

**Review of the broadcasting powers and responsibilities
in selected countries
Report for the Expert Panel on a Shadow Broadcasting and
Communications Authority for Wales**

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About this report

This report provides a review of the broadcasting powers and responsibilities in the Basque Country, Canada, Denmark, the Republic of Ireland and Estonia. The research is based on analysis of official policy documents, industry data and academic literature published over the last 15 years from these countries and across European and international media policy domains.

Through five profiles the report presents a factual summary of each country's media system, supported by in-depth case studies of contemporary debates within that country on public media governance, regulation, funding and content provision. The report examines specific issues relating to serving the needs and interests of distinct linguistic and cultural communities, as well as exploring the countries' strategies for adapting policy and public service organisations to the digital media landscape.

The report also offers a summary of our findings and general observations on the structure of these various media systems, their distinct approaches to policymaking, and the implications of different models or methods for governing and regulating public media. We hope the cases presented are interesting, informative and useful for the Expert Panel's deliberations on the prospects for the devolution of broadcasting powers to Wales.

About the authors

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Summary of findings and observations

Across the five media systems examined in this report, we have identified common themes influencing the quality, sustainability and public value of different broadcasting systems. These themes draw on our analysis and observations of the broadcasting powers and responsibilities in the selected countries, and seek to highlight the implications of (and opportunities for) exploring alternative models of funding, governance and regulation in local, national and international media contexts.

1. Constrained funding for public service broadcasters

While governments within the UK, across Europe and around the world look to restate or revise the role of public service broadcasting (PSB) in their respective media systems, there remains an enduring support for the fundamental public service principles of universality, diversity, impartiality and accountability. Yet despite this enduring support, the main PSB organisations in the five selected countries have experienced severe financial challenges in recent years: freezes or cuts in public funding; declining revenues from commercial sources; and rising costs from inflation and growing international competition. Inadequate funding has led to substantial cuts in the level of services and programmes offered by the countries' PSBs, leading to tensions and difficult choices in how these broadcasters fulfil their core public service objectives set by policymakers – especially as these objectives are being expanded to include increasing online service delivery.

In addition, the current models for collecting and distributing funds pose a further difficulty for the sustainability and reliability of producing public service media content. PSB funding via government grants (employed in all five countries) has shown to be highly susceptible to fluctuating political and financial circumstances, while licence fees (currently the primary source of funding for RTÉ in Ireland) are increasingly perceived as anachronistic and suffer from high rates of household evasion. While Canada, Denmark and Ireland operate various schemes for subsidising content in commercially under-served genres, these funds are typically 'top-sliced' from PSBs rather than provided from new sources. However, options for reform or intervention in funding models will also need to fully examine the unintended consequences on the level and quality of services expected by the public.

In evaluating the scale and mix of funding used to finance broadcast media content, policymakers will need to examine whether new or existing funding models are sufficient for delivering a level of service that fulfils the wider social and cultural objectives inherent to public service broadcasting.

2. Politicised media governance and policymaking

While the five countries share common models of media governance – e.g. arms-length regulators defined in statute, PSB remits and quotas set by cyclical government agreements – each media system also features novel approaches to editorial, political or public oversight, particularly within the main PSB organisations. These include variously constituted councils, boards, ombudsmen and advisors aimed at representing cultural, linguistic and other under-served communities, providing a forum for audience complaints, and consulting on broadcasters' services and strategy. Many of these roles are, however, typically filled by industry figures or individuals from professional 'high office', and the role and influence of these various bodies is not always clear.

In all five countries there are clear tensions between the primary mechanisms of independent media governance and political or government involvement in regulation. In almost all cases the governing boards of the countries' PSBs and media regulators are appointed by politicians, either directly through the executive decision of a government minister or on the approval of national parliaments. The power of governments to appoint senior media governance figures, agree public funding levels and set PSBs' contracted requirements is entrenched in the countries' respective media legislation, and in only a few cases are these decisions contingent on public consultation or confirmatory votes by legislators. Regulatory reviews of PSB systems have also struggled to strike a balance between broader public interest ideals and industrial objectives for open market competition. As we have observed from recent cases in Denmark and Estonia, the lack of separation between political or commercial interests and media governance has resulted in ad-hoc policy decisions that risk disrupting public service delivery and undermining public trust in media institutions.

Policymakers should ensure that the need for legal accountability does not allow for undue interference in the political and commercial independence of public media institutions. In considering new modes of governance policymakers should consider subjecting media appointments to greater public (rather than solely political) scrutiny and consultation, as well as promoting more direct public participation in key decisions concerning public media funding, governance and content strategies.

3. Limited support for languages, local cultures and specialist genre content

Each of the broadcasting systems in the five countries features dedicated broadcasters, services or content initiatives aimed at preserving and protecting the representation of national identities and/or serving distinct linguistic, cultural and minority communities. Regulatory provisions, such as 'European origin' quotas and Canada's regime for certifying 'Canadian content', comprise the main official requirements for original national or local content production, together with specific expectations set out in PSBs' public contracts. In all five countries, public service broadcasters are the primary (if not the sole) providers of original, culturally distinct content made specifically for local, regional and national linguistic or cultural communities. These interventions have proven to be valuable and valued measures for meeting the needs and interests of historically marginalised or under-represented people and communities.

However, as recent cases in Ireland, Estonia and the Basque Country demonstrate, public funding and support for services aimed at 'smaller' language communities has stagnated. Particularly where broadcasters are reliant on commercial revenue, language services and genres (beyond some dramas and entertainment formats) may offer limited domestic or international audience appeal. As the levels of overall funding for PSBs have fallen, bespoke television and radio language services have often been the first to face cuts or consolidations that have limited their ability to fully serve their respective audiences. While subsidy schemes like those in Ireland, Denmark and Canada have helped to open production of language and specialist genre content (such as educational and children's programming) to new providers beyond PSBs, long-term support for these schemes is ultimately dependent on financial commitments from regulators and governments, whose priorities may shift. Although international streaming services have made tentative steps towards funding or co-producing content that reflects local languages and cultures, it is similarly unclear whether this is a sustainable model for preserving and promoting distinct national identities in broadcast media.

Policymakers, broadcasters and regulators should identify more secure funding options to ensure that under-represented audiences are not marginalised in the evolving media landscape. Strategies to investigate may include means to further develop and retain local talent and production capacity, specifically for local language and specialist genre content.

4. Intense competition and regulatory imbalance in the online media landscape

One of the biggest pressures facing broadcasters in the five countries stems from the rapid growth of new digital media technologies and international streaming video-on-demand (SVoD) services. Companies like Netflix, Amazon, Apple and Disney have created intense competition for domestic broadcasters both in terms of the media services audiences use and the production, supply and distribution of content within national markets. Public and commercial broadcasters alike have adopted wide-ranging strategies for providing their 'traditional' services online, including distributing their own-produced content on commercial streaming services to reach wider audiences and generate additional revenues. However, there is a risk that the cultural distinction and public service aims of nationally based broadcasters (especially those in smaller countries) are becoming less apparent or relevant to audiences, who can access tens of thousands of hours of content across different genres and formats.

The growing popularity of these new media services also poses a significant regulatory dilemma for the supply and production of domestic content that reflects the lives and experiences of distinct national audiences. Whereas PSBs in the five countries are required (both in their legally defined purposes and their specific programming quotas) to show content that reflects the lives and interests of their national communities, content on streaming services is mostly unregulated and predominantly features internationally targeted, culturally homogenous content. Recent and ongoing efforts at reform in Denmark, Spain and Canada have proposed to expand existing broadcast regulations to streaming services, including content standards, quotas for investment and hours of 'local' content and levies on revenues to support public service subsidy funds. The effectiveness of these measures will depend heavily on whether these international companies will conform, and what powers national regulators or governments afford themselves for ensuring compliance. In smaller markets, where streaming services may not generate significant revenues, there is a risk that these companies may simply evade these measures, reduce their local investment or withdraw services altogether, rather than agree to increased regulatory requirements.

Public service broadcasters (especially those serving smaller national populations or distinct communities) should explore ways of 'doing digital differently', to distinguish their services and content from what is already widely offered by international streaming services and commercial broadcasters. Alternative approaches might include increased 'trans-media' programming that spreads content over multiple formats, increasing public participation in content commissioning and distribution, and redefined content distribution and algorithm-driven recommendations that prioritise public service values over audience maximalisation.

New strategies should not, however, focus exclusively on online content delivery at the expense of established terrestrial television and radio. Large parts of national audiences, especially those from lower socioeconomic backgrounds and geographically isolated areas, continue to depend on 'traditional' formats for their media use or often cannot access reliable or cheap internet connections. 'Doing digital'

will also require stable funding and clear mandates to ensure all audiences benefit from expanded and existing services.

5. Divergent practices for transparency and data collection

The varying and often limited availability of public reporting on broadcasting and regulatory activities within the selected countries has created a recurring barrier in our research. Although primary documents such as PSBs' annual reports, public service contracts and regulatory decisions are published regularly, we have noted a significant divergence across the countries in the collection and presentation of survey data (e.g. audience habits and public perceptions), production statistics (e.g. funding allocations and hours of content produced), consultations or internal regulatory and governance decisions.

Several of the PSBs in the five countries outsource their audience and market research to private consultancies and analysis groups, using proprietary methodologies and unclear objectives, rather than broadcasters employing their own internal researchers. While we recognise that this is in part a reflection of differing legal and institutional approaches to corporate governance in the five countries (not to mention the financial and organisational resources required for routine monitoring), it nonetheless highlights an essential and often under-valued aspect of media governance, regulation and policymaking.

Effective policymaking and public media planning requires meaningful public accountability and scrutiny, and should be informed by comprehensive, authoritative and transparent research. Policymakers, regulators and broadcasters should be expected to provide reasonable public accounts of their governance and decision-making processes, and should produce extensive research on market trends, audience behaviour and records of content production and funding.

Introduction

Around the world, domestic media systems face a series of pressing challenges. Rapid changes in media platforms and digital technologies, rampant competition between media producers and distributors, and shifting media consumption habits are transforming how audiences find, use and value media content across television, radio and online formats.¹ In the last decade the rapid proliferation of ‘SVoD’ (streaming video-on-demand) services such as Netflix, Amazon Prime, Apple TV and Disney+ has afforded audiences with a widening range of choice in content and formats. However, this rush of investment has favoured programming that is predominantly US-centred, designed to appeal to transnational, culturally homogenous audiences, rather than reflecting the lives and experiences of the national, let alone local, communities who consume this content.²

Looking across national contexts, a number of common trends have emerged. Public service broadcasters (PSBs) have faced significant financial pressures in recent years, leading to diminished investment in the production of socially and culturally significant content, particularly news, children’s programming and services for local, regional and minority-language audiences.³ In recent years sustained freezes or cuts in public media funding have limited PSBs’ operating revenues, while declining commercial income and rising inflation have further squeezed domestic broadcasters’ finances. The EBU estimates that across Europe public service media organisations experienced a 6.9% fall in revenues between 2016 and 2020.⁴ In the UK, as in many countries around the world, public trust in ‘legacy’ media organisations has fallen markedly amongst lower socio-economic backgrounds.⁵ Surrounding these issues are growing concerns over media independence and the accountability of government powers relating to funding settlements, senior appointments and the future strategy for public media institutions.⁶

However, against these perennial challenges, public service broadcasters are still the most used and most trusted media sources for audiences in the UK and across Europe. Averaged across Europe, public service media outlets reach 60% of audiences and receive a 25% daily share of daily television market share.⁷ Public service news outlets are the most trusted sources of news and information in 28 out of 31 European countries, and publics continue to highly value the integral role of PSBs in fostering a diverse information environment, promoting cultural expression and sustaining democratic processes.⁸ While governments within the UK, across Europe and around the world look to restate or revise the role of PSBs in their respective media systems, there remains an enduring support for the fundamental public

¹ EBU (2022) [Audience Trends: Television 2022](#), July 2022; Ofcom (2022) [Media nations: UK 2022 report](#), 17 August 2022.

² Enders Analysis (2021) [Outsourcing culture: When British shows aren’t ‘British’](#), 9 March 2021.

³ D’Arma, A. and Labio A. (2017) [Making a difference? Public service broadcasting, distinctiveness and children’s provision in Italy and Spain](#); Enli, G. (2013) [Defending Nordic children against Disney: PSB children’s channels in the age of globalization](#); McElroy, R. and Noonan, C. (2018) [Public Service Media and Digital Innovation: The Small Nation Experience](#).

⁴ EBU (2022) [Funding of Public Service Media](#).

⁵ Reuters Institute for the Study of Journalism (2019) [Old, Educated and Politically Diverse: The Audience of Public Service News](#); RISJ (2021) [Digital News Report 2021](#).

⁶ Senedd Culture, Language and Communications Committee (2017) [The Future of S4C; Future of TV Inquiry Report 2016](#); House of Lords Communications Committee (2016) [BBC Charter Review: Reith not Revolution](#).

⁷ EBU (2022) [Audience Trends: Television 2022](#), July 2022.

⁸ EBU (2022) [Trust in public service media 2022](#), October 2022.

service principles of universality, diversity, impartiality and accountability, and the significant public value these ideals create.⁹

These intertwined factors demonstrate the importance for policymakers of a detailed understanding of how different local, regional and national broadcasting models have been affected by, and are responding to, the emerging media environment. This report explores the broadcasting powers and governance arrangements of the Basque Country, Canada, Denmark, the Republic of Ireland and Estonia. The five selected countries and their respective media systems offer ideal examples for analysing various models of media governance, regulation, funding and public service obligations. These territories share distinctive features for comparison with the media system in Wales, including: populations comprising a substantial proportion of bi-lingual, multi-lingual or minority language speakers; varying degrees of devolved political, legal and communication powers within a national and/or European Union framework; mixed public and private provision of television, radio and online media services, including public funding across TV licences, commercial revenues, direct taxation and/or government grants; a policy for PSB governance, established in law, which specifies the ethos, objectives, and regulatory arrangements of the respective broadcaster(s); and the provision of broadcast media services (either public or private) serving distinct linguistic or cultural communities with programmes.

Methods and search strategy

In producing this report we undertook an extensive evidence search process to gather the broadest range of relevant materials and data that would inform a comprehensive analysis of each country's media system and broadcasting powers. Our research strategy and evidence analysis were led by five core Research Questions modelled on the Expert Panel's interests and objectives:

1. What factors have influenced the growth and development of each country's broadcasting sector and its respective regulatory/governance frameworks?
2. What kinds of public service objectives are defined in legislation or broadcasters' constitutions, and how? What principles are prioritised and how is the delivery of these measured or assessed?
3. Which bodies are officially responsible for policy and regulatory decision-making, and how are these decision-making processes constituted? What requirements are in place for ensuring that local, regional and minority community interests are consulted or have devolved authority over aspects of decision-making?
4. How are broadcasting organisations, industry groups and policymakers responding to contemporary issues arising from changing audience habits, new digital technologies and market pressures? What reforms or initiatives have been introduced in the last 15 years and how effective have these been?
5. What specialist services do these national broadcasting systems provide for serving minority language communities and under-represented groups? How are these services targeted and funded?

Our primary evidence search strategy involved a series of searches for each country, identifying, sourcing and evaluating pertinent materials concerning the country's broadcasting policy and related developments in governance. This research strategy focussed on collating

⁹ Chivers, T. and Allan, S. (2022) [A public value typology for public service broadcasting in the UK](#), Creative Industries Policy & Evidence Centre.

evidence published about (and ideally in) the five selected countries, while also incorporating secondary international or comparative evidence from other PSB contexts.

The main types of documents we collected consisted of:

- Legal statutes, regulatory schema and government policy statements
- Public media bodies' constitutions, mission statements and corporate charters
- Official reports and studies published by national governments, legislatures, devolved bodies, regulators
- Broadcasters' annual reports, consultation responses and regulatory compliance statements
- Reports and studies published by research organisations, interest groups, charities and other forms of 'grey literature'
- Peer-reviewed academic journal articles, papers, monographs and edited volumes
- Online news reports and blog posts.

The principal databases and search resources used for this search process were academic literature platforms (e.g. Cardiff University library, JSTOR, Scopus, ERIC etc.), national libraries and digital repositories, corporate websites of media companies, regulators and research groups, as well as news media websites and new search tools such as LexisNexis and ProQuest. Where possible we included full references and hyperlinks for all data and supporting evidence used in our analysis of the countries' media systems.

We were also aided in our searches by country-level academic experts and policy contacts, who kindly provided us with references, suggestions, access to unpublished documents and points of clarification. We are deeply grateful for their time and their valuable contributions to this research.

EU broadcasting law and media directives

The five selected countries have distinct broadcasting systems and governance arrangements that reflect unique historical, political and cultural dynamics. However, four of the countries – Ireland, Denmark, Estonia and the Basque Country – are also subject to a shared regulatory framework deriving from their national membership of the European Union.¹⁰ Notwithstanding general EU requirements for the free flow of goods, capital and labour, the Treaty of Amsterdam in 1997 codified the importance of public broadcasting for “the democratic, social and cultural needs of each society and to the need to preserve media pluralism”. The Treaty further devolved to the Member States the powers to

provide for the funding of public service broadcasting insofar as such funding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State.¹¹

As in the four EU states explored in this report, these remits have been implemented in national legislation that detail core principles and organise their public media organisations in

¹⁰ Although Canada is clearly not subject to EU laws or Directives, it is nonetheless party to international agreements like NAFTA that include requirements and free trade allowances for cross-market access with the USA and Mexico. Notably, Canada was able to lobby for a [cultural exemption in the original 1994 agreement](#), to protect its national broadcasting market from excessive American cultural influence.

¹¹ EUR-Lex, [Treaty of Amsterdam – protocol on the system of public broadcasting in the Member States](#).

particular ways. Although each country has interpreted and revised these principles to reflect their national contexts and broadcasting systems, they share a set of normative ideals and values that are commonly considered essential to the public service media 'compact'. These include universality of content and services that serve the needs and interests of all audiences; accessibility and availability, in particular making services free to use; high quality and cultural range across genres and formats; impartial, trustworthy news and journalism content; pluralism and diversity in views, perspectives and representation; and accountability and independence.¹²

The development of pan-European cable and satellite broadcasting services from the 1980s onwards also prompted the introduction of a growing regulatory framework for television, radio and latterly video on-demand broadcast operations.¹³ The European Commission's 1989 'Television Without Frontiers' Directive (TWFD) sought to both standardise and liberalise the European broadcasting market, setting public interest expectations for broadcasters while also establishing competition and State Aid rules to limit PSBs' negative impact on commercial media competition. In 2007 TWFD was replaced by the Audiovisual Media Services Directive (AVMSD), which inherited the core framework of TWFD while introducing new regulatory requirements to implement at national level. A new "country of origin" principle stated that broadcasting services could only be regulated according to the rules and standards of the state where the broadcasts originate, rather than by the state where transmissions are received. AVMSD also established quotas for 'European works' (50% of television broadcasts) and programming created by independent European producers (10%).

The AVMSD was expanded further in 2018, with the most significant reform eliminating the previous 'two-tier' regulatory model between linear broadcasters and other 'television-like' services.¹⁴ The 2018 Directive introduced a level playing field approach, with broadcasters, video-on-demand platforms and video-sharing sites all subject to the same framework. Together with new requirements for online platforms and social media to protect minors from harmful content, the quotas for 'European works' have been extended to video-on-demand services, who are expected to devote at least 30% of their content catalogues to European content. The Directive also allows Member States to impose financial obligations on media services targeting their own consumers to support financial 'cultural contributions' to domestic media production. As we explore in the following country profiles, the implementation of the 2018 AVMSD into national legislation has met with various responses: Ireland and Spain (along with Czechia, Slovakia and Romania) have been referred to the EU Court of Justice for their failure to transpose the AVMSD into state law, while Denmark has recently proposed a draft bill for a 'Netflix tax' alongside wider reforms to its public service media legislation.¹⁵

¹² Chivers, T. and Allan, S. (2022) [A public value typology for public service broadcasting in the UK](#); Freedman, D. and Goblot, V. (2018) [A Future for Public Service Television](#); Public Media Alliance, '[What is PSM?](#)'.

¹³ Broughton Micova (2020) [The Audiovisual Media Services Directive: Balancing Liberalisation and Protection](#).

¹⁴ EUR-Lex, [Audiovisual Media Services Directive 2018](#).

¹⁵ Iordache, C. et al. (2022) [The "Netflix Tax": An analysis of investment obligations for on-demand audiovisual services in Europe](#).

The Basque Country¹

Demographics:²

- Population: 2.1 million (out of 47.4 million in Spain), 0.6% growth since 2016.
- Languages: 936,812 people report speaking and understanding Basque well. 1.3 million (62.4%) have some knowledge of Basque, up 34% from 1981.
- 13.5% of households use Basque within the family unit; 7.5% of households identify as bilingual; and 80% of households use Spanish only. There are stark age differences in Basque use: 90.5% of people aged 10 to 14 speak Basque compared to 22.1% of those aged 70 and over: more than 70% of those aged 30 and under are Basque speakers.³
- 76,000 Basque nationals live abroad, however there is a wider Basque diaspora (est. 10 million people) that is considered culturally part of the Basque Country.⁴

Main broadcasters:

- *Euskal Irrati Telebista (EITB)* – public service broadcaster in the Basque Autonomous Community, established 1982.

EITB is the leading media group in the Basque Country, providing five television channels, six radio stations, a news and media content website and a digital broadcast video-on-demand (BVoD service) *EITB Nahieran*. It is funded through a mix of a public grant from the Basque Government and commercial revenues from advertising and services. EITB's total budget for 2022 was €176.1 million, with €164.1 million of that (93.2%) comprised of the public grant – giving the Basque Country a monthly per capita cost of €6.25 for its public media, over double the European average. EITB's remit, as defined in its 2030 Strategy, is to

respond to the needs of Basque society with a range of audio-visual products including news & current affairs, educational content and entertainment of a plural, attractive, high-quality nature; to promote the Basque language and culture; and to help normalise and extend the use of Basque in the current audio-visual ecosystem.⁵

Terrestrial broadcasts from ETB1, EITB's primary television channel, cover both the Autonomous Communities of the Basque Country and Navarra, also reaching some areas in bordering Spanish territories and residents of the French Basque Country.

¹ This section focuses on the Autonomous Community of the Basque Country (*Euskadi*), one of the 17 administrative divisions of Spain. The Community is one of several regions that are part of the Basque Country (*Euskal Herria*), which also includes the Autonomous Community of Navarra and the Northern Basque Country in France. The region shares a national Basque identity and language, comprising 3.1 million inhabitants. This section primarily uses data for the Basque Autonomous Community and its local media system, adding data for the wider region where appropriate.

² Figures from [Instituto Nacional de Estadística](#) (Spanish National Institute of Statistics) and [Eustat](#), Instituto Vasco de Estadística (Basque Institute of Statistics).

³ Figures from [Eustat Population and Housing Census 2021](#). Spanish and Basque are co-official in all territories of the autonomous community – Basque is also spoken in the Autonomous Community of Navarra and in the French Basque Country.

⁴ [Basque Cultural Institute](#).

⁵ [EITB 2030 Strategy](#).

- Radio y Televisión Española (RTVE) – national public service broadcaster in Spain, established 2006.

Spain's national public service broadcaster, which offers five free-to-air television channels, three satellite channels, six radio stations, an online news portal, a BVoD platform and a pay-TV service in the Americas. RTVE is funded by a state grant (€473 million in 2020) and levies on private media companies. Though RTVE's programmes and services are predominantly Spanish-speaking, it is nonetheless a significant media provider in the Basque Country.

Market context

Across Spain the two main commercial broadcasting groups *Artesmedia* and *Mediaset* are the audience leaders, respectively recording 26.8% and 26.4% TV audience shares in 2022 versus RTVE's 13.8%.⁶ In the Basque Country in 2021, EITB TV channels (ETB) had their highest audience shares of the last 10 years, with an audience share of 13.2% beating *Artesmedia*'s A3 (10.8%) and RTVE's La1 (8.8%). 39.9% of the Basque audience listens daily to EITB radio stations, both for news (Radio Euskadi in Spanish, Euskadi Irratia in Basque and Radio Vitoria for the province of Alava) and music (Gaztea and EITB Musika). ETB channels have been the leading TV news sources in the Basque Country during the last ten years. In 2021, ETB news programs held an audience share of 25.4%, its highest since 2006 and twelve more points above its main competitor. In 2021 57.5% of the audience who consumes news had at least one daily contact with the two flagship news programmes, the Basque-language *Gaur Egun* (ETB1) and Spanish-language *Teleberri* (ETB2).

For digital media, in 2021 70% of those aged 18-44 year olds had subscriptions to one or more video-on-demand services – slightly lower than the 79.4% figure for Spain, where available figures show Netflix as the largest platform with 55.1% audience reach.⁷ Digital media are the first choice for consumption of audiovisual content among 18-29 year olds in the Autonomous Community of the Basque Country. YouTube occupies the number one spot with 84.9%, followed by pay-per-view TV platforms with 76.3%, while conventional TV accounts for 67.1% (2021).⁸ Across EITB's online services, its *eitb.eus* website attracted over 162,000 daily unique users in 2021 and the EITB *Albisteak* news apps was downloaded 100,000 times.⁹

Legislation, governance and regulation

The 19th article of the Statute of Autonomy of the Basque Country (granted in 1979 as part of the post-Francoist Spanish Constitution) permits the Basque Country to “regulate, create and maintain its own television, radio and press, and, in general, all social communication media for the fulfilment of its purposes”.¹⁰ This was a significant moment for the Basque people

⁶ Monthly average figures from [Barlovento Comunicación](#), Informe Audiencia TV Oct-22. These commercial companies also attract 85% of advertising revenue, after RTVE ceased advertising on its services in 2010.

⁷ EITB (2021) [Memoria Integrada](#). Data for the whole of Spain, rather than the Basque Country. Barlovento Comunicación. 2022. Barometro TV-OTT 2a Ola. 2022. Data for 10-20 June 2022. Share of SVoD/OTT ('over the top') audience for Amazon Prime Video (18,4%), Movistar+ (13,1%), HBO (8,7%) y Disney+ (6,0%).

⁸ [EITB Strategy 2030](#).

⁹ Bartolome, A.M. (2022) [Between competition and survival: new digital strategies of the Basque Public Radio and Television \(EITB\)](#). Data by author sourced from LOCALCOM project.

¹⁰ [Estatuto de Autonomia del Pais Vasca](#).

whose cultural expression (including the Basque language) had been persecuted during Franco's dictatorship (1939-1975). EITB has two main corporate bodies: the governing Board of Directors (*Consejo de Administración*) and the General Management (*Dirección General*). As per EITB's founding legislation,¹¹ the 20 members of the Board (including the General Director) are appointed by a majority vote of the Basque Parliament and hold responsibility for agreeing with the government EITB's four-year Programming Contract. This contract establishes the parameters for EITB's operations, including the series of commitments it should fulfil and the performance indicators against which its services will be measured. The General Management, responsible for the delivery and management of EITB's services, is appointed by the Board.

Developments in Spanish legislation over the last 15 years have shifted EITB's position as a smaller regional media company. The General Audiovisual Act 2010 established a new legal framework for public and private Spanish media, with a 2012 amendment affording greater flexibility to regional broadcasters in how they provide their audiovisual media services.¹² This included allowing Spain's autonomous communities to opt for direct or indirect management of their public service broadcasters through various public-private partnerships. This led to EITB creating its own commercial subsidiary company, EITB Media, allowing it to expand its revenue streams through shares in an advertising company. More recently, the Spanish parliament approved the General Audiovisual Communication Bill (to be implemented in 2023, replacing the 2010 Act), which provides for a belated adoption of the 2018 EU AVMS Directive into national legislation. The 2023 Act will introduce regulation of new media players that target Spanish audiences, and require these services to allocate 5% of their revenues generated in Spain to content of European origin – with 70% of this going to independent Spanish productions. This new law dovetails with the Spanish Government's 2021 'Audiovisual Hub of Europe' plan, involving €1.6 billion of investment in the sector by 2025 with a goal of expanding Spain's media industries by 30%.¹³

Normalizing the Basque language

In light of these shifting terrestrial and digital Basque media landscapes, EITB has set out its guiding challenge for the next decade:

What is the role of a public audiovisual group in a small country set in Europe, with the goal of preserving our local culture and minority language in the era of digitalisation and globalisation?

Among the main challenges EITB identifies are the "legitimacy of public media" and the "loss of emotional connection with young people".¹⁴ In the recent events commemorating EITB's 40th anniversary, the *Lehendakari* (President) of the Basque Government highlighted EITB's role in the "institutionalization of Euskadi" and the "normalization of the Basque language":

Through information and entertainment, it [EITB] has strengthened our language and our culture, our way of life and our identity. It has created a rich audiovisual heritage of our people and our society.¹⁵

¹¹ Ley 5/1982 de Creación de EITB.

¹² [Ley 7/2010 General de la Comunicación Audiovisual](#).

¹³ [Spain Audiovisual Hub website](#).

¹⁴ [EITB 2030 Strategy](#), pg. 24.

¹⁵ Iñigo Urkullu speech, 16 May 2022.

EITB offers content in both co-official languages of the Autonomous Community of the Basque Country. Basque-language ETB1 was inaugurated in 1982, and the Spanish-speaking channel ETB2 was created in 1986.¹⁶ The beginnings of both channels were not without controversy, as they have often been at the centre of disputes between the Spanish central government and the Basque government, particularly the Basque Nationalist Party (PNV/*Partido Nacionalista Vasco*). Both EITB channels started operating before their constitution was accepted by the Spanish central government, and the creation of a Spanish-speaking Basque channel was seen by many as a betrayal of the initial objectives of EITB.¹⁷ For others, the logic of a public service broadcaster that served a majority of the Basque community which did not speak or understand Basque won over linguistic considerations.¹⁸

Across the four 'domestic' EITB television channels, ETB1 and ETB3 (for children and younger people) broadcasts wholly in Basque, ETB2 broadcasts in Spanish and ETB4 broadcasts in both (focussing on original domestic productions). ETB Basque, which is aimed at the international Basque community in the Americas, also broadcasts primarily in Basque. The main challenge to fulfilling its public service mission of representing Basque culture and society, and in Basque-language, is the need to produce domestic content. Until recently, there has been an unequal balance between factual and fictional content. While news, current affairs, sport and game shows are all locally produced – with some in Basque-language – series, films and children's programmes are often imported and dubbed into Spanish or Basque-language where necessary.

Building a strong and sustainable Basque audiovisual ecosystem has therefore been a priority of EITB. The broadcaster recently renewed its agreement with the associations representing independent Basque production companies, with the new contract placing special emphasis on the collaborative production and dissemination of Basque content across different media platforms. All the parties agree on the importance of reiterating and reinforcing their commitment to defend, promote, and disseminate the Basque cultural heritage and on the need to promote the use and standardization of Basque in the audiovisual sector.¹⁹

EITB has successfully localised established television genres in terms of casting, location, and subject matter. The comedy sketch *Vaya Semanita*, for example, analyses and pokes gentle fun of Basque society and traditions, while *El conquistador del fin del mundo*, a 'survival' reality show, has been successfully broadcast on its Spanish-language channel ETB2 since 2005.²⁰

Despite these efforts, the audience share of the flagship Basque language channel ETB1 has been slowly decreasing. While EITB's financial position, like many PSBs, does not depend directly on attracting large or profitable audiences, it often attracts political tension. The extreme right wing party VOX has recently demanded EITB reports on audience figures for ETB1 in Basque in relation to the funds it receives. One of the main challenges in retaining audiences is the unfair competition (in terms of resources) presented by commercial media

¹⁶ Zabaleta, I. and Xamardo, N. (2022) [Economy and Funding of European Minority Language Media: Reality and Impact of Digitalization and Economic Crisis](#).

¹⁷ There are other media providers of content in Basque language, mostly public at local level, particularly printed media and radio although also some local TV channels (e.g. [Goiena](#) and [Hamaka](#), a regional private TV channel).

¹⁸ Amezaga, A. et al. (2013) [The Public Sphere and Normalization of Minority Languages: An analysis of Basque television in light of other experiences in Europe](#); Larrea, C. (2012) [Globalization, Regional Television and National Identity: The case of Vaya Semanita/What a Week](#).

¹⁹ EITB, 2022.

²⁰ Larrea, C. (2012) [Globalization, Regional Television and National Identity: The case of Vaya Semanita/What a Week](#); Tolosa, I. et al. (2020) [El Conquis: ¿un reality demasiado vasco? Análisis de una adaptación de un formato internacional](#).

groups and SVoD services, including global media players. This has been a point of contention between regulators and the PSBs across Europe. While national media is bound to quotas for funding and content production to comply with Spanish co-official language policy, international media companies that crowd the audiovisual landscape do not. It was expected that the new General Audiovisual Communications Act would change that and, while it has introduced some measures, it has fallen short of what the industry and political forces expected. Quotas for content in co-official languages are limited to an audience share of 3.8% for linear TV and 6% of on-demand. Funding for production in co-official languages will be 0.63% of revenue for RTVE and 0.32% for SVoD services.²¹ A risk of the new law, some analysts suggest, is that it would relegate regional televisions to the periphery of their respective audiovisual ecosystems, and place them at a financial and regulatory disadvantage, restricting their ability to adapt themselves to technological change.²²

Aside from the challenges faced by media ecosystems in minoritized languages, some have observed that the distribution of funds and support within EITB between the TV channels has created an unbalanced hierarchy whereby the Basque-language ETB1 risks being slowly pushed into the background.²³ This situation worsened during the Covid-19 pandemic when the audience share for ETB1 lowered to an unprecedented level of less than 1%, though has since begun to recover to 1.8% in 2022. Since the use of Basque language has increased, particularly among younger audiences, some blame the low appeal of ETB1's programming rather than a division in linguistic communities. In September 2022, for example, the political party Bildu noted in a parliamentary session that, in the previous four months, ETB1 had not broadcast a single film while ETB2 had broadcast 130 titles, all in Spanish.

Engaging younger audiences

The Spanish national government and devolved administrations have been slow to react to the disruption of digital platforms and video-on-demand platforms.²⁴ The resulting audience fragmentation and changes in consumer habits has dramatically affected EITB's audience figures for younger audiences. A key focus of EITB in recent years for attracting Basque-speaking youth has been to develop digital strategies with Basque-language content to compete with streaming platforms. As noted in the new 2030 Strategy, "EITB must be the body that guarantees audiovisual content on Basque topics and in Basque in the context of new forms of consumption and digital media".

EITB's multiscreen and multiplatform strategy has included the simultaneous launch of factual and fiction programmes on both TV and digital platforms. In 2020, the web series *Pikuak* and three television series, including the thriller *Hondar ahoak*, premiered on ETB1, eitb.eus, and EITB Nahieran. The comedy program *Vaya Semanita Xtream* began broadcasting on eitb.eus

²¹ The new Act also includes "the promotion of the official languages of the autonomous communities", the creation of a fund to help dubbing and subtitling in co-official languages, and the creation of a fund between the state and the autonomous communities that will be transferred to the competent bodies.

²² CTXT/Gorka Bereziartua Mitxelena, [Interview with Ramón Zallo \(Professor Emeritus, University of the Basque Country\) - "PSOE y PP entendieron que la Ley Audiovisual era una cuestión de Estado, no de derechos ciudadanos"](#), 22 July 2022.

²³ ETB2 channel is aimed at the population as a whole, including Basque speakers, thus attracting potential viewers that could also watch the Basque-language channel. See Amezaga, A. et al. (2013) [The Public Sphere and Normalization of Minority Languages: An analysis of Basque television in light of other experiences in Europe](#).

²⁴ Bartolome, A.M. (2022) [Between competition and survival: new digital strategies of the Basque Public Radio and Television \(EITB\)](#).

after years of success on ETB2, and is also available on social networks, mobile applications, and connected televisions. In March 2021 EITB inaugurated a channel on Twitch to stream the final of the *Baserría* contest, a reality show of coexistence between urbanites and *baserritarras* (inhabitants of farmhouses). As a result of the new EITB Twitch channel, a community of video gamers launched the #3000Twitz initiative on Twitter so that Basque is accepted as a broadcast language on the platform. Aside from their digital strategy, EITB also has plans to create a 'Basque Netflix' to compete with other SVoD and digital media services.

EITB has recently produced specific transmedia programmes that tell a single story across several media platforms, generating experiences for (hyperconnected) publics and encouraging them to participate in and interact with the content.²⁵ One of these transmedia productions is *Go!azen* – a Basque-language programme addressed to teenagers. EITB has recently signalled its success, crediting it with attracting larger young audiences to ETB1. The programme follows the adventures of a group of teenagers in the Basakabi Summer Camp, with the show's accompanying app stating that it will "allow you to discover stories that are not seen in the TV series ... and it will allow you to see special videos that will not be available anywhere else". The launch of the app increased viewers who incrementally used this platform to access the content on demand. Its success is an example of the possibilities of transmedia content in engaging younger audiences with the cultural and social values represented by PSBs.²⁶

²⁵ Larrondo-Ureta, A. (2020) [Scope and difficulties of the transmedia practice: A case study on the Spanish PSM system.](#)

²⁶ Larrondo-Ureta, A. et al. (2020) [Hacia una mayor participación de la audiencia: experiencias transmedia para jóvenes.](#)

Canada

Demographics:¹

- Population: 36.9 million, with 90% of inhabitants living within 150 miles of the Canada-US border.
- Languages: 27.6 million (74%) speak English as their primary language, 7.8 million (21%) speak French. 6.5 million (17%) reported being English-French bilingual.
- In Québec (population 8.4 million), French is the majority language (6.9 million, 82%) while the share of English primary speakers (1 million, 11%) has grown in recent years.
- About two hundred thousand people identified their first language as Indigenous to the country in the most recent census, with Inuktitut and Cree being the most widely spoken.

Main broadcasters

- **CBC/Radio-Canada** – dual-language public service broadcaster, established 1936.

CBC/Radio-Canada is Canada's national public broadcaster (CBC is English language, Radio-Canada is French language), operating television, radio and online media services across multiple platforms. Its two television networks, CBC TV and Radio-Canada Télé, produce national and local programming broadcast across 27 conventional TV stations targeted at cities and regions. CBC Radio provides eight services, five in English and three in French. The wider CBC/Radio-Canada service portfolio includes a 'freemium' BVoD platform (CBC Gem)² and three speciality pay-TV channels.

CBC/Radio-Canada's funding model consists of a mix of a government grant, advertising revenue, subscription fees for discretionary services and additional income from estates, commercial sales and subsidies, such as the Canada Media Fund. In 2022 CBC/Radio-Canada's total income was \$1.89 billion, \$1.24 billion of which (65.6%) came from government funding, while advertising revenue comprised the greatest share of its remaining budget.³

Concerns have been consistently raised about the relative autonomy of CBC/Radio-Canada from politicians' influence – or possible interference, in the eyes of some critics – given its substantial reliance on a government grant set in the annual Federal Budget to fund operating activities. At the same time, the prospects for the continued generation of advertising revenue across its platforms appear increasingly uncertain, not least because of growing competition from major digital players. In response to recent press criticisms about whether CBC/Radio-Canada represents good value for public money, the corporation calculated that it costs \$34 per Canadian per year. For this modest sum, it argued, 'Canadians get great television, radio, and digital content in English, French and eight Indigenous languages, in every corner of the country'.⁴

Market context

¹ Figures from [Statistics Canada 2021 census](#).

² CBC Gem offers free access to live and on-demand CBC content, with an additional subscription access option that removes in-stream advertising.

³ [CBC/Radio-Canada Annual Report 2021-22](#), pg. 68.

⁴ CBC/Radio-Canada, [CBC/Radio-Canada is a bargain](#), 22 November 2022.

In 2021, there were 961 radio stations in Canada. The majority (716 or 74%) were commercial, for-profit operations. Total revenue was estimated to be \$1.15 billion in 2020, consistent with a trend of decreasing revenues over recent years.⁵ Privately-owned stations broadcast in French, English, Indigenous and third languages. The main five ownership groups are BCE, Corus/Shaw, Rogers, CBC/SRC, and Québecor, which together accounted for 64% of total commercial radio revenues in 2019.⁶

Recent research commissioned by the CRTC found “Canadians have more affinity for their ad-supported radio stations than any other audio medium”, with an estimated 68% of Canadians listening “to commercial radio on at least a weekly basis, with 39% listening daily, more than any other audio broadcast platform”.⁷ By comparison, 39% listen to streaming music weekly (20% daily) and 32% listen to CBC/Radio-Canada (16% daily).

There are 93 privately-owned conventional television stations in Canada. The six largest commercial networks are BCE, Corus, CBC/SRC, Rogers, Québecor, and Groupe V Média, respectively, which together accounted for 91% of total television revenues in 2019.⁸ In the English language, the CTV Television Network is owned by BCE Inc., and the Global Television Network is owned by Corus Entertainment. Citytv, a television network privately owned by Rogers Media, operates stations in Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. TVA, the privately-owned French-language television network, is controlled by Groupe TVA.

Legislation, governance and regulation

The principal legislative foundation of Canada’s broadcasting system is the Broadcasting Act 1991, which details the purposes and structure of CBC/Radio-Canada as well as establishes the **Canadian Radio-television and Telecommunications Commission (CRTC)**, the country’s ‘arms-length’ sector regulator. Appointments to the CRTC are made exclusively by the federal Cabinet of the Canadian government, while the Directors of CBC/Radio-Canada are appointed through an independent committee whose recommendations require final approval from the government Heritage Minister.

The CRTC has significant powers and oversight relating to CBC/Radio-Canada, in particular setting the five-year licence that defines CBC/Radio-Canada’s services and objectives. Under the most recent licence agreement, renewed for the 2022-27 period, the CRTC introduced a series of new requirements on the public broadcaster.⁹ As well as allowing CBC/Radio-Canada to include digital productions and expenditure in fulfilling its core programming requirements, the new licence expands CBC/Radio-Canada’s obligations for serving and representing Canada’s diverse communities within its programming and decision-making.

Most notable amongst these are minimum quotas for both programming time and production expenditure dedicated to content aimed at indigenous and official language minority communities (‘OLMCs’), LGBTQ audiences and people with disabilities. A new “women intersectionality credit”, offering 50% of production funding from the CRTC, is also intended to incentivise more productions made by women from under-represented groups. These initiatives bolster CBC’s broader governance and public accountability framework, which

⁵ [Radio industry operating revenue in Canada from 2007 to 2021](#), Statista.

⁶ CRTC, [Annual highlights of the broadcasting sector](#), 2019-2020

⁷ Media in Canada/Josh Kolm, [How Canadians feel about commercial radio stations](#), 23 February 2021.

⁸ CRTC, [Annual highlights of the broadcasting sector](#), 2019-2020

⁹ CRTC, [Broadcasting Decision 2022-165](#).

features separate English- and French-language broadcasting committees. English and French ombuds for monitoring journalistic standards, an annual public meeting for consultation with audiences, and a requirement to consult directly and separately with Indigenous, OLMC, BAME and LGBTQ communities.

The Broadcasting Act declares that the Canadian broadcasting system should strengthen the country's cultural fabric by supporting its creative industries and, in so doing, encourage the development and accessibility of Canadian content on a universal basis within the country. This is to be achieved by:

- Providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values, and artistic creativity
- Displaying Canadian talent in entertainment programming
- Offering information and analysis concerning Canada and other countries from a Canadian point of view.¹⁰

In recognising the diversity of Canadian communities from one region to the next, the Act places an onus on Canadian broadcasting (primarily through its programming and operational employment opportunities) to:

- Reflect the circumstances and aspirations and ensure the equal rights of Canadian men, women, and children
- Support the linguistic duality and multicultural and multiracial nature of Canadian society
- Recognise the special place of aboriginal peoples within our society.

These priorities reflect legislative amendments to the 1991 Act, known as Bill C-11, proposed in 2020.¹¹ The main intention of this amendment is to situate online digital media within the broadcasting regulatory framework. Given the popularity of internet streaming services, such as Netflix, Amazon Prime and Disney+ with Canadian subscribers, parliamentary debate continues regarding how best to equip the CRTC with effective enforcement and oversight measures.

CBC/Radio-Canada's legislated mandate is to inform, enlighten and entertain all Canadians. In addition to English and French content, it offers programming in eight Indigenous languages (Chipewyan, Cree, Gwich'in, Inuktitut, Inuvialuktun, Sahtu Got'ine Godi, Dehcho Dene Yati and Tlicho) via CBC North. Radio Canada International (RCI) is currently available in seven languages: English, French, Spanish, Arabic, Chinese, Punjabi and Tagalog. The Mandate and Vision Perception Survey for 2021-2022,¹² with its representative sampling of Canadians' perceptions of CBC/Radio-Canada's relative success in fulfilling its mandate, found that "75 % of Canadians use at least one of our services in a typical month." Evidently some 82% of those surveyed believe 'it is important for Canada to have a national public broadcaster like CBC/Radio-Canada'.

Defining 'Canadian content'

CBC/Radio-Canada is the largest investor in original Canadian content, its own calculations indicating its support for the information and creative sector amounts to a \$54.6 billion

¹⁰ CRTC, [Guidance on 'Content that Meets the Needs and Interests of Canadians'](#).

¹¹ LEGISinfo, [C-10](#) and [C-11](#).

¹² CBC/Radio-Canada, [Annual Report 2022: Our Performance – Mandate and Vision](#).

contribution to the Canadian economy every year, inclusive of providing 630,000 jobs in Canada. It estimates that every dollar invested creates two dollars of economic benefit for the Canadian population.¹³

The CRTC is charged with the responsibility of ensuring high-quality Canadian-made creative content is delivered to audiences from sufficiently diverse sources on a variety of platforms. In its words, it engages in public processes to 'generate content policies, encourage linguistic duality, support public affairs programming,' and sustain 'broadcasting for Canada's diverse communities' while, at the same time, striving to ensure Canadian artists have the financial means to create and promote their work within Canada and globally.

In the case of radio, Canadian Content Development (CCD) support is provided to artists by the CRTC and other industry organisations (e.g., commercial radio licensees are required to contribute financially) through various funding incentives and initiatives. Radio stations are obliged to meet Canadian content quotas, which vary based on the type of broadcasting license (i.e., commercial, CBC/Radio Canada, community, ethnic, Native, campus-based, or not-for-profits) held by the station. In the case of popular music, for example, CBC/Radio Canada stations must ensure at least 50% of their selections broadcast each week are Canadian content, while for commercial radio stations it is at least 35% between 6 am and 6 pm Monday to Friday.

For musical works to be qualify as Canadian content (sometimes dubbed 'CanCon'), at least two conditions under the Music, Artist, Performance, and Lyrics (MAPL) system need to be met: the music is composed entirely by a Canadian; a Canadian artist primarily performs the music or lyrics; the performances are recorded entirely in Canada or performed wholly and broadcasted live in Canada; or the lyrics are written entirely by a Canadian. Variations apply for performances of instrumental works, international collaborations, and the like.¹⁴

For television, CBC/Radio-Canada must ensure at least 60% of the overall schedule (6 am to midnight) is Canadian content on a yearly basis, while privately-owned station stations have a little more flexibility, with 50% deemed sufficient during the evening (6 pm to midnight) broadcast period.

Canadian Program Certification (CPC), awarded by the CRTC through a points scheme, assists independent Canadian producers and broadcasters to secure recognition for productions mainly relying on Canadian crews and talent. To meet their Canadian content regulatory obligations, including their on-screen quotas via a point system, certification is designed to ensure that productions include significant involvement from Canadian producers, directors, screenwriters and talent, as well requiring 75% of expenses are paid to services provided by Canadian companies.¹⁵

Special rules apply for animation, as well as co-productions between Canadian and non-Canadian producers (overseen by Telefilm Canada), or 'treaty productions' (negotiated between national governments), amongst other variations. Further sources of financial support for Canadian productions include federal and/or provincial tax credits (certified by the Canadian Audio-Visual Certification Office or CAVCO), as well as the Canada Media Fund which requires productions to meet a full points requirement for access.

¹³ CBC/Radio-Canada, [CBC/Radio-Canada is a bargain](#), 22 November 2022.

¹⁴ du Plooy Law/Tyler Anthony, ['A Musician's Guide to Canadian Content and Radio Quotas'](#), 1 June 2022.

¹⁵ [CRTC – Content Made by Canadians, 'CanCon' certification system](#).

Supporters of Canadian content rules recognise how efforts to satisfy the criteria improve the prospects for their work to be selected for broadcast. Such measures are seen to help foster more equitable, diverse and inclusive media spaces than would be possible otherwise, they argue, given the scale of the international – particularly US-centred – media rivals’ influence. Many Canadians actively seek out original Canadian content, much of which would not be produced, some believe, were it left to market decisions based on profit maximisation.

Critics, in contrast, tend to use terms such as ‘exclusionary,’ ‘elitist,’ ‘unwieldy’ or ‘anachronistic’ when expressing their views about ‘overly bureaucratic’ Canadian content rules. Canadianness is defined too ‘narrowly’ or ‘rigidly,’ some contend, while others are convinced that such ‘prescriptive’ measures are ‘patronising,’ ‘tax creativity,’ or worse, ‘reward mediocrity.’ Innovation risks being stifled under the pressure of quota-eligible conformity, related lines of reasoning maintain, possibly homogenising ‘safe’ content at the expense of representing alternative, challenging perspectives and experiences.

Current parliamentary debate is underway regarding how best to update the Broadcasting Act to situate streaming platforms within the scope of regulation more effectively, in general, and with respect to promoting Canadian content creators, in particular. Amongst the myriad of concerns being raised is the fear algorithms based on Canadian criteria may distort search results, playlists, feeds or recommendations, hindering discoverability of material that would be otherwise brought to the fore based on user interests. Some believe the CRTC is predisposed to favour legacy media (well-attuned to such obligations) at the expense of small, indie or niche digital-first content creators.

Canadian legislators are looking abroad for policy comparators, such as the Australian government’s demands on Google and Facebook to help underwrite the costs of producing the news content shared across their sites by compensating publishers and local media outlets. Similar initiatives vis-à-vis global SVoD platforms (Netflix, Amazon Prime, Disney+, and Apple TV+ are not subject to Canadian content obligations) have been introduced in France and Italy where quota laws for European content are concerned, while Denmark now compels streaming companies to pay a 6% levy on their revenue in the country to support local television productions.

Precisely what constitutes Canadian content in a digital age, and how best to nurture its creative expression, clearly present pressing challenges facing the country’s policymakers today.

Denmark

Demographics:¹

- Population: 5.9 million, 58,000 in Greenland and 54,000 in Faroe Islands.
- Languages: 5.1 million Danes (86%) speak English as a second language, 2.7 million (47%) speak German (recognised as an official minority language) and 767,000 (13%) speak Swedish.²
- Greenlandic and Faroese are also recognised as official minority languages.

Main broadcasters

- **DR** (Danish Broadcasting Corporation) – public service broadcaster, established 1925.

DR operates three nationwide free-to-air TV channels (DR1, DR2 and DR *Ramasjang*, a TV and online service for audiences aged 4-8). DR also provides seven radio channels and in 2021 launched two online-only services for children: *minisjang* for 1-3 year olds and *Ultra* for 9-14 year olds. DR also operates its own BVoD service, DRTV, offering live and on-demand content. Originally financed through a Media Licence on households, since 2022 DR has been funded through public taxation with its annual income set as part of the state budget. Following the reform of its funding model, DR experienced a 20% reduction in its overall budget. As a PSB, its remit is to provide independent media content and services for the benefit of all groups across Denmark, reflecting the life of the country's diverse communities and cultures to foster national unity and a sense of shared purpose. In 2021, DR1 & DR2 together had 33% of audience share for television viewing and DR's total revenue amounted to 3.4 billion DKK (€465 million).

- **TV 2** – public service broadcaster, established 1986.

TV 2 Danmark A/S is a publicly-owned commercial broadcasting company that operates five national television channels and a network of eight regional television stations, with programming ranging across news, entertainment and youth programming.³ Originally funded through a licence fee and advertising revenues, licence fee funding was dropped in 2004. Now TV 2 services are funded by advertising and a subscription service. In 2020, TV 2 generated ad revenues of 1.43 billion DKK and subscription revenues of over 1.7 billion DKK. TV 2 is mainly entertainment focused, but also provides regional news programming and other local content. Its services regularly record the largest national audiences, reaching 48% of the daily viewing share in 2021.

- *Kalaallit Nunaata Radioa (KNR, Greenlandic Broadcasting Corporation)* – public service broadcaster in Greenland, established 1958.

KNR is Greenland's independent public service television and radio station, owned and part-funded by the Government of Greenland. Despite DR's funding reforms and consequential 20% budget reduction, its co-funding for KNR was protected – KNR received a subsidy of 3.1 million DKK in 2021, but its finances remain under "severe pressure" if grants are not increased. KNR provides broadcasts from the government, local associations, collaborations with private local broadcasters and shared content from DR. With the advent of home rule in

¹ Figures from [Statistics Denmark, national population survey 2022](#).

² Eurobarometer (2012) [Europeans and their languages](#), June 2012. Pg. 21

³ [TV 2 independent regions map](#).

1979, KNR's main purpose has been to help strengthen the Greenlandic language and culture.⁴

Market context

The Eurobarometer 2022 media use index indicates that Denmark's population use a variety of television, radio and online media sources daily far more frequently than the European average.⁵ In the 4th quarter of 2020, 2.1 million households had at least one television, a decrease from 2013 when there were 2.5 million. Daily television consumption has been steadily decreasing over the past decade, and watching online television or other streaming services steadily increasing. In a 2019 Kantar/NORDICOM survey, almost two thirds of respondents streamed movies, series, television programmes and video clips at least once per week. Younger people consume more online video than older people with more than half of the 15-25 year olds watching online videos weekly in 2018, while only 21% of over 56 year olds did so.⁶

The most watched TV content in Denmark are PSBs – with an audience share of 61% in 2019, a figure which has remained stable through 2020 and 2021.⁷ There are a number of commercial channels, but they have very low audience share. In 2019, Danish audiences spent less than one hour per day watching non-PSB television.⁸ Most channels tend to be globally-based, primarily in Sweden, UK and USA. One of the largest channels is the Viaplay Group, a Swedish based media and entertainment group headquartered in Stockholm. A range of channels are also available through paid subscription, across international news, history, BBC, CNBC, Sky, CBS. Streaming services available in Denmark include Netflix, HBO and TV2 Play, with the most popular being Netflix (72% of all individuals), DRTV (50%), T2 Play (41%), Viaplay (40%), YouTube (38%), Disney+ (20%).

28% of Danes watch television via the internet almost every day with a further 17% watching this way two or three times a week. The most common users are 19-34 year olds (87% of whom watch television online) while the lowest use of online viewing is amongst audiences aged over 71 (12%). Overall, television is still the preferred platform for viewing films and series (83%) followed by computer (24%), smartphone (16%) and tablet (14%). Preferred services/channels are paid subscription services – e.g. Netflix, HBO, TV2 Play (62%) followed very closely by free to air channels (57%). SVoDs, not commercial television channels, are fast becoming the main competitor to PSBs.

Two recent developments have demonstrated the growing tensions between the new global media giants and Denmark's domestic broadcasting industry. In June 2022, following a new trading framework agreement between the Danish independent producers' association and other industry representative bodies, Netflix and Viaplay halted all commissions and current productions in Denmark.⁹ The agreement, pitched as a statement of collective bargaining by large parts of Denmark's production industry, sought to guarantee greater remuneration for international streaming and rights distribution – in particular through calculating returns based on the size of streaming services' subscriber bases. Viaplay have argued that the agreement

⁴ Ravn-Højgaard, S. (2021) [Media policy in Greenland](#).

⁵ [Standard Eurobarometer 96 – Winter 2021-2022 – Media Use in the European Union](#), pgs. 9-27.

⁶ Kantar Gallup/NORDICOM, Media Development in Denmark survey. Accessed via [Statista](#).

⁷ Nielsen audience survey, 28 March to 3 April 2022. Accessed via [Statista](#).

⁸ Ibid.

⁹ Nordisk Film & TV Fond/Annika Pham, '[Danish productions in turmoil – Netflix, Viaplay and TV 2 put commissioning on hold](#)', 8 June 2022.

risks making Denmark “a low-priority market in relation to investments in local content”,¹⁰ while numerous Danish production companies have called for an immediate renegotiation to ensure agreed and future commissions can go ahead.

Separately, in December 2022, DR announced its plans to replace its ‘Disney Fun’ children’s programming block on Friday evenings with a new tranche of children’s animated content sourced primarily from Denmark and the Nordic countries. The strategic shift is intended to develop greater investment and productions in Danish children’s content, supported by partnerships with various talent funds and industry associations. While some content sourced from Disney (and other international producers) will still feature in the traditional ‘family gathering’ slot, the end of the Disney monopoly (and its hold over redistribution rights) will allow for more children’s content to be viewed on DR’s on-demand streaming platform DRTV.¹¹ Given growing concerns about the worldwide domination of children’s media production and distribution by a handful of transnational (and predominantly American) companies,¹² the success of DR’s significant shift in strategy is likely to provide valuable lessons for providing content that better reflects the unique local lives and experiences of children in their own countries.

Legislation, governance and regulation

The Radio and Television Broadcasting Act 2010¹³ serves as the primary Danish legislation establishing DR and TV 2 as public broadcasters, along with detailing their accompanying regulatory and governance frameworks. The Act outlines the overarching purposes of Danish PSB as providing “quality, versatility and diversity” in all programming, together with objectivity and impartiality in news and informational content and the promotion of Danish language and culture. Separately, the Media Liability Act 2018 (originally implemented 1992) established the Danish Press Council (*Pressenævnet*) as the regulator for all Danish media outlets including television and radio (though not including Greenland and the Faroe Islands), specifying its role in the monitoring of press ethics and provisions for a statutory right of reply.¹⁴

The majority of appointments to the Board of Directors for each PSB are made by politicians. Three of DR’s 11 directors (including the Chair) are selected by the Minister for Culture, six are appointed by the Danish parliament and the remaining two are made by nomination of the permanent staff of DR itself. The DR Board holds responsibility for the broadcaster’s budget and appoints its core general management figures, along with a listeners’ and viewers’ editor. For TV 2, six of the nine board members are appointed by the Minister and the remaining three are appointed at employee representatives. The TV 2 board also employs a viewers’ editor as an independent monitor for audience complaints and internal compliance with editorial/programming standards. The 2010 Act also establishes the Radio and Television Board, which serves as the national regulator and licence granting body for Denmark’s terrestrial and digital broadcasting services. Its board comprises seven ministerial

¹⁰ Filippa Wallestam, ‘[Open letter to Creative Denmark and the Producers’ Association](#)’, 7 June 2022.

¹¹ Kidscreen/Cole Watson, ‘[DR drops Disney content and plans to invest locally](#)’, 1 December 2022. See also announcement on [DR Sales LinkedIn profile](#).

¹² Ofcom (2019) [Children’s content review](#); Potters, A. and Steemers, J. (2019) [Transforming Markets for Children’s Television Industries](#); Steemers, J. (2019) [Invisible Children: Inequalities in the Provision of Screen Content for Children](#).

¹³ Danish Ministry of Culture, [Radio and Television Broadcasting Act 2010](#).

¹⁴ [Media Liability Act 2018](#).

appointments and one appointee from the Danish Listeners and Viewers Association, a cooperative forum encompassing numerous civil society groups.¹⁵

For both of Denmark's PSBs, their governing boards are required to lead the fulfilment of (and report on) the four-yearly Public Service Contracts set for the broadcasters by the Culture Ministry. These Contracts detail the government's expectations for the services and content provided by DR and TV 2 throughout their contract period, with the wider strategic policy for the broadcasters deriving from the national Media Agreement negotiated by the parliamentary parties in the governing coalition. As explored below, the latest Media Agreement¹⁶ set in March 2022 further revised the service expectations for DR following its funding reform and reduction in 2018.

However, this Agreement also demonstrates the Danish government's broader interests and concerns with the sustainability of its domestic media market and particularly the growth of global streaming and tech giants. It includes proposals for a new ministerial 'Centre for Tech and Democracy', designed (amongst other fact-finding tasks relating to the new digital landscape) to investigate and prepare for greater regulatory authority over tech giants' content and user algorithms. The Agreement also states the government's intent to revise the composition and appointments to DR's board of directors, with a focus on improving 'grass roots' representation and introducing fixed term limits. The Media Agreement's proposals for a 'Digital Streaming Services Tax', taking advantage of the new tax powers granted under the EU AVMSD, have also been introduced as a draft bill.¹⁷ The new 'cultural levy' is expected to raise 170 million DKK (€22 million) from a 6% tax on video-on-demand companies' Danish turnover, with the proposed law also requiring these companies to provide independently-audited financial statements to the Danish Ministry of Culture.¹⁸

Challenges to the Danish public service broadcasting model

In 2018, the Liberal Conservative government together with the right wing, populist Danish People's Party tabled an Agreement to gradually phase out of DR's licence fee from 2018-22 and cut its budget by 20% until 2023. DR shut down some of its channels and dismissed a considerable number of its employees. In Denmark the shift from a Media Licence fee (applied to all devices capable of receiving broadcast TV, including smartphones) to direct taxation, which came into force from 1 January 2022, has been interpreted as an attempt to reduce the independence of DR as a PSB and limit its ability to hold government to account.¹⁹ Under this new model, DR's funding would not come from a ring-fenced source (as in the Finnish model), separate from the government's state fiscal budget. Many feared this would lead to greater political control over DR.²⁰ Follow-up cross-party negotiations in September 2018 raised this as a serious concern. In June 2019, a general election ushered in a new Social Democratic

¹⁵ However, as far as we can discern, this forum appears defunct or inactive and the current role of its representation on the Radio and Television Board is unclear.

¹⁶ [Medieaftale for 2022-2025: Dendemokratiske samtale skal styrkes](#), Culture Ministry 21 March 2022.

¹⁷ [Høring over forslag til Lov om visse medietjenesteudbyderes bidrag til fremme af dansksproget indhold](#), Ministry of Culture.

¹⁸ Bloomberg Tax/Poul Erik Lytken, '[Denmark considers implementing a Digital Streaming Services Tax](#)', 18 October 2022.

¹⁹ Holtz-Bacha, C. (2021) [The kiss of death: Public service media under right-wing populist attack](#).

²⁰ Steemers, J. (2020) [The Funding of Public Service Broadcasting in Europe – Funding Systems and Decriminalisation – Selected Territories](#).

minority government in alliance with a range of parties to the political left, and a renewed promise to revisit the 2018 agreement as a matter of urgency.

On 21 May 2021, the Social Democratic-led government executed a substantial volte face to the previous government policies on PSB. The new national Media Agreement assessed the previous agreement and funding reform as a weakening of free, democratic, and enlightened public conversation. The new policy statement states that government has a duty to increase support for free and independent media, particularly the local and regional media “whose business models have increasingly been challenged by the changes brought about by the entry of the tech giants.”

At a time of rapid technological change, signatories argued for the need to “future-proof” government support for public service media, particularly since PSBs remain the favourite and most trusted media source of the Danish population. The state should seize opportunities afforded by digital developments to increase public accessibility, particularly to critical journals, films, series, documentaries, and high-quality entertainment. Moreover, PSBs are a particularly important service for children and young people who “feel the consequences” of technological developments, including its “dark side.” Government has a duty of care to young audiences, including the provision of “a real alternative to the tech giants’ own platforms and the foreign content.” The Agreement also suggests an upgrade to the state’s monitoring of SVoDs and other online media giants to ensure they are best serving young audiences.

Furthermore, parties to the Agreement note that fierce competition leads to fragmented media that can “challenge the cohesion and democratic conversation in our country.” The only remedy for this is a strong PSB sector that serves the whole country, which is appealing to children and young people, and “which can gather us around a common starting point in Danish culture, society and history.” Also singled out for concern are SVoDs which are taking an ever-increasing share of Danish television viewing. The worry is that this development has been at the expense of Danish media platforms as SVoD content is primarily international and thus makes little contribution to Danish culture. Increased support for PSB should ensure the indigenous media sector is strengthened, which would in turn emphasise the importance of reflecting Danish life.

The Agreement goes on to set out requirements for the media sector, with a landmark requirement for SVoDs to produce more high-quality Danish content (in alignment with the AVMSD). This expanding expectation for “cultural contribution” also introduces a levy of 6% on SVoDs’ turnover made in Denmark, with half of these proceeds going to support the modernisation of Danish PSBs and the other half funding an expanded “public service pool”. This pool will provide subsidies for original Danish films, increased Danish language radio and podcast productions, programming for children and younger audiences and support for other specific genre content. The rest of the Agreement sets out in detail government commitments to support PSB widely across media content, funding and regulation, including the creation of a new media ombudsman and revised rules for a transparent financial accounting framework.

Particularly pertinent in the 2022 Agreement is the concern that growing commercialisation and globalisation of media content available in Denmark was undermining media pluralism, cultural diversity, the relevance and distinctiveness of PSBs, and Danish media’s wider contributions to civic belonging and social inclusion. Both DR and TV 2 are becoming increasingly vulnerable to market pressures, impacting their capacity to respond to rapid technological changes. As with PSB systems in many other national media markets, there remains a long-term danger of younger audiences – attracted by a range and diversity of new media choices offered from online global providers – holding little loyalty or favour for Denmark’s PSB interventions in the future.

KNR: growth and decline for Greenland's public service broadcaster

Despite its limited resources and the innate challenges of serving a small population over a considerable geographic area, the Greenlandic broadcaster KNR has achieved some notable successes in recent years. In 2021 KNR exceeded its contracted public service requirements for hours of own-production content by 9% for radio and 18% for TV – with programming in news, arts and culture and young audiences' content being especially well-served.²¹ KNR also remains a vital and well-used media source: with 88% of the population using television daily, 91% of those viewers watch KNR's TV services, which also record high viewer satisfaction ratings.²²

KNR's governance structures have enabled it to become an important (and arguably the leading) institution for the preservation and promotion of Greenlandic culture and the Greenlandic language. Two members of its five-person governing board are appointed by the autonomous home-rule Greenlandic government (*Naalakkersuisut*), while the remaining three are nominated based on expert, cultural and staff representation: one figure with local media expertise recommended by the University of Greenland, another by national arts and culture organisations, and a third by the permanent employees of KNR. Together with a "User Council" of local association and civil society members, KNR's board and management follow a strict policy for ensuring that Greenlandic language broadcasts make accurate and effective use of the language in a way that both reflects its current use and ensures wide accessibility to all audiences.²³ The broader public service strategy of KNR emphasises that this language policy is an important cultural contribution in its own right, promoting bi- and multi-lingualism as a means to strengthen social cohesion and encourage cultural exchange, while preserving Greenlandic perspectives and experiences in original productions.

These efforts are, however, inevitably constrained by several factors. First amongst these is KNR's arms-length relationship with the Greenlandic government, and the absence of long-term strategy for the development of KNR as Greenland's primary media service and leading cultural institution. As Ravn-Højgaard notes, media policy in Greenland is not viewed as a political priority and as such "media regulation in Greenland is often put in place suddenly to address a pressing problem on a case-by-case basis".²⁴ This also leads to issues arising from KNR's public funding grant, with the company's 2021 annual report noting that finances for core broadcasting services "will be under severe pressure in coming years if the grants are not increased".²⁵ Although KNR generates some revenues from advertising, Greenland's market is too small for additional commercial income to serve as a viable alternative to increased public grants. Whether this is sourced from the Greenlandic or Danish governments, or from an increased subsidy from DR, KNR will be limited in its ability to expand in the evolving digital media marketplace (and thus serve its audiences' changing media habits) without significant investment.

Lastly, KNR's staff size and talent retention pose a trickier challenge to the future sustainability of a distinct Greenlandic public media service. With just under 100 permanent staff, staff turnover and even illness can result in significant interruptions to KNR's services, with daily

²¹ KNR [Public Service Statement 2021](#), pg. 11.

²² Epinion [Watching and listening survey](#), February 2020.

²³ KNR Language policy, '[sprogpolitik I KNR](#)'. These obligations are derived substantially from requirements under the Greenlandic [Language Act 2010](#).

²⁴ Ravn-Højgaard, S. (2021) [Media policy in Greenland](#), pg. 47.

²⁵ KNR/Deloitte, Annual Report 2021 ([Årsrapport 2021](#)), pg. 13.

news bulletins particularly susceptible to unpredictable staffing changes. Relatively low public sector pay and “brain drain” to Denmark and continental Europe further restrict KNR’s ability to retain local editorial and creative talent, and increases reliance on ‘imported’ content and staff with limited knowledge of Greenlandic culture or language. Taken together KNR presents a unique microcosm of the opportunities and challenges common to many smaller broadcasters serving distinct linguistic, cultural or geographic communities.

Republic of Ireland

Demographics:¹

- Population: 5.12 million in 2022, 7.6% growth since 2016.
- Languages: 1.76 million Irish speakers (39.8%). 73,803 people (1.44%) report speaking Irish daily.
- In April 2016 there were 535,475 non-Irish nationals living in Ireland. Ten nationalities accounted for 70% of this figure, with Polish nationals (122,515 people) making up the largest group.

Main broadcasters:

- Raidió Teilifís Éireann (RTÉ) – public service broadcaster, established 1961.

RTÉ broadcasts four television channels and ten FM/DAB radio stations – including *Raidió na Gaeltachta*, the only Irish-language radio station – and operates its own live streaming/BVoD service RTÉ Player. RTÉ is funded from a mix of TV licence fees (€196 million in 2021, 59% of total) and commercial revenue (€148 million), the majority of which comes from television advertising.² 92% of the population use one or more RTÉ services each week, and in 2021 RTÉ remained Ireland’s most trusted source for news.³ RTÉ produces daily Irish-language television news bulletins, *Nuacht*, broadcast on RTÉ One and TG4, and also provides a dedicated Irish-language daily online news service on RTÉ.ie. In 2017 RTÉ spent €24 million on Irish language output.⁴ RTÉ also operates SAORVIEW, Ireland’s free digital terrestrial television service.

- Teilifís Na Gaeilge (TG4) – public service broadcaster, established 1996.

TG4 is Ireland’s dedicated Irish language broadcaster, regarded as “the key victory secured by Irish-language campaigners during the economic boom period in Ireland”.⁵ TG4 is funded principally by a €36.7 million grant from the Irish government (87% of total), with some additional income from advertising and programme sponsorship.⁶ Its single TV channel is the sixth most popular in Ireland with an average viewing share of 1.83%, and together with its live streaming/BVoD service offers a mixture of original Irish-language programmes, exclusive live TV rights for GAA competitions, hurling and Ladies Gaelic Football, and international content dubbed or subtitled in Irish. Following an additional €7.3 million of government funding announced in Budget 2023, TG4 is due to launch a new television channel for children building on the programming strand *Cúla 4*.⁷

- Virgin Media Television – commercial broadcaster, established 1998.

¹ Figures from Central Statistics Office: [Census of Population 2016 Profile 10, Education, Skills and Irish Language](#); [Census of Population 2022 Preliminary Results 23 June](#).

² [RTÉ Financial Review 2021](#).

³ [RTÉ Annual Report 2021](#), pg. 20; [Reuters Institute Digital News Report](#), pg. 86.

⁴ [RTÉ Language Scheme 2019](#).

⁵ Ó Ceallaigh, B. (2022) Neoliberalism and Language Shift: Lessons from the Republic of Ireland Post-2008.

⁶ [TG4 Annual Report 2021](#), pg. 27.

⁷ Northern Ireland Screen, [‘TG4 announces multiple commissioning rounds for new children’s channel Cúla 4’](#), November 15 2022.

Virgin Media Ireland is the largest digital cable television provider within the country offering broadband internet, pay-TV and digital telephony to 1 million customers. Its subsidiary TV network, Virgin Media Television, is Ireland's number one commercial broadcaster offering three free-to-air television channels and its own live streaming/BVoD platform, Virgin Media Player. Revenue for Virgin Media Television declined in 2020, falling from €59 million to €50 million with losses jumping from €1.6 million to €16.1 million. The network broadcasts mainly international programming (e.g. The Chase, Love Island) with some domestically produced content including Ireland AM, a popular morning television show. In 2016 Virgin Media bought UTV Ireland from ITV plc, which in turn gave the broadcaster a 10-year supply deal for ITV-produced programmes including Coronation Street and Emmerdale. The network also offers Virgin Media Sport and other Sports channels, with rights to live broadcasts of the UEFA Champions League and Europa League.

Market context

Ireland is one of Europe's most competitive national television markets. There is a very high penetration of multi-channel, pay-TV services from overseas companies and their subsidiaries (e.g. Virgin Media Television Ltd, Sky Ireland), coupled with a large percentage of Irish homes subscribing to any one or multiple satellite, cable and SVoD platforms.⁸ This market structure simultaneously increases competition for the purchase of content rights amongst Irish broadcasters, but also takes advertising revenue out of the Irish market. The economic downturn in Ireland (2008-2013) severely impacted the market for television advertising, with a 25% fall in revenue during that period.⁹ This reduction was keenly felt by the two Irish PSBs - RTÉ and TG4 – as both rely heavily on funding from advertising to supplement licence fee revenue (in the case of RTÉ) and government funding.

There has been some recovery in the advertising market with both spot advertising and sponsorship revenues growing in 2021,¹⁰ and television continues to be a prominent element in the media diet of Irish audiences. TAM Ireland, the national agency for audience measurement, reports that viewing of linear TV remains “exceptionally strong”, though dispersed across many Irish and UK-based channels, with 86% of households having access to BVoD on a TV set.¹¹ Like in other nations, Irish audiences during Covid turned increasingly to new platforms and services, with 68% of internet users reporting to watch video content from sharing services (YouTube, TikTok, etc.), 55% watching video on demand (from commercial services such as Netflix, Disney+, HBO GO, Amazon Prime) and half of internet users watching internet streamed TV (live or catch up from TV broadcasters).¹² Again, this data points to a hugely competitive market in Ireland for television broadcasting.

Ireland's most recent (and pre-Pandemic) strategic framework for the development of the audiovisual industries in Ireland is set out in the 2018 Audiovisual Action Plan.¹³ Published by Department of Culture, Heritage and the Gaeltacht, the Plan is part of a broader policy framework that represents an ambition to make Ireland “a Global hub for the production of

⁸ Mediatique (2020) [Annual Review of Performance and Public Funding of PSBs 2019 – A Report for the Broadcasting Authority of Ireland](#), pg. 3.

⁹ Crowe Howarth (2013) Final Report to the Broadcasting Authority of Ireland in respect of a Statutory Review of the Sound and Vision Scheme. 10 July 2013.

¹⁰ Irish Times/Laura Slattery, '[Irish advertising market to grow 10.9% this year](#)', 9 March 2022.

¹¹ TAM Ireland (2021) [TV Advertising in Ireland](#).

¹² Central Statistics Office (2020) [Information Society Statistics, Households 2020](#).

¹³ DCHG (2018) [Audiovisual Action Plan: Creative Ireland Programme Pillar 4](#). See also O'Brien, M. (2019) [The Audiovisual Action Plan: A new audiovisual policy for Ireland](#).

Film, TV Drama and Animation”. Attracting overseas investment through its ‘Section 481’ tax credit system has been a fundamental pillar of Ireland’s cultural and economic policy for some considerable time.¹⁴ This has drawn high profile investment and record breaking spend to what is one of Europe’s smallest nations.¹⁵ It has also resulted in award winning domestically produced content including Irish language film *An Cailín Ciúin* funded by TG4, Screen Ireland and the Broadcasting Authority of Ireland.

However, this narrative of success must be tempered with the precarious state of its public broadcasting system which is the main outlet for its Irish language content and the majority of the original content made in Ireland for Irish audiences. Whilst the sector and policymakers are alert and agile to the changing media environment (as with the developing regulatory framework, explored below), there are critical issues that undermine Ireland being a pluralistic, diverse and sustainable media market.

Legislation, governance and regulation

The legal foundation of the broadcasting system in Ireland is the Broadcasting Act 2009. The Act established the **Broadcasting Authority of Ireland** (BAI, *Údarás Craolacháin na hÉireann*) as broadcasters’ principal regulatory authority, which prepares and regulates a variety of codes and standards relating to news balance, children’s programming and advertising/programme sponsorship, and adjudicates public complaints about broadcast content. Of the nine members of the BAI’s executive Authority, five are directly appointed by the Minister for Tourism, Culture, Arts, Gaeltacht Sports and Media, while the remaining four are appointed by the Minister in consultation with the joint committee in the Oireachtas, Ireland’s national parliament.¹⁶ The BAI has further responsibility for granting channel, station and multiplex licences and is empowered to fine broadcasters for breaches of its codes or in extreme cases revoke broadcasting licences altogether.

The Broadcasting Act also establishes the corporate structures of the two Irish PSBs. The boards of both RTÉ and TG4 comprise six members appointed directly by the government and four by government with Oireachtas consultation (all following a competitive selection process).¹⁷ Each PSB is required to establish its own advisory Audience Council, with 15 members appointed by the broadcaster to be representative of “the viewing and listening public and, in particular, of Gaeltacht communities and persons with sight or hearing disability”.¹⁸

In respect of the purposes and mission of Ireland’s public service broadcasters, the 2009 Act requires that the two PSBs

be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the

¹⁴ In place since 2015 ‘[Section 481](#)’ is a tax credit, incentivising film, TV drama, animation and creative documentary production in Ireland. The rate of tax relief is worth 32-35% of eligible Irish expenditure. The payable tax credit is based on the cost of all cast & crew working in Ireland, regardless of nationality. Projects substantially produced in the regions (outside Dublin/Wicklow and Cork City and County) benefit from or up to 3% uplift subject to specific training related requirements.

¹⁵ Screen Ireland (2021) [Industry Insights](#).

¹⁶ Broadcasting Act 2009, §8(2)

¹⁷ See [recent appointment of new Chairs for both RTÉ and TG4](#) by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, November 2022.

¹⁸ Broadcasting Act 2009, §96

programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Irish language.

TG4's provisions under the Act include an additional requirement to provide comprehensive programming across news, sport, entertainment religious and cultural activities "primarily in the Irish language" and to "cater for the expectations of those of all age groups in the community whose preferred spoken language is Irish or who otherwise have an interest in Irish".

RTÉ and TG4 are required to publish Public Service Statements and four-year Statements of Strategy that further detail how their respective services and programmes will fulfil and advance public service goals.¹⁹ Both PSBs are further required to prepare an Annual Statement of Performance Commitments (ASPC), which details how the broadcasters intend to fulfil the aims outlined in the strategy statements. The ASPCs are subsequently used by the BAI and the Oireachtas to scrutinise and monitor performance. Recent ASPCs suggest varied approaches to this method of service accountability: RTÉ's most recent ASPC enumerates a range of specific service targets (e.g. that RTÉ's share of television audiences is at least 27.5%), whereas TG4's Commitments have more typically represented broader strategic proposals for expanding or developing services.²⁰ A review by industry analysts Mediatique found that both broadcasters "substantially met their targets", albeit with lingering concerns regarding service delivery to and appeal for young audiences.²¹

Reform of the TV licence fee system

One of the main sources of funding for the PSB system in Ireland is the licence fee, as legislated in the Broadcasting Act 2009. The TV licence in Ireland costs €160 for both homes and businesses. Citizens over 70 years old are entitled to a free TV licence under the Household Benefits package. *An Post*, the Irish postal service, is responsible for issuing TV licences and collecting TV licence fees. Of the licence fee collected 85% goes to RTÉ to carry out its Public Service Media commitments, a further 7% is paid to the BAI for the operation of the Broadcasting Funding Scheme, and *An Post* is paid approximately 6% in respect of TV licence collection activities.

Initial assessments of RTÉ and TG4 suggested that they weathered the 2008-2013 economic downturn relatively well through extensive cost-cutting and expansion of their revenue streams.²² However, the long-term sustainability of public broadcasting in Ireland has been a recurring (and politically tricky) issue, particularly in relation to its funding. For many years, it has been a matter of public discussion how precarious RTÉ's financial situation is and there has been sustained scrutiny around how it spends its funds (e.g. salaries for key talent). Successive cuts have been made within the broadcaster, however there is general consensus that it is the licence fee system itself that is broken.

¹⁹ See [RTÉ Statement of Strategy 2015-2019](#) and [TG4 Public Service Statement 2021](#).

²⁰ See [RTÉ 2022 Performance Commitments](#) and [TG4 Statement of Performance Commitments for 2017](#).

²¹ Mediatique (2020) [Annual Review of Performance and Public Funding of PSBs 2019 – A Report for the Broadcasting Authority of Ireland](#).

²² Crowe Howarth (2013) Final Report to the Broadcasting Authority of Ireland in respect of a Statutory Review of the Sound and Vision Scheme. 10 July 2013.

Following the downturn, the government announced plans to replace the television licence with a charge on all primary residences and certain businesses, but then postponed those plans. In 2017 a report from the Committee on Communications²³ declared again that the current TV licence funding model was “not fit for purpose” and recommended it be replaced by a broadcasting charge applied to every household. The severity of situation that the PSBs were in cannot be underestimated, as a Mediatique report commissioned by the BAI warns:

We reviewed the adequacy and sustainability of public funding at RTÉ and TG4 and conclude that neither currently receives adequate public funds to fulfil its public-service obligations to the fullest extent. However, TG4 has been able to ‘live within its means’ with the public funding it receives each year, and we expect it will be able to do so in future years, meaning that while the funding it receives is not adequate, TG4’s operations are sustainable on the amount given. ... By contrast, underfunding at RTÉ has led to a situation where it is difficult to see how the organisation could remain sustainable on the current public funding level without either a significant reversal of commercial fortunes or changes to its public service mandate (implying alterations to the size and scope of its activities). This is the case even with the significant cost cutting envisaged in the revised strategy.²⁴

Despite the stark warnings, in 2022 the possibilities of changing the system were still being debated. The recent Report of the Media Commission reiterated that the TV licence fee system as a source of public funding was unsustainable.²⁵ Like its predecessors, the Commission recommended that the current system be scrapped, observing:

RTÉ’s recurring deficits are symptomatic of a more profound challenge, which can be seen in the interplay between its inherently volatile and unpredictable annual income, its high fixed operating costs, its demanding public service obligations and the increasingly urgent need for capital investment to mitigate and reverse the impact of chronic underinvestment.

The report recommended the system be replaced in the short term by funding from the Exchequer and from 2024 with funding derived from general tax revenue, with an adjustment in taxation, if necessary, to meet this cost.²⁶ Additional safeguards were also recommended to ensure editorial independence and value for money for the taxpayer.

Nevertheless, in the government’s response to the report it decided not to scrap the licence fee - one of the only recommendations it rejected from the Media Commission’s report. Speaking about the decision, the Taoiseach Micheál Martin said abolishing the licence fee and having RTÉ fully funded by the taxpayer represented a “danger to democracy” and was “not realistic”, adding:

²³ Joint Committee on Communications, Climate Action and Environment (2017) [Report of the Joint Committee on the Future Funding of Public Service Broadcasting](#). 28 November 2017.

²⁴ Mediatique (2020) [Annual Review of Performance and Public Funding of PSBs 2019 – A Report for the Broadcasting Authority of Ireland](#), paras. 8.5-9.7.

²⁵ The [Future of Media Commission](#) was established by Government in September 2020 and published its findings in July 2022. The group of experts was tasked with developing recommendations on sustainable public funding and other supports to ensure media in Ireland remains viable, independent and capable of delivering public service aims. The Commission was also asked to make specific recommendations in relation to RTÉ’s financing.

²⁶ In the interim period until 2024, the Commission recommended additional public funding in the case of RTÉ, to be €219 million in 2021, €213 million in 2022 and €214 million in 2023. In the case of TG4, total public funding should be €40.7 million in 2021, €44.7 million in 2022 and €48.7 million in 2023.

[T]he temptation for any future government could be to significantly cut the media fund or whatever if it didn't like the particular orientation media was taking at a given time.²⁷

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Catherine Martin added that the Government had agreed to retain the TV licence fee, but to reform it through a technical working group that will examine how to increase the revenue yield from the licence fee and to make the system more equitable and sustainable. The technical group will include the Revenue Commissioners, ComReg (the Commission for Communications Regulation) and *An Post*, and is due to report back to Cabinet in March 2023.²⁸ A decade of debate and political inaction in relation to the licence fee continues.

There are several factors driving the weaknesses in the funding system in Ireland. Some factors are likely to be felt in other small nations and broadcast markets, including: a small advertising market in which revenues for broadcast advertising are threatened by declining consumer confidence and the migration to digital outlets; the need for ongoing investment in digital infrastructure (e.g. investment in both RTÉ Player and TG4 Player); inflationary pressures around programme costs in terms of both rights competition with transnational providers and rising production costs due to a burgeoning market for inward investment of high-end content (e.g. *Vikings*, *Penny Dreadful*, *The Borgias*, *Game of Thrones*, and *Star Wars* were all filmed in Ireland).

However, a critical factor unique to Ireland is the level of licence fee evasion and avoidance. The EBU estimates that around 15% of households which should pay do not.²⁹ For context, in the UK, this figure is just over 7%. The EBU highlights that Ireland's levels of evasion is significantly higher than other EU countries.³⁰ RTÉ's Annual Report adds that the number of homes without a TV (the only device on which the licence is issued) is 15%, and that the collection costs for the fee in Ireland are more than double other European systems.³¹ Ireland is also one of only four EU countries where the licence fee also funds the regulator. This means there is chronic leakage within the TV licence fee system in Ireland with estimates at €65 million lost every year.³²

The precarity and uncertainty of the funding system has severely impacted the competitiveness of RTÉ and, amongst other things, its provision of Irish language content. Due to the decline in income for RTÉ as a whole, as well as cuts to direct state support, between 2008 and 2012 RTÉ's overall budget fell by 8% yet its Irish language budget decreased by 20%.³³ *Raidió na Gaeltachta*, the only Irish medium radio station, has absorbed a significant element of these cuts with staff numbers decreasing by 30-40% in this period. The recent Media Commission acknowledged the long-term marginalisation and decline of Irish language provision in the strategy of the broadcaster, recommending that the new media regulator in Ireland be charged with ensuring that RTÉ give greater priority to the Irish

²⁷ Cited in Irish Examiner/Daniel McConnell, '[Abolishing TV licence fee "a danger to democracy" – Taoiseach](#)', 12 July 2022.

²⁸ Irish Times/Laura Slattery, '[Government promises to reform TV licence fee by third quarter of 2024](#)', 18 January 2023.

²⁹ Figure cited in Murray, S. (2022) [RTÉ and the licence fee issue: What does the future hold for the broadcaster?](#) The Irish Examiner, 24 July 2022.

³⁰ Horgan-Jones, J. (2019) [Ex-RTÉ chiefs call for political leadership to solve broadcaster's 'dilemma'](#). The Irish Times, 12 November 2022.

³¹ RTÉ (2021) [Annual Report and Group Financial Statements 2021](#), pg. 23.

³² Public Media Alliance, '[Ireland: RTÉ pushing for changes to funding](#)', 3 February 2022.

³³ Ó Ceallaigh, B. (2022) *Neoliberalism and Language Shift: Lessons from the Republic of Ireland Post-2008*, pg. 80.

language in its general programming and on all platforms, and that responsibility for all Irish Language Content should be assigned to a senior executive.³⁴

The impact on Irish language provision of the broken funding system is not contained to RTÉ. TG4 receives 365 hours of Irish language programming annually from RTÉ, at no cost to TG4, an arrangement specified in the Broadcasting Act 2009. However, RTÉ reduced its support for TG4 in 2019 and 2020. In 2019 the *Coimisineir Teanga* (the Irish Language Commissioner) ruled that RTÉ was failing to meet its statutory duty with regard to the creation of TV programming in Irish, including in its provision of news content to TG4. RTÉ responded by citing the loss of €100 million as part of the reasons for this reduction.³⁵

A new regulatory framework for the 'Digital Age'

The media sector operates in a highly uneven regulatory environment. On the one hand, some media like public service broadcasters are subject to extensive statutory regulation; other media actors like social media companies are subject to self-regulatory codes and remain largely outside national and transnational systems of media governance. Ireland is particularly notable in terms of its regulatory position as it is host to the European headquarters of some of the largest technology companies in the world (e.g. Google, Apple, Facebook, Twitter, Paypal). This gives it greater responsibility in developing effective platform accountability, but also the potential to become a hub for innovation in online safety.

In January 2021, the General Scheme for the Online Safety and Media Regulation (OSMR) Bill was published by the Irish Government.³⁶ At the time of writing the bill was before Dáil Éireann, the lower house of the Oireachtas. This General Scheme proposes to transpose the Audiovisual Media Services Directive (AVMSD) into Irish Law and make provision for online safety regulation in Ireland. A new body, the Media Commission (*Coimisiún na Meán*), will assume the role and responsibilities of the BAI and will also incorporate the Online Safety Commission, including the appointment of an Online Safety Commissioner. The creation of this new platform-neutral regulator is intended as an update to the way in which radio and television broadcasters, on-demand services, video sharing platforms are regulated in Ireland.

Furthermore, the to-be Media Commission will be responsible for regulating many of the major social media companies on behalf of all EU member states. For example, the commission will have to ensure compliance by video-on-demand services with all AVMSD requirements, including that they have at least 30% of European works within their catalogue. The Media Commission will also create Media Codes and Rules directing the standards that broadcasters and services must adhere to in relation to programme content. They will be able to investigate the compliance of audiovisual media services with Media Codes, Media Rules, both on its own initiative and on the basis of a complaint. Possible sanctions available to the Media Commission could include the imposition of a fine of up to €20 million or 10% of turnover.

As the Media Commission has yet to be established, the BAI continues with its current regulatory remit. This includes the regulation of public, commercial and community radio and television services, the making of broadcasting codes and rules, and the provision of funding for programmes relating to Irish culture, heritage, and language. The main intervention that the BAI makes in relation to this latter role is the Sound and Vision Scheme. The Scheme

³⁴ [Report of the Future of Media Commission](#), pg. 6.

³⁵ Irish Times/Éanna Ó Caollaí, '[RTÉ's Irish language output "seriously deficient", says commissioner](#)', 4 April 2019.

³⁶ House of the Oireachtas, [Online Safety and Media Regulation \(OSMR\) Bill 2022](#).

offers grant funding to new television and radio programmes which are financed from the Broadcast Fund (7% of the annual net receipts from television license fees).³⁷ Developing programmes in the Irish language is one of the scheme's objectives. The BAI allocates monies using a funding rounds system and for each round, the BAI determines the amount of funding available and the types of applications that can be submitted (for example, in May 2022 under Round 44 of the Scheme, funding focused on climate change and climate action).³⁸

Delivery of the Sound and Vision Scheme is very likely to be transferred from BAI to the new Media Commission. Indeed, the Report of the Media Commission argues in relation to the provision of Irish language, that the regulator should as part of its new actions:

- Conduct a comprehensive review of the provision of Irish language services across the media system, including the roles of TG4 and RTÉ, opportunities for collaboration, strategies for youth engagement, and strategies to support Irish language education.
- Ensure the allocation of 25% of Sound and Vision funding to Irish language content and give consideration to increasing it further.
- Strengthen its internal capacity for research and evaluation.

In the 2022 Budget the Government allocated €5.5 million to support the establishment of this new regulator. The Media Commission's ongoing work will be funded through the introduction of industry levies. Traditional broadcasters have historically paid levies, but video-on-demand services and designated online services will now also pay the levy.

³⁷ The Fund was established under the Broadcasting (Funding) Act 2003, which requires the BAI to invite applications for funding of programmes that support Irish culture, heritage and experience, adult literacy and content archiving.

³⁸ BAI [Sound & Vision Scheme 4](#).

Estonia

Demographics:¹

- Population: 1.33 million in 2021, 1.2% growth since 2016.
- Languages: 1.1 million Estonian speakers (84%, 67% as 'mother tongue' and 17% as a foreign language), 406,000 (30%) people declare Russian as their 'mother tongue'.²
- The 919,000 Estonian nationals in the country (69.1% of total) make up the vast majority of the estimated 1.1 million people of Estonian origin living worldwide.³
- 315,000 ethnic Russian nationals living in Estonia comprise 23.7% of the total Estonian population and 77.8% of the non-Estonian minority.

Main broadcasters:

- *Eesti Rahvusringhääling (ERR)* – public service broadcaster, established 2007.

In 2007 the Estonian public TV and radio broadcasters were merged into *Eesti Rahvusringhääling (Estonian Public Broadcasting or ERR)*. ERR is funded via an allocation in the state budget, with the annual funding level set by the Ministry of Culture and Ministry of Finance. In 2022 ERR's total budget was €45.99 million, equivalent to a monthly cost per Estonian citizen of €2.87 (6% lower than the European average).⁴ The Estonian Public Broadcasting Act sets out the core objectives of ERR: to support the development of Estonian language and culture, increase social cohesion, provide balanced and accurate news, guarantee universal access to information, and "enhance the family-based model of society".⁵

To fulfil its public service aims, ERR operates a suite of national broadcast and online services:

- **ETV** – free-to-air DTV channel, broadcasting a mix of fiction series, infotainment, documentaries and news/current affairs programming.
- **ETV2** – free-to-air DTV channel launched in 2008, primarily airing programming for children as well as cultural, religious and educational content.
- **ETV+** – free-to-air Russian-language DTV channel launched in 2015, broadcasting fiction and entertainment content together with bulletins from the Russian-speaking edition of ERR's daily news programme, *Aktuaalne Kaamera*.
- Five radio stations: **Vikerraadio** (mixed-format), **Raadio 2** (a young audiences-oriented station), **Klassikaraadio** (classical, folk and jazz music), **Raadio 4** (programming for Russian-speaking audiences and Estonia's minority dialect communities) and **Raadio Tallinn** (service for international listeners akin to the BBC World Service).⁶
- **ERR.ee**, online news and media portal including Russian- and English-language versions.

¹ Figures from [Statistics Estonia, national census 2022](#).

² [National census database RL227](#)

³ Figures from the 2022 national census, [Statistics Estonia](#). See also "[The global Estonian diaspora](#)", Estonian Ministry of Foreign Affairs.

⁴ [Eesti Rahvusringhäälingu eelarve](#). The initial ERR budget for 2022, agreed in December 2021, was revised in April 2022 to provide additional funds for ERR's Russian-language programmes and services. EU funding averages taken from EBU (2022) [Funding of Public Service Media report](#), March 2022.

⁵ Articles 4 and 6 [Eesti Rahvusringhäälingu seadus](#).

⁶ Loit (2012) [Radio in Estonia: Meagre but Enduring](#).

- **Jupiter**, ERR's video-on-demand streaming platform launched in 2020, and **Lastekraan**, a dedicated on-demand and activities hub for children.

Market context

While ERR provides the only free-to-air TV channels available to Estonian audiences, in 2019 the Estonian media market was served by over 350 domestic and international channels across cable, satellite and on-demand services, with just 36 of these broadcast in the Estonian language.⁷ ERR's main domestic competition comes from the media networks led by Kanal 2 and TV3, commercial pay-TV channels respectively owned by Estonian media conglomerate Postimees Group and global private investment firm Providence Equity Partners. Beyond ERR, Estonia's small media market has high levels of concentrated cross-media ownership, with Postimees Group and publishers Ekspress Group dominating the commercial broadcast and print industries.⁸

Available ratings figures suggest that ERR channels and stations are Estonian audiences' most used broadcast services – in 2018 the three ERR TV channels received a 19% audience share, compared to 14% and 12% for the Kanal 2 and TV3 networks respectively.⁹ *Vikerraadio* is claimed to be the most listened to radio station in Estonia, earning a weekly audience of 230,000 listeners compared to 212,000 for Sky Plus and 186,000 for Radio Elmar.¹⁰ Compared to Estonian commercial broadcasters, ERR transmits on average twice as much news content per day across its TV and radio portfolio, as well as almost three times as much cultural programming and seven times as much informative and documentary content.¹¹ Content on ERR channels consists of a far smaller proportion of foreign imported/acquired programmes than commercial broadcasters like Kanal 2, however over the last decade original Estonian content has declined as a share of total ERR output while airtime given to imported content on ETV2 and ETV+ has gradually risen.¹²

Despite being widely regarded as a world leader in digitally-integrated public service delivery, the uptake of new digital media services in Estonia appears relatively modest. Estimates suggest that around 300,000 people in Estonia (22%) use video-on-demand services, with research by the Estonian telecoms company Elisa suggesting that YouTube is by far the most used platform.¹³ However, there is not yet any substantial independently sourced data to indicate the longer term use or changing uptake of various VoD platforms – including domestic services such as ERR's Jupiter – or the extent to which Estonian audiences divide their consumption habits between broadcast and online providers.

⁷ Figures from the European Audiovisual Observatory's [MAVISE database](#), compiled by Jõesaar (2022) [Building Bridges: Estonian- and Russian-speaking TV Audiences](#), pg. 84.

⁸ Loit and Harro-Loit (2016) [Media Pluralism Monitor – Country Report: Estonia](#); Loit, Lauk and Harro-Loit (2018) Estonia: Conflicting views on accountability practices (in European Handbook of Media Accountability, pgs. 63-72).

⁹ Kantar Emor, figures cited in Jõesaar and Kõuts-Klemm (2019) [Is the role of Public Service Media in Estonia changing?](#), pg 106. See also European Audiovisual Observatory (2022) [Yearbook 2021/2022 Key Trends](#), pg. 32.

¹⁰ ERR News, [Vikerraadio ranked Estonia's most popular radio station](#), 11 July 2022.

¹¹ [National census database KU16](#).

¹² Ibrus et al. (2022) [Quantifying public value creation by public service media using big programming data](#), pg. 14.

¹³ [Statista Digital Market Outlook](#), August 2021; BroadbandTVNews, ['Estonians opt for YouTube and Netflix'](#), 17 January 2022.

Legislation, governance and regulation

Like other smaller EU nations, the development of Estonian broadcasting regulation has been driven by a conflict between (a) sustaining a culturally distinct domestic media ecology and (b) closer alignment with the EU's liberalising, free market media policy directives.¹⁴ From 2000 onwards, deregulation of broadcasting licences and legislative reforms has resulted in a steady stripping away of public service interventions.¹⁵ A quota on all broadcasters requiring at least 5% of daily airtime dedicated to news was reduced to 2% in February 2022, and Estonian implementation of the EU AVMSD into the 2010 Media Services Act also reduced the requirement for broadcasters to include 'own productions' – content that concerns Estonian current affairs or cultural heritage – from 25% of monthly programming to just 10%.¹⁶ Commercial media groups have used the changing economic and policy landscape to argue for more restrictions on ERR's public services, claiming it is distorting fair competition in emerging digital media markets and contravening EU state aid laws.¹⁷

The 'Europeanisation' of audiovisual policy has also impacted Estonian broadcasting's contributions to wider social and cultural objectives. Co-regulation of the audiovisual sector by the Ministry of Culture and the Ministry of Economic Affairs has led to a conflict in strategy between protecting Estonian cultural interests and attracting businesses and consumer services to a small market, as in the case of Estonian high-end drama and films. While ERR's funding limits its ability to produce its own original content in these popular (and globally exportable) genres, the Estonian Film Institute and the national government have increased investment in professional training to attract foreign companies to the burgeoning Estonian production sector. "The audiovisual culture," as one Estonian media academic has described it, "is becoming less a public affair and more the domain of the private industry".¹⁸

ERR is governed by several different bodies with varying powers over the broadcaster's funding, strategy and regulation. The Public Broadcasting Council (*nõukogu*) is ERR's sovereign corporate body, with responsibility for approving the annual financial plan, appointing the ERR Chair and executive management board (*juhatus*) and supervising ERR's fulfilment of its public service objectives. The Council is comprised primarily of elected politicians, with one member appointed from each party faction in the Estonian parliament on the proposal of the Cultural Affairs Committee. The Council also includes four 'expert' members – typically media executives, presenters, journalists and academics – who are also appointed by the parliament. There is a growing perception that the expert appointments have become increasingly politicised, although their exact role and influence within the Council's operations is not detailed or publicly reported. Drafting of the ERR board's strategic development plan¹⁹ has also been subject to political interference, with party representatives on the Council seeking to imprint their own faction's agenda onto ERR strategy.²⁰ However

¹⁴ Ibrus (2016) [The EU digital single market as a mission impossible](#). See also Lowe and Nissen (2011) [Small among giants: Television broadcasting in smaller countries](#), and Puppis (2009) [Media regulation in small states](#).

¹⁵ Jõesaar (2017) [The winding road on the media landscape: The establishment of Estonian television broadcasting between 1992 and 2016](#).

¹⁶ Articles 8 and 10 [Mediateenuste seadus](#).

¹⁷ ERR News, [Private media enterprises file ERR complaint with European Commission](#), 8 September 2020.

¹⁸ Ibrus (2015) [Audiovisual policymaking in Estonia at times of convergence](#), pg. 107.

¹⁹ [Eesti Rahvusringhääling arengukava 2023-26](#), see also [ERR development plan archive](#).

²⁰ One country-level expert indicated that conservative representatives on the Council, appealing to ERR's founding objective to enhance a "family-based model of society", had sought to diminish ERR's representation of the LGBTQ+ community in its programming.

the Council's specific powers over the ERR budget are somewhat limited, as although the Council must approve the board's plans for each financial year, ultimate authority over the level of the state grant rests with government ministries.

Other official elements of ERR's governance and regulation demonstrate similarly unclear lines of accountability. The management board is supported by a 'social advisory board' (*ühiskondliku nõukoja*), which serves as a voluntary non-executive panel advising management on content strategy, programme structure and the annual development plan. The advisory board is made up of nine to fifteen members appointed by the Council (following proposals by management), who are intended to represent "the interest groups and walks of life in society".²¹ Its recent membership spans a wide range of expertise – Estonian diplomats, business leaders, lawyers, academics and media executives – however this composition suggests its advice is more representative of Estonia's leading professions than of the communities and interests across Estonian society.

The Public Broadcasting Act also establishes an ethics ombudsman (*eetikanounik*) for ERR, appointed by management (with the agreement of the Council), to monitor ERR's compliance with journalistic standards and review audiences' complaints and feedback on ERR content. Tarmu Tammerk, a former newspaper editor, has served as ERR's ombudsman since the post was created in 2007 and publishes a regular online summary of recent ethical issues or audience comments on ERR output.²² However, there are concerns that the role serves more as an internal complaints handler than as an actual standards regulator, and as one academic review has argued, the ombudsman "does not always act with full transparency for the general public, but often glosses over problems and criticizes the rest of the media".²³ It is not apparent what formal powers the ombudsman holds to correct or remedy findings of ethical misconduct by ERR. News output is regulated by the industry self-regulatory Press Council (*Pressinõukogu*) and ERR operates its own good practice guide (*hea tava*) for promoting accuracy, trustworthiness and transparency in all its services²⁴ – yet it remains to the decision of the Council for how ERR responds to critiques or rulings from the ombudsman. Across the whole structure of Estonian media regulation and ERR governance, what is most apparent is the absence of any mechanism for the Estonian public to influence ERR decision-making, and the lack of meaningful representation of audiences or distinct communities on any ERR boards or councils.

ETV+: balancing questions of social cohesion, national security and funding for Russian-language broadcasting

ETV+, ERR's Russian-language television channel, offers a unique recent example of a public broadcaster developing a dedicated service for a linguistically distinct community within a 'smaller' media territory that is also facing significant cultural and economic pressures. Launched in September 2015, ETV+ offers original and acquired Russian-language content across a mix of scripted series, popular entertainment, documentaries and news. The channel also features regular broadcasts in the *Kihnu* dialect, for the island community of the same name, as well as airing news bulletins in *Seto* and *Võro* from ERR's regional correspondents.

²¹ Article 30 [Eesti Rahvusringhäälingu seadus](#), see also [ERR ühiskondliku nõukoja](#).

²² [ERR eetikanounik](#).

²³ Loit, Lauk and Harro-Loit (2018) Estonia: Conflicting views on accountability practices (in European Handbook of Media Accountability, pg. 69). A [2017 amendment to the Public Broadcasting Act](#), seeking to replace the ombudsman with an independent ethics council, was not adopted by the parliament.

²⁴ [Pressinõukogu](#) and [Hea Tava](#).

In just the last few years ETV+ has achieved a notable turn-around in Russian-speaking audiences' engagement with ERR: its weekly reach has risen to match that of Russian channels broadcast in Estonia, and more than one-fifth of Russian-speakers considered ETV+ to be their main source of news and information.²⁵

This success is in part a reflection of ETV+'s strategic focus within ERR's then-shifting public service development plan: creating local content for and presented by the Russian-speaking community, provided on the platforms and devices modern audiences use most and made available in formats that best suit their habits.²⁶ ETV+'s online viewing offers a clear example: throughout 2022, the number of people viewing ETV+ content on 'catch-up' was regularly double the number using the online platform for 'live' TV viewing.²⁷

However, the history behind ETV+ also offers valuable insights into the cultural, political and economic challenges that have shaped Estonia's Russian-language media ecosystem. Since Estonia's independence, the large community of Russian-speakers in the country has perceived various forms of discrimination from Estonian society.²⁸ This is marked by contrasting attitudes towards public institutions, with people of non-Estonian nationalities (of which Russians make up more than three-quarters) expressing higher distrust in political and media institutions than Estonian nationals.²⁹ For most of the last two decades the only dedicated Russian-language TV services broadcast into Estonia originated from media organisations based in the Russian Federation or neighbouring Baltic states. Amidst deepening social and cultural divisions – epitomised by violent protests in the Russian community during the April 2007 'Bronze Night' controversy – academics and policymakers registered growing separation between “two radically different information fields” in Estonia: an Estonian-language field promoting “European values” against a Russian-language field promoting “Putin's values”.³⁰

Although ERR's Russian-language radio service *Raadio 4* (launched in 1993) has long held larger audiences than commercial Russian-speaking stations, public and commercial funding for Russian-language television programming declined substantially throughout the 1990s and early 2000s. Between 2003 and 2014, the weekly reach of ERR services amongst the Russian-speaking audience dropped from 40% to almost 15%. Initial efforts to remedy this were stymied by a variety of factors: the commercial unattractiveness of trying to serve a relatively small audience in direct competition with dominant Russian Federation outlets; reluctance amongst policymakers to deploy state intervention in the liberalised and increasingly pan-Baltic media market; the unpredictable scale of costs, production capacity and talent development required to sustain a popular service for attracting audiences with high-quality programming; and concerns that introducing a Russian-language service would undermine the preservation of Estonian national identity through promoting Russian culture and interests.³¹

²⁵ Jõesaar, Rozukalne and Jastramkis (2022) [Trust in public service media in the Baltic states](#), pgs. 603-4.

²⁶ [Eesti Rahvusringhääling arengukava 2016-2019](#), see also [ERR development plan archive](#).

²⁷ GemiusPrism 2022, private data provided courtesy of country-level contact.

²⁸ [National census database RL227](#); Danylyuk (2018) [Causes and Consequences of Perceptions of Discrimination among Russian-speakers of Estonia](#).

²⁹ Turu-Uuringute AS [Public Opinion Monitoring Survey](#), conducted on behalf of the [State Chancellery \(Riigikantselei\)](#), October 2022.

³⁰ Jõesaar (2017) [Day After: The impact of the launch of the Russian-language television channel ETV+ on Estonian Public Broadcasting's viewing trends](#), pg. 45.

³¹ Jõesaar and Rannu (2017) *Estonian Broadcasting and the Russian Language*, in Horsti, K., Hultn, G. and Titley, G. (eds.) *National Conversations: Public Service Media and Cultural Diversity in Europe*,

The launch of ERR's second TV channel ETV2 in 2008 prompted a temporary increase in the production of Russian programming (rising from 183 hours in 2008 to 547 hours in 2010), but changes to ETV2's remit (towards more Estonian educational and cultural content) and sporadic funding commitments led to a fall in ERR's overall Russian viewership. Consecutive ERR yearly development plans proposed increased Russian content investment and targets for attracting larger Russian audiences, yet these plans were not matched with sufficient support from the state budget. Following the Russian Federation's 2014 annexation of Crimea, and Russian state media's increasingly belligerent 'information war' targeting Central and Eastern European countries, non-Estonian audiences' trust in ERR shrank to 45% (from 60% in 2010) and *Raadio 4* saw a substantial drop in listeners. These events led to widespread demands for a more concerted program of cultural and social integration, including Russian-language public service media in Estonia,³² and in late 2014 the Estonian government approved a €2.5 million increase in the ERR's state budget to fund ETV+.

The launch of ETV+ thus marked a significant change in ERR's public service strategy: from treating Russian-language programmes as supplementary content, to providing a dedicated service (with regular funding) for meeting the needs and interests of Estonia's Russian community. Yet, as recent analyses suggest, this new strategy has not always been directed by 'traditional' public service values. Much of the political support for a Russian-language channel in 2014/15 emphasised the primary role of the new service as providing 'counter-propaganda' and supporting Estonia's national security,³³ rather than creating a space of cultural expression and self-identification for an historically under-served community. The funding for these services, while more established, is also still susceptible to unpredictable changes that undermine the sustainability of Russian-language programming: between 2018 and 2022, ETV+'s budget as a share of the total ERR state grant fell from 8.5% to 5%, and its funding for 2022 was 20% less than its initial allocation in 2015.

The unprecedented decision by Estonia's telecoms regulator in February 2022 to ban broadcasts of four Russian TV channels, following Russia's invasion of Ukraine, led to ETV+ effectively doubling its TV viewing share of Russian-language channels in just one month.³⁴ However over the last few years more than 60% of ETV+'s content has consisted of foreign 'acquired' programming,³⁵ meaning this larger audience is benefitting from less Estonian-produced content that reflects their own lives and identities. With an increasing reliance on imported content, an absence of Russian community representation within ERR's governance framework, and with ETV+'s funding highly dependent on policymakers' mercurial interest in Russian-language Estonian media, it remains to be seen how effectively this service can continue to serve its unique audience and contribute to a shared cultural and civic space that benefits all.

pp. 205-223; Lavrentjev (2020) [The Securitization of Russian-speaking Media in Estonia](#); Parhsukob (2017) [Media, Memory, and Minority: The Russian-language TV channel ETV+ and its role in the long-lasting "War of Memories" in Estonia](#);

³² *Lõimuv Eesti 2020*, 'Strategy of Integration and Social Cohesion in Estonia'.

³³ Lavrentjev (2020) [The Securitization of Russian-speaking Media in Estonia](#), pgs. 36-7.

³⁴ Kantar Emor 2022, private data provided courtesy of country-level contact. See also: ERR News, [Four Russian TV channels banned from Estonian airwaves](#), 25th February 2022.

³⁵ Ibrus et al. (2022) [Quantifying public value creation by public service media using big programming data](#), pg. 14.