

Monitoring news pluralism on the radio and television in Europe

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- *A large number of European broadcasting regulatory bodies monitor compliance with the media's obligations and commitments regarding news pluralism. In order to carry out this work, the regulatory bodies in countries such as Germany, France, Italy, the United Kingdom and Romania use different systems to monitor radio and television broadcasters, which are described and compared below.*

Keywords

Pluralism, broadcasting regulatory authorities, CSA, Ofcom, Autorità per le Garanzie nelle Comunicazioni, Consiliul National al Audiovisualului, Arbeitsgemeinschaft der Landesmedienanstalten, CAC, EPRA, Europe

Introduction

Most of the regulatory bodies belonging to the European Platform of Regulatory Authorities (EPRA) have the task, legally imposed by the corresponding country or state, to supervise the commitments and obligations of broadcasters with regard to the news pluralism of broadcasting media, over which they exercise their authority. Apparently, and according to data provided by EPRA, these bodies use different systems to monitor the content of programming in accordance with the broadcasting panorama they cover.

Basically, three different systems are used to monitor pluralism in broadcasting media:

- ongoing monitoring**, recording and analysing all programmes broadcast;
- sample monitoring**, analysing a sample of the programming broadcast, and
- monitoring specific cases**, analysing a specific broadcast based on one or more complaints received.

From here on there are some remarkable variations. So, for example, the German authorities take part in surveys on the advertising transmitted by state-wide television. In Bulgaria there is additional monitoring of a specific broadcaster's programmes, requested one week in advance.

Moreover, when the regulatory bodies have authority over both public and private media, they usually use different methodologies to check compliance with the principle of news pluralism depending on who owns the medium being monitored. In general, all programming by open analogue television channels is recorded (as in Italy, France, the United Kingdom, Romania, etc.) and samples are taken from channels broadcast by cable and/or satellite or by regional channels (as in France). But in some cases emphasis is placed on monitoring a certain kind of broadcaster. So, for example, in Ireland

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commercial broadcasters are more closely supervised than public service broadcasters.

In short, and in accordance with the introductory document by the working group on programme monitoring: methodology and case studies of the 22nd EPRA meeting in October 2005, almost all regulatory bodies carry out random sampling of the programming of different broadcasters in order to check compliance with their legal obligations regarding advertising, the protection of minors and human dignity, as well as national, European and independent quotas, among other aspects. Many of these authorities also comply with the specific obligation to monitor political pluralism, balance and justice, and the activity of broadcasters during electoral periods, publishing reports and research into this area. This is the case of the Audiovisual Council of Catalonia¹.

Monitoring news pluralism in some countries in Europe

In order to examine the methodologies used to monitor news pluralism and to be able to carry out a more detailed comparative analysis, below is a summary of information regarding this area in different European countries.

Germany²

Germany's federal structure means that each federated state (*Land*) is responsible for the broadcasting in its own territory. However, the German Constitution, valid throughout the country, establishes the freedom of expression and of broadcasting, as well as the **non-interference of the State in matters of radio broadcasts**. This means that the Federal Constitutional Court watches over the duty on the part of the State (of the parliaments of the *Länder*, for example) to deploy positive regulation, with the guarantee

that many different opinions are expressed via broadcasting, without any particular political or economic interests dominating the programming. The legal principles of broadcasting, however, are found in the laws of each of the sixteen states or *Länder*. Each of these establishes a framework for public service broadcasting and for the respective private radio or television services. This means that, currently, these broadcasting laws resemble each other greatly in terms of their general philosophy, standards and organising principles. And in order to coordinate and agree basic national issues concerning broadcasting, the regulatory authorities from the different states work within the framework of the *Arbeitsgemeinschaft der Landesmedienanstalten* (ALM)³, the Association of State Communication Authorities of the Federal Republic of Germany. Treaties are therefore produced between the different *Länder* to complement broadcasting legislation at a regional level and to establish a national regulatory structure for this area. It is precisely these treaties that provide the legal basic for the national distribution of the public and private television service, including rules on television advertising, pluralism and diversity on private television.

With regard to the public television service, article 11 of the interstate treaty on broadcasting organisations determines, among other obligations, that the public radio and television service must provide the audience with an overall view of regional, national, European and international development.

There are three authorities in charge of governing and supervising each of the country's public broadcasting services: the Director General of the public body, the Broadcasting Council and the Administration Council. Of these, the Broadcasting Council represents the interests of viewers. This body is in charge of ensuring that programmes comply with the requirements established by law, of choosing and supervising the work of the Director General

1 See the article by Carles López in this edition.

2 Source: EU MONITORING AND ADVOCACY PROGRAM (EUMAP); NETWORK MEDIA PROGRAM (NMP); OPEN SOCIETY INSTITUTE (2005) *Television across Europe: regulation, policy and independence. Germany*. pp. 730-788.
At: <http://www.eumap.org/topics/media/television_europe/national/germany/media_ger1.pdf>

3 <<http://www.alm.de/>>

and establishing programming regulations. The main groups in society (regional parliaments, churches, universities, cultural and sports organisations, organisations for the elderly, for women and immigrants) are represented on this Council. This is how the "public" aspect of the public broadcasting service in Germany is formed. **This system of representing the different social groups on the governing body of the public service ensures that the majority of society's interests and minority groups are present in the programming of public broadcasters.** The main objective is to achieve diverse and balanced programming. **The control exercised over programming standards by the Council is *a posteriori*.** All broadcasters have their own systems to handle the **complaints they receive from their viewers.**

The influence exercised by political parties is one of the most controversial aspects of the governing structure of public broadcasting in Germany. Political parties are directly represented on the broadcasting councils of the two public television broadcasting corporations through the state parliaments. Moreover, the rest of the members of the Council, from the various social groups and NGOs, are also usually positioned towards one political option or another and this affects the choice of Director General for the Council.

It is difficult to measure the impact of the political influence over the broadcasting Council in terms of the daily programming broadcast, and also for a Director General to survive very long if he or she does not maintain good relations with the respective federal state government. A clear indicator of political dependence is the tendency of broadcasters to act according to how the people of the region have voted, although this tendency has decreased with the change in the political scenario brought about by reunification, and now it is not very likely that direct permanent action on the part of the government or a leading party would go unnoticed in the public broadcasting service.

Programming standards are defined in general terms in the broadcasting laws of the respective states and, more specifically, in the interstate broadcasting treaty⁴. Article 11

of this treaty establishes that the public broadcasting service, in compliance with its mission, must take into account the principles of objectivity and impartiality, diversity of opinion and balance in its programmes and services. These standards are considered to form part of television's responsibility towards society, especially for public broadcasting services. The two main public broadcasting channels in Germany have drawn up statutes that go beyond these standards for their television news and informative programming.

Notwithstanding this, **the German broadcasting tradition does not include any kind of regulatory quota in terms of programme type or specific genres, except for the broadcasting quota for European broadcasting content** dictated by the European Television Without Frontiers Directive. **The representative system for governing and controlling broadcasting must ensure a range of programming that takes into account, for example, the interests of minorities.** In fact, the German public service has traditionally served the needs of foreigners living in the country. So most of the programming for foreigners has been broadcast on public radio or television in the corresponding language. The number of these programmes has recently fallen because foreigners now tend to tune in to channels from their respective countries via satellite.

Since 2004, the interstate broadcasting treaty has included public broadcasters' obligation to report on their activity every two years, especially with regard to the quantity and quality of their programmes as well as their future projects. With this measure, the governments of the *Länder* hope to increase the transparency of programming policy on the part of public service broadcasters, as well as to find ways to define the mission of their public service more clearly.

With regard to the private broadcasting service in Germany, the tradition established by the public sector has been followed in terms of ensuring the autonomy and independence from direct intervention on the part of the government or state institutions. This is guaranteed by a decision passed by the Federal Constitutional Court in 1986, stating that the power to give licences to the private

4 <http://www.alm.de/fileadmin/Download/Gesetze/8_RAESTV_EN_05-02-2007.pdf>

sector must be outside governmental control. Such is the case that the assemblies of the different regulatory bodies responsible for the private sector, one for each *Länder*, are made up of representatives from the most influential social groups and organisations in the region, as in the case of public television, and they are responsible for all actions affecting these bodies. Included in these responsibilities are some that are important in the area of pluralism, such as the granting or revoking of broadcasting licences, the control of media concentration and the protection of content diversity.

It should be noted, however, that most private television broadcasters broadcast nationally in Germany and it is in the interstate broadcasting treaty where the general rules and procedures are included for most regulatory areas concerning television, such as the granting of licences on the part of regional regulatory bodies to private broadcasters. However, it is the broadcasting laws of each *Länder* that establish in detail the requirements for granting these licences. So, for example, in the region of Hesse, and due to the excessive demand and limited terrestrial frequency available, the regulatory authority is forced by law to grant a licence to applicants that promise to contribute to diversity and pluralism in broadcasting above all else. It is therefore **through granting licences where pluralism can be controlled within the framework of private television in Germany.**

Private television broadcasters do not have to comply with the same programming obligations as public service broadcasters but the interstate broadcasting treaty establishes that private broadcasting must provide services with a wider range of political and social interests, in which minorities also have a chance to express their point of view. So it is unacceptable that a single channel should dominate public opinion unequally. In order to stimulate diversity at a regional level, **the general channels with larger audiences must offer local content** and it is stated that **the accumulated audience of channels controlled by the same operator cannot exceed 30%**, or 25% in the case of operators dominating the market in other media sectors (press, radio). Another measure to promote diversity is the obligation for general or news channels with an audience share equal or higher than 10% to **assign at least 260 minutes per week to an independent programming supplier.**

A **federal committee** responsible for **supervising** media concentration in the television sector establishes the audience ratings for each channel and checks that TV broadcasting licence applications comply with the rules regarding corporate concentration established by the interstate broadcasting treaty. Every three years this committee prepares a report on safeguarding the diversity of opinion in private broadcasting. These reports show that there are some connections between politicians and private broadcasters. Both sides would like a good mutual relationship. However, it is difficult to establish how much influence these have on private television programming. It should be noted that political independence from the State or the most influential groups does not generate debate within the context of private broadcasting in Germany, as the volume of political information on private television has fallen considerably since it is public service television broadcasters that focus on this kind of coverage.

The basic regulations on content for private television are also included in the interstate broadcasting treaty. Programming standards recognise the need to reflect the diversity in Germany and Europe by **broadcasting a reasonable amount of news, cultural and educational programmes.** They also establish that the **various religious communities** resident in the country (Protestant, Catholic and the Jewish community) should **share the time** allocated for religious programming. And it also means that **political parties can buy television space before general elections** for the Federal Parliament or *Bundestag* and the European Parliament. The interstate broadcasting treaty also includes the obligation on the part of private television broadcasters to set up '**programming councils**', made up of independent people, representatives from the majority groups in society, chosen by the broadcasters themselves. One of the main tasks of these councils is to strengthen diversity and pluralism in the programmes on their respective channel.

Beyond these general obligations and those commented above (offering local content and allocating at least 260 minutes per week to independent programming suppliers), there are no detailed requirements with regard to programming content offered by private television broadcasters in Germany. **There are no special rules** related to specific genres or requirements for minority programmes.

France

By law, the *Conseil Superior de l'Audiovisuel* (CSA), the regulatory body for communication in France, has the mission of supervising the plurality of thought and opinion on the broadcasting media in France⁵. That is why the CSA monitors programming on both television and radio.

With regard to how national and international current affairs are handled, broadcasters must maintain a balance between the time dedicated to members of the government, the time for members of the parliamentary majority and the time for members of the parliamentary opposition, in addition to ensuring equal time dedicated to members of political formations without parliamentary representation.

Overall, except in cases justified due to particular circumstances, the amount of time given to members of the parliamentary opposition may not be less than half the accumulated time dedicated to the members of the government and members of the parliamentary majority.

With regard to local current affairs, broadcasters must ensure that news pluralism is respected in accordance with the local political situation.

During **electoral campaigns**, and in accordance with its prerogative permitted by law, the CSA makes specific recommendations to the radio and television services with regard to handling information on current affairs related to the corresponding elections. So, as a general rule, it recommends the radio and television services to ensure equal presentation and access to the media of electoral candidates and their political parties. Within this context, the notion of equality involves an estimation of representative nature of the different political formations in terms of the last electoral results, the situation created by these results during the electoral campaign itself or even trends shown by opinion polls. However, it should be noted that, in the name of editorial freedom for broadcasters, these media have a certain margin of interpretation for these criteria.

In order to check that broadcasters are respecting these principles in the area of pluralism, and thanks to the monitoring system carried out by its technical services, the CSA

draws up a **monthly inventory of speaking time for political agents within television news programmes on national hertz television channels**. In order to provide more details on effects that may purely be due to a particular situation at that time, the CSA analyses these speaking times every **quarter**. The CSA also prepares **weekly inventories of speaking time of political agents in magazine shows and other programmes**. The data from these inventories are analysed by CSA's news pluralism working group and are examined by the full assembly of the Council. They are also passed on to the presidents of the National Assembly and of the Senate, as well as to parties represented in parliament. Should there be a lack of pluralism, the CSA alerts the president of the channel by post so that a balance may be regained as quickly as possible.

During **elections**, the CSA carries out an **exhaustive monitoring of all programmes likely to deal with the elections on the national hertz channels** and also establishes an **inventory or calculation of the speaking time**, in accordance with a specific schedule.

Checking that the principles of pluralism are being fulfilled is completed with a **control of speaking time** broadcast by **specific radio and television services** (continual information, regional and local channels, etc.) that, during electoral campaigns, are subject to a regime of declarations. The results of this inventory, established in accordance with the needs of these services, must be reported to the CSA.

Ultimately, however, **speaking time during election periods is validated and analysed in the same way as the speaking time for the usual monitoring of current affairs**.

Italy

The law gives the *Autorità per le Garanzie nelle Comunicazioni* the role of safeguarding pluralism as one of the main powers of the Italian regulatory body in the area of radio and television, and it dictates guidelines for programmes providing political information and communica-

5 <http://www.csa.fr/infos/controle/television_pluralism_accueil.php>

tion, differentiating between electoral⁶ and non-electoral⁷ periods. Specifically, it is the parliamentary supervisory committee that is responsible for applying the regulations to the RAI, the Italian national public radio and television operator, while the *Autorità per le Garanzie nelle Comunicazioni* is responsible for applying the regulations to privately owned radio and television. In turn, the regional committee for communication / regional committee for radio and television services is in charge of applying these regulations to local broadcasters. It should be noted that, outside election time, the committee and the *Autorità* issue different regulations after prior consultation. In electoral periods, however, both bodies try to issue a single set of regulations. In this case, the law⁸ determines that it should be the *Autorità* that monitors the correct application of the approved regulations.

In order to verify the regulations concerning pluralism and the so-called *par condicio*, a regulation governing political communication and equal access to the media, the *Autorità per le Garanzie nelle Comunicazioni*, as provided for by law⁹, has defined a **plan for monitoring programming** broadcast by national television, which came into force in spring 2000 for the part concerning political pluralism and in May 2002 for the part concerning social pluralism.

Since April 2004, monitoring has taken into account all public and private television channels with national coverage in Italy. All daily programming has also been monitored (TV news and other programmes) of the channels with state concessions to verify compliance with:

- **political/institutional pluralism** and actions regarding political communication and equal access to the media

in ordinary periods and at times of electoral campaigns via a systematic analysis of the representation of the news item and a comparison of times allocated to the different political and institutional subjects in accordance with the principles of objectivity and impartiality established by applicable legislation and the rules given by the *Autorità* and the *Commissione parlamentare* providing overall guidance and supervision of the radio and television service.

- **social pluralism** of daily TV programming or respect for the principle of openness of the radio and television system to various opinions and social, cultural and religious trends present in society, governed by law.

The monitoring of pluralism in **TV news** has been carried out on all news programmes broadcast daily by state licensed channels. Specifically, for each of the TV news programmes, the following elements are specified:

- chain / channel;
- subject talking or being talked about;
- macro-theme and theme talked about;
- TV time dedicated to each subject.

The time political subjects are present is specifically calculated via:

- Speaking time (*tempo di parola*): time the subject speaks directly (insert) with reference to equal access for men and women.
- News time (*tempo di notizia*): time the journalist/presenter dedicates to a theme related to a specific subject.
- Broadcaster time (*tempo di antenna*): sum of the speaking time and news time for each subject.

6 Disposizioni per la parità di accesso ai mezzi di informazione durante le campagne elettorali e referendarie e per la comunicazione politica (Legge 28 Febbraio 2000, n. 28) <http://www.agcom.it/L_naz/L_220200_28.htm>

7 Disposizioni applicative delle norme e dei principi vigenti in materia di comunicazione politica e parità di accesso ai mezzi di informazione nei periodi non elettorali (Delibera n. 22/06/CSP) <http://www.agcom.it/provv/d_22_06_CSP.htm>

8 Istituzione dell'Autorità per le garanzie nelle comunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo (Legge 31 luglio 1997, n. 249) <http://www.agcom.it/L_naz/L_249.htm>

9 Legge 31 luglio 1997, n. 249, art. 1, comma 3, lettera b) punto 13 <http://www.agcom.it/L_naz/L_249.htm>

With regard to monitoring pluralism in **the remaining programming**, the following elements are recorded:

- chain / channel;
- programme;
- broadcast schedule: start and end time, accumulated time and repeats;
- subject talking;
- macro-theme and theme;
- speaking time of each subject, with reference to equal access for men and women.

If the programmes are about political communication, and as required by law, the broadcast time is also recorded in addition to speaking time. When these are self-managed messages, the total duration of the message is calculated instead of the speaking time.

The resulting data on the observance of political/institutional and social pluralism in TV news and the rest of the programming are presented by means of **monthly studies during ordinary periods and fortnightly studies during election periods**, published on the website of the regulatory body¹⁰ and passed on to the Presidency of the Republic, to the parliamentary committee responsible for monitoring the radio and television service and to the national commission for equal opportunities between men and women.

United Kingdom

Although one of the main specific functions of the *Office of Communications* (Ofcom), the regulatory body of the United Kingdom, is *Maintaining plurality in the provision of broadcasting*¹¹, the generic guide for radio and television content,

the *Broadcasting Code*¹², does not contain any indication in this respect beyond some specifications for electoral periods. Section 6 on elections and referendums of the aforementioned *Broadcasting Code*¹³ includes, among other indications, the obligation on the part of broadcasters to provide information on the major parties of the United Kingdom, following the principles published in October 2004 in the *Ofcom Rules on Party Political and Referendum Broadcasts*¹⁴.

With regard to **news coverage of the electoral process**, Ofcom has authority over all broadcasters in the country except for the BBC, which is governed, also in ordinary periods, by self-regulating criteria. By law, the BBC must approve some criteria for each electoral period that govern the participation of the candidates in each constituency. This document is agreed with the corporation's *Board of Governors* and is presented to the *Electoral Commission*. The *BBC Guidelines for the 2005 General Election*¹⁵ establish a list of political parties that must be covered, coinciding with that of Ofcom, as well as the obligation to allow all candidates to speak should information be given about any candidate in particular. These lines of action mean that, in debates on local issues, candidates might not be from the same constituency but from the same region. With regard to free electoral broadcasts, the BBC programmes these in accordance with the agreement reached in the *Broadcasters' Liaison Group*. The representative from the corporation in these meetings is the *Chief Adviser - Politics*, an internal post responsible for the BBC's editorial neutrality. This is the person responsible for responding to complaints due to partial coverage of political information and also has the function, among others, of interpreting the BBC's *Editorial Guidelines*. In this case,

10 <http://www.agcom.it/par_condicio/monitor.htm#pol>

11 <<http://www.ofcom.org.uk/about/sdrp>>

12 <<http://www.ofcom.org.uk/tv/ifi/codes/bcode>>

13 <<http://www.ofcom.org.uk/tv/ifi/codes/bcode/elections>>

14 <<http://www.ofcom.org.uk/tv/ifi/guidance/ppbrules/ppbrules.pdf>>

15 <http://www.electoralcommission.org.uk/files/dms/BBCguidelinescandidates-consultationFeb05_16266-11808__E__N__S__W__.doc>

chapter 10¹⁶, dedicated to news coverage of political themes, lists the undertakings of the corporation in the area of elections.

When a broadcaster does not respect the *Broadcasting Code*, Ofcom publishes the reasons for the violation in the *Ofcom Broadcasting Bulletin*. If a broadcaster seriously, deliberately and repeated breaks the code, the regulator can impose penalties in accordance with its powers and authority. However, in no case is it explicitly explained how compliance with this code is monitored nor the specific functions of the regulatory body, such as maintaining pluralism in broadcasting. It should be noted that Ofcom has a council of members, advised by a series of advisory boards such as a committee of content, committee of radio licenses, a committee of impartiality, etc., that governs the institution and supervises compliance with general functions and specific statutory responsibilities, such as the idiosyncrasy of the public service.

It therefore seems that **Ofcom acts as a guarantee of news pluralism**, both in ordinary periods and during electoral campaigns, on the request of viewers or listeners and **based on the complaints it receives**, on which it issues decisions that are regularly published in the *Ofcom Broadcasting Bulletin*¹⁷.

Romania

The *Consiliul National al Audiovizualului* is the body responsible, by law⁸, for supervising observance of news pluralism and of the plural expression of ideas and opinions in the programming broadcast by the broadcasting media that act under the authority of the Romanian courts. In turn,

the Romanian regulator issued, in April 2006, a decision on the regulation of content of the broadcasting programming services in which some points are included with regard to guaranteeing pluralism¹⁹.

This decision by the Romanian regulator starts with the principle of equal conditions of access to the media. It therefore contains the broadcasters' obligation to present, in TV news and debate programmes, the main contrasting points of view at times of public debate on specific issues, although these opinions may be expressed by experts, journalists, representatives from political parties not represented in the parliament, minorities, NGOs, trade unions, etc. This plurality of opinion must also be made effective in the same programme or, exceptionally, in the following programmes. If anyone refuses to represent his or her point of view, the operator must mention this fact. It should be noted that these rules do not exclude the possibility of the same operator broadcasting its own opinions. In order to comply with these rules from the regulating body and other rules contained in the country's Broadcasting Act²⁰ broadcasters cannot transmit programmes that are edited, presented, chaired or produced by members of parliament, representatives of the government or public administration, representatives of the presidential administration, leaders of political parties, people publicly appointed as candidates or who have announced their intention to become candidates to local, parliamentary or presidential elections.

The decision of the *Consiliul National al Audiovizualului* also establishes that **TV news programmes** transmitted by broadcasters acting under Romanian jurisdiction must take into account the **three-thirds rule**, i.e. they must allocate

16 Section 10 "Politics and Public Policy" <<http://www.bbc.co.uk/guidelines/editorialguidelines/edguide/politics/>>

17 <<http://www.ofcom.org.uk/tv/obb>>

18 Law num. 504/ July 11, 2002 on Radio and Television Broadcasting (art. 10 and 17) <<http://www.cna.ro/english/legislation/legea504.html#2>>

19 Decision no. 187 of April 3, 2006 concerning the regulation of the content of broadcasting programme services (title IV) <<http://www.cna.ro/english/decisions/decisions/d18706.html>>

20 Law num. 504/ July 11, 2002 on Radio and Television Broadcasting <<http://www.cna.ro/english/legislation/legea504.html#2>>

one third of the total time dedicated to political parties of the government and opposition to the members of the opposition (senators, members of parliament, councillors, etc.). Then they must allocate another third to representatives from the central public authority (prime minister, ministers, secretaries of state, etc.). And, finally, they must allocate another third of the total time dedicated to political parties to representatives from the parliamentary majority (senators, members of parliament, mayors, etc.). This is known as the principle of political pluralism. This decision also states that the time in which the prime minister appears representing Romania in an official international act is excluded from this calculation, be it in Romania or abroad. Actions carried out due to natural disasters or epidemics are also excluded, as well as their reparative measures, something which does not cancel the right of the opposition to criticise the authorities' actions in such situations.

Monitoring under this principle of political pluralism is carried out by the Romanian regulatory body by **super-vising and analysing the programming of different broadcasters in mobile periods of two consecutive months**. The main indicators used for the analysis are **frequency** (the number of times the political figures take part on the radio or television) and **duration** (the speaking time of political figures taking part in radio or television programmes). Should the regulatory body detect a lack of balance between the aforementioned three thirds, the *Consiliul National al Audiovizualului* formally asks the broadcaster in question to restore this balance the following month.

With regard to the **rest of the programming**, representatives from government and opposition parties must benefit from the principle of equal access to the media, with equal opportunities to express themselves via the media. Observance of this principle is also supervised by the Romanian regulatory body, which systematically monitors programming during mobile periods of two consecutive months and analyses the frequency and duration of the appearances of government and opposition party representatives other than in news programmes.

With regard to information and debates on issues of public interest related to ethnic, religious or sexual minorities, the decision of the *Consiliul National al Audiovizualului* also determines the representation of the different points of view

of these groups. However, it is not specified how this indication is monitored by the Romanian Broadcasting Council.

Neither is it specified whether the methodology for monitoring news pluralism in the Romanian media is modified during **electoral periods**.

Conclusions and comparative summary

It is not easy to obtain information on the specific methodologies used by regulatory bodies for broadcasting in the different countries reviewed in order to supervise the commitments and obligations of broadcasters regarding the news pluralism of the respective TV broadcasting services. The idiosyncrasies of each state or nation, expressed in their political structure, their legislation, regulations, institutions and regulatory bodies, to some extent condition the concepts of news pluralism and media diversity as well as how these are monitored. However, the following conclusions may be reached:

- News pluralism in France is monitored by the *Conseil de l'Audiovisuel* (CSA) and is mainly based on an **inventory of speaking time for political figures** within news programmes (monthly) and magazine and other programmes (every six months) broadcast by national hertz TV channels. Speaking times for electoral periods are validated and analysed in the same way as those in ordinary current affairs.
- In the case of the **United Kingdom** it is the *Office of Communications* (OFCOM) that acts as a guarantee of news pluralism for the different broadcasters in the country, except for the BBC, both in ordinary periods and at times of electoral campaigns, **on the request of the viewers and based on the complaints it receives**.

With regard to monitoring news pluralism for the public television service, the *British Broadcasting Corporation* (BBC), it depends on its own criteria of self-regulation in ordinary periods and on the criteria approved for each electoral period by the corporation's Board of Governors and the Electoral Board. The head advisor for political affairs is responsible for responding to complaints for the partial treatment of political information on the BBC channels.

- In **Italy**, the *Autorità per le Garanzie nelle Comunicazioni* is the body responsible for dictating guidelines on news pluralism (political-institutional and social), although it is the supervisory parliamentary committee that applies these to the Italian national public television broadcaster (RAI). Regulations in this area are verified by **recording the time that agents are present** in the programming of national television. Monthly studies of the results are published in ordinary periods and fortnightly studies during electoral periods.
- The *Consiliul National al Audiovisualului* is the body responsible for monitoring the observance of news pluralism in **Romania**. This it basically does by **monitoring and analysing the programming** of the different broadcasters acting under its authority **in mobile periods of two consecutive months**. The main indicators used are the **frequency** (number of times political agents take part in television) and **duration (speaking time** for these agents). In the case of TV news programmes, this monitoring is used to determine compliance with the three-thirds principle of political pluralism, consisting of one third of the total time allocated both to the government and opposition political parties dedicated to members of the opposition, another third dedicated to representatives of the central public authority and another third dedicated to representatives of the parliamentary majority.
- **Germany's** federal structure means that each federated state or *Land* is responsible for broadcasting in its territory. It is therefore difficult to define the specific methodology used by each of the regional regulatory bodies in the area of news pluralism. Notwithstanding this, the interstate treaties provide a legal basis for the national distribution of public and private television services, including rules on pluralism and diversity in private television.

With regard to the public service, the Broadcasting Council, made up of representatives from the main social groups in the country, is the body responsible for ensuring that programmes comply with the requirements established by law in the area of news pluralism. Control over programming standards in this area is carried out *a posteriori*, as broadcasters have their own systems to handle viewers' complaints. The German broadcasting

tradition **does not include any kind of regulatory quota for specific kinds of programmes or genres**, and trusts that **the representative system of governance and control ensures a range of programming that includes news pluralism**.

In turn, the private broadcasting service follows the same lines as the public service, although in this case **the granting of broadcasting licenses** by the assemblies of the different regulatory bodies can become a way to control news pluralism within the context of German private television. **Other mechanisms** to monitor news pluralism and promote diversity within the private television service system established in the interstate regulations are **based on audience ratings** and are:

- the obligation of generalist channels with higher audience ratings to offer local content;
- the limitation of audience ratings to 30% among all channels belonging to a single operator, 25% if the operator dominates other communication sectors (press, radio, etc.);
- the obligation of general or news channels with 10% or higher audience ratings to allocate at least 260 minutes per week to independent programme suppliers.

A **federal committee** responsible for **monitoring** media concentration in the television sector establishes the audience ratings for each channel and checks that applications for television broadcasting licenses comply with the rules regarding corporate concentration established by the interstate broadcasting treaty, perhaps with the implicit aim of ensuring news pluralism on German private television through the actions of the **programming councils**, which are obligatory for channels belonging to private broadcasters.

To end this summary, and by way of comparison, we should note that, in spite of the desire implicit in basic regulations in many states to encourage news pluralism in all its aspects, this is fundamentally monitored by regulatory bodies (except in Germany, where the political influence over the public broadcasting system has long been an area of debate) via the control of political pluralism, using records of speaking time as well as the presence, frequency and/or duration of political figures on television screens.