

# CMFE

COMMUNITY MEDIA FORUM EUROPE

To: European Commission Directorate-General  
for Competition Consultation  
(Broadcasting) State aid  
Registry 1049  
Brussel BELGIË

Subject: Comment from CMFE on 'Draft Communication from the Commission on the application of State aid rules to public service broadcasting - 04.11.2008

Nijmegen, 15 January 2009

The Community Media Forum Europe (CMFE)<sup>1</sup> welcomes the opportunity to comment on the on "Draft Communication from the Commission on the application of State aid rules to public service broadcasting" as published on November 4, 2008.

1. We want to refer to our letter, send on the 10th of March 2008, in where we comment on the 'Revision of the Communication from the Commission on the application of State aid rules to public service broadcasting - Questionnaire for public consultation - 10.01.2008'. In this letter we "(...) *strongly suggest including explicitly the community media sector as media activities which can be viewed as part of the public service remit. Community media activities are directly related to "the democratic, social and cultural needs". They also contribute to media pluralism not only by providing specific and unique content but also by providing new media tools to citizens in the communities this media serve. Community media offer citizens unique possibilities to actively participate in media production an in that way they also contribute to 'media literacy'. Community media are to be regarded as a distinct public, not-for-profit and often small-scale local media alongside national public service broadcasters and outside of the commercial media sphere. As such, it is to the competence of Member States to provide for the funding.*"

2. We welcome the taking into account of the view of the European Parliament, especially the motion of 25 September 2008 on concentration and pluralism in the media in the EU (2007/2253 – INI). In this resolution the European Parliament has recommended that "*regulations governing state aid are devised and implemented in a way which allow the public service and **community media** to fulfil their function in a dynamic environment, while ensuring that public service media carry out the function entrusted to them by Member States in a transparent and accountable manner, avoiding the abuse of public funding for reasons of political or economic expediency*". This makes it the more clear that this Communication also affects our sector.

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<sup>1</sup> CMFE represents community media (also referred to as educational, grassroots, participatory or civic media) in Europe, with participation (organizations and experts) from, until now, more than 18 European countries.

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3. We would like to also be taken into account the motion, adopted by the European Parliament on 24 September 2008 'on Community Media in Europe (2008/2011 – INI), prepared by Rapporteur Karin Resetarits<sup>2</sup>. In there, amongst others, the Parliament refers to Community Media as:

*"G. whereas community media fulfil a broad, yet largely unacknowledged role in the media landscape, particularly as a source of local content, and encourage innovation, creativity and diversity of content, (...)*

*I. whereas one of the main weaknesses of community media in the European Union is their lack of legal recognition by many national legal systems, and whereas moreover so far none of the relevant legal texts of the European Union addresses the issue of community media, (...),*

*M. whereas community media are an important means of empowering citizens and encouraging them to become actively involved in civic society, whereas they enrich social debate, representing a means of internal pluralism (of ideas), and whereas concentration of ownership presents a threat to in-depth media coverage of issues of local interests for all groups within the community, (...)"*

In this motion the European Parliament also:

*"14. Calls on the Commission and the Member States to take into account the elements contained in the resolution by defining Community Media as:*

*a) non-profit making and independent, not only from national, but also from local power, engaging primarily in activities of public and civil society interest, serving clearly defined objectives which always include a social gain and contribute to intercultural dialogue;*

*b) accountable to the community which they seek to serve, which means that they are to inform the community about their actions and decisions, to justify them, and to be penalised in the event of any misconduct, so that the service remains controlled by the interests of the community and the creation of "top-down"-networks is prevented;*

*c) open to participation in the creation of content by members of the community, who may participate in all aspects of the operation and management but where those in charge of editorial content must have professional status (...)*

*16. Calls on the Commission to take into account community media as an alternative, bottom-up solution for increasing media pluralism when designing indicators for media pluralism;"*

4. Community media offer their citizens platforms for communication and, next to that, stimulate citizens from different cultural backgrounds in their served communities to actively participate in their media services. As such they offer, additional to the more 'traditional' public service remit, an extra public media service. The level of citizens participation, in all levels of the community media services, from governing until producing programs, can not be provided by the more traditional public service media. It is also clear that this kind of media services are not commercial exploitable.

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<sup>2</sup> See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2008-0263+0+DOC+XML+V0//EN>

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Community Media continuously seek innovation. As other media types they want to be able to fully participate in new media developments to optimize their services to their communities. On 8 January 2009 in Norway a national community television (Open Channel – 'Frikanaken') on the national Digital Terrestrial TV (DTT-) network started. In Denmark new regulation also makes it possible, from November 2009 on, to broadcast non-commercial regional and national community television on the DTT-network. These developments undisputedly contribute to media pluriformity and diversity.

The so-called 'Amsterdam test' can become an extra, administrative and financial, hurdle to start and build out Community Media around Europe. In many countries the CM-sector still lacks a legal framework and sufficient financing support from national, regional and/or local authorities. Our sector needs support from EU-regulatory measures, not extra bureaucratic burdens. Above that, the 'Amsterdam test' gives market players a role in the process of developing (new) community media services. This result in weighing 'consumers interests' against 'citizens interests' whereby, until now, an involvement from the Commission favours 'consumer interests'.

*We again hope that our contribution helps renewing the Communication in a way that European citizens can profit from an even more vivid pluralistic media landscape and a new media environment, in where public service media and community media can not only maintain but also strengthen and broaden their important role in addressing the democratic, social and cultural needs of their societies.*

Yours sincerely,



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