

EU regulatory framework and the political economy of terrestrial digitalisation in Slovakia



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ABSTRACT: This research essay offers analysis of the digitalisation switchover in Slovakia. It specifically focuses on the political economy of the process, how the state regulators were able to protect and more importantly to strengthen the free competition and lessen the barriers for the entrance of new players because of the pressure of the current media players. It states how the public service broadcaster Slovak Television was lagging behind in the process (even as it started the first digital channel already in the summer of 2008) and how the current players are trying to cement the position of Feller's "competition among the few." This paper is foremost a case study of Slovakia and how its regulatory framework is influenced by the European Union's regulatory activities in the area of terrestrial digital video broadcasting. It particularly focuses on the political-economic aspects of media ownership and mentions the situation in the Czech Republic as well.

KEYWORDS: EU, terrestrial television digitalisation, political and economic influences, regulation of ownership and competition, deregulation, digital law, Slovakia, Czech Republic.



INTRODUCTION

The process of digitalisation is sweeping through Europe and even beyond. Every continent, every region and every country has its own approach to how to deal with the rising demands of the media environment and society oriented on new technologies and of the dynamic processes like terrestrial digital broadcasting, High-Definition TV, convergence of technologies and media or the growing importance of the Internet. The European Union as a supranational entity is exercising its own input in the deployment of digital terrestrial broadcasting, in audio or audio-visual form. Starting with the core document *Television without Frontiers* (or its revised version known as *Audiovisual without Frontiers* or *Audiovisual Media Services Directive*), reports on the progress of member states and plans of strategies for how to achieve the so-called switchover from old-fashioned analogue to advanced digital terrestrial broadcasting, which is promising better quality, greater diversity and more satisfaction in general for the viewer and advancement of societies.

This paper is foremost a case study of Slovakia and how its regulatory framework is influenced by the EU's documents. It details pros and cons of the European influence on Slovakia's terrestrial digitalisation process and the local specifics. It particularly focuses on the political economic aspects of media ownership and how they were addressed in new broadcasting laws and cemented the position of the existing players within the television broadcasting market.

This paper will be divided into three general sections and will wrap up with a short conclusion segment. The first part will elaborate on the European Union documents about digitalisation and broadcasting in general and the basic philosophy behind the Brussels's approach. About the revision in the crucial *Television without Frontiers* Directive, technological strategies and plans for the switchover proposed by the European Commission and more specifically how the political-economic aspects of media ownership were addressed in this new approaching era (deregulation, liberalisation). The second presents the case study of Slovakia, how the country adapted their legislative acts to *acquis*, what is the criticism and what is the forecast for the future. It will provide a short comparison with the Czech experience. The third section is an analysis of EU influence in the Slovak environment and the Union's approach lacking in addressing specific problems of transitional democratic and free market societies of Central-Eastern Europe.

EU AUDIO-VISUAL REGULATORY FRAMEWORK IN THE "DIGITAL AGE"

***Television (Audiovisual) without Frontiers* Directive overhaul**

For almost 20 years and counting, the fundamental document for the EU's audiovisual policy is the *Television without Frontiers* Directive or as its current successor known as *Audiovisual without Frontiers (Audiovisual Media Services Directive)*, that addresses already in the naming the rising convergence of the industry. Its provisions remain in place even in the approaching age of digitalisation of television and radio broadcasting. Its basic goal is to set the minimal standards for the transmission of TV broadcasting and the cross-border retransmission and specific rules for free movement of TV content within the community of European nations. Many notions remained untouched in the directive's 2003 makeover. As the previous directive the new one too is asking for high-quality contents, pluralism, respect for cultural and linguistic diversity, protection of minority rights, minors and of the human dignity and the fight against racial and religious hatred. One of the differences in the revised directive is the approach to the regulation that ought to be split between the transmission infrastructure and the aired content. In other words, this means that the broadcasting services should be regulated based on the audiovisual content and not the means of their technological delivery (regulation of electronic communications). This is a crucial change in framework in the time of rising convergence of various types of media (print, TV, radio) and the multimedium of In-

ternet that combines all types of media (IPTV, web TV, web, streaming media, etc.).

The European Union played a crucial role in forming the regulatory framework in the new member states, including Slovakia. It was in 2003 that Bratislava embraced most of the media policies as part of *acquis communautaire* and closed this chapter within the process of the EU entry negotiations (European Commission 2004). A large legislative overhaul preceded this move. The Slovak parliament adopted new laws regulating public service broadcaster Slovak Television, Slovak Radio and new Telecommunications law. The *Green book on convergence of telecommunication sectors, media and information technologies* particularly influenced the latter.

European (de)regulation of media ownership

One of the crucial issues in the new regulatory framework that evolves with the technological trend of digitalisation is economic regulation of media and the rising economic deregulation of the media. The concern is the threat to content and competitive diversity in this new environment. With the exception of antitrust measures to protect vital economic competition, which are set on pan-EU level, EU Member States have their own restrictions protecting diversity of media ownership and the content that is being offered. However, in the last two decades, there has been an effort to come up with a pan-European regulatory framework. In 1992 the Green Paper of the European Commission on pluralism and media concentration offered three ways in which the European regulation discussion can proceed: a) no European action; b) improve the level of transparency in media ownership; and c) prepare pan-European regulation. In 1994, another report (the Fayot-Schnitzel Report) followed and argued for regulation from Brussels on a European level. In 1996–1997 a new directive related to media and telecommunications ownership was proposed, the cap was set at 30% market share in monomedia ownership and at 10% in market share of all-media ownership (Doyle, 2002, pp. 159–170). One of the more successful initiatives was the 2002 Bangemann Group report for Digital Video Broadcasting (DVB), which set technological digitalisation standards. And the EU itself did pursue the timeline of this terrestrial digitalisation process as well (Harcourt, 2005, pp. 9–23). This essay will elaborate at later analysis what kind of negative impact the digitalisation could have on the competition in broadcasting and possibly endanger pluralism and content diversity in the Slovak media.

New Europe, new media and the arrival of the digital-analogue switchover

Already in 1998, the European Commission issued the report of working group of experts analysing the EU audiovisual policy. It provided several valuable insights and recommendations towards the regulatory framework. Here as well, the trend

towards deregulation could be observed; licensing processes in the new digital age have to be made simple, clear and with unifying goals (Brečka, 1999).

However most of the EU regulation that was focused on the digitalisation of broadcasting was of technological nature, which might be premature with regards to the overall regulatory framework within the media, as the experience from Central-Eastern Europe shows.

The switch towards DVB-T broadcasting would not be possible if the EU was not involved, especially in the technological – transmission field. One of the crucial documents in this regard was the Chester agreement from 1997 when the frequencies in continental Europe were set and assigned to countries. Slovakia is part of the so-called Central European group, along with Austria, Czech Republic, Germany, Croatia, Hungary and Poland.

The definitive analogue switch-off was proposed by the Commission for 2015, what was later changed for 2012 and re-changed yet again for 2015. Action plan *eEurope* requires all EU member states to be part of the new DVB-T (Digital Terrestrial Broadcasting – Video) and T-DAB (Terrestrial-Digital Audio Broadcasting) in 2015. So was the decision of the Regional Radiocommunication Conference (RRC-06) held in Geneva in 2006, which included representations not only from Europe, but Africa and the Middle East as well. However, most of the EU states indeed agree that their national switch-over has to be completed by 2012.

By 2008 a majority of the EU states initiated the deployment of terrestrial digital TV broadcasting. Only three nations: Ireland, Romania and Portugal had to establish their specific plans on switchover (European Commission, 2007). By 2010 analogue will be history in Austria, Belgium, Germany, Denmark, Spain, Finland, Malta and Sweden. Cyprus, Czech Republic, Estonia, Greece, France, Hungary, Italy, Latvia, Romania, Slovenia, Slovakia and the United Kingdom will follow these frontrunners by 2012. Poland, which plans the switch-off for 2014, and Bulgaria for 2015 are considered as laggards. However, whether the poorer countries of the EU, located especially in Central-Eastern Europe, will be capable to deploy all the technologies and solve all the politico-legal problems associated with it remains to be seen.

As was mentioned, in many countries, the process of the switchover is taking place in several stages. It starts with experimental broadcasting (even as Slovakia due to legislative and financial constraints trails in deploying viable and diverse digital broadcasting, it is historical fact that it used the first digital transmission in the region already in 1999, but only for few days). Experimental broadcasting is followed by pioneer projects – even as audience can already watch broadcasting in digital quality. The aim of this project is to test the technologies for future regular broadcasting. During this process, legislative framework and regulation for this type of broadcasting have to be prepared. The last stage is the deployment of DVB-T and T-DAB and continual switch-off of analogue broadcasters (Oravec, 2001).

STATE OF TERRESTRIAL DIGITALISATION IN SLOVAKIA

Digital law: Cementing the position of the few

A key digitalisation law in Slovakia was passed in March of 2007 – law No. 220/2007 about Digital Broadcasting of Programme Services and about providing Other Content Services via Digital Transmission. This law was and is a huge victory for the players already present on the market. The “switchover” law was in preparation for more than three years, yet the end result was not very impressive. The lawmakers gave in to the lobbying pressures of existing major TV networks JOJ (which started its second digital channel JOJ Plus in the fall of 2008) and Markíza, which not only secured both analogue and digital frequencies (that could be used simultaneously until the digital coverage reaches the scope of the 2007 analogue coverage) but are allowed to create new monothematic TV stations. However, the first version of the law, which was proposed by the Ministry of Culture, did prohibit the existing market players from establishing new TV stations. This was one of the crucial anti-concentration measures of the law. However after the change of the law and domestic politico-economic developments at the end of 2008 it looked like that the current broadcasters could fill most if not all multiplexes with their stations and thus block the diverse competition that digitalisation could offer.

Since the start of U.S.-owned TV Markíza the competition among commercial TV stations in Slovakia was very limited. Although the high level of concentration in TV broadcasting can be explained with the small size of the market as well, it is only one from a few factors. It can be observed in the fact that the competition improved somewhat in the last years. However with the new digital law, all present players try to preserve the *status quo* and what John Fellner calls “competition among the few” (Fellner 1964). Even if we use the market-oriented Herfindahl-Hirschman Index to analyse the state of the television industry as a whole, we come up with a very high level of concentration (more than 1800, 10,000 – monopoly, 0 – perfect competition). When we use the audience share criteria among TV measured TV stations, concentration according to HHI in 1996 was 5028, in 1999 it was the maximum 6240, and in 2005 with an improved 3845. However it is questionable what data we can use best to define the market and what is the actual relevant market. When we look at advertising market shares, in 2003 was HHI of the industry 6170 and two years later 4182 (Ondrášik, 2008). In 2006 the Antimonopoly Office observed several realities that are threatening the competition in TV market, among them this: “In the process of digitalisation, current players in TV market could try to prevent the entrance of other companies into the market” (Antimonopoly Office of the Slovak Republic, 2006). With the new digital law, this concern is slowly becoming reality.

In the regulation of TV broadcasting the state has to provide protections for the content diversity and at the same time guarantee analogue frequencies (both major

national TV stations in Slovakia have prolonged broadcasting licenses until at least 2019). The compromise in the area of the simultaneous broadcasting of analogue and digital frequencies was unavoidable, as the parliament-elected Broadcasting council and the parliament itself did not deal with the problem when it was prolonging the licences for TV stations in 2006 for over a decade more.

It almost seems that the lawmakers voluntarily abolished their regulation tools that were vital in protecting healthy competition for all (even new) players and even more importantly – to protect the public interest. Especially worrying are two aspects of the law that certainly were not in line with the antimonopolistic and anti-concentration measures, as the Council of Europe understands them. The lawmakers did not limit the number of new TV stations that current players can establish. This means they can establish as many (even low-cost) networks as they wish in filling the capacity of the multiplex. There is only a little maneuvering space for new projects. The other problematic aspect is that the administrator of the first two multiplexes can state only one company. Even as it is prohibiting content producers (producers and TV stations) from being administrators, obeying such a rule never has been a problem in Slovakia. In the past, control has been retained through loose personal alliances. As the Broadcasting Council will more or less only formally award the licences and the position in the multiplex will result from the agreement between the multiplex administrator and the broadcaster. On the other hand as Czwikovics (2007) points, the blocked entry for new players can have for a certain period of time positive implications, as the advertising market, which currently does not hold place for a new mainstream TV station, can strengthen and it might be easier to accommodate the needs of other broadcasters at later time. However, at the end of 2008, it was clear that current players were trying to make great effort in seizing as much of the market and space of the multiplexes as possible. The law allowed them to go ahead with new programming services and both major analogue TV stations preparing deployed some of the new channels and were readying others.

The Czech experience

Worth mentioning is the Czech experience with digitalisation and the problems Slovak western neighbours have faced. Their law was in the end so toothless that actually the major TV stations Prima and Nova were able to halt the whole process of digitalisation in the country. Particularly at a time when other commercial broadcasters and planned TV projects with a licence acquired in the first DVB-T “beauty contest” (music channel Óčko, news-channel Z1, family-oriented Pohoda, general Febio and Barrandov) already invested into deploying their own digital broadcasting, major stations with lawsuits effectively blocked their transmission. As Barmošová (2007) stresses: “the process, when the current players were unhappy to allow other businesses in terrestrial TV broadcasting, was very much resembling

Slovakia”. Paradoxically, the Slovak digital law was constructed as the original 2005 Czech law.

However, the Czech law had already materialized in 2005. At the end of 2007 the Czech Parliament ratified a revised version of the law that guaranteed another full-scale digital licence for the original two major players – meaning that commercial broadcasters like Nova and Prima can redeploy their second full-spectrum channel (Barmošová, 2007), if they agree to follow the national technical switchover plan. Notwithstanding, neither the law nor any regulatory body can force the analogue TV stations to agree with the plan. TV networks that were prepared to enter the market in 2006 were awarded a compensatory licence; the first to go on the air was the news TV Z1 in June 2008. Even this situation is far more protective of competition than the status that evolved in Slovakia.

In the end, the largest commercial TV broadcasters agreed to the *Technical plan of Transition*. As part of the deal, Nova and Prima have a guaranteed place in the DVB-T multiplex, but only for one other channel. Before this, directors of both television broadcasters were asking the government for guarantees that they will not be harmed by the process of switchover. Compromise was reached with the above-mentioned “one more channel guarantee”. It is clear this agreement is much more open towards the competition and is promising the entrance of other players than are the far-reaching guarantees that the Slovak TV broadcasting players were able to secure.

Public service broadcaster and new commercial channels

An interesting situation developed in 2006 in Slovakia when the public service broadcaster was actually pushing the same line of protecting the market against new TV broadcasters, as were the commercial TV stations. The lobbying arm of existing commercial broadcasters – Association of Independent TV Stations in Slovakia – seemingly promised as a reward for the Slovak Television, to lobby for a deployment of one multiplex for Slovak Television only. According to the Slovak technical plan, the analogue frequencies for the public service broadcaster have to be switched off by the end of 2011 and the official start of the full public TV multiplex is early 2012.

However, unlike in the Czech Republic, the Slovak Television is in no way a leader in the digitalisation. The Czech Television started with its third channel ČT24 (news) and ČT4 Sport in 2005 and 2006 respectively. They are supposed to fill the planned public service multiplex. In Slovakia, the Slovak Television started limited broadcasting for the third channel STV3 (sports) starting with the Beijing Olympics in August 2008. Later, it will air programming for only a few hours each day. The TV’s management started its DVB-T transmissions already at the beginning, even as the positions in the pilot multiplexes and the planned first multiplex have already been taken.

A second digital channel (most probably news and documentaries) can follow by 2010, but its deployment is dependable on the will of the government to subsidize it. There was some discussion that the Slovak Television could go even further and start a fifth channel STV5 in the coming years. However, taking into consideration its dismal financial situation (even with new Licence fees law that is promising larger influx of money into the problematic institution), the Slovak TV was in 2008 hardly capable of servicing the three channels. Actually at the end of 2008, the public service TV broadcaster was again on the brink of economic collapse.

With regards to the digitalisation, the personal and economic troubles of the institution slowed down the process of switchover and the deployment of new programming services. General director of the TV Štefan Nižňanský had asked to postpone the date of submission of the TV's Strategy for the digital switchover.

Summer 2008 was a time of awakening of commercial TV broadcasters in Slovakia that even as they have followed with their obstructionist approach towards the switchover and efforts to stop other players, they realised the need to start going digital with other channels as soon as possible. The first to start with enlarged programming service was JOJ, which had deployed their second thematic channel JOJ Plus in early October. However, in the beginning they still did not acquire the DVB-T licence and were allowed to broadcast only via cable and satellite. Notwithstanding, the TV managers themselves admitted that this move was in the preparation of the digital switchover. The new channel was airing mostly movies, series and some news programming.

Much more reluctant to adapt to the new situation and obstructing the digitalisation process to protect their economic standing was the market leader Markíza (part of the CME Group). Head of the CME Michael Garin went so far in his analysis of the digitalisation for the Czech print *Hospodářské noviny* as to call the digitalisation "one of the biggest foolishnesses of regulators" (Digimedia.sk, 2008a). Anyway, even the CME had to go ahead with their plan for switchover that is planned for all the networks of the CME Central European TV Group for 2012 (Digimedia.sk, 2008b). Despite initial skeptical claims, Markíza was preparing several new channels for 2009 and registered three trademarks for them. It seemed to be that JOJ (J&T Media Enterprises) and Markíza (CME) were heading to block other players and higher the barriers of entry towards the new potential players.

The French media giant Lagardère would like to join the new TV digital environment. It is the first potential new player on the market. However, its entrance might be complicated as it already owns a nationwide radio network Okey in Slovakia and thus it might be problematic to meet the cross-ownership criteria. President of the Group for the Czech Republic and Slovakia Michel Fleischmann said in the interview for the weekly magazine *Trend* that "Lagardère plans to invest in radio, television and Internet within Slovakia". He openly mentioned lobbying for several adjustments in Slovak law that would ease the cross-ownership rules for digital TV broadcasting as it happened in the Czech Republic (Czwitkovics, 2008b).

In Slovakia, there is a considerable lack of activities that would promote the switchover and the approaching new TV and radio environment. Actually the only advertising activities that have been taking place were by non-governmental organisations (like the web-based project Digimedia.sk) or commercial entities. One of the commercial activities is the project Digital Slovakia – Digitálne Slovensko organised by local entrepreneurs. Part of it is the distribution of digital satellite set-top-boxes in the remote regions of the country where the DVB-T coverage will be scarce. The largest cable TV, Internet and triple-play provider UPC opened its own digital advisory bureau in the capital Bratislava. This bureau should specifically address questions of the company's clients that use digital services in the form of digital cable TV and others.

SLOVAKIA'S ROAD TO DIGITAL TV AND THE INFLUENCE OF THE EU FRAMEWORK

Even as Slovakia was not one of the first in Europe to prepare its legislation for the switchover and is still facing difficulties and criticism in this area, it was one of the first to experiment with digital transmission and already in 2005 joined Brussels's appeal in the much-telling document *Accelerating the Transition from Analogue to Digital Broadcasting* and agreed to switch-off the analogue broadcasting by 2012. In context with *acquis* and the EU regulation in this matter, the problem can be that the EU provisions provide only weak or no protection for the competition (and thus content) diversity that are a vital part of the market freedom and pluralism. Slovak anti-competition and antitrust law is based on European law. There are several anti-cross-ownership rules, among them the owner of national radio or TV station cannot own national daily as well. However ownership restrictions between two or more national TV stations have been relaxed with the 2007 digitalisation law. In the Slovak media system, which can be described as a mixed regulated model (some content restrictions, upper limits but generally tending to deregulation), there are three regulatory authorities. In the area of digitalisation, frequencies use and cable retransmission, it is the Telecommunication Office. The general regulator of broadcasting is the Council for Broadcasting and Retransmission, and the authority in the area of economic competition is the Antimonopoly Office. The state interventionist in regulating media content is the Ministry of Culture. However their competences are weaker than they used to be and it is not certain that they are in public interest.

The "digital law" is strengthening the current players and provides them with more rights than the Law on broadcasting and retransmission that was in accordance with the *acquis communautaire*. It protects competition, but only the competition between the current major players, it indirectly restricts the presence of new stations, not to mention that the digitalisation probably will not provide as much incentives for local and regional TV stations as was previously thought (even as some lukewarm provision protecting local broadcasting remain in place). Accord-

ing to the Broadcasting Council, almost three million viewers in Slovakia can watch local terrestrial or cable channels; its input is almost insignificant. During the 21st century, there were always between 70 and 80 local content providers. They were mostly broadcasting text news (Ondrášik, 2008a). Even as the law led to certain liberalisation, in the end it *de facto* protected the *status quo* for major player and effectively blocked the progress of digitalisation until the full switch-over in 2012 (Czwitkovics, 2008a). The TV stations have an undue advantage as they are allowed to establish an unlimited number of TV stations and at the same time as the current insiders exercise with important control and contacts to secure themselves a better position. Unlike in other countries where the existed players were limited in their new DVB-T licences (e.g. the Czech Republic). Another potentially important aspect that influences the political economy of the process is the technological compression standard that will limit the number of broadcasters in multiplexes.

The nation's Strategy for the Transition to Digital TV Broadcasting is focused at the technological aspects of DVB-T. It has to be stressed that Slovakia recorded progress on how fast it was able to cover the most populated areas with the digital signal, however it was not as quick as was expected and slower when compared to neighbouring Czech Republic. According to the revised Strategy the switch-off of analogue frequencies that were allocated to new DVB-T will take place by the end of 2011, the Slovak Television should broadcast via digital multiplex only by March 2013. The Slovak law is considering the state of fully digitalised coverage when 80% of area covered now by analogue signal currently will be covered by DVB-T. The *Strategy for Transition* stresses that the switch-off can take place when the existing analogue and digital terrestrial coverage are in comparable state (*Strategy for the Transition...*, 2008).

The problem seems to be that neither the EU framework about digitalisation, nor the Slovak legislative acts adequately address the issue of diverse competition and that the market will remain open to other players and does not provide an unfair advantage to players already present. In light of these developments nationally and internationally, there seems to be a strong case for achieving some level of effective regulation to protect content diversity. There may be a time in the future when most of the needs for regulating media will disappear, as with new media, digitalisation and other dynamic technological processes, and the barriers to entry will be lowered. However, current developments do not offer any proof of this; in fact, sometimes they show the opposite. In guaranteeing a vital level of competition and justified demands of large companies, there is an ever-growing need for a regulation that can be compromised of both (content and competition), this can be achieved with regulating content diversity and effective control of this process rather than to push too harsh ownership upper limits (Ondrášik, 2008b). Although, not even this aspect is adequately and most importantly effectively addressed in the laws and discussions that are taking place in Bratislava.

Even as cross-ownership anti-concentration measures remain in place, it can be argued that in the era of deregulation, players from other market segments have the right to enter the DVB-T process (for example print publishers or radio broadcasters). It can be regarded as negative that these did not play a more important role in the whole process of creating the new legislative framework in Slovakia.

However, one of the aspects of policy-making that actually could help the economic competition was of technological nature. In September 2008 one of the state regulators – the Telecommunication Office proved its autonomous and independent position when it decided against the lobbying of the big commercial TV players and opted the MPEG-4 format for the new multiplexes. The current players called the “MPEG-4 discussion as premature” (e.g. interview for *Trend* magazine with the TV JOJ director Richard Flimel). It is a known truth that the MPEG-2 format offers less space in the multiplexes and thus is good for the current players that get various advantages under the Slovak law. “The deployment of the MPEG-4 technology will allow us to meet one of the basic criterias of the law and that is to liberalise the market by creating an environment that will allow greater competition with new players entering the market,” said the Telecom Office chairman Branislav Máčaj (Czwitkovics, 2008c). However, it was not clear how the current will react and whether they would try to change this decision of the Office.

What was clear, this independence of the Telecommunication Office did not last for long as Máčaj lost his chairmanship and position in the parliament’s no-confidence vote towards him. It was speculated that there was considerable effort of the big two TV companies to change again the MPEG technology and it was speculated that one of the companies competing to be the administrator of the multiplexes was tied to one financial group already present in the TV programming market.

According to the decision of European Parliament and the European Commission about the regulatory framework for the frequency spectrum within the wider European Community region, the technological tools as well have to be used to strengthen the freedom of media and pluralism (in ownership as well). The EU’s directive is calling for technologically neutral regulation.

At the end of 2008 the regulating Telecommunication Office was under considerable political and economic pressure about its decisions. Something that was in deep contradiction with the EU’s traditions.

CONCLUSIONS

This essay presented a thorough analysis of the European Union’s policies, philosophy and strategy in the field of terrestrial digital switchover and what impact it had on regulatory framework in Slovakia. The Slovak media environment in the area of political-economic aspects of broadcasting even before the switchover showed signs of problems in the area of the concentration of media, undue dominance of one

player (TV Markíza) and the situation seems to be re-inforced even in the age of digitalisation (with a doupoly of JOJ – J&T Media, and Markíza – CME). The most problematic aspect of the union's policy is the lack of guidance especially in the area of competition and concentration. Even as it argues for deregulation, as experience from Slovakia (and to certain extent from the Czech Republic) shows, neither the first nor the latter is in the end fully true. For example the 2007 Slovak law on digital broadcasting is obviously providing an unfair advantage to players already present and that can endanger the basic principles of the diversity than the terrestrial digitalisation has to offer. This was re-inforced with the politico-economic developments in Slovakia in 2008.

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