

Press concentration, convergence and innovation: Europe in search of a new communications policy



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ABSTRACT: Printed press all over Europe have to face many similar problems; there are general indications that print has to deal with structural stagnations. Circulation is declining; advertisers seem to be less interested in printed products. Print has also to deal with raising costs and with more competition. Due to those developments publishing companies preferred more a policy of saving costs particularly through economies of scale. That stimulated press concentration, declining ties with readers and advertisers, and decreasing interest in innovation. For the benefit of media diversity governments are separately and collectively in the European Community in search for a new communications policy to deal with those problems in a more structured way. Next to a distant, passive role of the government, gradually in several European countries it is recognised that for a real freedom of speech it would be necessary that the government also fulfils a care duty, to commit to a policy aimed at upholding and enhancing the diversity of the media.

KEYWORDS: press concentration, communications policy, information diversity, freedom of speech, innovation of press industry



INTRODUCTION

From present-day figures about the printed press a good *and* a bad story may be derived. In general there are still newspapers which are showing progress. In some countries, especially in beginning democracies, the numbers of newspapers and their circulation are growing. Nevertheless, mature markets have to face more and more problems: general indications prove that print in those markets has to deal with stagnations of a more structural kind. The circulation-figures of newspapers and magazines in many European countries show a stability or a decline; the average time spent on reading has a downward tendency. Advertisers seem to be less interested in printed products than they used to be. Print has also to deal with raising costs of home delivery, postal services, newsprint and investments in new techniques. At the same time newspapers and magazines face more competition, especially from other suppliers of information, such as websites, audiovisual media and free papers. Commercial on television, direct marketing and online advertising

and online selling are growing in popularity. Those developments stimulated cost-saving activities, forming of groups and press concentration. In some cases newspapers and magazines just disappear whereas no real alternatives in the information supply are being offered to media consumers. Then the 'free market place of ideas' may be endangered. The Dutch government and other European governments separately and collectively within the European Community reacted in several ways to its actual and possible consequences. Within that context some headlines may be distinguished for instruments of a new communications policy to deal with those press problems in a more structured way.

PROBLEMS OF PRINT

The World Association of Newspapers presents each year the results of a survey which turns up hundreds of interesting facts and new insights into the world of newspapers. The 2005 WAN-survey (Balding, 2005) showed that there had been a strong increase in global circulation, that sales in developing markets continue to soar ahead, that several mature markets had joined the circulation revival, and that at the same time, the number of newspaper titles was growing almost everywhere. 2004 saw the best advertising performance for newspapers in four years. The audience for newspaper web sites continued its high growth and as classified advertising continued to migrate to the Internet, newspaper classified shares stabilized through new online growth. More than 395 million people buy a newspaper every day, up from 374 million in 1999. Taking a modest average for the readership of each of those newspapers, we can see that well over a billion people on planet Earth read these publications every day. Undeniably an impressive figure. So what is the problem?

Next to these global data of successes Director General Balding showed in his presentation a handful of problems within separate countries. In Bolivia for example, only 5% of the population – one in every 30 people – buys a new newspaper occasionally. In Bosnia, 53% of adults have no confidence in any print media. There is no printing press in Equatorial Guinea and newspapers are photocopied. Indian newspapers, published in 18 languages, include not only bilingual but trilingual publications. In Jordan, where dailies are obliged by law to have a minimum capital of 700,000 US\$, there is also a legal obligation for editors-in-chief to have 10 consecutive years as a journalist before they can be appointed. In Mozambique, the chief distribution means for dailies is by fax. These fax publications consist of four pages, including ads. The Uzbek government has invented newspapers without news. Private newspapers are allowed to publish advertising, horoscopes and other features – but no news. These data illustrate that the free flow of newspaper information and press freedom are not that obvious as western democracies try to believe.

Split by region the WAN figures showed a more balanced image of the good news story. In Asia, South America and Africa sales were up more than 4% in one

year, whereas sales were down 0.2% in North America, 1% down in Australia & Oceania and 1.4% in Europe. The number of (paid for) titles in the European Union decreased over 5 years by 1.7%. If we take the broader Europe and include countries which have not acceded to the European Union, we see a drop of 1.4% in circulations in 2004 and of 1.6% since 2000. In this last period 2000 till 2004 16 of the 21 European countries saw a decrease of their newspaper circulation (see Table 1).

Table 1. Newspaper circulation in Europe 2000–2004 (in %)

Country	2000/04	2003/04
Austria	2.68	1.90
Belgium	-5.21	0.54
Czech Republic	-2.52	-0.36
Denmark	-10.53	-4.06
Estonia	-1.91	2.39
Finland	-2.12	0.53
France	-5.81	-1.28
Germany	-7.73	-2.11
Greece	-9.25	-0.64
Hungary	-9.48	-4.55
Ireland	29.27	-3.89
Italy	-5.53	0.19
Latvia	10.56	-0.56
Luxembourg	-4.27	-0.02
Netherlands	-8.54	-3.35
Poland	43.99	15.21
Portugal	-	5.78
Slovakia	-11.28	-5.14
Spain	-0.49	1.31
Sweden	-1.29	-0.43
United Kingdom	-11.41	-4.43

Also more recent figures indicate a stability or a light decline of the newspaper circulation; the average time spent on reading newspapers has also a downward tendency. In The Netherlands the total circulation of all dailies declined in the last 20 years from 4.5 million papers to 4.0 million (= nearly 9% decrease), whereas the total inhabitants increased by nearly 3% and the number of households by about 6%. Their reach, the amount of papers per 100 household declined considerably from 97 to 62. Not only newspapers, but also some magazines are facing these problems. Moreover, advertisers too are less interested in printed products than they used to be. This can be derived from the stagnating or sometimes decreasing advertising revenues of newspapers, some magazines and from the expansion of other competing media, like commercial television. At least the share of the newspapers in the total of advertising expenditures in various media is declining as

a consequence of the growth of commercials on television and direct marketing. Nowadays the biggest advertisers choose more AV-media at the expense of advertising in print.

Print media have to cope with many more problems. Among them the distribution: growing costs of home delivery and postal services. The number of younger people to deliver newspapers at the homes is decreasing; younger people are less eager to do this work at the very early hours of the morning under severe weather circumstances for a relatively small fee. And the newsprint costs are still growing.

THE RATIO BEHIND

An economic analysis made by a Dutch economic consultancy department of KPMG yielded more information about the ratio behind the negative developments of regional dailies in particular (KPMG BEA, 2004). The dailies are confronted with some autonomous developments like more competition, not so much with other dailies, but especially with other suppliers of daily information, such as online newspapers, other websites, audiovisual media and free national dailies like Metro. Another autonomous development is the declining demand for printed news and other printed information. Especially younger people do not have much commitment with information on paper anymore. Those negative developments lead to a change of the financial economic policy of the publishing companies of the dailies. They preferred more a policy of saving costs particularly through economies of scale. Those scale profits can be realized especially in the field of the costs of printing, editorial board, overhead and advertising acquisition. The possibility of economies of scale stimulated forming of groups and other cooperation activities.

Emphasis on costs savings lead publishing companies of the dailies into a policy in which there was not much attention for readers, advertisers and innovation. In that way dailies were confronted with this vicious circle of decreasing revenues, forming of groups, press concentration, declining ties with readers, advertisers and fewer attraction to innovation. Due to their specific and relative unfavourable position to some costs especially regional dailies experienced this vicious circle most.

From this economic analysis it was concluded that publishing companies, for surviving, need to do more for renewing their ties to the readers and advertisers and for innovation. According to their opinion real innovation is only possible through making use of media convergence. The publishing companies should realize that their information product could be published not only on printed paper. Their product may be conceived as a branded identity of content published through old and new media. So innovation is very important for them to survive, to find new positions in present and future media developments, but also this is very important for society as a whole. In searching new ways companies may for example try to handle with some bottlenecks in society like the information paradox: on the one hand there is more and more information available, but on the other hand there are many people being worse informed about matters which are important to them. Especially minority groups and people in some regions and situations of social economic deprivation lack information concentrated on their personal needs. The publishing companies may also take advantage of the fact that several functions of printed media can be fulfilled easier, faster and perhaps also better by electronic means. People in general, but the younger ones in particular, prefer more audiovisual media, do read less and if they read papers or magazines, they prefer images, infographics and colourful presentations.

INNOVATION

Stimulating the production and use of new electronic services may be essential also for the information supply of these specific groups in society. Considering those developments the printed newspaper, given the decline in its circulation and advertisement-revenue, will more and more prove to be too small a basis for a publishing company. Then it may be necessary to find new ways in presenting the information function of their products on new information carriers.

As profits and readership at printed newspapers continue to shrink, entrepreneurs are developing technical and other solutions that could bring a new newspaper format to the electronic age. First of all they invest sometimes in *projects to improve the printed edition*. Smaller formats, more images, more infographics, new techniques like computer to plate for more printing on demand. Digital printing takes production as close as possible to the consumer, enabling on-demand targeted production for a few – or even individual – media consumers. New editorial creation capabilities are more and more joined by greatly improved production systems, dramatically reducing the cost and speed of dissemination. Those are mainly changes within the printed edition. Or newspaper companies try to find new markets for the printed products in combination with audio, video and the Internet. For example combinations of printed newspapers together with job, real estate and other specialised websites. Search, referral and profiling capabilities, together with inventory management tools, revolutionizes the concept of media commerce. Or entrepreneurs present complete *new electronic information products*. At this moment in those electronic products three models may be distinguished. First the *audio-video models*, like audiotex, teletext, cable tv information services, video-on-demand, video news podcasts. Secondly the *Internet-information products* like Internet-based newsservices, online versions of printed newspapers or new designed real interactive web-only newssites. Some of these internet information products, called intelligent papers, look like electronic newspapers on demand or are opening pages of portals with personalised news headlines of online papers like Googlenews.

And thirdly the *mobile models*: Rodger Fidler's TabletPC, eBooks, ePaper, iRex/Iliad, Microsoft's ultra mobile pc, pda newspapers and Samsung's flexible e-paper. The last mentioned types are based on the principle of a flexible computer system equipped with a screen that can be folded or rolled up like a broadsheet newspaper. The product will use a reflective display, similar to liquid crystal that does not require backlighting.

Publishers and journalists are experimenting with several of these new product models for their contents. Arguing from their tasks for a well functioning information supply in society it may in some cases be concluded that there is also a task for governments, a duty of care based on the freedom of speech and right of information. Several views on this task have been and are hotly debated in public arenas.

CARE OF DUTY

These views may be analyzed into the following main lines. As stated in a contribution to an earlier conference (Lichtenberg, 2004 and 2005), press policies in Western democracies may be placed on a *continuum*, ranging from the libertarian tradition to social responsibility. But also the opinions about press policy within many countries could be placed on such a *continuum*. Considered to the media the libertarian model represents a situation in which the media are lightly regulated and little licensing or censorship exists. Freedom of the press, of opinion and expression and securing fair competition are the main guidelines. This is most closely associated with a free marketplace of ideas, and views press freedom and the ability to make profit from it especially as a propriety right (Feintuck, 1999). The social responsibility tradition is closely related to the idea that the state needs to conduct active policy in order to correct the market failures (Iossifov, 2000). The quality of the press and content diversity without endangering the press freedom are the main guidelines of that tradition. The instruments of social responsibility are general and specific support measures. In practice the debate between the libertarian and social responsibility traditions may be reduced to choosing between an emphasis on the media as commercial enterprise, or as cultural and democratic enterprise (Feintuck 1999, p. 165).

In The Netherlands this debate starts from the notion that the right to information, to receive it and impart it, may be seen as a basic common right in the Universal Declaration of Human Rights (Article 19) and also in Article 10 of its European interpretation (European Convention on Human Rights). The freedom of speech, being of fundamental importance for the social, economic, cultural and political self-development of each person in society, includes for each civilian not only a freedom of expression and distribution of his opinion, but also a freedom of information, the right to receive a wide and diverse range of information. Therefore, public freedom should encompass more than just the freedom to express views or cancel a newspaper subscription. Of course a government should start in his media policy with keeping at a distance from the press. Press freedom at first is a basic right to protect people and the press from governmental interference. The government may not interfere with the content of societal communication and with the press as an independent institution for delivering information and opinions.

However, a mere prohibition of censorship and a government at a substantial distance from the press were seen as not enough guarantee for a real freedom of information, communication, speech and a press freedom. Next to this passive, defensive position of the government it was desired that like in other fields of policy such as health care, education and so on, the government should be more active, should create the conditions for a real freedom. A duty of care based on the vision of a more active receiver's freedom and right of information as a basic common right in the above-mentioned Article 10 of the European Convention. This duty of care has been accepted more than once by constitutional courts (Conseil Constitutionnel, 1986; Bundesver-

fassungsgericht, 1981 and 1986; Corte Costituzionale, 1988), by the European Court of Human Rights (1990 and 1993)¹ and by governmental memoranda in several countries of the Council of Europe. So next to a distant, passive, defensive role of the government, gradually it was recognised that for a real freedom it would be necessary that the government also fulfils a care duty, to commit to a policy aimed at upholding and enhancing the diversity of the media. Acknowledging this duty of care, States have developed certain instruments for intervention. Government actions are implemented at different levels as follows: (a) limits to horizontal concentration; (b) limits to vertical concentration; (c) favouring effective competition; (d) restricting media ownership; (e) favouring internal pluralism; (f) favouring content-related diversity; and (g) enabling transparency in respect to media concentration (Meier, Trappel, 2002). A modern care duty includes a policy aiming at upholding and enhancing the diversity of the public area on the Internet.

Among other activities, this duty of care may find its implementation in the creation of several financial facilities. Considering the press one of these stimuli is financial state aid, like the support that is given by The Netherlands Press Fund, a governmental agency which aims at increasing the freedom and diversity of the press by financially strengthening the position of print media (Lichtenberg, 2004). But also by promoting research into the press industry the Dutch Press Fund tries to stimulate press and media diversity.

THE EUROPEAN DIMENSION

In the transnational European context this duty of care was also acknowledged, especially in some declarations to stress the importance of pluralism. Article I-2 of the *Draft Treaty Establishing a Constitution for Europe* declared pluralism as one of the fundamental values of the European Union. Article 22 of the *Charter of Fundamental Rights of the European Union* reconfirmed that the Union shall respect cultural, religious and linguistic diversity. Moreover, the second paragraph of Article 11 stresses that the freedom and pluralism of the media shall be respected. These transnational declarations set the floor for an European policy mainly favouring effective competition together with some limits to concentration. That more or less libertarian policy approach gave also cause for discussions in which national policy instruments of a more social responsibility tradition, like state aid, are being questioned. The main and more general question was put whether national state support is acceptable within the European context.

First of all, national state support is under discussion due to the European regulation, formulated in Article 87 of the EC Treaty, that state aid in principle is prohibited. 'Any aid granted by a Member State or through State resources in any form

¹ Also in other judgements the European Court of Human Rights recognises that the State or the government has a task as 'the ultimate guarantor of the principle of pluralism', for example – in political situations – in ECHR, 1998 (cited in: Valcke, 2002).

whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, insofar as it affects trade between Member States, be incompatible with the common market', as this article states. However, this is not an absolute prohibition of state aid. Article 87 also provides for a number of exemptions. On the basis of Article 88 of the Treaty, the procedural Regulation on state aid stipulates that any aid or any aid scheme must be notified to the Commission and approved by it before being implemented.

In The Netherlands a publisher wishing to receive support for its paper from The Netherlands Press Fund must fulfil the condition that the paper in question is targeted at the Dutch readership and is published in The Netherlands. Due to this condition the activities of the Press Fund are restricted to the Dutch media market and do not affect trading conditions and competition in the European Community. Moreover, this kind of state support aims at a more cultural target: the protection and promotion of the diversity of information supply through papers being published in The Netherlands. For these reasons the EC had no objections against this kind of state support.

Rather similar arguments were recently used in decisions of the European Commission to consider two cases of state aid to the press in Denmark and Belgium to be compatible with the EC Treaty (European Commission, 2004). In the Denmark case the Commission also notes that the project intends, according to the Danish authorities, to ensure the widespread availability of periodicals and journals run on a non-profit basis and thus to contribute to the democratic debate, the dissemination of social and cultural information and the promotion of associations. In the Belgium case the Commission acknowledged her decision of 1998 in the case of state aid to the *Coopérative d'exportation du livre français (CELF)* that there are linguistic and cultural hindrances which distort competition and the crossing borders trade between Member States in the publishing trade (European Commission, 1998).² In that decision the Commission also concluded that the European printing and publishing trade is still more an addition sum of national markets than one integrated market of the complete continent. The market for Flemish press products is for the most part – but not exclusively – a national market and considering the structure of this market this form of state aid will not lead to a significant disruption of the trade between Member States.

The EC itself does not provide direct support to the press in the forms typically found in domestic press subsidies, but it has been a provider of other kinds of direct and indirect support from several EC programmes for media including papers and magazines. This EC support falls into two categories: 1) support designed to de-

² The principles of that argumentation also apply to other published printed products, with view to its similar characteristics. That view was shared in the decision concerning state aid C63/2003 regarding Italian state aid to the publishing sector notified to the Commission, C (2004) 2215 fin.

velop industries and to improve competitive abilities internally and externally within the common market; and 2) support designed to encourage national and secondary cultures and languages. The forms of these support mechanisms do not appear to provide competitive advantages that distort competition within the single market or in domestic markets (Picard, 1999).

Moreover, part of EU policy is also to advocate financial support for the audiovisual industry in areas where market forces are seen to be insufficient.³

FUTURE EUROPEAN PRESS MEDIA POLICY

Despite the constantly increasing internationalization at the media company level, this trend has not found its counterpart in the regulatory framework. A Community media policy was developed based upon a competition policy in relation to a merger control regulation. European regulation in the media field is mainly based on economic and industrial policies, set up to create the single market (Hirsch, Petersen, 1998, pp. 207–217).

According to the merger regulation, all intended mergers above a quantitative threshold of combined turnover and with a Community dimension have to be notified to the Commission, as far as the merger would create a dominant market position. In 1992 the European Commission adopted a Communication, a so-called *Green Paper* to the Council and the European Parliament (European Commission, 1992). In this *Green Paper* the Commission pointed out that measures to safeguard media pluralism do not fall within the competence of the Community according to the *Treaty Establishing the European Union*. Much more attention in the *Green Paper* was devoted to the question of whether certain national regulations aimed at the maintenance of diversity and pluralism might potentially harm the single market objective of free circulation of services and the right of establishment. Due to that view media concentration at the European entrepreneurial level increased while regulatory attempts failed so far, with the notable exception of competition law which became in the 1990s the only effective transnational regulation by taking the initiative. But competition law does not necessarily correspond directly with quality and content diversity. Policy instruments safeguarding these notions are absent or inefficient. Rapid technology innovation demands new political and legal capacity to respond to the digital challenge (Meier, Trappel, 1998).

Considering the European Parliament Resolution of 2003 on the application of the Directive *Television without Frontiers* it may be expected that in future a new European policy will be developed mainly from the concern that growing concentration of ownership or control of broadcasting and other media, whether 'horizontal' or 'vertical,' may subvert pluralism and democracy. In that resolution the Parlia-

³ The MEDIA support programmes (Hirsch, Petersen, 1998, p. 213).

ment expressed its belief that a commitment to diversity of ownership and/or control of broadcasting, and of broadcasting and other media, should be incorporated in any future Directive. The Parliament also called on the Commission to monitor levels of media concentration in Europe and to draw up an updated *Green Paper* on this issue (EP-Committee, 2003). In 2004 the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs adopted a resolution in which the Commission was called to develop an action plan on measures to promote pluralism. Among others that action plan should include the revision of the *Television without Frontiers* directive to clarify the obligation of the Member States to protect pluralism. The legal framework of the Member States should be strengthened by the adoption at EU level of specific measures that guarantee pluralism. The Committee also called for the inclusion of a specific provision in the Constitution for Europe on the need to ensure pluralism in the media. And the Member States were urged to incorporate in their national constitutions an active duty to promote respect for freedom and diversity of the media in a more detailed form (EP-Committee, 2004).

Communication scientists expect that in a new European policy model there will be a framework of fairly loose regulation for electronic media, developed out of existing national legislation, and with some new provisions in relation to structure, ownership and competition. It might generally qualify for the label of a 'restrained capitalist model' (McQuail, 1998). The model will accommodate various public service requirements and also contain some protected enclaves for particular social needs, especially for politically relevant information, culture, education and the claims of various special interest groups, including the regions. There are also influential voices arguing persuasively for the need to retain a strong public media sector for political, social and cultural reasons. One of the strongest arguments relates to the need to preserve a space for public expression and debate, free from commercial pressures and the control of powerful media corporations (Atkinson, Raboy (eds.), 1997; Graham, Davis, 1997; Schulz, 1997). These arguments in favour of a greater policy and system convergence between European countries do not seem to apply to the print media. Press systems seem to remain very nationally distinctive on several dimensions, despite some common trends inspired by technology and market pressures.

TO CONCLUDE: STIMULI AS NEW POLICY INSTRUMENTS

The future information society calls for a fundamental change of the national and European media policy. A new media policy still has to recognize that the freedom of expression and the freedom of the media are and will stay one of the cornerstones of a democratic system. For that reason governments should remain at a distance from the media and also from the press. But, as was described before, next to this distant, passive, defensive role of the government it has been recognized more and

more too that for a real freedom it would be necessary that the government also fulfils a care function, to commit to a policy aimed at upholding and enhancing the diversity of the media. Such a care function should not be implemented so much as an element of a welfare state, but mainly as a policy instrument of a state more based on the concept of a *civil society*, a kind of state formed by *social contract*, in which people operate more as *citoyen* instead of being primarily addressed as costumers or consumers. A state in which governments acknowledge that society may do what society can do and where public and general resources are being used primarily to take care of vulnerable groups, to help them soon to reach a situation in which self-help dominates.

This implicates in this electronic age that the emphasis in present day media policy, including press policy, has to be transposed from an exclusively restrictive and media conservative policy (a policy with do's and don'ts, financial contributions, setting-off of losses) into a policy with instruments of a more stimulating and innovating character. To stimulate publishers and editors to find the necessarily new ways of presenting the information function of their products on new information carriers, for example.

In general, larger companies have enough time and money for experimenting with those new services with printed or electronic news carriers. But sometimes smaller companies are not in such an equal position to experiment with new services. Of course, the problems of entrepreneurs and the possible effects of the ways in which they are trying to solve those problems are primarily of their own business. However, media may have also aspects of more general interest. Their tasks for a well functioning information supply in society or their bringing news services are so important, that in some cases leaving their problems completely to them may be too risky for a free and diverse information supply through the press. In this vision their problems may also be partly the problems of society as a whole. In those cases, arguing from the duty of care function of governments in a civil society, it may be advisable to help them for making self-help in future possible. The Netherlands Press Fund is working on that with special grants for specific innovation projects and with stimuli for all kinds of research activities. Recent examples of those subsidies are:

- grants for some experiments with 'civic journalism,'
- subsidy for a research project of some national and local newspapers on the journalistic application of electronic document readers – the so-called *e-readers* –, and
- a subsidy for experiments of printed and online newspapers with new methods for acquiring new revenues.

Considering the growing internationalization of media and press systems, implementing in changing ownerships of newspapers and magazines into the direction of more stakeholders from other countries, it may also be advisable that a new European action plan on measures to promote pluralism will include financial in-

struments for stimulating innovation of press media. Last year the Commission of the European Communities underlined the importance for the European Union to play a pro active role by supporting content providers and fostering the emergence of innovative services (European Commission, DG Competition, 2006). And recently the Commission launched a three-step approach for advancing the debate on media pluralism within the European Union. This approach, set out by Commissioner Reding and Vice-President Wallström, responsible for Institutional Relations and Communication Strategy, includes three steps. First a Commission Staff Working Paper on Media Pluralism was being presented, that outlines efforts to promote pluralism by third parties and organisations and has a concise first survey of Member States' audiovisual and print media markets.

Secondly an independent study on media pluralism in EU Member States will start soon to define and test concrete and objective indicators for assessing media pluralism. The primary objective of the study is to define sets of indicators in order to measure: (1) policies and legal instruments that support pluralism in Member States; (2) the range of media available to citizens in different Member States; (3) supply side indicators on the economics of the media, together with some analysis of how new technology is affecting existing industry structures, for instance convergence.

And thirdly a Commission Communication on the indicators for media pluralism will be presented in 2008 after a broad public consultation. It may be expected – at least I hope – that especially that Commission Communication will also enable European institutions to engage in dialogues with Member States on further competence-building and other remedies as appropriate to promote transparency, freedom and media pluralism in the European media landscape.

Of course, that all does not mean that one swallow does make a summer. But at least, this is a hopeful start.

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