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## **Reluctant Europeans – the BBC and European media policymaking 1992-1997.**

**Professor Leighton Andrews**  
**Cardiff University**

Leighton Andrews is Professor of Practice in Public Service Leadership at Cardiff University. He is a former Labour Minister in the Welsh Governments from 2007-16. He was the BBC's Head of Public Affairs from 1993-96. His most recent book is *Facebook, the Media and Democracy* (2019). His publications include work on the BBC, devolution, Englishness, ministerial ethics, political communication and social media regulation. He is chair of the Cardiff City Football Club Community Foundation.

**AndrewsL7@cardiff.ac.uk**

## **Reluctant Europeans – the BBC and European media policymaking 1992-1997.**

### *Abstract*

The BBC is often seen as an institution that represents and helps define 'Britishness'. It has also been taken as a model for public service reform in the UK. In the early 1990s, the BBC shifted strategically to become more engaged in the making of European Union media policy as it sought to expand its international and commercial services. This article looks at the micro-history of the development of the BBC's active European engagement, with specific reference to its role within the Brussels policy environment, drawing on contemporary documentary materials and discussions with key players within and outside the BBC. The article contributes to our understanding of the making of media policy within the European Union, and the role of media organisations, and the discourse coalitions to which they belong, within that process, and adds to the developing literature on the argumentative turn in public policy.

**Keywords:** Britishness, BBC, Europe, public sphere, public service broadcasting, policy.

## *Introduction*

The BBC has been widely seen both as an active contributor to the shaping of discourse around 'Britishness' (Ascherson, 1992; Brooke, 1992; Hall, 1993; Jowell, 2006), and as a model for public service management in the UK (Clout, 1994; Mulgan, 1993; Schlesinger, 2010; Smith, 1978). In the early 1990s, the BBC turned its attention to the impact of European Union media policy on its developing domestic and international strategies, including its commercial strategy, paradoxically at a time when the issue of Europe was becoming significantly more controversial in UK political life (Major, 1999:578-607).

The BBC intervened more directly in EU media policy debates, projecting itself as a 'European' institution. This was a significant strategic shift for the BBC, requiring it to refine its strategy, deploy a new discursive language, develop new capacity and spend additional resources. Despite that, the role of the BBC as an actor in shaping European Union policy on the media has been little studied. The objective of this article, as an exercise in historical recovery, is to provide an overview of the emerging BBC role in EU media policy up to the adoption of the Treaty of Amsterdam in 1997. This historical analysis also helps to inform research on the BBC's role in shaping contemporary media policy debates.

The Protocol on public service broadcasting (PSB) in that Treaty has been widely seen as a pivotal moment in the development of European Union policy on PSB (Michalis, 2007: 170). Sarakakis calls it the 'first such legally binding international agreement' and points to its origins in 'a dramatic series of events that brought governments and public service broadcasters into alliance against proposals for the restriction of member states' rights to

support them' (2010). While several commentators have noted how subsequent legal and policy actions by the Competition Directorate and the European Court have to a degree circumscribed the protocol (Harcourt, 2005; Michalis, 2010; Ward, 2004; Wheeler 2010), there is no doubt that, as Sarakakis (2004:115) says, it was 'an historical and significant event'. As Pauwels and Donders (2011) note, public service broadcasters 'are the only institution whose exceptional status is set out so explicitly in the official EU Treaty'.

However, the adoption of the protocol is often taken as the starting-point of discussion. While Harcourt (2005:38) recognizes the role of the European Broadcasting Union, alongside the European Parliament, in lobbying for the inclusion of such a protocol, little detailed attention has been given to the lobbying by specific public service broadcasters in the period to its adoption. *The article seeks to offer a micro-historical analysis of the BBC's developing European policy engagement from 1992-1997 as a case study of media policy-making in practice.* The article addresses the emergence of a European policy-shaping (including policy-making and agenda-setting) capacity within the BBC at a particular historical conjuncture. It examines how this capacity was deployed to address emerging policy challenges, notably the safeguarding of PSB in the digital environment.

### *Materials, Method, and Theoretical Considerations*

*Rhodes (2018:5) argues 'policy narratives are non-fiction stories with characters and plots', and that a key task is to recover the stories that lie within them. The article is a mixed methods study which combines qualitative analysis of documentary records, along with contemporary embedded observation and active discussion with other participants both at*

the time and subsequently, as the article has been drafted. The author was a senior executive in the BBC for the bulk of the period reviewed, and centrally involved in growing and building the BBC's European policy-shaping expertise and Brussels/Strasbourg presence, helping to devise the internal issue monitoring systems, the briefings to the Board of Management, and the management of the external advocacy to key actors in the European institutions. The author participated in hearings before the European Parliament, major events such as the 1994 European Audiovisual Conference and meetings with Members of the European Parliament, European Commission officials and representatives of the UK Government Representation (UKREP) in Brussels. Consequently, there are elements of 'analytic autoethnography' (Anderson, 2006) in this article based on the researcher's contemporary observations while immersively embedded in the field (c.f. Hasselbalch, 2019).

The role of former participant obviously throws up some issues of research practice (McNulty, 2018:73). These include access to information and documents not available to the average researcher, and a particular insight on the observation of events, which a non-participant could not obtain, but also a perspective influenced by the observer's own beliefs and that of their organisation (and in this case, former employer). Triangulation has therefore been sought: the article has been drafted some twenty years after the events recounted, which has enabled narrative reflection, draws on contemporary documentary materials and archive work, and is informed by the perspectives of other actors involved in the process, including written narrative accounts, as well as academic accounts based on both primary and secondary sources.

This also raises a theoretical question. The use of narrative accounts can suggest that institutions are merely collections of individuals with particular stances. That is not the argument. The narrative accounts of BBC managers are valuable in helping to provide texture and context for institutional decisions, but there is also a dialectical relationship between individuals holding particular roles in the BBC and the BBC as an institution.

Individual actors within institutions operate within structured contexts, including discourses, that can both constrain and facilitate their actions. They are influenced and to some degree bound by organisational culture and imperatives. As Marsh et al (2001) argue, in the context of the UK Government, 'organisations are the sources of socialisation which imbue actors with cultures'. Again drawing on researchers writing about government, we can think of BBC managers as having 'situated agency' (Bevir and Rhodes, 2006). They operate within the organisational framework of the BBC, shaped by but also shaping its culture and discourse.

Theoretically, the article draws on the literature on the 'argumentative turn' in policy analysis (Fischer and Forrester, 1993; Fischer, 2003; Hajer, 1993; Fischer and Gottweis, 2012, 2013;) and links it to the literature on source strategies (Schlesinger, 1990) , providing a contribution to the study of elite policy-making within the European Union. Initially focusing on sources' interaction with the media as a counter to analyses which privileged media outlets in interpreting coverage of issues and events, Schlesinger recognised that sources may be organisations seeking to influence the political agenda (1990: 77), by engaging in 'successful strategic action'. He later called for further examination of the ways in which media organisations seek to influence the agenda of media policy.

(Schlesinger, 1995: 31). Studies of media policy-making have followed (Freedman, 2008, 2015; Williams, 2007).

Media policy researchers have started to apply models from political science to explain EU media policy-making (Van den Bulck and Donders, 2014), but historical approaches are rarer (Sundet et al, 2019:3). Policy researchers have increasingly emphasised that policy-making involves a process of argument, frequently involving 'a discursive struggle' (Fischer, 2003:60) between organised groups of policy actors. The definition of discourse by Fischer and Gottweis (2012:10) is helpful: 'a body of concepts and ideas that circumscribe, influence, and shape argumentation'. There is, they say (12) 'a dialectical interaction' between social actors such as policy-makers and the structures within which discourse operates.

Schlesinger's concept of source strategies can be refined by reference to Hajer's concept (1993) of 'discourse coalitions'. Discourse coalitions are organised around storylines which provide an interpretive frame for values and beliefs, providing 'a persuasive narrative structure' (Fischer, 2003: 103) that underpins group solidarity and coherence:

A discourse coalition is thus the ensemble of a set of story lines, the actors that utter these story lines, and the practices that conform to these story lines, all organised around a discourse (Hajer, 1993:47).

Corporate actors in a particular policy domain can be seen as active policy-shapers rather than simple policy-takers. A discourse coalition becomes dominant if key political actors 'are persuaded by, or forced to accept, the rhetorical power of a new story line'. In this case, the



new story line adopted in policy is the centrality of PSB to the cultures of Europe's nations and regions, reflected in the Amsterdam Protocol as services 'directly related to the democratic, social and cultural needs of each society' (Official Journal, 1997).

Policy change is dependent on argument - discursive interactions - between discourse coalitions, the institutions which have the role and powers to determine policy, and the political or official actors which principally inhabit them. Sources achieve success 'using their various forms of capital as resources' (Schlesinger, 1990: 78). Strategic success is dependent, on institutional, financial and cultural capital, with cultural capital meaning 'legitimacy, authoritativeness, respectability and the contacts which these bring' (Schlesinger, 1990: 81), or what Fischer calls, following Hajer (1993), 'credibility and trustworthiness' (Fischer, 2003: 114). Power, of course, remains an issue: Schlesinger, in respect of source media coverage, refers to 'a context of unequal competition for access' (82), which applies equally to access for political influence.

We can locate this focus on discourse within a wider analytical framework of discursive institutionalism (Schmidt, 2012), a way of describing 'the wide range of approaches in the social sciences that take ideas and discourse seriously.' (Schmidt, 2012: 85). Schmidt outlines (2012:86) two kinds of discursive interactions: "'coordinative" discourse' of policy construction amongst discourse coalitions and other policy actors; and "'communicative" discourse of deliberation, contestation, and legitimization' of policies involving political actors and their publics. She notes that these discursive interactions do not only emanate on a top-down basis but can also arise from civil society discourse.

### *The development of the BBC's EU policy-shaping capacity*

The BBC's governing document is the Royal Charter (BBC, 2019). The Charter is granted by the Queen on the recommendation of the Government of the day, following widespread consultation including Parliamentary debate and scrutiny and public consultation. Oversight of the BBC was then conducted by twelve governors who act as Trustees in the public interest. They were appointed on fixed terms by the Queen on advice from the Government of the day.

At the time of these events, the BBC was managed by a Board of Management, reporting to its Director-General. John Birt became Director-General in January 1993. It may be anachronistic to retrofit Schmidt's (2012) concepts to the BBC at that time, but it is nevertheless possible to argue that Birt refined both the BBC's coordinative and communicative capacities. The coordinative role was played by the Policy and Planning Unit which became a directorate represented at Board level for the first time (Birt, 1993a). Birt came to regard this as 'the most powerful capability of its kind anywhere in European broadcasting' (Birt, 2002:333). A new public affairs unit, responsible for parliamentary relations in Westminster and Brussels (Author Withheld, 2005), was created within the Corporate Affairs Directorate, which looked after the BBC's communicative role.

In the 1980s, the BBC had tended to rely on interventions in EU media policy by the UK as a Member State, or through the transnational European Broadcasting Union (EBU), and showed little enthusiasm for direct European Union intervention. When the 1984 EU Green Paper on Television without Frontiers (TVWF) was under discussion in the House of Lords in 1985, the BBC submission began with the observation that 'it is debatable whether the

Rome Treaty does encompass broadcasting activities.’ The BBC had preferred the broader Council of Europe as a forum for the exploration of international broadcasting issues, perhaps because this was more a forum of Member-States, without the bureaucratic and legislative base of the EU. The BBC saw the strength of national cultures backed by strong public service broadcasters as being the main bastion against American programming if ‘a European response to Dallas and Dynasty is desirable’. (House of Lords, 1985)

The BBC also worried that the Green Paper could threaten the independence of broadcasters by requiring greater emphasis on the commonality of cultures and the European tradition. The Green Paper declared:

European identification will only be achieved if Europeans want it. Europeans will only want it if there is such a thing as a European identity. A European identity will only develop if Europeans are adequately informed. At present, information vis a vis the mass media is controlled at national level. (quoted in Collins, 1994; Schlesinger, 1995)

Schlesinger observed (1995) that despite its simplifications and essentialism, ‘this perspective has had an enduring impact upon subsequent thinking and debate’ on European media policy debates.

David Barlow, the BBC’s Controller of Public Affairs and International Relations in 1985, went so far as to say: ‘My feeling is that the EEC in terms of directives has virtually no part to play in the solution of the problems that are before us’ (House of Lords, 1985: 80). Yet, by July 16 1992, Barlow had recruited a former European Commission official and European Parliament researcher, Matteo Maggiore, to staff the BBC’s ‘Brussels Desk’, operating out of

a basement in the European Broadcasting Union's headquarters. Barlow saw the role as two-fold: to provide an early warning system of emerging proposals and how they changed existing policy, and to seek to shape new proposals before they finally emerged from the Commission. He recalls that the European Broadcasting Union was initially hostile to one of its members having 'a freelance lobbying operation' (email to the author, 21 November 2017).

Following John Birt's appointment as Director-General, the European Union became a more significant priority. Birt, by his own admission 'an instinctive Europhobe', records that he 'soon recognised the importance of coming to terms with – and taking advantage of – the new power of Brussels' (2002:454).

#### *EU media policy-making in the early 1990s*

It is important to understand the different spaces of discursive struggle within the European Union. Essentially, we can isolate four. The individual member-state itself, in the BBC's case, the United Kingdom; the European Parliament, made of up Members (MEPs) directly elected from within the member-states; the European Commission, made up of permanent officials but headed by European Commissioners nominated by member-states for a fixed term; and the Council of Ministers representing member states' governments, organised on an operational basis by permanent representations of member-states based in Brussels – UKREP being the UK permanent representation, responsible for negotiating with other EU member states on behalf of the UK. All had different roles in the policy-making process, and all were spaces of discursive struggle over draft policies and directives and treaty proposals.

European Union media policy had evolved in a relatively unplanned and complex fashion in the 1980s, through interventions by the European Parliament and the European Commission and responses to these initiatives from Member States (Collins, 1994). Michalis refers to 'internal infighting' and Harcourt to 'conflict' among Commission Directorates-General with different interests in the making of broadcasting policy (Michalis, 1999:153; Harcourt, 1998a: 371). In practice, this is a highly discursive process in which different Directorates-General considered media policy proposals in the context of their own discourses and logics – competition, internal market harmonisation, industrial development, cultural policy – against which those proposals were evaluated (Harcourt, 1998b gives a detailed description of how this operated in respect of media concentration in the same time-frame as this article).

Until satellite technology offered the prospect of pan-European broadcasting, there was little practical need for the EU to intervene, and some argued that it was beyond the EU's competence to become involved. It was the economic responsibilities of the EU, and the drive towards the Single Market, which provided the focus for EU intervention initially, and which became, arguably, a battle between the 'liberals' and the 'dirigistes' over the 1989 Television Without Frontiers (TVWF) Directive, which saw the introduction of 50% European quotas on television production in certain genres such as film and drama 'where practicable' (Collins, 1994). The role of public service broadcasters, based on nation-states, was not, at that stage, seen as central to the European 'project'.

The period from 1992 to 1997 thrust the role of public service broadcasters firmly into the limelight, for a variety of *institutional*, *strategic* and *sectoral* reasons. *Institutionally*, the 1992 Maastricht Treaty formally endorsed 'culture' as a legitimate domain of EU policy

(Forrest, 1994), stating that the EU should contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.’ The same Treaty expanded the powers of the European Parliament, giving it co-decision powers with the Council, principally in areas related to the Internal Market, enabling it to resist and significantly delay legislation, and to call for policy proposals from the Commission (Boyron, 1996). The Parliament elected in 1994 saw the Party of European Socialists as the largest party, including over 60 British Labour MEPs, which provided the opportunity to test out those provisions. The new Commission of 1995 also contained members whose sympathies to regional cultures (eg Oreja, responsible for Audiovisual), and public service (eg Van Miert, responsible for Competition) should not be understated.

*Strategically*, the Delors White Paper on Jobs, Growth and Competitiveness (European Commission [EC], 1993) provided a framework for a positive industrial policy, through the deliberations of the Bangemann Group (EC, 1994), considering developments in convergence within telecommunications, IT and broadcasting under the theme of the Information *Society* (a counter to the US Information Superhighway) were seen by some to be a threat to the future of public service broadcasting.

*Sectorally*, legal challenges by private broadcasters to the operations of PSBs in some member states were underway, and the private sector broadcasters were becoming more organised, with the establishment of the Association of Commercial Television (ACT) in 1989 working against the supposed ‘privileges’ of public service broadcasters (Van den Bulck and Donders, 2014). This focused the minds of PSBs, who began to work more collectively

on policy issues while looking at potential abuses of media power by major commercial media players.

*EU media issues and BBC strategy: developing the discourse*

As part of its preparations for the 1996 Charter Review, the BBC had undertaken considerable research on the state of public service broadcasting around the world, looking at funding mechanisms and revenues, audience figures, breadth of programming and the nature of regulation (Mckinsey, 1993). Birt's first meaningful venture into the field of EU media policy came at an EBU conference in Brussels, in November 1993, looking at the future of PSB in a multimedia age. In his speech he outlined an approach which was to frame the BBC's discourse around the future of public service broadcasting in Europe. Birt said that if countries wanted to protect their national cultures, including their public cultures of debate, public policy at national government and EU level should recognise this would require 'substantial public funding':

The hope for me is that public service broadcasters in Europe will take the case for licence funding to Europe's publics and not slide further down the slippery slope – as I fear some of you are - that extra advertiser funding is the way forward for public service broadcasting in Europe.

Birt had a specific message for the European Union, saying that the focus of its 'broadcast policy should be to put national identities and culture first, not to create a synthetic Euro-culture with a harmonised European media industry.' This was in tune with the terms of clause 128 of the Maastricht treaty. He said that when the BBC Board of Management discussed European policy or regulation, 'it always seems to make life more difficult for us

and not easier.’ Birt ended with a rallying cry to other European public service broadcasters that ‘the argument can be won’ (Birt, 1993b).

By early 1994 the BBC had established a clear discursive agenda for its European work. The BBC Board of Management agreed a paper (BBC, 1994) identifying the BBC’s objectives in European Union media policy, which reviewed the range of stakeholder interests and EU policy initiatives. The BBC was on the brink of launching its global commercial strategy, including two new BBC channels receivable in Europe. Commercial broadcasters were already lobbying the European Commission in respect of the BBC’s commercial activities. There were some in Europe who thought that media concentration rules should apply to public service broadcasters. A new EU Audiovisual Green paper was also pending.

At the heart of the paper was a re-statement of the specific role and value of public service broadcasting in Europe. The BBC believed that the debate in Europe on media issues had largely taken place without any discussion of the strategic role of public service broadcasters in reinforcing and supporting the cultures of Europe’s nations and regions. Birt suggested that the BBC should take its case directly to Brussels, and proposed that there should be a ‘BBC Week’ in Brussels, to demonstrate how the BBC itself operated not only as a British broadcaster, but as the leading public service broadcaster in Europe, setting standards for others (Birt, 2002).

Following the Board of Management decision to upscale the BBC’s corporate engagement in European policy, and more particularly following the successful campaign to renew the BBC’s Charter for a further ten year term, confirmed in July 1994 (Department of National Heritage (DNH), 1994), the BBC’s European agenda was mapped out in earnest. To support



its agenda in Europe, the BBC took 'strategic action' (Schlesinger, 1990), building up its European Affairs capability, and targeting each of the discursive spaces in the European Union, supplemented by lobbying in the U.K.

By the autumn of 1994 Maggiore was Head of European Affairs, leading a team of 3, reporting to the BBC's Head of Public Affairs in London (Author Withheld, 2005). Maggiore's team acted as the BBC's eyes and ears in Brussels, producing a monthly digest on European issues of relevance to the BBC, feeding into its coordinative discourse on EU issues.

Maggiore later reflected 'It is now commonly accepted that most of the things Auntie does have an EU dimension' (Maggiore, 1995). The BBC's Policy and Planning Directorate also directed more resources at the European Union dimension. Maggiore's team also managed the BBC's communicative discourse, its lobbying of Commissioners, Commission officials and MEPs, and producing briefings and a regular bulletin on BBC developments.

While the BBC often coordinated with the EBU on many initiatives, the Corporation's unique position, with its public service provision funded only by the licence fee, meant it had a particular story to tell. The EBU included within its membership commercial public service broadcasters such as ITV who themselves had issues with the BBC's overall plans, such as its arm's length commercial operations and subsequently its international television channels. It was therefore necessary for the BBC to set out and argue for its own agenda (BBC, 1994).

Commercial broadcasters beyond the EBU, organised in the Association for Commercial Television, were mounting a strong campaign against public service broadcasters on the grounds that the 'licence fee' was a state aid, and an unfair intervention in the broadcasting market (for an illustration of some of the arguments being deployed, see Porter, 1994).

Maggiore believes that they were guilty of an act of 'hubris', in believing that they could undermine the standing of PSB in EU legislation (email to the author, 31 August 2017). The Competition Directorate of the Commission, DGIV, had received a series of complaints from commercial broadcasters about public service broadcasters in France, Spain and Portugal. DGIV was examining the funding of broadcasting as a consequence. The BBC's case, which the Corporation believed was understood in the Commission, was that it received no direct state subsidy, simply the licence fee; it was not allowed advertising on its public service channels, and the commercial channels it was developing were designed to avoid cross-subsidy, to be transparent, and would be governed by a Fair Trading Commitment and Commercial policy guidelines. BBC executives explained the development of these policies in meetings with EU Commission officials, Commissioners and Parliamentarians throughout 1994 and 1995 (Author's records); Birt, 2002:457).

The BBC saw some Commissioners, such as the Competition Commissioner, Van Miert, as supportive of public service broadcasting. The *Guidelines on state aid for the arts and culture, with particular reference to the audio-visual sector*, eventually issued in 1995 by Van Miert's Directorate, recognised that PSB had a fundamental role to play in promoting culture in Europe and in the development of the audiovisual sector in the context of the Information Society. The BBC and the EBU strongly resisted suggestions from private broadcasters and consultants that there should be a narrow cost-based focus to PSB. The EBU argued for a stable regulatory and funding framework (EBU, 1995b). The European Parliament's Audiovisual Intergroup, chaired by Carole Tongue MEP, brought Van Miert to a meeting in Strasbourg to explain the guidelines and put pressure on through the Culture

Committee to remove proposals which would have been seen as more damaging to PSB (Communication from Carole Tongue to the author, 25 June 2018).

Through its communicative discourse, the BBC identified specific actors within the European Commission and European Parliament who might be sympathetic to public service broadcasting, and specific opportunities to make the case for public service broadcasting. The BBC participated fully in the 1994 EU conference on the Audiovisual Green Paper, convened by Commissioner Pinheiro to ensure a cross-industry discussion of successor policies to the 1989 TVWF Directive in the context of the development of video-on-demand and digital services (EC, 1994b and c: for a description of the conference, see Kaitatzi-Whitlock, 2005; author's records) . BBC representatives, including the present author, spoke at the conference, projecting public service broadcasting as a European model of audiovisual culture which had a strong role in protecting European culture.

Maggiore believes that one of the strengths of the BBC's position was that it did not, unlike others, 'underestimate the European Parliament' (email to the author, 31 August 2017). The BBC used various Parliamentary opportunities, successfully inserting a clause into the report on media concentration by the MEPs Fayot and Schinzel which recognised the importance of public service broadcasting (EP, 1992) and along with others campaigned successfully for protection of access to public service content in proprietorial conditional access systems within television set-top boxes in the Advanced Television Standards Directive (Cox, 1995 and 1997; Levy, 1999). A subsequent draft directive on media concentration initiated by the Parliament was amended to exempt PSB from media ownership regulations (Kaitatzi-Whitlock, 2005), forcing the European Commission to promise that 'harmonization of regulations on media ownership would not in any way call into question the specific

characteristics of public broadcasters, including their public service and internal pluralism obligations ' (EC, 1994). The BBC developed its own detailed position on these issues which were also under consideration in the context of the UK's 1996 Broadcasting Act (See Andrews, 1995, quoted in Iosifidis 1997). The directive was not subsequently taken forward. (Wheeler, 2004).

The BBC subsequently took part in European Parliament hearings on the revision of the TVWF directive (for example, European Parliament [EP], 1995) and other issues. The BBC and EBU successfully secured amendments to the revised TVWF directive endorsing PSB as it was making its way through the Parliament (EBU, 1995d, 1996a)..

*A case study of BBC lobbying activity: The BBC Brussels Week 1995.*

Birt was determined that European policy-makers should understand the nature and range of the BBC's production base. The focus of the BBC's 'Brussels Week' was to demonstrate how the BBC itself supported European culture, how it was a model public service broadcaster, and how it was facing up to the challenges of both market competition and technological change. The week led into the G7 Information Technology summit in Brussels, where the BBC Deputy Director-General Bob Phillis was to be a member of the Industry Roundtable accompanying the event (EC, 1995; EBU, 1995) Phillis subsequently became a member of the new High Level Group on the Information Society: the previous Bangemann Group had had no PSB representative (Phillis, 1996).

The BBC had continued to develop its communicative discourse around public service broadcasting in the light of emerging policy developments. Accompanying the Brussels events, the BBC published a short European policy statement, *Extending Choice in Europe*.

The document welcomed the European Commission's focus on the audiovisual sector as one of Europe's growth industries, and set out how the BBC itself was contributing to the objectives identified by the Commission. Public service television, said the BBC, provides 'significant support for European production.' EU policy should build on that strength, recognising the role of popular programmes in driving new services, based on success in national markets. Public service broadcasting was 'a particular strength' of the European industry. The BBC itself, it asserted, was 'a model public service broadcaster'. The BBC, it said, had spent 'Seventy years as a European broadcaster'. The BBC was 'Europe's largest Programme Maker', and Europe's largest exporter of television programmes. It reported European issues seriously. It was now a Pan-European broadcaster. It promoted European culture and sport. It was a partner in European film production. It was a partner with the EU and with nascent broadcasters in Eastern Europe and the former Soviet Union. It helped to teach languages. It was a multicultural broadcaster and it was contributing to building the European Information Society. It argued that PSB could help maintain 'a public sphere in broadcasting and audiovisual production, to ensure support for the cultures of Europe's nations and regions' (BBC, 1995b).

The BBC Brussels week, involved presentations, private meetings with MEPs and Commissioners, a policy seminar for over 70 Commission officials, MEPs and their staff, and formal receptions and dinners. BBC output was used to sustain 'the storyline': there were screenings of the BBC film of Jane Austen's *Persuasion*, and BBC Education's adaptation of Dickens' *Hard Times*. Radio Four's *Kaleidoscope* was broadcast from Brussels, and *Antiques Roadshow* was recorded there. The Archers' Roadshow was taken to Antwerp. There was a BBC viewers' and listeners' public meeting chaired by BBC Radio news anchor James

Naughtie in Brussels. The World Service held a reception. The BBC National Orchestra of Wales gave a concert. A seminar for EU officials from the EU Directorates-General most concerned with BBC issues was chaired by Birt with most of his Board of Management, focusing on policies and services for the Information Society, and looking at how Europe was reported. A timetable for the week was produced in English, French and Flemish (BBC, 1995c). It was an opportunity 'to lobby and show off' (Wyatt, 2003: 283).

At the formal dinner, attended by European Commission President Jacques Santer and European Parliament President Klaus Haensch, along with other MEPs and Commissioners including the UK's Neil Kinnock, Birt set out a detailed case for the continuing importance of public service broadcasting in a digital multichannel environment, and summarised this as a press conference subsequently:

European and national policy now and in a future digital world needs positively to support national broadcast services. We need especially to support publicly funded services which will sustain national culture if we are positively to sustain our own European national identities. (Munchau, 1995).

Birt records (2002:459):

Our Brussels week was a great success: over the next years, the BBC could always rely on a warm welcome and a keen hearing in Brussels. We were perceived as industry leaders, as digital innovators, as an organisation worth listening to.

In Schlesinger's terms (1990), the BBC had deployed its institutional, financial and cultural capital to reinforce the credibility of its discursive case.

### *The BBC and the road to Amsterdam.*

By late 1995, attention was being turned to the planned 1996 EU Intergovernmental (IGC) Conference. A study by the European Centre of Enterprises with Public Participation (CEEP) had opened up the possibility of recognition of public service in general at the IGC conference. The European Parliament, in a resolution in May 1995, had called for public service to be included in the new Treaty. The BBC and the EBU wanted provisions in the new Treaty recognising the role of public service broadcasting, committing the European institutions to respect 'the democratic and cultural functions of public service broadcasting'. (EBU 1995d) Hearings in the European Parliament allowed the EBU, the BBC and others to make the case for these issues being included in the new Treaty, possibly by amendment to Maastricht Clause 128. Copies of these representations were sent to Commissioners as well (EBU, 1996a).

The BBC's most productive Parliamentary relationship was with the British Labour MEP Carole Tongue. In meetings with Ms Tongue in 1994, the BBC encouraged her to develop a specific 'own initiative' report on public service broadcasting. An 'own initiative' report allowed an MEP to develop a policy platform for endorsement by the Parliament overall. Tongue, as she wrote subsequently, believed that 'the BBC is one of the few British institutions that maintains near-universal respect in Europe, and unlike other European PSBs, it has maintained a distance from political parties' (Tongue, 1997). Tongue's report

stated that PSB was under attack – but it was a vital European model and key to democratic and cultural values. The report made the case for the continuing importance of PSB in the multichannel world; for the independence of PSB; a fair funding framework; and universal access. Europe, said the report, should ‘recognise the strength of its tradition of public service broadcasting (Tongue, 1996). Her report was published in February 1996, and the European Parliament adopted four recitals to the new TVWF Directive in its first reading debate, making reference to the importance of public service obligations on broadcasters, one of which had been specifically drafted by the BBC (Private information).

Tongue’s report was published as the European Parliament was considering its approach to the IGC and likely Treaty amendments (Jakubowicz, 2004). Will Wyatt, the BBC’s Managing Director for Television, described it as ‘a stimulating document’ which was ‘both balanced and exhaustive’ (Wyatt, 1996). Her report was adopted by the Culture Committee in June 1996 and eventually adopted by the whole Parliament in September alongside a comprehensive European Parliament resolution commending public service broadcasting, and calling on the Commission ‘to propose adjustments in the Treaty so the Union can develop a positive policy on PSB’. (Buckley, 1996; Culf, 1996; EBU 1996c). Her report was recognised at the EBU Administrative Council meeting in Geneva in November as having helped to create a more positive climate within the EU for public service broadcasters (EBU, 1996d).

In parallel with the work within the discursive spaces of the European Union, the BBC worked with the EBU to build support for public service broadcasting within the Council of Europe, the institution of Member States responsible for the European Convention on



Human Rights and the European Court on Human Rights. The Council of Europe's Ministerial conference in Prague on Mass Media Policy in December 1994 had passed a resolution which included a commitment to the independence of public service broadcasting as a guarantor of 'the political, legal and social structures of democratic societies'. PSB, said the resolution, should be supported by 'an appropriate and secure funding framework' enabling it to fulfil its mission (EBU, 1995a). Though the resolution was non-binding on Member States, and entirely outside and separate from the European Union's legislative mechanisms, it was seen by the EBU and others as a milestone. EBU lobbying of the Council of Europe culminated in the Ministerial statement on public service broadcasting at the Galway Culture and Audiovisual Ministers Meeting in September 1996 (EBU, 1996b), hosted by Ireland's then Culture Minister (now its President) Michael D. Higgins. Higgins had published a Green Paper on broadcasting in 1995 which had stressed the importance of public service broadcasting to the Habermasian public sphere in the digital multichannel environment (Department of Arts, Culture and the Gaeltacht, 1995). Higgins argued strongly that the EU should assert the importance of public service broadcasting (PSB) in future discussions on the meaning of the Maastricht Treaty's Article 128 on culture, reinforcing the need for a specific clause on public service broadcasting in the Amsterdam Treaty. (Eire, 1996). Ireland held the EU Council Presidency in the last half of 1996, the six months leading to the Dutch Presidency where the PSB proposals began to take shape.

A seminar on PSB was held on 16-17 February 1997 by the Dutch Presidency of the EU along with the Dutch broadcaster NOS. The attendees included EU institutions and Member States. Carole Tongue MEP was among the speakers. Amongst the recommendations of the seminar, forwarded to the informal Ministerial Cultural Council in April, was one suggesting

a 'A Protocol or Declaration, which could comprise of guidelines for public broadcasters in Europe, to then be attached to the Treaty during the Intergovernmental Conference' (BBC, 1997a; Experts Meeting PSB in Europe, 1997; Tongue 1997a and b). Maggiore recalls this as the first formal mention of a protocol on PSB (Communication to the author, 5 November 2017). Lobbying for the protocol by the EBU and its members, including the BBC, continued during the months leading up to the Amsterdam Summit (BBC, 1997b). The BBC coordinated activity with both the EBU and with public service broadcasters from other EU Member States, notably ZDF and ARD in Germany, sharing out lobbying tasks between them with different broadcasters focusing on different Member States. Lobbying of the German Presidency, and the Irish Presidency which preceded it, was an important focus in setting the agenda. The BBC also liaised with European Commission officials and sought advice on the acceptability of potential wordings for the Protocol. (Communication with Patricia Galvin, 23 June 2020) The campaign for an addendum to the Treaty was contested by many commercial broadcasters (see Cox, 1997b).

The Protocol on PSB was unanimously agreed at the Inter-Governmental Conference in Amsterdam in June 1997. Maggiore recalls the PSB protocol as being agreed on the last night, and praises the work of the EBU's Head of European Affairs Jacques Briquemont, who had strong links to the Belgian Prime Minister, and a UK official named Carolyn Morrison, in helping to deliver it (Communication with the author, 5 November 2017).

The Protocol recognised that PSB was 'directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism'. It recognised the competence of Member States in providing funding for PSB in line with the remit agreed by each member state, so long as the funding did not affect trading or competition within the

Community 'to an extent which would be contrary to the common interest' (BBC, 1997c; Official Journal, 1997).

### *Discussion*

This article contributes to our understanding of how individual media organisations may seek to influence the shaping of EU media policy, through a detailed critical and historical treatment of BBC's role in the developments leading to the adoption of the Protocol on PSB in the Amsterdam Treaty. It provides historical context which is relevant to contemporary discussions on the standing of the BBC. The article illustrates the relevance of the argumentative turn and the role of discourse in shaping policy, especially where policy actors have credibility and are trusted (Fischer, 2003).

The article also supports Schlesinger's conclusions on source strategies (1990). The BBC was well placed to take on a leading role in driving forward the discourse around PSB in Europe. In Schlesinger's terms, the BBC had the necessary institutional, financial and cultural capital to support its discursive strategies. Its institutional base had been secured in the U.K. with the renewal of its Charter. It was able to put financial resources behind the development of a discourse coalition, supporting this with human, discursive and organisational resources.

Above all, it had the necessary cultural capital. It is widely accepted that the BBC has a different status from other European public service broadcasters (PSBs). The BBC historically has been seen as an ideal type with its core funding stream – the licence fee – undiluted by advertising revenue. For politicians from European countries which moved to democracy in the 1970s, 1980s and 1990s, the BBC was recognized as a different, more independent

model than their own domestic state broadcasters. It was seen as being 'on a pedestal in the stardom' of other public service broadcasters (Sarakakis, 2010: 88).

The BBC has played a long-standing role in the exploration and explanation of new broadcasting technologies, providing significant 'information subsidies' (Gandy, 1982, 1992) to governmental institutions. These 'information subsidies' reduce the cost to legislators of gaining information. Schlesinger and Tumber (1994:96) point out that information subsidies flow from pressure groups to legislators, and their success is dependent on the credibility and reliability of organisations supplying them.

The BBC was able to operate in all of the discursive spaces of the European Union, winning support in the Parliament, the Council of Ministers, and the Commission, as well as the UK itself. Birt records how even Martin Bangemann, Commissioner for the Information Society agenda and a political free marketeer, 'passionate....in his hostility to public service broadcasting' was won over 'to a grudging admiration for the BBC's considered, coherent commitment to public service' (Birt, 2002: 457).

It can be argued that this was a particular moment in the development of the EU institutions, with the Party of European Socialists in the driving seat in the European Parliament, and the Parliament itself ready to flex its post- Maastricht muscles (Hix, 2002). But opportunities have to be taken, and the BBC, alongside the EBU, took the necessary 'strategic action' (Schlesinger, 1990) to help drive forward a successful 'discourse coalition' (Hajer, 1993) to achieve a key objective.

The protocol to the Treaty of Amsterdam was, in the words of John Birt, 'a far-sighted recognition by the EU of the importance of public service broadcasting' (Birt, 1998). It set

the scene for further discussions of PSB in Europe, and was ‘a binding text which has the same legal force as the Treaty articles themselves’ (EBU, 1998). The BBC’s role in this and other lobbying was certainly recognised by its opponents. Rupert Murdoch, speaking at the European Audiovisual conference in 1998, castigated public service broadcasters: ‘Too many of them have spent too much time and money sitting on their assets, or spending vast sums on armies of policy advisers and lobbyists (over 100 in the BBC alone) bent on manipulating the political process rather than competing in the marketplace’ (*Broadcast*, 1998; Boshoff, 1998; Ahmed, 1998). Public service broadcasters were to continue to enjoy audience success for the rest of the decade (Screen Digest, 1999).

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