

1) **Title of your session**

Free To Air as the enabler of original local content

2) **Name of Organization/s organizing the session**

European Broadcasting Union in partnership with World Intellectual Property Organisation & UNESCO (EBU/WIPO/UNESCO). Giacomo Mazzone, coordinated the session

3) **Relevance with the WSIS Action Lines – please specify the Action lines C1 to C11**

C2-C3-C8-C9-C10

4) **Key achievements, announcements, launches, agreements, and commitments (these will be reflected in the press release and Outcomes Document of the WSIS Forum 2018)**

EBU (as part of the World Broadcasting Unions) will continue its efforts to sustain the migration to digital of the broadcasters in the developing countries, starting mainly in Africa and Asia.

WIPO will continue its efforts (for instance through a pilot project currently conducted in Africa) to build a culture of copyright and of fair remuneration of the audiovisual products, because this is the precondition to ensure sustainability of the local industries.

UNESCO –Through its efforts on identifying Universality, indicators for the Internet that could measure favorable conditions for the development of local contents, in local languages, produced by local creativity- will help in defining a model that could be sustainable for Cultural diversity and in line with 2005 UNESCO Convention principles.

5) **Main outcomes highlighting the following:**

I. **Debated Issues**

- *Please capture highlights of the main issues debated and interactions with audience*

In the introduction, **Elena Puigrefagut (EBU)** explained that the Free-To-Air model (including both public and commercial services) is a **successful** media distribution model in Europe that facilitates social inclusion and can bridge the digital divide. It easily coexists with pay-TV platforms (see examples in the footnote ⁱ).

- **FTA funds most domestic content in Europe** (and outside). Without that funding, domestic TV production would be at risk. Other new pay-TV players (e.g. Netflix, Amazon) may contribute but at least in the short term and most likely long term will not compensate the role of European FTA players (see examples in the footnote ⁱⁱ).
- This successful FTA model is based in a strong **regulation** imposing clear content obligations and robust funding models
For instance In EU countries: the Audiovisual Media Services Directive (AVMS Directive) governs EU-wide coordination of national legislation on all audiovisual media, both traditional TV broadcasts and on-demand services, suggesting to provide to the audience 50% of local contents. In many countries like France and the UK national content obligation on FTA players (and in some cases pay TV players) are much higher than EU obligations

But this is not only a European prerogative. Recently also regulators in Kenya, Tanzania and Senegal have introduced minimum percentage of offer of local contents in the new DTT channels and even percentage of investment in local contents.

Carole Croella (WIPO) reported, for instance, that as per a 2015 study conducted jointly by ABU and AIBD (Asia-Pacific Institute of Broadcasting Development), NHK (Japan's public service broadcaster) is the primary producer of Japanese local content. It's market share vis-à-vis local content is roughly 75-80%. Similarly for Sri Lanka, the market share maintained by Sri Lanka Rupavahini Corporation (SLRC – Sri Lanka's PSB) with respect to local content since 1992 is 45-49%. Six other private channels contribute the remaining balance to local content with ITN coming closest at around 28-30%.

Walid Sami (EBU) stressed that the most practiced form of Free to Air distribution is provided through Terrestrial broadcasting networks (TV and Radio), that are still the main means to distribute Free to Air broadcasting in many countries (see item 1 below) and that –in order to do so- they need suitable spectrum (see item 2 below).

1. Terrestrial broadcasting has always been the main distribution means of Free-to-Air media. Reasons:
 - The infrastructure is under national control and therefore can easily be bound to national media regulation;
 - Terrestrial broadcasting is important for and used by Public service broadcasters because it meets all their distribution requirements: Free-to-air, Universal availability, Quality of service, Ease of use, No gatekeeping, Service integrity, Findability/Prominence, Accessibility, Reachability in emergency situations.
 - Terrestrial broadcasting is also appreciated and used by commercial free to air broadcasters, which rely mainly on advertisement for their income. It provides the required prominence and flexibility of coverage that helps better targeting their Audience.
2. Terrestrial broadcasting needs suitable spectrum:
 - Low frequency bands (below 1 GHz) are most suitable for large coverage sites, which is essential to ensure cost efficiency of terrestrial networks;
 - Sufficient amount of spectrum is needed for attractive and competitive offer with regard to other distribution platforms;
 - The same spectrum is usefully shared between terrestrial broadcasting and Programme Making applications, like radio-microphones, used for local and national content production;
 - However, the same spectrum is contemplated by other Radiocommunication services. Significant reduction, more than 40%, has been operated already on spectrum used for terrestrial television in the context of the digital dividend;
 - The spectrum reallocated to other Radiocommunication services is not useable any more for the Programme Making applications mentioned above;
 - Further discussions are still foreseen in future World Radiocommunication Conferences (WRC) regarding spectrum allocated for terrestrial broadcasting. Long term certainty of access to spectrum for terrestrial broadcasting is essential.

According to **Xianhong Hu (UNESCO)** the project to define Internet Universality indicators aims to build a framework of indicators through which to assess levels of achievement, in individual countries, of the four fundamental principles included in the Internet Universality concept. These promote an Internet that is based on human Rights (R), that it is Open (O), Accessible to all (A) and nurtured by Multistakeholder participation (M).

The draft Internet Universality Indicators released for consultation contain about 10 indicators related to local content and languages. These covers issues about the access and use of local scripts and languages online and locally generated Internet content. The challenges is to define the local content in digital age and identify valid indicators to measure it in different languages and countries. ⁱⁱⁱ

Cath Westcott (BBC) remembered that the mission of the most famous Public Service Media of the world is exactly in line with the SDG. In the mission of the UK's main public broadcaster - constitutionally established by a Royal Charter and funded by a licence fee, in fact it's written that it has to act in the public interest and serving all audiences. The main five public purposes for the BBC are defined in the BBC Charter as such:

1. To provide impartial news and information to help people understand and engage with the world around them
2. To support learning for people of all ages
3. To show the most creative, highest quality and distinctive output and services
4. To reflect, represent and serve the diverse communities of all of the United Kingdom's nations and regions and, in doing so, support the creative economy across the United Kingdom
5. To reflect the United Kingdom, its culture and values to the world

- *Please highlight key achievements and challenges shared by the audience and/ or panelists*

The current situation of the digitalization of the world shows that the main obstacle that affect access to the Internet and its services is not only the lack of infrastructure and of investments, but also what is generically defined as "digital divide". A term that put altogether monetary reasons, lack of education and of skills, lack of attractive contents and of useful services in the language and cultures of the world's citizens. So in order to really tackle the digital divide it's crucial to look to other existing successful models that have been able to reach all the population. Such as it is the radio and TV FTA model as it exist since 100 years today.

II. Quotes

- *Please provide two important quotes from the session and the names & organization of the person you are quoting*

Carole Croella (WIPO): "FTA has been one of the most successful models for broadcasting across the world. The model is fueled today by the digital switchover to digital television taking place in many developing countries and notably in Africa where FTA drives the process. Turning this technological opportunities into economic benefits, requires a commitment to protect and secure intellectual property rights associated with the production and distribution of local content across free to air channels . it also to requires protect the rights of broadcasting organizations who invest in content production and their dissemination to the public, against signal piracy. A sound, balanced and solid legal framework, based on the WIPO Treaties, needs to be put in place to stimulate investments in local content creation as well as their efficient monetization. Right holders and professionals investing in the creation and distribution of content need a reward for their output and market incentives to keep delivering their essential contributions for education, entertainment, culture, economic growth, in line with the SDG's".

Xianhong Hu (UNESCO) : "One of the pre-conditions for a successful access to Internet is the availability of rrelevant content, including content which is generated locally and concerned with local issues. This is necessary if people are to use the Internet in order to improve their quality of life or livelihoods, and to contribute to national development. The availability of content in languages, which

are used by local populations, is also critical to the value of Internet access, particularly for minority languages speakers.

III. Overall outcomes of the session highlighting

- *main conclusions reached during the discussion*

Panel agreed on a common definition of what is **Free-To-Air (FTA) model**: Radio or television content that is distributed without any form of encryption and is available to the audience free of charge beyond an obligatory licence fee and costs due to the acquisition of receiving devices.^{iv}

FTA has been recognized as the enabler of original national / local content production and as a tool to support SDG n. 4 - 10 - 11 - 12

In digital society, where the multiplicity of network and offers push for fragmentation and division, Free To Air (FTA) transmission is one of the few glues to keep together today's societies. Still today the largest part of local / national contents that facilitates societal development, cohesion and democracy are supported and financed by institutions or companies using FTA to reach their audiences/citizens.

The FTA model has been one of the engines that have allowed in Europe and in other part of the world the flourishing of a sustainable form of audio-visual industry based on local creativity and able to provide local contents in local languages. This successful mix offer has allowed TV offer to reach 90% of the world population and radio offer to reach 98% of world population (against 60% of the Internet).^v

The FTA offer facilitates inclusion and can bridge the digital divide. But in order to continue to produce its beneficiaries effects also in future FTA offer requires a certain number of conditions, such as:

- an adequate separate distribution platform: (today terrestrial/ DTT is the main FTA platform in most countries, satellite being the second one
- spectrum availability and a long term certainty for investment for FTA offer in order to continue to reach all citizens through DTT or satellite (at least until similar conditions could not be guaranteed also over the Internet).^{vi}
- appropriate regulatory frameworks and business models to incite and sustain local production in local languages to ensure cultural diversity
- appropriate copyright regulations to ensure the sustainability of local industries through the remuneration of the circulation of local contents across the various distribution platforms.

- *the vision for implementation of WSIS Action lines beyond 2015*

This path deserve to be explored and better defined in the next WSIS , IGF and similar fora, to set up a replicable model that could be shared in order to ensure that access to Internet will guarantee access to local, useful and needed contents, suitable for each population across the world, without discrimination of education, race or wealth.

Among other things, this would means that condition similar to the ones today guaranteed by the FTA model (through DTT and satellite) will be replicated and guaranteed over the internet.

IV. Main linkages with the Sustainable Development Goals

GOAL 4: Quality Education - because FTA offer can reach virtually all the population already today with the existing platforms. BBC provided as a concrete example the BBC School Report initiative. This involves BBC staff working directly with schools and 11-18 year old students. This initiative helps them to produce and present their own local news reports which are then broadcast locally and nationally on radio, television and online.

GOAL 10: Reduced Inequality - because FTA -as the name indicates- is accessible to everybody and doesn't discriminate people that can afford from those that cannot, educated or non educated, and so on.

GOAL 11: Sustainable Cities and Communities -

Because FTA offer help to create communities and to bridge gaps and divisions in society.

GOAL 12: Responsible Consumption and Production - Because FTA offer enables favorable conditions for local, national and language diversity based productions. And especially when is joined to copyright, create conditions for local creativity to flourish and access international markets and platforms.

V. Emerging Trends related to WSIS Action Lines identified during the meeting

C2. Information and communication infrastructure

FTA offer and distribution is one particular form of service of the communication and information infrastructure

C3. Access to information and knowledge

because FTA offer is the best and currently most popular way to guarantee access to audiovisual contents to 95% of the world population

C8. Cultural diversity and identity, linguistic diversity and local content

FTA is an enabler of cultural diversity and of local contents

C9. Media

FTA and copyright together create conditions for sustainable and diverse media

C10. Ethical dimensions of the Information Society

the concept itself of FTA is based on an ethical dimension of society where every individual deserve respect and attention

VI. Suggestions for Thematic Aspects that might be included in the WSIS Forum 2019

The panel agreed that the interaction of the form of distribution with the copyright and the appropriate regulatory framework is the key to create sustainable conditions for the production of local contents and to guarantee social cohesion. European public service broadcasting model of financing local contents and to distribute those free-to-air could be seen as a potential best practice to inspire similar virtuous circles in other regions of the world.

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- ⁱ In UK: 'The main five PSBs continue to retain a majority share of viewing maintaining their 51% share over the past four years. When their portfolio of channels is added, the PSB broadcasters accounted for over two-thirds of viewing', Communications Market Report 2017 – UK (<https://www.ofcom.org.uk/research-and-data/multi-sector-research/cmr/cmr-2017/uk>)
 - In Spain: 93% of DTT audience by FTA channels, Deloitte's report 2017 for 'Televisión abierta' (<http://televisionabierta.es/2017/07/09/informe-deloitte/>)
 - ⁱⁱ 'National TV content is mainly funded by public and commercial free-to-air (FTA) TV channels in Europe; the main FTA groups in the UK account for 80% of the value of independent UK production commissioning.'

Source: Analysys Mason, January 2015 (<http://www.analysismason.com/About-Us/News/Insight/TV-content-in-Europe-Jan2015/>). A source for France: 'Les chiffres clés de la production audiovisuelle 2016' – Published: 01 March 2018 (<http://www.csa.fr/Etudes-et-publications/Les-chiffres-cles/Les-chiffres-cles-de-la-production-audiovisuelle-en-2016>)

- 'Together, public service media (PSM) are the largest investors in European audiovisual content, spending EUR 18.2 billion per year' (<https://www.ebu.ch/news/2017/05/psm-are-leading-investors-in-original-european-content>)
- In Brazil, over 82% of FTA investment in new content was in domestic content. For Pay-TV, it is around their 15% of investment is dedicated to local content

iii UNESCO relevant documents : FOE on Internet: <http://en.unesco.org/themes/freedom-expression-internet> ; Internet Universality Indicators: <https://en.unesco.org/internetuniversality>; UNESCO Series on Internet Freedom: <http://en.unesco.org/unesco-series-on-internet-freedom>.

iv EBU Factsheet 'Relevance of FTA distribution for Public Service Media' (<https://tech.ebu.ch/publications/relevance-of-fta-distribution-for-psm>).

v www.analysismason.com/About-Us/News/Insight/TV-content-in-Europe-Jan2015/
<http://www.csa.fr/Etudes-et-publications/Les-chiffres-cles/Les-chiffres-cles-de-la-production-audiovisuelle-en-2016>

<https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>

http://en.unesco.org/creativity/sites/creativity/files/sessions/11igc_6_civil_society_reports_en.pdf

vi Universal availability, Quality of service, Ease of use, No gatekeeping, Service integrity, Findability/Prominence, Accessibility, Reachability in emergency situations