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EUROPEAN UNION MEDIA POLICY: A TOOL FOR STRENGTHENING MEMBERS RELATIONSHIP

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European Union media policy has evolved significantly over the years, serving as a powerful tool for fostering stronger relationships among its member states. The development of this policy can be divided into several distinct phases, each reflecting the changing landscape of media and the EU's expansion. EU media policy aims to establish a common framework for media services, facilitating the free movement of audiovisual content across borders. The EU recognized the need to compete with non-European productions and introduced programs to support and promote European works, providing essential funding to bolster the industry. EU media policy has played a pivotal role in strengthening relationships among member states by promoting a unified media market, facilitating cross-border content sharing, and fostering a sense of common identity through media. However, it also faces ongoing challenges in adapting to the fast-paced media landscape and accommodating the diverse needs of member and candidate states. The article explores the multifaceted role of EU media policy in fostering closer ties among member states and highlights ongoing challenges in the media field.

Keywords: *media policy, European Union, content, broadcasting, public service, European integration, audiovisual media services, television.*

POLITICI MEDIATICE COMUNITARE: INSTRUMENTE DE CONSOLIDARE A RELATIILOR ÎNTRE MEMBRII UNIUNII EUROPENE

Politicile mediatică ale Uniunii Europene au evoluat semnificativ de-a lungul anilor, servind drept un instrument puternic pentru promovarea unor relații mai consolidate între statele sale membre. Dezvoltarea acestor politici poate fi împărțită în mai multe faze distincte, fiecare reflectând peisajul în schimbare al mass-media și extinderea UE. Politicile mediatică ale UE urmăresc să stabilească un cadru comun pentru serviciile media, facilitând libera circulație a conținutului audiovizual peste granițe. UE a recunoscut nevoia de a concura cu producțiile non-europene și a introdus programe de sprijinire și promovare a operelor europene, oferind finanțare esențială pentru a susține industria mediatică. Politicile mediatică ale UE au jucat un rol esențial în consolidarea relațiilor dintre statele membre prin promovarea unei piețe mediatică unificate, facilitarea schimbului transfrontalier de conținut și promovarea unui sentiment de identitate comun prin intermediul mass-media. Cu toate acestea, se confruntă cu provocări continue în adaptarea la peisajul mediatic în ritm rapid și în adaptarea nevoilor statelor membre și candidate deopotrivă. Articolul explorează rolul politicilor mediatică comunitare în stimularea relațiilor mai strânse între statele membre și evidențiază provocările în curs ale domeniului mediatic.

Cuvinte-cheie: *politici mediatică, Uniunea Europeană, conținut, radiodifuziune, serviciu public, integrare europeană, servicii media audiovizuale, televiziune.*

Introduction

Media is a powerful instrument for shaping opinions, influencing public discourse, and fostering a sense of community. Recognizing this, the European Union has developed a comprehensive media policy framework aimed at strengthening relationships among its member states. The rapid evolution of digital technology and changing media consumption patterns continually challenge policy frameworks. Additionally, EU enlargement further influences media policy, with candidate countries aligning their media systems with EU standards.

The European Union (EU)'s media policy journey dates back to the early days of European integration. Initially, media policy was a domain largely managed at the national level. However, as the EU expanded and integrated, it became evident that media played a crucial role in fostering a shared European identity. Consequently, the EU began developing a media policy framework that sought to balance national diversity with European integration.

Context

The Treaty of Rome [1] did not provide for any direct powers in the field of audiovisual and media policy and neither does the Treaty on European Union [2]. Jurisdiction over media policy is instead drawn from various articles of the Treaty of the functioning of the European Union (TFEU) [3] in order to construct policy for the different media and communication technology sectors. This is a necessity arising from the complex nature of media goods and services, which can be defined neither solely as cultural goods nor simply as economic goods. The legal basis is contained in the TFEU in the form of Articles 28, 30, 34 and 35 - free movement of goods; 45-62 - free movement of persons, services and capital; 101-109 - competition policy; 114 - technological harmonization and approximation; 165 - education; 166 - vocational training; 167 - culture; 173 - industry; and 207 - common commercial policy.

According to Article 167 of the TFEU, the EU encourages cooperation between Member States and, if necessary, supports and supplements their action in the area of artistic and literary creation, including the audiovisual sector. The EU's goal in the audiovisual field is to create a single EU market for audiovisual services. It is also required to take cultural aspects into account in all EU policies. Decisions are reached under the ordinary legislative procedure.

The European integration process commenced with the establishment of the three Communities and is currently unfolding through two concurrent processes: member state integration and expansion. The Maastricht Treaty initiated significant institutional changes that intensified these integration efforts. The political scientist S. Fella observed that „the path crossed in the direction of deepening the integration, did not reduce the ability of the member states to keep control over this process, nor their desire to protect their powers” [4]. Their commitment to protecting national sovereignty shapes their stance on issues such as social policy, security, and international relations.

EU policy encompasses a set of guiding principles and is implemented through specific instruments aligned with their objectives. In the realm of media, EU policy aim to establish a European media market, promote a competitive program industry, and set standards for high-definition television. The EU's efforts to create a unified media market stem from the necessity to ensure that cross-border broadcasting adheres to the receiving state's regulations, fostering closer ties among member states.

The EU's media policy implementation has dual core objectives: the establishment and maintenance of a genuine European media services arena and the strategic reinforcement of the European program industry within member states. These objectives are intricately entwined with the cultural aspect of the media sector.

Regarding the first objective - forging a European media services space - television broadcasting initially operated within national confines. Originally conceived as a public service, in contrast to the predominantly private nature of North American audiovisual space, competition within the audiovisual sector was incrementally introduced, primarily through national decisions. The advent of satellite broadcasting and cable network retransmissions provided the technical means to transcend national borders. However, the transformation of this technical capability into an assured right within the EU necessitated the creation of a fundamental legal framework, binding on all member states.

The second objective of EU media policy centers on consolidating and advancing the European program industry. Despite its rich cultural diversity, the television program industry has struggled to compete in international markets. Enhancing competitiveness and consolidation were pivotal aims of European Community media policy. Sustaining competitiveness amid a landscape dominated by American production can be realized through productive interstate relationships and the establishment of quotas for European content to be broadcast by European media.

EU institutions regulate the media domain, and their alignment with national media contexts ensures the fundamental rights of broadcasters: unrestricted broadcasting of television content in the European sphere and unrestricted access to communication for all EU citizens. The public broadcaster plays a distinctive role in promoting EU media policy, alongside community oversight mechanisms governing its operations. The European Broadcasting Union (EBU), comprising 68 European members, strengthens inter-state relations through collaboration among public media institutions, encompassing program exchanges, mutual assistance, and support [5].

The need to regulate media policy was due to the application sphere of the media field. K. Sarikakis delimits 3 periods in the field of community media policy regulation [6]. The first period is characterized by the awareness of the need to regulate some areas of activity that were not included in the basic treaties. Media policy was also part of this field. They are characteristic of this period the approvals of the first reports, resolutions regarding various aspects of media policy and ended with the approval of the Television without Borders Directive [7].

During the second period from 1989 to 1997, efforts were made to establish media diversity and the necessity of introducing a public audiovisual service that could serve as a bridge between governing bodies and the public. This era concluded with the approval of the Treaty of Amsterdam [8].

The subsequent phase emphasized the need for more extensive regulation of all facets of media policy. Greater focus was placed on the audiovisual public service and the role of media policy in shaping a European identity. European unification aimed to create and promote a European identity based on social cohesion, conceived with the goal of achieving a unified market. Media institutions were seen as instrumental in shaping community identity, given their influential role in molding public opinion and behavior.

In pursuit of these objectives, increased attention was directed towards mass media to ensure political and content-related media diversity. The adoption of the Television without Borders Directive in 1989, based on the Green Paper on establishing a common market for satellite and cable audiovisual broadcasting [9] was a crucial step. The directive aimed to establish a free market for audiovisual services, facilitating a unified European market with standardized legal regulations to facilitate cross-border service provision, thus fostering stronger inter-state relations.

This move towards creating a unified European market was justified by the fact that individual regulations in each country would have made it exceedingly complex for broadcasters to operate across borders, necessitating knowledge and compliance with each EU member's legislation. Therefore, the EU sought to establish a uniform environment by implementing consistent foundational rules applicable to all member states in fields related to the free market of audiovisual program content. This served as a mechanism for promoting shared values such as the protection of minors, upholding human dignity, and ensuring consumer protection.

Before the Directive's introduction, European broadcasters faced challenges when broadcasting across national borders due to varying content regulations in each state. From an economic standpoint, the Directive aimed to simplify cross-border transmission within the EU by instituting similar rules for programs in specific domains. The principle underpinning the free movement of television broadcasts within the EU rested on two key tenets: *the primacy of applicable law* - each broadcaster adhering to the legislation of its member state of establishment and the *principle of unhindered reception* - member states allowing the reception and retransmission of broadcasts from other member states on their territory [10].

The directive is founded on the principle known as the „country of origin” which dictates that broadcasters must primarily adhere to the legislation of the EU member country where they are headquartered. Once compliance with these laws is certified, a broadcast transmitted in another EU member state should not be subjected to a secondary review based on the receiving state's national legislation. The retransmission of audiovisual programs can only be suspended by the receiving state under exceptional circumstances. In such predetermined conditions, relations between EU members are marked by collaboration and adherence to common principles.

The competition in television broadcast markets across most EU countries led to an increased demand for programs. This demand presented an opportunity to foster the European audiovisual industry and collaboration among media institutions. However, the development of this industry faced challenges from competitively priced non-European content, particularly from mass-consumer-oriented non-European productions. This competition led to a notable decline in the market share of European productions within the audiovisual market. Consequently, measures were deemed necessary to enhance the situation, including the introduction of programs to support and promote European works.

At the European level, initiatives such as the „Media”, „Eureka 95” and „Eureka audiovisual” programs played significant roles in advancing media policy. These programs were implemented to bolster the au-

audiovisual industry in member countries, which struggled to compete globally. Each program encompassed measures aimed at supporting the program industry, enhancing media market competitiveness, and facilitating the circulation and production of European works.

The „Media” program received particularly noteworthy attention and funding, as it sought to strengthen the European industry through various support measures, including professional training, project development, production, broadcasting, and promotion of audiovisual programs.

Despite funding benefiting all EU member states, the proportion of European programs in the audiovisual market remained relatively small compared to non-European productions. This prompted increased financing for the distribution of European works. The digital revolution and EU enlargement necessitated the continuation of European audiovisual support programs. After public consultations conducted by the European Commission to prepare for the next generation of the „Media” program, it was determined that the program’s direction should adapt to technological and market developments, address issues concerning professionals in the field in the new EU countries, and include specific actions related to digitization and facilitating access to credit for small and medium-sized enterprises.

In addition to these funding programs and in response to the evolving EU media market, there was a need to introduce changes to the provisions of the Television without Borders Directive. A significant revision came with the adoption of the new Audiovisual Media Services Directive [11], which addressed industrial development and the emergence of new media. This directive modernized regulations for the European audiovisual industry, encompassing all audiovisual media services, including on-demand services.

The new directive enabled the audiovisual sector to adapt to profound changes related to technology, market dynamics, and shifts in viewer behavior. It covered traditional television (linear service) and „video on demand” services, defined as „audiovisual media services provided by a media service provider for viewing programs at the user’s chosen time and upon individual request, based on a catalog of programs selected by the media service provider”. Due to the advent of the Internet, 3G mobile phones, and the transition to digital TV technology, adjustments were necessary to align old laws with the evolving audiovisual industry.

The new Audiovisual Media Services Directive introduced novel provisions, including coverage areas, jurisdiction over satellite broadcasting, the ability to restrict the broadcast of inappropriate content, transparency requirements for editorial decisions, provisions for people with visual or hearing impairments, definitions for audiovisual commercial communication, product placement regulations, promotion of European works, short news reports, television advertising rules, restrictions on advertising „unhealthy” products during children’s programs, protection of children from adult content, a combination of self-regulation and government oversight, and independent regulatory bodies.

Regrettably, the Audiovisual Media Services Directive does not encompass all forms of media. The pace of technological development and regulatory adjustments in this field do not always align. Often, regulations are enacted after a period of using new media. Presently, content is also transmitted via the Internet, accessible to both media institutions and citizens. As providers of information society services, they fall under the jurisdiction of the Electronic Commerce Directive [12]. This is possibly due to the idea that the free movement of information society services can be seen as a specific reflection, in community legislation, of the broader principle of freedom of expression, as defined in Article 10 paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by all member states [13].

Additionally, alongside the implementation of EU media policy within the integration processes of the states that have become EU members, another integrationist process involves expansion, wherein additional states seek EU membership. The enlargement process depends on the internal preparedness of candidate countries, the internal readiness of the EU, and the accession negotiations.

To join the EU, a candidate state must meet specific requirements. This entails meeting political and economic criteria and accepting the Community Acquis. The political criterion, as stated in Article 6 of the Treaty of Amsterdam, mandates that „the Union is founded on the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles that are common to all member states”. Any European state that adheres to these principles can become an EU member. The economic

criterion necessitates the presence of a functioning market economy capable of withstanding competitive pressures and market forces within the EU.

For states aspiring to European integration, the EU framework facilitates the integration of fragmented markets into a unified market. Stability, often the primary objective for some states in pursuing European integration, can sometimes override concerns about associated costs. Integration can also entail influences from more powerful nations, leading to a decrease in the market share of recently integrated governments in the media sector [14]. As noted by K. Jakubowitz, the EU accession process has influenced the media policy of newly joined states in several ways. Firstly, the political and economic criteria necessitated changes in the media system to align with established standards regarding freedom of expression and mass media [15]. Secondly, Chapter 20 of the Community Acquis mandates the alignment of candidate countries' national legislation with the provisions of the Television without Borders Directive, which establishes the legal framework for the free movement of audiovisual services within the EU. Thirdly, EU media policy is designed to achieve overarching objectives, including the internal market and the free movement of goods (including newspapers and magazines) and services (radio and television). This also opened up opportunities for investments in media companies from new member states.

Conclusion

Clearly, stagnation due to the rapid evolution of electronic telecommunications is not characteristic of community media policy. With the increasing transmission of content via the Internet, both by media institutions and citizens, adjustments are continually required to align transmission networks with evolving provisions, particularly in the context of digital technological platforms. The evolution of community media policy within integrationist processes reflects their adaptable nature. Member states, as well as candidate states, have the capacity to influence this policy. As a complex entity, the EU is shaped by the interactions and relations among its elements, with the main actors playing pivotal roles in decision-making at the EU level. These actors, including the European Commission, the European Parliament, intergovernmental conferences, and decision-makers responsible for action plans, contribute significantly to the formulation and implementation of European media policy. Therefore, the amalgamation of decisions, actions, processes, and phenomena occurring within states interacts and influences the EU, driving tangible transformations at the systemic level.

Despite its many successes, EU media policy faces challenges such as the rise of digital platforms, disinformation, and financial sustainability for media outlets. To address these challenges, the EU must adapt its policy and continue fostering an environment where media can play a pivotal role in strengthening the bonds between member states. EU media policy serves as a crucial tool for enhancing relationships among its member states. By promoting unity, respecting cultural diversity, and upholding democratic values, EU media policy contributes to the creation of a cohesive European identity. As the digital age unfolds, the EU's commitment to media policy remains central to its mission of fostering unity among its diverse member nations.

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