WG I: Community Radio Regulation

Introduction & Objectives of the working Group
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Introduction

This document aims to outline the key points for discussion in the working group which will take place on 13 May 2010 in a round-table format. This issue of Community Radio was only discussed once during the 19th EPRA meeting which convened in Stockholm in June 2004. In addition to this introductory statement, a comparative paper (EPRA/2010/05) based on the answers to a questionnaire circulated to EPRA members has been produced by the EPRA Secretariat.

Community Radio (CR) is one of the main representatives of what is now referred to as the "third sector" of the media, existing alongside public service and private commercial media. In recent years, several transnational authorities, such as the European Parliament[1] and the Council of Europe[2], have declared their support for CR and the third media sector in general, encouraging their Member States to "*examine the question of how to adapt legal frameworks which would enable the recognition and the development of community media and the proper performance of their social functions[3].*" Tools such as the Media Pluralism Monitor prepared for the European Commission also recognise that "*media of all types – public service, commercial and community media – play important roles in creating pluralism*"[4]. In addition, the CoE and EU Parliament declarations assess the benefit of CR in terms of social inclusion and intercultural dialogue.

A study of the situation of Community Media across Europe shows that "*levels of activity are closely related to public awareness and legal recognition of the sector as well as to the existence of underlying regulatory procedures[5].*" From this perspective, this working group focuses on how media regulation can contribute to supporting and encouraging Community Radio. Simply put, a good understanding of the distinctiveness of CR (first section of this note) is a necessary condition of their support by public authorities (second section of this note).

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[1] European Parliament, Resolution of 25 September 2008 on Community Media in Europe (2008/2011(INI)). http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0456&language=EN&ring=A6-2008-0263

[2] Council of Europe, *Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue* (Adopted by the Committee of Ministers on 11 February 2009 at the 1048th meeting of the Ministers' Deputies). https://wcd.coe.int/ViewDoc.jsp?id=1409919

[3] Council of Europe, op.cit.

[4] KULeuven-ICRI et al, *Independent Study on Indicators for Media Pluralism in the Member States - Towards a Risk-Based Approach* Prepared for the European Commission, Directorate-General Information Society and Media, Task Force for Co-ordination of Media Affairs - Media Pluralism. July 2009. http://ec.europa.eu/information_society/media_taskforce/pluralism/study/index_en.htm

[5] European Parliament, The State Of Community Media In The European Union, study IP/B/CULT/FWC/2006-169/Lot03/C01 http://www.europarl.europa.eu/activities/committees/studies/download.do?file=22408

1. Distinctiveness

For a public authority, understanding the specificities of the CR in its own media landscape is necessary for their continuation and development. But what exactly are the criteria that help to distinguish Community Radio? It is often difficult to describe CR in essence, all the more on a transnational basis, because the situations vary greatly throughout the European landscapes. Below is a set of elements that one can find in most European CR stations in general.

1.1. Non-profit goal. This is usually the cornerstone of CR. The radio practice exists for the common good, and the benefits are seldom financial. This does not mean that a CR refuses advertising, but that the advertising profits are reinvested in the radio - although some CR stations choose to ban any form of advertisement when they can afford it and/or as a basic principle.

When they do gain from advertising revenue, it can often be very limited, due to the small coverage of the broadcast or the lack of commercial potential of both the programming and the targeted audiences. As opposed to commercial broadcasters who build their programming in accordance with audience and advertising objectives, a community radio will usually design its programming without advertising in mind, and then welcome advertisers who are willing to fit into it. Most of the time, they will attract niche advertisers looking for special targets such as cultural minorities.

1.2. Democratic ownership. A Community Radio outlet/station is often owned, controlled and managed by a large number of people reflecting pluralism ownership. When applicable, they adopt the legal form of an association. The management is often shared among a group of people, where decisions are discussed and adopted in common.

This democratic approach is also noticeable in the decentralised programming. CR programming typically relies on specific shows run by autonomous teams of volunteers. After it has been accepted by the staff within a radio's schedule, a typical programme runs freely inside the boundaries accepted by both its production team and the station's staff. Such teams are largely autonomous in their music programming and editorial choices.

1.3. Accountability to the community. CR is often regarded as a type of media by the people, for the people. It is a bottom-up initiative. The "community" can be broadly seen as a group of people sharing a common interest. The community can be geographically based, but also based on a cultural identity such as a language, faith, musical taste, ethnic origin, or linked to a special group such as a university student body, a youth group, or another association. The whole radio station itself can also be regarded as a community composed of the volunteer production teams as well as listeners.

The radio is accountable to its community in the sense that its programming reflects the community's goals and interests. Often, the community has a final word on basic decisions or options adopted by the radio's staff. Community members form the majority of the radio body as well as the management board. The management board assembles volunteer content producers who commit to the entire project and not just their own show.

1.4. Diversity of funding sources. Unlike commercial radio, CR cannot rely solely upon advertising revenues. Usually, its funding is based on a great diversity of sources. Along with public subsidies from several public institutions, that can ensure sustainability, CR stations survive from money provided through fundraising activities such as live events, parallel activities such as training, and/or membership fees paid by the volunteers in order to access the airwaves, as well as other sources. And in many situations, the biggest resources of a CR are not financial: volunteer work and other arrangements allow many of them to limit the constraints of dealing with large amounts of money. In some cases, while local authorities do not contribute financially to their CR, they still provide facilities such as free or low-rent premises.

As a general rule, there is a great variety of financial situations between countries and even within a country, depending on public support and the consequent ability to hire a staff of professionals in order to develop rich content.

1.5. Reliance on volunteer work. A typical CR will rely on the work of volunteers. Those volunteers are fueled by a commitment to the project and its goals, but also, more broadly, by a passion for radio and the satisfaction they receive in putting their freedom of expression rights into practice and/or communicating their own interests to others (e.g. regarding musical tastes). It allows the radio to live upon a tight budget, and it goes along with the democratic ownership, the volunteers being associated with the board and "owning" the radio.

The volunteer approach implies that the radio values content over form. While commercial radio stations are very careful to make their content clean and professional-sounding in every way, for Community Radio this is often not the top priority. Depending on the skills of the volunteers, technical or editorial caveats can thus be encountered.

This does not mean that paid workers are excluded from CR. While some refuse completely to rely on paid work, most radio stations with sufficient budget can hire a small staff in order to train and support the volunteers as well as complement the programme offer with more elaborate or constraining programmes (such as news bulletins or morning shows).

1.6. Presence of specific content with regard to social gain/benefits for the community. One of the best ways to identify CR distinctiveness is through what it provides to its audience. In fact, all of the above "structural" conditions are not very effective unless they result in specific programming, which reflects the true added value of CR in terms of pluralism, diversity and social gain. A CR can be referred to as "the voice of the voiceless", as it provides a tribune to people, ideas or music that don't otherwise have access to mainstream media. Those specific contents include the broadcasting of alternative or seldom-heard music, reports and debates on topics that are not covered by mainstream media, radio-art and soundscaping, programmes run by minorities or in foreign languages, programmes putting intercultural dialogue in practice, educational programmes, and many others. In a sense, the value of CR lies in the fact that its content proves to be complementary to mainstream media in many ways.

1.7. Local scope. CR stations are mainly focused on a small area such as a town, a neighbourhood or a village. They are, by definition, close to their audiences. This rather limited scope is often linked with the technical requirements of FM transmission and the scope of the community in itself. Still, "*in light of the withdrawal or non-existence of public and commercial media in some areas, including remote areas, and the tendency of commercial media to reduce local content, community media may provide the only*

source of local news and information and the sole voice of local communities.[6]" While such a criterion is very effective to define a specific regulatory approach, it is insufficient to target CR: being a small, local radio does not necessarily qualify as being a CR if many of the above conditions are not met.

2. Support

Community Radio is a concept that is closely tied to media regulation. As small-scale media, they do not always get the attention of public authorities. As spectrum users, they are placed at the same level as large-scale media such as public service radio and commercial networks. This cohabitation places CR in a vulnerable position. A media regulatory authority is often well placed to balance the interests in presence and pay attention to the interests of CR, most of which converge with the typical regulator's mission of promoting pluralism and diversity.

2.1. Acknowledgement

How can support be achieved? As a first important step, regulation can acknowledge the distinctiveness of CR and, more generally, assess the presence of a third sector in the media landscape. Acknowledgement does not necessarily mean legal status or recognition. It can be achieved in a jurisprudential way, by the adoption of procedures and other regulatory attitudes that are proportionate and adapted to CR specificities.

Such an acknowledgement can be put in practice even as small steps in many aspects of regulation. For example, licensing procedures often include a viability evaluation. Such an expertise can integrate CR specificities by taking into account volunteer work and other forms of non-financial commitments. Inappropriate administrative paperwork can also lead to discouraging Community Radio initiatives; sometimes it can be adjusted to become proportionate to the impact of small-scale media. As a last example, public authorities can ensure that CR representatives are associated into consultative bodies regarding media, culture and diversity in general, when applicable.

As we have seen in the first part, a CR is a very particular form of media, relying on volunteer work and personal commitment. As opposed to strong business logics of other, more professional media, they rely on a fragile ecosystem. In this context, the acknowledgement of CRs specificities is especially crucial to their viability. People will be more confident and active in their project if they feel like "a part of the family" of the media landscape through a supportive attitude on behalf of the regulatory authorities.

2.2. Recognition and positive measures

As stated in the Parliamentary resolution on Community Radio, "*there are major differences between Member States regarding community media dissemination and impact, which are the most extensive in those Member States which clearly recognise their legal status and are aware of their added value*". Beyond the first step of simple acknowledgement, regulation can take positive measures towards CRs. As a condition for adopting such policies, they should be based on legal recognition in order to ensure transparency and accountability.

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[6] European Parliament resolution, op.cit.

Recognition can be based on many of the distinctive criteria mentioned above. Which criteria make it into the rules will depend on a landscape's specificities. Beyond the regulatory process, a clear distinctive approach can also become a cultural policy instrument: stating clearly the requirements to meet in order to be recognised as a CR and benefit from positive measures is often an encouragement for some existing non-CR initiatives to change their project in order to reach the CR status.

When it comes to radio, spectrum is a valuable asset. An effective support measure is to provide reserved spectrum for CR, or some kind of priority in the licensing process. This is particularly at stake in the field of digitization of radio broadcasting.

Other positive measures include financial support by the public authorities. As non-profit, and sometimes non-commercial media, CR often relies on public support in order to finance their activities. But as they are owned by private, community interests, they cannot be considered as public service broadcasters. This is why public support to third sector media require a very subtle balance between financial help and tradeoffs that preserve the editorial independence of CRs. In the States where financial support is large enough to fund significant employment, it can make a whole sector of activities sustainable and thus play a role in an economical policy as well.

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More generally, any positive measure should be submitted to appropriate requirements, which can very well meet CR specificities: non-profit goal, limited advertising, presence of specific types of programmes, etc.

For CRs, a specific legal status can help them to negotiate additional positive measures with other stakeholders such as local authorities and collective rights management organisations "*Research shows that a recognised legal status enables CM organisations to engage with regulatory authorities, funding partners as well as advertisers, thus contributing to their sustainable development.[7]*"

Other forms of support include:

- setting specific training programs in order to develop vocations and initiatives within civil society and enhance the quality of programmes;

- setting must-carry rules for the benefit of CRs on cable or digital radio multiplexes;

- and many others

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[7] European Parliament, The State Of Community Media In The European Union, op.cit.

3. Conclusion

The issues addressed in this introductory paper must not be considered as complete or exhaustive. Rather, it is a starting point for discussion, along with the survey report.
In addressing the question of the role that media regulation in general and regulatory authorities in particular can play in order to contribute to supporting Community Radio, this working group aims at generating debate and food for thought among participants on concrete actions that each regulator may take to achieve this goal.

Possible questions for discussion:

1. What are the enablers and the barriers for CRs?

2. What are the current challenges for CRs?

3. What is the role of the regulatory authority in the development of the community radio/media sector? How does this differ from the role in relation to other media sectors? There is a clear licensing role, as is the case for other media, but should a regulatory authority have a greater development focus because of the role community media can play in achieving goals like pluralism and diversity?

4. What elements can explain the difference of the situations of CR in the different States?

5. What are the best practices on the issue of distinctiveness of CR compared to other categories of radio services? Which criteria work best, what are their risks and caveats? What impact do the applied methods have on the shape of the landscape?

6. What are the best practices in terms of recognition?

7. When it comes to support, is it better to set a gradual type of support or an "all or nothing" approach? Is structural funding preferable to a more indirect form of support (facilities, project-based financing, etc.)?

8. What can we learn from the experience of those who have already set a policy? What are the effects of the policies put in place? Are there evaluation procedures of the impact of those policies?

9. What authorities are involved in CR regulation, licensing and support? How satisfactory are the roles set in your jurisdiction? What are the pros and cons of granting the licensing and support roles to the regulatory authorities?

10. What active role could European institutions play in supporting CR?

11. What positive measures can regulators take to contribute to the recognition of CR?

12. What factors should be applied in assessing community media? As an example in Ireland, the BAI looks at audience in terms of use and participation and piloted a model based on other community evaluation initiatives. They are considering how to measure "adding social value".