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Public Service Media Online?

Regulating Public Broadcasters' Internet Services—A Comparative Analysis

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Facing a digital media system, European public service broadcasters have encountered increasing scrutiny from both competitors and regulators. As these institutions have ventured onto media platforms very unlike traditional broadcast radio and television, discussions about the scope of their activities have flourished. The case of the internet clearly illustrates the emerging challenges. How have public service broadcasters approached the internet? How do regulatory frameworks relate to the wider remits? Is it public service media online? This article presents a comparative study of three Western European mainly publicly funded broadcasters' activities on the internet, their arguments in support of them, the role of competitors, and actual regulatory frameworks they relate to. It scrutinizes how different forms of regulations affect the developments. Based on the findings, the article outlines remaining problematic issues for national regulation of public broadcasters' online services and suggests how researches might get a better grasp of public service media online.

Keywords: *public service broadcasting; internet; media regulation; public broadcasters; comparative analysis*

One of the most tenacious media policy discussions in Western Europe has concerned the concept of public service broadcasting. Recently, improved technologies, marketization, and re-regulation have brought a certain aspect to the forefront of the discussion: the broadcasters' scope of activity.

Public service broadcasting was originally conceived to universally distribute information, facilitate public debate, and help build a common identity in modernizing nation states. This is not the first time institutions entrusted with these tasks have expanded their activities, nor the first time these expansions have caused controversy. But facing a digital media system, the problematic issues get more explicit. Public service broadcasters are increasingly venturing onto media platforms very unlike traditional broadcast radio and television. The case of the internet clearly illustrates the challenges that follow. How have broadcasting institutions approached the internet? How do regulatory frameworks relate to the wider remits? Is it public service media online?

This article presents a comparative study of three Western European publicly funded public service broadcasters' activities on the web, their arguments in support

of them, the role of competing interests, and the actual regulatory frameworks to which they relate. I am interested in how different forms of regulations affect the developments.

The cases are Germany's Arbeidsgemeinshaft der öffentlich-rechlichen Rundfunkanstalten der Bundesrepublik Deutschland (ARD), the British Broadcasting Corporation (BBC) in the United Kingdom, and the Norwegian Norsk Rikskringkasting (NRK). The analysis recognizes that public service broadcasting should be studied as historically specific practices. I have limited ambitions for generalizations; rather, the prime interest is in gaining an understanding of the individual cases and comparing the specific historical processes they face. This may inform a broader discussion of the public service value of online communication and the possible functions of public broadcasters in a digital era.

The analysis is set out as a comparison in national contexts based on the observation that public broadcasters and media policy still primarily relate to national frameworks. Importantly, this should not prevent us from discovering alternative developments. For instance, supranational actors such as the European Union play an increasingly vital part in European media governance—also for the future of public broadcasting institutions (cf. Ward 2003; Jakubowicz 2004). When I here concentrate on comparing in nationals contexts, the basic rationale is the assumption that actual services, public debates, roles of competing actors, and regulatory regimes still significantly vary among different nations and that contrasting them can yield interesting findings and help further understanding of the issue.

My approach should not be seen as implying a subordinate role for broadcast radio and television in a digital media system. On the contrary, broadcasting is likely to remain central to our everyday lives and thus central to public service remits. Also, examining publicly funded broadcasters as institutions does not mean seeing them as isolated from the remaining media systems or as the only representatives of public service broadcasting, clearly opposed to commercial versions. Rather, the institutions are interesting cases because of their particular historical status, their funding, and—as will become clear—their proactive approaches.

First, the article briefly outlines the framework of the comparative design. Second, I examine the development of the three broadcasters' activities on the internet, the arguments behind these developments, the role of competitors, and the regulatory frameworks to which they relate. Next, I discuss similarities and differences, seeking to understand them by reference to each national context. In closing, I outline some of the challenges ahead for national regulation of public broadcasters' online services and suggest how we might get a better grasp of public service media online.

The Comparative Design

In deciding on the dimensions around which the analysis will be concentrated, I have taken recent categorizations of connections between political systems and the media as a starting point (Vowe 1999; Hallin and Mancini 2004). Such models necessarily operate on a very general level, and simply choosing one institution from each category is not satisfactory. The dimensions need to be more specifically defined. First, it is relevant how publicly funded broadcasting is organized, including its formal basis and the range of activities. Second, characteristics of—and the public broadcasters' position in—national media systems are of importance. A third vital dimension describes relations between forms of regulations and overall political systems. On this basis, the NRK, the BBC, and the ARD were chosen as cases.

The NRK is a limited company "authorised to pursue broadcasting activities" (Royal Norwegian Ministry of Cultural Affairs 2000, §2-1). The NRK's main services comprise two television channels and three radio channels. The Norwegian television market—made up of the country's population of 4 million—has two main actors: the NRK (44% market share in 2005) and the commercial public service broadcaster TV2 (30% market share). The NRK dominates the radio market, with a total share of around 60% (MedieNorge 2005).

The BBC grounds its operation of four main television channels, four main radio channels, and a plethora of additional services—commercial and noncommercial—in a charter with the state. The institution served as a model for the establishment of public broadcasting institutions in several European countries, Norway and, partly, Germany included. The BBC, advertising-funded ITV, and Channel 4 (and S4C in Wales) make up a so-called public service broadcasting system. In addition, private actors such as Murdoch's BSkyB play a significant role in the British market. In contrast to the NRK's situation, the market includes viewers in England, Scotland, Wales, and Northern Ireland, together a population of around 60 million. Here, the BBC's television channels kept a share of approximately 36% in 2005. In radio, the corresponding number was 54% (BBC Governors 2005).

After World War II, broadcasting policy in West Germany was delegated to the different states (*Länder)*. Today, the states form nine different public broadcasters, offering regional radio and television channels. Together, they constitute the ARD, with a remit grounded in the Constitutional Court's interpretation of the constitution of 1949. The ARD provides radio channels, one nationwide television channel (*Das Erste*), and some auxiliary television channels. In contrast to the two other cases, the ARD offers a limited amount of advertising on its core channels. The German television market—totalling more than 80 million viewers—is often described as the most advanced in Europe. The ARD and its member organizations are complemented by a second public broadcaster, the ZDF, operating a national television channel.[1] Key private actors include the RTL group and ProSiebenSat1. In 2005, the ARD's total market share was short of 30% in television and 55% in radio (ARD 2005).

The three cases significantly vary with respect to the dimensions selected for the analysis: their organizational forms are distinct, and although they all maintain a strong market position, the markets considerably differ. Norway, the United Kingdom, and Germany also represent divergent forms of regulating of public broadcasting. Choosing cases from one small and two larger markets and different language areas adds an interesting aspect to the analysis, both in regard to the broadcasters' actual financial and regulatory frameworks and in regard to the arguments and assessments behind them.

Examining the internet services of these institutions—even when concentrating on issues of regulation—is of course a challenging task. The present analysis is based on an outline of the historical development of their web activities—audiovisual and text-based services—up until 2006. Scrutinizing this period, which includes the start-up phases, is vital if we want to understand the challenges ahead. I focus on issues relevant for a discussion of the status of public service. Parallel to this, I study the arguments backing the activity and the relation to each corresponding national context. The arguments are derived from guidelines, strategy documents, letters to the editor, and news articles. As such, they express the official attitude of the institutions and their managements. In addition to mapping similarities and differences, my interest is in testing the applicability of the chosen dimensions in gaining an understanding of the findings.

The NRK: Ambitious Approach and Obscured Regulations

In 1995, the NRK management signalled that they were considering how to best utilize the internet (NRK 1995, 32). Already later the same year, incipient web projects were introduced in connection with a television entertainment show (*Rondo*) and a radio program about new media (*Radionettet*). The instigators were individual members from each program's production team, some of whom were later commissioned to write the NRK's first report about the internet. The report described the new platform as an arena for audience contact but also as an embryo for a new interactive medium. Thus, it stated, the NRK should not think of itself as a broadcaster of radio and television but rather as a content provider for all platforms that served the users' needs (Sommerseth 1999, 40; NRK 1997, 35). The project group working on the emerging services was called NRK Interaktiv, a name kept for the permanent internet department, established in the autumn of 1997.

In the years that followed, several project-based services were introduced. The strategy was to be "present . . . without spending too much money" (then-leader of NRK's web division, Are Nundal, quoted in Moe 2003, 114).[2] The web site nrk.no finally got an integrated redesign by the end of the millennium (Rasmussen 2002, 137). Gradually, its scope grew. In addition to comprehensive news and magazine services, the site targeted several groups: in 2006, there were, for instance, a youth and a children's site, a service for unsigned bands to present their music, an extensive food

site, a web store, and several discussion forums. The NRK also offered more than 10 web radio channels and wide-ranging web television content for free. Advertising banners were displayed throughout, including the front page and news sections.

The corporation has argued for the public service value of its online activities ever since the beginning. In 1995, it claimed that the internet could contribute to a renewal of the public service remit by making Norwegian cultural traditions easily accessible. A proactive approach from the NRK could also minimize what became known as the digital divide. Thus, the strategy would be in line with the institution's enlightenment ideals (Sommerseth 1999, 38). Furthermore, the potential for two-way communication provided audiences with "a unique possibility for participation in the public sphere" (NRK 1997, 35)[2].

In 1998, a memo warned against combining advertising and licence fee–funded public service on the web. A proposed alternative was to make two separate sites (Rasmussen 2002, 139). The end result, however, was one site with combined funding. According to Nundal, the internet was well suited for public service because of the difficulties with charging money for content and because one potentially reached large groups of the population (Sommerseth 1999, 90; also Moe 2003, 121). In 2002, Electronic Frontier Norway—a civil liberties organization promoting freedom of expression—questioned the NRK's use of proprietary standards for distribution of web radio. In reply, Nundal referred to the Norwegian Media Authority and established that the NRK was not legally obligated to public service on the internet. But, he went on, the corporation "wishes to carry on the public service broadcasting remit online" (Nundal 2002).[3]

However, it is not entirely clear what this remit comprises online. The NRK does not offer any detailed or systematic descriptions of it. According to nrk.no, the web site offers scope and depth in informational content, but also entertainment and consumer advice. It should be a reliable news service, covering the regions and providing background material of all sorts. This mirrors the NRK's idea of its remit, expressed in its overall strategy as "something for everyone. Always" (NRK 2004). Such statements do not bring us any nearer a concrete understanding of what public service media online could be.

Even though uses differ and definitions are unclear, public service values are central when the NRK states the reasons for its activities on the internet. Together with references to economic advantages following digitalization and convergence and a role in turning Norway into an information society, the public service argument constitutes the defense of a very expansive strategy (cf. Sommerseth 1999; Bernander 2004, 2005).[4] On the other hand, the formal status of the activities remains unclear.

The Broadcasting Act says nothing explicit about which of the corporation's activities are public services, but it grants the NRK a right to undertake "activities related to" public service broadcasting (Ministry of Cultural Affairs 2000, §6-1). It is not clear whether these should be regarded as within the remit or as activities that fall

outside. Still, the law excludes the teletext services from what it calls "the NRK's public service channels" (Ministry of Cultural Affairs 2000, §6-4). This can be understood as limiting the public service status to the radio and television channels. The NRK does not share this understanding. In the organization's view, the law merely states that providing the teletext service follows from its public service remit. The term *public service channels*, then, should not be confused with the wider remit, which also comprises the internet activities (Wiersholm, Mellbye, and Bech 2003, 3).

In the spring of 2004, the Ministry of Cultural and Church Affairs (MCCA) maintained this view. It described the internet services as an important part of the informational aspect of public service broadcasting, even though this, admittedly, was not explicitly stated in any regulations (MCCA 2004a, 13). New statutes presented later the same year were expected to clear up the issue. They stated that the corporation should offer public service broadcasting on radio, television, "and remaining media platforms" (MCCA 2004b, §3-1). The following paragraph defined the NRK's public service broadcasting activities as, first, the core activities of two television and three radio channels and, second, "other editorial activities including teletext services, the internet and other media platforms suitable for communication of editorial content" (MCCA 2004b, §3-2).

Still, ambiguities remained. First, what is "suitable for communication of editorial content"? Neither in the document nor anywhere else is this specified. The formulation's open character presents the NRK with flexibility facing future possibilities. Second, the statutes appear to include the corporation's complete editorial content on teletext and the internet as public service. As I will show, this would entail comparatively generous leeway. The statutes' wording added to the confusion rather than settling the issue.[5] In sum, the regulatory basis for the NRK's online activities stands out as generous but obscured.

The two largest commercial competitors, TV2 and TVNorge, have both protested against the fact that the NRK's web activity—built by licence fee money—now serves as an outlet for advertising sales (Moe 2003). TVNorge claimed the result was a €750,000 loss of income. In a similar way, TV2 warned against a liberalization of NRK regulations in the late 1990s, predicting extensive consequences not only for audiovisual media actors but also for bordering businesses. The teletext and internet services were singled out; they should be free of advertising and fulfil the requirements of public service broadcasting. In their view, the challenge was not how the NRK could face increasing competition but how to protect commercial actors against the publicly funded broadcaster's unwarranted advantages. The internet activities are but one part of what commercial competitors see as an unjustifiable expansion beyond the core remit.

Apart from some isolated initiatives, the issue has not sparked any substantial debate in Norway, neither in the media nor among political actors. The same can be said for the more fundamental discussion about the status of the NRK's web services. This is especially remarkable since they do not fulfil the requirement of the

core public service broadcasting value of universality: it should be available for all citizens and not exclude based on geography, costs, or competence. Debates about the future of the NRK have been full of objections to licence fee–funded services not available for the whole population. The discussion about the NRK's second television channel is a prime example. Also, in developing its strategy for digital television distribution, advantages for better national coverage have been central for the public broadcaster (Moe 2003). The striking lack of attention to clarifying the status of the internet services strengthens the impression that the NRK got generous margins.

BBC: Wide-Ranging Service with a Clarified Status

The BBC's very first online experiments originated from either "hobby producers" or the short-lived Multimedia Centre. From 1994, several more or less temporary web sites and projects emerged. A somewhat bigger initiative was BBC Networking Club—in practice one of the first UK internet service providers—which also offered a discussion forum. The idea was "to lead people by the hand to the (then) alien and intimidating internet" (Naylor, Driver, and Cornford 2000, 140). But as the project was not defined within the existing charter, it was terminated in 1996.

In parallel to these "grassroots activities," the management caught on, seemingly quicker than the case had been with the NRK. Fearing that the new charter—in operation from 1996—would provide minimal space for licence fee–funded experiments, the management planned a commercial web site. In 1994, a group was appointed with the task. The result was the BBC's first major online project, a partnership with ICL–Fujitsu to create beeb.com as a commercially funded site under the subsidiary BBC Worldwide.

This did not, importantly, entail an end to all future plans for licence fee–funded activities online; the agreement with ICL–Fujitsu about what content beeb.com should offer was fairly open ended. As a last-minute decision, news and sports properties were retained for noncommercial services, thus bringing internal conflicts to the surface (Bracken and Balfour 2004). After two years, beeb.com was terminated; it was re-launched in 2000, but it closed down again in 2002. Instead, BBC Worldwide offered several commercially funded web sites, among them BBC Shop (selling books, CDs, etc.), RadioTimes (an online guide to television), and beeb.net (internet access provision).

The internet was dubbed the BBC's third medium already in the second half of the 1990s (Naylor, Driver, and Cornford 2000). Then–Director General John Birt expressed ambitions for an online service as part of a strategy for the digital era. "Birt's instinct had been to deploy digital for polar ends: on the one hand commercial expansion, and on the other pure public service purposes" (Born 2004, 486). There are three main arguments behind this twofold strategy. The first argument relies on the economic potential of new media services: profits from the commercial

activities would be fed back into new and better public service radio and television. According to the BBC, it has a public service obligation to become a global multimedia enterprise (Steemers 2001a, 126). Second, the BBC argues for its role in leading the way for the whole of Britain toward the so-called information society. The BBC shall be a "Noah's Ark in the digital world" (Director General Mark Thompson quoted in Deans 2004). Third, the corporation maintains that "the development of online has extended the quality, range and depth of the BBC's service to the public" (BBC 2003, 4). This last point applies specifically to BBC Online, later to be renamed bbc.co.uk.

Conceived as the result of ambitions for "an online public service" (Graf 2004, 18), bbc.co.uk was introduced in 1997 as a one-year pilot and was established as a permanent service the following year. From 1998 to 2006, the site expanded into a wide-ranging portal, hosting a long line of innovative services: Video Nation ("your views and experiences on camera and online"), GCSE Bitesize (students revision support), CBeebies (games and learning material for children younger than six and a message board for parents), and extensive television and radio content. The more traditional services were also nurtured. Its news service has commonly been described as among the best and most comprehensive available. The web site has been by far the most visited in the United Kingdom. Apart from the absence of advertising, it stands out as a very expansive version of nrk.no.[6]

Interestingly, the permanent permission granted by the government in 1998 gave explicit consent to bbc.co.uk as a licence fee–funded core public service (cf. Graf 2004, 87). The Royal Charter in force until 2007 stated that one of the objects of the BBC was "to provide, as public services, other services whether or not broadcasting or programme supply services" (Department of National Heritage 1996, Article 3b). In 2001, the Department for Culture, Media and Sports (DCMS) published guidelines for assessment of potential new public service proposals from the corporation. Referring to the article quoted above, they commented, "This covers, for instance, the BBC's licence fee-funded online services" (DCMS 2001, 1.2). The green paper on the charter review in 2006 bluntly called the new media services "a third arm of the Corporation's public service broadcasting" (DCMS 2005, 96). The clarified status of the online activities separates the BBC from the NRK. However, it has not spared the institution from harsh criticism.

Some maintained that the licence fee should fund traditional broadcasting rather than being spent on expensive services not even available for the whole population (cf. Rasmussen 2002, 149). Lobbyists, such as the British Internet Publishers' Alliance, have forcefully argued for a stricter restriction of the BBC's field of activity. Furthermore, the question of advertising has been controversial. In 2000, then–Director General Greg Dyke aired the idea of allowing advertisements on bbc.co.uk. He received immediate protests from competitors, the advertising business, and commentators alike. Steve Barnett (2000), for one, called it a "thoroughly lousy idea . . . because we ought to be interested in keeping a little cultural haven across all electronic media which is not steeped in the language of salesmanship."

Representatives of competing web actors also brought attention to the far-reaching practice of linking licence fee–funded sites to the commercial beeb.com (Steemers 2001a, 130). The question was what the BBC's actions meant for smaller actors. Its dominant position and comprehensive service threatened to expel existing commercial operators and deter new entrants, thus distorting the competition (cf. Collins 2002, 11; also see DCMS 1999). In 2004, the Graf report, the result of a government-commissioned review of bbc.co.uk, held that the market impact from the corporation's activities may have some negative results, but overall it was not deemed alarming (Graf 2004, 41–58).

Yet, as Cave, Collins, and Crowther (2004, 262) emphasize, under the consent for bbc.co.uk from 1998, the corporation has introduced various activities not considered at the time of the original approval. Examples are a web search engine, interactive games and news services, logos, and ring tones for mobile phones. News to mobile services even began as a commercial venture, only to later be introduced as a public service without any public debate.

The inclusion of some of these services within the remit is quite exceptional in a historical perspective. First, along with the online services in general, they challenge the core public service broadcasting value of universality. Second, they can also be said to severely test the elasticity of other key values. How, for instance, do interactive games or ring tones for mobile phones contribute to fulfilling the remit? As some critics saw it, pointing to continued internal differences, "Reithian principles are usually used as post-launch justification for what are sometimes truly public value services, but are just as often hard to justify, departmental pet projects" (Bracken and Balfour 2004, 99).

In relation to the 2006 charter revision, further plans were made for a concrete public value test for each new service prior to its approval (BBC 2004, 15). And, as a direct response to the Graf report's criticism along these lines, the BBC also made some minor changes to the publicly funded web services. Most noticeable was the shut down of five sub-sites as the remit was being "more closely aligned to public purposes and/or programme-related content" (DCMS 2005, 97). I will shortly return to another attempt to demarcate the services by their closeness to programs on traditional platforms. What seems clear already at this point is that the BBC's tightening up thus far has been quite modest.

ARD: Moderate Scope under Strict Regime

While Das Erste provides television programs from the regional broadcasters, ard.de has served as an umbrella for the different members' web sites. It was the individual members who first explored the internet. Westdeutcher Rundfunk (WDR), for example, celebrated ten years online in 2005. The original site was nothing more than a poster with no links. Also here, small groups of technically qualified colleagues were the first

to seize the new opportunities. When these groups gradually got organized as more for-mal departments, the managements looked abroad for inspiration—first and foremost to the BBC (cf. WDR 2005)

The ARD launched its own web site in 1996, focusing on news provision. In the fol-lowing years, ambitions were raised to the point where the organization came to think of the internet as a "third program pillar," as a "stand-alone main activity" of public service broadcasting (Degenhart 2001, 17–18; also see Ewald, Gscheidle, and Schröter 1998). In addition, the possibilities of getting into the business of internet service providers, and even e-commerce, were discussed. At the same time, the sister organi-zation, ZDF, was considering what had to be done to make the online services an autonomous part of the public broadcasters' scope of activities (Jarass 1997, 40).

In 2006, ard.de included sections for news, sports, culture, and economy. In addi-tion, each of the television channels the ARD is involved in had their own sub-sites, and so had every member institution. The fact that the organization's decentralized structure is reflected in the web services was stressed as a great advantage (Ewald, Gscheidle, and Schröter 1998). Yet the scope of the services was clearly more mod-est than that of for example bbc.co.uk: each section was strictly organised around the television programs shown on the corresponding channel. There was neither an equivalent to Video Nation, nor to the extensive use of discussion forums evident on nrk.no. There were no adverts, and in contrast to the BBC there was no big com-mercial arm providing separate services.

Strategic documents mirror the actual content. The internet were now described as "a complement" to radio and television, "which refer back to the contents of pro-grammes" (ARD 2006, 11). Online services, stated the member organization of Berlin and Brandenburg (RBB 2005, 40), "are understood as additional information accompanying the RBB's radio and television programs." In March 2004, the ARD adopted detailed guidelines for its internet services. They maintained that the activ-ities should serve the fulfilment of the public service broadcasting remit, plus pro-vide additional information about, and connect, radio and television programs (in ARD 2004, 386). The guidelines further restricted the use of external links, discus-sion forums and e-commerce.

This clearly contrasts with documents from the turn of the millennium, which, when arguing for the internet as a "third pillar," focused more explicitly on the emer-gent digital world and technological revolution. In 1998, for example, the member institution Südwestrundfunk (SWR) referred to the web site of youth program *DasDing* as "from its inception defined as an independent, equal part of the program" (Ewald, Gscheidle, and Schröter 1998, 513). Eight years later, the wording is markedly more moderate. SWR's internet services—including DasDing.de—are described as merely complementing (SWR 2005, 15).

As the two other cases, ARD (2002, 2004; WDR 2005) has argued that their remit is dynamic when stating the reason for their presence online: if large parts of the population prefer the internet to traditional broadcasting, the public institutions must

follow. For the ARD, the internet does not principally describe new content, but is rather another step in an ongoing development. "The public broadcasting institutions must take part in all these steps in order to maintain their function as a medium, and a factor for public opinion formation" (ARD 2005, 5). Also other core values can benefit from the internet services: the ARD has underlined possibilities for catering to differentiated tastes through online experiments. In addition, given the immense volume of information available, the public broadcasters could serve as guides for the citizens—guides characterized by quality and credibility. And; "online makes interactivity possible, and thus presents a platform for societal discourse" (ARD 2002, 3).

To a certain extent, the same arguments, referring to the same values, are mobilized by the ARD, the NRK and the BBC. Yet, the German case stands out: First, there is a more modest or careful tone in their arguments. The ARD refers to uncontroversial parts of the public service remit, and constantly repeats the subordinate role of the internet to broadcasting. Second, arguments building on the economic potential of digitalization are lacking. Both the two other cases use the outlook for savings more actively. Third, the ARD does not stress its function as a motor for development of an information society in arguing for its internet services—even though such arguments have been employed for digital strategies more generally (e.g., Ziemer 2005). To understand why, we need to look at the national regulation. The ARD's internet activities are primarily regulated by the treaty between the states (ARD-Staatsvertrag 2006). Attention was raised in 1997, following a co-operation between the ZDF and Microsoft (Jarass 1997; Degenhart 2001, 15). What should be the limits for the public broadcasters' activities?

In 1991, a Federal Constitutional Court (*Bundesverfassungsgericht)* decision stated that the public broadcasting institutions could publish printed matter—typically TV-guides—as part of their so called "development guarantee." Publishing should not be an aim in itself, but a means, an activity in the periphery, merely supporting the execution of the public service broadcasting remit (Budesverfassungsgericht 1991). The decision was now related to the issue of internet services, leading to the inclusion of "mainly program related content" as restricting the scope of the internet activities in the treaty of 2000 (Degenhart 2001, 16). In addition, advertising and sponsoring was prohibited.

As of 2003, the passage in question read "program accompanying services . . . with program related content" (ARD-Staatsvertrag, § 4(3)). Thus, the regulatory hold was tightened further. Moreover, the amount of licence fee money that the ARD is allowed to spend on the internet is limited. From 1998 to 2001, the organization could use €13 million yearly. From 2004, the ARD committed itself to spend no more than 0,75 % of total costs on the internet (ARD 2004). In comparison, the BBC spent almost €23 million on its news web site alone in 2004 (Graf 2004, 19). The impression of a regulatory framework that restrains the ARD corresponds well with the organization's argumentation and actual services.

The restrictions have also been significant for the attitude of commercial competitors. The Association of Commercial Television in Europe (ACT) thought the German solution allowed for the establishment of new market actors to a larger extent than the British (ACT 2004, 23). On the other hand, the lobbyist for the national competitors—VPRT—has been very active. It claims that publicly funded institutions must be restricted to deliver a so-called basic service (*Grundversorgung*). Already in 1997, VPRT protested against including internet activities in the *Grundversorgung*. The following year, it warned that the ARD was using digitalization as an excuse to expand into new sectors (Brockmeyer and Eichholz 1999, 138, 180). To stop this uncontrolled growth, a more clearly defined remit was needed. In addition, the licence fee should be lowered (VPRT 1999). Otherwise, the balance between private and public actors would be displaced, since the latter could "advance into commercial markets, buy excessively priced sports rights, enter into mobile communication, further develop their internet portals, and start new subsidiaries" (VPRT 2005, 1). Thus, even the ARD faced protests, despite being subject to a stricter, and relatively clarified, national regulatory regime.

Discussion: Understanding Similarities and Differences

Studying the approaches of three public broadcasters disclose both striking similarities and some interesting divergences: representatives from all three cases maintain that their respective public service remit is dynamic, and that transferring it onto the internet is not only possible, but necessary. The institutions also face parallel opposition from national commercial actors. As such, they meet and respond to common challenges, despite operating in substantially different markets and political contexts.

While also the cases' actual internet activities started out resembling each other, in 2006 there were considerable discrepancies in what they offered and how. This can be related to differences in national political climates: the NRK has in some sense been given a free hand. Its combination of advertising, licence fee-funding and an obscured legal status of the internet content is exceptional, and has made the basis for an ambitious strategy. The BBC has a similar strategy, but a much more clarified regulatory status: a wide-ranging line of activities are accepted as publicly funded public services. Combined with the corporation's strong market position, both nationally and internationally, this means that the BBC's web service is by far the most developed and comprehensive. There are evident differences compared to the ARD: a telling example is the impact of arguments for the internet as a third independent part of the public service broadcasting remit. As I have shown, the visions were quickly put to rest in Germany. In the UK, on the other hand, the authorities ended up incorporating them into their own argument.

The ARD's self-regulation is another interesting factor. In addition to providing severe economic restrictions, the internal guidelines also specified accepted services

(ARD 2004, 386). The actors seemed to prefer this form of regulations to a more detailed *ARD-Staatsvertrag* or further Constitutional Court decisions (Ridder 2002; Rüter 2002, 145). The guidelines were, admittedly, helpful in specifying formerly quite unclear boundaries. Yet, for the commission that sets the level of the licence fee, the aim was still hard to reach: it strived for objective indicators to assess the service by (Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten 2003, 20). The BBC also had comprehensive internal guidelines for the internet services. However, in contrast to the ARD's, these were mainly about journalistic values and routines, and barely referred to the actual online task (BBC 2005). The ARD is subject to the strictest regime, and consequently provides the most limited web services. Of the three broadcasters, it is the one whose arguments have had the least resonance in the national regulatory framework.

A long tradition of political neutrality in broadcast regulation is typical for liberal political systems, such as the British. The BBC's regulatory model can be described as professional: it sets out to insulate the public broadcaster from political control by letting professionals run it (Hallin and Mancini 2004, 31). The BBC's strong and independent position is rooted in a common political ground. This also affects the possibilities for expansion. Both Conservative and Labour governments have encouraged the BBC's endeavours to become a global multimedia enterprise. This privilege has also contributed to the tentative transferring of a broad public service remit to the internet.

One telling illustration is the liberal interpretation of services included under the consent in 1998. In addition, the British political system provides the government with few institutional checks to pass new legislation or direct policy-making tasks (Galperin 2004, 252). This might help explain the comparatively quickly settled regulatory status of the BBC's web services. On the other hand, the institution's independent position and the professional regulatory model entail an extraordinary ongoing audit and review process, also encompassing the status of internet services. This clearly separates the UK from Norway.

For the NRK, the starting point is a relatively broad political consensus to keep the institution a strong, mainly non-commercial broadcaster. On the other hand, the same politicians approve of an expansive strategy facing new media platforms—including approval of advertising online. This combination might seem contradictory. However, the leeway given to the corporation can be explained with a tendency toward a professional regulatory model, combined with a strong emphasis on state ownership in Norwegian broadcasting policy: in such a small market and language area, there is traditionally a greater acceptance for State subsidy of a strong national actor, since the market is considered too small for purely commercial initiatives.

This argument has been vital for the Norwegian policy on digital television distribution (Moe 2003), and seems to be relevant also for the present issue. The two other national authorities offered formulations set to restrict the scope of online services: the liberal and tentative British wording was "closely aligned to public purposes and/or

programme-related content," while the German firmly demanded "program accompanying services . . . with program related content." The NRK was not subject to any comparable formulation.

Furthermore, in contrast to the British system, separation of powers and minority representation in parliament is central to the Norwegian political system. For organized interests, that means relatively easier access to policy procedures (Galperin 2004, 255). To some degree, this might explain the slow and unclear regulatory process. On another level, as noted, the NRK's approach resembles that of the BBC both in terms of arguments and actual services. This is interesting, given that the national market is under one-tenth of the British.

German media policy generally provides comparably greater liberties for private ownership (Hallin and Mancini 2004, 71). The balance between public and private actors has been less biased toward the former than for instance in Norway. Specific regulation of public broadcasting is typically described as following a "civic" model (Hallin and Mancini 2004, 31): authority is divided beyond the political party system to different social or political groups. The delegated structure of the broadcast system also means that each regional organization deals with different political conditions. On the present issue, the ARD has had to do without the strong support from its national government enjoyed by the other two cases.

Its decentralized organization secures the ARD access to a unique range of material—also for online services. Yet, the form of regulations safeguards the borders of the public service remit: the activities remain well clear of them. On television, the ARD has, apart from a minimal amount of traditional advertising, been more restricted in terms of commercial expansion than their sister organizations in other Western European countries (Steemers 2001b, 78). The organization's auxiliary television channels have all concentrated on areas safely within the very core of a traditional public service remit. The ARD's approach to the internet since approximately year 2000 is similar. "Program accompanying services . . . with program related content," then, entailed a stricter definition than the British one. In itself, and with respect to its status in the ARD-Staatsvertrag, it was also a clearer definition, rendering a closer inspection possible.

Another important aspect is the role of the German rational-legal authority, represented by the Constitutional Court. Its exceptional position in the political system can partly be explained historically: the Court's independence dates back to a predemocratic Germany. Its judgements have been essential for the development of radio and television. The 1991 decision mentioned above is but one example that emphasizes the functions of broadcasting for democratic government and public opinion formation (cf. Porter and Hasselbach 1991, 16). This, on the other hand, also implies a defence for the ARD as a traditional public broadcaster—not as an expanding, exploratory actor stepping too far into the commercial competitors' territory.

The fact that the ARD operates under the strictest regime can be explained by reference to the importance of the dual television system, the strong position of private

competitors, and the role of the rational-legal authority. All these factors are less prominent in the UK and Norway. Even though a "civic" model still describes the German regime, the form of regulations incorporates several parts identified with the professional model. Not only does self-regulation constitute an important part; also different audit and review processes are distinctively present.

Some factors are not fully covered by the dimensions around which the analysis has been concentrated. First, the processes are ongoing. That might for example complicate explaining the Norwegian case: if the regulatory issue is settled, the relations to the overall system might become clearer. Second, the analysis is in danger of overlooking aspects of internal organizational traits that may influence the actual approaches. As I have shown, some decisions made in the mid-1990s—at a time when the organizations had little knowledge and the degree of uncertainty was high—were decisive for the following development of the internet activities. One example is the question of one or two web sites, crucial both for the BBC and the NRK. Gaining a fuller picture, then, may presuppose combining these dimensions and perspectives with a "thicker" description of the cases.

Yet, the present analysis sheds light on vital developments in national regulation of public broadcasters' internet services. It is also relevant for identifying future challenges. In closing, I will point to some, and suggest how we might get a better grasp of public service media online.

Conclusions, and Challenges Ahead

Up until 2006, the history of the cases' approaches to the internet, and the regulations of them, was largely characterized by ad-hoc solutions: the British alternative empowered the BBC to introduce services that were clearly problematic in relation to core public service broadcasting principles. In Norway, the internet services' status remained uncertain throughout the period. The German regulations went through repeated revisions, and appeared as the most thorough and well-defined. Naturally, regulators needs some time to adjust to new situations. However, as especially the German and the British emerging regimes illustrate, there are further challenges down the road.

Due to different historical developments, national political systems and media markets, implementations of public service broadcasting have traditionally differed greatly between nations. The needs of each society will continue to differ. Thus, in a digital media system, it is imperative that such divergences continue to be reflected in regulatory frameworks. Media governance needs to provide room for expression of national peculiarities.

The analysis has uncovered substantial differences between each case in the regulation of the specific issue of public broadcasters online. On the other hand, as illustrated by the German and British formulations that limit the scope of the online

services, national regimes show signs of increased convergence. The growing importance of supranational actors—particularly The European Commission—is presumably a main force behind such developments. This constitutes a major challenge to the current regulatory frameworks of public broadcasters. And gaining a better understanding of how actors like the Commission impinge on the developments of public service media online is a key question for further research.

Both British and German regulations try to restrict the scope of the online services by referring back to the traditional format of broadcasting. Through these limitations, new media platforms are not regarded independently, but as something supporting and additional, useful to fulfil existing obligations. In terms of its role for the public service broadcasting remit, the internet is not acknowledged as an autonomous platform. This is not a suitable way out of the ad-hoc situation. Online communication is too important to be brushed off as secondary to broadcasting in a public service context.

In my view, then, the Norwegian regime has an important advantage: it does not disregard the need for a dynamic approach to realize the public service potential in new media platforms. This, to some degree, also explains the presently unclear regulatory status—it is easier to stay open to new possibilities without a too specified framework. A more sustainable solution would involve clearly stating an autonomous role for internet services. To the extent that public broadcasters should be entrusted with a remit that incorporates online activities, this remit should build on an acknowledgement of both similarities and differences to broadcasting.

Online communication facilitates distribution of existing and new forms of radio and television, and can serve as an ancillary channel. But online communication also has an inherent unique potential. Regulatory regimes should recognize not only how internet services represent a natural extension of the institutions' activities based on its similarities and proximity to broadcasting, but also how such services can stand out through distinctive modes of communication—modes with potential value in a public service context. By stressing the autonomous value of online communication, it may also be easier to identify the parts of the institutions' activities that really contribute to core public service values.

One might argue that such an approach merely brings forward additional challenges, for example related to the traditional core value of universality. Yet, in my view, to facilitate a thorough discussion of the future regulation of public broadcasters, we need to explicitly recognize the ways in which new media platforms diverge from the institutions' traditional remits—as well as how they converge. Only then are we able to further our understanding of possible functions of public broadcasters, and of public service media online.

Notes

1. A thorough discussion of the ZDF's internet activities is beyond the scope of this article. I concentrate on the ARD chiefly because of its distinctive organizational traits. However, the analysis of the processes the

ARD faces is highly relevant for both broadcasters because the regulations to which they are subject converges on the present issue.

2. All translations from Norwegian and German are my own.

3. The debate about proprietary standards was resumed in 2005 but was then dominated by purely technical arguments, also from the NRK.

4. Bernander was then- general director of the NRK.

5. In a discussion with the European Commission regarding the funding scheme for the NRK, the ministry several times admitted the need for further clarifications. As of August 2006, the changes had not materialized.

6. In June 2006, the BBC reportedly decided to start exposing overseas users of bbc.co.uk to limited amounts of advertising (cf. Milmo 2006).

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