
INFORMATION NOTE

Public Service Broadcasting in Canada, Germany, the United Kingdom and the United States

1. Background

1.1 The purpose of this information note is to provide Members of the Panel on Information Technology and Broadcasting with background information on public service broadcasting in Canada, Germany, the United Kingdom (UK) and the United States (US), with respect to the services provided, the public service mandate, sources of funding, the regulatory framework, the internal governance and accountability of the national broadcaster(s)/statutory funding organization.

1.2 In Canada, public service broadcasting is provided by the national public broadcaster, the Canadian Broadcasting Corporation (CBC). The same holds for Germany and the UK, with ARD (Association of Public Broadcasting Corporations of Germany) and ZDF (The Second German Television) serving as the national broadcasters in Germany¹, and the British Broadcasting Corporation (BBC) and Channel 4 serving as the national public broadcasters in the UK. In contrast, there is no national public broadcaster in the US. Instead, a statutory funding organization – the Corporation for Public Broadcasting (CPB) – is established in the US to provide financial support to local public television and radio stations.

¹ There are two other national broadcasters in Germany, namely "Deutsche Welle" (Voice of Germany) and "Deutschlandradio" (German Radio). Deutsche Welle, founded in 1924, is Germany's international broadcasting corporation. Deutschlandradio, a corporation under the joint auspices of ARD and ZDF, provides two nationwide radio programmes. Owing to the limited information available on Deutsche Welle and Deutschlandradio, this information note confines the discussion to ARD and ZDF only.

2. Overview of public service broadcasting in Canada, Germany, the United Kingdom and the United States

	Canada	Germany		The United Kingdom		The United States
	CBC	ARD	ZDF	BBC	Channel 4	CPB
Background						
Year of establishment	<ul style="list-style-type: none"> Established in 1936 as a crown corporation to operate national public broadcasting in Canada. 	<ul style="list-style-type: none"> Founded in 1950 as a joint organization of regional public broadcasting corporations in Germany. 	<ul style="list-style-type: none"> Established in 1963 as an independent non-profit-making corporation under the authority of all the federal states of Germany. 	<ul style="list-style-type: none"> Founded in 1927 by a Royal Charter. 	<ul style="list-style-type: none"> Established in 1982 as a statutory, publicly-owned corporation with a remit to broadcast distinctive programmes. 	<ul style="list-style-type: none"> Established in 1967 by the Public Broadcasting Act as a non-profit-making corporation to promote public telecommunications services in the US.
Services operated/provided						
Television services	<ul style="list-style-type: none"> Two national television networks, two 24-hour news and information services, and three specialty television channels. 	<ul style="list-style-type: none"> One national television service (First Programme), several regional television networks (Third Programmes), a nationwide videotext programme as well as digital television channels; and A number of specialty television channels in co-operation with other networks. 	<ul style="list-style-type: none"> One national television service available on all digital platforms (cable, satellite and terrestrial) as well as through conventional analogue transmission; and A number of specialty television channels in co-operation with other networks. 	<ul style="list-style-type: none"> Eight television channels, comprising BBC One, BBC Two, BBC Three, BBC Four, the news channel of BBC News 24, BBC Parliament, and the children's channels of CBBC and CBeebies. 	<ul style="list-style-type: none"> A national 24-hour television service available on all digital platforms (terrestrial, satellite and cable) as well as through conventional analogue transmission.⁽¹⁾ 	<ul style="list-style-type: none"> Nil. CPB only provides financial support to local public television stations, which are mostly members of the Public Broadcasting Service.⁽²⁾

Notes: (1) Channel 4 does not make programmes. It commissions programmes from independent production companies or acquires them from other programme providers.

(2) Please refer to Appendix I for a brief description of the Public Broadcasting Service.

2. Overview of public service broadcasting in Canada, Germany, the United Kingdom and the United States (cont'd)

	Canada	Germany		The United Kingdom		The United States
	CBC	ARD	ZDF	BBC	Channel 4	CPB
Services operated/provided (cont'd)						
Radio services	<ul style="list-style-type: none"> Four national networks and 81 regional stations, two shortwave services and a digital pay-audio service. 	<ul style="list-style-type: none"> Up to five 24-hour regional radio programmes may be broadcast in each of the federal states. 	<ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> Five analogue network stations as well as five digital-only stations and the BBC World Service. 	<ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> Nil. CPB only provides financial support to local public radio stations, which are mostly members of the National Public Radio.⁽³⁾
Others	<ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> Operating an <i>ARD Online</i> service which provides news, education and entertainment services. 	<ul style="list-style-type: none"> Operating an online service providing news, education and other services. 	<ul style="list-style-type: none"> Establishment of commercial subsidiaries to generate profit for BBC to re-invest in public service programming.⁽⁴⁾ 	<ul style="list-style-type: none"> 4Ventures Limited established to run a number of commercial businesses, including subscription digital channels E4 and FilmFour. 	<ul style="list-style-type: none"> Nil.

Notes: (3) Please refer to Appendix I for a brief description of the National Public Radio.

(4) For example, BBC Worldwide Limited is established as a commercial subsidiary engaging in a wide range of commercial activities, including international programming distribution, television channels, magazines, books, videos, DVDs, licensed products, CD-ROMs, English-language teaching videos for education and training, exhibitions and live events.

2. Overview of public service broadcasting in Canada, Germany, the United Kingdom and the United States (cont'd)

	Canada	Germany		The United Kingdom		The United States
	CBC	ARD	ZDF	BBC	Channel 4	CPB
Public service mandate						
Availability of public service mandate	<ul style="list-style-type: none"> Yes, set out in the 1991 Broadcasting Act.⁽⁵⁾ 	<ul style="list-style-type: none"> Yes.⁽⁵⁾ 	<ul style="list-style-type: none"> Yes.⁽⁵⁾ 	<ul style="list-style-type: none"> Yes, set out in the BBC's Royal Charter and Agreement.⁽⁵⁾ 	<ul style="list-style-type: none"> Yes, set out in the Communications Act 2003.⁽⁵⁾ 	<ul style="list-style-type: none"> Yes, set out in the Public Broadcasting Act of 1967.⁽⁵⁾
Funding						
Major source(s) of funding	<ul style="list-style-type: none"> Financed mainly through public funds, supplemented by revenue from advertising and other sources. In 2004-05, parliamentary appropriations and advertising financed 61% and 21% of CBC's total operating expenditure respectively. 	<ul style="list-style-type: none"> Financed mainly by licence fees⁽⁶⁾, the amount of which is determined by means of an inter-state agreement. In 2004, licence fees accounted for 82% of ARD's total income, followed by other revenues (16%) and advertising (2%). 	<ul style="list-style-type: none"> Financed mainly by licence fees⁽⁶⁾, the amount of which is determined by means of an inter-state agreement. In 2004, licence fees accounted for 85% of ZDF's total income, followed by other revenues (8%) and advertising (7%). 	<ul style="list-style-type: none"> Financed mainly by television licence fees, which are set by the Department for Culture, Media and Sport and subject to parliamentary approval. In 2004-05, licence fees accounted for 77% of BBC's total income, followed by revenue from the commercial businesses (16%), BBC's World Service (6%) and other sources (1%). 	<ul style="list-style-type: none"> Financed entirely by commercial activities, principally through the sale of advertising time. In 2004, advertising and sponsorship accounted for 82% of the total revenue generated. 	<ul style="list-style-type: none"> Financed mainly by federal appropriations. In 2003-04, financial appropriations accounted for 85% of the total revenue received.

Notes: (5) Please refer to Appendix II for details of the public service mandate.

(6) Licence fees are paid monthly by everyone who possesses a serviceable radio or television set, irrespective of whether the set is actually used.

2. Overview of public service broadcasting in Canada, Germany, the United Kingdom and the United States (cont'd)

	Canada	Germany		The United Kingdom		The United States
	CBC	ARD	ZDF	BBC	Channel 4	CPB
Regulatory framework						
Governing legislation/legal documents	<ul style="list-style-type: none"> Governed by the 1991 Broadcasting Act. The Act identifies CBC as an instrument of public policy for meeting the cultural and broadcasting policy objectives, the national interest and regional needs. The Act also establishes the independence of CBC in its journalistic, creative and programming decisions. 	<ul style="list-style-type: none"> The German constitution, the Basic Law, provides protection to broadcasting by guaranteeing freedom of reporting by broadcasting (Article 5). The constitution also prohibits censorship by the federal states. Also governed by state broadcasting laws, inter-state agreements as well as federal constitutional court rulings. 		<ul style="list-style-type: none"> Operated under the Royal Charter, and the Agreement between BBC and the UK government. The Royal Charter establishes BBC's constitutional status and defines its general objectives and functions. The Agreement recognizes BBC's editorial independence and sets out its public obligations in detail. 	<ul style="list-style-type: none"> Governed by the Broadcasting Act 1990, the Broadcasting Act 1996, and the Communications Act 2003. Also governed by the licensing conditions set out by the Office of Communications (Ofcom), the broadcasting industry's regulator. 	<ul style="list-style-type: none"> Governed by the Public Broadcasting Act of 1967. The Act sets out the legal status, organization structure, accountability, public service mandate and general powers of CPB.

2. Overview of public service broadcasting in Canada, Germany, the United Kingdom and the United States (cont'd)

	Canada	Germany		The United Kingdom		The United States
	CBC	ARD	ZDF	BBC	Channel 4	CPB
Internal governance						
Management structure	<ul style="list-style-type: none"> Managed and overseen by a board of 12 directors of different social background. 	<ul style="list-style-type: none"> Each public service broadcasting corporation has a similar management structure. It is governed by a Broadcasting Board and an Administrative Council. The Broadcasting Board's function is to ensure plurality of opinion. It consists of 24 to 74 representatives of the major organized groups in society (e.g. labour, industrial management, churches, and political groups). The Administrative Council oversees the corporation's administration and finance. It typically has seven or nine members. 		<ul style="list-style-type: none"> Run by a board of 12 governors with experience and interests in public service and the arts, business and industry. 	<ul style="list-style-type: none"> Run by a management board. There were nine non-executive members and four executive members in the board in 2004. 	<ul style="list-style-type: none"> Run by a nine-member board of directors, who are selected among US citizens eminent in fields such as education, cultural and civil affairs, or the arts (including television and radio).⁽⁷⁾
Appointment of management team	<ul style="list-style-type: none"> All directors are appointed by the Governor in Council⁽⁸⁾ for a renewable five-year term. 	<ul style="list-style-type: none"> Some members of the Broadcasting Board are elected by the state parliament while others are delegated by the state government, churches, trade unions, employer's federations, etc. The majority of members of the Administrative Council are elected by the Broadcasting Board while the remaining are delegated by the state. 		<ul style="list-style-type: none"> All governors are appointed by the Queen, upon advice from ministers, for a renewable four-year term. 	<ul style="list-style-type: none"> All board members are appointed by Ofcom in agreement with the Secretary of State for Culture, Media and Sport. 	<ul style="list-style-type: none"> All board members are appointed by the US President and confirmed by the Senate for a six-year term.
Day-to-day operations	<ul style="list-style-type: none"> Handled by the President and Chief Executive Officer appointed by the Governor in Council. 	<ul style="list-style-type: none"> Handled by the Director who is elected by the Broadcasting Board. The ARD general meeting elects a member organization for a term of one year to assume responsibility for conducting the business of ARD. 		<ul style="list-style-type: none"> Handled by the Director-General appointed by the board of governors. 	<ul style="list-style-type: none"> Handled by the Chief Executive and other executive directors, who are accountable to the management board. 	<ul style="list-style-type: none"> Handled by the President and Chief Executive Officer appointed by the board of directors.

Notes: (7) It is also required to select two board members from specific sectors, one representing public television stations and the other public radio stations.

(8) The Canadian Governor General is the representative of the Queen in Canada. The Governor in Council is the Governor General acting on the advice of the federal cabinet.

2. Overview of public service broadcasting in Canada, Germany, the United Kingdom and the United States (cont'd)

	Canada	Germany		The United Kingdom		The United States
	CBC	ARD	ZDF	BBC	Channel 4	CPB
Accountability						
Major accountability arrangement	<ul style="list-style-type: none"> Reporting to Parliament through the Minister of Canadian Heritage. Required to submit an annual report to Parliament on its operations. Required to submit an annual performance report to the Canadian Radio-television and Telecommunications Commission (the broadcasting industry's regulator). 	<ul style="list-style-type: none"> Subject to regular reviews by an independent commission appointed to review the financial statements of the broadcasting corporations. Complaints against the public service broadcasting corporations may be brought to the members of the respective Broadcasting Boards. 	<ul style="list-style-type: none"> Subject to the scrutiny by Parliament through debates on the floors of both Houses and through select committee hearings. Required to submit an annual performance report to Parliament. Subject to the review of public service television broadcasting conducted by Ofcom. Mechanisms set out in BBC's Royal Charter and the Agreement to ensure BBC's accountability to public needs.⁽⁹⁾ 	<ul style="list-style-type: none"> Regulated by Ofcom. Subject to the review of public service television broadcasting conducted by Ofcom. Required under the Broadcasting Act to (i) keep proper accounting records, and (ii) prepare annual financial statements in the form as directed by the Secretary of State for Culture, Media and Sport. 	<ul style="list-style-type: none"> Required to submit an annual performance report to Congress. Subject to the audit by the General Accounting Office, the investigative arm of Congress.⁽¹⁰⁾ The officers and directors of CPB may be called upon to testify before Congress. Subject to the audit by CPB's independent Office of Inspector General. 	

Notes: (9) The mechanisms include the powers granted to the Secretary of State or other government ministers to monitor BBC. For example, the Secretary of State has the power under Article 20(2) of the Royal Charter to require BBC to satisfy him/her that the provisions in the Charter have been observed and, should it fail to do so, to revoke the Charter.

(10) The General Accounting Office examines the use of public funds, probes for waste, fraud and inefficiency, and evaluates federal programmes and activities. It also provides analyses, recommendations and other assistance to help Congress make effective oversight, policy and funding decisions.

Appendix I

Profiles of the Public Broadcasting Service and the National Public Radio

The Public Broadcasting Service

Year of establishment

A.I.1 The Public Broadcasting Service (PBS) is a non-profit-making corporation founded in 1969, which is owned and operated by 348 public television stations in the US.

Services provided

A.I.2 PBS does not produce any programmes. All of the programming carried by PBS, whether news, documentary or entertainment, is created by (or in most cases produced under contract with) individual member stations.

Funding

A.I.3 In 2004-05, member programme fees² accounted for 48% of PBS's total operating revenue, followed by the Corporation for Public Broadcasting (CPB) and federal government grants (21%), royalties, licence fees, satellite services and investment income (16%), and educational product sales (15%).

A.I.4 PBS also receives donations from corporations, foundations and other sources to help offset programme production costs, so that it can acquire broadcast rights at a cost estimated to be lower than the programme's fair market value.

² PBS member stations pay an annual programme fee for access to, and the related broadcast rights of, PBS's National Programming Service. The National Programming Service is the major package of programmes that PBS distributes to its member stations. It features children, cultural, educational, history, nature, news, public affairs and science television programmes.

The National Public Radio

Year of establishment

A.I.5 The National Public Radio (NPR) was created in 1970 as a private, non-profit-making corporation that produces programming and distributes it to member radio stations.

Services provided

A.I.6 NPR produces and distributes more than 120 hours of original programming each week.

Funding

A.I.7 NPR supports its operations through a combination of membership dues and programming fees from over 780 independent radio stations, sponsorship from private foundations and corporations, and revenue from the sales of transcripts, books, CDs and merchandise. NPR's revenue also comes from competitive grants offered by federally-funded organizations, such as CPB, the National Science Foundation and the National Endowment for the Arts.

A.I.8 In 2004-05, NPR is expected to receive 50% of its total revenue from the fees charged on its member stations. This is followed by corporate sponsorship (23%), grants and contributions (13%) and other sources (14%).³

³ See National Public Radio (2005).

Appendix II

Public service mandates of the Canadian Broadcasting Corporation (CBC), ARD, ZDF, the British Broadcasting Corporation (BBC), Channel 4 and the Corporation for Public Broadcasting (CPB)

The Canadian Broadcasting Corporation

A.II.1 The public service mandate of CBC is set out in the 1991 Broadcasting Act. CBC is established as the national public service broadcasting organization to provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains.

A.II.2 More specifically, the programming provided by CBC should:

- (a) be predominantly and distinctively Canadian;
- (b) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions;
- (c) actively contribute to the flow and exchange of cultural expression;
- (d) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities;
- (e) strive to be of equivalent quality in English and in French;
- (f) contribute to shared national consciousness and identity;
- (g) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose; and
- (h) reflect the multicultural and multiracial nature of Canada.

ARD

A.II.3 The Inter-State Agreement on Broadcasting concluded by all the federal state governments and ratified by all state parliaments is the general framework for uniform state broadcasting regulations. Article 1 of the Agreement states that public service broadcasting and private broadcasting are committed to the free formation of individual and public opinion and the encouragement of plurality of opinion. All the broadcasting corporations established by the federal states have the same mission, i.e. to serve the public as a whole with programmes providing information, education and entertainment.

ZDF

A.II.4 Article 1 of the Inter-State Agreement on Broadcasting states that public service broadcasting and private broadcasting are committed to the free formation of individual and public opinion and the encouragement of plurality of opinion. As a public service broadcaster, ZDF has a remit to provide information, education and entertainment in its programming, reaching viewers of all ages and in all parts of Germany.

The British Broadcasting Corporation

A.II.5 The public service mandate of BBC is set out by a number of provisions in both the Royal Charter, and the Agreement between BBC and the UK government.

A.II.6 The Royal Charter establishes the general public service obligation of BBC, namely to provide sound and television broadcasting programmes of information, education and entertainment services (whether by analogue or digital means) as public services. In addition, the Royal Charter requires BBC to remain under constant and effective review from outside, including by public meetings and seminars.

A.II.7 The Agreement sets out more detailed public services and content obligations required of BBC. Clause 3 of the Agreement provides that BBC's services shall respect high general standards, particularly regarding their content, quality and editorial integrity, and offering of a wide range of subject matter meeting the needs and interests of audiences.

A.II.8 Clause 5 of the Agreement elaborates on the above-mentioned programme standards, providing that BBC should do all it can to ensure that its services:

- (a) provide properly balanced services consisting of a wide range of subject matter;
- (b) serve the tastes and needs of different audiences;
- (c) treat controversial subjects with due accuracy and impartiality;
- (d) do not contain abusive treatment of religious views;
- (e) do not include anything which offends against good taste or decency, or encourages/incites crime or leads to disorder; and
- (f) are not offensive to public feeling.

A.II.9 BBC is also required to draw up a code giving guidance as to how these requirements may be observed in its services and programmes, particularly regarding impartiality in treating controversial subjects.

Channel 4

A.II.10 The public service mandate of Channel 4 is set out in the Communications Act 2003, which requires it to:

- (a) demonstrate innovation, experiment and creativity in the form and content of programmes;
- (b) appeal to the tastes and interests of a culturally diverse society;
- (c) make a significant contribution to meeting the need for the licensed public service channels to include programmes of an educational nature and other programmes of educative value; and
- (d) exhibit a distinctive character.

The Corporation for Public Broadcasting

A.II.11 The Public Broadcasting Act of 1967 sets out the public service mandate of CPB. CPB is charged with facilitating the full development of public telecommunications to encourage programmes of high quality, diversity, creativity, excellence and innovation. These programmes are to be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programmes or series of programmes of a controversial nature.

A.II.12 CPB is also charged with carrying out of its purposes and functions and engaging in its activities in ways that most effectively assure the maximum freedom of the public telecommunications entities and systems from interference with, or control of, programme content or other activities.

A.II.13 In addition, CPB should perform solely an advisory role and should not exercise any control over daily operations of the public television and radio stations.

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