

## Critical book review

HARRISON, J.; WOODS, L. *European Broadcasting Law and Policy*.  
Cambridge: Cambridge University Press, 2007. 367 p.  
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### How EU media policy balances between the needs of citizen-viewers and firms' interests

Harrison and Woods approach the European Union's role in regulating broadcasting from a disciplinary background spanning legal and journalism studies. They claim that much discussion of this subject has been conducted in a rather abstract manner. Instead, their aim is to consider the practical implications of EU rules from the perspective of the viewer. They provide a detailed and up to date (as of 31<sup>st</sup> July 2006) examination of the complexities of EU law and their book is indeed far from being a dry and abstract legal textbook. Rather, they provide a lively and thoughtful critique of EU broadcasting law and policy. Their central argument is that EU broadcasting policy is premised upon an over-sanguine faith in markets, with viewers considered as consumers rather than as citizens. Rather than the viewing experience being at the centre of its policymaking, regulation and legislation, the EU has adopted an approach that has favoured the increasing commodification of broadcast content. From Harrison and Woods' perspective, the 'problems within the regulatory framework arise from a failure by policymakers to focus directly on the diversity of the viewing experience itself; to favour the active consumer and play down or ignore the particular difficulties experienced by both the active and passive citizen viewer' (p. 13-14). The EU's bias is to be explained by a combination of external factors, notably technological change and the general commercialisation of the broadcasting sector, and the internal problem of conflicting policies and competences within the Union itself. The EU's marked economic bias, to the neglect of the social and cultural policy aims of broadcasting, echoes a theme made by some political scientists who have written on the subject (Kleinstauber 1990; Wheeler 2004; Harcourt 2005 and 2007; Littoz-Monnet 2007).

The book is presented in two parts. Part I provides an overview of the development of EU broadcasting policy over the last thirty years. The Introduction identifies the main themes and introduces the author's central argument. The second

chapter examines theories about the value and function of the broadcast media and points to the importance of public service broadcasting for the public interest and public sphere. Chapter three looks at regulatory responses to the changing broadcasting environment, examining in detail the aforementioned external factors which help account for a deregulatory policy bias, namely technological change and the general trend towards the commercialisation of broadcasting. Chapter four considers the internal factor, namely the conflicting policies and competences within the EU itself. Chapter five provides an overview and analysis of the resulting EU broadcasting policies. Part I thus provides a clearly structured analytical backdrop for Part II, which explores in greater depth a number of specific policy issues. Chapter six looks at the EU's regulatory framework for infrastructure, the 'Communications Package', concentrating on the relationship between infrastructure regulation and content provision and highlighting concerns about sub-optimal viewer access to content. Chapter seven examines the issue of media ownership and the merger decisions relating to broadcasting of the European Commission and European Court of Justice, pointing to the inadequacy of the EU approach to increasing media concentration, which threatens media pluralism and diversity of content. Chapters eight to twelve consider the Television Without Frontiers (TWF) directive, exploring first its features of negative integration, namely the removal of national legal and regulatory barriers to the single European television market. In chapter eight, Harrison and Woods argue that the EU's adoption of the principle of regulation by the member state within which a broadcaster is established, the 'country of origin' principle, has allowed 'forum shopping' by broadcasting companies which encourages a deregulatory 'race to the bottom' to occur in terms of broadcasting regulatory standards in the Member States, as broadcasters have sought out the lightest regulatory regimes consistent with TWF's minimal positive regulatory requirements. Chapter nine looks at the EU regulatory regime's advertising provisions, identifying a number of weaknesses. Chapter ten examines negative content regulation, again high-

lighting some shortfalls. In chapter eleven the authors then assess the significance of the modest elements of positive integration provided for by the TWF directive, notably its provision for controversial European programme quotas. Chapter twelve looks at the privatisation of sport and the EU's listed events provision. The authors question the effectiveness of such limited measures of positive regulation in the wider context of trade liberalisation and commercialisation that TWF has helped create. Chapter thirteen is devoted to exploring the topical hot issue of the potentially negative impact of EU state aid rules on the Member States' ability to continue generously to support public service broadcasting. The final chapter pulls together the authors' conclusions and, together with a short appendix, also considers the review of the TWF directive, which was on-going at the time of writing and has since led to the Audiovisual Media Services Directive, adapting the rules to 'non-linear', 'on-demand' services.

The book makes a very valuable contribution to scholarship. It approaches the subject through a clear and practical analytical framework, focusing on the needs of citizen-viewers. It provides a wealth of up-to-date empirical detail and critical insight. It deserves a wide readership among academics and students in legal studies, political science, communications studies and European studies. It should also certainly be read by policymakers and lawyers involved with broadcasting law and regulation.

## References

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