

STATUS AND INDEPENDENCE OF PUBLIC RADIO AND TELEVISION IN EUROPE AND IN SLOVAKIA

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Abstract: The article compares the term public corporation with legal norm as public institution is, that has been used in Slovak television Act in December, 1991 for the first time and is uncontrollably expanding from that time. Typical example of public corporation in conditions of public administration of Slovakia is especially Radio and Television of Slovakia, RTVS, that came into being by integration of Slovak radio and Slovak television in January 1st, 2011. The main aim of the article is an analysis of the status and independence from RTVS political subjects and its competitiveness in comparison to chosen European public radio and television corporations.

Keywords: corporation, independence, radio, television, public institution

1 Resources of the solved problems

The new term "public institution" (corporation) presenting one of the basic terms of public administration occurs in Slovak law system in 1990. Public institution and public corporation are understood as synonyms, while public corporation belongs to complex legal terms of the theory of administrative law of no consistent opinion at present and even in the past. Other forms, as public administration and self-government, came historically into being earlier than public corporation. Present juristic theory is prevailed by consistent opinion that public administration involves three structural parts:¹

1. State administration,
2. Self-government and
3. Public corporations.²

Out-of-line, public corporation is "the third and the newest form of government instrumentality". There are many theories regarding public administration and public corporations. The term public corporation is linked with its concern in public authority. Matějka (1929) and Hoetzel (1937) contributed to the explanation of the problem in literature in the time of the first Czechoslovak Republic. Present representatives of administrative law requests completing the following criteria for the public corporation constitution:

- Will of lawmaker,
- Reason for creation – by law or public administration initiative (not by private initiative),
- Activity character – providing public services (not just following the public purposes),
- Some public authority favors.

There is a present state lacking more radical constitutional and legal concept from which we could deduce definition determination of the terms as public sector, business sector or non-profit (third) sector within almost absent legal theory that would reflect stated facts. Based on the stated determination, it is obvious that exact determination of the limits between public sector, business sector and non-profit (third) sector is not quite possible because of two reasons:

1. It is impossible to include any authorities or organizations into one of the sectors definitely,
2. It is difficult to define whether it is public or private activity in terms of activity content.

Furthermore, there is a permanent activity of mutual overlap of particular sectors. There is e.g. direct business of public sector

subjects (e.g. Slovak Radio and Slovak Television until 2011, from January 1st, 2011 Radio and Television of Slovakia) on one hand and monopolization of some activities in the public interest (e.g. in the field of energetic etc.) on the other hand within the relation of public and business sector.

There is e.g. the change of public administration capacity to subjects of non-profit sector (e.g. in the field of fishery) and on the other hand, the ingerence of the subjects of non-profit law to creation of state authorities or public institutions authorities (e.g. creating the Council for Broadcasting and Retransmission, RVR) that is an administrative body performing state regulation in the area of radio and television broadcasting, retransmission and delivering audiovisual media services on demand within the relation of public and non-profit sector.³

In this regard to public corporation, organizational system of public administration can be constituted of not just state but also private institutions, thus not being the type of self-governmental corporations, marked as "non-governmental organizations" in foreign literature. Generally, they are public corporations instituted by law and financed partially by state resources and liable to state department in its activity. Typical example of public corporation in conditions of public administration of Slovak Republic is especially Radio and Television of Slovakia ("RTVS").

The main aim of the article is to analyze RTVS in comparison to chosen European public radio and television corporations where we aim first of all to:

- RTVS market position, where we compared its competitiveness with public radio and television corporations in chosen European countries,
- RTVS independence, where we compared its independence with radio and television corporations in Central and Eastern Europe as well as in Western Europe. We monitored the turnover of general managers in Slovak Radio (SRo) and Slovak Television (STV) in this relation.

We used the methodology of Hanretty (2011) based on general managers' turnovers in public radio and television that makes the image of their independence from government being in power in measuring independence rate. This methodology of the calculation of political independence of institution comes from the literature dealing with the independence of central banks. Cukierman (1992) and thereafter Cukierman and Webb (1995) developed two indicators of independence:

1. The rate of turnover of central banks governors – TOR;
2. Political vulnerability index – VUL.

Indicator TOR shows reversed value of average time serving the position of central bank governor in years and indicator VUL is a percentage when the government change brought up even the change within the position of central bank governor in six months. For the purpose of calculation of public radio and television independence we consider turnover of its general manager – in countries having dual management structure (control and executive) and in countries with one council (e.g. France, Bulgaria or Portugal) the turnover of public corporation president. In order to get standardized independence indicator and by reason of indication of lower independence rate by the values TOR and VUL, it is necessary to average them and the result should be deducted from a unit.⁴

Independence degree indicator (I) can be calculated as follows:

$$I = 1 - (TOR + VUL) / 2$$

³ www.rvr.sk

⁴ Hanretty, CH.: Public Broadcasting and Political Interference. Spojené kráľovstvo: Routledge, 2011. ISBN 978-0-415-66552-0.

¹ Prusák, J.: Obsoletná/absoletná právna norma, verejnoprávna korporácia a verejnoprávna inštitúcia. In Justičná revue, ročník 2006, č. 11.

² Public corporation term is positive-legal term in European law. In the most general sense, we understand the term corporation as an association of persons for the purpose of observation of particular aim in the form of how the association constitutes itself based on legal enactment. Corporations, unlike other association forms (communities), are of different legal personality from legal personality of those who established it by their association. Corporation as a legal subject is made by legal independence inwards in relation to their members and also outwards – in relation to other legal subjects.

Government changes data are sourced in Budge, Woldendorp and Keman (1998), Müller-Rommel, Fettelschoss and Harfst (2003) and later publications of European journal of political research. General managers' turnovers data are available on Internet web pages of public radios and televisions and also we can get them by searching the information in Lexis-Nexis system.

2 Status and independence of radio and television of slovakia in comparison to chosen european countries

Mass media is an important part of political, social and cultural life in Slovakia. Mass media carries its basic functions: informative, educational, cultural, entertaining or relaxation; through the oldest print media such as periodical press, auditory media – radio, audiovisual media – television and the youngest electronic media – Internet. We can say that media in Slovakia strongly influence the public opinion.

In Slovakia, new public institution has been made by integrating Slovak Radio and Slovak Television in January 1st, 2011 – Radio and Television of Slovakia, RTVS, which is public, national, independent, informative, cultural and educational institution; providing public services in the field of radio and television broadcasting. It was established on the ground of Slovak Radio and Television Act no. 532/2010, codes from December, 2010 and is made of two organizational elements – Slovak Television and Slovak Radio. New legal form should stop indebtedness of television and improve the broadcasting of both media.

The scheme of the broadcasting consists of news, publicist, documentary, dramatic, artistic, musical, sport, entertaining and educational programs, various genres for children and youth and other programs *“based on the principles of democracy and humanism and supports legal and ethical knowledge and environmental public responsibility”*. Programs should provide objective, authentic, actual, undistorted, clear and quite balanced and pluralistic information about the situation in Slovakia and abroad. They should also develop cultural identity of Slovak population, reflect the opinion pluralism and support the development of knowledge society.⁵

The main RTVS activity is the broadcasting of at least four radio program stations and two television program stations. According to RTVS statute from May, 2011, other activities are:

- Providing Slovak Radio and Slovak Television archive;
- Providing required broadcasting time for public authorities in case of emergency situations' notifications;
- Attending the activity of international organizations working in the field of broadcasting;
- Forming the network of permanent reporters and unique reporters in Slovakia and abroad.

2.1 Status of public radio and television

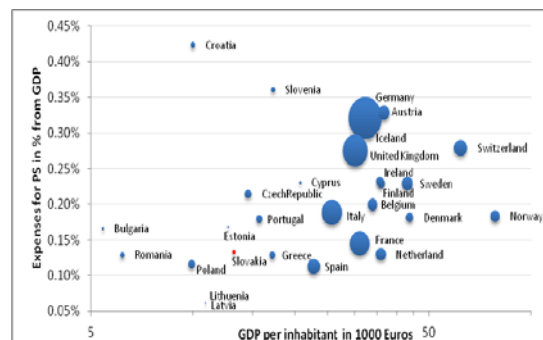
In Table 1, we can see the review of public radio and television corporations (PRTC) in chosen European countries that we commingle for each country for the purpose of analysis and as an example, in Belgium, two public radio and television corporations broadcast, separately for Flemish and Walloon part of the population or the case of Czech Republic where public radio is not merged with public television.

Table 1 The review of public radio and television corporations in Europe

Country	PRTC	Country	PRTC	Country	PRTC	Country	PRTC
Belgium	VRT, RTBF	France	FT	Latvia	LVRT	Slovakia	RTVS
Bulgaria	BNT, BNR	Greece	ERT	Germany	ARD, ZDF	Slovenia	RTV SLO
Cyprus	Cy/CBC	Netherland	NOS	Norway	NRK	United Kingdom	BBC
Czech R.	ČTV, ČRo	Croatia	HRT	Poland	TVP	Spain	RTVE
Denmark	DK	Ireland	RTE	Portugal	RTP	Switzerland	SRG SSR
Estonia	ERR	Iceland	RUV	Austria	ORF	Sweden	SR, SVT, UR
Finland	YLE	Lithuania	LRT	Romania	TVR	Italy	RAI

Source: self-processing

In Picture 1, we can see absolute (round surface) and relative (vertical axis) size of public radio and television corporations in above mentioned countries expressed by their expenses in € GDP indicator per one inhabitant (logarithmic measure) is showed on horizontal axis that presents economical progress of the country. Expenses data are drawn mainly from annual reports of monitored public radio and television corporations (per 2011), GDP data per inhabitant are drawn from Eurostat statistics (per 2012).



Picture 1 Characteristics of public radios and televisions in Europe

Source: self-processing based on Eurostat data and PRTC annual reports in Europe

In Picture 1, we can see that Western European countries such as Germany, Austria or United Kingdom, regarding their public radio and television size, have similar characteristics. German ones have mutual budget of 8,3 mld. € that makes 0,32% of GDP. English BBC belongs among other important public radio and television corporations with the budget of 4,8 mld. € that makes 0,28% of GDP of United Kingdom. Italian RAI is of lower relative amount – having the budget of almost 3 mld. € that makes 0,19% of GDP and in France – FTV with the budget of 2,9 mld. € making 0,28% of GDP, similarly as English BBC. Average relative amount of presented public radio and television corporations is 0,2% of GDP and total expenses in monitored countries is approximately 29 mld. €

We can see similar characteristics in Scandinavian countries, except of western countries. It is the same in Denmark, Sweden and Finland, just Norway differs a lot that is caused mainly by its economic progress. Norwegian NRK is close to the average of other countries' expenses as its total expenses of 345 mil. € makes 0,18% of GDP. Danish DK has the expenses of 469 mil. € making around 0,2% of GDP, Swedish SR, SVT and UR have the expenses of 890 mil. € making 0,23% of GDP and Finnish YLE spend 434 mil. € for its operations making approximately 0,23% of GDP.

Other interesting finding is the state of public televisions in the countries of former Yugoslavia where we monitored Croatia and Slovenia. Croatian HRT has the expenses of 0,42% of GDP making 188 mil. € and Slovenian RTVSLO spend 130 mil. € that makes 0,36% of GDP. This important amount in the countries of

⁵ www.rtvs.sk

former Yugoslavia can be caused by specific heritage after the conflicts took place there in 90s of the last century.

Reviewing the Baltic countries, we can see that characteristics of Lithuania and Latvia are almost identical. Public corporation of Lithuania – LRT spend 18,8 mil. € and Latvian LVRT 12,5 mil. € that is approximately 0,06% of their GDP. Estonia that is economically more matured, if compared with them, incur expenses for ERR of 27 mil. € that makes approximately 0,17% of its GDP.

Bulgaria and Romania, two economically the least developed countries being monitored, incur relatively low financing of the public radio and television. Bulgarian BNT and BNR spend 64 mil. € making 0,17% of GDP and Romanian TVR 170 mil. € i.e. 0,13% of GDP.

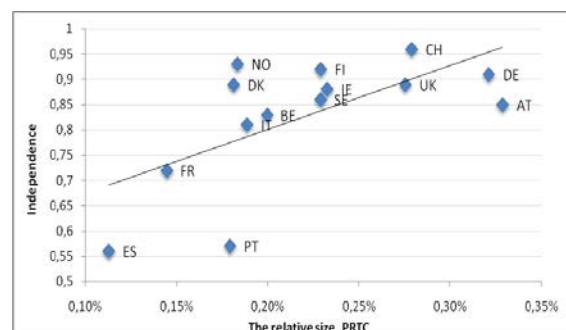
Slovakia (red circle in Picture 1) could be compared to Romania, Poland, Greece or Spain on the grounds of relative size of public radio and television corporations. Radio and Television of Slovakia incurs expenses of 92 mil. € making 0,13% GDP placing 22nd position between Bulgaria that incurs the expenses of 64 mil. € and Slovenia with the expenses of 130 mil. €. If we compare a bit more developed Czech Republic to Slovakia, concerning their mutual history (splitting in January 1st, 1993), the expenses of Czech Television and Czech Radio are 335 mil. € i.e. approximately 0,21% of GDP.

2.2 Independence of public radio and television

In this part, we will analyze the independence of public radio and television of other authority sources, in our case, it is political authority. More specifically, it is about the independence of democratic institutions – legal order, executive power and political parties. We understand the political independence as the level where the employees make their everyday decisions about the presentations and subfolders without:

- getting instructions and acting upon them, threatening or other forms of influence from politicians or not acting according to expectations of such influence,
- not having changed the presentation with regard to the fact whether it can damage politicians interests.

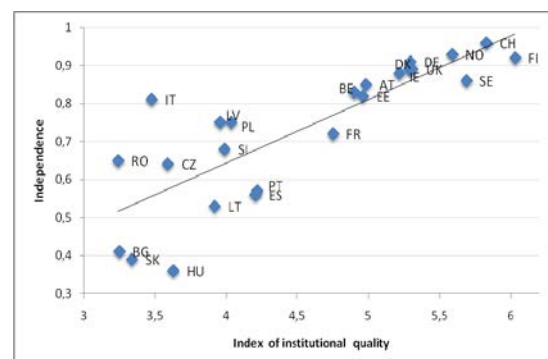
In data analysis, we did the research whether relative size of public radio and television (their expenses as % from GDP) has the influence on independence. We drew the conclusion that whereas there is a specific dependence between these two indicators in Western European countries, we cannot talk about such relation in post communistic countries of Central and Eastern Europe that is illustrated in Picture 2 where the relation between relative size of public radio and television and independence is not reflected as important. Pearson's coefficient of correlation is 0,39.



Picture 2 Dependence of PRTC size and its independence in Central and Eastern Europe

Source: self-processing based on Eurostat data, Hanretty (2011) and PRTC annual report

In connection to above presented, we were searching for indicator that would represent the state of independence of public radio and television in the country even better. Indicator measuring the quality of public institutions in the country seemed to be the best possibility for us. We can find this indicator in Global competitiveness index made by World economic forum. We used data from Yearbook of global competitiveness 2012/2013, specifically the part 1A of the index expressing the quality of public institutions based on various indicators such as trust in politicians, corruption, court independence, state regulations or transparency. This attitude's weakness is the fact that this indicator expresses public institutional quality per 2012, while independence indicator measures independence in a long-term. But as it has proved, the quality indicator of public institutions is the best indicator of public media independences.



Picture 3 Dependence of institutional quality of the country and PRTC political independence

Source: self-processing based on Eurostat data, Hanretty (2011) and PRTC annual report

Quality indicator of public institutions has the greatest influence on the independence of public radio and television corporations in Europe according to our analysis. Pearson's coefficient of correlation is 0,82. It is obvious that the higher quality of public institutions as one unit, the higher political independence of public radio and television within Western European countries, except of Italy, Spain and Portugal. Such dependence is not so important in the countries of Central and Eastern Europe that can be caused, as we mentioned above, by insufficient recalling competence of political independence indicator for these countries. But when we regard his findings as a real picture of independence state, then we can say that the independence of public radio and television in Slovakia, Hungary and Bulgaria is in this case under the line that would be expected in quality of public institutions in these countries. We take the similar view in Lithuania, Portugal and Estonia. On the other hand, public radio and television independence in Romania is above the line that would be expected within the quality of Romanian public institutions.

3 Concluding discussion

The history of state interventions in the area of audiovisual media creates the need of the control and monitoring that leads to establishing supervisory bodies. As public radio and television were under the control of European governments from its beginning, reaching its independence was much greater challenge. The public pressure against political interference began to spread in 80s of the last century and regulatory bodies ceased to be an extended hand of the state. But certain intervention rate was and still is legitimate on the behalf of providing free and equal access to information. Development of the regulation and media supervision reflects the trends and development of this market as well as the response to changing political scene in Central and Eastern Europe.

We drew the conclusions following RTVS analysis in comparison with chosen public radio and television institutions in Europe:

⁶ Hanretty, CH.: Public Broadcasting and Political Interference. Spojené královstvo: Routledge, 2011. ISBN 978-0-415-66552-0.

- All public stations in most monitored countries are merged in one institution having its executive and supervisory power.
- Monitored European countries deliver averagely 0,2% of GDP to their public stations; independently of country's economic power.
- Most of public televisions, that are EBU members, had lower market share in 2011 as in 2002. Slovak Television, which had a share decreased in 10 percentage points to approximately 15% market share, is among them.
- Most of public radios, that are EBU members, had lower number of listeners in 2011 as in 2007. Slovak Radio, which had a share decreased in 3 percentage points to approximately 30% market share, is among them.
- There is a soft dependency of relative size of the station and its political independence in Western European public stations. Such a dependence of Central and Eastern European PS is not confirmed.
- Environment and location of monitored public stations strongly affects their political independence – the influence of human development of particular countries and the quality of public institutions in these countries.
- Slovak Television has lower political independence as it would be expected on the basis of human development of Slovak Republic as well as the quality of public institutions in Slovak Republic.
- Great number of Slovak Television managers who had been changed from 1990 and the periods of their change equivalent to the periods of parliamentary elections show low political independence of STV.
- Small number of managers and period of their change of Slovak Radio indicated its higher political independence.
- Even though, RTVS passed over challenging period of reclassification in 2011, it succeeded to manage all appointed tasks by law.

Literature:

1. Cukierman, A.: Central Bank Strategy, Credibility and Independence, Theory and Evidence. MIT Press, Cambridge, 1992, s. 496.
2. Cukierman, A., Webb, S.: Political Influence on the Central Bank: International Evidence. The World Bank Economic Review, No. 3, September 1995, s. 397-423.
3. Česká televize: Výroční zpráva – O hospodaření České televize v roce 2011. 2012-08-29 [online]. [cit. 2013-02-07]. Dostupné na internete: <http://img7.ceskatelevize.cz/boss/image/contents/rada-ct/dokumenty/VZ_CT-2011-hospodareni.pdf>
4. Český rozhlas: Zpráva o hospodaření Českého rozhlasu za rok 2011. [online]. [cit. 2013-02-07]. Dostupné na internete: http://media.rozhlas.cz/_binary/02703704.pdf
5. Eurostat: Statistics. [online]. [cit. 2013-04-13]. Dostupné na internete: <<http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/themes>>
6. Hans Bredow Institute for Media Research/Interdisciplinary Centre for Law & ICT (ICRI), Katholieke Universiteit Leuven/Center for Media and Communication Studies (CMCS), Central European University/Cullen International/Perspective Associates (eds., 2011): INDIREG. Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive. Study conducted on behalf of the European Commission. Final Report. February 2011, s. 86 – 88.
7. Hanretty, CH.: *Public Broadcasting and Political Interference*. Spojené královstvo: Routledge, 2011. ISBN 978-0-415-66552-0.
8. Hoetzel, J.: *Československé právo správní – část všeobecná*. 2. vydání. Praha, 1937. 506 s.
9. Matějka, J.: *Pojetí veřejnoprávní korporace*. Praha, 1929. 112 s.
10. Prusák, J.: Obsoletná/absolutně právní norma, veřejnoprávní korporácia a veřejnoprávní inštitúcia. In *Justičná revue*, ročník 2006, č. 11.
11. Rada pre vysielanie a retransmisiiu. Úvod. [online]. [cit. 2013-04-17]. Dostupné na internete: <http://www.rvr.sk/sk/>
12. RTVS: Výročná správa Rozhlasu a televízie Slovenska za rok 2011. [online]. [cit. 2013-04-13]. Dostupné na internete: [http://www.rtvs.sk/Projects/RTVS/media.nsf/vw_ByID/ID_7265CD111A564673C1257A0E002B7858_SK/\\$File/VS_RTVS_2011_final_%2030042012_def.pdf](http://www.rtvs.sk/Projects/RTVS/media.nsf/vw_ByID/ID_7265CD111A564673C1257A0E002B7858_SK/$File/VS_RTVS_2011_final_%2030042012_def.pdf)
13. RTVS: Riaditelia Rozhlasu. [online]. [cit. 2012-08-30]. Dostupné na internete: <http://www.rtvs.sk/sk/o_rtvs/historia-riaditelia_rozhlasu>
14. RTVS: Štatút Rozhlasu a televízie Slovenska. Bratislava, máj 2011.
15. Zákon o Rozhlase a televízii Slovenska č. 532/2010 Z.z.

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