

EBU

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LEGAL & POLICY
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**THE CASE FOR PSM
CONTENT REMIT:
SPORTS AND
ENTERTAINMENT**

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THE CASE FOR PSM: CONTENT REMIT



In the digital media age, Public Service Media is more important than ever to serve the democratic, social and cultural needs of our societies, where a constantly growing offer of international content of unknown origin and intent may lead to a more divided and polarized community. Thus, PSM must use new information and communication technologies and must offer all different content genres to continue to reach all parts of the audience and fulfill its remit.

What should publicly funded PSM be doing in the digital media age, and how should PSM be doing it? Everybody has a view on what activities publicly funded PSM should pursue, what content it should show and how such services should be accessed.

Here, we take a close look at the PSM content remit, specifically why showing entertainment and sports content is crucial for PSM to fulfil its social and democratic role.

WHY ENTERTAINMENT CONTENT?

Entertainment is included in the public service remit of all publicly funded EBU Members.¹ PSM licence fee payers have the right to laugh and be entertained in different ways and formats:

No clear distinction between different content genres. Entertainment reflects cultural values and forms part of a nation's cultural identity.

In fact, the dividing line between entertainment, comedy, culture and other genres is impossible to mark. Many forms of entertainment can be considered to be cultural and/or linked to national identity. Entertainment may include comedy, satire and parody and all such programmes, whether related to political, economic or social life, may contribute to a better understanding of different phenomena and minority groups. Science and documentaries can also have entertaining formats (so-called "docutainment"). They are an important part of freedom of expression, which the PSM should enjoy and develop.

PROMOTE SOCIAL COHESION

Entertainment content brings people together, of all ages, walks of life and cultures, giving rise to shared experiences that are increasingly rare in today's fragmented society and all the more important exactly for this reason.

DRIVE COMMERCIAL REVENUES TO REDUCE NEED FOR PUBLIC FUNDING

For PSM that is dual-funded, entertainment shows can help attract advertising, which helps fund the production of "quality content", such as cultural or political programming.

"LEAN-IN" EFFECT OF ENTERTAINMENT CONTENT

Showing entertainment content immediately prior to programmes of high political or informational significance has a strong and proven "lean-in" effect on viewers, leading to much higher viewing figures.

ENTERTAINMENT SHOWS ENABLE PSM TO BE UNIVERSAL

The range of programming offered by PSM has to be geared to the audience's diverse needs, covering a broad spectrum of genres, formats and content. PSM content must serve and reach every section of society. PSM must attract audiences of all types, and to maintain its role in society this means offering "fun" or relaxing popular entertainment, as well as cultural content, on all platforms and in all forms (linear and on demand). Otherwise, PSM quickly becomes a marginalised niche service.

ENTERTAINMENT SHOWS ARE VITAL TO REACH THE YOUNGER AUDIENCE

Channels that do not offer entertainment content will be dropped by younger viewers and the vital role of PSM for society may be lost for future generations.

EU LAW AND INTERNATIONAL STANDARDS

International standards and EU legal instruments (eg the Broadcasting Communication 2009) expressly provide that the PSM remit should provide a wide

range of programming in order to address society as a whole and reach wide audiences. The EU Courts have also expressly held that PSM should have a "full spectrum" of programming. And this "cannot be called into question by the fact that the public service broadcaster also engages in commercial activities, in particular the sale of advertising space. For the same reasons it is wrong to claim that the [PSM] should be limited, at least where the public service broadcaster is dual funded, to the broadcasting of non-profitable programming."²

WHY SPORT CONTENT?

All citizens have a right to access sport content, in particular for events of national significance and the best way to reach the widest possible audience is through free-to-air PSM for:

SOCIAL AND NATIONAL COHESION

Premium sport, involving national teams and personalities, brings people together and contributes greatly to national social cohesion. Domestic viewers are also interested to see the performance of other nations' teams relative to their own.

CITIZENS' HEALTH AND WELL-BEING

Broadcasting of sports content encourages citizens to lead healthy lives by taking up and pursuing different sports activities; this can be promoted further by the PSM via its website and ancillary services.

PROMOTION OF NEW AND LESSER KNOWN SPORTS

PSM can cover and help develop minority sports that are unattractive to commercial networks.

ATTRACTING YOUNG AUDIENCES

Sports content enables PSM to build links with youth audiences and the next generation of viewers.

EU LAW AND INTERNATIONAL STANDARDS

International standards and EU legal instruments (eg the Broadcasting Communication 2009) expressly provide that the PSM remit should provide a wide range of programming in order to address society as a whole and reach wide audiences. In its EU State aid monitoring role, the EU Commission has expressly accepted sport content amounting to 10% of broadcasting time.

¹ PBS Malta is an exception but has limited public funding.

² Joined Cases T-309/04, T-317/04, T-329/04 and T-336/04 TV2/Denmark v. Commission Paragraphs 107 and 109 of the Case.

ABOUT THE EBU LEGAL & POLICY DEPARTMENT

In a fast-changing technological, political and regulatory environment, we advise our members on specific regulatory issues, offering practical solutions in the fields of EU and national competition, copyright and media law that are specific to their needs.

We analyse proposals, explore the implications with legislators and promote a legal framework which allows our Members to operate with optimum efficiency whilst continuing to contribute to the democratic, social and cultural needs of society.

We also manage EBU membership and statutory matters and advise on all EBU contracts, including the Eurovision Song Contest, sports, news and networks.

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