

# Television: the challenges of pluralism to media regulation\*



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**ABSTRACT:** The phenomenon of media pluralism and content diversity has been unceasingly a central issue of the European policy making. Media pluralism is usually linked to the democratic performances of society. The concept of pluralism can be defined both in terms of its function and in terms of its objective. Concerning television, media pluralism can be assessed through the number and types of channels, the number and structure of their owners, the editorial content of the broadcasts, and the access of different societal groups to the programming. The text investigates how well the traditional television system with its main social pillars, such as plurality and diversity, fits into the newly developed digitized media environment.

**KEYWORDS:** Television, freedom of expression, EU audiovisual policies, pluralism, media regulation



## INTRODUCTION

In the 1930s, Aldous Huxley warned in his *Brave New World* that time would come when mankind may die uninformed, wallowing in a sea of information (Huxley, 1932). That time may not have come yet, but it is a fact that we find it ever more difficult to deal with the quantity and quality of information. And all this makes ever more obvious how compression of historical time dictates the new pace of the communication process.

Modern technologies have considerably facilitated collecting, storage, processing, and distribution of data volumes, reducing tangibly their entropy. Under the conditions of this new communication environment orientation in the vast quanti-

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\* The topic has been analyzed by the author also in the following conference papers: *Television: the Good, the Bad and the Unexpected Challenges of ICT*. Presented at the international transdisciplinary conference organized by COST Action 298 'The Good, the Bad and the Unexpected. The User and the Future of Information and Communication Technologies', Moscow, Russian Federation, 23–25 May 2007, <http://www.costa30.eu/?q=node/32>. Retrieved 20 May, 2008; *The Challenges of ICT to Media Pluralism*. Presented at the International Workshop PLUS (Press Freedom and Pluralism in Europe), Brussels, Belgium, 12–14 September 2007.

ties of information is particularly important, as well as its rationalization and conversion into knowledge or as John Naisbitt put it: 'We swim in information, but starve for knowledge' (Naisbitt, 1984, p.17). Which brings us to the 'informational paradox of more information = less information' in the uncontrollable commercialization of the media (Cuilenburg, 1998, p. 81).

This gives rise to the question: How well the traditional media system with its social main pillars, such as plurality and diversity, fits into the newly developed situation, in which geopolitical boundaries become ever more conditional?

## THE PERSPECTIVE OF MEDIAMATICS

Theoretical verification and legal regulation of the traditional mass media find it difficulty to keep in pace with the headlong development of new technologies. And if half a century ago Arthur Clarke's fantasies about a satellite communication ring had a strongly futuristic twang, in less than a decade digital technology brought revolutionary changes in the radio and TV production and dissemination processes all over the world. In a matter of several years analogue communications will be a history. The type and pace of these changes will predetermine the further development of the *Information Society* and will present mankind with challenges of many an aspect.

We are on the threshold of change of the very paradigm of the mass media system: technologically, financially, administratively, creatively and, above all, socially. Of all factors affecting the building rate of the new type of society, the technological one is undoubtedly the most active. Arrangement and processing of information have been optimized and the speed of communication has increased.

Mass-scale advent of digital electronics and computer software in the everyday life presumes practical transfer of new schemes and mechanisms for the creation, distribution and consumption of information. The range of traditional communication products and services is steadily expanding. Moreover, the satellite links, digitalization and new information technologies have brought to the fore the question of convergence in communications development on various levels. 'Convergence is a process, which in the coming decades may completely change not only the system of mass information and communication media, but also the various industries related to them' (Vartanova, 2000, p. 39).

In its 1997 *Green Paper* the European Commission defined convergence as follows:

- ability to transfer kindred services on different platforms;
- bringing together of such large-scale public works as the telephone, television or personal computers.

The *Green Paper* also identified the basic characteristics of the Internet and the digital technologies that challenged the applied grounds for existing media regulation in a converged marketplace – the overcoming of scarcity, the interactive merge between publisher and consumer, the user-driven status, the decentralized (hori-

zontal) communication. Thus, it prompted the media industries that in the vast growing technological era they would be predominantly governed by market mechanisms and economic objectives for achieving wider social, economic and general policy aims (European Commission, 1997, p. 18).

The *Green Paper* has set clear goals to convergence policy in audio vision. The information and communication technologies have outpaced regulation and have set up an economic basis for the convergence of entire industries: the electronic, entertainment, media. Along this sense Santiago Lorente sees two stages in technological development: 'convergence between telecommunications and informatics (telematics) and between telematics and audio-vision (mediamatics)' (Lorente, 1997, p. 119).

## **PROTECTING MEDIA FREEDOMS IN EUROPE**

The necessity of protecting freedom of expression and promoting media pluralism has been underlined as far back as in the first pan-European documents. In 1950 these intentions were outlined in Article 10 – Freedom of expression of the *Convention for the Protection of Human Rights and Fundamental Freedoms*:

'1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary' (Council of Europe, 1950).

The Council of Europe is the continent's oldest political organization, founded in 1949. Currently it groups together 46 countries. As the main intergovernmental organization at pan-European level, dealing with the democratic dimensions of communication, it has been consistently active in setting common standards for the media developments. The attention to these developments has become particularly strong since 1990s with the rapid progress of the information and communication technologies, which stimulated the media concentration process. This is in tune with Council of Europe's basic aims, such as:

- to protect human rights, pluralist democracy and the rule of law;
- to promote awareness and encourage the development of Europe's cultural identity and diversity;

– to seek solutions to problems facing European society (discrimination against minorities, xenophobia, intolerance, environmental protection, human cloning, AIDS, drugs, organized crime, etc.);

– to help consolidate democratic stability in Europe by backing political, legislative and constitutional reform’ (Council of Europe, 2007).

In about half a century later Article 11 – Freedom of expression and information of the *Charter of Fundamental Rights of the European Union* stipulates that:

‘1. Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected’ (European Parliament, 2000).

The European Union (EU) is a supranational and intergovernmental union of 27 states. It was established in 1992 by the *Treaty on European Union*, and is the successor to the six-member *European Economic Community* founded in 1957. The EU is one of the largest economic and political entities in the world, with 495 million people (Eurostat, 2007) and a combined nominal GDP of €11,294.6609 (\$15,183.404) billion in 2007. (EU GDP, 2007). Citizens of EU member states are also EU citizens.

The European Commission is the executive body of the European Union. Alongside the European Parliament and the Council of the European Union, it is one of the three main institutions governing the EU. The primary role of the European Commission is to propose and implement the legal basis for the EU. The Commission is also responsible for adopting technical measures to implement legislation adopted by the Council and, in most cases, the Parliament. It monitors member states’ compliance with the Union’s agreed Treaties and Directives, taking action against those in default. The Commission is intended to be a body independent of member states. It consists of 27 Commissioners, one from each member state of the EU supported by an administrative body of about 23,000 European civil servants divided into departments called Directorates-General (European Commission, 2007).

The EU Directorate General Information Society and Media was expanded from January 2005 to include Media (formerly under DG Education and Culture). DG Infso deals with research, policy and regulation on the areas of information and communication technology and media. It defines and implements the regulatory framework for services based on information, communication and audio-visual technologies. Its regulation has cultural, societal and economic objectives, and covers some of the largest economic sectors in Europe. It furthermore fosters the growth of content industries, drawing on Europe’s cultural diversity. *i2010 – A European Information Society for Growth and Employment* is currently the main ruling policy document of DG Infso (DG Infso, 2007).

## THE AUDIO-VISUAL POLICIES

The acts of the Council of Europe important for the audio-visual developments are the legally binding European treaties or conventions, many of which are open to non-member states, as well as the acts of the:

- Parliamentary Assembly;
- Committee of Ministers;
- Steering Committee on the Media and New Communication Services (CDMC);
- The Standing Committee of Transfrontier Television;
- The European Court of Human Rights.

The different acts of the Council of Europe have different significance and different mechanisms for influencing the national legislature of the member states. The conventions are binding acts. Significant for the audiovisual sector are the *European Convention on Human Rights* and *The European Convention on Transfrontier Television*.

The *European Convention on Transfrontier Television* is a treaty which was opened on May, 1989 for signature by Member States and by the other States Parties to the *European Cultural Convention* and by the *European Community*. May 1, 1993 marked its entry into force. Currently, the number of parties, brought to this instrument, is 32. The *Protocol* amending the *ECTT* was opened for signing by the Parties to the *Convention*, in Strasbourg, on October 1, 1998. Since its entry into force on March 1, 2002, this *Protocol* has become an integral part of the *ECTT*.

The aim of the *Convention* is to facilitate, among the Parties, the transfrontier transmission and the retransmission of television program services (Council of Europe, 1989). It lays down a set of minimum rules in areas such as the responsibility of broadcasters in regard to programming matters, including the European content of programming; advertising, teleshopping and sponsorship as well as the protection of certain individual rights. For the major part, application of the *ECTT* relies on mutual co-operation between the Parties. A *Convention* body, the Standing Committee on Transfrontier Television composed of representatives of the Parties, is responsible for following the instrument's application and may intervene with advisory opinion for the friendly conciliation of any difficulties. In cases where disputes cannot be resolved through friendly settlement, arbitration is contemplated, resulting in legally binding decisions.

The *ECTT* and the amending *Protocol* from one side, and the *Television without Frontiers* Directive, from another, have similar objectives, although the intention of the newly adopted *AVMS* Directive as an instrument of the European Commission is to create a common market in broadcasting.

The rapid technological developments in TV and radio broadcasting in the 1980's enhanced the launch of quite a number of private broadcasters. Soon the

need of setting some minimum standards applicable in all Member States to regulate the rigorously developing TV and radio market was felt. Thus on October 3, 1989 the European Union came up with the *Television without Frontiers* Directive 89/552/EEC. This Directive constituted the legal EU framework aimed at coordination of certain provisions laid down by law, regulation or administrative actions in Member States concerning the pursuit of television broadcasting activities. It aimed to ensure the free movement of broadcasting services within the internal market and at the same time to preserve certain public interest objectives, such as cultural diversity, the right of reply, consumer protection and the protection of minors. It was also intended to promote the distribution and production of European audiovisual programs and to ensure that they were given, whenever possible, a majority position in television channels' program schedules. The general principle of the *TVWF* Directive was that member states must ensure freedom of reception and that they may not restrict retransmission on their territory of television programs from other Member States unless they infringe the *Directive's* provisions on the protection of minors (European Commission, 1989).

Only half a decade after the entry into force of the *TVWF* Directive the intense developments in the audiovisual sector determined the necessity of further extensions of the rules regarding some of its general provisions. These included: advertising, teleshopping and sponsorship; promotion and distribution of the European cultural productions; access the public to major (sports) events, protection of minors and right of reply.

Parallel to these actions, a report *Europe and the Global Information* (largely known as the Bangemann Report) proved to be extremely influential in starting the discussion on the future European communications policy, by pointing out that building the European information society would be market-driven. It also stipulated that a new regulatory environment allowing full competition in the area of digital developments and building new information infrastructures would be needed (European Commission, 1994).

Thus, on June 30, 1997 the Directive 97/36/EC of the European Parliament and of the Council amended Council Directive 89/552/EEC. Among the above mentioned provisions, it introduced a special article concerning the set up under the aegis of the Commission of a Contact Committee. It is composed of representatives of the competent authorities of the Member States with a task to facilitate effective implementation of the Directive.

In the process of implementation of the *TVWF* Directive, it was not possible to adopt decisions, contradictory to the norms of the *ECTT*. As an illustration of the co-ordinated actions of the European Union and the Council of Europe in the audiovisual area can serve the fact that the *Amending Protocol of the ECTT* was adopted after the revision of the Directive of 1997. This *Protocol* practically reflected the amendments in the Directive. The current discussions of the review of the *ECTT* are in tune with the latest revision of the newly adopted *AVMS* Directive. As a mat-

ter of fact this process has started well ago – since 2001 the effectiveness of the articles of the Convention and the Directive has been thoroughly analyzed. Both sets of regulations stipulate mainly that:

- Parties to the agreements should guarantee free reception on transmission on their territories of TV programs from other signatories;
- They govern the amount and kind of advertising permitted;
- They protect minors against exposure to pornography or gratuitous violence;
- They provide for a right of reply for persons whose reputations are injured by an assertion of incorrect facts;
- They seek to promote endogenous (local) production of television programs, in part by specifying that a majority should be made in Europe.

In another five years after the *TVWF* Directive was amended, the European audio-visual sector has changed dramatically. The convergence of technologies provides interweave of linear and non-linear services. The expansion of fixed broadband, digital TV and 3G networks is rapidly changing viewers' habits. The vertical structure of audio-visual programming is steadily being displaced by horizontal fragmentation of the audiences, wishing to follow their own viewing time schedule. The technological progress has imposed a strong impact on the business models of the media industry. A need for modernization and adjustment of the regulatory framework was felt in this new situation of rigorous market and technology developments.

After a large and intensive discussion more coherent measures to reinforce pan-European audiovisual policy were proposed to the Community legislator, taking into account the objective to create a pro-competitive, technologically driven and growth oriented environment for the development of the audio-visual sector. A broad consensus on the scope, European works, co- and self-regulation, independence of the national media regulators has been achieved. Thus, the amending Directive was adopted on 11 December and entered into force on 19 December 2007. Member States have two years to transpose the new provisions into national law, so that the modernized legal framework for audiovisual media services will be fully applicable throughout the European Union by the end of 2009.

The *AVMS* Directive offers an updated and comprehensive legal framework that covers all linear (broadcasting) and non-linear (on-demand) audiovisual media services, provides less detailed and more flexible regulation and modernizes rules on TV advertising to better finance audiovisual content. The *AVMS* Directive also upholds the basic pillars of Europe's audiovisual model, such as cultural diversity, media pluralism, and protection of minors, consumer protection, and intolerance of incitement to racial and religious hatred. It acknowledges that 'Audiovisual media services are as much cultural services as they are economic services. Their growing importance for society, democracy – in particular by ensuring freedom of information diversity of opinion and media pluralism – education and culture justifies the

application of specific rules to these services.' In particular, the new Directive underlines the importance of promoting media literacy, the development of which can help people 'exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communication technologies' (European Commission, 2007). Thus, people will be better able to protect themselves and their families from harmful or offensive material.

Within the meaning of the *Treaty of Rome* – the EU's founding document, broadcasting is considered a service. The requirement of freedom of movement of goods and services across frontiers of Member States is basic for achieving the pan-European objectives (European Union, 1957). Some thirty years later, revising the *Treaty of Rome*, the *Single European Act* added new momentum to European integration by completing the internal market (European Union, 1986). And according to the *General Agreement on Trade in Services*, since January 2000, audiovisual services sector has become the subject of multilateral trade negotiations. The sector includes motion picture and video tape production and distribution services, motion picture projection services, radio and television services, radio and television transmission services, sound recording (WTO, 2000).

The field of the Convention and the Directive is very flexible and dynamic. That is why the work on their improvement is an ongoing process. In particular the current discussions on the review of both instruments by the participating Parties concern:

- the scope of the Convention and Directive (the broadening of the traditional television broadcasting towards the ICT audio-visual services);
- the duties of the Parties of the Convention and the Directive;
- the broadening of the jurisdiction and the scope of the regulatory practices, involving co-regulation and self-regulation;
- the freedoms of reception and retransmission, including intended and unintended transfrontier distribution;
- the developments of advertising techniques (advertising, sponsorship, tele-shopping, product placement, etc.);
- the protection of rights granted by the Convention and the Directive (such as right to information and cultural objectives, media pluralism, right of reply, protection of minors and respect for human dignity), etc.

The rapid change of the audiovisual market requires thorough refining of the existing norms in the Convention and the Directive under broad consensus. The question is whether the regulatory changes should anticipate or follow the practices.

## **MEDIA PLURALISM**

Already for many years one of the constant objectives in achieving sustainable democratic environment on pan-European level has been the persistent promotion of media pluralism and diversity of media content. Both the Council of Europe and the European Union have been very active and productive in discussing the issue through



a number of recommendations, resolutions, declarations, opinions, communications, research papers, etc. prepared to reflect the rapidly changing media sector.

One of the first pan-European documents attempting to define the concept of pluralism, is the Commission Green paper 'Pluralism and Media Concentration in the Internal Market' COM (92) 480 of December 23, 1992. 'The variety of expressions used containing the word "pluralism" – pluralism of the media, pluralism in the media, the pluralist nature of the expression of currents of thought and opinion, pluralism of information, pluralism of the press, plurality of the media – shows that there is no common understanding of the concept. However, two common features do emerge from a legal analysis of the European Convention on Human Rights as interpreted by the European Court of Human Rights and of national laws:

- the concept of pluralism serves to limit the scope of the principle of freedom of expression;
- the purpose of such limitation is to guarantee diversity of information for the public' (European Communities, 1992).

The phenomenon of media pluralism and content diversity has been unceasingly a central issue of the European policy making. In 2007 the European Commission and the Council of Europe have published a number of documents, concerning the problems in the media environment, rising from the rapid technological developments in the audiovisual area.

On January 16, 2007 the Information Society and Media DG of the European Commission initiated a three-step approach on *Media pluralism: The need for transparency, freedom and diversity in Europe's media landscape*. This new program points out that media pluralism debate should concentrate not only on the grounds of media ownership but also on the transparent mechanisms, which will guarantee the access of the citizens to varied information so that they can form opinions without being influenced by one dominant source. A key issue in this process is the functioning of the media as genuinely independent.

Presenting the three steps, the Information Society and Media Commissioner Viviane Reding underlined especially, that 'While the media face radical changes and restructuring due to new technology and global competition, maintaining media pluralism is crucial for the democratic process in the Member States and in the European Union as a whole. This requires a sound understanding of the economic and legal reality of today's European media landscape, which our three-step approach seeks to achieve.' (European Commission, 2007).

Two weeks later, on January 31, the Committee of Ministers of the Council of Europe adopted three documents, concerning the further promotion of media pluralism and content diversity in the new digital environment:

- Declaration on protecting the role of the media in democracy in the context of media concentration;
- Recommendation Rec (2007) 2 on media pluralism and diversity of media content;

– Recommendation Rec(2007) 3 on the remit of public service media in the information society.

Recommendation Rec (2007) 2 to member states on media pluralism and diversity of media content stipulates that governments of member states consider including in national law or practice:

– Measures promoting structural pluralism of the media, such as: ownership regulation; public service media, other media contributing to pluralism and diversity; access regulation and interoperability, other support measures;

– Measures promoting content diversity, such as: promotion of wider democratic participation and internal diversity; allocation of broadcasting licences and must carry/offer rules; support measures; raising awareness of the role of the media;

– Media transparency;

– Scientific research (Council of Europe, 2007).

## **THE CHALLENGES TO TELEVISION**

Media pluralism is usually linked to the democratic performances of society. However, the bigger number of media outlets does not necessary means that diversity of contents has been achieved. The concept of pluralism can be defined both in terms of its function and in terms of its objective. Concerning television, media pluralism can be assessed through the number and types of channels, the number and structure of their owners, the editorial content of the broadcasts, and the access of different societal groups to the programming.

Over the last years media concentration (or media consolidation) has been considered the main threat to media pluralism. Concentration ownership structure of mass media industries usually suggests a state of monopoly/oligopoly or large-scale owners in a given media industry. Concentration of media ownership suggests also the presence of media conglomerates, such as Disney, CBS, Time Warner, News Corp, Bertelsmann AG, Viacom and General Electric, which together own more than 90% of the media market (*Concentration*, 2007).

The fear of the negative consequences of media concentration is mainly connected with the availability of less diverse opinions in media and with the fewer opportunities for certain minority groups (including ethnic, religious, cultural, linguistic, and other) to reach the broad publics through media. Both of these problems are considered significant obstacles to the development of healthy, competitive media market. A major concern is also whether a consolidated media market (especially on a local level) can be accountable and dependable in serving the public interest, especially in times of crisis and in cases of emergency. The ultimate results of such media market consolidation is viewed as poorly-informed public, restricted to reduced options of media array, which offer mainly information, supporting the media owners' interests. Thus, media deregulation may become a dangerous trend,

if it facilitates an increase in concentration of media ownership, and subsequently reduces the overall quality and diversity of information communicated through major media channels. Increased concentration of media ownership may also lead to the censorship of critical debate on certain problems, to the absence of a wide range of issues of public interest and to an increased commercialization of contents.

The effects of media merge on pluralism must be carefully assessed by reference to the environment in which it occurs. The extensive research on the issue of media concentration and pluralism could not identify in quantitative terms a direct link between media concentration and content diversity (Ward, 2006, p. 1).

Besides, in some cases consolidated capital may have a positive effect on pluralism. It may ensure better competitiveness against the media conglomerates, maintain reduced costs of operation, increase diversity of content supply to an extended area, provide for more and differentiated products and services, thus better answering the demands of the publics.

Comparing the two sides of the problem, it should be noted that 'approaching the issue of media pluralism solely from the perspective of media ownership concentration is unproductive' (Jakubowicz, 2006).

A prevailing trend in contemporary society is the growing number of TV channels which carry out the external (structural and market) pluralism. In this case, regulatory measures may be directed at organizing such relations between the various media companies so as to ensure a degree of autonomy between them. The combination of terrestrial broadcasts with cable and satellite TV towards the households on EU territory is expected to grow into a strongly competitive environment, allowing for program, technical and financial backup. Digital compression of the spectrum already has opened up access to the widest possible range of programs (DVB-T, DVB-C, DVB-S, DVB-H) through the offer of more commercial and public services in many countries. Broadband (IPTV, xDSL), which enhances the individual selection of the programs, is now on the agenda. That is, the television actively moves towards diversification of the services on offer. It is becoming a service itself.

In the contemporary world the media are choking with unvaried in form and content entertainment formats. The form of presentation has certainly its hefty say in the television, but if deprived of content, it becomes nondescript and unpromising. Along with this, some meaningful for the public interest programs are neglected owing to lack of attractiveness, compared, for example, to the reality shows. Thus it becomes evident that realization of the principle of structural pluralism is tightly bound to the meaning of content in the TV programs, i.e. to the realization of meaningful internal pluralism. If we fail to find such combination of diversity and quality, we will be doomed to endless switching on from channel to channel, seeking in vain something meaningful in the ocean of flickering TV images: pluralism is meaningless in such a situation (Raycheva et al., 2003). In this case, the meas-

ures may be directed either at the internal organization of the media company whose control structure will have to represent the various currents of opinion, or at the editorial content of the broadcasts.

From the viewpoint of content, guaranteeing of political and cultural pluralism merits special attention.

Concerning political pluralism, the media often act as the main subject of political manipulation, especially before elections. The active role of television in politics relates to its impact on the various stages and sides of the information process in society. The starting point in this process is the selection, processing and distribution of information. A prime postulate in contemporary political science is that authorities rely on information resources. The skill of sifting out meaningful from immaterial information enhances the power potential. The possibility to distribute information, in one's own interpretation at that, with channels to boot, or to hold back some of it, multiplies the power capacity (Bauman, 1998, p. 21). Direct exercise of such power is a prerogative of the media. That is why, when powerful media fall under the control of economic or political power groups, this significantly deforms democracy.

Concerning cultural pluralism, there are two risks in this sphere: one is diluting the national cultural identity and uniqueness, the other is national encapsulation. Multiculturalism is rife with the danger of forcing in and taking up foreign models. Transnational TV formats gain ever larger territories in the poorer countries, displacing their cultural traditions. Threatened are the main public values. Thus pluralism may turn into its opposite by losing on the way entire styles, epochs, national models, and favorite works of other generations. In this sense it is important to preserve the cultural identities, the letters and the languages in the EU integration processes. The constitutional rights of minority groups (ethnic, religious, cultural, linguistic and other) to education and information on their mother tongue are also part of the cultural pluralism of the media.

Contemporary television is a convergent phenomenon, combining the intellectual product with technological potential, market mechanisms, regulatory practices and response of the audiences. Along with this, the television is both a reflection and an embodiment of the post-modern concept, with its key characteristics of fragmentation, intertextuality, simulation, plurality. Fragmentation is intrinsic to television owing to its programmed and multi-channel character. Intertextuality got a boost with the advancement of digitalization. The principle of simulation in fact reversed the situation of television mirroring society into society mirroring television. Contrary to these three characteristics, however, pluralism cannot be viewed as intrinsic to television. Pluralism is determined by the tasks set to the television and the manner it deals with these tasks.

There is, however, a problem that comes to the fore: greater opportunities for selection carry weight only if there is something to choose from. What is the use of

the great number of channels if they are filled with the same programs, or with similar tastelessness? That is, the pluralism of content has been brought to nil.

## CONCLUSION

The significance and role of television in the contemporary world has been growing tremendously with the development of new platforms for distribution of audio-visual content. The television not only continues to inform the audiences, but to shape out their views too. Moreover, it rather catalyzes than reflects the public processes, thus creating preconditions for reformatting the very society to an extent at which it begins to reflect the developments on the TV screen. This mutual interpenetration is aided by diffusion of some other kindred activities with the media world. The political elites are quick to use the media for their PR purposes. For the economic elites, the media are the main distributors of their advertisements. The needs of the public are increasingly forced out of the media. Paradoxically enough, the governments engage in regulatory protection of the public service television which is supposed to be its most vehement critic. Self-regulation has failed to become the public ombudsman and corrective of the commercial influence yet. Even enhanced interactivity could hardly pull the recipients out of their assigned role of users and consumers. The Internet environment is aiding the fragmentation of audiences, but still fails to change the prevailing vertical communication model. The moment it succeeds, this would probably bring in large functional restructure of the traditional mass-media system.

The rapid technological developments of the information and communication industries outline the need to modernize the regulatory framework and practices. The new *Audiovisual Media Services Directive* will be implemented in the national legal framework within two years and the revision of the *European Convention on Transfrontier Television* is on its way. The modernization can be viewed from several aspects:

**In political terms**, the development of free and unhindered transmission of audio-visual services on pan-European level governed by a common legal framework is important for pursuing EU objectives. In view of the democratic, social and cultural significance of the media policy makers and public authorities should enforce adequate measures to ensure transparency in the media sector and prevent the conflicts of interest which pose a threat to the independence and plurality of the media.

**In technological terms**, the turbulent progress of information and communication technologies is challenging the concept of traditional broadcasting, which is limited to the number of analogue channels. The rapid spread of cable systems, broadcast satellites, low-power TV has expanded the offer of diverse programs. Digital technologies, broadband and web casting increase the number of channels,

providing the viewers with multiple choices of programs and audio-visual services. The contemporary audiovisual reality becomes more and more complex with the interweaving between linear and non-linear programming as well as between broadcasting and audio-visual service.

**In economic terms**, the expanding tendency towards deregulation and privatization in broadcasting leads to predominance of the commercial structures. The media content becomes more and more dependent on market mechanisms. Thus, the merger control at the European, as well as national level, should be complemented, where appropriate, with specific measures to protect and promote media pluralism.

**In regulatory terms**, the tendencies to merging media, telecommunications and entertainment industries lead to changes in the legal basis of the regulatory approaches (in structure and duties of the regulatory authorities, in methods of regulating (regulation, co-regulation and self-regulation) and in audio-visual content, subjected to regulation). In this sense it is of great importance to outline the parameters of the 'regulatable' content.

**In social terms**, the quantity of program offer leads to fragmentation, demassification of the audiences of the traditional broadcasting (one to many), thus opening ground for non-broadcasting and interactive audio-visual services. Further on, the Information Society services offer their products in a 'one to one' mode. Through citizen journalism and citizen media individuals can produce and disseminate information and opinions that are marginalized by the mainstream media. The broad impact of media on general publics in real time is reduced due to the asymmetric communication offered by diverse electronic sources.

**In professional terms**, the rapid introduction of the technological innovations is challenging the traditional formats, styles, and modes of programming. The process of media convergence as well as the interactivity tendencies raises serious questions in managing the editorial content. The significance of self-regulation and application of ethical codes of conduct become ever more important for the journalism practices. Public service broadcasters should contribute to media pluralism by providing a diverse range of quality programmes. Media organizations should develop media accountability systems in order to strengthen professional values, editorial and journalistic independence and quality journalism.

The new pan-European actions of further promoting media pluralism and content diversity in the audio-visual sector are of major economic, social and cultural importance: television is still the most significant source of information and entertainment for 98% of the European households, watching television average more than 3 hours per day. However, having in mind the rapid technological developments in a highly competitive market, a major concern about the vitality of the new regulatory rules may be for how long the pillars of Europe's audio-visual model (cultural diversity, protection of minors, consumer protection, media pluralism, and the intolerance against racial and religious hatred) will be protected.

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