as compared to 66 percent of the country average.

The Story of an Unfinished Transformation to True Public Service Media

The case of Teleradio-Moldova

Nadine Gogu

Introduction

The national public broadcasting institution Teleradio-Moldova Company (TRM) (official name: *Institutia Publica Nationala a Audiovizualului Compania Teleradio Moldova*) is the national public service media in the Republic of Moldova. It is funded from the government budget, operates in the entire territory of Moldova, and provides programme services to all groups of population. It currently has two TV channels – Moldova 1 and Moldova 2 – and three radio channels: Radio Moldova Actualități, Radio Moldova Tineret and Radio Moldova Muzical.

The TRM has been a member of the European Broadcasting Union (EBU) since 1994. It has also signed a Memorandum of Understanding with DW (*Deutsche Welle*) and co-operation agreements with EuroNews, TRT (Turkish Radio and Television Corporation), TVR (Romanian Television Society), SRR (Romanian Radio Broadcasting Corporation) from Belarus, Radio Television of Ukraine, BNT (Bulgarian National Television), and LRT (Lithuanian Teleradio Company).¹

The mission of Teleradio-Moldova is to address the needs of diverse categories of citizens in terms of information, education and entertainment and nurture respect for human beings, dignity, tolerance, public morality, attachment to democratic values and the promotion of universal human rights. The TRM should develop, produce and broadcast programmes on national and international, social, political and economic topics and on culture, entertainment, education, and sports. Programmes should be pluralistic, impartial and innovative in order to provide the public with fair and equidistant information, ensuring political balance, freedom of expression, freedom of

¹ Website Teleradio-Moldova, www.trm.md.

creation and beliefs. It must also respect the journalists' right to develop and be bound by self-regulatory codes of ethics.

Beside the national broadcaster, a regional public broadcaster (*Gagauziya Radio Televizionu, GRT*) also operates in Moldova. It comprises a TV station and a radio station. Both have coverage in the territory of the autonomous region Gagauzia. The broadcaster's founder is the Popular Assembly of Gagauzia (the regional Parliament). The GRT operates in accordance with the Audio-visual Media Services Code of Moldova and applicable local legislation. The GRT is not included in the current analysis. This text will focus on Teleradio-Moldova as it is the only national public broadcaster.

History of Teleradio-Moldova

The history of the national public broadcaster goes back to 1939, when Radio Bessarabia was launched in Chisinau by the Romanian Radio Broadcasting Company.² In the period 1940-1941, radio services were part of the Radio and Broadcasting Committee alongside the People Soviet Commissars of Soviet Socialist Republic of Moldova (RSSM).³ In 1958, the central television of the Soviet Union began to re-broadcast its content in the RSSM, with two to three hours of content per day being locally produced in Moldova. In 1970, the TV channel TVM was established and in 1990 it was restructured into the National Radio Television (*Radioteleviziune Națională*). In 1994, the State Company Teleradio-Moldova was established and operated for a period of ten years. On 1 August 2004, following the adoption of the Law on the national public audio-visual institution on, the Teleradio-Moldova State Company was granted the status of National Public Broadcasting Institution Teleradio-Moldova.

It should be noted that in 2000 the TVM channel was renamed to Moldova 1 TV Channel, the Moldovan Radio to Radio Moldova, and Radio Chisinau to Radio Moldova International. In 2010, Radio Moldova was renamed to Radio Moldova Actualități.

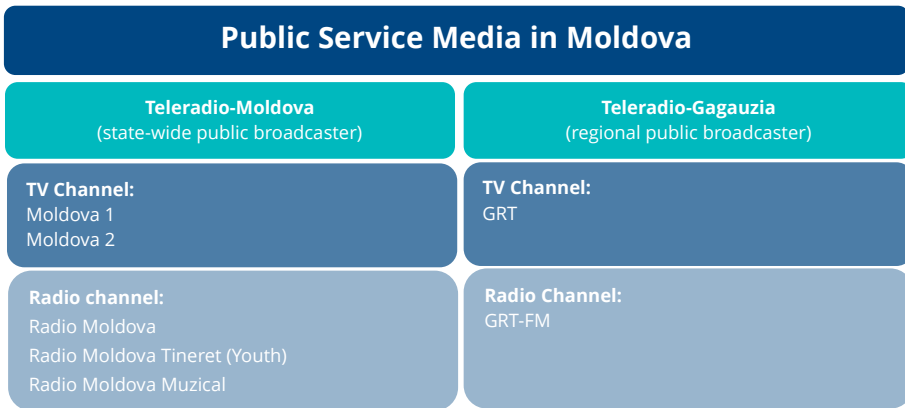
The TRM currently comprises 2 TV stations (Moldova 1 and Moldova 2) and three radio stations – Radio Moldova, Radio Moldova Tineret (Youth) and

² Alex Lancuzov (2011) Radiofonie românească: Radio Basarabia, Radio Romania Actualități, 23 Novembre, http://www.romania-actualitati.ro/radiofonie_romaneasca_radio_basarabia-35596.

³ Website Teleradio-Moldova, www.trm.md.

Radio Moldova Muzical. The radio and TV content produced by TRM include newscasts, TV and radio shows, TV and radio talk shows, special projects, and concerts. It also broadcasts movies, series, cartoons, TV shows provided by international partners. A number of TV and radio shows target ethnic minorities and children.

Structure of the broadcasting system



Teleradio-Moldova operates according to the Audio-visual Media Services Code of the Republic of Moldova.⁴ As an institution that serves public interest, its editorial policy should be based on democratic values and promote the cultivation of human dignity, civic spirit and national unity. It should ensure fair, equidistant and impartial information to all groups in society in Moldova and abroad, respecting political balance, freedom of expression and pluralism of opinion. Radio and television programmes and web materials should promote the values of national heritage and the achievements of culture, science, national and international civilisation, producing and broadcasting knowledge and entertainment programmes for children, young people and adults.

In accordance with the Code on the Provision of Audio-visual Media Services, the TRM pursues several objectives, such as:

⁴ Code on Audiovisual Media Services (2018), <http://www.audiovizual.md/files/Codul%20serviciilor%20media%20audiovizuale.pdf>.

- › ensuring access to information based on pluralism of opinion, impartiality and equidistance;
- › providing access to information to all groups in society, including co-inhabiting ethnic groups;
- › promoting democratic debate, exchange of opinion among different groups in the population and the social integration of citizens.

The activity of the national public broadcaster is supervised by a Supervisory Board (SB), which represents public interest in relations with the public institution and national public media service provider. The Board consists of nine members with varied professional backgrounds and is elected by the Audio-visual Council⁵, the state broadcasting regulatory body.⁶ According to the Code on the Provision of Audio-visual Media Services the members of the SB should represent areas such as mass media, legislation, communications, international relations, culture, cinema, financial management, IT, academia or engineering. At least three of the SB members should represent the regions. Candidates should meet a number of criteria, such as to be citizens of Republic of Moldova, to have at least five years of experience in the above areas, to speak Romanian and at least one internationally used foreign language, to have a good reputation and a clean criminal record, and not to have been members of Supervisory Board or Audio-visual Council in the last six years. The Supervisory Board approves the statute and bylaws governing the activity of the public broadcaster, elects the Director-General, approves long and middle-term development strategies and changes to the annual budget, presents annual reports, etc. The operations of the national public broadcaster are directed by a Managing Board consisting of the Director-General, Deputy Directors, managers of audio-visual media services and managers of joint/communal services. The Director-General is selected by the Supervisory Board in an open competition. In order to organise the competition, the Supervisory Board develops and approves an ad hoc regulation that sets out the requirements and selection criteria.

In 2014, the TRM established an ombudsman service. It is an autonomous entity and that acts as a self-regulation mechanism of the TRM. It also serves

⁵ The members of the Audio-visual Council are nominated by the Parliament (2), the President (1), the Government (1) and by civil society (5) and are elected by the Parliamentary committee on mass media.

⁶ Code on Audiovisual Media Services (2018), <http://www.audiovizual.md/files/Codul%20serviciilor%20media%20audiovizuale.pdf>.

as a mediator in disputes between the broadcaster and the public, between broadcaster's employees and between the employees and the management. The goal of this service is to maintain and strengthen public trust in the public broadcaster.

The budget of the public broadcaster comprises a subsidy from the state budget and a component of own revenues. The state subsidy is determined annually in the State Budget Act and should be equal to the subsidy for the previous year, multiplied by the index of consumption prices for the last budget year. In 2018, the state subsidy was approximately 122 million Moldovan Lei (approx. 6 million Euro), which constitutes 87 percent of the total budget of the organisation while the own revenue stood at approximately 18.5 million Moldovan Lei (approx. 0.8 million Euro). The own revenue is generated from selling advertising, programme content and co-productions, donations, sponsorships and other legal sources.⁷

Radio Moldova Actualitati and Moldova 1 TV are among the most viewed/listened broadcasters. Their rating is relatively high owing to their national wide coverage according to the Public Opinion Barometer. For instance, in October 2018 approximately 40 percent of the population said that Moldova 1 TV channel is their principal source of information.⁸ The most recent media survey conducted in October 2018 showed that the daily share of Moldova 1 is 22 percent, with a daily rating of 15 percent and its market share of 8 percent.⁹ For Radio Moldova Actualități these figures are as follows 21 percent in daily share of the audience, a daily rating of 7 percent and a market share of 13 percent.

According to media experts Teleradio-Moldova is underfunded, having run a budget deficit of up to 40 percent in some years.¹⁰ Although in the last decade the governments have repeatedly stated their commitment to reforming and supporting the institution, no government has succeeded in providing

⁷ Code on Audiovisual Media Services (2018), <http://lex.justice.md/md/378387>.

⁸ Public Policies Institute (2018) Barometer of Public Opinion, November, <http://ipp.md/2018-12/sondajul-sociologic-barometrul-opinii-publice-noiembrie-2018>.

⁹ Dumitru Slonovschi (2018) Studiu asupra audienței tv, radio, internet și presa scrisă, Centrul pentru Jurnalism Independent, November, <http://www.media-azi.md/ro/publicatii/%E2%80%9Estudiul-na%C8%9Bional-de-audien%C8%9B%C4%83-mass-media%E2%80%9D>.

¹⁰ Fulfilment of objectives of the Strategic Development Directions of the National Public Broadcaster Teleradio-Moldova for 2010–2015.

adequate funding to Teleradio-Moldova. In 2018, the Code of Audio-visual Media Services was adopted but Parliament did not approve a fixed share of the annual national budget for the public broadcaster Teleradio-Moldova, meaning that it remains dependent on state funding.¹¹ In 2018, public media service providers¹², especially broadcasters, continued to be treated as ‘the poor relative’ through underfunding and politically motivated nominations, although formal public competitions took place with the participation of some civil society candidates. The results of the competitions were a foregone conclusion, perpetuating political control over public media. As a result, experts believe that although public broadcasters benefit from a special status and are supported by public money their editorial content often favours the government of the day.¹³

Independence from political influence

The TRM is an autonomous institution and should operate in accordance with the Code on the Provision of Audio-visual Media Services. Public authorities, parties, commercial, economic organisations, social-political bodies and trade unions are not allowed to interfere in the operation of the public broadcaster. The editorial policy should be developed and adopted independently by the governing bodies of the company.¹⁴ The values in which the activities of the TRM are grounded include corporate responsibility to the public, quality, credibility, relevant information, non-association with persons and groups of interest, independence (avoidance of attempted internal and external interference), political and social pluralism (presenting different opinions of various social and political actors), equidistance, etc.¹⁵

Under the law, public media managers should be elected democratically and should be free from any outside influence. In fact, neither the members of the national public broadcaster supervisory boards nor their managers are totally

¹¹ IREX (2018) Media Sustainability Index 2018 – Europe & Eurasia, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2018-full.pdf>.

¹² Besides the public service broadcasters, there are print media which are funded by state institutions, such as Official Gazette, specialized magazines issued by ministries, governmental agencies.

¹³ IREX (2018) Media Sustainability Index 2018 – Europe & Eurasia, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2018-full.pdf>.

¹⁴ Code on Audiovisual Media Services(2018), <http://lex.justice.md/md/378387>.

¹⁵ Website Teleradio-Moldova, www.trm.md.

independent of politics.¹⁶ The law guarantees the independence of public media editorial policy. However, public broadcasters receive state funding, which influences the nomination of leaders based on political considerations and which, as most media experts believe, leads to self-censorship.

As various media monitoring reports and case studies show, the public broadcaster Moldova 1 TV does not cover all events in line with these stated objectives and the provisions laid down by law. The topics covered in news reports broadcast during the main newscast 'Mesager' on Moldova 1 are at variance with the stated public service remit of the organisation according to which news programmes should be informative and comprehensive, educative, current and original. Topics aiming to promote the central authorities' activities are inserted almost daily in newscasts. The coverage is mostly positive, presenting dozens of reports and success stories on the activities of the Prime Minister and the Speaker of Parliament. In September 2018, the newscast Mesager, for instance, included a large number of news reports based on press releases issued by government press centres, opinions of public servants and electoral promises. In addition to news reports, some TV shows (magazine genre, ethno-musical or entertainment) feature ministries, mayors, secretaries of state, deputies and heads of districts. Almost all of them speak about the ruling party's merits and efforts to improve people's lives.¹⁷

No single newscast in September 2018 was focused on topics of public interest.¹⁸ When such reports are included, they were not tackled in depth. Some were too general and superficial. Most reports were not comprehensive and did not address issues in a way that could help viewers become more knowledgeable or better informed about the topics discussed. The reports did not rely on different sources, in most cases only on representatives of central authorities being cited. Also, the opinion of representatives of the governing party – Democratic Party of Moldova (PDM) – was presented in various reports. This type of coverage is consistent with PR reports that promote the ruling party.¹⁹

¹⁶ IREX (2018) Media Sustainability Index 2018 – Europe & Eurasia, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2018-full.pdf>

¹⁷ Ibid.

¹⁸ Aneta Gonța (2018b) Quo vadis, Moldova 1? Postul public de televiziune cade în capcana întinsă de politicieni, Media-Azi.md, 3 October, <http://www.media-azi.md/ro/stiri/quo-vadis-moldova-1-postul-public-de-televiziune-cade-%C3%AEn-capcana-%C3%AEntins%C4%83-de-politicieni>.

¹⁹ Aneta Gonța (2018a) Limbajul de lemn, omniprezent în știrile de la Moldova 1, Media-Azi.md, 30 May, <http://www.media-azi.md/ro/stiri/limbajul-de-lemn-omniprezent-%C3%AEn-%C8%99tirile-de-la-moldova-1>.

According to mass media monitoring reports relating to the last election campaign, the public broadcaster maintained social and political balance in its programmes dedicated to parliamentary elections, but observers found a positive tone towards government actors.²⁰ This warrants the conclusion that the content produced by the public broadcaster is influenced by political actors, pursuing ideological effects rather than fair and objective coverage of events.

The public broadcaster's lack of independence has been flagged as a challenge by civil society organisations and opposition party leaders on various occasions. One of the most prominent cases occurred in 2015, when media and civil society organisations reacted to the way the Parliament elected four Supervisory Board members and the way the senior management of the TRM was subsequently elected by this board. In a press statement a number of media NGOs expressed their concern about '...the continuation of reprehensible, anti-democratic and illegal practices and politically distributing positions on the regulatory and supervisory bodies of the broadcaster' and urged real reforms for media development instead of media suppression. The statement was issued after four Supervisory Board members of the TRM were appointed by Parliament without any clear, measurable and transparent criteria. Also, media NGOs made their own assessment of the way the Board conducted the competition for the position of Director-General of Teleradio-Moldova and concluded that the selection was flawed.²¹

In 2017, the extra-parliamentary opposition parties, notably the Party for Action and Solidarity (PAS) and the Political Party for Fairness and Truth (PPDA), claimed that the public broadcaster is politically controlled. They organised anti-government protests in September in front of the Parliament building in Chisinau and then continued at the premises of the public broadcaster Moldova 1. The participants in the protest adopted a resolution calling for 'de-politicisation' of the National Public Broadcasting Institution Teleradio-Moldova, offering the extra-parliamentary opposition enjoying genuine popular support airtime during primetime hours at least once per week to allow it to share its position on the socio-political situation in the country. The management of Moldova 1 TV rejected the request to grant one hour of airtime per week to 'the real opposition'. 'In accordance with the provisions laid down

²⁰ IJC (2014) Press Freedom Report Republic of Moldova 2014, Independent Journalism Center, <http://www.media-azi.md/en/press-freedom-report-republic-moldova-2014>.

²¹ IJC (2015) Press Freedom Report Republic of Moldova 2015, Independent Journalism Center, <http://www.media-azi.md/en/press-freedom-report-republic-moldova-2015>.

by law, the administration of the public television will not admit pressure or illegal interference in its editorial activity and independence, regardless of the authority or party it comes from', the Teleradio-Moldova stated in a reply. The management of Moldova 1 TV disagreed with what was perceived as PAS and PPDA attempts at 'discrediting and defaming the image of national television through aggressive pressure and interference in its editorial policy'.²²

It should be noted that experts who may express critical opinions towards the government officials are rarely invited to the public broadcaster's talk shows. There are some reports pointing out that there is a so-called blacklist of experts, politicians, editorialists who are not invited to talk shows because they are too critical toward the central administration.²³ Opposition politicians say that the public broadcaster does not provide free airtime to the opposition leaders and that the management mimics pluralism by inviting pseudo-experts or parties that are not functional at all.

Adaptation to the digital age

Digitalisation process is still under way in Moldova. The government decided to postpone the switchover to digital terrestrial television until March 2020, arguing that broadcasters were not prepared to create regional multiplexes or commence broadcasting through the national multiplexes; they had neither the technical means nor the money to do so. The original deadline was 17 June 2015, which was later extended until 31 December 2017.

Moldova 1 TV station is accessible via on air broadcasting (digital DVB-T) on DMV and in analogue mode (SECAM) on MV, through cable, sputnik TV, IPTV, and also through the internet (SECAM). Moldova 2 TV is accessible via on air broadcasting (digital DVB-T) and DMV, cable, Sputnik TV, IPTV and the internet, Radio Moldova Actualități, Radio Moldova Tineret are accessible via on air broadcasting analogue and CV mode and the internet. Radio Moldova Muzical is available through the internet. Most content produced by the TRM is also available online on www.trm.md, where viewers and listeners can watch programmes live as well as to search them in archives. Beside newscasts, TV

²² IJC (2017) Public Call of Moldova 1 regarding September 17th protests, Media-azi.md, 2 October, <http://www.media-azi.md/en/stiri/public-call-moldova-1-regarding-september-17th-protests>.

²³ Victoria Popa (2018) Indezirabilii de temut, Jurnal de Chisinau, 3 December, <http://www.jc.md/indezirabilii-de-temut>.

and radio shows, talk shows, there are also written news reports published only online, under the NEWS heading.

Current debate about Teleradio-Moldova

The failure to reform the national broadcaster Teleradio-Moldova into a genuinely independent public service media outlet appears to be one of the most pressing issues. One of the main objectives of all parties in government since 2009 has been to reform the TRM by modernising its management and ensuring that it is properly funded. However, the reforms launched were supported by international organisations rather than by local authorities.²⁴ The idea of a deep reform was to shape managerial and creative solutions needed to face both types of challenges – underfunding (shortage of both material and human resources) and serving public interest. Among the challenges faced by the management were certain operating structural changes, ensuring technologisation, enhancing personnel engagement, staff training, as well as resisting potential attempts at interference in editorial policy. But deep reforms and radical restructuring of the public broadcaster could not be achieved, largely due to its financial dependence on the government, adverse legislation and weak autonomy. In addition, lacking will power or personal autonomy and maybe antagonistic interests of the management often restrained the enthusiasm and ambition for reform to the advantage of ‘conservators’ in the TRM who were opposed to reform.²⁵

Some media experts believe problems are also rooted in the lack of professionalism in the broadcaster’s management and its inability to administer work efficiently. These claims are based on the conclusions set out in two audit reports conducted in 2016 and 2017 by the Court of Audit.²⁶ They

²⁴ Petru Macovei, Nadine Gogu, Ion Bunduchi (2014) Reformele în domeniul mass-media în perioada 2009-2013: între promisiuni și fapte, <http://api.md/upload/editor/studiu-REFORMELE-rom-WEB-1.pdf>.

²⁵ IJC (2014) Press Freedom Report Republic of Moldova 2014, Independent Journalism Center, <http://www.media-azi.md/en/press-freedom-report-republic-moldova-2014>.

²⁶ Maxim Stratan (2018) Audit la ‘Teleradio-Moldova’: denaturări, raportare neveridică, contabilizare tardivă și incompletă a veniturilor, Ziarul de Garda, 5 Aprilie, <https://www.zdg.md/editia-print/social/audit-la-teleradio-moldova-denaturari-raportare-neveridica-contabilizare-tardiva-si-incompleta-a-veniturilor>; All Moldova (2016) Curtea de Conturi a depistat lacune în modul de gestionare a fondurilor publice de către Ministerul Apărării, 28 June, www.allmoldova.com/ru/news/curtea-de-conturi-a-depistat-lacune-in-modul-de-gestionare-a-fondurilor-publice-de-catre-ministerul-apararii.

concluded that there were gaps in financial management and violations in the management of public resources, including gaps relating to acquisitions, selling advertising and renting goods. The report noted that the Supervisory Board, which is in charge of evaluating the performance of the broadcaster and its management, failed to do so in a timely manner in order to prevent inefficiencies in the disbursement of public funds.

The lack of financial resources and investment in technological upgrade is a serious obstacle to institutional reform. However, obstacles are not solely rooted in insufficient financing from the state budget. A more serious problem that affects the image and credibility of the public broadcaster is the influence, and even interference, of central authorities in the work of the Supervisory Board of Teleradio-Moldova. This body has been continually criticised by media watchdogs for polishing the government's image, serving the ruling party's interests, and applying double standards when appointing the new management of the public broadcaster.

Conclusions and recommendations

The reform of the national public broadcaster Teleradio-Moldova has not been implemented and the organisation has failed to be transformed into a truly independent and public service media.

As regards programme content, the public broadcaster Moldova 1 TV does not fully perform its duties to inform the public about the issues of general interest in a comprehensive, objective, balanced, and innovative way.

Most news reports that resonate with society are covered superficially, providing brief one-sided information, while most reports that cover the central administration and governing party activities are biased towards the government, promoting its endeavours.

As a public opinion maker, Moldova 1 TV²⁷ should be aware of the social responsibility that rests with it to cover accurately and equidistantly the activity of important stakeholders involved in tasks of public interest.

²⁷ This refers only to Moldova 1 as there is no scientific data on the other channels, for instance Radio Moldova Actualităţi. So far, Moldova 1 has been the main interest for researchers, taking into account the fact that Moldova 1 is among leaders in terms of viewership.

Public opinion cannot be shaped solely on the basis of press releases and statements of the representatives of government bodies or politicians. Such information should serve as a starting point to produce comprehensive material that informs the public not only about successes but also on gaps and problems in government.

The Supervisory Board should ensure that the public broadcaster serves public interest and not the agenda of government institutions. It has to assume responsibility for applying the law to ensure proper functioning of the Teleradio-Moldova, imposing conduct and management standards for employees as well as for the management of the TRM.

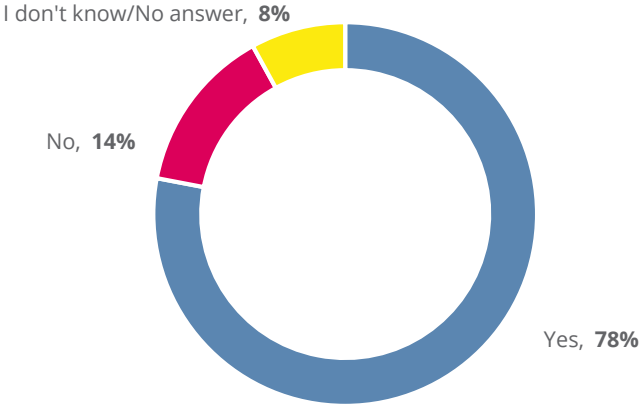
The Supervisory Board must monitor the audit reports on the financial management of Teleradio-Moldova drawn up by the Court of Audit. It should scrutinise on a permanent basis how the broadcaster's management follows up on the recommendations set out in the audit reports and insist on their implementation, as necessary.



Nadine Gogu is the Director of the Independent Journalism Center (IJC) in Chisinau. Since 2002, Nadine has been working with IJC helping to carry out the organisation's mission to promote independent and impartial media in Moldova. Under her supervision, since 2010, a number of important draft laws have been developed by IJC, including the draft Law on Freedom of Expression, Law on Advertising, amendments to the Broadcasting Code in order to ensure transparency of media ownership, amendments to the Law on Access to Information. Nadine entered journalism in 1995 working as a reporter, editor, and Editor-in-Chief at FLUX News Agency. Later on, in 2001, Gogu helped launching 'TIMPUL' ('The Times') magazine. Nadine is an instructor at Chisinau School of Advanced Journalism where she teaches Media Ethics and Diversity course.

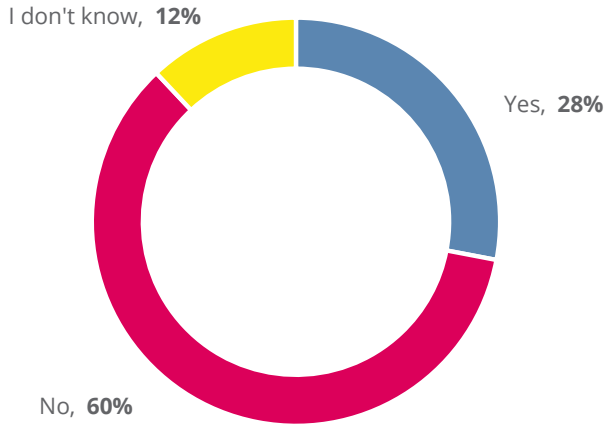
Opinion Poll Moldova

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Moldovan sample, in percent)



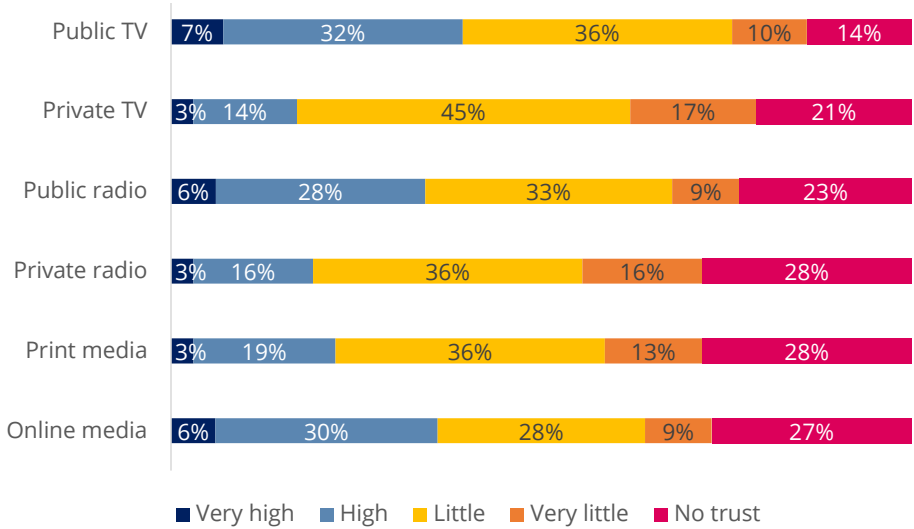
As compared to the rest of the region and in keeping with the trend in of the EU countries in the sample, a higher percentage of Moldovans believe that PSM are important for democracy in the country. This opinion is shared by 78 percent of respondents.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Moldovan sample, in percent)



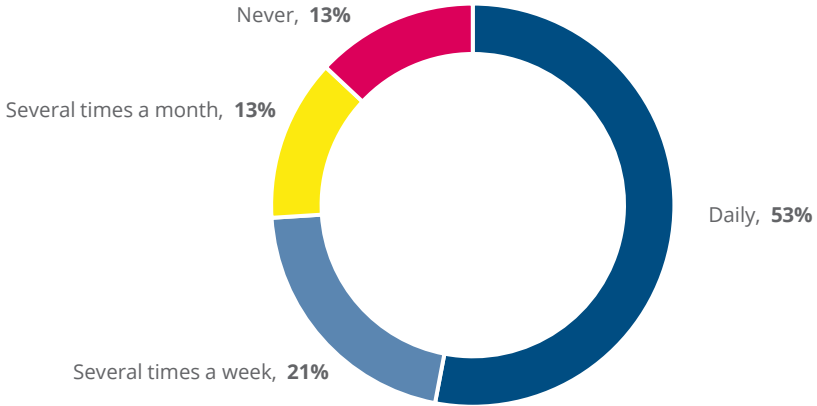
Moldovan citizens consider PSM to be important for democracy (see Chart 1). However, they also believe that PSM are not free from political influence (60 percent) (see Chart 2). Opinions differ significantly on the basis of level of education: up to 74 percent of Moldovans with university degrees share this opinion as compared to 52 percent with primary education and 57 percent with secondary education who see political influence to a lesser degree.

Chart 3: How much trust do you have in following media? (Base: Total Moldovan sample, in percent)



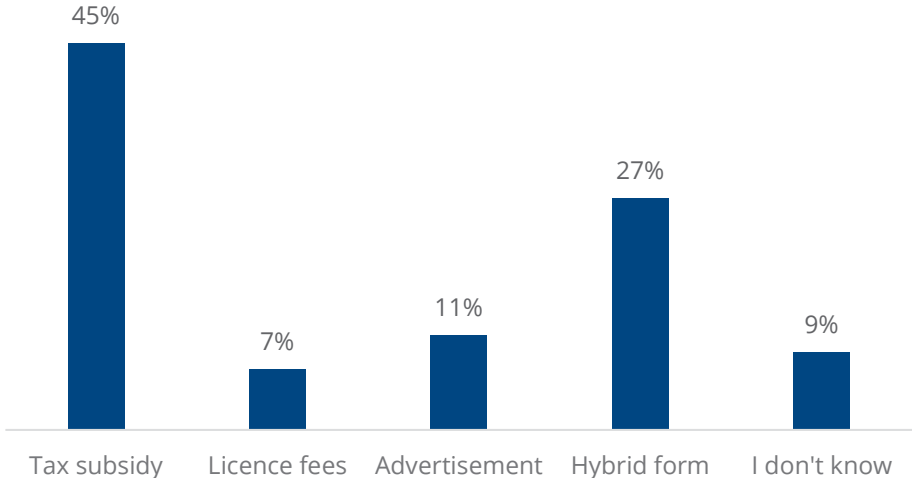
Moldovan citizens have greater trust (high or very high) in public service media (39 percent – TV and 34 percent – radio) than in commercial media (17 percent – TV and 19 percent – radio). Only online media enjoy similar levels of trust (36 percent).

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Moldovan sample, in percent)



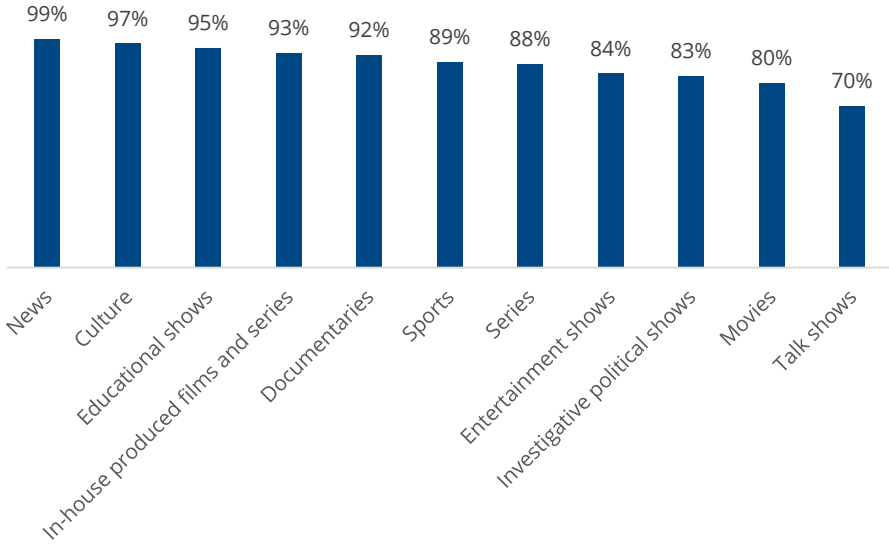
In terms of PSM use, the responses from Moldovans are similar to those of the citizens of other countries in the region (see results in Chart 4). They also confirm and repeat the age-based differences observed. Citizens aged 64+ years and 50-64 years use PSM daily to a greater extent than citizens aged 18-29 years – 72 percent of citizens over 64 years and 65 percent of those aged 50-64 years use PSM daily as compared to only 31 percent of citizens aged 18-28 years who report daily use of PSM.

Chart 5: What type of funding do you prefer for PSM? (Base: Total Moldovan sample, in percent)



Similar to their neighbours in Romania (see p. 212), citizens in Moldova believe that best type of funding of PSM is a tax subsidy. Almost half of the population (45 percent) would like to have this type of funding, followed by those in favour of a hybrid model (27 percent). Moldova has the highest rate for funding through tax subsidy in the entire region.

Chart 6: What kind of content should PSM present? (Base: Total Moldovan sample, in percent, multiple answers possible)



The similarity between Romania and Moldova is also reflected in the opinion of respondents on the type of content they would like to see on PSM, showing a greater demand for PSM as compared to other countries in the region. Regarding this question, citizens of Moldova did not present any statistically significant differences.

Public Service Media in Montenegro - a Leaf Aflutter in the Wind

Nataša Ružić

Introduction

The year 2002 will go down in the modern history of Montenegrin media as a time of extensive reform, which was influenced by the international community and resulted in the adoption of the media legislative framework, notably the Law on the Media, Law on the Public Service Broadcasters Radio of Montenegro and Television of Montenegro and Law on Broadcasting. The formerly state-owned media outlet RTCG was restructured in the same year into a public service media (PSM), and the first Code of Ethics of journalists was adopted. One year later, with assistance from the OSCE, the first media self-regulatory body was established.

The transformation of Radio and Television of Montenegro (RTCG) officially provided citizens with a media outlet supposed to promote their interests. In his book titled 'Strateško pozicioniranje Javnog TV servisa: Komparativna analiza iskustava BBC-ja, RTS i RTCG', Zvezdan Vukanovic illustrates the editorial policy of the RTCG at the time:

'Rather than transform into a public service broadcaster, all the way until January 2003 the TVCG would remain a state/party bimedia company run by the political parties represented in Parliament, on behalf of the Parliament, as its founder... During this period, the influence of the ruling and political structures was notable. At the same time, the Television of Montenegro was run by predominantly partisan rather than professional staff who primarily pursued the interest of the political parties and the ruling elites'.¹

¹ Zvezdan Vukanović (2006) Strateško pozicioniranje Javnog TV servisa: Komparativna analiza iskustava BBC-ja, RTS i RTCG (Strategic Management & Marketing Positioning of PSB-Public Service Broadcasting: Comparative Analysis of BBC, RTCG-Montenegrin Radio Television and RTS-Serbian Radio Television), Podgorica: Internacionalna Akademija za medijski menadžment, p. 112.

Five years after this transformation, it became evident that the changes were purely formal and that the RTCG continued to promote the interests of the ruling structure. Since 2007, public service media have been continually exposed to open political and economic pressure. Regression of the legislative framework, abolishment of the licence fee, dismissal of three former directors general and two RTCG Council members testify to the battle between different political factions for control over the media outlet. The PSM is financially dependent on the government in power and therefore unable to fulfil its obligation to citizens. The state allocates the funds from the national budget, verifies the appointment of the Council members via Parliament, advertises on the RTCG and has also committed to funding digitalisation. Political pressures and financial dependency largely impact PSM editorial policy, resulting lower public trust in the model.

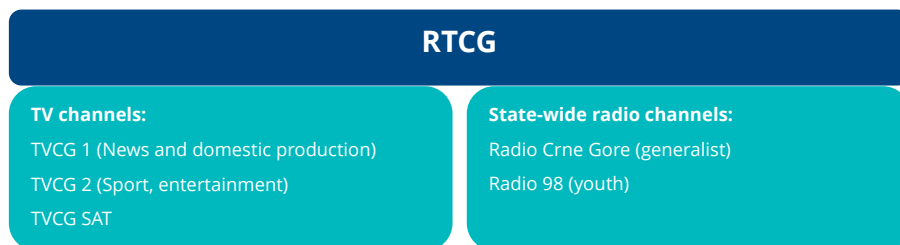
RTCG – transformation from a state media into PSM

Radio and Television of Montenegro (Radio i Televizija Crne Gore – RTCG) is the oldest electronic media in Montenegro, having launched radio broadcasting in 1949 and TV broadcasting some fifteen years later – in 1964. Radio Titograd, i.e. Radio Crne Gore as of 1990, broadcasts programme content on two channels, notably 'Radio Crne Gore' and 'R98'. The former targets the adult population while the latter seeks to capture the attention of the digital generation which has so far not been exhibiting much interest in the media.² The history of the first TV station in Montenegro can be traced back to 4 May 1964, when the first feature produced by the Montenegrin desk was aired on the news programme of TV Beograd. The citizens of Montenegro gradually received more opportunities to follow an established programme schedule, starting with the chronicle 'Kroz Crnu Goru' (Through Montenegro) and then a regular newscast from 1975 onwards.³ Nine years later, the RTCG received adequate premises for its work and in 1991 it started to operate as a single broadcasting system named Radio Television of Montenegro (RTCG). The TVCG currently broadcasts its programme on three television channels (TVCG1, TVCG2 and satellite channel TVCG Sat). Channel One broadcasts news programmes,

² According to IPSOS survey, only 19% of Montenegrin citizens aged 15-65 listen to the radio every day and 31.5% every week. Ipsos (2018) Crna Gora – Medijska Scena, [http://www.rtcg.me/sw4i/download/files/article/TV%20RTCG%20BRAND%20EQUITY%20AND%20IMAGE%20STUDY%20za%20objavljivanje%20\(1\).pdf?id=2061](http://www.rtcg.me/sw4i/download/files/article/TV%20RTCG%20BRAND%20EQUITY%20AND%20IMAGE%20STUDY%20za%20objavljivanje%20(1).pdf?id=2061) (date of access: 31 March, 2019).

³ RTCG (n.d.) Istorija, <http://www.rtcg.me/rtcg/istorija.html> (date of access: 01 April, 2019).

morning shows, documentaries, educational, children's programmes and a programme for minorities. Channel Two broadcasts entertainment, film, series, sports and youth programmes. The RTCG uses its satellite channel to broadcast programmes intended for the diaspora living overseas, promoting Montenegro as a multicultural and multireligious society.⁴ Seeking to modernise, it launched its online portal in 2013, with contents now available on the web or via a mobile app. The portal also contains an archive all of the aired content.



Since its establishment the RTCG has been controlled by the government of the day and changes in the political arena have also affected the media system. Before 1993 and the adoption of the Law on Public Information that enabled media privatisation, media pluralism and foreign investments in the media market, the public used to be informed exclusively through the state-owned media outlet. The 1998 Law on Public Information partly relieved the media from political pressure. Two years later, under the auspices of the Regional Table of the Stability Pact, Montenegro adopted the Charter for Media Freedom and thus committed to a major media reform. In 2001, the Working Group tasked with drafting media legislation was set up. It consisted of representatives of the media, media associations and the government and was led by the international organisations such as IREX, OSCE and Council of Europe. Its ten-month effort resulted in the adoption of the media laws intended to regulate the work of media in Montenegro. The Law on the Public Service Broadcasters 'Radio Montenegro' and 'Television of Montenegro' stipulates the obligations of PSM with regard to programme content but also provides guarantees for their independence through financing and governance bodies.

The regression of PSM in terms of legislation and financial dependence commenced in 2008. These factors were visibly manifested in the RTCG's news

⁴ RTCG (2019) Television of Montenegro 2019 Programme-and-Production Plan, Podgorica, , pp. 6, 22., <http://www.rtcg.me/rtcg/poslovanje.html>.

programme, which was used by the ruling structure to advertise its activities. Even though, according to some surveys trust in PSM has been on the rise, developments over recent years testify to the open struggle between political parties for control over the RTCG.

In addition to external pressures, the RTCG faces a number of in-house problems, such as redundant staff, obsolete equipment dating back to 1984, and ineffective allocation of funds due to unprofessional management. For instance, in 2003 the RTCG had a staff of 1 014 with open-ended contracts and some 200 employees hired under short-term contracts.⁵ The next year, the number of employees was approx. 1 100; in late 2005, the number stood at 906.⁶ Currently, that figure is considerably lower (721) but the wages remain the biggest cost item on the budget. According to the 2019 Financial Plan, the RTCG will spend 8.46 million Euro on wages and 5.2 million Euro on programme production.⁷ This means that wages account for 48 percent of total expenditure while programme production accounts for only 33 percent. The broadcaster has been cautioned by European and national experts concerning its 250 redundant employees and the pursuit of a policy that further compounds its financial position. However, judging by the financial plans, nothing has changed despite the alarm bells raised, although the issue has been discussed in Council meetings. The expert public is particularly concerned by the nepotistic appointments, best illustrated by the fact that the staff of RTCG includes 156 close relatives.⁸

PSM – serving the citizens or political parties?

The RTCG, as a media outlet established, financed and controlled by the public, is required to broadcast content intended for all groups in society. Article 9 of the Law on the National Public Broadcaster exhaustively stipulates the programming

⁵ Milka Tadić Mijović (2009) *Transformacija RTCG u javni servis (zakonski okvir i praksa)*, master thesis, Podgorica: Faculty of Political Science, University of Montenegro, p. 50.

⁶ Zvezdan Vukanović (2006) *Strateško pozicioniranje Javnog TV servisa: Komparativna analiza iskustava BBC-ja, RTS i RTCG (Strategic Management & Marketing Positioning of PSB-Public Service Broadcasting: Comparative Analysis of BBC, RTCG-Montenegrin Radio Television and RTS-Serbian Radio Television)*, Podgorica: Internacionalna Akademija za medijski menadžment, 2006, p. 113.

⁷ RTCG (2018) RTCG Financial Plan 2019, Podgorica, p. 8, <http://www.rtcg.me/rtcg/poslovanje.html> (date of access: 27 May, 2019).

⁸ CdM / TV Vijesti (2018) U RTCG višak 250 radnika, među zaposlenima čak 156 krvnih srodnika, CDM, 30 July, <https://www.cdm.me/drustvo/u-rtcg-visak-250-radnika-medu-zaposlenima-cak-156-najblizih-srodnika/> (date of access: 30 May, 2019).

obligations of the RTCG regarding content. The broadcaster is required to inform citizens of global and national events in line with professional and ethical standards; produce varied programmes (documentary, educational, sport, cultural, entertainment); produce programmes for the entire public (minorities, children, persons with disabilities, socially vulnerable groups); promote Montenegrin national identity, as well as the cultural and ethnic identities of minority nations; promote Montenegrin cinematography and audio-visual works etc.

The programme and production plans show that the TVCG predominantly airs news, films and series, and sports programmes.

Table 1: TVCG programme contents

	2015 ⁹	2016 ¹⁰	2017 ¹¹	2018 ¹²
Type of programme	TVCG	TVCG	TVCG	TVCG
News	50%	53%	49%	49%
Films and series	27%	21%	21%	22%
Sport	12%	16%	12%	10%
Documentaries	2%	1%	3%	3%
Science-educational	1%	1%	3%	4%
Children's	0.5%	1%	2%	7% ¹³
Programmes intended for minorities	2%	2%	2%	2%
Entertainment-commercial	3%	2%	5%	3%

⁹ RTCG (2015) Television of Montenegro 2015 Programme-and-Production Plan, Podgorica, p. 4, <http://www.rtcg.me/sw4i/download/files/article/Programme-and-Production%20plan%20za%202015%20finalx.pdf?id=429> (date of access: 27 May, 2019).

¹⁰ RTCG (2016) Television of Montenegro 2016 Programme-and-Production Plan, Podgorica, p. 6, <http://www.rtcg.me/rtcg/poslovanje.html> (date of access: 27 May, 2019).

¹¹ RTCG (2017) Television of Montenegro 2017 Programme-and-Production Plan, Podgorica, p. 3, <http://www.rtcg.me/rtcg/poslovanje.html> (date of access: 27 May, 2019).

¹² RTCG (2018) Television of Montenegro 2018 Programme-and-Production Plan, Podgorica, p. 4, <http://www.rtcg.me/rtcg/poslovanje.html> (date of access: 27 May, 2019).

¹³ Programme devoted to children, culture and music.

As the table above shows, the change of management and the adoption of a new legislative framework has led to a change in RTCG programming and production plan. Although the news, films and series, and sport programmes continued to dominate the TVCG schedule, there was a notable increase in the share of science and educational programmes from 1 to 3 percent i.e. a total of 4 percent, and of documentary programme content from 2 to 3 percent. These changes resulted from the amendments to the Law on the National Public Broadcaster adopted in 2016. Until recently PSM, judging by the programme-and-production plan, competed with commercial broadcasters by airing popular contents such as the Turkish series 'The Magnificent Century'¹⁴ and buying the broadcasting rights for prestigious sports events. To prevent such situations, in line with the new Article 9a of the Law, the RTCG is required to draw up a programme and production plan and hold public consultations over 45 days to ensure that the public has sufficient time to respond. In 2017, such consultations took place in the municipalities of Podgorica, Herceg Novi and Bijelo Polje, in order to present the PSM programme schedule to citizens¹⁵ who were given the opportunity to comment, ask for clarifications and make suggestions concerning the programme. Upon completion of this process, a three-year agreement was signed between the Government of Montenegro and the RTCG. It determines the amount of funding available for programme contents.¹⁶ This article of the Law influenced RTCG programming in that it now has a greater focus on minorities, children and persons with disabilities.

Difficult relations to politics

Political pressures are compounded by the economic dependence of the RTCG. The international community has provided for the public broadcasters' independence through a number of documents and recommendations. The first document, which attempted to regulate the financing of public service media, was the Amsterdam Protocol adopted in 1997. The Protocol stipulates the four principles of public media financing – stability, independence,

¹⁴ Popular Turkish TV series aired on *TVCG Channel One* in 2014.

¹⁵ Vukoman Kljajević (2017) *Javna rasprava o programu RTCG, RTCG*, 1 November, <http://www.rtcg.me/vijesti/drustvo/183041/javna-rasprava-o-programu-rtcg.html> (date of access: 30 May 2019).

¹⁶ Law on the National Public Broadcaster of Radio and Television of Montenegro, Official Gazette of Montenegro 079/08 of 23 Dec, 2008, 045/12 of 17 Aug, 2012, 043/16 of 20 July, 2016, 054/16 of 15 Aug, 2016.

proportionality and transparency.¹⁷ According to the Council of Europe Recommendation 1878(2009), public service media should have diverse sources of funding, including ‘fees for licensing permits, taxation, state subsidies, licence fees, advertising and sponsoring revenues, specialised pay-per-view or on-demand services, the sale of related products such as books, videos or films, and the exploitation of their audio-visual archives.’¹⁸ According to the Law on Public Broadcasting Services Radio of Montenegro and Television of Montenegro adopted in 2002 the RTCG was to receive funding from licence fees, a share of the fee on car radios, production and airing of advertisements, audio-visual works, sponsorship of programme content, organisation of concerts and other events, the national budget and other sources envisaged in the Law.¹⁹ The PSM enjoyed the highest level of financial independence between 2004 and 2007, when the 3.5 Euro licence fee was included in telephone bills, i.e. charged through the Telekom Company. The problem arose after the privatisation of the Telekom company as an appropriate method for licence fee collection could not be identified.

The subsequent law adopted in 2008 cancelled both licence fees and charges, with Article 16 envisaging an annual budget allocation of 1.2 percent of the total budget for the RTCG. Though cautioned by the experts that, given the economic crisis, it would be better to finance the PSM relative to GDP in order to secure stable funding, only eight years later it was decided to allocate a share of only 0.3 percent of GDP to PSM financing.²⁰ Owing to these amendments to the legislative framework PSM have had a stable revenue stream during the last two years. For instance, in 2016 the RTCG received 11.2 million Euro from the budget and in the next year the figure increased by 300 000 Euro, i.e. to 11.5 million Euro, and then to 12.5 million Euro in 2018.

The RTCG’s financial dependence on the State is also clearly visible in the advertising arena. The small market includes four daily papers, two weeklies, 30 monthly journals, 53 radio stations, 19 TV stations, one news agency and

¹⁷ Milka Tadić Mijović (2009) *Transformacija RTCG u javni servis (zakonski okvir i praksa)*, master thesis, Podgorica: Faculty of Political Science, University of Montenegro, p. 49.

¹⁸ Council of Europe (2015) *Zbornik odabranih pravnih instrumenata Savjeta Evrope u vezi sa medijima 2017-2014*, Belgrade, p.81.

¹⁹ Law on the Public Service Broadcasting Radio of Montenegro and Television of Montenegro, Official Gazette of RMNE 51/02, str. 3

²⁰ Law on the National Public Broadcaster of Radio and Television of Montenegro, Official Gazette of Montenegro 079/08 of 23 Dec, 2008, 045/12 of 17 Aug, 2012, 043/16 of 20 July, 2016, 054/16 of 15 Aug, 2016, p.6.

43 web portals. The annual marketing volume is only 9.5 to 10 million Euro.²¹ From this amount, the annual income from advertising of the RTCG hardly ever exceeds 1 million EUR. Thus, RTCG revenue from marketing was 1.2 million Euro in 2016,²² decreasing to 862 028 Euro in the following year.

Another form of putting pressure on PSM is via the Broadcasting Council (hereinafter Council). Under Article 20 of the Law on the National Public Broadcaster²³ the governing bodies of PSM are the Council and the Director-General. The Council is required to adopt the Statute and Rules of Procedure, appoint the Council Chair and Deputy Chair, adopt financial plans and reports, programme documents, general regulation on internal organisation and job classification, appoint the Committee for programme content in the languages of minority nations and the Committee handling the petitions and complaints submitted by listeners and viewers. This body appoints and dismisses the Director-General while the managers of the radio and television are appointed by the Director-General. Eligible candidates for the position are Montenegrin citizens with a university degree and at least five years of work experience.

A comparison between the laws adopted in 2002 and 2008 suggests that the RTCG enjoyed greater independence under the previous legislative framework. The 2002 Law envisaged three governing bodies – the Council, Director-General and the Managing Board, which was eliminated by the amendments enacted in 2008. The current Council is composed of 9 members – in 2002 it had 11 members. Experts with university degrees in journalism, law, economics, sociology, marketing or engineering are eligible for the Council. The term of office of Council members is five years. Members may serve for two consecutive terms. Article 28 of the Law on the National Service Broadcaster of Radio and Television of Montenegro adopted in 2016 stipulates that each of the following institutions nominates one Council member:

²¹ Ana Nenezić, Duško Vuković (2017) Jednake šanse za sve medije u Crnoj Gori, Podgorica: Civic Education Centre, p. 7, <http://media.cgo-cce.org/2017/06/Jednake-sanse-za-sve-medije.pdf> (date of access: 22 May 2019).

²² RTCG (2017) Financial Report for the period 1 Jan to 31 Dec 2016, Podgorica: RTCG, p. 7, <http://www.rtcg.me/rtcg/poslovanje.html> (date of access: 27 May 2019).

²³ Law on the National Public Broadcaster of Radio and Television of Montenegro, Official Gazette of Montenegro 079/08 of 23 Dec, 2008, 045/12 of 17 Aug, 2012, 043/16 of 20 July, 2016, 054/16 of 15 Aug, 2016, p.6.

- › universities in Montenegro;
- › Montenegrin Academy of Arts and Science and Matica Crnogorska (Montenegrin Heritage Association);
- › national cultural institutions and non-governmental organisations in the area;
- › Chamber of Commerce and Employers' Federation;
- › non-governmental organisations working in the field of the media;
- › Trade Union;
- › Montenegrin Olympic and Paralympic Committee.²⁴

NGOs involved in human rights, consumer rights, rights of persons with disabilities, right to education and social welfare may nominate two Council members.

According to the 2002 legislative framework the Media Institute and the professional associations of journalists were also entitled to nominate a Council member. However, they lost this right with the amendments adopted in 2008. Article 26 of the Law disqualifies MPs and local councillors, persons appointed by the Parliament, the President of the Republic, Government, RTCG journalists, political party officials, the owners or members of the governing bodies of companies involved in production of radio and television programmes, persons convicted with a criminal record and their spouses from becoming Council members by reason of conflict of interest.²⁵

The procedure for appointing Council members is launched with a public call inviting the eligible entities to nominate candidates. The notice is published in the Official Gazette of Montenegro, on the website of the Parliament and in at least one print media. Nominations must be submitted within 45 days from the date of publication of the notice. Article 37 requires the working body to publish the proposed Council composition fifteen days prior to the public call. It must then decide on the proposed list within 60 days from the date of submission of the brief to Parliament. If the proposed list is incomplete, the procedure is launched again.²⁶ In accordance with Article 42 of the Law on the National Public Broadcaster the Parliament is entitled to dismiss a Council member

²⁴ Law on the National Public Broadcaster Radio and Television of Montenegro, Official Gazette of Montenegro 079/08 of 23 Dec 2008, 045/12 of 17 Aug 2012, 043/16 of 20 July 2016, 054/16 of 15 Aug 2016, pp. 8, 9.

²⁵ Ibid, p. 8.

²⁶ Ibid, p. 10.

and appoint another in their place, if the appointee has provided untruthful information of relevance to the appointment, fails to attend Council meetings for a period longer than six months, is found to be in a conflict of interest or is unable to serve on the Council due to illness. The dismissal procedure may be launched by either the Council or the working body. The Parliament adopts a decision following the completion of the procedure and granting a hearing to the Council member concerned. In line with Article 47 the Parliament may also dismiss the RTCG governing body, the Council, if it fails to meet for more than six months or publish the financial report for the previous year or the audit report on the public broadcaster's website.

A review of the legislative frameworks enacted in 2002, 2008 and 2016 warrants the conclusion that the government has used new mechanisms to establish control over PSM. According to Article 27 of the Law on the National Public Broadcaster, Council members are appointed and dismissed by Parliament. In 2002, the Parliament addressed exclusively the appointment of Council members. In addition, according to the law enacted in 2002, Council members could not be dismissed during their tenure, except by reason of illness, failure to attend Council meetings for more than six months, conflict of interest and presentation of untruthful personal data in the appointment procedure.

The Parliament should play a purely formal role and may be involved in this process in line with the Council of Europe recommendations. 'It is legitimate for the state to be involved in appointment of top supervisory and decision-making bodies of public service media'.²⁷ This does not refer to the appointment of the executive or editorial management. However, appointments must not be used to exert political influence. This recommendation was infringed upon in 2007, when Parliament declined to verify the appointment of five Council members and blocked the work of the Council from December 2007 to April 2008.²⁸ The recommendation was infringed again in 2017, when two of the Council members – Nikola Vukčević and Goran Đurović – were dismissed due to conflict of interest. The court found that both dismissals were unlawful. Three former directors general were dismissed by the Council: Branko Vojičić (2011), Rade Vojvodić (2016) and

²⁷ Council of Europe (2015) Zbornik odabranih pravnih instrumenata Savjeta Evrope u vezi sa medijima 2017-2014, Belgrade, p. 125.

²⁸ Milka Tadić Mijović (2009) *Transformacija RTCG u javni servis (zakonski okvir i praksa)*, master thesis, Podgorica: Faculty of Political Science, University of Montenegro, p. 39.

Andrijana Kadija (2018). This situation reveals the full extent of the methods used to exert political pressure on public service media.

RTCG in the digital era

In Montenegro, analogue signal broadcasting was discontinued on 17 June 2015.²⁹ This was an important year for the RTCG also because the Ministry of Finance committed to allocating funds through the annual budget laws to fully cover the cost of digitalisation.³⁰ The upgrade of PSM is under way, albeit at a slow pace due to the problems in the tendering process. The cost of RTCG digitalisation currently stands at 15.7 million Euro. The government supported PSM by committing to foot the entire bill. The digitalisation was implemented in several stages. Radio Crne Gore was the first to go fully digital. The digital sound and audio processing studio and field equipment was digitalised. The former three directors general often highlighted the problem of obsolete equipment. Rade Vojvodić referred to the RTCG as a black hole in terms of technical equipment; in December 2017, at the start of the digitalisation process, Andrijana Kadija described the development as a historic step forward as, until then, the RTCG 'had been running in the media race against other media outlets barefoot'.³¹

In December 2017, an agreement was signed with the Austrian company BFE, launching digitalisation for which the public broadcaster had been preparing for five years. Two earlier tenders had fallen through, delaying the process. During the digitalisation studio equipment was modernised, small and large outside broadcasting vehicles were purchased, as until then the RTCG had used equipment dating back to 1984.³² Following the purchase of the new equipment, in 2018 cameramen, technical staff, engineers and system maintenance staff were trained. PSM digitalisation will be finalised by the

²⁹ Svetlana Slavujević (2015) *Ugašen analogni signal, RTCG*, 17 June, <http://www.rtcg.me/vijesti/drustvo/94872/ugasen-analogni-signal.html> (date of access: 8 April, 2019).

³⁰ RTCG (2015) *RTCG 2015 Financial Report*, Podgorica, p. 2, [http://www.rtcg.me/sw4i/download/files/article/Finansijski%20izvjestaj%20RTCG%20za%202015%20\(1\).pdf?id=689](http://www.rtcg.me/sw4i/download/files/article/Finansijski%20izvjestaj%20RTCG%20za%202015%20(1).pdf?id=689) (date of access: 27 May, 2019).

³¹ Aleksandra Sjekloća (2017) *Potpisan ugovor, počinje proces digitalizacije, RTCG*, 14 December, <http://www.rtcg.me/vijesti/drustvo/187621/potpisan-ugovor-pocinje-proces-digitalizacije.html> (date of access: 05 April 2019).

³² rtcg.me (2018) *Stigla velika reportažna kola, RTCG*, 21 December, <http://www.rtcg.me/vijesti/drustvo/225087/stigla-velika-reportazna-kola-rtcg.html> (date of access: 06 April 2019).

beginning of 2020. It will bring numerous benefits to the audience and the media organisation itself. Better image, better content and more professional journalists are just some of the advantages of digitalisation. It facilitates the production of quality content and provides new opportunities for creating cultural and educational content, enhancing social cohesion and promoting the political participation of citizens.

Naturally, the modernisation of the RTCG in the last six years has taken place in a situation of financial distress and the management is aware that without flexibility and adjustment to new technology they will not be able to capture or keep the attention of audiences. Thus, the web portal of the public broadcaster RTCG was launched in 2013. Audio streaming was launched for R98, together with a new app for Android. The app for iOS was launched in 2015, aiming to improve the portal visitor statistics. According to the Financial Report for 2015, the portal had received 40 000 hits per day and the current reported figure is 50 000 hits.³³ However, even with the steps taken in this area, the RTCG portal is not very popular among Montenegrins. The E3Consulting survey in 2018 showed that only 21 percent of the respondents visited it regularly. Similarly, the RTCG portal³⁴ is ranked 32nd in Montenegro in terms of number of hits and according to the company Alexa it is in the 38th place.³⁵ The portal enables live following of the RTCG programme. Information is also available via social networks such as Facebook and Twitter. The Facebook account has 35 487 followers and its Twitter account has 72 158.

The future of Montenegrin PSM

PSM have been the topic of constant debate in society on the account of political pressure reflected in the dismissals of its directors general, Council members and financing. On the one hand, the government claims that it supports PSM, having committed to financing digitalisation. On the other hand, opposition parties and the NGO sector warn that PSM are serving the political parties.

Political parties are fighting for control over the RTCG. Between 2012 and 2016 government bodies had free reign at the public broadcaster. The opposition parties also joined the fight for the RTCG by blocking the adoption of the

³³ RTCG (n.d.) Istorija, <http://www.rtcg.me/rtcg/istorija.html> (date of access: 30 May, 2019).

³⁴ <https://www.similarweb.com/website/rtcg.me#overview> (date of access: 30 May, 2019).

³⁵ Alexa (n.d.) Competetive Analysis, <https://www.alexa.com/siteinfo/rtcg.me?ver=classic> (date of access: 30 May, 2019).

amendments to the Law on the Public Broadcaster between October 2014 and July 2016. In 2016, the opposition parties' condition for signing the Agreement on Fair and Free Elections was the resignation of the TVCG manager Radojka Rutović.³⁶ Once this demand was fulfilled, the opposition took over PSM. Following the dismissal of two Council members, the government regained control. The opposition parties, which organised protests with the slogan 'Odupri se (Resist)', have constantly criticised the RTCG over its editorial policy. One of the organisers, Omer Šarkić, referred to the RTCG as a 'party-propaganda service' and called on the Council and the Director- General to resign.³⁷ The surveys conducted by the Civic Education Centre between 2013 and 2015, which included daily and weekly current affairs talk shows aired on the RTCG, i.e. a sample of 596 shows with 1 392 guests, showed that the public broadcaster gave more airtime to the ruling party and representatives of government institutions. In four current affairs talk shows, representatives of the Democratic Party of Socialists appeared 47 times, while those of the Socialist People's Party appeared 38 times, those of the Democratic Front appeared 31 times, and so on.³⁸

The NGO sector often criticises the editorial policy of the RTCG. In December 2017, the NGOs Civic Education Centre, Centre for Monitoring and Research, Institute Alternative, Network for Affirmation of the NGO Sector, Centre for Investigative Reporting, Centre for Development of NGOs organised an event titled 'An independent PSM and that's it'.

During the first half of 2019, amendments to the legislative framework have spurred a heated debate about PSM. The NGO Media Centre has criticised the Public Broadcaster Bill, which envisages that the relevant Committee of Parliament will select Council members on the basis of interviews and an opinion issued by the Agency for Electronic Media.³⁹ On the other hand, the Ministry of Culture claims that all amendments are proposed in line with the

³⁶ Dan.co.me (2016) Potpisivanje Sporazuma tek poslije Radojkine ostavke, 29 March, <https://www.dan.co.me/?nivo=3&rubrika=Vijest%20dana&clanak=539548&datum=2016-03-29> (date of access: 2 April, 2019).

³⁷ Mondo.me (2019) Završen protest: Želimo nezavisni javni servis, *Mondo*, 23 February, <http://mondo.me/a729691/Info/Drustvo/Protest-u-Podgorici-Odupri-se-97-000.html> (date of access: 3 April, 2019).

³⁸ Svetlana Pešić (2016) CGO: Jačati dalju otvorenost RTCG, RTCG, 19 July, <http://www.rtcg.me/vijesti/drustvo/135581/cgo-jacati-dalju-otvorenost-tvcg.html> (date of access: 10 July, 2019).

³⁹ RTCG (2019) Ministarstvo kulture pogoršava rješenja u oblasti medija, RTCG, 3 March, <http://www.rtcg.me/vijesti/drustvo/232646/ministarstvo-kulture-pogorsava-rjesenja-u-oblasti-medija.html> (date of access: 4 April, 2019).

CoE recommendations and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The independent experts Eva Solomon and Tanja Kerševan-Smokvina take the view that the new amendments to the Law 'would result in severe deterioration of independence of the national public broadcaster' while the current law is in line with European recommendations.⁴⁰ This means that the legislative framework will bring progress to PSM in some segments, such as restoration of the Managing Board as a governing body. However, the method of selection of Council members remains problematic. It is clear that without independent Council members it is impossible to talk of independent public service media.

Conclusion

The review of the overall situation of the RTCG shows that significant progress has been achieved with regard to programme content, financing and digitalisation, i.e. overall modernisation.

PSM enjoy a privileged position in the Montenegrin market as the government has demonstrated goodwill and willingness to help it survive on the market by amending the legislative framework, aiming to identify a working solution for RTCG financing and agreeing to cover the cost of digitalisation. At the same time, it is evident that the economic dependence of the RTCG on the State has an impact on its editorial policy. It is therefore necessary to implement the following changes in order to lower dependence on political actors:

1. Amend Article 27 of the Law on the National Public Broadcaster, which stipulates that Council members are appointed and dismissed by Parliament. The pressures exerted in the period 2007-2017 showed that the body abused its mandate in order to exert pressure. The responsibility should be transferred to the Agency for Electronic Media. At the same time, the independence of this body should be enhanced. According to the Law on the Electronic Media, the Agency has two governing bodies – the Council, composed of five members from the ranks of renowned experts, and the Director. However, according to Article 18 of the aforementioned Law, the members of the Agency Council are appointed and dismissed by

⁴⁰ Analitika (2018) Nacrt Zakona o javnom servisu treba odbaciti, 24 November, <https://portalanalitika.me/clanak/318790/nacrt-zakona-o-javnom-servisu-treba-odbaciti> (date of access: 5 April, 2019).

Parliament, which is not an example of good practice in the countries with low level of media freedom.

2. Address the high remuneration paid to the members of the RTCG Council, which exceeds the average net wage in Montenegro multiple times.⁴¹ Membership of the Council should carry a symbolic fee or should be a *pro bono* position. The RTCG would thus save at least 50 000 Euro a year, improving recruitment at the same time. If this duty is performed *pro bono*, it would motivate only responsible citizens to represent the public and they would be motivated by the public interest rather than the remuneration received.

Since its transformation PSM have not been able to cope with political pressures, which prevent them from fulfilling their obligation of informing the public in line with professional and ethical standards. The RTCG was and remains a tool in the hands of political parties, with the government in power and the opposition battling over it. In such circumstances, the PSM fall victim and are compelled, like a leaf aflutter in the wind, to lean towards one of the sides in the never-ending political games. Those who suffer the most damage, however, are citizens as they finance PSM that prone to serving political rather public interest.

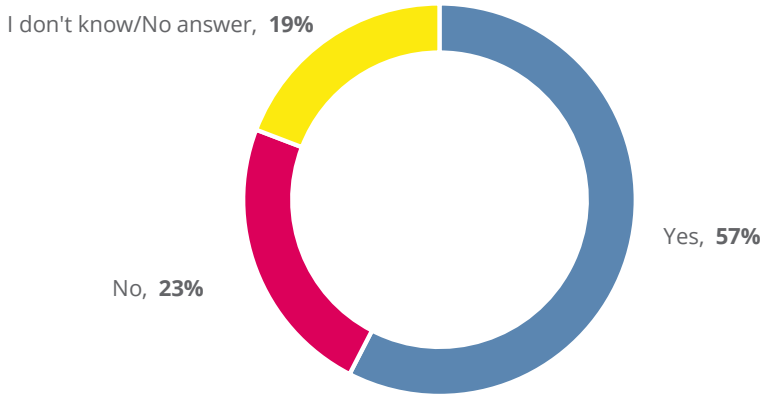


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⁴¹ According to Monstat, the average net monthly wage in Montenegro is EUR 513. Source: <https://www.monstat.org/userfiles/file/zarade/2019/saopstenje%20zarade.pdf>.

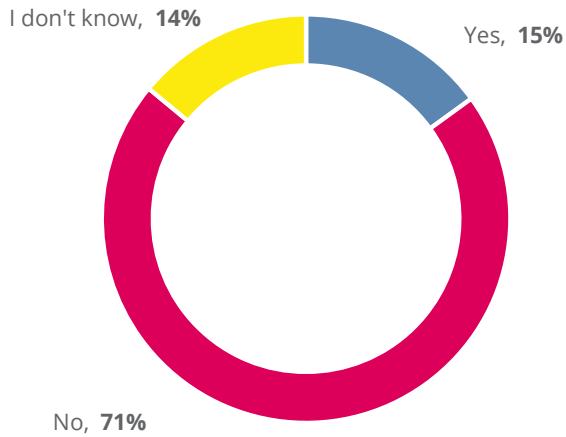
Opinion Poll Montenegro

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Montenegrin sample, in percent)



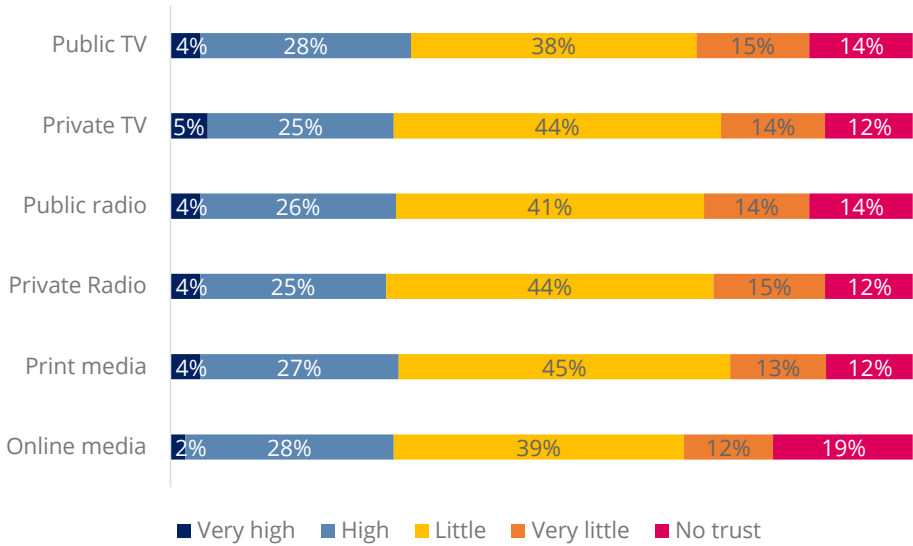
The importance of PSM for democracy in Montenegro is recognised by 57 percent of citizens who place Montenegro on the list of countries where PSM is undervalued with regard to democratic processes. With regard to this question, citizens of Montenegro did not present any differences based on demographic profile.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Montenegrin sample, in percent)



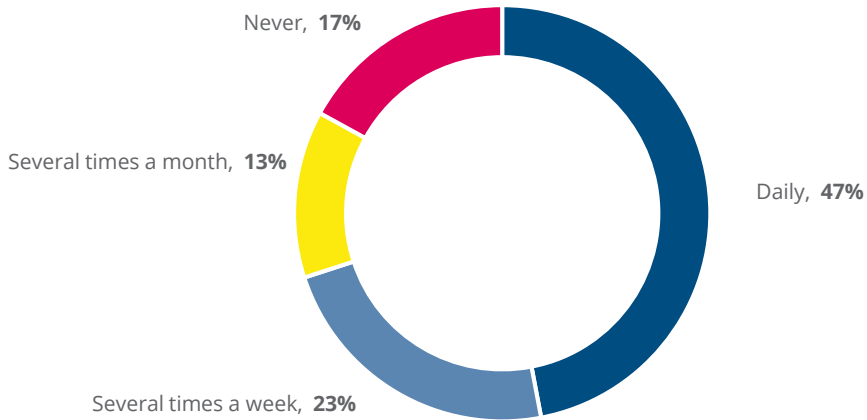
This is also reflected in the question whether PSM are free from political influence. Here again, the results show no significant differences among different demographic profiles. Overall, this question was predominantly answered negatively, as 7 out of 10 Montenegrin citizens think that PSM are politically influenced.

Chart 3: How much trust do you have in following media? (Base: Total Montenegrin sample, in percent)



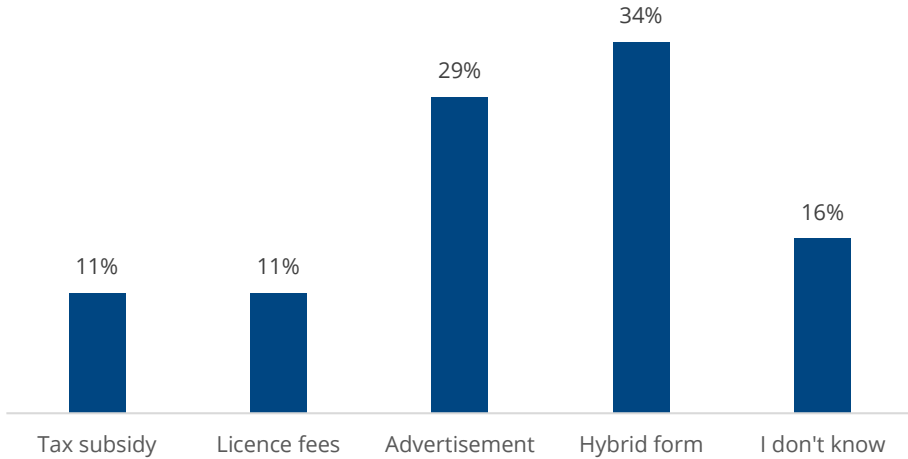
Similar results can be seen in the levels of trust. Montenegrins appear very sceptic about their media. There are only minor differences in the trust levels enjoyed by the different media channels. Among mentioned media channels, citizens have the greatest trust in public TV and print media (see Chart 3). Differences of opinion among Montenegrins were noted in terms of age and level of education. Furthermore, men seem more critical than women in Montenegro.

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Montenegrin sample, in percent)



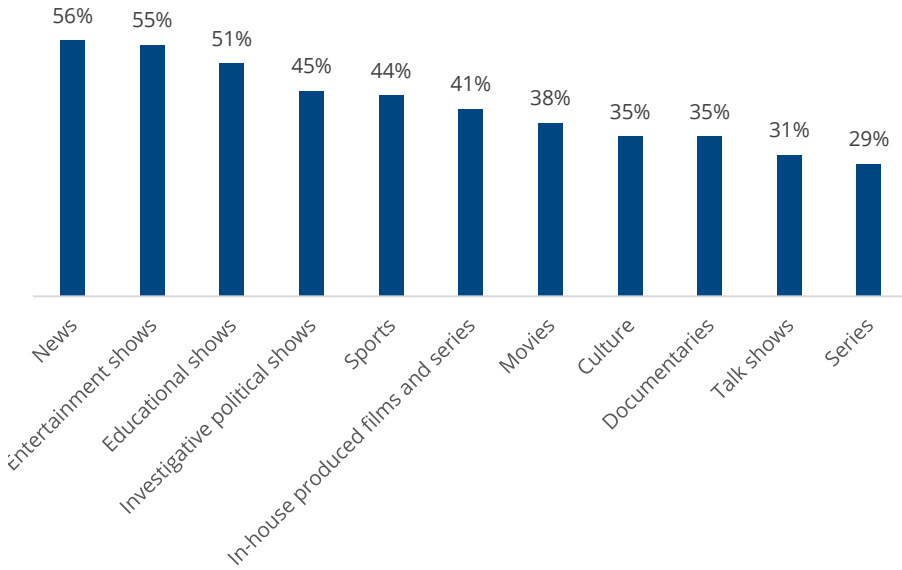
In keeping with the rest of the region, PSM is used mostly by senior citizens: 68 percent of respondents aged older than 64 years use PSM daily as compared to 38 percent of citizens aged 18-29 years who use PSM only several times per month or never. Overall, 7 out of 10 Montenegrins use PSM daily or several times a week (see Chart 4 – added sum).

Chart 5: What type of funding do you prefer for PSM? (Base: Total Montenegrin sample, in percent)



Again in keeping with the rest of the region, the citizens of Montenegro, without statistically significant differences between them, believe that the best PSM funding model is a hybrid system (34 percent) and advertising (29 percent). There is no difference in preference in terms of the main methods of funding PSM – tax subsidies and licence fees are both only preferred by 11 percent of respondents.

Chart 6: What kind of content should PSM present? (Base: Total Montenegrin sample, in percent, multiple answers possible)



The content-related preferences of Montenegrin citizens follow a well-established pattern in the region: men (62 percent) would watch sport programmes more than women (28 percent), 80 percent of respondents aged over 64 years would watch news (compared to 56 percent on average), while citizens with primary or lower education prefer watching movies on PSM (52 percent compared to 38 percent of the total Montenegrin sample).

Macedonian Radio Television in Need of New Professional Standards

Dragan Sekulovski

Introduction

The functions of public service broadcasting in the Republic of North Macedonia (RNM) are performed by the Macedonian Radio Television (MRT)¹ as stipulated in the Law on Audio- and Audio-Visual Media Services (LAAVMS). The Republic of North Macedonia is the founder of the MRT pursuant to the same Law and it operates as a public enterprise in accordance with the provision and conditions stipulated by law and the relevant implementing bylaws. According to applicable legislation the MRT is a public broadcasting service that operates independently of any government body, other public legal entities or business undertakings and must pursue an impartial editorial and business policy.

The MRT has the task of producing and broadcasting content in the fields of information, education, science, culture and art, documentary and feature programmes, and music and entertainment content in Macedonian and in the languages of other non-majority communities. The MRT is also required to produce content for people with disabilities and special needs (news and special programmes for viewers with impaired hearing). Through radio and TV satellite and/or via the internet, the MRT broadcasts 24-hour content that is available to viewers and listeners in Europe and beyond. The affirmation and nurturing of traditions, the spiritual and cultural heritage and values of all ethnic communities, as well as the preservation of the cultural and national identity are part of the essential mission of the MRT. The MRT is a highly atypical broadcasting service in Europe because its programmes are broadcast in nine different languages. Thus, in addition to Macedonian, the MRT produces content in Albanian, Turkish, Serbian, Roma, Vlach and Bosnian. In addition, the Macedonian Radio, which is part of the MRT, broadcasts programmes in Bulgarian and Greek.

¹ The name is changed into National Broadcasting Service based on the Governmental decision from 05.03.2019.

The MRT operates from its head office in Skopje and it has a modest network of correspondents that report from different areas in the country as well as a handful of foreign correspondents.

The responsibilities and obligations of the MRT are not stipulated in a separate law that refers exclusively to public service media but in the general broadcasting law, i.e. the Law on Audio- and Audio-Visual Media Services (LAAVMS), the MRT Statute and the Code of Ethics of the MRT. In accordance with the LAAVMS the general obligations of the MRT are to:

- › develop and broadcast programmes available to the general public in North Macedonia, in order to actively contribute to the creation and development of freedom of thought, inform the public and act as a driving force for the democratic process in the country. These programmes are intended for all groups in society without any discrimination, taking into account special groups;
- › provide continuous, accurate, complete, unbiased, fair and timely information by creating and broadcasting high-quality programmes on all political, economic, social, health related, cultural, entertaining, educational, scientific, religious, environmental, sporting and other events and developments in the RNM, Europe and in the world;
- › promote and improve the culture of public dialogue and serve as an arena for wide public debate on matters of public interest;

In addition, the MRT should protect public interest and not the interests of specific public bodies or political parties. On the other hand, it should also promote respect for fundamental human rights and freedoms.

An important role of the MRT envisaged by law is to develop programmes that nurture and improve the knowledge and understanding of the cultural identity of communities, promote respect for cultural and religious differences and for the culture of public dialogue with the aim of strengthening mutual understanding and tolerance and promoting good relations between communities in a multi-ethnic and multicultural environment.

History of public service media

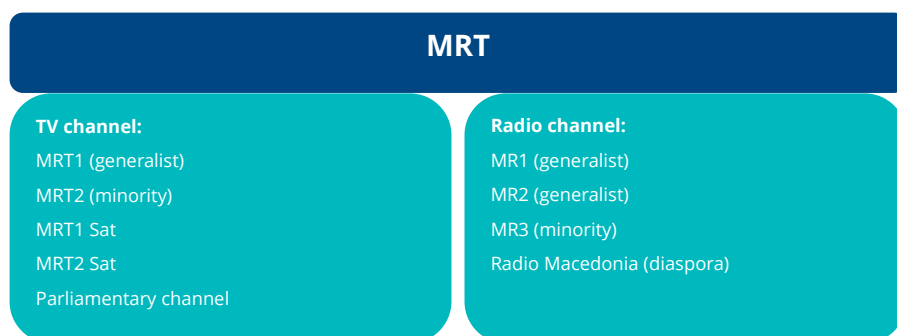
The first broadcasting service was the Macedonian radio, which hit the airwaves in 1944. This is considered the year in which the MRT was officially launched. The Macedonian television became part of the MRT 20 years later.

According to archival records the birthday of the Skopje TV studio of the MRT is 14 December 1964. The regular programme was broadcast daily from 6.15 p.m. from the improvised studio with a live 20-minute broadcast of the daily news, followed by a children's animated cartoon, an educational show, foreign languages series, a cultural programme and commercials. This programme schedule was initially broadcast five days a week. A sufficient number of shows and newscasts were produced and broadcast within the schedule, with children's programmes and educational shows broadcast live until 8 p.m., followed by the joint programme of the Yugoslav Radio Television broadcast on the Skopje Radio Television channel.

At the start of 1971, the Macedonian television started broadcasting in colour. It is believed to be one of the pioneers of the technology in the Balkans. In the following years, the first domestic production of popular films commenced with content that remains popular to date.

In the following years, the infrastructure for broadcasting was developed and new content was introduced. Until 1991 the MRT was part of the Yugoslavian Radio Television and two years later it became a member of the European Broadcasting Union (EBU).

Structure of the broadcasting system



The MRT currently operates two programme services: the first one, which broadcasts 24 hours in Macedonian, and the second, which broadcasts programmes intended for the ethnic communities. In addition, the MRT has a parliamentary and satellite channel. According to recent amendments to the law, the MRT should have one additional channel that broadcasts 24 hours

in the language spoken by at least 20 percent of citizens other than those of Macedonian ethnicity. This provision has not been implemented to date.

The Parliamentary channel established under the Law on the Assembly of the RNM operates as a separate MRT service. The editorial responsibility for the Parliamentary channel rests with the MRT and the programme schedule is aligned with Parliamentary agenda in cooperation with the national Parliament.

The Macedonian radio comprises three programme services: The First and Second Programme, which broadcast 24 hours in Macedonian, and the Third Programme, which broadcasts in the languages of ethnic minorities. There is also a satellite channel called Radio Macedonia, which targets the Macedonian diaspora.

According to the MRT website the broadcaster currently has a total of 839 employees. However, this is at variance with the information published in the most recent financial report of MRT according to which the broadcaster has a total of 819 employees.

The Management of the MRT consists of:

1. the Programming Council of MRT;
2. the Supervisory Board of MRT; and
3. the Director-General and Deputy Director-General of the MRT.

The **MRT Programme Council** is currently composed of 13 members appointed by Parliament, acting on a proposal from the parties authorised to put forth nominations. These parties were expressly stipulated in the previous law.

In keeping with the amendments to the LAAVMS adopted on 31 December 2018, the model for the appointment of members of the Programme Council, which is the governing body of MRT, was modified in order to enhance its independence from political influence. Thus, organisations and institutions that could nominate Council members in the past are no longer able to do so. This power has been granted to organisations with a certain profile, which currently can recommend candidates who are eligible to apply in open competitions followed by a parliamentary vote that requires a 2/3 majority. This enables a wider circle of individuals to apply and ensures that the process is inclusive. However, if the selection of candidates is not transparent, the procedure may lead to the appointment of persons with strong political affiliations rather than representatives of authentic civil society organisations or higher education

institutions. A new feature of the model is that all candidates are granted a public hearing by Parliament. The new nominees are expected to be elected in September 2019.

In accordance with the LAAVMS the candidates for members of the MRT Programming Council must be citizens of North Macedonia who hold a university degree and have at least 8 years of proven professional and experience in areas such as communication, journalism, computer science, culture, economics or law.

The MRT Programming Council approves the appointment or dismissal of editors at the MRT. The Director-General of the MRT is obliged to request the consent of the Programming Council in order to adopt decisions on the appointment and dismissal of staff.

The Supervisory Board is the second most important body of the MRT, which monitors the administrative and financial operations of the broadcaster. It is composed of seven members elected by the MRT Programming Council on the basis of an open competition.

The Director-General and Deputy Director-General of the MRT play an equally important role within the organisation. They are selected by the MRT Programming Council on the basis of an open competition and appointed for a period of three years with an option for re-election.

Share of the MRT

According to the media regulatory body in 2017 the national terrestrial television channels with the greatest viewing audience was TV Sitel with an average daily reach of 38.24 percent. TV Kanal 5, as in the previous year, was the second most watched TV channel with an average daily reach of 33.37 percent. The MRTV1 was ranked in the sixth place (last among the terrestrial TV stations with nationwide coverage, plus five private TV channels) in terms of viewing with an average daily reach of 12.63 percent and an average weekly reach of 19.68 percent. It is followed by the MTV2 and the Parliamentary channel. This means that during the year more than a third of the viewers followed one private TV channel with national coverage, in addition to the MRT with an audience reach that was three times lower.

The average daily reach is calculated as the ratio between the viewers who reported that they had watched a particular TV channel at any time during the

previous day and the total population, and the average weekly reach as a ratio between the people who reported to have watched a particular TV channel in any period during the previous week and the total population. The Macedonian public radio station was ranked third in terms of audience, falling behind the private stations Antenna 5 and Channel 77.

Independence of broadcasting

Two important conditions safeguard the independence of the MRT. These are, firstly, an independent and sustainable financing model and, secondly, a management structure that is free from the influence of party actors or the business community.

The MRT is in a poor financial state: according to statistical data published by the Public Revenue Office, in recent years the MRT was one of the largest debtors in North Macedonia on account of its poor financial condition. Consequently, but also as a result of pressure from domestic media and journalist organisations as well as older organisations such as the Association of Journalists of Macedonia, along with the influence of the international community, the model for MRT funding was changed by enacting amendments to the LAAVMS. In the last almost two years, the broadcaster has been financed directly from the state budget by a fixed subsidy. In the past, with the main source of funding was the monthly licence fee of approximately 3 Euro per household.

Currently, the funds necessary to cover the cost of creating and broadcasting programme content and for technical and technological development are provided from the budget of the central government and stand at 0.8 percent to 1 percent of total revenue collected in the fiscal year preceding that for which the amount is determined. The funds are appropriated as follows:

- › 74.5 percent for the MRT,
- › 19.5 percent for Macedonian Broadcasting (separate entity) responsible for the maintenance and development of the public broadcasting network, and
- › 6 percent for the Agency for Audio and Audio-visual Media Services (media regulator).

According to the analysis of the market conducted by the media regulator in 2017 the MRT generated a total income of slightly more than 17 million Euro,

including income from advertising of 400 000 Euro and other funds (mostly from public sources). The MRT thus had a total share of 40 percent of the whole media market in the country according to the estimates of the regulator.

The budget for 2018 is estimated to be even lower as the MRT received approximately 0.7 percent from the state budget. In 2019, following the amendments to the LAAVMS, the budget allocation will amount to 0.8 percent, gradually rising 0.9 percent in 2020 and 1 percent in 2021, averaging 25 million Euro per year.

However, the poor financial conditions in previous years have led to staff being underpaid and poorly motivated to perform their duties according to the regular surveys conducted among journalists by the Association of Journalists of Macedonia. In these surveys, journalists from the MRT have expressed the greatest dissatisfaction and this is also reflected in the level of their motivation to perform their daily work.

In addition to this, according to the Association of Journalists of Macedonia, MRT's network of correspondents is very poor and the broadcaster currently has less than eight reporters with insufficient equipment that occasionally report on topics of local interest. In the past, the MRT had regional centres with offices in different parts of North Macedonia. However, no substitute arrangements have been made and covering local topics of public interest is currently a challenge.

The MRT has a Code of Ethics, a collective agreement, and 17 internal operating manuals and procedures. The journalistic union and association in the past have publicly criticised this act, claiming that its content is not fully in line with either international standards or national law.

In recent years, the MRT has had a reputation of political bias: both local media and civil organisations of journalists have accused some members of failing to comply with the requirements laid down by law – formal requirements and the provisions on conflict of interest being a case in point. Media reports have also alleged that some members of the current Managing Board were closely affiliated with ruling parties in the past, some even having a background as party functionaries. Relatively recently, the MRT received a negative evaluation by international monitoring missions, including Office for Democratic Institutions and Human Rights (ODIHR) in respect of its coverage of election campaigns and the election day, although according to the same

reports there was an improvement in this regard in the context of the latest local and parliamentary elections.

Adaptation to the digital age

The MRT completed the digital switchover together with the commercial broadcasting sector in 2013. The public broadcaster was allocated two of the seven available digital multiplexes reserved for television broadcasting.

As regards new digital technologies, the MRT has its own website², which offers all necessary information about available programmes, the programme schedule, news, contact information, etc. Having received a great number of complaints about not having a dedicated section on which the constitutive documents and information about the decisions and sessions of its governing bodies are available, the MRT recently added such a section to its website. On the website simulcast web streaming of all programming services – the three terrestrial TV channels, two satellite channels, and four radio channels (three terrestrial and one satellite) – is available.

The MRT has Facebook and Twitter accounts, its own YouTube channel and a Flickr page. All accounts, together with its RSS feed, are available via the MRT homepage. However, the website does not feature online content that differs from the reports broadcast on the TV or radio channels.

Current discussion about public service media in North Macedonia

The reform of the MRT and transforming it to a financially viable organisation that provides professional media services of a high standard and offers a high-quality media content to the wider audience remains a test for the local authorities.

A procedure for the election of new members of the Programming Council is currently under way, which is expected to be finalised in the summer of 2019. The process is expected to lead to a new composition of the Council that will ensure a higher level of independence. The process is monitored by the local

² The development of the website www.mrt.com.mk caused public reactions because it costs close to 100,000 Euro based on media reports.

media community and the assumption is that the Council should be elected by the national Parliament in the second half of 2019. This means that a new director will be elected – a development that will possibly lead to changes in editorial staff. It is important that the management of the MRT fulfils its obligations stipulated by the law and that the journalists respect the Code of Ethics in order to increase public trust in the media, including its rating which is currently very low.

The reform of the MRT has been the subject of an ongoing debate in recent years and has elicited numerous declarations on the part of the government according to which it intends to address the situation.

In the first half of 2019 and in past periods, several local initiatives³ have attempted to raise awareness of the important role the MRT plays and motivate the decision makers to take responsible steps to reform the institution. The national Parliament has amended the LAAVMS several times in the last two years.

Conclusions

The state-of-play of public service media in North Macedonia, respectively the situation of the MRT, can be summarised in seven key points.

1. In the past, the MRT has been treated as easy prey by the ruling parties with a majority in Parliament. As a result, the general public has lost trust in MRT's ability to report on and provide unbiased coverage of current affairs. Due to financial difficulties and lack of internal capacity, the MRT has had difficulties competing on the national media market with quality productions or programmes.
2. The MRT has one of the smallest annual budgets of all public broadcasters in the region and has to produce content in nine languages broadcast through multiple channels, leading to poor financial performance over many years. Given its nature and structure, the MRT requires more resources in order to be able to perform its legal obligations and uphold professional standards on a par with most other PSM in Europe.

³ These initiatives are mostly public debates and other forms of activities carried out by local organisations and funded by international donors.

3. The MRT has faces a number of internal problems at various levels within the organisation due to the flawed system of electing of members to the bodies responsible for its governance and supervision, the lack of resources but equally its poor capacity in terms of human resources with very little progress being made in this respect.
4. The MRT has a poorly developed network of correspondents and according to local reports by civil society organisations until recently its entire network in North Macedonia comprised ten journalists at the most.
5. According to a survey conducted by the Association of Journalists in Macedonia, the journalists at the MRT and staff overall are underpaid and poorly motivated to perform their duties.
6. The MRT has 17 internal procedures which, according to reports of local media organisations, are not fully in line with the LAAVMS.
7. The building in which MRT is based and operates from is in a poor condition and its maintenance is extremely costly.

Recommendations

1. The Government of North Macedonia must increase the percentage of the national budget allocated to the MRT in order to properly fund its work and enable it to fulfil its legal obligations and create more high-quality content as a way of making it more popular with viewers.
2. An audit of the financial performance and operations of the MRT in the last several years should be conducted and the reports should be published. If any irregularities are found, the Prosecution Office in Skopje should take prompt action.
3. It is crucial that social and economic standards are improved for all employees at the MRT in order to motivate current staff but also attract new qualified personnel, including good journalists.
4. The process of electing new members of the management team, including a director and editors-in-chief should be carefully monitored in order to ensure that the selection process and subsequent appointments are based

on merit. This is a condition precedent for independence from political actors.

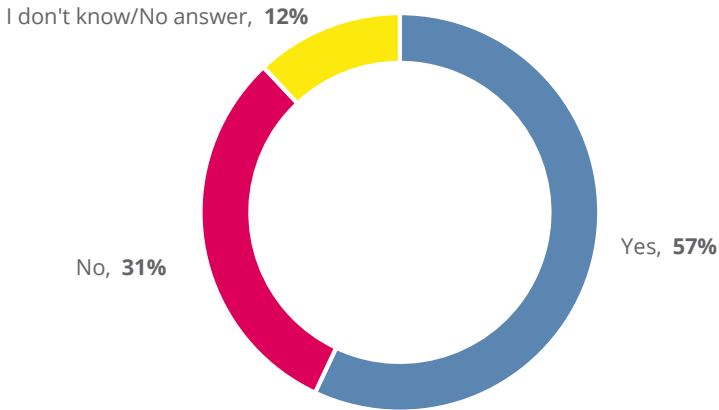
5. The MRT should develop a strategy for increasing local content and developing a strong network of correspondence to this end.
6. The MRT should be more transparent publishing information about its work on its website and amend its internal operating procedures. Technical assistance by local and international organisations and donors is also needed.



Dragan Sekulovski has worked for different of non-governmental, governmental and private organisations, most of which are involved in development activities. He has broad work experience in the donor and non-governmental environment in North Macedonia. Since 2011 Sekulovski has been involved in managing strategically important projects of the Association of Journalists of Macedonia, supported by different international donors supporting media freedom and democratisation processes in the country. In 2012, he became Executive Director. Sekulovski holds a master's degree in Law.

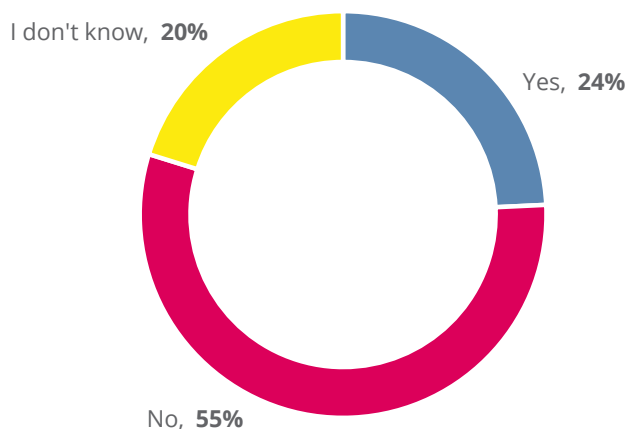
Opinion Poll North Macedonia

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total North Macedonian sample, in percent)



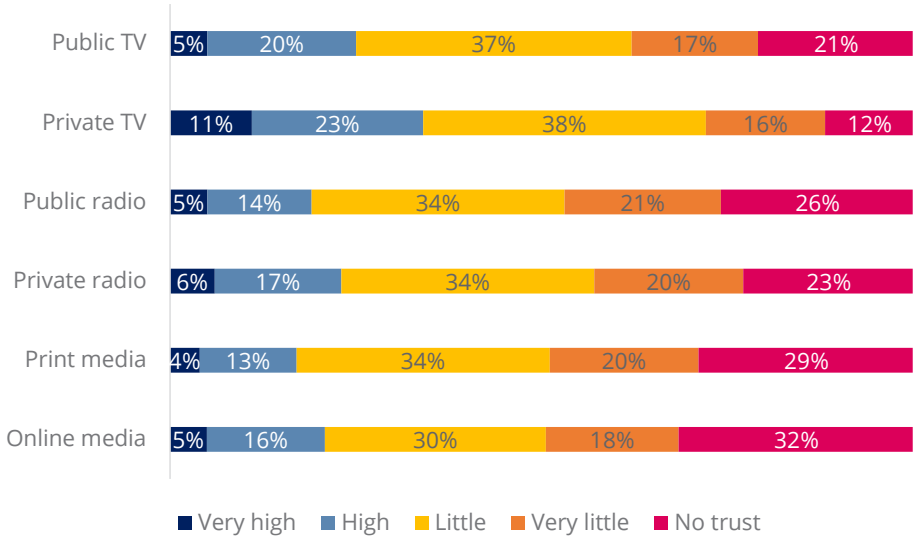
With regard to the importance of PSM for democracy in the country, the citizens of North Macedonia differ significantly in statistical terms from all other respondents who participated in the survey. They place less importance on the role of PSM in a democracy. Almost one-third described PSM as having no importance for democracy (see Chart 1). This relatively high percentage includes the view expressed by respondents with university degrees – 40 percent of them place no importance of PSM for democracy whatsoever.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total North Macedonian sample, in percent)



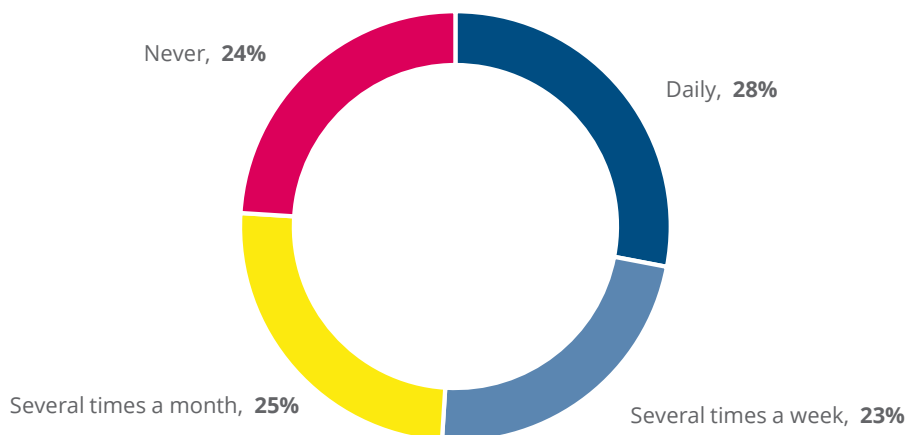
24 percent of the respondents interviewed in North Macedonia believe that PSM are free from political influences (see Chart 2). While this figure corresponds to the general opinion expressed as per the total sample, significant differences are noted among North Macedonian citizens with university degree, with 66 percent believing that PSM are not free from political influence as compared to 43 percent of respondents with primary education and 57 percent with secondary education.

Chart 3: How much trust do you have in following media? (Base: Total North Macedonian sample, in percent)



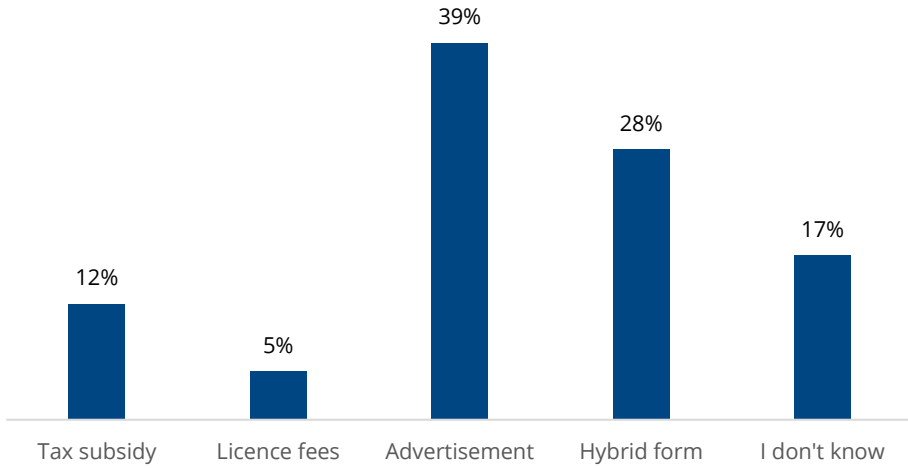
Regarding their trust in different media sources, the respondents in North Macedonia have a lower level of trust in public service media as compared to the average in the region (see Chart 3). The key difference in opinion among the citizens of North Macedonia on this question is based on education: citizens with primary education tend to trust TV more than the average. They are the group in which public television enjoys the highest trust. Notably, citizens aged over 64 years seem to trust TV the most, their level of trust in private channels being higher (44 percent) than their trust the public television (34 percent).

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total North Macedonian sample, in percent)



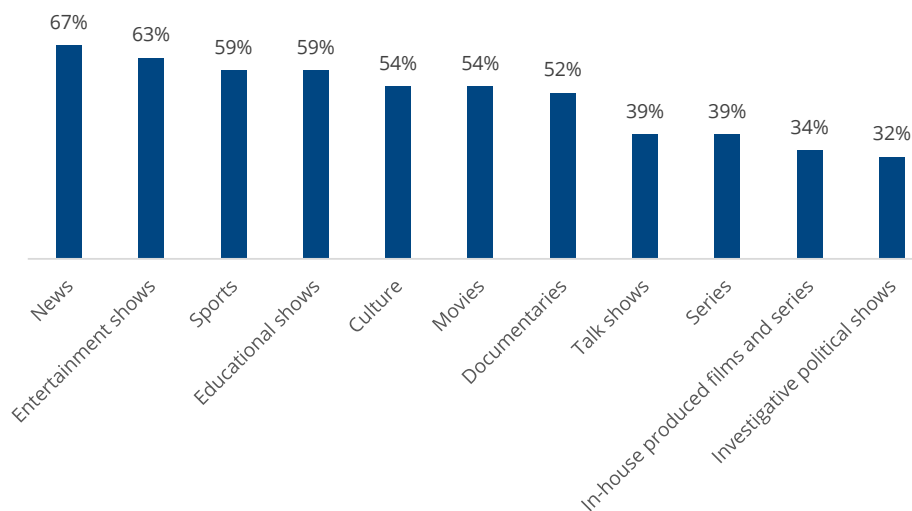
North Macedonia is a society in which PSM is used below the average for the respondents surveyed in the total sample. As compared to the rest of the region, it has the highest share of citizens who rarely (only several times a month) or never watch PSM (see Chart 4). This is statistically significant in relation to the age and education of respondents. 38 percent of those aged over 64 years state that they watch the PSM daily as compared to 34 percent of citizens aged 18-29 years who claim to never watch PSM; 36 percent of citizens with primary or lower school education state that they watch PSM daily as compared to 22 percent of respondents with university degrees who have given the same answer.

Chart 5: What type of funding do you prefer for PSM? (Base: Total North Macedonian sample, in percent)



The citizens of North Macedonia believe that PSM should be financed from advertising (39 percent) rather than a tax subsidy (12 percent) or through licence fees (5 percent), without significant differences in terms of demographic variables.

Chart 6: What kind of content should PSM present? (Base: Total North Macedonian sample, in percent, multiple answers possible)



With regard to PSM content, the citizens of North Macedonia lean towards stereotypical patterns: men would like to see more sport programmes (72 percent), compared to women (47 percent), while respondents aged over 64 years would like to see more news (81 percent as compared to 67 percent of the total sample for the country).

Public Service Media in Romania: The Battle for Independence from Politics

Romina Surugiu, Liana Ionescu

Introduction

Public radio in Romania was established in 1928 and public television in 1956. During the 45 years of communist rule the regime kept both under the total control of the ruling elite. After the fall of Communism, in Eastern Europe in 1989, public radio and television had to change radically, almost overnight: first the schedule and content of productions and then technology and regulations. But above all, both public radio and television were supposed to escape from political control – an ideal that has not been fulfilled to date.

After the 1989 revolution most employees continued to work for the public broadcaster and in many cases a mentality of supporting the ruling power stayed firmly in place.¹ Even if staff has been renewed over the last thirty years, both journalists and managers are still afraid to openly oppose political control and therefore fail in their mission of pursuing an independent editorial policy. This will be elaborated on in further detail in this article.

On the other hand, the pressure put on public service media by political actors was and remains strong. Politicians constantly attempt to use public media services as tools of propaganda.² Political subjugation remains one of the main problems of public service broadcasting, despite important efforts to improve and modernise activities overall at both editorial and technical level.

¹ For a detailed discussion on the relation between public service media and politics in Romania, see Cristian Ghinea and Ioana Avădani (2011) Case study report. Does media policy promote media freedom and independence? The case of Romania, Hertie School of Governance (HERTIE), Mediadem, pp. 21-23.

² A recent media report portrayed public service media institutions as 'state propaganda tools' that altogether with the national news agency cost the state budget between 2017 and 2018 the impressive sum of nearly 500 million Euro; see Octavia Constantinescu (2018) Propaganda de stat ne-a costat cât 100 de km de autostradă, Newsweek România, 23-29 November, p. 13.

History of public service media

The Romanian Public Radio was founded as the 'Romanian Radio Telephony and Broadcasting Corporation' and subsequently renamed to 'Romanian Radio Broadcasting Corporation' (*Societatea Română de Radiodifuziune, SRR*) in 1936.

In 1956, shortly after the launch of radio and television service, the two became part of the same corporation 'The Romanian Radio and Television Corporation' or *Societatea Română de Radioteleviziune, SRRTV*. However, they split again after the fall of communism when the national Parliament approved Law No 41/1994 establishing two separate institutions 'Radio Romania' (RR) and 'Romanian Television' (TVR).³

During the communist regime, the editorial policy of both institutions was subject to strong censorship, which precluded any independence, objectivity and other features of the free press. Editorial policy and programme content were strongly influenced by the ruling communist party and featured almost exclusively its activities and those of the communist party leader. At the time, there were no commercial media and no competition between media outlets.

After an experimental phase followed in the 1960s during which broadcasting was limited to several productions. In the 1970s, the Romanian television began to develop as a modern institution with diverse cultural, educational, scientific programmes and imported content (especially from the US, France, the UK and, of course, other socialist countries). The ideological imprint was ever-present but it left room for a cultural thaw that dominated both radio and television productions.⁴ The situation with television changed dramatically at the beginning of the 1980s when its broadcasting was severely limited, acquiring a strong ideological bias:

'By the mid-1980s, Romanian television broadcasting was reduced to two hours on weekdays and four to five hours on the weekends. The diversity of genres in the television schedule was replaced by content that was predominantly politicized. (...) On the new schedules, news was the main TV

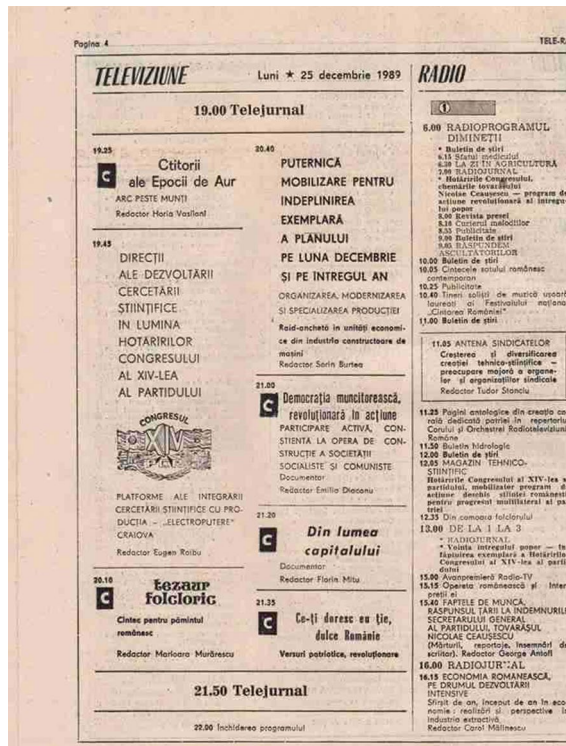
³ Law on Radio Romania and Romanian Television (1994) Legea Nr. 41 din 17 iunie 1994 privind organizarea și funcționarea Societății Române de Radiodifuziune și Societății Române de Televiziune, http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?id=14381.

⁴ Romina, Surugiu, Adriana Ștefănel, Mădălina Bălășescu, Alexandru Matei, Vyara Angelova, (2018) «Pôles culturels» dans les programmes de télévision, en Roumanie et Bulgarie, 1963-1983, *Arhivele Totalitarismului*, Volume XXVI, no. 100-101, 3-4/2018.

output, complemented by political and economic programs and coverage of Ceaușescu's work visits. Other genres on offer were heavily politicized to the extent that they lost their defining generic characteristics. Music programs promoted political songs dedicated to dictator Ceaușescu and his wife Elena; cultural programs talked about the political loyalties of cultural personalities; scientific programs presented the superiority of Romania's technical advancements; and children's and youth programs offered propagandistic education for youth. This political harmonizing of broadcast output made propaganda the dominant mode of address on Romanian television, promoting the party ideology and building on Ceaușescu's personality cult.⁵

A good example is the TV schedule for 25 December 1989 (Christmas Day) that was supposed to last three hours and contained only politicised programmes (see image attached, that was taken from the TV guide *Programul de radio și televiziune*). This TV schedule was never broadcast because on 22 December, Nicolae Ceaușescu's dictatorship was abolished and on Christmas the politicised programmes were replaced by the news that Nicolae Ceaușescu had been executed.

In the 1980s, radio broadcasting succeeded in retaining some of its functions as educational



'Programul de radio și televiziune' for 25 December 1989⁶

⁵ Dana Mustață (2012) Television in the Age of (Post) Communism: The Case of Romania, *Journal of Popular Film and Television*, p.136, <http://dx.doi.org/10.1080/01956051.2012.697794>.

⁶ Arheologie Tv 6.0, Blog secundar pentru Arheologie Tv, 3 January 2016, <https://arheo6tv.wordpress.com/2016/01/03/1989-52-24-30-decembrie-1989>.

and entertainment tool. But censorship was very strong and employees were paying a lot of attention on delivering content that respected the unwritten rules of party-political propaganda.

Immediately after the fall of Ceaușescu's dictatorship, the Romanian Television TVR added the word 'Free' (Liberă) to its logo, resulting in the abbreviation TVRL, as a first expression of the desire to discard the communist legacy. It became clear that Romanian television had to redefine itself in terms of (a) independence from political power; (b) assuming a public service role in a democratic society; (c) professional programming and broadcasting output; and (d) high-quality content.

The two public service media have functioned separately since 1994 but face the same problems regarding their independence and dangerous relations with political actors. They have also had to face stiff competition from commercial media and a wide variety of audio-visual offers.

Nevertheless, both content and technologies have improved. Television faced a harder fight for these changes to see the light of day compared to its radio sibling. 'The most urgent necessity that Romanian television faced at the time was the increase in broadcasting hours from a few hours daily to full days and from a one-channel model to a two-channel one. With this, there also came the challenge to redefine the form of broadcast output from a communist to a democratic model.'⁷

Structure of the broadcasting system

The functioning of public service media in Romania is governed by Law No 41/1994. In addition, broadcasting is also regulated by Law No 504/2002⁸ and other decisions/regulations issued by the National Audiovisual Council of Romania (CNA), which was established in 1992.

⁷ Ibid. p.137.

⁸ Law on Broadcasting, Legea Nr. 504 din 11 iulie 2002 (Legea Audiovizualului), http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?id=36987.

Public Service Media in Romania

Romanian Television (state-wide public television)

Channel:

TVR 1 (information)
TVR 2 (generalist)
TVR 3 (music, culture, local productions)
TVR International (diaspora)
TVR HD (focus on youth, education and sports)

Regional Channel:

TVR Cluj
TVR Craiova
TVR Iași
TVR Timișoara
TVR Târgu-Mureș
TVR Moldova (for Romanians in Moldova)

Radio Romania (state-wide public radio)

National Channel:

Radio România Actualități Radio
Antena Satelor (rural affairs and folk music)
Radio România Cultural
Radio România Muzical
Romania International 1 (in Romanian)
Radio Romania International 2 (in ten foreign languages)

Regional Channel:

Radio Bucharest
Radio Cluj
Radio Constanța
Radio Vacanța (seasonal, summertime programme of Radio Constanța)
Radio Craiova
Radio Iași
Radio Reșița
Radio Târgu Mureș
Radio Timișoara
Radio Chișinău (Moldova)

Internet channel:

Radio3Net "Florian Pittiș"
Radio Romania Junior

Radio Romania (RR) and the Romanian Television (TVR) operate under the control of Parliament. According to the law the RR and TVR are responsible for information, education and entertainment whilst pursuing an independent editorial policy. Each year, the institutions submit an annual report on activity to Parliament.

They are led by a Director-General (PDG)⁹, a Board of Trustees, a Board of Directors and regional Boards of Directors. The Director-General is elected by a simple majority among the members of the Board of Trustees. The latter are nominated as follows: one member by the President of Romania, one member by the Romanian government, eight members by the political parties represented in Parliament according to the quota of MPs, two members are elected by the journalists working in the Public Radio and Public Television, and one member is designated by the parliamentary groups representing national minorities. The Board of Trustees and the Director-General are appointed for a term of 4 years. The radio and television services have the same organisational structure and operate according to similar management rules and procedures. The Board of Directors and Regional Directors are appointed by the Director-General on the basis of a competition. The Director-General and the Board of Trustees are tasked with developing the general framework of functioning of the institution: broad policies, main objectives, business and organisational strategic planning, programming strategies, while the members of the Board of Directors serve an executive function.

The funding model of the public radio and television services suffered a major blow in 2017 when the licence fee was abolished: the model practically transformed from licence fees being paid by households + advertising + a state subsidy to 100 percent subsidy from the budget of the central government + advertising. Until 2017, the budgets of the television and radio companies were based on licence fees and advertising, the subsidies from the state budget being offered only to cover broadcasting costs and support special projects/ broadcast for the Romanian diaspora. The licence fee was amongst the lowest in Europe (4 Romanian Lei (approx. 90 eurocents) per month for television and 2.5 Romanian Lei (approx. 55 eurocents) per month for radio). The licence fee was abolished for both radio and television on the grounds that they were already partly funded by the state budget and that funding in full would ensure

⁹ The Romanian Law uses the French denomination: *Président Directeur Général* (PDG). In this text the more common English term Director-General is used instead of President Director-General.

rigorous public control on the spending of the radio and television companies.¹⁰ According to media reports the Public Radio Company received a subsidy of 383 million Romanian Lei (approx. 85 million Euro) in 2017, and 375 million Romanian Lei (approx. 83 million Euro) in 2018. The Public Television was subsidized with 950 million Romanian Lei (approx. 211 million Euro) in 2017 and 440 million Romanian Lei (approx. 97 million Euro) in 2018.¹¹

According to the annual reports of activity the advertising revenues for the Public Radio Company stood at 6 million Romanian Lei (approx. 1.3 million Euro) in 2017¹² and at 6.3 million Romanian Lei (approx. 1.4 million Euro) in 2018.¹³ According to annual report on activity the advertising revenue for the Public Television Company stood at 18 million Romanian Lei (approx. 4 million Euro) in 2017 and 32.5 million Romanian Lei (approx. 7.2 million Euro) in 2018.¹⁴

Radio channels

Radio Romania currently broadcasts three national channels: Radio Romania News, Radio Romania Cultural and Village Antenna. There are also Radio Romania International 1 (in Romanian) and Radio Romania International 2 (broadcast in ten foreign languages). At the regional level, nine channels operate, among them Radio Bucharest and a channel exclusively dedicated to classical music – Radio Romania Music (under the slogan ‘classical music, jazz, and more’). There are also two internet channels: Radio3Net Florian Pittiș, and Radio Romania Junior (for children and youth). Radio Romania’s offer is complemented by RADOR Press Agency, Casa Radio Publishing House and some radio music bands, among them the National Radio Orchestra, the Radio Choir and the Children’s Radio Choir.¹⁵ The historical radio archive is an asset of great importance for the RR as it contains recordings that genuinely showcase the history of Romania and its culture.¹⁶

¹⁰ Octavia Constantinescu (2018) Propaganda de stat ne-a costat cât 100 de km de autostradă, Newsweek România, 23-29 November, p. 14.

¹¹ Ibid.

¹² Radio Romania (2017) Raport anual de activitate al SRR, p.15, <http://srr.ro/files/CY1923/75/RaportAnualRadioRomania-2018.pdf>.

¹³ Radio Romania (2018) Raport anual de activitate al SRR, p.28, <http://srr.ro/files/CY1923/75/RaportAnualRadioRomania-2018.pdf>.

¹⁴ Romanian Television (2018) Raport de activitate al SRTV, p. 116, http://media.tvrinfo.ro/media-tvr/other/201904/raport-de-activitate-al-srtv-pe-2018_69015700.pdf.

¹⁵ According to Annual SRR Report 2017, Raport anual de activitate al SRR, 2017, <http://www.srr.ro/files/CY1923/68/RadioRomania-RAPORTANUAL2017.pdf>.

¹⁶ Ibid.

Radio audience

The RR has the highest audience share in different geographical areas and in different segments of the population.

According to the Annual Report of the SRR in 2017 Radio Romania News remained the most important radio station in Romania as regards its impact on the public, with the highest market share and an audience of nearly daily 2 million listeners.

But in 2018, the audience of Radio Romania and mainly that of the principal channel Radio Romania News began to decrease. According to a survey conducted in the spring of 2018 by IMAS (Marketing & Sondaje and MERCURY RESEARCH) the national daily average audience in a sample of 1.2 million listeners for Radio Romania News was 1 768.3 corresponding to a market share of 13.8 percent, followed by Village Antenna with 817.2 listeners and 6.7 percent market share; and Radio Iași (a regional radio station) with 410.0 listeners and 2.8 percent market share.¹⁷

Focusing on the commercial segment represented by people aged 18 to 49 years, for an overall total daily reach of 3 865.2 listeners, Radio Romania News had 279.1 or a 5.0 percent market share. At the rural level, (from a sample of 4 576.6 listeners) Radio Romania News had 725.3 listeners or a 15.3 percent market share.

Television channels

The Romanian public television operates six channels: TVR 1 (with a focus on information), TVR 2 (general content channel), TVR 3 (music, arts culture, and local and regional productions, TVR International (news and programmes for the Romanian diaspora), TVR Moldova (designed to offer the Romanians living in Moldova information and programmes on Romania and EU) and TVR HD (youth, education and sport). The broadcaster has five regional studios in Cluj-Napoca (founded in 1990), Craiova (founded in 1998), Iași (founded in 1991), Timișoara (founded in 1994), and Târgu-Mureș (founded in 2008).

The Romanian television also has an impressive archive of images (360 000 hours of images according to the official website), which it has been digitalising in the last two decades.

¹⁷ Marketing&Sondaje and Mercury Research (2018) Rezultatele Studiului de Audiență Radio realizat de IMAS, Spring, <http://www.audienta-radio.ro/userfiles/items/Audienta%20radio%20-%20Valul%20de%20Primavara%202018.pdf>.

Television audience

According to a research of the state and prospects of media in Romania television as a medium has been growing in terms of audience and advertising investment since 2016. However, public television channels are not able to keep up with commercial channels. TVR1 is preferred by senior viewers, both men and women, living in small cities.¹⁸

According to data published in January 2019 on primetime audiences the TVR2 was ranked number ten (173 000 viewers), the TVR1 number 12 (160 000 viewers), and the TVR3 number 45 (14 000 viewers). The public television channels combined have a rating of approximately two percent, while the most important commercial channel (Pro TV) having a rating of ten percent.¹⁹

Independence of broadcasting

After 1990, the year when democracy was re-established in Romania, both public radio and television were put under important editorial pressure from the entire political class. The law that governs the functioning of these institutions does not offer any tools to curtail the influence of political actors. On the contrary, by stipulating the way in which the management of public radio and television is appointed, it de facto establishes political control over the institutions.

The editorial independence of the public radio and television has been and remains questionable, regardless of the political party in power.

Support of government policy is achieved through editorial policy and is mostly visible in the news segment at both radio and television level. Many media analysts have pointed out that the influence of politics on public radio and television is ensured by the political appointment of Director-General (PDG) and the Board of Trustees (BT). The PDG is effectively selected by the ruling parties and is either a party member or someone closely affiliated with the ruling party and willing to do the government's bidding. The Board

¹⁸ Media Fact Book (2018) Initiative Media, Bucharest, p. 39-40, <http://www.mediafactbook.ro/public/files/MFB2018.pdf>.

¹⁹ Andreea Iordache (2019) PRIME-TIME FEBRUARIE. Ultima lună de iarnă, creștere pentru Pro TV. Antena 1 a pierdut locul doi pe național în favoarea Kanal D, [paginademedia.ro](https://www.paginademedia.ro/2019/03/audiente-prime-time-februarie-2019), 01March, <https://www.paginademedia.ro/2019/03/audiente-prime-time-februarie-2019>.

of Trustees consists of 13 members who represent the political parties in Parliament. They are appointed according to a formula in which civil society is poorly represented (see 'Structure of the broadcasting system').

The top management exercises control via subordinate management levels, mostly politicised, even if not openly so. Sometimes, in order to increase pressure and control, the PDG intervenes directly through so-called managerial measures/decisions. They are in fact warnings directed at employees that increase the institution's intransigence and encourage secrecy (see section 'Current discussion' below).

If the management is political, the editorial content cannot be independent. The influence of political power is particularly noticeable in newscasts and news editing from the way segments prioritise topics that cast the government in a positive light, using arguments, sources and guests that support the government point of view.

Another lever the government uses is funding. Since 2017 funding has been provided exclusively from the state budget. Before 2017, part of the funding came from licence fees, which could have provided for more political independence and journalistic freedom.

Sometimes the political positions of public radio and television journalists identify with the government line. Journalists have learned to 'resonate' with what is required. We notice that over time journalists in public media have learned to meet the expectations of the political powers. A well-paid job, plentiful benefits, and especially job security in a state-funded organisation have diminished their impetus to protest against constraints on their editorial independence or to criticise abusive interventions. Additionally, despite visible efforts, the trade union is also failing to defend the professional interests of employees.

Like in many media organisations around the world, there are journalists who criticise the editorial control on public radio and television publicly. However, these initiatives have not succeeded in triggering real change in the day-to-day operations of public service media.²⁰

²⁰ For detailed explanations, see Răzvan Martin, Alexandru Brăduț Ulmanu (2016) De ce și cum se clatină TVR. Mărturii din interiorul televiziunii publice, Active Watch, Bucharest.

Adaptation to the digital age

Digitalisation is not mentioned in Law No 41/1994 (the Act that currently regulates the organisation of public radio and television in Romania) for obvious reasons. A change in legislation is needed to adapt to current digital, social, and economic trends.

In Romania, digitalisation was delayed relative to other European countries. According to a report on digitalisation published in 2006: 'the position of many TV managers is that "things are working just fine" and that changes were being implemented at a slow pace'.²¹ Although public service radio and television offered extensive in-house training for journalists (including training organised by the EBU), adaptation to digital technology was slow, with significant resistance to change.²²

Upgrades of radio equipment began in the early 2000s. Broadcasting and production have now been digitalised. New FM transmitters, West Band, are in use.

In late 2003, Radio Romania International diversified its transmission formats, becoming part of an international network of transmitters (satellite transmission, internet via real audio and audio formats on demand, terrestrial transmission over FM and AM via radio partnership, mobile reception, and Wi-Fi).

The digitalisation process has multiple aspects: editing and production and signal broadcasting and reception. Requirements related to the former were generally met, the initial reluctance of journalists being overcome in the early 2000s. Equipment costs have been high, which has put additional financial pressure on public service media. At Radio Romania, there are radio stations that broadcast online only, such as Radio 3 Net 'Florian Pittiș'. There are also dual air-and-online as well as air-only stations, with the choice of dissemination method depending on geography, such as Radio Romania Music, a classical music channel. In addition, the programmes of the main channels are streamed live online in both audio and video formats.

²¹ Romina Surugiu, Raluca Radu (2009) Introducing New Technologies in Media Companies from Romania, Portugal, Spain and Cyprus. A comparative approach, p. 11, <http://mpra.ub.uni-muenchen.de/40618>.

²² Ibid. p. 12.



Front entrance of Sala Radio ©Alexandru Dolea

The process of digitalisation of archive records started in 2010 and is scheduled to be completed by 2025. According to Maria Țoghină, Director-General of the Public Radio at the time, no attempt will be made to remaster the files in the archive to improve sound quality. The audio will be preserved the way it is, the files being kept as historical documents.²³

The public radio also intends to launch an internet portal at some point where it will provide all the documents obtained in return for payment. The archive of the public radio includes 4 shelf kilometres of written documents, 25 000 files, and 12 000 photos. The audio archives include a total of about 132 000 hours of recordings that would take, according to persons involved in the effort, 15 years for a single person to listen to them.

²³ Liviu Moldovan (2009) Digitalizarea Fonotecii de Aur, 1,5 milioane de euro până acum, money.ro, 1 November, <https://www.money.ro/digitalizarea-fonotecii-de-aur-1-5-milioane-de-euro-pana-acum>.

Media digitalisation and the independence of media institutions were among the topics addressed at the March 2019 conference on Modernizing Media Services through Innovation and Dialogue, organised with support from the European Commission and at the initiative of the European Federation of Journalists, in collaboration with FAIR-MediaSind Federation of Culture and Mass Media. A BBC representative underlined on that occasion: 'There are three levels of interest in digitising public-interest media: developing voice platforms, focusing on mobile applications, and countering fake news.'²⁴

Current discussion in Romania about public service media

There is much debate in the public domain regarding public radio and television, including criticism of the government's attempts to limit freedom of speech and interfere with the impartiality of journalists. At the same time, another topic of interest is the lack of transparency regarding the way public radio and television use their budgets.

Limiting access to inside information and, implicitly, restricting freedom of speech are issues that go back a long time, as noted by media analyst Brîndușa Armanca.²⁵ In February 2019, a document entitled 'Warning regarding the provision of information to Board of Trustees members' caught public attention. The document was issued by the Public Radio and signed by Georgică Severin, former MP of the ruling party and current Director-General of the SRR. The document was a warning to the employees of the Public Radio that no information, data or documents should be provided to the members of the Board of Trustees.

The document states that any request made by a member of the Board of Trustees should be submitted in writing to the Council Secretariat and would be subject to approval by the Director-General himself. Ignoring the requirement would be regarded as a disciplinary offence carrying potential legal sanctions for the employee.

²⁴ George Bănciulea (2019) Digitalizarea presei și independența instituțiilor de media, printre temele dezbătute la conferința dedicată mass-media, Agerpres News Agency, <https://www.agerpres.ro/cultura/2019/03/06/digitalizarea-presei-si-independenta-institutiilor-de-media-printre-temele-dezbatute-la-conferinta-dedicata-mass-media--269890>.

²⁵ Armanca, Brîndușa (2019) Radioul public vrea tăcere, *Revista 22*, Year XXX, no. 4 (1489), 19 February - 4 March.

Brîndușa Armanca notes that ‘what appears to be a simple administrative regulation is in fact a measure typical of public media, very good at creating secrecy and lack of institutional transparency through managerial directives. In effect, the leadership of the public radio constrains the relationship of the Board of Trustees with the employees in order to control the flow of information, to suppress complaints, and to prevent awkward leaks.’²⁶

What kind of information is envisaged? Contracts, management policy and decisions, financial statements involving the institution’s numerous directors, etc., i.e. material that should be available to the public according to the Law on Access to Public Information. The core issue is financial data about ‘fees’, bonuses, contracts, etc. In theory, this data should be managed transparently by the SRR. In reality, the information is being withheld, as we have seen, even from the members of the Board of Trustees, particularly to opposition representatives on the Board whose representatives are either ignored when decisions are made or subjected to constant harassment.

At the TVR, the situation is hardly any better. In 2018, journalists complained that the PDG was materially interfering with editorial policy, especially in the news department.²⁷

At a conference organised by the European Commission and the European Federation of Journalists in March 2019, the ongoing conflict at the TVR was explained as a consequence of the lack of real social dialogue and transparency as regards public money spending. Joining the conference, the Employee Representative in the Board of Trustees of TVR, journalist Monica Ghiurco, stated: ‘Extraordinary things have been accomplished in Romanian Television thanks to professional (journalists). They do their jobs admirably, often sacrificing personal resources to get respectable results. (...) If today we are talking about suspicions of abuse of office and managerial overreach that a parliamentary committee will investigate, this is a clear signal that no one is willing to accept the state of affairs any longer.’²⁸

²⁶ Ibid.

²⁷ Andrei Tudor Dumitru (2018) Dragoș Pătraru: Doina Gradea se implica de acasă, suna, dădea SMS-uri, romanialibera.ro, 15.May, <https://romanalibera.ro/politica/dragos-patraru-doina-gradea-se-implica-de-acasa-suna-dadea-sms-uri-728566>.

²⁸ George Bănciulea (2019) Digitalizarea presei și independența instituțiilor de media, printre temele dezbătute la conferința dedicată mass-media, Agerpres News Agency, <https://www.agerpres.ro/cultura/2019/03/06/digitalizarea-presei-si-independenta-institutiilor-de-media-printre-temele-dezbatute-la-conferinta-dedicata-mass-media--269890>.

At the same conference, the President of the MediaSind Romanian Journalists' Union, Cristi Godinac, stressed that the main challenge facing the two public broadcasters is the elimination of the licence fee in 2017, which has effectively transformed the public service broadcasters into state-owned institutions that are strictly dependent on the Ministry of Finance. The PDG, it was pointed out, is unable to cope with the situation and is ruling through dictatorial decrees.²⁹

Conclusions

This report focuses on public radio and television in Romania, aiming to outline a clear picture of the present state of both institutions. Many voices from different areas (researchers, journalists, media analysts and politicians) have provided evidence of constant political interference in public radio and television in Romania that impairs the editorial independence of these institutions and their credibility in the eyes of the audience. We argue that the political influence may have also affected the economic situation of public radio and television, although this aspect has not been explored in the report.

Legislative action is required to limit political interference in the operations and organisation of public radio and television in Romania. The present Law No 41/1994 is obsolete because as it does not take into account digitalisation and creates the conditions that make political meddling in the public service media possible. There have been several reform initiatives but none has succeeded so far.

In order to limit political influence, a new formula for the nomination of senior managers of the public radio and television is needed. The present process (with eleven members nominated by political parties or institutions and two members elected by radio and television employees) results in constant political pressure on both institutions and serves to institutionalise the political influence on public service media in Romania. The Board of Trustees should reflect the diversity of Romanian society, not the diversity of Romanian political parties, in the sense that it should give a voice and vote to non-governmental organisations, universities, and journalists' professional associations. We argue that the Board of Trustees should be composed of 13 members selected solely from non-governmental organisations, universities and research institutions

²⁹ Ibid.

and journalist groups. No political party should nominate members to leadership positions in public radio and television.

Also, in order to limit the influence of the political power on these two public institutions, the law should clearly state that Parliament is not entitled to dismiss the Board of Trustees in its entirety and to install an interim administration sitting for more than six months. Romanian public service media have been run by nominal caretaker boards from 2012 until today. Administration on an interim basis means that managerial policy changes every time the government does, creates confusion, and exacerbates political pressure on public radio and television in Romania.



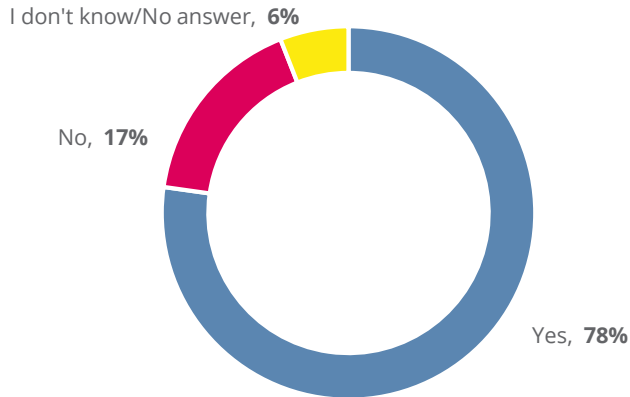
Romina Surugiu is Associate Professor of Journalism and Media Studies at the University of Bucharest, Faculty of Journalism and Communication Studies. She holds a PhD in Philosophy from the University of Bucharest and worked as a postdoctoral researcher in Communication Studies at the University of Bucharest (2010-2013), and at the Uppsala University (2012). Surugiu has published and coordinated research on journalism practice and specialised journalism, on the dynamics of work and gender in the media, and on the history of the European television. She served as a Board member of Romanian Public Television (2012-2015).



Liana Ionescu PhD, is an Associate Professor at the Faculty of Communication and Public Relations, National University of Political Studies and Public Administration (SNSPA) Romania. She teaches media communication, print and audio-video journalism, and advertising. For many years, Ionescu worked as a journalist, mainly for the American broadcaster Radio Free Europe, being awarded with an international prize for broadcasting innovation and excellence. In the last twelve years, she worked as a researcher/expert for some EU projects focalised on journalistic education and media communication.

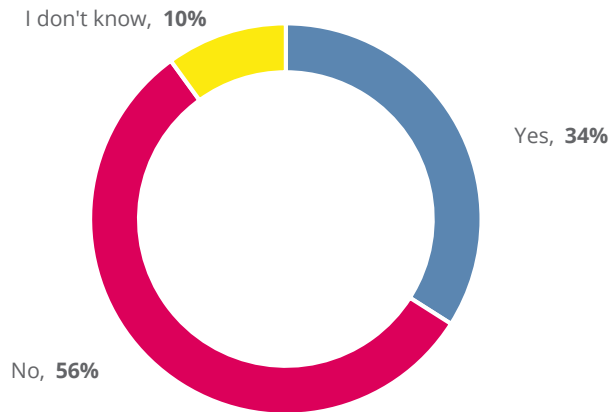
Opinion Poll Romania

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Romanian sample, in percent)



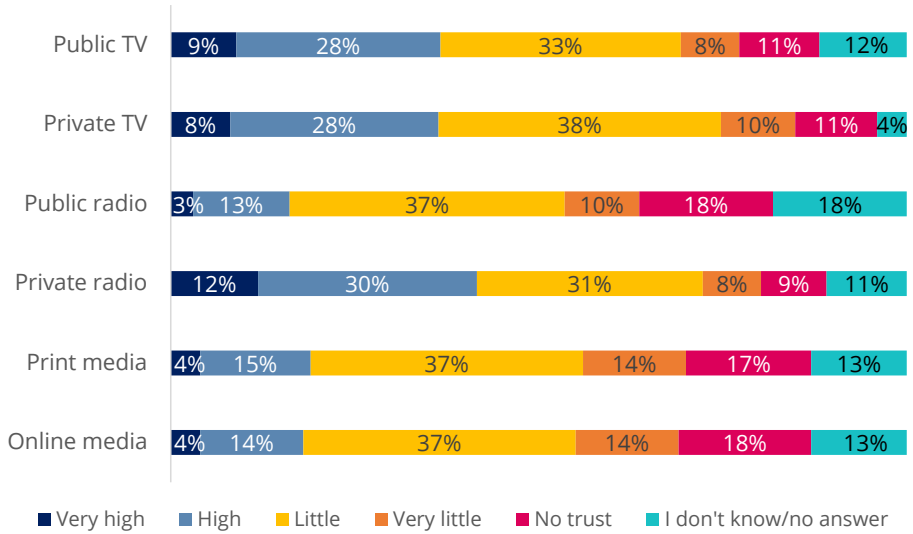
In keeping with other EU countries, the majority of Romanian respondents believe that PSM play an important role for democracy in their country, namely 78 percent of them share this opinion. This perceived importance is higher than in the non-EU countries of the total sample.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Romanian sample, in percent)



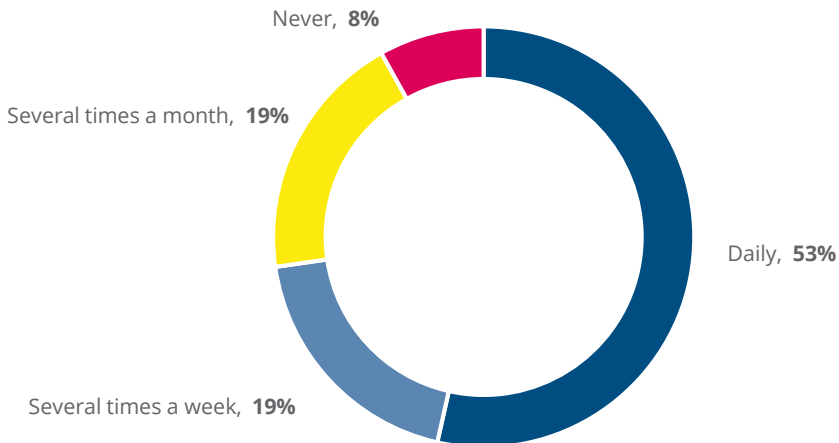
Romanians have the most positive attitude towards their public broadcasters as compared to the overall target sample. One-third of Romanian citizens believe that PSM are free from political influence (see Chart 2). With this result, Romanians have the second most positive attitude towards PSM as a country, after the citizens of Albania. There are significant differences among Romanians with respect to their educational background: only 16 percent of respondents with university degrees believe that PSM are free from political influence in comparison to 49 percent of respondents with primary education that who share this opinion.

Chart 3: How much trust do you have in following media? (Base: Total Romanian sample, in percent)



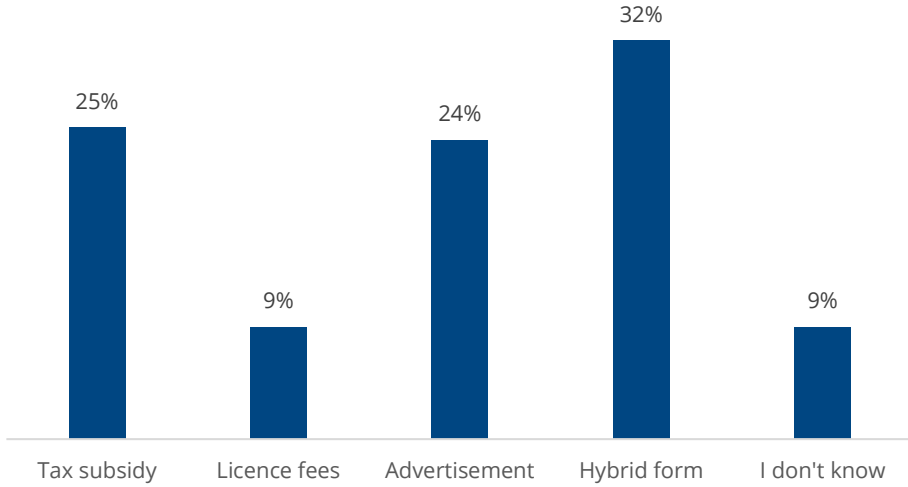
For Romanian citizens, there are no real differences in the level of trusts in public and private TV. However, the share of respondents who have a high level of trust in public radio is the smallest. Generally, Romanians have a higher level of trust in media as compared to respondents in other countries from the region (see Chart 3). Significant differences were noted on the basis of the age of respondents: citizens aged 18-29 years trust media less than average (in first line, media like TV, both private and public, and radio, private and public), while citizens aged 50-64 years trust media the most as compared to other age groups in the population.

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Romanian sample, in percent)



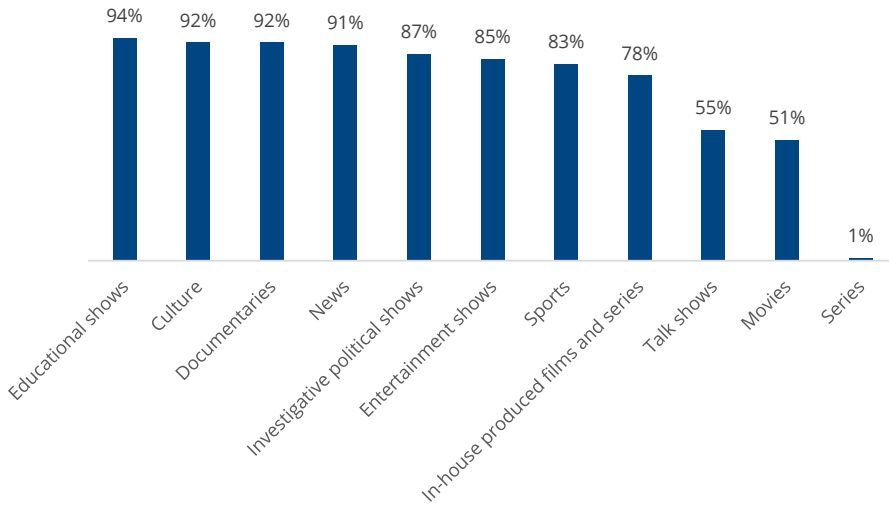
Defeating expectations, when compared to other EU Member States like Croatia and Bulgaria, Romanians use PSM less frequently: 53 percent of respondents use PSM daily (compared to 69 percent in Croatia, and 71 percent in Bulgaria). Of course, this percentage is significantly higher among senior age groups: 65 percent of 50-64 age group use PSM daily as do 72 percent of respondents aged over 64 years.

Chart 5: What type of funding do you prefer for PSM? (Base: Total Romanian sample, in percent)



Unlike respondents in all other countries, Romanian citizens have one of the highest preference rates for a tax subsidy; only Moldova has a higher response rate in favour of this model. This shows that the recent abolishment of licence fees in Romania and the introduction of funding by tax subsidy is seen as a positive development by a quarter of citizens. Still a hybrid form of financing is preferred by most respondents, with one-third of all interviewees stating their preference for this model.

Chart 6: What kind of content should PSM present? (Base: Total Romanian sample, in percent, multiple answers possible)



As regards preferred PSM content, Romanians have highest expectations (see Chart 6), together with neighbouring Moldova. Interestingly, the gender-based difference with regard to sport programmes is not confirmed by the Romanian sample. Although it is not a statistically significant difference, a higher percentage of women would like to see more sport programmes (90 percent as compared to 77 percent of men).

Public Service Media in Serbia: A State of Flux

Miroљjub Radojković

Introduction

In the days of Yugoslavia, each republic and autonomous province has had its own major RTV station in the respective capital. They were all networked into a loose common organisation called Jugoslovenska Radiotelevizija (JRT). With the dismantling of the federal state, its former units – the emerging new nations – all inherited all significant broadcasting resources in their territories, such as buildings, studios, production facilities, transmission infrastructure and frequencies. In the second half of the 1990s, media systems started undergoing a restructuring process aimed at democratisation in all new states, including Serbia. European standards and rules on press freedom were assimilated in view of aspirations of the new states to join the European Union. Privatisation went underway. The major state broadcasting companies started to transform into public service media (PSM) after quite a long process of legal, organisational and operative adjustments to the new media environment.

History of public service media in Serbia

The media system in Serbia went from the socialist self-management period after 1990 to the phase dominated by the authoritarian political regime until 2000. Both periods were characterised by strong state/party control of media ownership, management and editorial policy. Faced with separatist tendencies aiming to disintegrate the Republic of Serbia, the Milošević regime amalgamated RTV stations in Belgrade, Novi Sad (Vojvodina) and Prishtina (Kosovo and Metohija) into a single, centralised state broadcaster in 1992. As a result, editorial policies were made to serve the political and propagandistic aims of the regime. Many disobedient employees lost their jobs. The end of the authoritarian regime in October 2000 brought a change in media policy that aimed at removing the influence of politics and other centres of power from journalism and the media, but those goals have not been fully achieved.

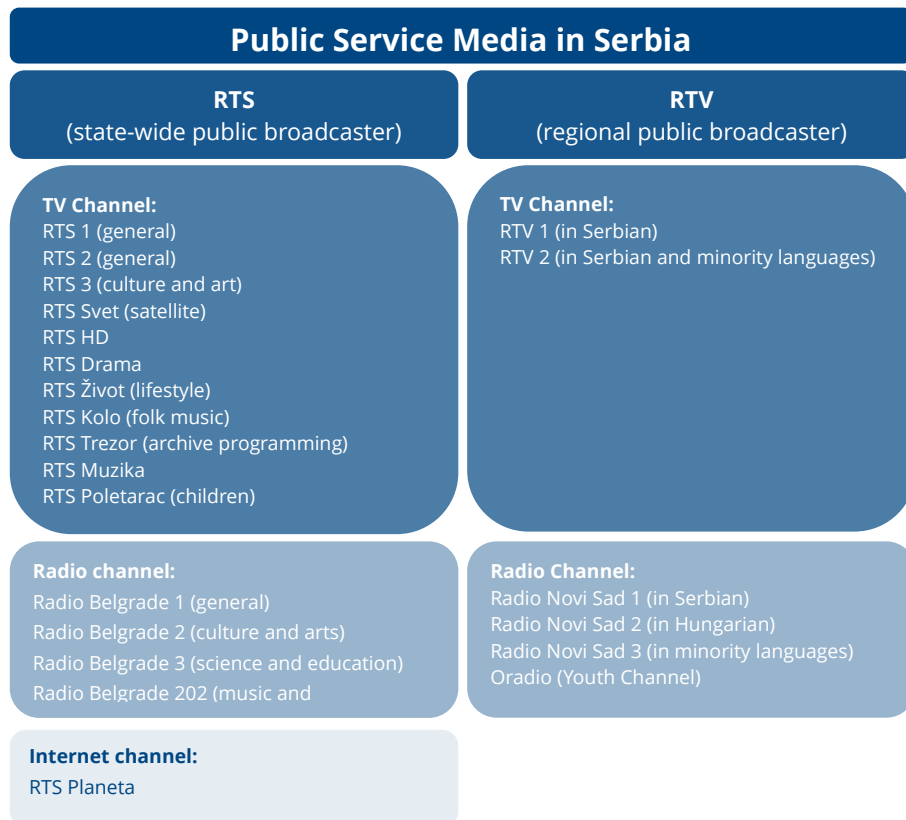
Radio Television Serbia remained a state company after 2000 for six more years while the restructuring into public service media was in process. The broadcasting centre in Prishtina was destroyed by NATO bombing (like the one in Novi Sad) and was taken over by international administration under the auspices of the UN. After Kosovo declared independence, the Kosovo section ceased to be part of the Serbian broadcasting system both institutionally and technically.

Serbia is one of the Balkan countries still undergoing social transition and democratisation. Its goal to enter the EU is still a long bumpy road ahead. Serbia applied for EU membership in December 2009 and in 2012 obtained the candidate status. In December 2015, the first two chapters of negotiation on the harmonisation of national law with 'acquis communautaire' were opened. At the same time, substantial economic, legal and social reforms took place, slowly moving the country toward compliance with EU standards. However, the overall environment did not make it easy to achieve full press freedom. Mass media is barely hanging on to life due to numerous political, economic and professional obstacles. The media went from being a slave to an authoritarian regime to being under the thumb of the current pro-European regime. The powers that consider themselves entitled to having the media on their side after being ignored for a long time in the 1990s. Politicians exert pressure by changing laws, controlling money flows and interfering in the recruitment of senior management. Wherever the media try to engage in political communication independently or in the role as a watchdog serving the general public, it runs into difficulties. Public service media were and remain the most vulnerable.

Structure of public service media

Right after the democratic upheaval in October 2000, a conference of media experts, representatives of civil society and lawyers was convened to draft the new Law on Public Information. The legislation enacted after two years of work has laid the foundations of a brand-new media system in Serbia. The aims of the restructuring were to end media ownership by the state, legalise private enterprise in the field, establish an independent broadcasting agency as an independent top regulatory body for electronic media, and strengthen public service media. The Council of Europe, the OSCE, and the EU oversaw the transition process, offering

not just intellectual but financial aid through their CARDS and IPA projects.¹ According to different sources, in 2008 the reform of Radio Television Serbia had cost 3.5 million Euro.



The Law on Public Information (2003) dismantled the state-owned Radio Television Serbia Company and transformed it into a public service broadcaster. The main broadcasting station in the autonomous province of Vojvodina got back its organisational autonomy, the goal being the same. Transmitters and uplinks for dissemination by terrestrial broadcast that used to belong to the RTS,

¹ CARDS (Community Assistance for Reconstruction, Development and Stabilisation) was the instrument for technical and financial help of the EU for countries participating into stabilisation and accession process until 2007.
 IPA (Instrument for Pre-Accession Assistance) is the funding mechanism of EU for both candidate and potential candidate countries heading towards EU membership.

meaning that the RTS used to enjoy a *de facto* monopoly position, were removed from RTS control and restructured into separate enterprises. Pursuant to the provisions of the Law on Public Information, the independent regulatory body – the Republic Broadcasting Agency (RRA) – was established. Its first duty was to legalise all broadcasters after transparent tenders, apportioning (together with the Telecommunication Agency) frequencies and other technical resources to facilitate their work. Due to the complexity of the legal and organisational changes caused by the implementation of the Law on Public Information, the restructuring of the RTS and RTV into public service broadcasters was not completed until 2006. Since then Serbia has had two public service broadcasters – the RTS in Belgrade and RTV in Novi Sad. Both media institutions have a special role in Serbian social, cultural and political life. According to witnesses to the transformation, the change was more successful in terms of programming than in terms of its financial and management aspects.

In 2011, Serbian media have entered the next phase of their evolution. After a series of public debates with journalists' associations, media owners and experts in the field, the Media Strategy 2011–2016 was hammered out and adopted by the government. The first three tasks of the strategy's Action Plan required a comprehensive rewrite of Serbia's media legislation. A new set of laws – consisting of the Law on Public Information and Media, the Law on Public Service Media, and the Law on Electronic Media – was enacted in August 2014. For the first time, the public broadcasting system was the subject of specific, dedicated legislation. The Law was in conformance with European principles and recommendations laid out in EU documents dealing with the digitalisation of audio-visual media services.

The legislative package establishing the public media sector still needs to be fully implemented. There are shortcomings in practice such as an unusual way of financing and the politically biased appointment of the managing bodies. For example, the Law on Public Service Media was amended in 2015 in order to regulate the funding of two public service broadcasters.² In 2016, the broadcasters were funded partially from the state budget, augmenting a monthly licence fee³ collected through electricity bills. This solution, theoretically meant to be temporary, was extended for the next two years, causing uncertainty about the future financing of RTS and RTV.

² Irena Drca (2018) Povećanje takse za javni medijski servis, Pravni Portal, 20 December, www.pravniportal.com/povecanje-takse-za-javni-medijski-servis.

³ In the Law the licence fee paid by receiving sets owners is called tax ('RTV taksa') and shall not be confused by the funding model from the state budget which comes from citizen's taxes.

Article 35 of the Law on Public Service Media stipulates that a stable revenue stream is a precondition for the independence and institutional autonomy of this kind of media. Ever since the beginning, however, public service media were facing a steady erosion of earnings expected from the licence fees. Before the Law on Public Service Media was amended, only one-third of the total licence money (at that time the fee was 1.10 Euro per month) could be collected. Currently, the monthly fee amounts 220 RSD, equivalent to almost two Euro. From the income in the territory of Vojvodina, 30 percent is apportioned to RTS, the remainder to RTV. In the rest of Serbia, the monthly fees go to the RTS only. This source of income is far from being sufficient to cover the ever-growing production costs, however. This was the reason that, in 2016, both public service broadcasters were granted an additional 4 billion RSD (approx. 35 million Euro) from the state budget. The same financial subvention was provided in 2017 and 2018. The contribution from the state budget amounted to a total 80 million Euro, in other words.⁴ According to the president of the RTS Managing Board, 54 percent of current RTS income comes from fees, 23 percent from the state budget, and 23 percent from advertising revenue (6 minutes of ads per hour are allowed both on TV and on the radio) and sponsorships.⁵

One of the fundamental prerequisites for the independent and autonomous status of the public service media is the transparency of its business operations. The outflow of expenditures is not transparent enough, considering that the money being spent is public money and accountability to the citizens is therefore in order. It is obvious that the government is trying to maintain influence over the public broadcasting system through its financial aid. RTS management is of the opinion that their future strategy must entail a gradual decrease of financial support from the state.

The Law that determines the public service media's status, mission, and work stipulates an obligation to serve the public interest, to meet the needs of the audience, and to be fully accountable to the citizens. Article 15 of the Serbian Law on Public Information and Media (2014) stipulates eight criteria that public service media must conform to in the interest of the public. The requirements call for the protection of children and cultural identity, education

⁴ Danas (2019) Može li javni servis biti nezavisan ako dobija pare iz budžeta?, 25 March, www.danas.rs/ekonomija/moze-li-javni-servis-biti-nezavisan-ako-dobija-pare-iz-budzeta.

⁵ Vladimir Vuletić (2019) Vaše pravo da znate sve, Politika, 23 April, <http://www.politika.rs/sr/clanak/427743/Pogledi/Vase-pravo-da-znate-sve>.

and ecology, public health, artistic production, protection of national and cultural minorities, and for the supportive treatment of handicapped people. The Law on Public Service Media (2014) reinforces the obligation of PSM to serve the public interest. Paragraph 7 enumerates 19 specific functions and duties. Areas of responsibility include: diversity of media content, freedom of expression of individual and public opinion, promotion of democratic values and human rights, respect to the plurality of ideas, equal treatment of all social strata without discrimination, support of the cultural identity of the Serbian people and other ethnic groups, development of media literacy, production of locally made documentaries and science programmes. The public service broadcaster in Vojvodina (RTV) is obliged to inform and promote the cultural identity of nine national minorities in their native language, via both television and radio channels. RTS has the mandate to meet the basic informational needs of national minorities outside the autonomous province. It does so by transmitting daily news programmes in Albanian and Romani.

In order to fulfil the duties mentioned above, PSM have the following resources at their disposal.

The RTS possesses ten television channels: three terrestrial (RTS 1, RTS 2 and RTS 3 – a culture and art channel) and one satellite channel, RTS SAT. After public discussion, seven cable channels were added to its system: RTS HD, a drama and movie channel, a lifestyle channel, a music channel, a folk music channel, an archive programming channel, and a children's channel. All of these broadcast 24 hours a day. RTS also has a network of 23 regional correspondent's offices, a web portal, public performances by four orchestras and three choirs, a CD music and video production branch, a book publishing house, research and documentation centres, and an extensive audio-visual archive. Since 2018, RTS additionally offers the internet platform 'RTS Planeta', streaming its own radio and TV programmes abroad. It is intended primarily to serve the Serbian Diaspora but also to attract foreign audiences. The platform is a commercial endeavour which could improve RTS earnings (its use costs 50 Euro per year).

Radio Belgrade, also a part of RTS, operates four FM channels: Radio Belgrade 1 (general interest), Radio Belgrade 2 (culture and arts programme), Radio Belgrade 3 (science and education radio), and Radio Belgrade 202 (music and entertainment). The programmes of all radio channels are gradually shifting to multimedia services, using social networks and streaming.

RTS employs 2 300 full-time and 600 part-time media workers.

The Radio Television of Vojvodina (RTV) has 1 200 employees and several hundred freelancers. It produces and broadcasts a regional programme on two television channels, RTV 1 and RTV 2. It also runs three radio channels, all of which broadcast 24 hours a day. The second TV channel is used exclusively for information programming serving ethnic minorities and promoting the culture of minorities. Editorial teams responsible for the national minorities living in Vojvodina (Hungarian, Slovak, Romanian, Ruthenian, Ukrainian, Roma, Croatian, Macedonian and Bunjevac) create the entire programme in their respective native languages. RTV also has a large concert hall – Studio M – which serves as a radio and television studio.

There is no doubt that the two public service broadcasters serve the public interest and the country's cultural needs the best. On the other hand, it is unclear that RTS and RTV alone are unable to meet all the demands stipulated by the law. Like in other countries, however, the audience enjoys its flashy carnivals of light, its trivial entertainment. At the moment, quizzes, reality show programmes, music competitions, infotainment, celebrity lifestyle reporting, etc. globally dominate commercial broadcasting channels. This is exactly the programme selection being offered by commercial broadcasters in Serbia, too. By contrast, public service media offer neither reality shows nor much other trivial entertainment. Programmes dedicated to culture, education, children, or the sciences, on the other hand, are available on public broadcasting channels only. If someone wants to watch this content, he or she must turn to the public service media. PSM channels put emphasis on broadcasting Serbian-produced content – Serbian movies, drama, series, children's programmes and cultural magazines. They are therefore involved in numerous co-productions – in order to obtain quality content, to televise theatre, dance, music, and film festivals, to support amateur culture and the arts, and so on. There does exist an audience attracted by this strategy. A significant body of research measuring TV ratings and market share shows that public service television (mostly RTS) outperforms national commercial broadcasters. It must be noted, however, that PSM mostly broadcast reruns of popular products during off-peak hours. The PSM in Serbia do this to save on production costs, in order to become sustainable.

The withdrawal of the state and local authorities from media ownership, except in terms of public service media, had dried up traditional funding sources. This created a huge void affecting all print and electronic media. The gap cannot be filled by the weak advertising market, estimated at 180 million Euro per

year. In order to support the production of content serving the public interest by broadcast media (commercial and private, local, regional, e-portals, etc.), a mechanism of state assistance called 'project financing' was introduced. Each year, the Ministry of Culture and Information launches a public tender for co-financing (up to 80 percent) of project costs for creating public interest content in the areas in which the applicants operate. The co-financing of media content creation is not always consistent with the legislative framework and often involves interference by the state administration, especially at local level. There are also problems involving the appointment of members of the evaluation committees. In 2018, 'project financing' grants valued 235 million RSD (about two million Euro) were allocated. PSM are not eligible for this kind of support.

Relations to politics

Political and financial power brokers have always been trying to exert control over the public service media. Due to the specific mode of PSM financing in Serbia (see above), political actors have a better chance to succeed in Serbia than elsewhere. The Regulatory Electronic Media Agency – REM (former RRA) – is the starting point of institutional control. Despite the fact that the Managing Boards of the PSM are formally appointed by the independent regulatory body (REM), the government is able to interfere in the process. The REM appoints by a qualified (two-thirds) majority of votes nine members of the Managing Board of RTS and nine of the RTV after a public call. Board members serve for a term of five years and for a maximum of two terms. The Managing Board then appoints the directors general, again by a qualified majority of votes. The directors appoint editors-in-chief for different programme sectors. The institutional structure of RTS and RTV provided for programme councils that serve as consulting bodies. The members of these councils are also appointed by the Managing Board. The councils are charged with following and evaluating the effects of content delivered 'in the name of the public', but their practical impact is weak. Managing Boards and Directors make effectively all business decisions themselves. Only a few economists, media professionals or other experts are appointed to the Board, however. This additional problem indicates that the appointments process favours political operatives over individuals with actual expertise.

To ensure independence, MPs, political party functionaries and persons holding stakes in any type of media (owners, major shareholders, close relatives or owners or major shareholders, etc.) are not eligible to serve as

members of the REM or as members of the managing boards of public service media. In fact, a majority of the seats on the REM council has to be allocated to representatives of NGOs, media professionals, universities, churches, and other institutions of civil society. Still, all candidates must be approved by the parliament. The first Law on Public Information (2003) was amended several times in order to bypass the ban on installing political operatives on the REM. Originally, representatives of civil society did outnumber members installed by the government. Since the last REM council election, however, there are as many members by the government as members nominated by civil society organisations due to unequal lengths of their respective terms. The REM council functions currently with six members. Three seats are vacant. The candidates for these seats failed to receive the approval demanded by the law due to political conflict and due to machinations in the Committee for Culture and Media that forwards candidates to the parliament for approval.

The regulator continues to lack independence in monitoring broadcasters to ensure they meet their programming obligations. REM's assessment of media compliance with legislative provisions has always been delayed during election campaigns and published long time after it. It is true that all candidates receive equal time for campaign adverts both on public service radio and on television before elections. But the public is complaining about the absence of political debates and quality commentary on hot political issues both during election campaigns and in general. In the public service media's day-to-day programming, the ruling parties' representatives receive noticeably disproportionate airtime. Ruling party functionaries take advantage of the fact that they can appear in their capacity as government clerks and public servants; opposition politicians are being granted much less publicity on public service news programmes. Opposition parties are therefore criticising the public service broadcasters as being politically biased. This provokes constant political tensions and even violent acts against public service media. As a result, the current regime abuses public service media less openly because it has enough obedient commercial broadcasters and the tabloid press on its side. In sum, the information content of the public service media is dominated by the parties in power (21 percent of the broadcast time). Citizens are only main news actors in 8.7 percent and experts in 4.6 percent of the news programme time.⁶

⁶ Jovanka Matić (2014) *Servis gradjana ili servis vlasti*, Beograd: Dobar naslov, p.104.

Adaption to new technological developments

The first experimental, digital channel in Serbia was the public service one – RTS Digital – which started in 2008. The switchover from analogue to digital broadcasting was originally set to occur in 2012. Due to a lack of investment and political follow-through, however, the date had to be postponed several times. The switchover finally happened in July 2015 when no further delay was possible due to the ITU (International Telecommunication Union) rules. Digital signals are transmitted by terrestrial network, divided into 14 zones with three multiplexes. Multiplex 1 transmits national broadcasting channels including the public service broadcasters and covers 98 percent of the territory. Multiplex 2 serves regional and local broadcasters and covers 90 percent. Multiplex 3 handles regional and local free-to-air channels as well as to video on demand channels; it reaches 90 percent of the territory. Serbia has chosen DVB-T2 with MPEG-4 compression as its digital standard.

The public service broadcasters are adapting to changing audience preferences, especially among younger viewers. RTS and RTV make increasing use of social media and internet platforms. RTS maintains an internet portal, a Facebook page, an official YouTube channel with 15 sub-channels for different types of audio-visual content, and a Twitter account. RTS also runs 'RTS Planeta', an online platform that streams eleven television and five radio channels. RTV too has a modern internet portal, a Facebook profile, a YouTube channel with ten sub-channels, and a Twitter account. The RTV website is available in eight languages, including those of national minorities.

Current public debate on public service media in Serbia

Public discussion regarding the media system in general and public service media in particular was especially heated in 2018. The reason was the adoption of the new national 'Media Strategy 2018–2023'. This process, led by a working group, was accompanied by round tables, public debates, and discussions lasting several months. The most active actors were professional journalists' associations, interest groups, and media experts. The document catalogues a number of conclusions and recommendations. Officially, the Strategy was finished in December 2018. But media representatives and journalists have been unsatisfied with final version of the document and have demanded a review of the text. EU representatives have also expressed scepticism, so the Media Strategy has still not been officially finalised.

The media strategy claims that the public service media are not yet completely fulfilling their obligations with regards to information content for socially vulnerable groups and ethnic minorities (RTS); neither completely independent nor unbiased news programmes are being offered yet. In the public discussion, objections were expressed concerning the dubious ways public money is being dispensed by the public service media. One recommendation, accordingly, is that the public service broadcasters be re-established as entities independent both politically and economically. For example, a new legal norm of has been proposed that would give the different stakeholders – civil society, experts, and employees – equal numbers of seats on the managing board. There are currently no voices asking openly for deinstitutionalisation, e.g. for privatisation of the public service media.

One of the proposals is to introduce an Ombudsman for public service media in order to increase their social accountability and transparency. In addition, together with the existing programme council, the Ombudsman could act as a proxy for the audience and their questions, complaints, and proposals.

Some commentators are suggesting the establishment of regional public service media. The regional broadcasters could be affiliated with RTS and RTV, retransmitting some of the national broadcaster's content supplementing it with additional content of their own. This proposal is inconsistent with current transition policy, which has been consistently rejecting state ownership of the media so far. Apart from the theoretical difficulties, local authorities could not afford running these new regional public service media outlets, not to mention the increased vulnerability to political interference the system would create. All in all, the proposal is legitimate but unrealistic.

The public discussion on technical aspects was focused on the planned introduction of Direct Audio Broadcasting (DAB). The switch to DAB was planned a decade ago when the digitalisation project first appeared in official state documents. Formally, DAB is still on the media strategy agenda, but the number of its supporters is constantly decreasing. Firstly, DAB is used in few countries only where the existing FM radio stations could not be upgraded. Secondly, this technology is obsolete in view of the newest digital transmission tools. The switchover would be therefore a bad investment; DAB not being expected to be economically viable. All things considered, implementing DAB in Serbia is not advisable.

Conclusion

For the time being, the public service media in Serbia (RTS and RTV) are safe and sound. There is nobody in the country suggesting their abolishment or privatisation. These broadcasters have survived successfully a wild, post-transitional explosion of private electronic media and convergence with contemporary digital ones. They are very active in the social media space and in the online world in general, meaning they are well adapted to new patterns of media consumption on part of the general public. The public service media are able to compete with national, commercial broadcasters and even to win these battles in terms of popularity. Still, the most serious objection is that neither completely independent nor politically unbiased information content is on offer yet. The legislative package dealing with the public service media still needs to be fully implemented. At the same time, new legislative steps intending to democratise their institutional control and management are forthcoming.

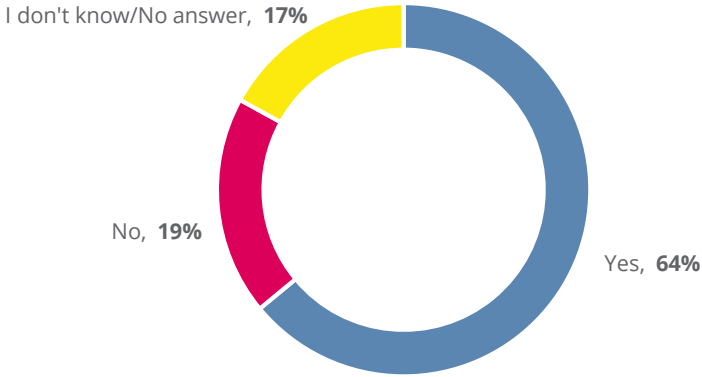
Public service media in Serbia are in the process of achieving financial sustainability. The amount of money collected in the form of licence fees is increasing and now represents more than half of the PSM's general income. With the increase in living standards, the fee can be expected to rise (to up to 500 RSD, or 4 Euro as stipulated in the Law), gradually replacing state subvention. This is in line with the Law on Public Service Media, which stipulates that stable financial revenue is a precondition for the independence and institutional autonomy of public service media. With the decrease of state financial support, public broadcasting media in Serbia would come closer to being what it is intended to be – established, financed, and controlled by the citizens. On the other hand, it is highly uncertain what radio and television will look like in the near future.



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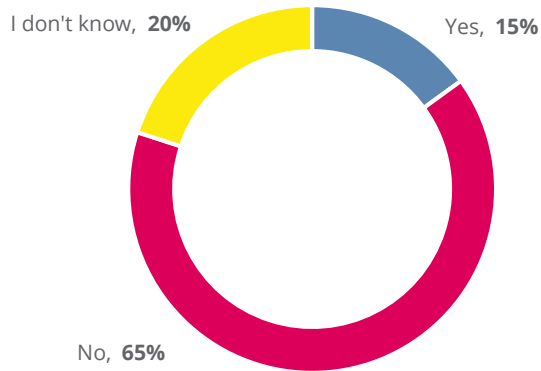
Opinion Poll Serbia

Chart 1: Are Public Service Media (PSM) important for democracy in your country? (Base: Total Serbian sample, in percent)



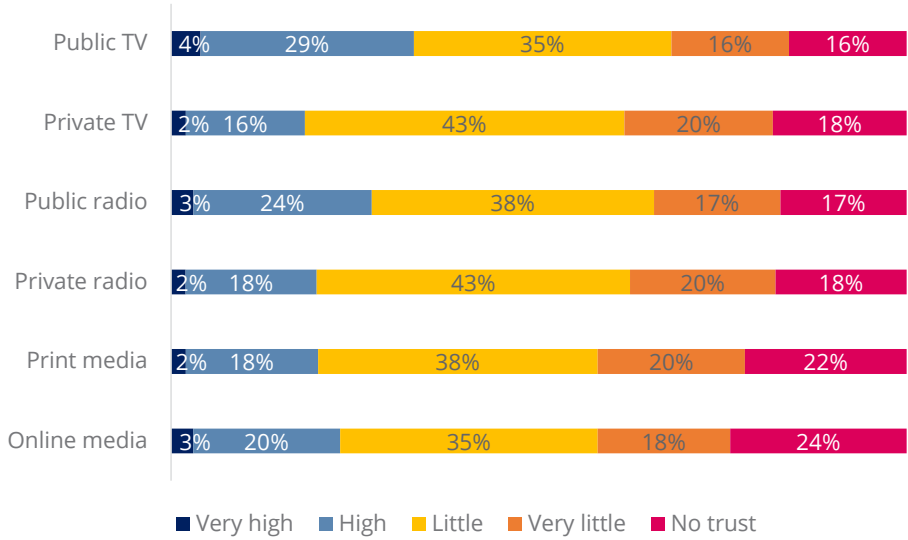
Serbian citizens (64 percent) have an average level of appreciation of the importance of PSM in their country (see Chart 1) that is similar to that of the citizens of other countries in the region (68 percent). A distinct group that shares this opinion to a larger extent are the respondents over the age of 64 years. 78 percent of them believe that PSM are important for democracy in Serbia.

Chart 2: In your opinion, are PSM free from political influence in your country? (Base: Total Serbian sample, in percent)



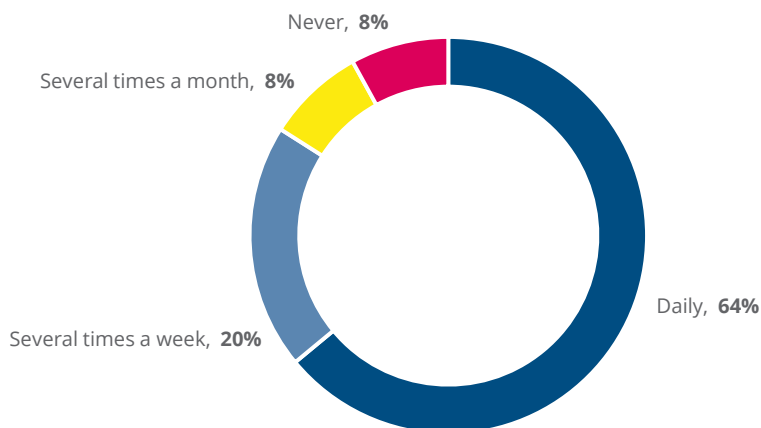
While, in general, Serbian citizens do not differ from the citizens of other countries in the region as regards to whether PSM are free from political influence – 65 percent of the total Serbian sample believe that PSM are not free from political influence (see Chart 2); there are specific demographic groups who share this attitude to a higher degree. 81 percent of Serbian citizens aged 50-64 years believe that PSM are not free from political influence, just like 80 percent of Serbians with university degrees.

Chart 3: How much trust do you have in following media? (Base: Total Serbian sample, in percent)



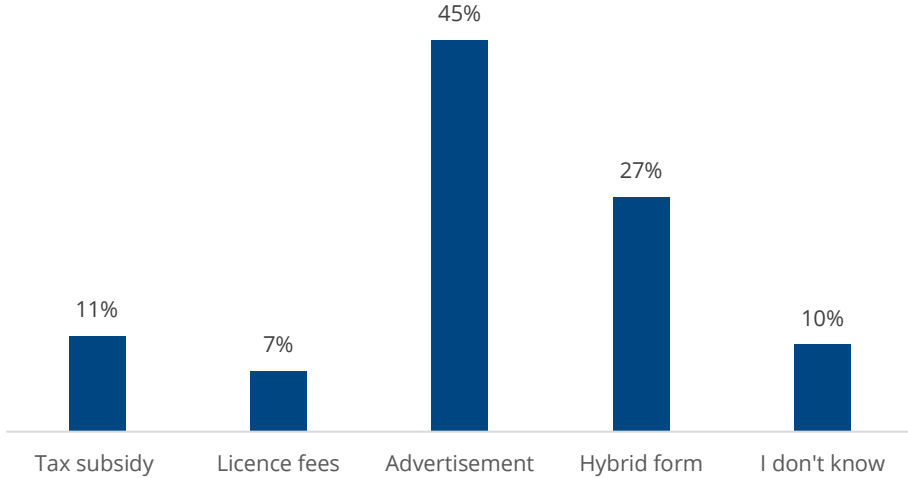
Overall, Serbian citizens have greater trust in public service media than in their private counterparts. On average, Serbians trust public TV (33 percent) the most, followed by public radio (27 percent) and online media (23 percent) – numbers in sum. However, the greatest share of respondents who have stated that they have no trust in media (24 percent) have singled out online media (see Chart 3). A significant difference may be noticed as regards to the educational background of Serbia citizens: those with primary education trust online media the least while citizens with university education trust both public and private TV the least.

Chart 4: How often do you use the services of Public Service Media (PSM)?
(Base: Total Serbian sample, in percent)



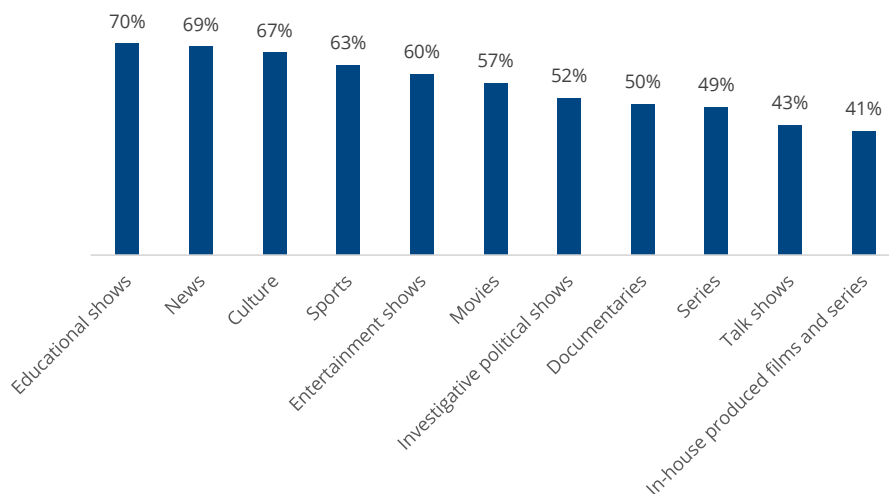
Serbia is on the list of countries where daily use of PSM is higher than the average in the region, with 64 percent of Serbians using PSM services on a daily basis (see Chart 4). Unlike other countries where PSM use is the highest among citizens in the age group 64+ years (or 50-64 years in some cases), in Serbia it is respondents in the age group 30-49 years who have the highest share of daily use of PSM (72 percent).

Chart 5: What type of funding do you prefer for PSM? (Base: Total Serbian sample, in percent)



Almost half of the Serbian citizens (45 percent) believe that advertising is the best funding model for PSM. The second choice is a hybrid model supported by 27 percent of respondents (see Chart 5).

Chart 6: What kind of content should PSM present? (Base: Total Serbian sample, in percent, multiple answers possible)



Compared to other viewers in the region, Serbian citizens would like to watch more cultural programmes, talk shows and series (see Chart 6). Expectedly, significant differences are based on the gender. Men would prefer more sport programmes (74 percent compared to 53 percent of women) while women would prefer more series (56 percent compared to 41 percent of men). Further differences are seen in the education profiles of respondents. A higher percentage of citizens with university degrees would like to see more educational programmes (81 percent) and investigative journalist programmes (65 percent).

About Us

This publication is a project initiated by the Media Programme South East Europe of the Konrad-Adenauer-Stiftung (KAS). It is part of several initiatives aiming at analysing the current situation of public service media in South East Europe. For this purpose, the Media Programme asked local media experts to write articles about the state-of-play of public service media in their respective countries. For a complete overview, a survey was commissioned on the perception on public service media by the KAS Media Programme. This publication is the result of this engagement.

The KAS Media Programme South East Europe was founded in Zagreb in 2005 and has been based in Sofia since 2007. It covers ten countries – Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Montenegro, the Republic of Moldova, North Macedonia, Romania and Serbia.

The central objective of the media activities of the Konrad-Adenauer-Stiftung is to strengthen the role of media in the process of democratisation and transformation. This can be achieved only when all relevant players are involved. Apart from the journalists, key stakeholders are the media owners, politics, civil society and science. It aims at achieving a shared understanding of the role of media in democracy.

Thus, the KAS Media Programme's work seeks to achieve three main goals. We support the education and training of journalists. We encourage media pluralism and the strengthening of media law. And we promote the professionalisation of political communication. For that reason, we organise together with national and regional partner conferences, seminars and workshops as well as case studies and analyses. We promote the exchange of ideas and experiences and bring German experts together with professionals from the region – journalists, media entrepreneurs, politicians, scientists, representatives of other civil society organisations.

The Media Programme South East Europe is part of the global Media Programme Network of the Konrad-Adenauer-Stiftung. In addition to the office in Sofia, there are offices in Johannesburg (for Sub-Saharan Africa) and Singapore (for Asia).

A Pillar of Democracy on Shaky Ground

The Konrad-Adenauer-Stiftung (KAS) is a political foundation close to the Christian Democratic Union of Germany (CDU). In Germany, in Europe and in the world, it is an advocate for the promotion of democracy and the rule of law, and the enforcement of human rights.

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