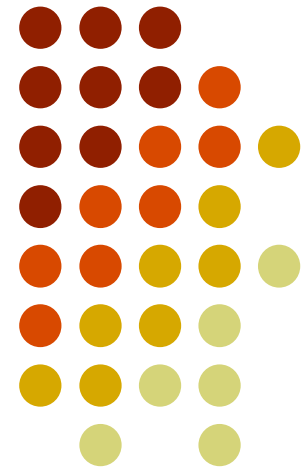


European media policy: rethinking the policy framework

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Brussels 5 March 2008





Example 1

- Telia-Sonera will cut down fixed telephone lines in rural areas and offers wireless connections instead
- MinTC asks Telia-Sonera after their licence conditions
- MinTC's stipulations include a suggestion of USO at "the level of basic service...defined as 1 Mbit/s in the whole country"



Example 2

- Finnish Consumer Agency received 4 600 complaints in 2007 (up from 3 600 in 2006)
- Largest number: mobile phone and broadband subscriptions
- ”...companies do not take [their] responsibility seriously and do not comply with the rules that are prescribed in the Consumer Protection Act”

Structure of the lecture



- What are citizens' communication rights
- How are they realised in Europe today
- A policy issue: self-regulation



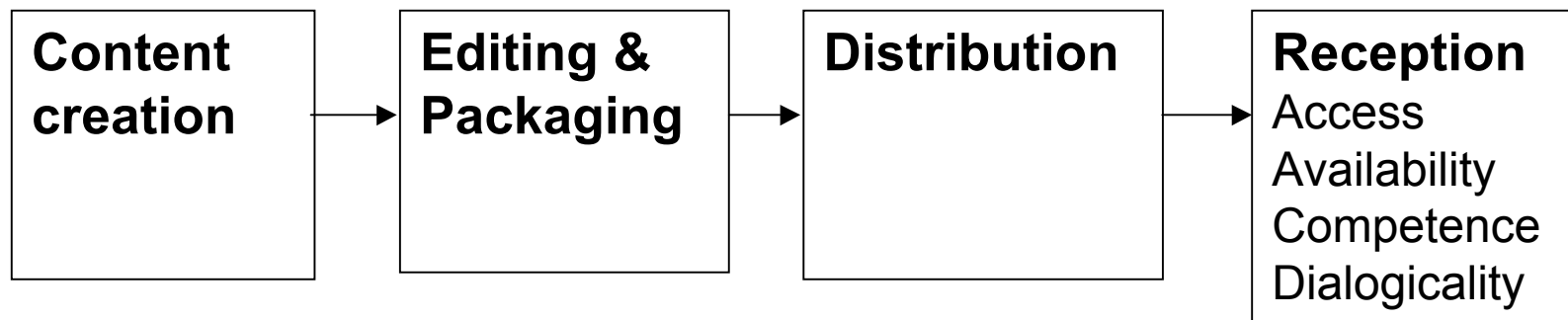
1. Communication Rights

- **Right to access:** citizens should have an equal access to information, orientation and other contents serving their rights;
- **Right to availability:** relevant and high quality contents (of information, orientation and other) should be equally available for citizens;
- **Right to competence:** all citizens should own the skills and abilities to use the means and information available according to their own needs and desires;
- **Right to dialogicality:** open public spaces should be available allowing citizens to publicly share information, experiences, views, and opinions on common matters.

2. Communication rights in practice

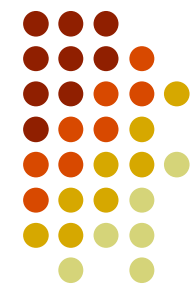
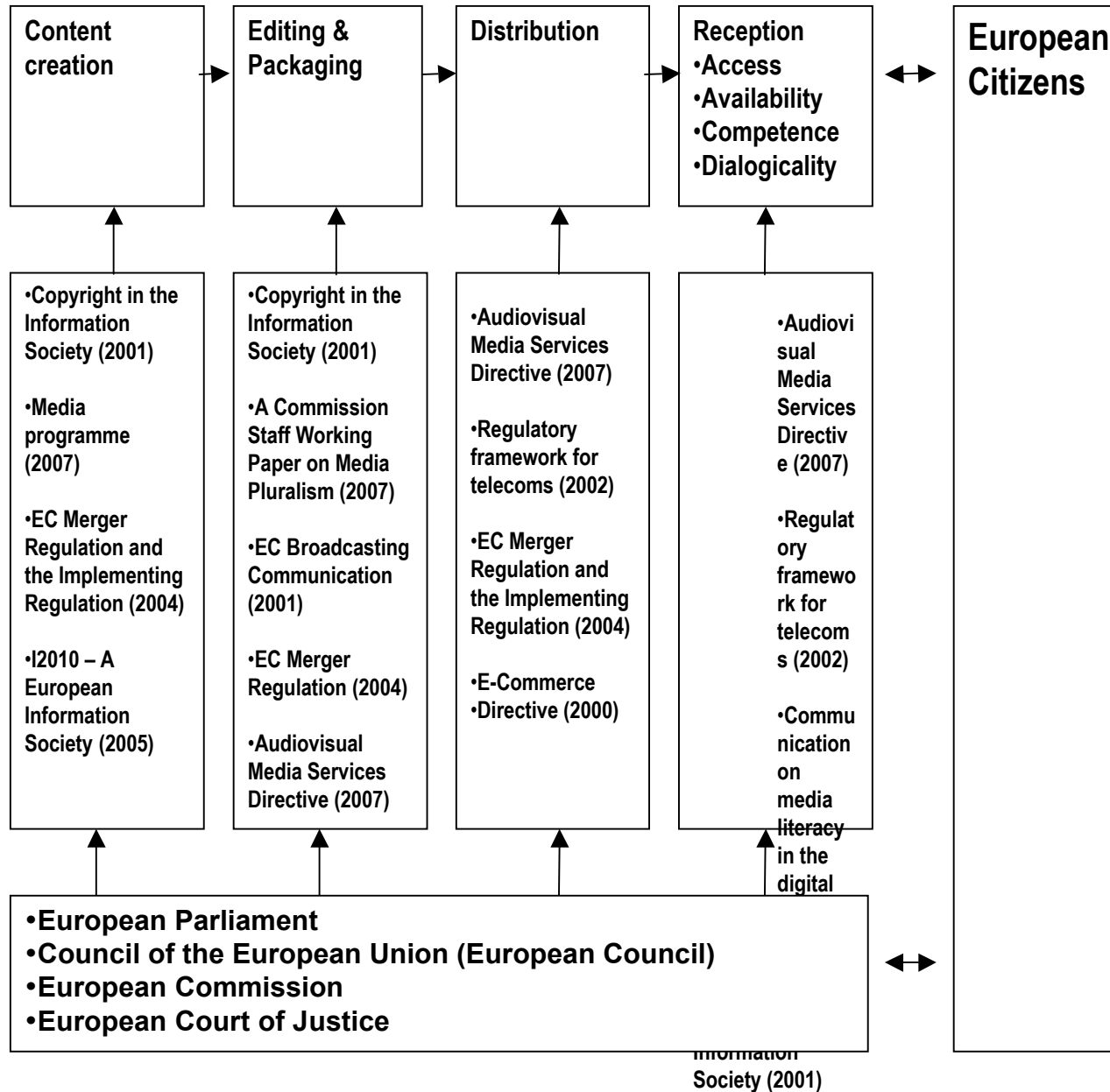


Picture 1. Value-chain model of media production





- In each phase of the value chain, decisions are made that affect citizens' communication rights.
- E.g. in the phase of content creation, decisions concern what are relevant subjects for public observation, what are not.
- In the editing phase, decisions are made on how the issues are weighed and framed.
- In the distribution phase, decisions are made concerning the potential audience, etc.



”Communication Rights Test”



- Each phase can be assessed against:
 - 1. what instruments are applied,
 - 2. how do these instruments pass the CRT (access, availability, competence building, dialogicality)

CRT and content creation: example



- 1. What instruments are applied, e.g.:
 - The EU legal framework on copyright (incl. Copyright in the Information Society, 2001)
 - EC Merger Regulation and the Implementing Regulation (2004)
 - Communication: i2010 – A European Information Society for growth and employment (2005)
 - Media programme (2007)
 - ...



- 2. How do these instruments pass the CRT?
- Analysis of each instrument separately
- "Copyright in the Information Society" (2001):
 - 1) Access:
 - Q: Does it address citizens access; if it does, how?
 - A: It stipulates conditions, such as Digital Rights Management etc.



2) Availability:

- Q: Does the instrument concern the availability of contents? If, how?
- A: Concerns directly the conditions of availability

3) Competence:

- Q: Does the instrument concern citizens' communication competence? If, how?
- A: Concerns the skills and knowledge required



4) Dialogicality:

- Q: Does the instrument concern the dialogicality of communication? If, how?
- A: Not really – vs. initiatives such as Creative Commons

3. Policy issues: self-regulation



- Growing emphasis in self-regulation because:
 - Fragmentation of the market: old regulatory means inadequate
 - General ideological-political drive towards de-regulation (market regulation)
- Questions:
 - What is the purpose of self-regulation?
 - Who is the "self" in self-regulation?
 - How does self-regulation relate to legislation?



Purpose of self-regulation

- Several interests to be served:
 - Company propotion
 - Fair competition
 - Consumer protection
 - Democratic accountability
 - Citizenship rights
- Not commensurate and congruent: different aims require different solutions



Who is the "self"?

- Who are the parties:
 - “Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organisations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements)”.
(EU Inter-institutional Agreement 2003)



- Compare:
 - “By self-government is meant the voluntary co-operation of economic operators in order to prevent harmful and criminal activities. Control is based on the agreements and norms agreed by the parties. The economic operators act themselves as controllers. Public authorities intervene only in criminal cases.”
(Finnish Ministry of Transport & Communications, 2008)
- Missing: social partners, non-governmental organisations, associations, consumers



Relation to legislation?

- Relationship between self-regulation and legislation:
 - “If the SR sanctions do not work, an ultimate legal mechanism is needed in order to force members to comply. A similar mechanism is also needed for those traders who are not members of a code”. (Self-Regulation in the EU Advertising Sector, 2006)



- Compare:
 - “Self-regulation is suitable also for situations in which regulation might prevent or slow down development in the emerging markets. For developing markets, it is too early to create guiding legislation. Self-regulation brings efficiency and flexibility to the market.”
(Finnish Ministry of Transport and Communications, 2008)

Observations



- 1) Self-regulation and the "closed shop" syndrome: what about the players who don't follow the rules?
- 2) Self-regulation and standard setting: standards are not only technical (BlueRay, HDTV, MHP-H)
- 3) Self-regulation without a legal backstop: consumers' rights?



- Thank you for your consideration!