

# From European public TV to the “alienation” of the Idea of Europe\*

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## Abstract

European policies on public television and audiovisual production have been, in general, very negative for the European cultural experience, the identity and strengthening of the idea of Europe. After more than 30 years of hesitant and precarious policies that have been systematically reducing the sphere of cultural action and the European identity of public broadcasting in the EU Member States, one is probably reaching a point of no return, in full stage of transition to digital. In the current political context of the audiovisual Directive review, these policies either reinforce the competence of European public television for the construction of the idea of Europe, or they reinforce Europe itself, and the broadcasting media for spreading their culture will definitely be in danger.

**Keywords:** Public television. Audiovisual Directive. Television production. Culture. Idea of Europe.

*“Audiovisual is a factor of European unity par excellence”*  
Simone Veil (European Parliament President, 1979)

In Europe, the revision of European politics for audio-visual it's in discussion, in light of the great changes that we have been witnessing within the digital migration context. Up until the end of September 2015<sup>1</sup>, a public consultation regarding the 2010/13/UE Directive was open, being its goal the gathering of diverse contributions, from television operators

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\* Reference to STEINER, George. **A ideia de Europa**. Gradiva, 2005.

<sup>1</sup> *Contributions and preliminary trends of the Public consultation on Audiovisual Media Services (AVMSD)*: <https://ec.europa.eu/digital-agenda/en/news/contributions-and-preliminary-trends-public-consultation-audiovisual-media-services-avmsd>. The public consultation was available at: <https://ec.europa.eu/digital-agenda/en/news/public-consultation-directive-201013eu-audiovisual-media-services-avmsd-media-framework-21st#PT>

and producers, public entities, research centres, academics, NGO’s etc. Amongst the topics for which an answer is needed in the current context, are the following: i) ensuring a level playing field for audiovisual media services;

ii) providing for an optimal level of consumer protection; iii) user protection and prohibition of hate speech and discrimination; iv) promoting European audiovisual content; v) strengthening the “single market”; and vi) strengthening media freedom and pluralism, access to information and accessibility to content for people with disabilities.

As it has been affirmed since the 1984’s Green Book and afterwards, with the approval of the DIRECTIVE 89/552/EEC – “TELEVISION WITHOUT FRONTIERS”, and in agreement with the European Community’s central axis strategy on the subject, the “Television without Frontiers” directive represents a keystone for audio-visual politics in the European Union since the beginning, supporting itself by two fundamental principles, whose compliance has not been properly assured: “It rests on two basic principles: the free movement of European television programmes within the internal market and the requirement for TV channels to reserve, whenever possible, more than half of their transmission time for European works (‘broadcasting quotas’).”<sup>2</sup>

The truth is, before such plan, before this keystone centred in European audio-visual production, few would risk imagining that this would not be more than a vain and empty articulation, quickly forgotten and forsaken. Considering this, we can look at the enlightened declarations of Marc Janssen, President of the Belgian Conseil Supérieur de l’Audiovisuel (CSA), a position he maintained until the end of 2012, who considers that a politic of fees, and although rigorously followed in France, the truth is, generally speaking, there are very few European member states that comply with the spirit of the law. According to Janssen, there is no real political drive concerning the content industry, and the production and distribution of European programmes between the televisions stations of the different members of the European Union:

The idea was to impose to all these channels in Europe that 50% of what they broadcast must be designed and produced in Europe; this does not mean *in their country*. It is not a measure of national protection, but of European promotion. This tool would be powerful and effective, not on quality, but in quantity. Synonymous with production, job creation, wealth creation. (...) But what has happened? European countries have never really agreed and gave birth to a directive that, wanting to please everyone, loses its potential strike force (BEAUCAMP, 2011, p.14-17 – Our translation).

<sup>2</sup> “A Atividades de radiodifusão televisiva: diretiva ‘Televisão sem Fronteiras’ (TVSF)”. EUR-Lex. Available at: <http://eur-lex.europa.eu/legal-content/PT/TXT/?uri=URISERV:l24101>. Accessed on: Dec. 15<sup>th</sup>, 2015.

A word to the wise is enough. But the problem is still more complex... To deepen the explanation, and leaning on Roberto Barzanti, former vice-president of the European Parliament, that fact is when we analyse several reports from the European Commission in matters of compliance with television programmes fees, framed by the articles 4 and 5 of the Television Without Frontiers Directive (89/552/CEE), not only we must place specific questions regarding study methodologies and the gathering and comparability of the European's plan data, but also we ought to extract important conclusions of the implemented system and its consequences, especially when it comes to two defined points:

- i) The dominance of American films and television dramas remains overwhelming, even if we can note with satisfaction that, in large countries, the national fiction has taken position in prime time;
- ii) When strings fill their quotas, they usually do with national works and not with works from other European countries. From this point of view, it is questionable whether two of the main objectives of 1989, the European circulation of works and the strengthening of production by creating a 'second market', have been met (BARZANTI, 2003, [s/p] – Our translation).

Beyond that, independent production itself, as Barzanti observed as well, it's captured by the television operators, given that most of Europe's leading companies are, ultimately, subsidiaries from the broadcasters, going against European legislation, yet again.

In this perspective, we can begin by questioning if the main goals of the 1989's founding Directive, in other words, if the European circulation of audio-visual works and the recovery of the production through the creation of a "second market", if those goals were actually achieved. Roberto Barzanti's point of view is absolutely clear and it's based on the text itself from the founding Directive, approved in 1989, also very transparent, in a way that it considered absolutely vital:

(...) to promote markets of sufficient size for television productions in the Member States to recover necessary investments not only by establishing common rules opening up national markets but also by envisaging for European productions where practicable and by appropriate means a majority proportion in television programmes of all Member States (DIRECTIVA..., 1989, p.2 – Our translation).

Thus, from EC's own data, the problem persists today, and apparently there is no concern about that fact. Let us look at the First report on the application of the articles 13<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> of the 2010/13/EU Directive, concerning the period 2009-2010, referring to the promotion of European works in audio-visual communication services, and specifically

regarding the application of the article 16<sup>th</sup> (majority proportion of European works), it is said that “the average time of transmission dedicated to European works by all channels included in the UE-27 report was 63,8% in 2009 and 64, 3% in 2010. The data reveals a rising tendency (...) that partially makes up for the registered drop between 2006 and 2007”<sup>3</sup>.

The problem remains, so, as accepted by the European Union itself, that is, the percentages mentioned above only account for national programmes, given that a second market for European production is not created, not even access is given to the debate surrounding the idea of Europe through the circulation of its cultural diversity via television programmes, particularly through public European televisions.

Furthermore, the fact that an important network of public television operators, for whom the member-States contribute globally with thousands of millions of euros annually, also does not come off as a sufficient argument to change a certain discrepancy of the EC in vital subjects for Europe:

The rule on the promotion of European works in linear services is generally working well although it has a limited effect on the circulation of programmes throughout the EU as it does not ensure the distribution of non-domestic European works. Non-domestic European works make up 8.1 % of the total qualifying transmission hours, while most non-European works are American. Some successful audiovisual works such as ‘Borgen’ or the co-production ‘Borgia’ have crossed national borders but these cases still remain too limited. It is of key importance to have European works that appeal to audiences across borders. This can be achieved for example by means of co-productions that have an appeal for a wide European audience...<sup>4</sup>.

Let it be referred, in addition, that a 2013 Report from the European Parliament, concerning the application of the Directive “Audio-Visual Social Communication Services”, came precisely to underline, in the subject of European audio-visual works, the following (paragraph 31): “(...) while most Member States comply with the rules relating to the promotion of European works, priority is still given to national works whilst the percentage of independent works on TV is on the decline”. The European Parliament also solicited, in the same document (paragraph 33) the following: “(EP) calls, in this regard, for the reporting requirement on European works to include at least a breakdown by category –

<sup>3</sup> Available at: <http://ec.europa.eu/transparency/regdoc/rep/1/2012/EN/1-2012-522-EN-F1-1.Pdf>. Accessed on: Dec.15<sup>th</sup>, 2015.

<sup>4</sup> REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS. First Report on the Application of Articles 13, 16 and 17 of Directive 2010/13/EU for the period 2009-2010. Promotion of European works in EU scheduled and on-demand audiovisual media services, p. 10. Available at: <http://ec.europa.eu/transparency/regdoc/rep/1/2012/EN/1-2012-522-EN-F1-1.Pdf>. Accessed on: Dec.15<sup>th</sup>, 2015. Our translation.

cinema production, fiction and non-fiction TV production, and show-type or entertainment formats – and by means of distribution, and urges the Member States to provide relevant data in this regard”.

Ending the year of 2015, the one where “Grexit”’s spectrum hovered over, and the euro and the European Union imploded, in other words, when Europeans were on the verge of complete bankruptcy of the Idea of Europe and the great European house, it is worthy that each citizen questions himself/herself with a simple question: In these 30 years of post-Green Book public European audio-visual politics, how has our public television (in each member-state) been responding to the two key principles on the basis of the Directive: the free circulation of European television programs in the internal market; and the television channel’s obligation to reserve, whenever possible, more than half of their broadcasting time to European works?

More precisely:

What have our public television’s brought and shared with us, in the field of audio-visual production industry, of cultural content, films, TV series, documentaries, disclosure programmes, information, in opposition to the other 27 European partners?

What was the real contribute, if there is even a glimpse of it, from European public television, in each member-State, to build a strong European identity brand, to the construction of the Idea of Europe shared by all audio-visual European public and European citizens?

I for one can answer from my own experience through public television (RTP): few, very few, barely nothing... Can it be perceived from here, and from other known studies, that European public television hasn’t done the work that was demanded, hasn’t given its contribute, the same decisive contribute that would consolidate the European project? Absolutely.

In fact, what certainly happens is that public television from the members states transform, though the means of magical arts and with Brussel’s bureaucratic “agreement”, the diversity of European production in vain “light entertainment” national production.

Nonetheless, it will be interesting to see a study from Aldonza Ruvalcaba – a Mexican researcher, that curiously manages to have a more distant approach of this European dilemma -, whose title will most definitely make us think a little: “How television failed to integrate Europe”, where she recognizes the following: “There exists a profound anachronism between the EU’s chimerical vision of television as a unifying force and what actually takes place in the audiovisual market” (2007, p.2), thus synthesizing her global vision on this subject:

In the decade of the Eighties the European Commission (EC) undertook the mission to achieve a deeper European integration via the use of the audiovisual. In order to succeed this cultural mission, it was imperative to construct a more competitive European audiovisual market. This mission to integrate Europe and awake the Europeanness that lies within every European citizen has shaped the audiovisual policies of the European Union (EU); unfortunately, these policies are marked by a topdown voluntaristic approach (GARCÍA, 2007, p.2).

As someone said, in the 90’s, in full fragmentation era of the audio-visual European model,

Standardization has replaced the individual, sometimes idiosyncratic, national patterns of broadcasting, patterns which had grown up in an almost organic way, to match the political, geographical, linguistic and social specificities of each individual country. As the political importance of the nation state decreases in Europe, many question whether the uniformity of Europe television will erode national identities. (...) Television may bring unity at the price of uniformity (COLEMAN; ROLLET, 1997, p.19).

If we were truly cynical we could think that behind such European strategy would lie a misleading thought of Brussels bureaucracy, absolutely genius... but, however, in reality, simply non-efficient... Meaning that, the wager, after all, would focus not on diversity of the great European house, as it was written in the directives, but just the other way around, that is, though the homogenization and the mimicry of programmes and television culture, the great European unification would be created from the standardisation of contents... But no, that way we wouldn’t get there as well...

Manuel Castells (2003) alerted to the need to reconfigure the European strategies, with the aim of creating a strong European identity that allows – that one, yes – to overcome the limits imposed upon the creation of the common market. Castells warned as well to the fact that alongside the development of nationalisms brought by the European integration, exactly the opposite that had been predicted in the past, for it is a fact that, if there is no unification for identity, that will be the exit from the European crisis and for its communication strategies, strategies more grounded on coherence and systematisation of the message of the Idea of Europe, rather than on the “excitement” of the press-realise. Thereby, if the information deficit has truly become a part of the democratic one, the EU information deficit on the Idea of Europe and its identity amongst diversity has become, not only a part, but the core essence of a “euro sceptical” crisis, complex and difficult to reverse.

To that extent, the solution that fits in the European plan, assumed in the 1989 Directive, can only be a reinvestment in Europe's cultural inheritance and in the cultural diversity of the great European house on European screens. That was the warning from Jean-Claude Batz, in here remembered:

There is a need to rely on convincing the European Union, and in general the European countries, the necessity to open up the great European political project of broadcasting that allows Europe to reclaim his domain cultural, that is to say, a policy that can ensure a leading place to the audiovisual works from European countries, in each of those, on both screens of the domestic TV and on other screening rooms (BATZ, 2005, p.84 – Our translation).

To summarize, we've referred some of the most relevant aspects that we consider important and will lead to the thinking, through the current discussion surrounding the 2010/13/EU Directive, of some of the most important aspects of public European politics for audio-visual.

Contrary to what was desired from the Green Book for audio-visual (1984) and the founding Directive (1989), designed "Television without Frontiers", it's still verified across Europe, 30 years after the first Green Book, an audio-visual deficit compared to the USA, with the significant aggravation of the commercial deficit, for which north-Americans are, indeed, the ones taking advantage in the first place of the so called European "single market".

If initially the creation of one great cross-borders television market was intended, speaking in practical terms, what took place was, more than creating an "interior" market and a second market for Europe, on the contrary, to provoke a strong competition regime in the distinct national television markets, being that competition generically bared by American content. This has been setting off many complaints that state, for example, that governments are guilty of "asphyxiating" the private sector. And that occurs fundamentally through big donations to public services that resort to advertising and have commercial programming strategies that directly compete with private TV operators. Let's refer the important analysis of Jürgen Habermas (2006) that reaches the conclusion that public televisions have been adopting mimetic strategies when it comes to commercial television.

Still to be noticed that the great mystification of "programming quotes" and their (non)consequences, namely the brutal absence of non-national European production in European nets, in particular in the channels that attract big audiences of television public services. Furthermore, the reduced commitment of the European Union in the last decades in fundamental matters for media systems and the future of Europe, such as the supervision of European identity and cultural diversity and pluralism, in particular television public services from member-States.

Consequentially, the dangers of cultural homogenization that affect especially minorities and cultural and linguistic communities, speaking in local /regional geographical basis. At last, the matter of independence of television public services and regulatory entities, facing political and economic powers, something that should as well deserve priority attention from the EC.

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