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Eidesstattliche Erklärung

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Wien, 7. Mai 2018   Anna Gerhardus

List of abbreviations:

AVMS-D…………………………. Audiovisual Media Services Directive

BBC ……………………………… British Broadcasting Company

EC ………………………………… European Commission

EU ………………………………… European Union

Observatory ………………………. European Audiovisual Observatory of the Council of Europe

OFCOM…………………………… Office of Communications (British Media Regulator)

ORF ………………………………. Österreichischer Rundfunk (Austrian Broadcasting Company)

RTL ………………………………. Radio Television Lëtzebuerg (Radio Television of Luxembourg)

PSB ………………………………. Public Service Broadcaster

TVWF-D …………………………. Television Without Frontiers Directive

UN………………………………... United Nations

UNESCO ………………………… United Nations Educational, Scientific and Cultural Organisation

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1 INTRODUCTION

1.1 Regulation, markets and conglomerates: forces in children's television

Children and media is a topic that has been widely discussed in the professional and academic field. The study of media industries has proven to be a field where researchers often struggle to show data and direct connections to real issues in society, as these cannot be traced easily. Adorno (1975) refers to "culture industry" as something that has eliminated high culture from the mainstream and would distract citizens from educating themselves (Adorno, 1975). Lazarsfeld already discussed the missing knowledge of the impact television could have on children in 1955 and he saw a chance in television to educate children on a new level (Lazarsfeld, 1955). Both would have been disappointed with the current state of media and the approach to children. Media concentration and US domination in this sector are only the most obvious issues, children, parents and the regulatory authorities are faces with. Although the protective approach to media, as outlined by Seaton (2006), should be reconsidered in its full scope, children and the media in Europe are faced with a complex set of issues. They root in the way the audiovisual media is regulated and how the Member States are unable or not interested in providing programmes for children that would be for the common good or even start a discussion that would include a broader public on what is wished for in children's media.

Concentration of media ownership is not the only issue of concentration in children's television in Europe. The UK and its regulator OFCOM are of special importance as media owners not only of children's TV stations tend to be under UK legislation, as will be shown in this research. After the vote for the exit of the European Union in June 2016, referred to as 'Brexit', the future of the media market is uncertain. The current negotiations on the way the EU and the UK will co-operate will form the media system, especially for children in a way yet unsure. In the official report of the UK's House of Commons, it was even found that creative industries in total make "9.4% of all services exported from the UK, worth £21.2bn, with 45% going to the EU" (House of Commons, 2018, p. 39) in 2015. The dominance of the UK regulation for creative industries, especially in children's television is evident. On the other hand, four main US media conglomerates are in control of the market. These companies

have entered the European market with pan-European strategies and strategic decisions on where to establish their headquarters (Ene, 2017).

To date, only a limited number of research has dealt with the issues of children's television on a macro-level concerning media ownership and regulation. It is important to highlight that this field is under-researched. Although there is agreement on the impact media ownership has on media content (Schlosberg, 2017), current research lacks a focus on children's media environment that specifically analyses children's channels, but it often lacks a generalist or comparative perspective on a European or global level, as I will discuss further in Chapter Two.

Recent changes in the market and the emergence of the on-demand platforms and also the mainstreaming of children using media online, has driven away the debate of the underlying issues of media concentration and inability of the European Union to provide content for children, that both educates them as free citizens of a democratic system and provides entertainment in a way that is coherent with the international technical standards and centre on the children's perspective of what is fun. Therefore, these are the research objectives of this thesis:

1. Critically analyse the existing academic and professional literature on ownership regulation with focus on audiovisual children's content distribution: therefore, a detailed discussion on media ownership and children's television will be presented to show the manifold and complex issues of media ownership and children's television. It will help me to identify the powerful actors and policy framework that is relevant for the children's sector of the audiovisual market.

2. Give an overview of the most important regulations that affect the children's market and that are responsible and (in)capable to reduce concentration of the market in the Member States. For this the main documents will be analysed and brought into context in the national implementation with examples to understand the impact the European regulation has on the national level.

3. Map the audiovisual media market for children in the European Union and show the main characteristics of the children's television market, the changing environment and the regulatory inconsistency in the Member States. Also, the dominance of the US-based media companies is emphasized and their co-operations with national commercial broadcasters that helped them gain acceptance in the national market.

This thesis is structured in nine chapters which will be organised as follows: In the subsequent chapters, the general issues and trends in television, children and democracy will be framed and the importance of the topic within the field will be outlined. In Chapter Two the specific issues of children's audiovisual services and relevant literature are presented and brought in connection with media ownership issues. These findings will lead to the research design which is explained in Chapter Three. In the next section the theory of political economy of the media will be outlined that provides a suitable framework for the analysis of ownership and regulatory framework and connects to the analytical part of this thesis. Chapter Five specifies the methodology used in this paper and provides reflections on the material used and the position of the researcher. The following three sections are the analytical part of this thesis: the theoretical discussion of media ownership issues in connection with children's television, the results of the policy analysis including an overview of the milestones of media policy with the focus on children in the media and the ownership structures and market characteristics in the European Union that were collected based on the databases. Finally, in the next chapters the results will be discussed and an outlook for the research of media ownership of audiovisual media services will be presented. In the final chapter will give an outlook for the future and the problems during the research.

Understanding what shapes this changing environment and what the characteristics of the existing media structures are, challenges decision-makers as well as researchers. The current discussion on how society and policy copes with these changes goes beyond the field of communication studies (Just & Puppis, 2012). However, media industries are not openly presenting their economic information to the public, especially those who are established in the US and are the beneficial owners of the concentrated media system. This lack of transparency challenges researchers in this field and could be one reason why research in this area is neglected.

1.2   Trends in children's TV in a changing media environment

Although TV has risen to be the most important media the debate has often been about the negative effect on children and the loss of social skills etc. Kondo (2007) provides a literature review on the beneficial effects of television for children, where he concludes: "Television is neither good nor bad for children, but its impact is complex in the way it affects children's knowledge, beliefs and values" (Kondo, 2007, p. 16). Children need entertainment

as well as educational content and if it is provided appropriately, these two can be combined. A child-centred approach to children's television where not only the 'grown-ups' perspective on what children need is included, but also the children's perspective of what they need, will achieve the best results. Public Service Providers like the BBC already have included these in their productions (Kondo, 2007). Recent trends show, that broadcasters rely more on specialised channels for children. In the last year, the viewing numbers increased in specialised children's TV channels in nearly all countries observed by the Kids TV report by Eurodata TV worldwide (cited by L'homme, 2016). In Germany and Spain, for instance, about children's channels account for about fifty per cent of the time spent on television by children. This emphasises the importance of research in this sub-industry.

Children's television has also become an important business sector for media companies and has been corporatized as the other sectors of the audiovisual market. The economic impact of children's content and products have increased in the last decades. As Chapter Two will show, the corporate structure and a history of non-regulation of children's content has led to the current situation of concentrated media for children. Especially for Hollywood producing for children pays off: more screen time and more spending on products related to brands than ever (Hayes, 2007). There has been a significant rise in spending for kids (McNeal, 1998) and the market has grown extensively (Preston & White, 2004). Before the digital revolution of television that ended the spectrum scarcity, commercial broadcasters could only provide one channel that served all audiences. Children's programmes were a marginal part of these channels and consisted of American or Japanese animated shows. Children's programming needed to be profitable for the broadcasters, therefore they only aired at times when the audiences was very low like in the mornings and afternoons, when also children were more likely to watch (D'Arma & Steemers, 2013). Not only the liberalization of the European TV market, but also the technological developments of digital television opened the market for US-based children's channels and productions, that have access to the European viewers since the opening of the market in the 1990s and used the technological possibilities to increase profits (D'Arma & Steemers, 2013). Children's television is more regulated in the European Union than other audiovisual content (Lustyik, 2013). As the official requirements are very high, only very large companies can afford to produce children's content. Also, the advertising regulations are stricter than in other sub-markets as the audience is viewed as vulnerable and in need protection (Hagen, 2010). The academic debate on children's television has mostly issued children's media consumption, violence and advertising etc. (e.g. Mazzarella, 2007). Although large media conglomerates

like Walt Disney are mostly recognized for their children's products, only a few authors (e.g. D'Arma & Steemers, 2015; Sihvonen, 2013) have recently discussed the impact of markets and media regulation on children's television. There can be found a lack of discussion of what children really need and what they want their media to be.

1.3   Citizenship and democracy for children

Issues of children's media are often treated as if disconnected from concepts of democracy and citizenship, characterized as 'unpolitical' but are in fact highly important in prospect to the future of democratic developments (Seaton, 2006). There seems to be a connection to how politics are presented to children: from news they perceive the system as "corrupt and self-interested" (ibid., p.127) and there is no connection to children's real problems and no way to participate and formulate needs.

The democratic role of children is often ignored in the public debate. Protective measures are discussed, or the problems they are faced with in the digitalised world. But that they are actors, as Seaton points out: "children are born citizens – but they are political actors-in-waiting" (Seaton, 2006, p. 125), cannot be traced in the common discussions on citizenship and democracy. Western democracies are closely connected to freedom of media and communication systems that connect the citizens to the current policies that are decided without their active participation. Dahlgren (1995) argues that "(…) it is television which has gained a prominent position within the political systems of the modern world. Concern for democracy automatically necessitates a concern about television (…)" (Dahlgren, 1995, p. 2). Hence, representative democracy relies on the media, especially audiovisual media, to create the vision of participation of the people. The author even argues that democracy with the participation of all citizens would exhaust people who would need to give their 'free time' to the common good and most people are not willing to do so, therefore the democratic process only includes a small share of the citizens. Consequently, children that are excluded from the debate because they supposedly lack the mental capacities to participate in a way the adults can. Decisions are made for them although from the consumerist perspective children are treated like small adults with economic power (Seaton, 2006). When connecting children's television to concepts of participation, it can be found that it is rather decided for them than with them, or by preparing them to be an active citizen in the future. In Arnstein's ladder of participation (1969), the author categorises the scope of participation in policy decisions,

beginning with the lowest level of informing the participants to pretend participation. Children are not involved in policy-making debates in the children's media sector in most cases and their perspective is often not included. Seaton (2006) argues that children can be informed about anything and that the debate on protection and consumerism should be taken to a level where children are able to formulate their wishes and their real problems, instead of the assumed problems by adults and parents.

The political public sphere in Habermasian understanding that has been outlined by Dahlgren (1995) as "a discursive, institutional, topographical space - where people in their roles as citizens have access to what can be metaphorically called societal dialogues, which deal with questions of common concern: in other words, with politics in the broadest sense." (ibid., p. 8), should include young audiences to prepare them to be future citizens. Hence, citizenship in a broader sense must be considered in the context of how children are addressed by children's media. Children are excluded from the public debate because they are not considered to being able to formulate their wishes but on the other side they are addressed as consumers (Seaton, 2006). On the other hand, they are given rights and obligations that accompany those rights: the right to information and freedom of expression are fundamental rights which are granted to children in the same way as to adults. Only in 1990 the UN *Convention on the rights of the Child* established that children's rights worldwide need specific protection. The Convention includes several provisions for children's right and media: children's right to freedom of expression (Article 13) and access to information (Article 17) can be seen as the main legal basis for children's rights worldwide. These include the call for States Parties to encourage media to provide content that is beneficial to children and the right to state their opinion on the media (United Nations, 1989). Article 17 is connected to Article 29 on educational implications for States Parties to provide a comprehensive and positive education that enables children to develop their personalities and talents. Further it promotes to prepare children to be responsible members of a free society, including cultural diversity that should be shown in the media as well as international works and transnational cooperation in productions. Especially, cultural and linguistic needs of the children are highlighted (ibid., 1989). Furthermore, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) provides with its *Convention on the Protection and Promotion of the Diversity of Cultural Expression* of 2005 a suitable framework for cultural sustainable media and culture policies. Until now, 145 countries have either ratified or acceded to this convention, also the EU has acceded in 2006. Although the Convention does not give specific guidelines concerning children and the media, it suggests providing local

content in the locals and minorities languages as well as promoting cultural diversity in all parts of the "cultural value chain" (UNESCO, 2017, p. 37). In their report of 2017, monitoring the implementation of this Convention, it is found that in providing pluralistic content for children, public service broadcasters should be supported in provision of both linear and on-demand/online content for children in their language (UNESCO, 2017).

There is international consensus that media play a crucial role in the development of children and that there needs to be a proficient regulation for production and distribution is necessary as well as the state support to provide non-commercial children's programmes. Other fundamental rights like freedom of expression (in the *European Convention on Human Rights* and *United Nation's Universal Declaration of Human Rights*) and right to privacy (e.g. *EU Data Protection Directive 95/46/EC*) are not explicitly referring to children, but these rights cannot be taken away from any human being whatsoever (Katsarova, 2013). However, these do not only give the children rights, they come with implications of consumerism and power over their own decisions and money.

1.4   Children as small consumers

In children's television many commercial interests are represented and the economic impact and their profit range high (Hayes, 2007), especially when following the development of children's television in the US, where a free market was more important than in the European countries. This must be taken into consideration in this study more closely, because all children's channels are linked to companies that could rise in the nearly unregulated environment, because of the US government's obligation to the first Amendment to the Constitution of the United States (Alexander & Hoerrner, 2007). Companies that have begun with broadcasting and producing children's content (e.g. Disney) could rise to be large empires. Children are treated as consumers, rather than viewers, and media companies and advertisers try to bind them to their merchandising products (Hagen, 2010). This commercialisation does not end on children's channels: there could be traced a connection of brand loyalty and children: children often have a greater impact on purchasing decisions of their parents than their partner (Mayo, 2005). In her critical analysis of children, media and politics, Seaton (2006) calls for taking "children's experiences of the media seriously" (ibid., p. 126), because children are capable to understand more than adults or parents might think, the ability to understand issues they are faced with is often underestimated. The international

trend to a more fragmented television market, has left the younger audience what is often – by adults – perceived as 'dumb' animation and with more advertising aiming at children and their purchasing power (Seaton, 2006). Not only has the number of adds targeting children increased knowingly since 1980, but so has the purchasing power of children. For instance, in the UK the pocket money has more than quadrupled since 1987 (Daily Mail Online, 2014). Seaton argues further that children tend to be addressed as "little consumers" with the same consumerist wishes and rules that apply for adults. She identifies two aspects of "media concerns for children" (Seaton, p.130). Firstly, the commercialized programmes and channels that treat children as consumers and try to profit from them. Secondly, the fear for children, that has led to a catalogue of protective measures in the media and the internet, but also is implied by parents and the media and news – but leave out real problems for children like lack of opportunities or bad housing (ibid.).

It has always been claimed that new technologies corrupt children and that their use will lead to a decline of the generation. Seaton also finds that the commercialisation of childhood and the buying power of children tend to go hand in hand. The model of the "innocent child" (ibid., p.132) clashes with the antisocial child that is mostly depicted in the news media with connections to obesity, attention deficit disorder or other social problems. Furthermore, it is said to be caused either by 'bad' companies (sweet food or drinks) or too much or wrong media use. They are addressed as active consumers, but also as 'manipulative forces that would lead to more consumption by the parents (ibid.).

McChesney (2005) detects commercial interests in all productions for children, even in the public service sector, the advertising industry that finances most of the content indirectly is strengthening politically neutral or uncritical content, because it could drive consumers away. The culture industry and consumption in this capitalist system, that has developed in the last century, as pointed out by authors of the Frankfurt school, tend to use leisure time as a tool for consumerism, and leads the people to ways to escape from their realities by consuming (Adorno, 1975).

Other regulative tools, like the Unfair Commercial Practices Directive of 2005, also failed to protect children from commercial interests in the media (Garde, 2011). Garde concludes that the impact of media policies on children is not considered sufficiently. "The constitutional obligation of EU institutions to uphold the best interests of the child as a primary consideration in all policy areas supports the argument that children's rights should be more clearly singled out" (Grade, 2011, p. 168). Children's rights on the one hand and

protection of minors on the other hand challenge the decision makers, as impacts on children seem to be on a secondary level.

Children's purchasing power and the indirect purchasing power of their parents, the connection to all kinds of brands and the understanding as children as 'little adults' are highly political topics that cannot be ignored (Seaton, 2006). There is a disposition of what adult s think children are allowed to know or are able to understand and what children do understand. Seaton (2006) finds that the worlds are more and more separated not only here but also in the media content: children and adults are less often shown acting on the same level, either adults are pictured as the enemy or as dumb sidekicks that would not be able to understand the kid's reality. But in some way, it is like this, parents do not want to connect to children, the classic sit-coms of the 80s and 90s have left the screens and now friend groups are the most viewed shows and not families with family problems (ibid.). Although Seaton's text was written already in 2006 – 12 years from this thesis – it is still valid in many points, the trends she described are all found in current television, and on-demand media. The call for more money and courage of the public broadcasters to provide sufficient content for children has not been followed. National decision-makers utilize four different strategies to "promote and protect home-grown children's television" (Lustyik, 2013, p. 378): by introducing quotas to domestic programming, like the EU approach to European works. By supporting local productions or funding local channels, the governments try to achieve positive measures for local companies or by banning imported programming. These strategies can be observed in some European Member States, but are not efficient, as the 'country of origin' principle of the *Audiovisual Media Services Directive* of 2010 (AVMS-D) allows to bypass these provisions (European Parliament & the Council, 2010).

Addressing children as future citizens, giving them ideas on how our political system works, is regarded as too boring for the main television and not promising enough income for commercial broadcasters because political content is connected to specific opinions that could drive away the consumers (Sihvonen, 2013). The problem of children's media goes beyond media ownership concentration, the democratic importance of well-informed individuals does not begin with their eighteens birthday. With the current situation of children's television being at mercy of the large media conglomerates that strengthen the status-quo of stereotypes and consumerism in the society, democracy as we know it is at danger.

2 LITERATURE REVIEW

2.1 Role of Television in the Digital Age

Television as mass media has often been declared dead and with the emergence of Netflix in Europe the times of television seemed finally over. When we take a closer look especially young people – more in Western Europe than in Eastern Europe – renounce traditional television and subscribe to online on-demand suppliers (consumerbarometer.com, 2017). Also, the advertising market on television is still relevant as one third of consumers in Europe perceive their information on products from television advertising before they buy them (consumerbarometer.com, 2017).

Van Thillo (2013) argues in his chapter *Long Live Television* that although there are regular predictions of the death of linear television, it still plays an important role in the media sector. The TV industries can produce content with higher quality than others and linear television supports the wishes of the audience to choose, but not the search for their entertainment or information. (Van Thillo, 2013). However, Van Thillo's analysis does not take account of the role Netflix and other providers of online subscription platforms will have in the future. Netflix has successfully entered the European market(s), 2012 in UK, Scandinavia and Ireland; 2013 in the Netherlands; September 2014 in Germany, France, Austria, Belgium, Luxembourg and Switzerland (Netflix Media Center).

In 2016, 89 % of Europeans watch TV each day – on average of 3,41 hours (EBU, n.d.). However, two thirds of all consumers also use their phone, tablet or computer during watching TV (consumerbarometer.com, 2017). According to the Digital TV research's report on global Pay TV developments, there will be a further increase of Netflix users in Europe from 22,6m subscribers in Western Europe in 2017 and 1,6m in Eastern Europe, to 28,9m and 3,5m in 2022 (Digital TV Research, 2017)[1]. These developments can be explained by the theory by Wolfgang Riepl, a German author, who analysed news and communication systems of ancient times and found that there can be a shift of functions if new media technology is introduced. The former main media technology will be used differently, but this does not

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[1] The reports published by the Digital TV Research Ltd must be viewed critically, because the methodology of the research is not published with the report that is accessible online, still it was the only available source for viewer and subscriber numbers.

mean the end of the medium. It indicates that although linear television might not be the main medium for information and entertainment anymore, it might be used for other purposes.

This assumption is supported by Amanda Lotz in her book "The Television Will Be Revolutionized", where she argues that "[w]e may continue to watch television, but the new technologies available to us require new rituals of use" (Lotz, 2014, p. 3). The author has questioned the prognoses of the death of television by arguing that we already do not watch the same kind of television we were watching 50 years ago: The technology has changed already so far that we associate anything to television that is viewable on our devices, any kind of video, streaming or linear programming. She further denies that the revolution of the television will lead to an overthrow of television but rather expand and transform the ways we can use it (ibid.).

The future of television is not clear, and the technical and social changes due to digitalisation are to reach all parts of society. However, media companies have already started to develop new ways to reach the diversified audiences and satisfy individualistic viewing preferences of the audience to compete with new competitors. The connection of cultural industries and IT industries are becoming closer and new partnerships emerge. A regulatory framework benevolent to large media corporations and competition orientated policies enable these developments rather than promote pluralism.

2.2   Media, Toys and Videogames: Powerful Players in the Children's Market

It does matter who produces content: toy industries and food advertising, which sponsor or produce children's content have influence on what is included in the programme. Additionally, these industries are often involved in producing media content. In Europe there is no regulation that prohibits or regulates toy industries to produce content, but they are not allowed to use product placement. The current European regulation only demands 10 % of the produced content to be independent (European Parliament & the Council, 2010).

The lines of industries have blurred, and cross industrial co-operations between toy, video gaming and media production industries are common. Extensions across industries have also increased as many industries can be merged in one large empire. The best example is Disney that dominates many different industries, such as toy industries, entertainment parks for children, comic production, science fiction and its merchandise. In 2015, the CEO of Disney was added to the "hall of fame" of the toy industry (Rainey, 2015) due to this had a

great impact on the toy industry by selling licences to toy producers. With purchasing the children's top sellers of PIXAR (2006), Star Wars (2012) and Marvel (2009), and the recent purchase of Fox production studios (Wallenstein, 2017), Disney could foster its domination in the children's sector.

The video gaming industry is another important partner of the media conglomerates, although they are less dependent than toy industry. Being the largest and most growing media industry of recent years and possessing a growing audience, media conglomerates try to enter. However, the dominant players are less interested in the co-operation. Clarke (2012) argues that they could not yet set foot in the video gaming industry and the large video gaming companies, e.g. Nintendo, Valve Corporation, Rockstar Games, dominate the market. Although media conglomerates own the intellectual property rights of the most successful characters, large video games can concentrate on their own characters (like *Mario* of Super Mario or *Link* of Legend of Zelda). This situation has led to different strategies when it comes to video game production. Disney, for instance, sells the intellectual property rights to video game developers and publishers (The Walt Disney Company, 2017). Disney has a video gaming section, Disney Infinity, but it does not compete with the large video game companies but rather targets a different market. They are still in control of who is involved in the game development and can take back those rights again.

Carlsson (2002) who combines the research of trends of globalisation and children's media, calls children's television or programming "vehicles of merchandising" (ibid, p. 9) and connects all activities in global children's media to commercial interests. The close connection of children's content, advertising and merchandising, is also highlighted by Hagen (Hagen, 2010). The producers behind the characters seem to aim for success to produce more merchandising products like toys, t-shirts and games. Clarke (2012) identifies "tentpole TV" as a common strategy of media companies used to broaden their market: Strategically using different media platforms to show the same content to exploit the characters in all possible stages. This strategy includes comic books, tie-in novels, video games and mobisode (mobile TV). Video games licenced with television or movie producers, however, often lack quality and originality, because they have been produced on a low budget and very little time to be published at the same time as the movie/programme (Clarke, 2012). These mini-games can often be found on the websites of the TV channel or as download mobile game. Media conglomerates have managed to sell their characters and products in all possible areas and dominate children's popular culture. This has happened in the little regulated and controlled

market. This could be seen as a chance, but it only strengthens the role of dominant media companies because they own all rights of these characters.

2.3 Children's programmes in neo-liberal economies

With globalisation, the neoliberal deregulation domestic European children's channels were under pressure. When they entered the market, they had to adjust their programming to the European regulations, however they could profit from their existing content and reputation. Therefore, it is important to include the US regulatory framework and discussions together with the European view as both have an impact on the outcome. The media companies are global players situated in the US and are primarily controlled by the *Federal Communication Commission* (FCC).

McChesney, a critic to the neo-liberal system in media, argues that the media corporations are not interested in social change as this would mean a reduction of power of their companies. The system wants to upkeep the status quo and the advertisers do not want the broadcasters to distribute political or critical content, because it could lead to the loss of audiences. The main interest is to grow and to make profit. This can most easily be achieved by following the advertisers' interests. The audiences are bound to the brands as they are very well established, and part of the culture is that the content is not questioned broadly (McChesney, 2002). He concludes the following: "Nobody without a material interest in the status quo is arguing that this [advertising-driven media content and de-politicisation] could possibly be beneficial to children or our society over the long haul." (McChesney, 2002, p. 28)

The less regulated US market has affected the children's market in Europe, that is structured differently and had more protective measures than the US. Children's programmes have been embedded in the public service media of Europe quite early and are connected to public value discussions and educational task of the media – binding the public broadcasters to deliver a programme for the children's good and not only to follow commercial interests (e.g. public value code by the ORF in Austria). With the inclusion of children's programmes to public media the question of which programmes are considered to be essential for the public arises (Vedel, 2009). Sihvonen (2014) finds in his study on the shift of public service paradigms of minority television in Finland and the United Kingdom that the marketisation and liberalisation of the media market has led to less attention on minorities and the

understanding of the public as consumers and viewers rather than active citizens. D'Arma and Steemers (2013) doubt that commercial broadcasters are capable of serving the public good and abandoning their economic interests by delivering programmes that would provide the best for children. There are many other interests that interfere with children's television and optimal conditions, as it will be illustrated in Chapter 6.5. What can be considered socially desirable television content can only be found with public service broadcasters that are less dependent on advertisers. They argue that children's TV and the missing regulation points out the failure of the free market in media regulation.

For commercial broadcasters, children's programmes have two functions: primarily commercial to serve advertisers and to attract audiences and secondarily to show the broadcasters interest in providing "comprehensive and universal service" to society to foster their status within the system as a "PR vehicle" (Sihvonen, 2013). Sihvonen (2013) points out that children's programmes are the least profitable programmes for broadcasters in Europe. D'Arma and Steemers (2013) support this view: "Investment in children's programmes has hardly ever been profitable for domestic commercial broadcasters because of the small size of the children's advertising market" (D'Arma and Steemers 2013, p. 132). To be able to run children's channels profitably, media companies need to be large and able to rely on other more profitable businesses. The entrance costs are even higher than in other sectors of the media (Ene, 2017). Furthermore, the large US companies could enter the market it the 1990 because they could access the European market with a "higher share of added value", they possessed the copyrights for the content already which decreased the market entry costs and they could develop a European strategy for their channels, as the TVWF-D was in force already (Ene, 2017).

This could be one main reason why the children's market lacks pluralism. Media conglomerates use their own productions as economies of scale and are therefore more efficient than smaller media broadcasters. Although there is no 'hard' evidence of the influence of media content on minors and the regulatory authorities and even civic movements like the US organisation ACT (Action for Children's Television) in the US (as we will see in chapter 6 regulation) have tried to intervene, the large empires were able to gain power and avoid regulations. Media regulation and merger control does not involve cross-industrial control or control beyond borders, because the majority of media regulation is enforced in the Member States. Hagen (2010) who analysed the commercial interests in television in Norway, finds that there are quite strict regulations on commercial communication towards children, but they can be bypassed by countries established in other

European countries. For instance, when the Norwegian Children Ombudsman tried to bring up claims of inappropriate advertising of a children's channel active in Norway, they were rejected because the broadcaster was established in the UK and not subject to Norwegian legislation (Hagen, 2010).

2.4 Production of children's content – costs and strategies

Children's content production is not an exception to the US dominance in culture production and is even more affected because of the strong concentration in that sector. As found by Ene (2017) there are only four major media conglomerates that dominate the European market: Disney, Viacom, Time Warner and AMC Groups. These are also the largest producers of media content. In the following list, the media groups and their production studios are ranked by their market share in 2017 in the US according to the website Box Office Mojo:

1. **Buena Vista** (Disney: 21.8% market share)
2. **Warner Bros.** (Time Warner: 18.4% market share)
3. Universal (Comcast: 13.8% market share)
4. 21st Century Fox (12.0% market share)
5. Columbia / Sony (Sony: 9.6% market share)
6. Lionsgate (8.0% market share)
7. **Paramount** (Viacom: 4.8% market share)
8. STX Entertainment (1.9% market share)
9. Focus Features (1.2% market share)
10. Weinstein Company (1.1% market share)
    (…)
30. **IFC** (AMC Groups: 0.1% market share) (Box Office Mojo, n.d.a)

Also, in children's movies production Disney with its production studio Buena Vista has dominated the market in the last three decades. Of the 10 most successful animation movies in "lifetime gross", seven have been produced by Buena Vista, including *Finding Dory* and *The Lion King*, two were produced by Universal (Comcast) and one by Dreamworks (Comcast) (Box Office Mojo, n.d.b). In other family related categories, Disney, Time Warner and Comcast share the top of the ranking.

The EU has attempted to regulate content production and to support local producers to support local economy. The legislator refers in Article 17 of the AVMS-D to the "broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public" (European Parliament & the Council, 2010) and the plurality of voices that should be available for the audience. Due to the high costs of European production, the digital age has led to a higher concentration in the children's television sector. Local commercial broadcasters are not able to provide children's programmes within the existing framework and therefore had to co-operate with US players, as RTL did with Walt Disney to supply Super RTL or Mediaset with Turner to supply Boing (D'Arma & Steemers, 2013). Ene (2017) argues that ownership of children's channels is important for the acceptance of the channel within the society. Foreign channels without status or other known generalist channels in the country might find it hard to be accepted in the market, whereas popular foreign networks with a big name have higher chances of success. Large US broadcasters can depend on their existing content and transmit it in linguistic versions. The regulation is rather loose in some countries and media corporations can exploit these regulatory loopholes as well as lower taxes in some Member States. For example, in the Czech Republic, the regulation is very similar to the given framework of the AVMS-D, compared to other countries, the Czech Broadcasting Act is less strict than the restrictions found in other Member States (RRTV, 2010).

Generally, when talking about production of children's content, it is situated in the Global north and does not reflect cultural pluralism. Steemers criticises that we know only a little about the people who are involved in children's television and "even less about *the assumptions that those who produce, distribute and market content make about their young audiences*" (Steemers, 2016, p. 126). The report by the European Audiovisual Observatory on "Mapping the Animation Industry in Europe" 2010 to 2014 (Pumares, Simone, Kevin, Ene, & Talavera Milla, 2015), the authors have found that the US animation industry is overshadowing the European: although there are more films produced in the European Union, the American films climbed the rankings in the box offices.

2.5 Timeline parallel developments media industries

Television for children has first been established in the US media where cartoons on Saturday mornings became a tradition: In the 1950s first programmes aiming at a young audience were included in the normal television programmes (Bryant, 2007). For example, Disney had its *Mickey Mouse Club* where they sold advertising time to toy companies and helped Barbie to her success. In the 60s, non-toy advertisers could enter this kind of shows and the number of children's programmes increased. Predominantly, media companies produced low-cost animation, to increase the advertising income that was higher than ever due to the rising viewer numbers and success this kind of advertising promised for toy companies. Bryant (2007) identifies in this the "advent of advertising-driven children's programming" (ibid., p. 16). The Public Broadcasting Service (PBS) launched its first programme in the 60s. *Sesame Street* was an educational programme that was similar to the European approach to children's television. From the 70s on, larger production companies emerged and longer playing children's content, increasingly cartoons, were receiving more contracts (Bryant, 2007). These trends could not be found in the same way in Europe, as public service broadcasters were the main and, in some countries, the only suppliers of media to children. Although the content produced in the US was imported in some countries, in others the protected market led to a high number of domestic productions.

Similar developments of the audiovisual market can be traced in all European Member States as Van Thillo (2013) has categorized for the broadcasting sector in Flanders, can be found similarly in other markets: this can be connected to the common regulation, developments of technology and the ground gaining of neo-liberalism in communication policy. In other European countries, similar trends of privatisation of the television markets took place at the same time – although this liberalisation was still controlled by national authorities. The role of the European legislation only affected parts of the media regulation and especially issues of media ownership and media market regulation are national hands. The identified phases have been connected to developments in the public service sector, European regulation milestones and approaches to children's television to emphasize the current issues of children's television.

Table 1. Developments in the audiovisual sectors in three phases in the private and in the public sector, children's channels and children's content production.

	Private broadcasting in Europe	Public service in Europe	Children's channels in Europe	Approach to children's content production
1980s to early 1990s	Monopolistic commercial markets	Neo-liberalist challenges to PSB	Change in the broadcasting paradigm regarding children, including children in commercial TV	Cartoons and video-game characters on the rise, connection to commercial interests
Mid-1990 to 2010	Duopolistic commercial markets	New strategies to compete with commercial interests	Launching special interest channels for children, fragmentation of markets, market entrance of US conglomerates	Consolidation of toy industry and content production
2010 to present	Competitive rivalry across media markets, increase of on-demand services	Multimedia competition with restrictions for public broadcasters	Rise of on-demand services and the marketisation of media content	Multimedia approach to children's media, cross-media expansions

Sources: private broadcasting from Van Thillo (2013); Public service from Steemers (2016) and Sihvonen (2014); children's channels from Sihvonen (2013) and approach to children's content from Bryant (2007); table: own production.

1980s to early 1990s

Monopolistic commercial markets that can be characterized with the protection of commercial broadcasters by the governments to prevent "fierce competition" (Van Thillo, 2013, p. 2) with advertising monopoly and few licensed competitors. Public service broadcasters were still dominant in many European countries but were faced with new challenges to the competitors. Especially in the public debate the shift in paradigm to a competitive market, introducing the viewers taste as a deciding factor for what is shown on television (Sihvonen, 2014). In children's content production Bryant (2007) finds that toy industries increasingly are interested in productions and commercial communications: characters for their toy production were produced and then turned into television shows (e.g. *He-Man*) to make their products more popular (this goes beyond product placement). This has strengthened the close connection between toy industry, content producers and broadcasters (Bryant, 2007). These developments have started in the US, however could transfer to Europe with the lose regulation of the TVWF-D and new actors in children's television. Important for

the children's media market of that time was the emergence of video-games and the invention of the first home gaming console (Nintendo Entertainment System) that increased the importance of video gaming immensely (ibid.).

Mid-1990s to early twenty-first century

Duopolistic commercial markets in which has started with the TVWF-D and opened the spectrum for commercial broadcaster however was limited because of licensing by national authorities. More competition for content, audiences and emergence of the internet – loss of advertising money (Van Thillo, 2013). PBS in Europe used one of the three strategies to compete: adoption to the commercial competitors, purification to marginalised content that would exceed the commercial programmes capabilities and compensation as a balance of the previous strategies (Sihvonen, 2014). Large US media conglomerates entered the European market and followed the advertiser's interests of a fragmented the market by age and gender, to offer better customized content and ads, like the media market, the toy market that has been interwoven with advertising and production. "(T)oy licensing became a major factor (if not *the* major factor) in measuring the success of any children's television program" (Bryant, 2007, p. 22). Large toy industries (like Hasbro, Mattel, and LEGO) controlled the market and bought out smaller companies. By the end of the century, these three companies controlled 85 % of the toy market (ibid.). Regulation did change for the new Member States of the European Union, with the two large enlargements of 1995 (Austria, Finland and Sweden) and 2004 (Malta, Cyprus, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Slovenia, Hungary) (European Commission, 2015) shared values and the common media market have been transferred to most of the current Member States.

2010 to present

Competitive rivalry across media markets led to a mix of broadcasting, telecommunication and ICT markets. The competitive rivalry between large conglomerates in these sectors and the cross-industrial extensions have shaped the market as well as globalisation (Van Thillo, 2013). Broadcasters are faced with a decline of traditional linear television new actors that enter the market, especially for public broadcasters these developments had an impact, because the competitive system that has been established, now restrains public broadcasters in a competitive setting. Children's content can be viewed on-demand and PSB tend to lack efficiency in adjusting to these developments (Steemers, 2016).

The impact on children shifted from television-only to a multi-window competition, which is still dominated by media companies and toy industries because they owned the rights on the brands and characters, that were most popular for the children. "Megaliths like Viacom, ABC/Disney, and AOL/Time Warner can work from their vast libraries of content and characters to produce products in every medium in which they have a stake" (Bryant, 2007, p. 25). In consequence, children now have more possibilities but less content. Also, the practice of reusing TV shows and the revival of older characters are a typical strategy of media companies to increase costs and bind the audience even more to their products (Potter, 2017). Changes in the AVMS-D included a larger effective area of what is defined as audiovisual content and what needs to be regulated especially in context of protection of minors (European Parliament & the Council, 2010).

3 RESEARCH DESIGN

3.1 Research questions

In this thesis, the focus is to identify the main aspects that have shaped the European audiovisual market for children, therefore the leading research question is

RQ: What shapes the audiovisual market for children in the European Union?

According to the studies that have been presented in the literature reviewing the main issues of media ownership and its regulation are closely connected to each other. The dominance of US-based companies and their subsidies shows that there is a strong impact on the media landscape of Europe. Also, the changes in media technologies shape the viewing habits as well as the market and the regulation. These findings have led me to the sub-questions:

RSQ1: What are the main issues of media ownership of children's television in Europe?

RSQ2: Which legal frame is affecting the distribution and production of children's audiovisual content in the European Union?

RSQ3: What are the characteristics of the European children's television market, with focus on media ownership?

To answer these research questions, I will use a holistic approach: To be able to analyse the issues to full extend, this thesis will only examine television and leave out other audiovisual services. In the first step, issues of media ownership and concentration of media are discussed and brought into connection with children's television by categorising the relevant topics that are identified in the field of communication studies. In the next step, the legislative framework of the European Union is outlined and connected to the status quo. The milestones of media policy connected to children's content will be analysed and linked to the development of children's TV channel's ownership and trends of digitalisation in the European Union. The most important issues that shape the regulation will be outlined and

brought into context. However, I am not referring to the ownership regulation as this has already been made by Korbiel and Sarikakis (2017) and it does not affect children's programmes in a different way it does to any other channel or on-demand provider. More important for understanding the structure of children's media in the EU are policies centred on the topics "protection of minors" in content, direct and indirect commercial communication as well as "European works". The media policy milestone will be mapped, connected and compared with the European approach to children's media policy, with focus on the provisions within the AVMS-D. To do so, documents related to the larger topic of children's media and documents of the regulatory bodies are analysed and brought into connection.

In the third step, ownership of European children's television and on-demand services will be mapped and visualised. The data is based on the *mavise* database by the European Audiovisual Observatory and additional research used to fill the gaps of the database and to control the data given. Documents of the regulatory authorities or the companies themselves are used for this purpose. The aim is to provide a comprehensive picture of the available children's media and the characteristics of children's audiovisual media in the European Union. To explain the interaction of regulation and media markets, the theoretical framework of political economy will be used. It provides a set of tools and explanations to frame the topic and understand this complex issue.

This thesis does not engage in media systems in a comparative way, thus it wants to give an overview of the issues that are relevant in the field and where policy-makers have left bypasses in the regulation. A full discussion of on-demand services and their recent developments lies beyond the scope of this study. This thesis provides an important opportunity to advance the understanding of children's television and audiovisual media services in a changing environment, with digital revolution and new players that have used the lacks in regulation to rise. Due to practical constraints, this paper cannot provide a comprehensive review of the ownership of production in Europe. There is no similar database to the *mavise* available on the produced programmes and their owners, so I am referring to the report by the European Audiovisual Observatory on the Animation Industry although this lacks a comprehensive view on all children's genres.

3.2   Research approach

To be able to answer the research questions, an open and qualitative research logic is used. The problems of the field, that have been discussed in the literature review of Chapter Two have led to the assumption that the regulatory regime of the audiovisual content and protection of minors, and the media companies dominating the market are the most important factors shaping the audiovisual market for children. Following the tradition of political economy of the media, different kinds of materials and data will be analysed to get an insight into the ownership structures of children's content.

I am following the epistemology described by Mosco (1996), who situates his work as realistic, inclusive and critical. The realist aspect allows the combination of empirical analysis and theory to understand the issue; inclusiveness is connected to the openness to sources that allows a full scope of information in this research. Finally, critical analysis plays an important role, as Mosco calls for questioning the existing power structures and dichotomous hierarchies. This approach to research allows to provide a sufficient analysis and tools to give scientific relevant results that will fit in the field of media industries studies.

To analyse the existing legal framework, a methodology rooted in communication policy research is used. This field is closely connected to political economy of the media, as it also recognizes the strong connection of policies and social realities. (Just & Puppis, 2012). Communication policy research has according to Laswell (quoted by Just & Puppis, 2012) two main functions: research on the policy process and informing the relevant policy makers.

To limit the research, I am only observing policies and media markets within the European Union. The political framework does include other countries (like Norway, Switzerland and Russia) but the efficient implementation of the European law and the control is stronger in the European Union. At the time of this thesis, it consists of 28 Member States, that differ in their approach to children's media strongly, but join forces within the European media policy. This thesis will give an insight in how the European Union in general and in examples the Member States try to protect children and provide them with information, entertainment and education.

4   THEORETICAL APPROACH

4.1   Political Economy (of the Media)

To be able to analyse ownership structures of production and distribution of children's audiovisual media, this research is following the tradition of critical political economy outlined by Hardy (2014), which has contributed a suitable framework for the issue of media ownership. To understand where political economy of the media is located in the field of communication studies, political economy will be outlined: Mosco (1996) frames political economy between these two definitions: "(…) political economy as the *study of social relations, particularly the power relations, that mutually constitute the production, distribution, and consumption of resources*" (Mosco, 1996, p. 25). Including all aspects of media as well as social relation, this definition shows the broad aspects of political economy. Mosco points out that he is not totally satisfied with this definition, he argues it would supply a mechanist implementation. Therefore, he gives the following definition: political economy as the "*study of control and survival in social life*" (Mosco, 1996, p. 26). He highlights here the combination of the highly political – the control – and the highly economical – the survival, missing the social reality in this definition, that is necessary to understand media industries.

Mosco (1996) identifies four ideas that form political economic studies: addressing social change and history, understanding social totality, moral philosophy and praxis as cornerstones of the field that frame what is important to researchers. As the discipline of political economy borders with cultural studies on the one side and policy studies on the other, there can be found ideas of both in the approach. From cultural studies it takes the symbolic value of media and from policy analysis it uses the tools to analyse reality. It is rooted in the beginnings of Marxist research and is strongly connected to critique of capitalism and the status quo of power. Hardy (2014) argues that the Marxian perspective includes an historic analysis of the forces in media production and class struggles within the industry. Authors of the political economy of the media view cultural industries as industries that produce meaningful products: products that shape the images through which people make sense of the world. Both economic and symbolic dimension and their interplay are considered when analysing cultural industries. Financing and organizing culture have an impact on the produced content and therefore the discourses and representations in society (Golding &

Murdock, 2000). It is described as a "tradition of analysis that is concerned with how communication arrangements relate to goals of social justice and emancipation" (Hardy 2014 p.3). Therefore, it cannot be understood as a descriptive theory but as a normative and critical theory.

In contrast to other authors, Hardy has established the term critical political economy of the media, that should include more critical views to the study of media industries. Critical political economy does not only describe the status quo or criticise power structures (in a Marxist way) but rather have "a theoretically informed understanding of the social order in which communications and cultural phenomenon are being studied" (Golding & Murdock, 2000, p. 71). Hardy (2014) provides this definition:

> "Critical political economy of media examines how the political and economic organisation ('political economy') of media industries affect the production and circulation of meaning, and connects to the distribution of symbolic and material resources that enable people to understand, communicate and act in the world" (Hardy, 2014, p. 9)

In this approach the media industry's influences on production and content are in the centre of interest. In this context, the meaning produced by media industries is understood as resource that media industries distribute. In recent years, studies with a critical political economy focus have increased and Hardy traces this back to trends of digitalisation and "promise of limitlessness" in the global context of media production and cultural flows (Hardy, 2014, p. 4). The main areas of research can be summarized in these three points:

1. How media industries work and how policies affect media content;
2. How labour and production are organised;
3. Relationship between content and media industry (Hardy, 2014);

In this framework the research interest can be understood as part of the first mentioned area on the macro-level of media industries and policies, as the policies are connected to the media industries of children's television and map the power structures of media companies. For this research, it is important to follow the critical perspective and to show on the one hand how media organisations dominate the children's market, although there are high expectations of quality and content on this genre of media products, that should not be dominated by economic, profit-orientated organisations. On the other hand, how regulation of these industries has shaped the audiovisual market.

The core of critical political economy is the critique of *marketisation* as outlined by Hardy (2014). He argues that this critique "highlights the deficiencies of media markets to provide the range of information and cultural resources to serve citizens and users. These highlights problems arising from corporate ownership of the media; concentration of ownership, the range of content produced, and the values promoted by capitalistic market provision of media service" (Hardy, 2014, p. 58). The importance of the critical approach to media systems and industries will be included following these four aspects outlined by Hardy (2014): Privatisation, Liberalisation, Deregulation and Corporatisation (Hardy, 2014).

Critics often highlight that political economy of the media tends to ignore content and audiences in analysis (Hardy 2014). However, the questions asked within this theoretical approach are connecting the production studies to the studies of content. They aim to show that the conditions of production of media – including the distribution – are important factors, although they are often thought of as solely economical. The political and economic dimensions of media must be taken into account, because they shape the way the content is produced, what can be said and what cannot be said on television. Especially in Europe, the quality standards for children are regulated by the public and show the importance the regulator gives to this group. For instance, the standards set by the UK's regulator OFCOM are relatively strict compared to the European framework of the AVMS-D.

Another critique that could be brought up, is the lack of the cultural perspective in this research and the effects on the audience and the society. The relevance of these issues is not in question, but it would expand the scope of a thesis and could only be answered in a different research setting. Both perspectives are similarly important, and both must be included in communication studies to achieve results that are relevant in the world.

5   METHODOLOGY

5.1   Definitions

To be able to analyse the existing policies and regulations, the legal definitions given by the documents of the European Union will be applied. As the aim of this thesis is to give an overview on the main issues and characteristics of the children's media market in Europe, I have chosen an inclusive approach to the issues involved. The European Union, the national regulators and organisations observing the audiovisual market lack common definitions. Therefore, I am mainly using the definitions given by the European Union's documents and will discuss variations in definition when they occur.

"Audiovisual media service"

In the context of children's television and audiovisual content, there has been a shift in terminology with the new legislation of 2010. The Audiovisual Media Services Directive has acknowledged the lack of the term television (and connected terms) as the digital revolution has led to detachment of content and medium and therefore it could no longer be referred to as television content, but the regulator introduced the term "audiovisual media services" for all media products that include video. I am using the terminology of the AVMS-D Art 1 (1) (a) to give a consistent overview. In the AVMS-D TV channels and video-on-demand services are included. The AVMS-D excludes platforms that are not responsible for their content, where users can upload content (European Parliament & the Council, 2010). This means in this thesis pay TV, free TV and on-demand-services like *Netflix* and *Hulu* are included but video-sharing platforms like *YouTube* or *Vimeo*[2] are excluded.

"Children"

Definitions of children, minors and children's programming are inconsistent in the Member States. In the AVMS-D, the word 'child' is not used once, however people under eighteen are referred to as 'minors'. There cannot be found a general definition applicable in

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[2] In the latest review of the AVMS-D of 2016, video sharing platforms are only subject to the Directive in the context of hate speech or protecting minors (https://scilogs.spektrum.de/sprachlog/frauen-natuerlich-ausgenommen/)

the EU, as this leaves the national legislation space to implement their existing regulations. Regarding this research, there will be no definition used that is valid for all Member States, therefore I am following the given definitions and will discuss them throughout the research process. With the lack of the general applicable definition of the term 'children', I am referring to minors as underaged people (people below the age of eighteen) and to programmes, channels and audiovisual services aiming at them, as the targeted age differs mostly between fourteen and eighteen.

"Country of establishment"

For the debate on regulation and media ownership, this aspect of the AVMS-D will be discussed continuously throughout this thesis. The country where the media company is "established" – as it is referred to in the country of origin principle of the AVMS-D (European Parliament & the Council, 2010) means that it is "based on the location of the head-office, on the origin of editorial decisions, on the location of a significant part of the workforce involved in the pursuit of the audiovisual media service activity, and/or the use of satellite capacity" (Szőke & Polyák, 2009). According to the E-commerce Directive of 2000, the location is based on the economic activities and not the location of the server. This "involves the actual pursuit of an economic activity through a fixed establishment for an indefinite period" (European Parliament & the Council, 2000). Therefore, the country of establishment where the jurisdiction and the taxes are located, affects the legal framework for TV broadcasters.

"Country available"

Country available simply refers to the country in which a TV channel is available. It is not given that all channels are available in all Member States, although legally this would be possible. Data on technical availability of channels has been collected by the Observatory (Ene, 2017) and will be used in the databases. This shows, in contrast to country of establishment, how the children's television market per Member States can be characterised and what the citizens can access in the Member States.

5.2   Policy analysis

To answer the second research sub-question *RSQ2: Which legal frame is affecting the distribution and production of children's audiovisual content in the European Union,* policies on the European level will be analysed and to achieve a comprehensive overview of all policies that interplay in the large topic of children's audiovisual media exemplarily international and national regulations will be outlined. This analysis focusses on the comparison of aspects of formal media governance that is performed on multiple levels, with many actors involved. Following the approach to media policy analysis by Verhulst and Price (2013), policies are understood in a socio-legal perspective: media law is "deeply socially embedded, and represent the values, patterns and processes of control as they relate to mediation, freedom of expression and access to information" (ibid, p. 1). The aim of media policies in democracies is rooted in the wish of the society to regulate human rights like freedom of speech and access to information as well as the economic reality of media corporations. Verhulst and Price (2013) also call for a comparative perspective that would lead to a broader understanding of the policies as well as a possible way to measure efficiency of policies and their validity. "Deliberate, conscious comparative research" can also give information on how specific media structures can influence others and how new technologies can be regulated with what effect. They claim that research is not possible without comparison.

Policies analysis is understood in the greater context of media governance as "an approach to public policy that aims to integrate and contextualize models and research from those disciplines which have a problem and policy orientation" (Parsons, 1999, p. xv). This process of identifying problems is rooted in political science and has developed a tradition in communication studies also: Just and Puppis (2012) specify that policies affecting the communication sector must be analysed with bearing in mind that these policies are not only for economic organisation, but they also produce meaning – they represent a dual role within the economic, political and cultural spheres. Carlsson (2006) gave an overview of approaches to Media Governance of children's media in the global context. She refers to Nordenstreng (2005), who has established a categorisation of media governance: to internal and external types, as well as formal and informal types of governance:

Table 2. Types of media governance

	FORMAL	INFORMAL
EXTERNAL	Law Regulation	Market forces and relations, Pressures and lobbies, Public opinion and criticism
INTERNAL	Management, Financial control, Self-regulation	Professionalism, organizational culture, Norms and ethics

Source: Carlsson (2006) based on: Kaarle Nordenstreng, Hans Bredow Institut/EMR, Seminar 2005

The media governance approach implies that media are not only regulated through law but also by other factors that are equally important. Carlsson (2006) criticises in this table that it is not including other factors that shape the regulation of media. However, this table gives an overview on the forces included in the governance process. In this thesis, the focus lies on what Nordenstreng (2005) describes as formal, both the external – the laws and regulations that are mostly shaped by the European Union and in some cases, the internal, when the regulator relies on co- and self-regulation. I am referring to the external aspects not because they are more important but because they are accessible, whereas informal forms of governance must be approached with a different kind of research design and tools.

Chakravartty and Sarikakis (2006) connect media governance with trends of globalisation: the policy-making process does not happen on the national level only, it has expanded to many levels. International and supranational and at the same time local and regional actors are involved. The understanding of media policy in the concept of media governance will help me to understand the general power structures of children's media in Europe. Children are protected by a strong regulation by the European Union which is controlled by the national media regulatory authorities and self- or co-regulated organisations depending on the region. Therefore, I am not only observing the national regulation but also international and supranational levels, to understand the regulatory regime in its total, but exclude other non-European legislation which indirectly affects the EU but would expand the scope of this thesis[3].

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[3] The US legislation for production is the most important for children's content, as most of the production studios are established in the US and have to serve foremost the US market. They are imported to the European Union later and are a large part of the children's culture.

In this context, the European framework for children's audiovisual content will be analysed, with a focus on the European legislation. The tool of comparison will be used on a micro-level, as previous policies and existing policies will be compared as well as topics that are related to children's content or children in audiovisual media. This comparative perspective will be used to both understand the existing legislation that affects most of the produced children's content and to highlight the issues of the European media policies. To be able to understand the full scope of regulations that directly or indirectly affect children's media this comparison is suitable. It will contextualize the regulation and show the important aspects. This methodology connects to the previously presented theoretical approach of political economy of the media as it combines the political framework and ownership structures as well as it gives the possibility to include theoretical as well as empirical findings.

Media ownership regulation and merger control has been object to others and there are no exceptions for owners of children's media. The lack of control and media concentration are crucial for children's television and they force smaller media companies to change focus. However, this will be discussed in the final chapter, which will provide suggestions on the issue of media ownership and children's media. In the following, the legal framework for audiovisual content will be analysed with a focus on any aspect that could affect children or where the legislator explicitly refers to children/minors/vulnerable audiences. The analysis is concentrated on the question of what shapes the media landscape and what allows media ownership concentration and even what has led to ownership concentration in a sub-market.

5.3   Mapping the European Television market

To answer the research question two, *What are the characteristics of the European children's television market, with focus on media ownership?,* the existing data of the *mavise* database by the European Audiovisual Observatory was extended and organized in two databases. I will base my research on these two new databases: the definition used in the presented databases – Database A & B – are retrieved from the mavise database and are in accordance with the glossary of the *mavise* database (http://mavise.obs.coe.int/glossary).

There are two reasons why it was necessary to expand the database. Firstly, information on the beneficial owner of media groups established in Europe was missing in the *mavise* database. The way the data is provided lacks an overview of the beneficial media owners. Secondly, the data provided was incomplete and not updated. I created two databases that

complete each other, as they reflect on the one side the country of establishment of the children's channels (Database A) and also the availability of the children's channels in the Member States (Database B).

In the first step of mapping ownership of television channels the data of the *mavise* database of the European Audiovisual Observatory of the Council of Europe has been systematized and extended. Ene (2017) has already given an insight of the ownership structures of children's channels in the European Union. However, this report lacks to explain less obvious connections and a comprehensive analysis of the status quo of children's television as it concentrates on US-based children's networks. Therefore, a database with all children's channels and on-demand channels that are available in EU Member States was created. These have been identified by the *mavise* database and the categories have been extended to give an overview of the children's media market and identify the owners of these channels.

Database A

In the first step the excel sheet with all channels in the genre 'children' was downloaded and extended the table with the categories:

Media Group Top: The media group the channel belongs to according to *mavise*, if there was no information given, I researched the information first in the database, in the next step on the internet (e.g. on the websites of the companies, in annual reports of companies etc.). I structured this category in two steps. First, all channels belonging to the top four US media groups mentioned in the Observatory's report (Walt Disney Inc., Time Warner, Viacom, AMC Networks) were identified. I added other media groups if further research showed that they own more than 4 channels in Europe and can be counted as large media groups in children's markets. If the channel was operated by the public, the variable "public" is used. If two media groups are listed in the mavise database, both of them are included in the table, after checking if one of the aforementioned belonged to the other. Only if the channel did not belong to one of these groups I used the variable "independent". In the case of Russian versions of large children's channels; they are operated by companies that are not related to the main Media Group but carry the same name as the big networks. They are marked "independent*".

Owner location: Based on the Media Group, I identified the location of the Media Groups country of establishment. If there are two main owners – two networks co-operating the channel – and both are located in different countries the term "co-operation" is used.

Specification: Based on the *mavise* database, no additional research. This category often only specifies "children's channel" but in other cases it gives important information on the history of the channel or other connections to the owners.

Type: based on the *mavise* database. This category is used to distinguish between on-demand channels and linear television to allow a broader analysis of the data.

Source: The additional source(s) that have been used in the database. Some of the given data was found to be incorrect and further research showed that they belong to other company –cases of Disney Channel (Germany), Disney Junior (German) and Disney XD (German) in the mavise database they belong to Comcast but there is no evidence that they belong there. Reasons for this could be that the database is not updated, and the channel has been sold recently

In the next step I deleted all channels that are not available in EU Member States. The availability was crosschecked with database B. This procedure ensured that only channels that were listed as available in one of the national markets are in both databases.

Database B

To map the impact of media ownership the second database was created. It contains all channels available in the Member States with the assigned genre "Children"[4]. To receive this information, I collected the data on the national markets from the *mavise* database. I downloaded all lists of "channels available" of each European Member State, filtered all channels dedicated to children and listed all children's channels in one database. This database also contains the information on the media owners that has been researched in Database A. In Database B, each line contains a channel and the country available. If a channel is available in more than one country, it is included as many times as it is available in the Member States.

The purpose of this database is first to reflect the national media markets and the availability of channels in the EU Member States, and second to crosscheck database A. For this database the categories: "Media Group Top" and "Owner location" of database A, and the category "Country available" was added, to show in which country the channel is available.

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[4] This data was retrieved on 27.02.2018

This database can contain channels multiple times, one dataset means availability in one Member State.

Software: Tableau Public and Microsoft Excel

To map media ownership in Europe, the free visualisation software *Tableau Public* was used. The software provides tools to map, analyse and visualise databases. I used mainly the mapping tool to demonstrate the impact of media ownership in the EU. The software allowed me to filter main characteristics of the media market in Europe and to cross reference the children's channels with the other characteristics collected in the database. I chose to work with this software because it is possible to enter a database in the format of Excel and because it is free to and the visualisations are easy to use[5].

5.4   Reflections on the material selected for the research

To understand media policy and the application of regulation of rules regarding children in Europe, documents are analysed – policy documents, legal texts, codes of conduct, websites, decisions of regulators, reports and other documents. Karpinnen and Moe (2012) discuss the issue of lack of scientific discourse on the methodology of document analysis, although it is a tool for communication policy analysis and has been used in different contexts. They discuss the term 'document' as something that contains 'text' in a very abstract way – also including visual and audio-parts, e.g. videos, drawings, podcasts. For this thesis, this level of abstraction will not be necessary as the focus lies on what Carlsson (2006) classified as formal level of governance. The analysis of the documents will be on a textual level but also the context of the documents. It is important to contextualise the documents and connect them to other or similar texts (Karpinnen & Moe, 2012).

The way this research is designed allows an inclusive approach to documents. The largest part of the documents used were legal texts and official reports by the European Union and Commission, as well as the database and reports by the European Audiovisual Observatory. The first group of documents was gathered through the official website of the European Commission and their sub-pages, mostly of the Direction General *Digital Single Market*. The second group of documents was reports by the Observatory that are available on

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[5] Tableau Public: Retrieved April 18, 2018 from https://www.tableau.com/about/mission

their website and the public mavise database. The given data by the Observatory lacked information and reliability so information on the beneficent owners, the location of their headquarters and the concept was added if it was possible. For the purpose of this thesis, there were no restrictions on the kind of document used, as they provided additional information to the existing database. In all cases, the data was reviewed regarding its reliability. Most of the information could be gathered on the official websites of the services or in reports by the Observatory. Although this research can be understood as a meta-analysis of the existing database, it also serves another function: It shows the limitations of the official databases and the lack of control by the authorities that often cannot trace the beneficial players.

The European Audiovisual Observatory provides with its database data on all audiovisual media services and broadcasting companies active in the EU. However, this database is hard to access, as it is only possible to access it online, and often it has to be clicked on each company or channel to receive all information. In some cases, the data was incomplete and addition research was necessary. It was challenging that this information often incomplete and does not give comparable information on most public children's channels: Some are referred to as 'children's channel', or channels run by public broadcasters, some give information on the age group or audience targeted, or even the programme that is distributed after watershed. Also, information on included children's programming on the generalist channels is missing, it can be assumed that some of the Member States that launch public service children's channels have included children's programming

The report on children's channels gives a good overview on the status quo of ownership of children's TV channels and the main networks involved but it leaves out important issues: The effects of the market entry of online subscription platforms and Video-on-Demand suppliers are not discussed, although Netflix etc. are the main forces of change in the audiovisual sector. Also, the role of pay-tv is only mentioned marginally – the main channels are free to access but pay-tv channels are part of the main market and according table 3, three out of the four main Networks rely on pay TV channels for kids too. The report lacks a more general perspective and the connection of the US-based Networks within the society. The methodology of this report seems to lack accuracy as there has been no additional research on the ownership status of channels that are co-operations. The database and the reports by the Observatory give insights to media ownership on the surface but for a deeper analysis additional research would be necessary.

6   WHY MAPPING MEDIA OWNERSHIP IN EUROPE?

Media as the fourth estate of a democratic system should be able to monitor the system and inform its citizens, therefore the ownership should be clearly communicated. Also, the argument of media pluralism is based on this assumption and connected to the right to freedom of speech, which can only be guaranteed in a diverse media environment. Media conglomerates that operate not only in one sector but control large parts of the media are a danger to these rights. Therefore, the following section will examine ownership issues to answer *RSQ1: What are the main issues of media ownership of children's television in Europe?* by discussing the academic and professional debate on ownership and children's television.

It is important to systematically map and analyse the media owners and the developments of media concentration regulation. Media ownership is not the only factor of control over media. The economic situation of media is very complex and, in most cases, organised with many subcompanies making it harder to track these power structures. The British media regulator OFCOM even brings this thought up:

> "Even where a person does not have a majority interest, he is regarded as controlling a company where it is reasonable, having regard to all the circumstances, to expect that he would (if he chose to) be able in most cases or in significant respects, by whatever means and whether directly or indirectly, to achieve the result that affairs of the body are conducted in accordance with his wishes" (OFCOM, 2006a, p. 3).

Not only the majority holders of media companies can influence the content and structure, but also other players can influence directly or indirectly. In this paper, these hidden structures cannot be unfolded, but the fact that there are hidden powers will not be ignored while mapping children's television market.

States have historically been regarded as negative forces in controlling in the neoliberal understanding of media markets and implied a clash of interests and power struggles because of marketisation and commercialisation within the media sector (Sarikakis, 2012). Also, the case study on the Swedish 'commercial public service' broadcaster, which was established in 1991, demonstrates: Tjernström (2007) analysed the ownership changes and the implicit limitations on national ownership regulation. He finally concludes that the Swedish case "[…] stands out as an example of a media industry that relies upon a set of laws and regulations that help to define the rules of the game, but where industrial actors are willing to pay less

attention to these rules when they do not serve their interests" (Tjernström, 2007, p. 89). The media giants used their market size and their capital to reduce risks and by this violated basic market principles and were more likely to act in a monopolistic way. The plan of the Swedish government to introduce a hybrid form to prevent media concentration failed due to market rules and strong (international) industries. This kind of commercial regulation is not only observed in Sweden but in most parts of the world where media ownership is concentrated and dominated by large media conglomerates (Fitzgerald, 2012).

Doyle (2007, p.6) states two reasons why media ownership and therefore its regulation matters: 1. Pluralism and the potential harms of media concentration for "[i]ndividuals and societies (who) have a need for diverse and pluralistic media provision" 2. Media ownership implies (political) power. She gives the case of Berlusconi as an example, who could gain political power through his media organisations and does not hesitate to use his outlets to strengthen his position.

Media ownership is closely connected to any discussion on media pluralism, with the argument that a plurality of suppliers will provide a diversity of output (Doyle, 2007; McChesney, 2004). The issue of concentrated media is not a new one but there has been no change and no strong attempt by regulators or citizens to fight this issue. In times of globalisation and digitalisation, it is even increasing, and ownership structures tend to become more complex. Regulation provided by the authorities does not have the competences needed for an efficient fight against concentration (Korbiel & Sarikakis, 2017). Media ownership regulation and policy is not only an economic issue, but "(…) policies that affect media concentrations have very significant political and cultural as well as economic implications". In a changing environment of media systems, it is necessary to evaluate these structures and "(…) *question whether the structures we are left with adequately safeguard the need of European citizens for media plurality*" (Doyle, 2007, p. 7).

In their book "Who owns the Media? Global trends and local resistances" of 2004, Pradip and Nain connect issues of commercial media (e.g. "global corporate media" by McChesney, 2004, p. 4) with national and local approaches to media ownership issues. The democratic impact of free media and the forces behind media ownership regulation worldwide show that the way media are organised is by no means arbitrary or neutral. This view is supported by Sarikakis who emphasises that the control over media in Europe is carried out by political elites, but that "[t]he problem of ownership is exacerbated by the problems in the spheres of politics and the market". She emphasises that the lack of pluralism and the few actors lead to

a media sector which can be shaped by the elites through their relations to politics and their personal interests (Sarikakis, 2012, p. 259).

These studies clearly indicate that there is a problematic relationship between political, economic spheres and media industries. New actors had the chance to enter different media markets and to build up a trans-European network of media organisations, which do not only distribute the traditional way (via satellite or cable) but also only via internet (e.g. Netflix). The debate on media ownership has been expanded in the last decades to a debate on media pluralism which includes media ownership but refers to other indicators to provide media pluralism (Centre for Media Freedom and Pluralism, 2017).

The existing literature identifies the following issues in the context of media ownership:

- Lack of Media Pluralism in Europe
- Lack of Transparency and Lack of Access for Citizens
- Conflicting interests in regulating media ownership by the European Union
- Media Conglomerates
- Media Expansions
- Impact on a democratic media system and culture
- Issues of media ownership in children's television

6.1   Lack of Media Pluralism in Europe

According to the Task Force for Coordination of Media affairs, the modern understanding of media pluralism includes more than just media ownership "[…] it covers access to varied information, so citizens can form opinions without being influenced by one dominant source. Citizens also need transparent mechanisms that guarantee that the media are seen as genuinely independent" (Task Force for Co-ordination of Media affairs cited by Nieminen, 2010, p. 11). Doyle (2007), who has been working on the issue of media pluralism in the Centre for Media Freedom and Pluralism (CMPF), stresses that media pluralism is not only an issue of media ownership, but also of other determinants such as size/wealth of market, diversity of suppliers, consolidation of resources and diversity of output. The European legislation on media ownership is based on two main premises: freedom of the press and the assumption that ownership is linked to the content (Valcke, 2009).

The High-Level Group on Media Freedom and Pluralism argues that media pluralism is a crucial part of media freedom, which has been taken from the concept of freedom of speech by the first Amendment of the US-constitution, the Art. 11 Declaration of Human Rights, and by Chapter 2 of Stuart Mill's 'On Liberty'. The function of media freedom, and therefore media pluralism, in a democratic system has been recognized widely (High Level Group on Media Freedom and Pluralism, 2013). Also, the High-Level Group on Media Freedom and Pluralism states that media pluralism is important for reflecting on pluralism of the society:

> "[…] [M]edia do not only have to be free and independent, they also have to be pluralistic, as well as inclusive, offering a wide range of different views and opinions and reflecting the diversity of a country's population. The concept of pluralism embraces both cultural and linguistic pluralism, taking account of the needs of minorities, reflecting geographical diversity as well as local and regional priorities. A key function of media, therefore, is to protect local cultures (whether national or regional), and, with them, Europe's cultural diversity" (High Level Group on Media Freedom and Pluralism, 2013, p. 12).

The European Commission acknowledges the broad understanding of media pluralism and is eager to fight media concentration in all its forms (Komorek, 2014) and a positive shift in the European Commission towards media pluralism and media freedom in general can be detected. Gibbons (2015) identifies the term "sufficient plurality" which should allow more appropriate policies in regulating the media and has been part of the international discussion on media pluralism. He points out that the scientific community as well as the regulating

bodies need to ask why politicians do not want that all citizens are able to receive all "significant standpoints of opinion" (Gibbons, 2015, p. 29). This wide definition of media pluralism has been adopted by the Media Pluralism Monitor[6] as media pluralism that "[…] encompasses political, cultural, geographical, structural and content related dimensions" (Centre for Media Freedom and Pluralism, 2016). Through the project a set of measures that can be applied to all participating countries[7]. One of their key findings was that the high concentration of media ownership creates a significant risk to representation of ideas and diversity of content (Centre for Media Freedom and Pluralism, 2017).

Media pluralism has been the aim of many different actors in the European as well as in the member states, still the media environment is very concentrated. There have been many studies and recommendations by the scientific community, as well as the Media Pluralism Monitor that have shown the importance of a fighting concentration and related issues. However, the full scope of media pluralism stays opaque especially in the children's sector, where commercial interests clash with cultural implications.

6.2   Media Expansions

Much of the literature since the mid-1990s emphasises the merging of media conglomerates that not only expanded in the areas they are most experienced in or simply by buying out their competitors, they tend to enlarge in all related areas and industries. Media conglomerates are in control of many different outlets – this could only be possible with the existing regulation in the US and Europe that are very insufficient in preventing concentration. The most recent expansion was significant for the children' sector: In December 2017, Walt Disney – the dominating power in children's productions – purchased 21st Century Fox's production studios and parts of the broadcasting companies, like Sky, leaving Rupert Murdoch with the News and Sports channels (Homanoff, 2017).

In her analysis of the economic reasons of media expansion, Doyle (2007) describes three directions of integration – diagonal, horizontal and vertical. Horizontal integration refers to the practice of merging former competing media outlets at the same stage of the supply

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[6] It was established as a "three step-plan" by the European Commission and the final results were published in 2016. The Centre for Media Freedom and Pluralism (CMFP), that has been responsible for all phases, was granted further funding, so the project will enter a fourth phase in 2017.
[7] In the last round of 2016 the participating countries where the EU28 plus the two candidate countries Montenegro and Turkey

chain. This has been strongly regulated in many countries and the horizontal expansion has been carried to other European countries. So, many conglomerates expand in other countries to be able to share their content with larger audiences – the same content can be used in all outlets, with low costs (Doyle, 2007).

Vertical integration means to merge within the production chain of a media outlet. For example, in the television industry this includes the production companies, packaging, broadcasting and distribution. Doyle (2007) highlights the fact that media companies have reduced economic risks when extending their conglomerates to production industries. However, in the UK television broadcaster have a specific quota on how much "independent" programming they must distribute. She does not mention the economic drive to buy telecoms other than controlling the distribution (Doyle, 2007). Similarly, Vedel (2009) highlights the "two-out-of-three-situations rule" of the French ownership and cross-ownership regulation, in which a company may only hold two of the following: terrestrial licence for services reaching more than 4 million viewers, radio service more than 30 million listeners or 20% of market share in newspaper (Vedel, 2009, p. 265). These and similar regulations in other countries should prevent vertical integration and concentration in the market.

European regulations are also included in the AVMS-D. In Article 17, it is stated that all broadcasters must report that they use 10 % of their time and budget for independent producers (European Parliament & the Council, 2010). This also has an impact on children's channels that tend to use Japanese or American animation to keep the costs low. These regulations show that vertical integrated media companies are regarded as dangerous for media pluralism. The third level of integration is diagonal integration which describes merging of companies of different media sectors, with the most common example of television and newspaper mergers. In her qualitative interviews with managers of UK media companies, Doyle finds that economic growth is not the only reason for merging diagonally (revenues do not rise exponentially after the merging): Managers, who are often more relevant to the companies than the owners themselves, try to strengthen their position through expansion. This method balances the finances of their media outlets and gives the opportunity to provide 'more expensive' forms of media: for example, to support newspapers with a lower advertising income with the income of TV advertising. Doyle further found that using the same content is often not possible due to the lack of overlapping editorial practice used in different media, although the outlets can be used for cross promotion (Doyle, 2007). Hardy (2014) emphasises that not all mergers should be considered as a bad development, but that there are also positive changes to be seen. In the past decades, research investigating

ownership and concentration issues have focused on traditional media industries, whereas in recent years media conglomerates have expanded their business to new areas that have been growing for years and could develop without or with only little state interference: like the gaming and comic industries, but also social media and IT companies (Hardy, 2014).

Murdock (2000) shows the network of cross-ownership of the main corporations in the television sector in 2000. There have already been strong connections of the big corporate actors of the media sectors. Most of the above mentioned largest media companies had shares on each other or subsidies. Murdock also mentions the cooperation with Microsoft that many of the media conglomerates have started to develop their services.

Hesmondhalgh (2012) even describes the phase in the 1990s as "merger mania", where not only horizontal merging became state of the art but also vertical integration into the cultural markets was dominant. Telecoms and IT corporations where included in the media conglomerates and the cultural industries became more important in the market/business. Furthermore, Murdock (2000) lists the major mergers and the marketization of the television industries. He concludes that the shift did not happen simultaneously in all European member states but developed through the five indicators of privatization, liberalization, reorientation of regulation, corporatization and commodification (Murdock, 2000, p. 39).

Large media companies being able to consolidate and making it impossible for small media companies to exist are the current trends that dominate media industries. Although this is often not discussed further, this dimension has the most impact on media freedom and pluralism, with higher entry costs to be able to broadcast small and local companies are not able to participate in the media environment. Similar developments influence on-demand services that are not able to provide that much content to the audience and are more likely to be irrelevant in the global market of media.

6.3 Media Conglomerates

The emergence of media conglomerates as we know them today has started with the regulation of radio frequencies and spectrum since the 1930s, when some companies received the rights to distribute and others did not. In the US, the scarcity of spectrum has been controlled by the state – although in the understanding of a free market, the state should not be involved in media regulation. The conglomerates formed around these rights could profit from the weakening ownership restrictions and develop into powerful players (McChesney,

2004; Alger, 1998). The first to be able to enter the digital markets were the companies that had a lower risk in doing so – so the already existing conglomerates became even more powerful through digitalization of spectrum (Murdock, 2000).

Herbert Schiller (1989) draws an even worse picture of the US-American media and culture industries that have been infiltrated by anti-communist views since the second world war and been controlled by a few. The methods used are close to propaganda and connected people by the common enemy Russia, which lead to a higher acceptance of the corporate structures that stood in opposition to the state-owned industries in Russia. In Europe, privately owned media conglomerates, as large as the US-companies, developed later in the television sector, due to state owned media monopolies or strongly regulated media markets and national borders. The exception are companies working in the print sector, which could grow to be able to enter the television market. Only after the TVWF-Directive, media companies could transmit over borders and US companies used this to enter the European market (Hesmondhalgh, 2012). Alger (1998) shows that in a timeline of important policy milestones and media mergers between 1981 and 1998, the neo-liberal policy has continued to tighten media regulation: The Telecommunications Act of 1996 was the greatest reduction of ownership restrictions in the US. After passing it the "megamedia" organizations could freely merge and buy-out modest-sized companies. Also, the global aspect of these megamedia matters: US companies could early develop an international network and work together with PR agencies to improve their advertising revenues (ibid.). When McChesney (2004, p. 4) speaks of "the mythology of the free press in the United States" he argues that the media system is perceived as unregulated or only regulated by the market although national regulation plays a crucial role – especially the lobbies and corruption had an impact on the media landscape. This kind of system was the breeding ground for the largest media companies worldwide. With globalization, media industries and the system of "corporate media" of the United States have extended their activities to the global market. The author points out that the idea of people as part of media governance was abandoned and they are only seen as buyers and sellers of information (McChesney, 2004).

Only a few media companies could develop into conglomerates and gain influence to enter the global market – most of them being US-American, and a few European. Bagdikian (2004) refers to the 'big five' when speaking of the relevant media conglomerates active in the US. He includes Time Warner, Disney, News Corp, Viacom and Bertelsmann but excludes Vivendi as it could not enter the US market as successfully as the others. McChesney is more inclusive in his list and names NBC, AT&T/Liberty Media, Disney,

AOL-Time Warner, Sony, News Corp, Viacom, Vivendi, Bertelsmann as the most important media companies in 2004. Although this list is for the US, in Europe the same companies could establish a large network of channels. These companies are also included in the report by the European Audiovisual Observatory of 2017. They use the term "pan-European broadcasting groups" to identify media groups active in many or all European countries, which are either "multi-country broadcaster" with generalist channels in European countries or subsidies of the major US media groups (Fontaine & Kevin, 2016).

Recently, the largest media conglomerates are not the traditional media corporation but IT companies that have slowly entered the market and integrated in the cultural industries. By far, Google has risen to be the strongest media company with a large number of subsidies and mergers. According to the *Zenith Optimedia ranking of 2016* (O'Reilly, 2016) the following are the largest media companies in revenue in 2015.

1. Alphabet (Google) — $59.62 billion in media revenue
2. **The Walt Disney Company — $22.45 billion in media revenue**
3. **Comcast — $19.72 billion in media revenue**
4. **21st Century Fox — $18.67 billion in media revenue**
5. Facebook — $11.49 billion in media revenue
6. **Bertelsmann — $10.04 billion in media revenue**
7. **Viacom — $9.61 billion in media revenue**
8. CBS Corporation — $9.57 billion in media revenue
9. Baidu — $7.895 billion in media revenue (China)
10. News Corp — $6.86 billion in media revenue

It can be observed that IT companies which are less regulated than other media companies have become very powerful. The long-term impact on the media system can only be assumed. The highlighted companies represent the ones providing children's channels in Europe and are the main actors in children's television worldwide. Disney, a company that started their business with cartoons and grew bigger with the industry by cooperating with toy companies and advertising, shows that the children's market is more powerful than ever before (Bryant, 2007).

6.4   Lack of Transparency and Lack of Access for Citizens

The fact that media concentration is affecting all citizens is not in the focus of public interest and the media. According to a recent study by Justin Schlosberg (2017), media organisations try to hide their power and play down the fact that they control large parts of the media market by arguing that the new innovations of the digitalisation enable citizens to choose freely. Still the large media companies control a large share of the media outlets worldwide. The power seems to be invisible and that is what makes it even stronger. Schlosberg discusses the impact of digitalisation and citizen involvement in gatekeeping but concludes that a democratic society needs to have pluralistic media owners because the implicit owner influences threat to democracy (Schlosberg, 2017).

Korbiel and Sarikakis (2017) analysed the regulation of media ownership in Europe and identified the issue of private media owners who are hiding their ownership structures within the regulations of the European Union as the regulations do not prohibit hidden ownership structures. The only media owners that are forced to disclose their ownership statuses are public service broadcaster. They could identify three main points why media ownership and media pluralism should be central to media policy: 1. The assumption that media ownership affects media content and could lead to more pluralistic output, 2. More media pluralism can protect citizens from political manipulation and 3. The close connection of media markets and democratic systems, including the right to information of the citizens (Korbiel & Sarikakis, 2017). Initiatives like ACCESS Info Europe try to disclose these issues in Europe with comprehensive comparison of media regulation (Access Info Transparency, n.d.). Their main findings are that only in 9 out of 20 countries the public is able to access information on the actual owners of their broadcasters, in most countries observed the beneficial media owners can be hidden, as they don't need to be reported to the regulators and there is no common way of collecting ownership data.

Additionally, the ownership connections of multi-concerns are often opaque – even the European Audiovisual Observatory who should provide this information, does not give comprehensive and transparent information on media ownership. When using their *mavise* database often ownership patterns are not clearly stated, or they are linked to a dead-end with no further information. For example, the connection of Disney can only be found as the third owner of Super RTL, although Disney holds 50 % of the company and is providing a large amount of content for the channel (Bloomberg, n.d.).

Finally, the Media Pluralism Monitor has found that the risk for media pluralism occurs if governments and regulatory bodies are not efficiently enforcing the rules that have been set and would guarantee transparency (Centre for Media Freedom and Pluralism, 2016). In the monitor the indicator of transparency is divided in two parts: transparency vis-à-vis authorities and transparency vis-à-vis the public, but both aspects do not have a common regulation or implementation in the European Member States.

These studies outline that the way the European media is regulated to promote that media outlets can search for the most convenient regulatory authority and settle in that country, as they can distribute Europe-wide. The information does not need to be published to the public in many countries and often even the authorities cannot detect if there are any further benefices from the company.

6.5   Conflicting interests in regulating media ownership by the European Union

Media ownership regulation is in the hands of the Member States as well as the regulation of media spectrum – both radio and television. However, the European Parliament suggested to plan a pan-European solution that has never been implemented or even designed to a point where it could be implemented. Korbiel and Sarikakis (2017) explain this issue by the fact that six Directorates General (DG) have been involved in the issue of media ownership. These Directorates General also include a high number of involved actors that have conflicting interests in the way media ownership should be regulated. At first, DG Industry published the Green Paper *Pluralism and Media Concentration in the Internal Market: An Assessment of the Need for Community Action* in 1991, which focusses on the industries perspective on media ownership and follows a neoliberalist approach, the European Parliament however followed the approach of media pluralism and did not follow the (Korbiel & Sarikakis, 2017).

In the *Charter of Fundamental Rights of the European Union* in Article 11 para 2 it is stated that "the freedom and pluralism of the media shall be respected", which should be practiced in the member states. However, this legal basis is very "[…] vague both in identifying the basis for EU legislation and national laws to address" (Harcourt, 2015, p. 132). The case of the Hungarian public service broadcaster that has been subject to a resolution of the European Parliament and two Council of Europe reports indicates the weakness and the

incapacity of European institutions to provide media pluralism in Europe. This led to a set of actions by the European Commission: The establishment of the High-Level Group on Media Freedom and Pluralism, which is monitoring media pluralism and published a report and recommendations and recommendations by the European Commission (Harcourt, 2015). Harcourt (2015) criticises these steps as they both lack a legal basis and do not include protection of journalistic freedom.

Petros Iosifidis (2014) identifies globalization and technological convergence as the two main challenges of media regulation at the current time, especially in the field of broadcasting regulation, the (technological) scarcity of spectrum has made it necessary to regulate the spectrum to achieve pluralism and to follow a different approach than print regulation which follows an approach of free press and little regulation. The author argues that with the emergence of the internet and also the possibility to increase the provided broadcasting frequencies, including IPTV (Internet Protocol Television) and 3G (Third Generation) wireless networks for smartphones, this regulatory approach cannot be justified anymore (Iosifidis, 2014). However, he approves of the crucial role of competition law in the European media regulation as it is important to "guarantee a 'level playing field', preserve open access and prevent the formation of dominant positions in the media market" (Iosifidis, 2014, p. 7).

For large media organisations this shift in regulation meant that they could easily choose the country with the weakest regulation and broadcast across Europe. They also had the chance to include other infrastructure in their company, like telecom companies, who not only distribute their content but also own the technological infrastructure (Murdock, 2000). Nieminen (2010) criticises the European actions because "the commercial logic followed in the European media and communication regulatory policies contradicts the aim of opening up and strengthening the European public sphere" (ibid., p.3). Not only are European institutions and national regulation involved in media ownership and pluralism issue but also global institutions like the WTO (World Trade Organization) and the ITU (International Telecom Union) take part in the power play (Siochrú, 2004). The authors of the Netherlands Scientific Council for Government Policies claim in their report of 2005 also that the influence of the WTO is increasing and causes a shift to even more neo-liberal approaches to media regulation (WRR, 2006).

Another point that has been discussed regarding media ownership regulation is the general understanding of freedom of expression. Latest developments in national media policy show that the questions of media freedom and freedom of expression were redefined in

context of anti-terror and security issues (Sarikakis, 2012). Although legally guaranteed, these freedoms are not provided automatically: "market pressures, political dynamics, and contexts depend on historical 'paths' both in the ways in which things are done and with regard to the issues that the law is expected to take care of, have their impact on media's functions" (Sarikakis, 2012, p. 249). Freedom of expression and media freedom are rights that can easily be restricted by the state with arguments of state security. Human rights seem to lose importance and the European Union is torn between political and market interests, instead of providing citizens with a free media environment.

6.6   Impact on a democracy

All the above-mentioned issues must be seen in relation to the democratic system and to society that has been affected by the trends of concentration, corporation and liberalisation. Media are broadly understood as important factors to evaluate and understand the world and their independence is highlighted for democratic systems. The influence of media on societies in all its forms is broadly agreed on. Media pluralism – in all stages of the production – is understood to be important to allow a democratic media system: Baker (2007) argues that media ownership pluralism matters more than ever for democracy, especially as multiple outputs reduce even the threat of interference of media owners. Schlosberg (2017) continues this thought by stating that democratic systems cannot be supported by non-pluralistic media industries as they have a role of controlling governments and informing the society. The organisation of media industries and the regulation should also be viewed broadly to provide democracy.

Two main approaches can be found when approaching the issue: private broadcasters argue that the market is the most democratic regulation. The viewers control what will stay in the programmes with their remote, there are no regulations of the content needed as it regulates itself. Still, they only choose from a limited number of programmes and views often do not reflect their preferences entirely (Vedel, 2009). The other approach takes a public service perspective that promotes a stricter regulation and pluralism of voices within the broadcasters – however this does not guarantee no interference by the owners and their interest (McChesney, 2004). Democratisation of media structures through media policies and media pluralism regulation has failed according to Sarikakis (2012), as ownership

concentration is tolerated, content is homogenic, working conditions in the media are precarious and quality standards are adjusted.

In recent literature, the increased complexity of media ownership in the age of digitalisation and globalisation is highlighted. Due to various tools and platforms the formerly uninvolved consumers can influence and produce content by themselves, the gatekeeping seems to have shifted from the companies to citizens. Schlosberg (2017) states that "[b]ehind the very concept of an information age lies a belief in the empowering potential of digital communications, fostering new forms of civic accountability" (p. 4). However, he concludes that media ownership matters more than ever for a democratic society, because the impact of citizens is decreasing on the large companies and the ability to participate can only be considered as tokenistic (Schlosberg, 2017).

Capitalist understanding of liberal markets has led to the current situation of the media system where media companies are more interested in money making and growing than in supporting the democratic system – this has long-term effects which are very complex and yet inestimable. The European media market is dependent on the US industries as it controls all parts of our media – there are little productions of the citizens, projects of the civic society lack attention. Media technology has changed rapidly in the last decades and has promised a more democratic media system in which everyone can participate (produce and consume) with the same chances, but it seems that these hopes remain dreams. Crisis and digitalisation should give more freedom to the citizens but mostly the conglomerates could benefit; internet as a US-American idea and it is still used to interfere for their purposes (Schiller D. , 2002). Regulators like the British media regulatory authority OFCOM highlight the importance of pluralism of voices for democracy, for instance in their review on media ownership regulations (OFCOM, 2006b). The complexity of ownership and its structures, the interests behind regulation of media ownership and transparency implementation and the democratic role of media, are even stronger when regulating television aiming at children.

6.7   Issues of media ownership in children's television

The general issues of media ownership can be found in the same way in children's media, but the political, economic and cultural impact has to be viewed differently. The viewers of these channels are minors, who are protected by law from potentially and seriously harmful content. Media corporations have extended their power worldwide in a neo-liberalist system.

In the yearbook of the UNESCO international clearinghouse on children and youth of 2002, the first attempt to connect neo-liberal globalisation trends and policies with children's perspective and welfare, von Feilitzen (2002) highlights the economic, political and cultural dimensions of globalisation for children's media and the lack of this perspective in research. To reiterate a point made in Chapter 2, globalisation is closely connected to neo-liberalism and commercial interests of others are impacting the media as well as media owners' influence the outcome. Interests of adverting and product placement can be found in all media sectors, but they must be viewed more critically in children's media, as the protection of minors is broadly understood as important. McChesney (2002) argues that neo-liberalism is nothing 'natural', that has to be accepted by society the way it is, when it comes to exploiting children and parents. Large companies have gained influence, in the children's media sector the actors of media industries and production are closely working together with advertisers of toys, food and beverages. The centre of production is not the best for the society but the best for the companies (McChesney, 2002).

When reviewing the literature of children's television and audiovisual media the most often analysed topics are violence in content, children and advertising and the impact on the cognitive development (e.g. studies by Pecora st al., 2007). Food and beverage advertising and product-placement in children's channels are repeatedly issued in research (e.g. Elsey & Harris, 2016). Often, this research reflects US-American concerns on children's development and the educational function of television and cultural aspects (Steemers, 2016). Other approaches include the recent changes in television technology and on-demand content (e.g. Potter, 2017). The strong impact of the US industry on other industries and cultures world-wide, is an academic approach that indirectly makes assumptions on ownership of children's television (e.g. Sigismondi, 2009; Pecora & Lustyik, 2009).

Explicitly studying media ownership of children's television, can only be found in one report by the European Audiovisual Observatory of 2017, that shows the status-quo of children's channels ownership in Europe (Ene, 2017). The reason for this gap in research could be that ownership per se is a very complex issue and cannot easily be accessed and the dominant players are the same as in other sectors. Also, as already discussed above, the impact of ownership on the content is a pre-assumption that is widely agreed on. In the academic and professional conception, children's programmes are regarded as minority programmes as they fulfil the following criteria outlined by Sihvonen (2013): they do not attract the majority of viewers and the viewers are a vulnerable target group with little advertising interest. Due to the considered high cultural impact they have high externalities

and provision is regarded the duty of the PSB. Children in media policy have been discussed especially in the early 2000s in connection with trends of globalisation and digitalisation that shaped the audiovisual markets fundamentally, research has focussed on content regulation and quality standards (McChesney, 2002). The general market trends and the fact that smaller companies have to follow strict rules, has led to a concentrated media market, that provides several child-specific regulations on EU-level but also regulation on national level, that tries to protect children or to strengthen the European market.

7   REGULATION OF CHILDREN'S TV

In the European Union children's television is regulated in a framework of the Audiovisual Media Services Directive of 2010 that has been adapted to national law in each Member State. The topics protection of minors in content and advertising, regulation of product placement and the prioritisation of European works are covered by this Directive. The directive also includes the common media markets and the borderless distribution of audiovisual content that has shaped the European media landscape essentially. In some Member States, these rules are applied stricter than in others, which could be one of the reasons that have led to the polarisation of countries, where children' channels are established. This does not imply that there are no children's channels available but rather that another Member State is regulating the channel – since the TVWF-D of 1989 transnational television is the main provision of the European television market. According to the *mavise* database, a large share of the commercial children's channels is established in the UK.

The connection of media ownership and children's television are addressed by different actors of the EU: the very loose regulation of media ownership is situated in the merger law – as described by Korbiel and Sarikakis (2017) – and is implemented by many authorities that represent interests of cultural, political and economic players. The AVMS-D of 2010 gives only small restrictions on children's television and even less on on-demand services for children (European Parliament & the Council, 2010). The main drivers for media regulation for children are the aim to protect children from harmful content and the attempt to strengthen the European media production market. The following analysis of the European legislation on children's television should help to answer the second research sub-question: *RSQ2: Which legal frame is affecting the distribution and production of children's audiovisual content in the European Union?* I am limiting this work on the legal framework of the AVMS-D and connect it to national implementation. It would expand the scope of this thesis, to present a more comprehensive review of EU legislation.

7.1 Milestones of the current legislation with focus on children's programming

Technological developments and the global aspect of satellite and cable television and radio technologies made it possible for commercial TV stations to enter the market and the European Union reacted with a minimum set of regulations. Before that, broadcasting was exclusively a national issue and national television markets in the EU varied widely. For instance, in Finland main television stations both public service and commercial featured children's programming in their main programme but at less frequented times. It mostly consisted of imported animation that promises the most economic impact (Sihvonen, 2013). In Italy, there has been nearly no frequency regulation in the beginnings of television and a system of small commercial television stations developed. For children's television, an exclusively commercial interest established, and Italy became the largest importer of Japanese animation (D'Arma & Steemers, 2013).

The first steps to regulate television on a European level and establish a common media market has been in 1984 the *Green Paper on the establishment of a common market in broadcasting, especially by Satellite and Cable* and in 1987 the *Green Paper on the development of the Common Market for Telecommunication Services and Equipment*. The European Commission analysed in these papers the impact of a common media market and the sectors that would need harmonisation such as advertising and protection of minors (European Commission - DG Single Market, n.d.). Following these studies, the Commission presented the proposal for the *Television without Frontiers Directive* (TVWF-D) in 1986, which was adopted in 1989 and reviewed in 1997. The Directive does not give any regulation of media ownership, these issues have been regulated within the competition law at that time. However, protection of minors and advertising regulations especially for children were included. The introduction of the TVWF-D states that the two main objectives of the directive are the free distribution of European television programmes and the "broadcasting quotas" that should guarantee 50 percent of the programmes are European (European Commission, 2008).

In the first version of the TVWF-D, the Council committed itself to "protect the physical, mental and moral development of minors in programmes and in television advertising" (Council of the European Union, 1989). This is implemented within Article 15 (a), that bans television advertising for alcoholic beverages for children, Article 16, that prohibits advertising that exploits the "inexperience and credulity" of minors, that suggests

persuading the parents to buy the product, that exploits the "special trust" minors have in responsible persons and that shows minors in "unreasonable (…) dangerous situations" (ibid, 1989). Article 11 (5), allows to only interrupt children's programme if it is longer than 30 minutes reducing the scope of action for advertisers. "Protection of minors" categorised the content by its harmfulness and banned specific content from where children could reach it (ibid., 1989). This was specified in the revised directive of 1997 to a timeframe where this content would be allowed, when children are less likely to watch, between 10 p.m. and 6 a.m., and a visual marker or audio signal should additionally warn the viewers.

Although the TVWF-D was formulated in a generalist way, it was lacking behind as other new technologies for the distribution have occurred. After the first review of 1997, there was a public consultation and evaluations of the directive that found a lack in the protection of minors, also in the course of digitalisation, the reviewed version of the TVWF-D was adopted in December 2007, including linear and non-linear services. All these provisions led to the existing framework for children's television and on-demand content in the AVMS-D of 2010 (European Commission - DG Single Market, 2017). In the proposed revision of the AVMS-D by the EC that was adopted on May 25, 2016, some aspects of protecting children and advertising regulations have been updated and are now rely more on self and co-regulatory models than in the first version of the AVMS-D (Katsarova, 2017).

Discussing children's television does exclude the fact that children also watch other kinds of television programmes like films, sports or documentations, the regulation in Europe early acknowledged this by establishing bans on violent or sexual content or that it should be blocked technically for children not to access freely. The AVMS-D provides a catalogue of provisions that should help to protect children from content and advertising that might be harmful to children, yet it does not give any other specification on children's programming in the same way the TVWF-D did not regulate this part. The foregoing discussion implies that audiovisual media can be harmful for children and that the most important role of the regulator is to protect. The question what children are watching is only asked if it is considered to be harmful content, other factors like the quality or the origin of the content, stereotypical images or other characteristics are excluded. On the other hand, the EU is obliged to the fundamental rights of freedom of the press and the free market that are commonly agreed on. Two strands of regulations relevant for the current children's television owners can be identified: protection of minors, that follows the approach of the innocent child, that should not experience specific kinds of audiovisual content and the protection of

European production markets, that could guarantee content that is more connected to children's reality but in practice has led to more of the same (McChesney, 2002).

7.2 Protection of minors in the AVMS-D

A. Audiovisual content

Protection of minors is a challenging task both in non-linear services and connects to discussions on regulation of the internet due to technological developments and changing viewing habits. The regulation of linear television tends to be stricter: "content which might seriously impair minors" (European Parliament & the Council, 2010), must be totally banned from linear services (Article 27 (1)), whereas in non-linear and on-demand services, it shall be "made available in such a way that ensures that minors will not normally hear or see" (ibid., 2010) such content (Article 12). Content "which is likely to impair minors" (ibid., 2010) should be out of reach for children locked by password during daytime or only showed at hours children normally are not watching television and be marked additionally as such content. On-demand services are to free to offer potentially harmful content (European Commission - DG Single Market, 2018).

This Directive has been reviewed in terms of efficiency of the measures taken to protect children. The report prepared for the European Commission – DG Communications Networks, Content & Technology by Attström, Ludden and Ilisescu (2015) identifies the policy options and problems of protections of minors in a digital environment, in the course of the Regulatory Fitness and Performance evaluation (REFIT) programme of the European Commission. The authors suggest that the status quo is only moderately suitable to protect minors and the appliance in the Member States varies, however they approve of the self- and co-regulation that has been established in some Member States. They would rather suggest aligning the requirements for on-demand and linear television and adjust the obligations of potentially harmful and seriously harmful to improve regulation. Another option would be to guarantee clear standards on the programmes harmfulness and appropriate age and promote further self or co-regulation in the Member States (ibid, 2015).

Finally, in the revised version of 2016, protective measures shall be strengthened, and providers of audiovisual on-demand services shall be bound to age limitations and technical barriers for content that might be harmful to children. "Most harmful content" should be encrypted or blocked with "strictest measures" (European Parliament & the Council, 2010).

Article 12 shall be generalised for TV broadcasters and on-demand providers, as the regulator does not want to differentiate platforms, as the content matters.

> "Member States shall take appropriate measures to ensure that programmes provided by audiovisual media service providers under their jurisdiction, which may impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see them. Such measures may include selecting the time of the broadcast, age verification tools or other technical measures. They shall be proportionate to the potential harm of the programme.

> The most harmful content, such as gratuitous violence and pornography, shall be subject to the strictest measures, such as encryption and effective parental controls" (European Commission, 2016).

This updated version would correspond better to the existing technology and the regulators aim to protect children with technical measures and age appropriate content, however the relevant rules are found in the national regulation: as practical example of the implementation of the AVMS-D, the British Broadcasting Code by the OFCOM will be presented. A large share of the children's channels available in the European Union is registered with this regulatory authority. The OFCOM refers to the group under youth protection as "people under eighteen", includes some provisions that only refer to children, defined as people under fifteen years. They have established two rulebooks – for TV stations and for providers of on-demand services. In the first part of the rulebook, in alliance with the AVMS-D, point 1.1 refers to material that might seriously impair the development must not be broadcasted – seriously harmful content is totally banned by the British regulator. The OFCOM also requires that all "reasonable steps" to protecting minors are taken. In point 1.3 the appropriate scheduling is introduced: channels should broadcast an "appropriate scheduling". Here the regulator gives a practical guide to the way this scheduling should look like: the schedule should consider the time, the nature of the programme, the expected audience and the routines of children to protect them from unsuitable content. The British regulator also gives a timeframe for potentially harmful content. The so-called watershed applies to television and means that after 9 p.m. and before 5.30 a.m. children are not likely to watch television. Exceptions like "premium subscription film services" are named (OFCOM, 2017). The OFCOM introduces the term "[content] likely to be accessed by children", that needs to introduce special warnings if there will be content could distress children also accounting the context (OFCOM, 2017). The OFCOM Broadcasting Code gives guidelines on

coverage on crimes and offenders (1.8 and 1.9), on drugs and alcohol (1.10), violence and dangerous behaviour (1.11), offensive language (1.14, 1.15, 1.16), sexual material (1.17 to 1.20 with mandatory restricted access like a PIN protected system), nudity (1.21) and exorcism, the occult and the paranormal (1.27). These very clearly formulated restrictions affect all broadcasters and providers of on-demand services and push the standards for children's content that must follow these guidelines. The regulator clarifies that the context has to be considered especially and that if programmes are aiming at children, these must be applied even more carefully (OFCOM, 2017). The British Broadcasting Code introduces an additional issue of children and the media: in points 1.28, 1.29 and 1.30, children's welfare is in the centre of these regulations as children can participate in television: both as participants in games and actively e.g. as actors.

B. direct commercial communication

In the AVMS-D the legislator wants to prevent what it identifies as 'harmful advertising': there are three Articles concerned with advertising mentioning children's programmes or advertising aiming at children – Article 9, 20 and 22. Generally all regulations on advertising, referred to as audiovisual commercial communications, are subordinated by Article 9: Art. 9.1 prohibits advertising of alcohol or encouraging children to drinking. Point (g) concentrates on the "physical or moral detriment to minors" by exploiting children's naivety to make them buy something or persuade someone to buy the product or service. It should also not "exploit the special trust minors place in parents, teachers or other persons" (European Parliament & the Council, 2010) or show children in dangerous situations without a good reason. Also, the AVMS-D encourages the Member States in Article 9.2 to develop codes of conduct for adverting and children, specifically for food and beverage advertising. In Article 20, the interruption of television programmes for children is only allowed after 30 minutes of a programme and only if it is scheduled longer than 30 minutes. Article 22 highlights the special status of advertising and teleshopping for alcoholic beverages and again prohibits commercial communication towards children or showing children drinking alcohol (European Parliament & the Council, 2010).

In the revision of 2016, the EC highlights the Member States' responsibility to develop self and co-regulation for commercial communication in forms of codes of conducts. These should focus on the way commercial communication of 'unhealthy' food and beverages

aiming at children (European Commission, 2016). An example of self-regulation of advertising is given by the International Chamber of Commerce (ICC) which has developed a code of conduct for commercial communication that can be implemented by any national self-regulatory organisation worldwide. The ICCs Code of Conduct includes similar regulations in Article 18 as the AVMS-D, but it is stricter in terms of social behaviour ("should not undermine positive social behaviour, lifestyles") and social values (e.g. trust in authorities, unreasonable pricing and parents' permission before contacting marketers) (International Chamber of Commerce, 2011). National self-regulatory organisations are members of the International Council for Ad Self-Regulation (ICAS) co-founded by the European Advertising Standards Alliance. Members of this council can be found in ten EU Member States: Belgium, France, Ireland, Italy, the Netherlands, Portugal, Romania, Spain, Sweden and the United Kingdom (International Council for Ad-Selfregulation, 2018). Other countries like Germany and Austria rely on independent advertising councils with codes of principles that go beyond the legal framework of the AVMS-D and national legislation. For instance, the German code of conduct of the national advertising council gives very specific rules on advertising aiming at children. Interestingly in this code the importance advertising as a constant part of children's lives is highlighted and advertising should not be shielded from them but rather inform them extensively to be able to judge ads for their content. The Code also highlights that advertising must be marked in a way that based on the age-groups the media product is aiming at can be perceived as such (Deutscher Werberat, 2017). However, these codes are non-binding and lack in consequences for the broadcaster, as the subjection to them is voluntary. Self-regulation is often criticised for its weak instruments and the missing power to implement their codes of content. However, they are important because they develop a common set of rules that can be used as guideline for the broadcasters (Meier, 2011).

C. indirect commercial communication

Similarly, sponsorship and product placement in children's content is regulated by Article 10 and 11. Sponsorship may not influence the content, encourage to buy directly and viewers must be informed clearly by showing the logo of the sponsor; Member States may prohibit showing the sponsors logo during children's programmes. Article 11 prohibits product placement with the following suggestions as exceptions: "cinematic works, films and series made for audiovisual media services, sports programmes and light entertainment

programmes" (European Parliament & the Council, 2010) excluding any children's programme. The products that are generally banned from product placement without scope for decision-makers are medical products and tobacco. So, product placement in children's television is totally banned. In their comparative analysis of product placement regimes of the EU and Canada, Ginosar and Levi-Faur (2010) found that the AVMS-D is implemented in different ways throughout the EU. As examples they give the UK and Italy that stress the ban of product placement in children's television and on-demand services. The OFCOM's Broadcasting Code provides a very precise description of these implementations and connects it to the origin of the content what is referred to as European work. The total ban of product placement in children's programme should protect children from indirect influence and subconscious buying suggestions, also the quality standards to distinguish between editorial and commercial content should be ensured (OFCOM, 2017). The Broadcasting Code prohibits in point 9.3 "surreptitious advertising" (OFCOM, 2017), which includes the reference of a brand or a product, that would be considered as advertising, because it is not necessary to mention the specific product or brand name in the audiences view to understand the context.

Sponsorship of children's programmes on the other hand is not prohibited if the sponsor is allowed to advertise, excluding alcohol and tobacco industries that are completely prohibited to advertise on audiovisual services. The sponsor logo can be hidden during the time, but it must be stated that there has been sponsorship. Children's programming is not mentioned by the British regulator in this context (OFCOM, 2017). It can be assumed, that the regulator considers sponsorship less harmful than product placement, as long as there cannot be found any influence on the content by the sponsor.

The rules set for commercial communication are stricter by the AVMS-D than for editorial content, it seems to be easier for the regulator to restrict commercials that content in the light of freedom of expression – for example in Article 9 AVMS-D it is prohibited to show children in dangerous situations that they might would copy, but for media content there is no such restriction (European Parliament & the Council, 2010). According to Frau-Meigs (2006), decision-makers introduced restrictions on content that would regard parental consent before children could watch and aim to modify their models of trade. Producers will adjust to the general obligation and the quality would rise. However, it was found that broadcasters tend to rather rely on what has been tested in the US and their regulator, than relying on domestic authorities to judge upon them (Frau-Meigs, 2006).

7.3   European Works and independent production

The second relevant regulation framework for children's programmes – and any other genre that is dominated by US media companies – are the regulations on European works, that originate in the TVWF-D of 1989, which have been developed and expanded in the AVMS-D 2010. In Article 1, European works are described as works that either (1) originate in Member States of the EU, (2) originate in countries that are included in the European Convention on Transfrontier Television (Council of Europe, 1989) [8] or (3) are coproduced within the rules of the treaties. European works must comply with one of these three provisions: (a) the producers are established in Member States (or Treaty States) (b) the production is controlled by producers established in Member States, (c) the co-producers hold more than half of the total production costs and are not controlled by producers outside these countries. Also, if the majority cost of a production, which would not be considered as European work within the coproduction, is held by European producers, it must be treated as European works. In Article 2, it is provided that there is not discrimination of European works in the third countries (European Parliament & the Council, 2010).

In Article 16, the AVMS-D ensures that broadcasters of linear services reserve at least 50 per cent of their time for European works – excluding news, sports, advertising etc. Also, independent producers should be strengthened: in Article 17, it is stated that 10 per cent of the viewing time or 10 % of the budget should go to independent producers. In Article 13, the AVMS-D binds the Member States to ensure on-demand services support European works for instance by financially supporting European production and prominently offering European works (European Parliament & the Council, 2010). In the revision, the Commission proposes to increase the scale to 20 % of European works for on on-demand-platforms (European Commission, 2016).

The AVMS-D leaves it to the Member States to regulate further and to have specific quotas or other positive regulations. D'Arma and Steemers (2013) point out the lack of this approach. In 2006, *Disney Channel* and *Disney Toons* were requested to invest 10 % of their turnover in French animation – this could be requested as Disney is established with its sub-company, The Walt Disney Company France SA. France could increase the local investment with its policy however only for Disney's channel, the other major US players could avoid this regulation as they are established in the United Kingdom and are only regulated by the OFCOM (D'Arma & Steemers, 2013). The common market fails in this to provide real local

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[8] In force since 1993. Ratifying parties including the EU, most European countries, Russia and Arabic Countries

investment and production of culture of the audience's origin. Further, the French approach has been the strictest that could be found in the EU. Others included the obligations of the AVMS-D and did not add other restrictions for commercial broadcasters. D'Arma and Steemers also found that these provisions are not fully enforced.

The official report by the European Commission of 2010 concerning European works finds that most Member States execute the rules on Article 16 both in television and on-demand services. Independent production however is found less often than required. However, this report does not give any insight into the share of European and independent works in the genre of children (Graham & El-Husseini, 2010). For more information on the issue of children's production, the report by the European Audiovisual Observatory on the Animation Industry in Europe (Pumares et al., 2015) gives first insights. Although animation does not cover genres of children's content, it gives an overview on the sector. Most of the successful animation films are produced in the US, although the European animation industry is well established in the EU. In distributing most broadcasters in the Member States rely on foreign productions. The European Audiovisual Observatory has found that on average only 20 per cent of the distributed animation is European, ca. 72 % US-American and about 8 per cent from other countries. There are only two European countries that are distributing more own productions than US-American – France and the United Kingdom. These could also establish a system of production for television broadcasting and are producing continually television content. Other countries that stand out with a high number of animation productions are Slovakia, Slovenia and the Baltic states – the Netherlands and Luxembourg stand out because they are often co-producers. France has produced the highest number of TV hours in animation in 2014 (Pumares et al., 2015).

The problem that emerges from the European works regulation for children's content is that because children's content that is suitable for the market is expensive to produce and needs a strong national industry to being able to develop (Pumares et al, 2015). International actors can rely on their existing studios and support their own production in the Member States. This has led to the high number of European works that are connected to the media groups. Also, the regulation only gives an overview on the scope of European works and is not efficiently monitored in all Member States. Subsequently, US-companies are not faced with sanctions if they do not fulfil the quota. This was also observed with independent works, which are ignored according to the official study. Although European works are part of the audiovisual regulatory framework since the common market was introduced in 1989, the regulatory mechanisms are weak and only controls on the surface. The regulation rather

focusses on protection of minors than on supporting local production to provide children with cultural sufficient and pluralistic content.

8   MAPPING CHILDREN'S TV IN THE EU

Specialized children's channels have become a fixed part in the media environment. Although the European media markets are structured differently, children's channels are operated in all Member States. Concentration of both media owners and regulatory authorities are the main issues in children's media environment. In this section, I will analyse the European media market and its characteristics by connecting the databases I have created based on the *mavise* database, the findings of the report by the Observatory of 2017 and additional research, to answer *RSQ3: What are the characteristics of the European children's television market, with focus on media ownership?*

8.1   Overview

In Database A, that provides data on all children's channels, their characteristics and their beneficial owners, 306 channels are included. Only 23 channels (ca. 8 per cent) are operated publicly, but a large share of the channels (190 channels, ca. 62 %) is owned by US media groups, that have been identified through the research process, by their owner location. European media owners are comparatively rare: countries with higher numbers of beneficial owners account for instance 10 children's channels in the UK, or 8 children's channels in France (see Table 3). Other foreign media owners are also less powerful as the US media companies, for instance Russian media owners provide eleven children's channels, Japanese five and Qatar three. The top four US media group, that have been identified by Ene (2017), account for 177 of the 306 children's channels in Europe, this is about two thirds of the total children's channels in the EU.

Database B, which contains all channels and their availability in the EU Member States, shows that the number of channels available and established differs strongly amongst the Member States. On average, there are 25 children's channels available in each Member State, the lowest number can be found in Greece (12) and Cyprus (14), the highest in Estonia (39) and Lithuania (41), including many different linguistic versions of the channels and many Russian language channels.

Table 3. Media Ownership of children's channels per country of media owner

owner location	number of children's channels	in per cent
USA	190	62,09
UK	10	3,27
France	8	2,61
Russian Federation	11	3,59
TOP 4 US Media Groups	177	57,84
public	23	7,52
total	306	100

Source: own production based on Database A

Most of the children's channels are, however, established in the UK: 124 of the 306 channels – 40,5 per cent – are legally operated in the United Kingdom and are therefore subject to local regulation and the regulatory body of the UK, the OFCOM. Figure 1 demonstrates the availability of channels in the EU (map on the left) and the country of establishment (map on the right). The number of channels available ranges between 12 and 41 channels, the number of established channels however between none in Lithuania and 124 in the UK. Companies from other countries outside of the EU can also access the market, as long as they are part of the Convention on Transfrontier Television (Council of Europe, 1989). This includes all EU Member States, most European countries and some Arabic countries.

For instance, Russia provides eleven channels, Qatar three, Turkey and United Arab Emirates each two. Saudi Arabia provides two channels. The media owners of the Saudi Arabian channels were not traceable in this research, so they have been coded as unknown. These channels are available in various Member States, Russian children's channels tend to aim at Eastern European countries and are available in the following: Latvia and Lithuania (7), Estonia (5), Bulgaria and Czech Republic (2), and in these countries with one children's channel each: Denmark, Finland, France, Slovenia and Sweden. Arabic children's channels – established in Qatar, Saudi Arabia and United Arab Emirates – can be found in France (6 channels), Italy and Poland (2 channels), Greece and Cyprus each one channel available.
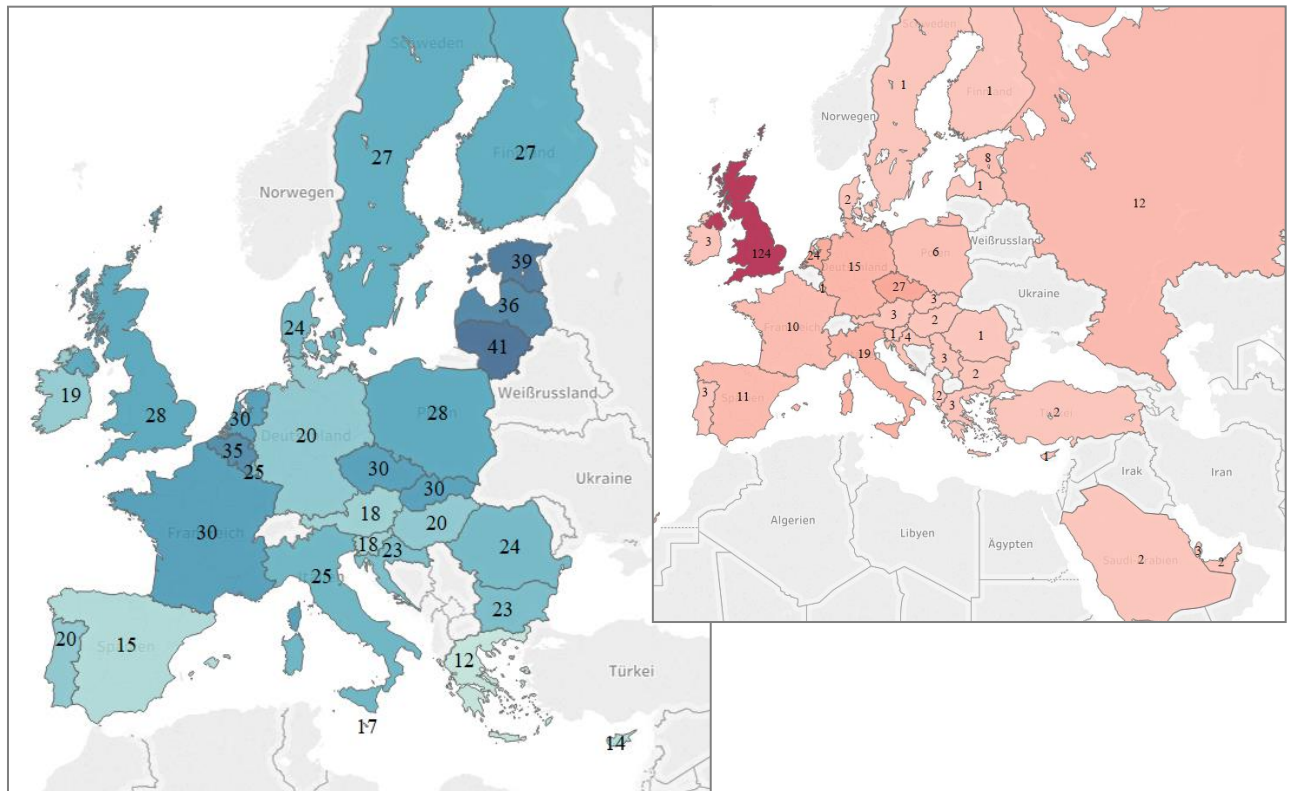
Figure 1. Map of children's channels available (map on the left) and established (map on the right) in Member States; own production based on Database B (map on the left) and Database A (map on the right).

When comparing the number of children's channels with the total number of channels available in each Member State, it can be found that the number of children's channels does not depend on the number of all channels (see Figure 2). The largest media markets do not provide the most children's channels. Also, these numbers do not reflect the viewing habits of the population, they only depict the offer of children's channels in the country.

In the course of this research, I have identified the following characteristics as the most important: access modalities, public service children's channels, linguistic versions, countries of establishment, regulatory authorities and the dominant media owners in the EU.
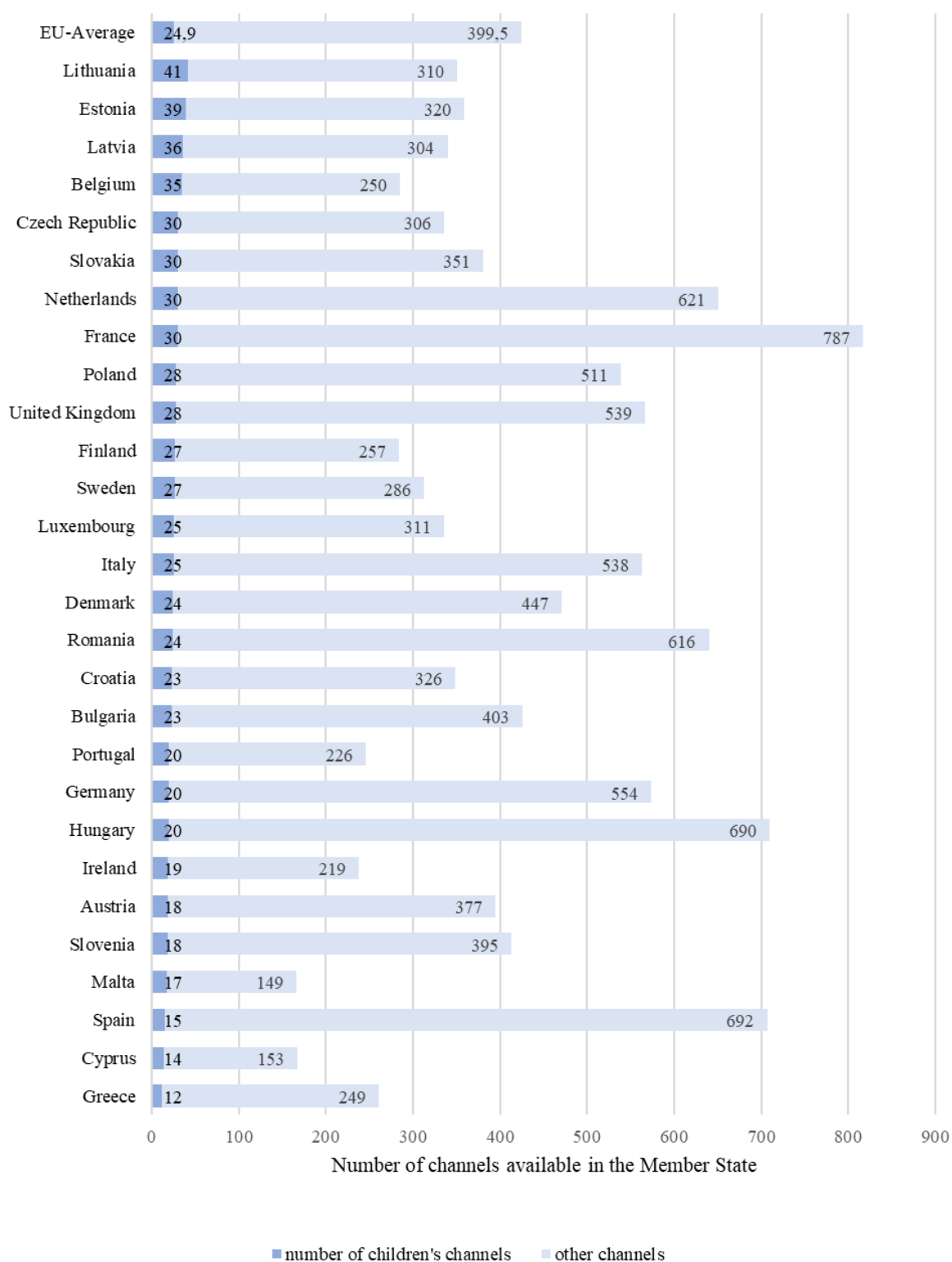
Figure 2. Number of children's channels compared to total television market in Member States; own production based on Database B.

8.2   Access Modalities

The most popular children's channels in the European Member States are freely accessible and public channels, although free channels only represent 20 per cent of all channels available. The top 10 channels account for 36 % of the total ratings[9] delivered by children's TV channels established in Europe according to the Observatories report (Ene 2017). So, these 10 children's channels have on average 100 million viewers each. They are mainly targeting the six largest countries in terms of population of Europe (Russia, Germany, France, UK, Italy and Spain)[10] and are free to access. Among these 10 top channels 5 are national public channels.

Table 4. Top 10 children's TV channels in Europe by rating

Children's TV channel	Country	Ownership	Access
Karusel	RU	National public	Free
Kanal Disney	RU	US private	Free
Super RTL	DE	European public	Free
Clan	ES	National public	Free
Ray Yoyo	IT	National public	Free
Gulli	FR	European private	Free
Kika	DE	National public	Free
Cbeebies	GB	National public	Free
Boing	ES	US private	Free
Disney Channel	ES	US private	Free

Source: Ene, 2017, p. 38

However, in the list after the top 10 there are only a few national public or European Networks with similar ratings. When only analysing the US private channels, the top 8 US networks generate 50 % of the ratings – owning 83 % of the channels (Ene, 2017).

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[9] average number of viewers over the total duration of the programme calculated in percentage of the target group. It measures the popularity of a programme or channel by comparing its audience to the population. The average number of viewers can also be expressed in thousands" (Ene, 2017, p. 35)
[10] Russia is here included because this data was taken for the Observatory' report (Ene, 2017)
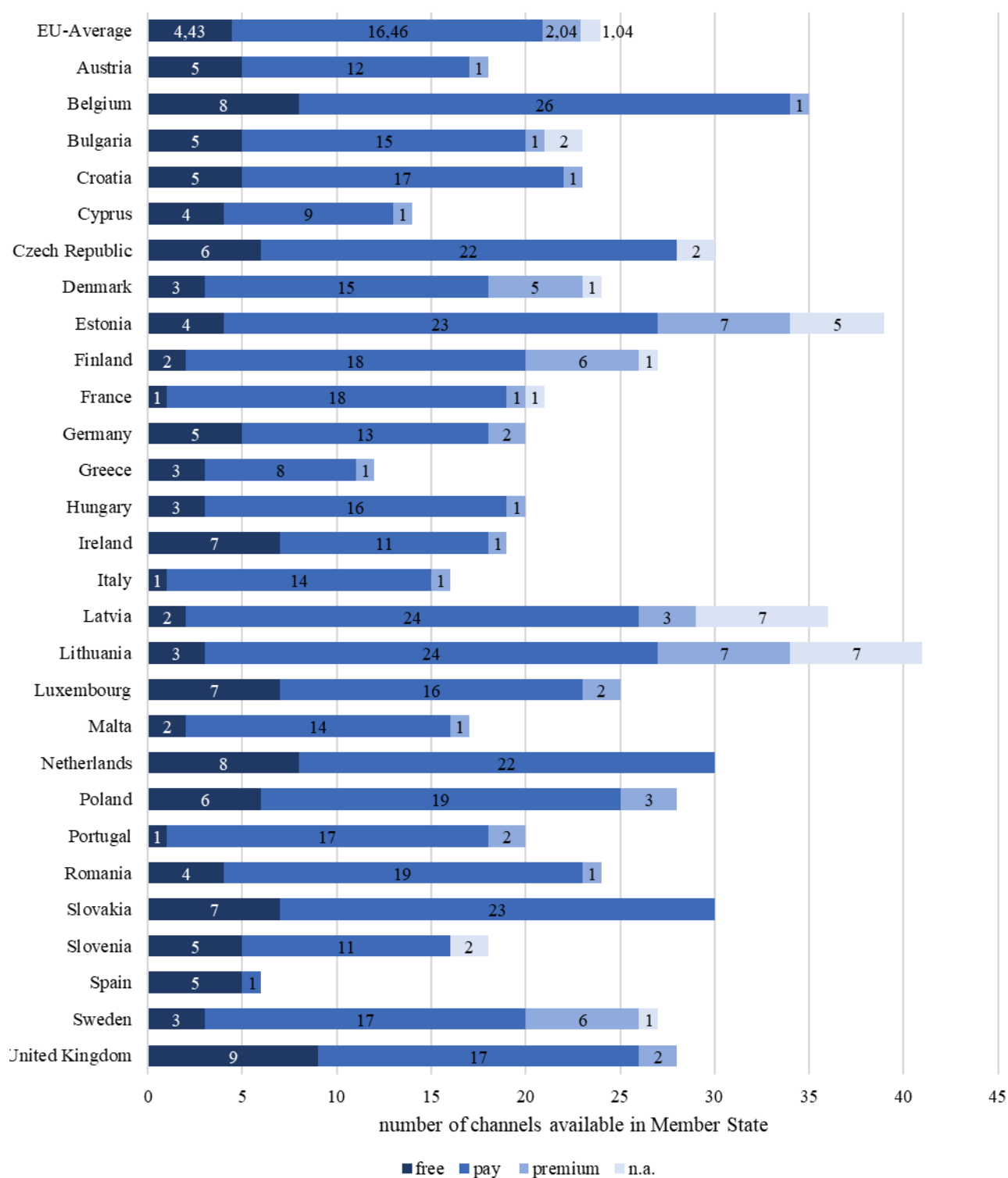
Figure 3. Access modalities to children's channels in national markets; source: own production

In the EU-Average 20 per cent of the available children's channels are free to access, the others are either pay TV or premium television for children. Between one and two premium channels are available per Member State. These are all premium children's channels by Walt Disney Inc: eight linguistic versions of the *Disney Channel* are operated in the EU, two of *Disney Cinemagic* and eight versions of *Disney Junior* and in the UK *Sky Cinema Disney*. In Figure 3, the number of free accessible children's channels in each Member State is mapped, and it can be observed that there is at least one children's channel free to access in each Member State. However, the number of free children's channels varies strongly. In Portugal, there is only one free children's channel: *SUPER RTL* – an advertising-based channel in German and no Portuguese children's channel. In Italy and France on the other hand, there are ten children's channels free to access. The top four US media companies are in most cases pay TV channels. Three of the top four US media groups operate one of their channels with free access:

Disney provides *Super RTL* as a free channel that is available in 15 Member States, *Disney Channel* in the Spanish in Spain for free, the German free version in Austria, Belgium, Germany and the Netherlands. Time Warner supplies *Cartoon Network (UK)* to ten Member States for free. Viacom provides the free-TV channel *Nickelodeon (Germany)* to four Member States. AMC Networks provides pay TV only.

This leads to the conclusion that the model of advertising-based children's television has not proven to be lucrative for the large US media conglomerates. The market and the surrounding regulations are less profitable, and advertisers are controlled very strictly, by laws as well as by self-regulatory organisations, e.g. advertising councils. It can be found that in the Scandinavian countries and in the Baltic States, the number of free children's channels is lower than in the rest of the European Union. Member States with a tradition of competition in the television market, like Italy or the United Kingdom, appear to have a higher percentage of free TV children's channels available than other countries. Public service children's channels are also available for free, in many cases not only in the country that is financing, but in neighbouring countries as well.
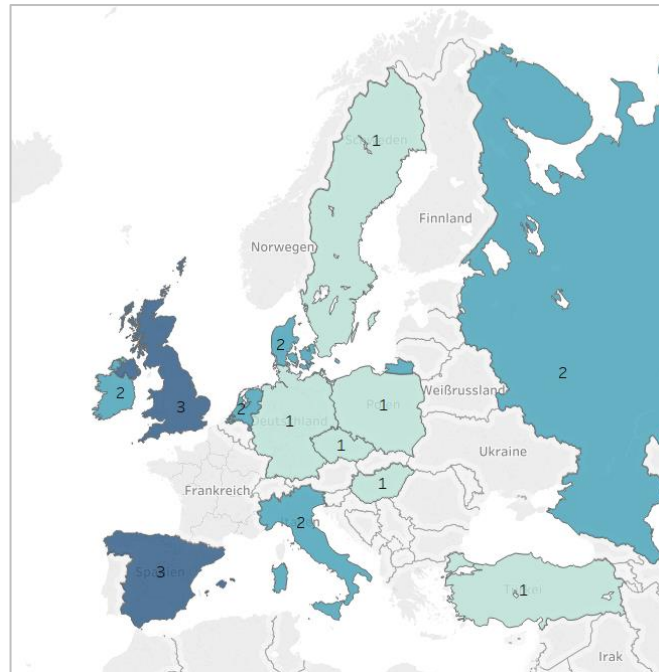
8.3   Public service

Figure 4. Map of public children's TV channels in Member States established. Own production based on Database B.

Public service children's television reflects the country's ability to provide cultural content to cater minorities and help them to understand the general system they are existing in (Sihvonen, 2014). In Figure 4, the countries that operate public children's channels are mapped. Countries with public children's channels are: Belgium (1), Czech Republic (1), Denmark (2), Germany (1), Hungary (1), Ireland (2), Italy (2), Netherlands (2), Poland (1), Spain (3), Sweden (1) and United Kingdom (3); and the non-EU-Member States Russia (3) and Turkey (1). Excluded from this are children's programming within a PSB.

Not all Member States provide public service children's channels, but those who do, distribute their channels to other countries as well, as it can be seen below in Figure 5. Eastern European countries less often support their own public children's channel, but have often access to other providers, like the Russian public service channel *Karusel International* that is available in eight Member States or the German public service channel *KiKa* in 13. The other public children's channels cover between one and four countries. However, not all citizens have access to public children's channels, but some can access more than the ones provided by the national public service broadcasters, like the Netherlands, where seven public service children's channels can be viewed two of which are the locals.

In Spain, the relatively high number of three children's channel can be explained as they are serving their regions: there is one children's channel in Spanish (*CLAN TVE*), one each in the regional languages Basque (*ETB3*) and Catalan (*Super 3*). In the UK, there are two public channels in English (*CBBC* and *Cbeebies*). An inconsistency of the database has been identified: there is a Polish language version of *Cbeebies* – aiming at the Polish market, that is operated by BBC worldwide, which is a subgroup of AMC. Therefore, it cannot be considered public channel but can be categorized as a US-Media Group.

Not all public children's channels are free to access. The public broadcaster NPO provides two children's public pay TV channels *NPO Zapp* and *NPO Zapp Xtra*.
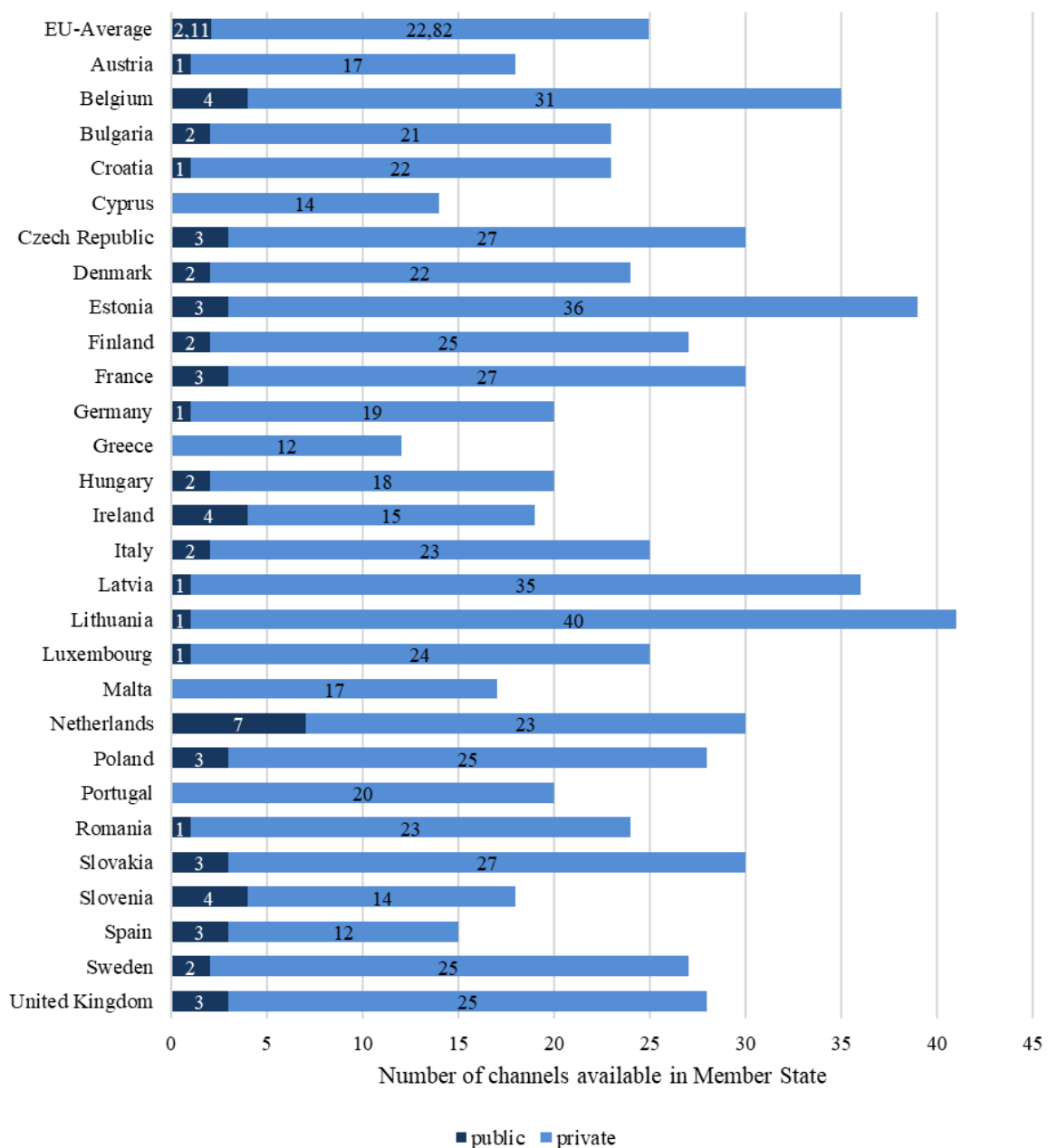
Figure 5. Public service children's channels in the EU compared to total number of children's channels available in MS; own production based on Database B.

8.4 Language

The number of linguistic versions of children's channels available in one country depends on many factors and strategies of broadcasters. For the viewer the language is an important factor of identification and therefore the success of the channel (D'Arma & Steemers, 2013). In the multi-cultural environment children's content is offered in different languages. Children's channels are available in 23 of the 24 official languages in the Member States. Maltese is the only official language that is missing a linguistic version of a children's channel. There are also channels in regional languages in Spain – in Basque and Catalan. Other languages that are not official languages in the EU or regional languages are in Russian (19), Arabic (7), Norwegian (4), Serbian (4), Turkish (3) and in Albanian (2).

Table 5. Channels in official EU languages, regional languages and other languages.

Official EU languages	Number of children's channels	Regional languages	Number of children's channels
English	33	Basque	1
French	23	Catalan	1
Dutch	22		Number of children's
Italian	22		children's
German	21	Other languages	channels
Polish	16	Russian	19
Portuguese	16	Arabic	7
Czech	12	Norwegian	4
Hungarian	12	Serbian	4
Spanish	11	Turkish	3
Danish	10	Albanian	2
Romanian	10		
Swedish	10		
Bulgarian	9		
Croatian	9		
Finish	8		
Modern Greek	8		
Estonian	4		
Slovenian	4		
Lithuanian	3		
Latvian	2		
Slovak	2		
Gaelic/Irish	1		

Source: Own production based on Database A
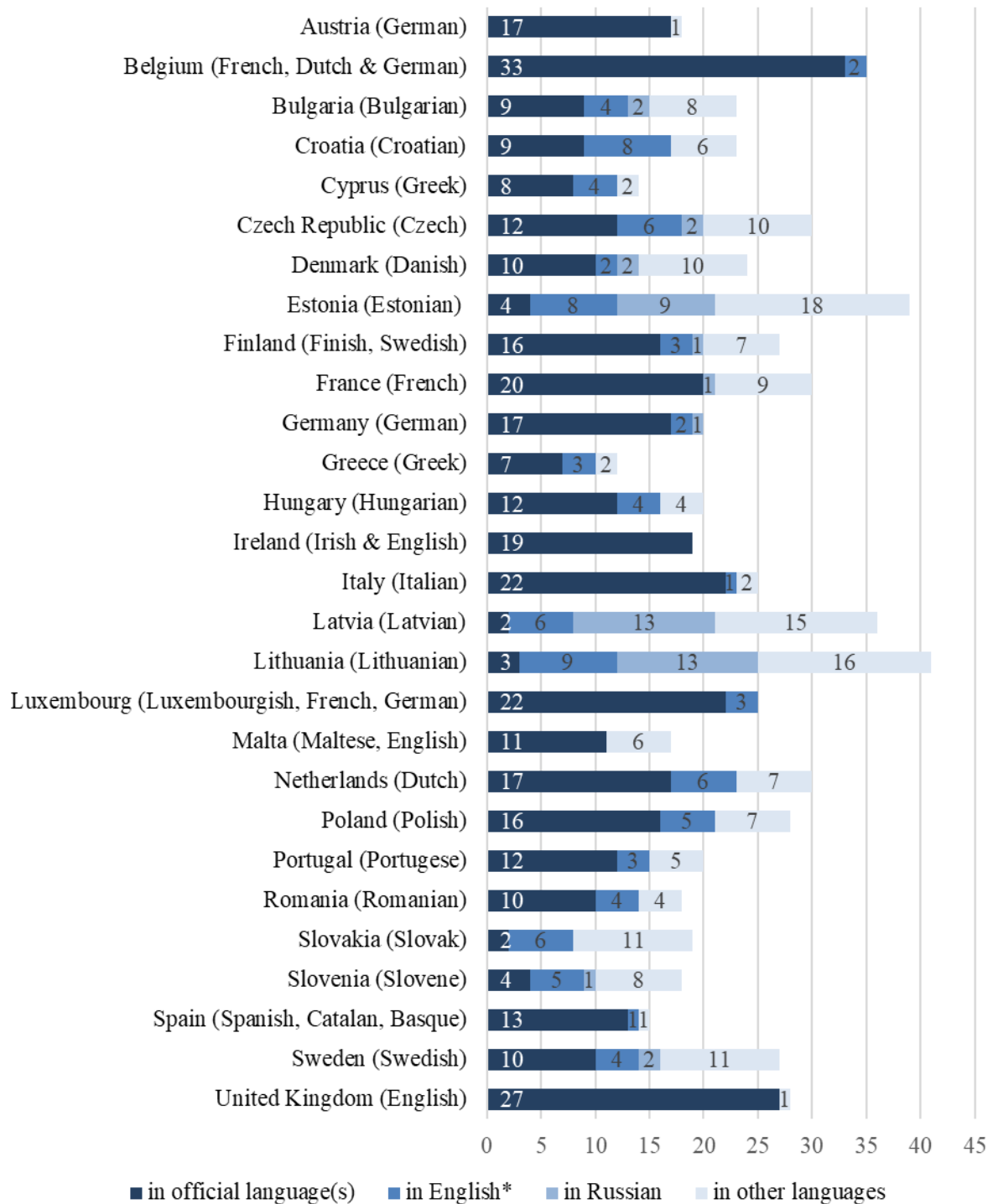
Figure 6. Languages of children's channels in Member States; own production based on Database B. (* if English is not an official language in the Member State)

In Figure 6, the number of children's channel in the official national language(s) and in other languages in the Member States is shown. In the Member States Austria, Belgium, Germany, Ireland, Italy, Luxembourg, Spain and the United Kingdom a high number of

channels (three or less children's channels in other languages) is distributed in the official national language (Figure 6). It must be noted that Belgium has three official languages – Dutch, German and French – which are all part of the first row, as well as Luxembourg has three: Luxembourgish, German and French. There are no channels identified in Luxembourgish.

On the other hand, there are Member States, in which there are fewer than 10 per cent of the children's channels in the official national languages: only four children's channels in Estonian, two in Latvian and three in Lithuanian. In these States the number of children's channels in Russian (9/13/13) and in English (8/6/9) is relatively high. In Slovakia and Slovenia also only two and four children's channels in the official national language are available, the majority in Slovakia are children's channels in other languages: in Czech (11), in English (6) or in Hungarian (6).

In Table 6, the number of children's channels in English is highlighted, because in 26 of the 28 EU Member States at least one children's channel is offered in English, with the exceptions France and Austria. Russian is one of the top three foreign languages in five Member States: Bulgaria, Estonia, Latvia, Lithuania and Poland, according to the Commission's report of 2012 on *Europeans and their languages* (European Commission - DG Communiation, 2012). The number of Russian children's channels is comparatively high: in 11 Member States (Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Slovenia and Sweden) Russian language children's channels are operated.

After English with 38 %, the next most known foreign languages in the EU are French with 12 % of the European citizens "speak well enough in order to be able to have a conversation" and German with 11 % (European Commission - DG Communiation, 2012, p. 21). Children's channels in German are available in 17 and in French in 7 Member States. Regional languages are underrepresented in children's TV channels: Only in Spain, regional children's channels are available in Basque and in Catalan. no other regional language has been included in the database. Luxembourgish as an official national language was not found in the database. However, these findings must be seen in context of the limited offer of children's channels and the possibility of included programmes within the channels with specific language version.

8.5   Regulating children's channels

The AVMS-D defines that the channel is under the regulation of the country of establishment. This 'country of origin' principle is one of the main provisions of the European audiovisual regulations. The national regulation can offer very specific protection of minors and the European works, as the AVMS-D only represents a framework for the national legislation. Generally, a tendency of concentration of children's channels registered in the United Kingdom can be found. This tendency is symmetrical to the total number of channels established in the UK, which is with 1224 channels relatively high, compared to the largest EU Member States Germany with a total of 574 channels, France with 492 and Poland with 321 channels established[11].

Figure 7, provides a comparison of the number of channels in the national markets that are either established in the country they are available, the UK or in other countries. On EU-Average 46 per cent of the children's channels available in the Member State are established in the UK: So, about half the offered children's channels in each Member State are controlled by the OFCOM.

Only 21 per cent of the channels on average are regulated by domestic authorities. Member State above the EU-Average in domestic children's channels tend to be larger and can rely more on strong domestic broadcasters to provide children's channels, like France, Germany, Italy, Spain and the UK. However, smaller countries that are above the average are the Czech Republic and the Netherlands. In both are the top US Groups have established their headquarters for the region. When excluding these, only be four children's channels in the Czech Republic can be found, and two public and one independent children's channel. In the very small countries Luxembourg, Malta there are no children's channels established.

In the Czech Republic, AMC Networks, Viacom and Disney have established their headquarters for the Eastern Europe: AMC Networks has its subcompany AMC NETWORKS CENTRAL EUROPE, S.R.O. with three linguistic versions of *Megamax* and four of *Minimax*. Viacom has MTV NETWORKS S.R.O with 6 linguistic version of *Nickelodeon* and *Nick (MENA)* established. Walt Disney has The Walt Disney Company CZ with five linguistic versions of *Disney Channel*, three versions of *Disney Junior* and *Disney XD* in Polish. The Hungarian authors Szöke and Polyák (2009) found that television available in Hungary is often established in the Czech Republic. Czech regulation promotes that

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[11] data from *mavise* retrieved April 12, 2018

broadcasters take advantage of the 'country of origin' principle of the AVMS-D to pay less taxes in the Member States. Other reasons that are pointed out are "[c]opyright royalties and the activity of collective rights management organisations" (Szöke & Polyák, 2009, p. 89) and the national regulative framework. They also found that the taxes for TV channels are lower than in other countries in this region (ibid., 2009).

In the Netherlands, Viacom has established its largest subcompany VIMN NETHERLANDS B.V. with six versions of Nick Junior, five versions of Nickelodeon four versions of Nick Junior and Nick Music, distributing mostly to the Nordic States, Belgium and the Netherlands. In Nordic countries, the number of channels within domestic regulation is relatively low: Denmark with two children's channels, Finland and Sweden with one each. On the other hand, the number of channels within the UK's regulation is high: Denmark with 18, Finland with 22 and Sweden with 21 children's channels established in the UK. Also, in the Baltic States the number of children's channels established in the UK is higher than in the rest of Europe.
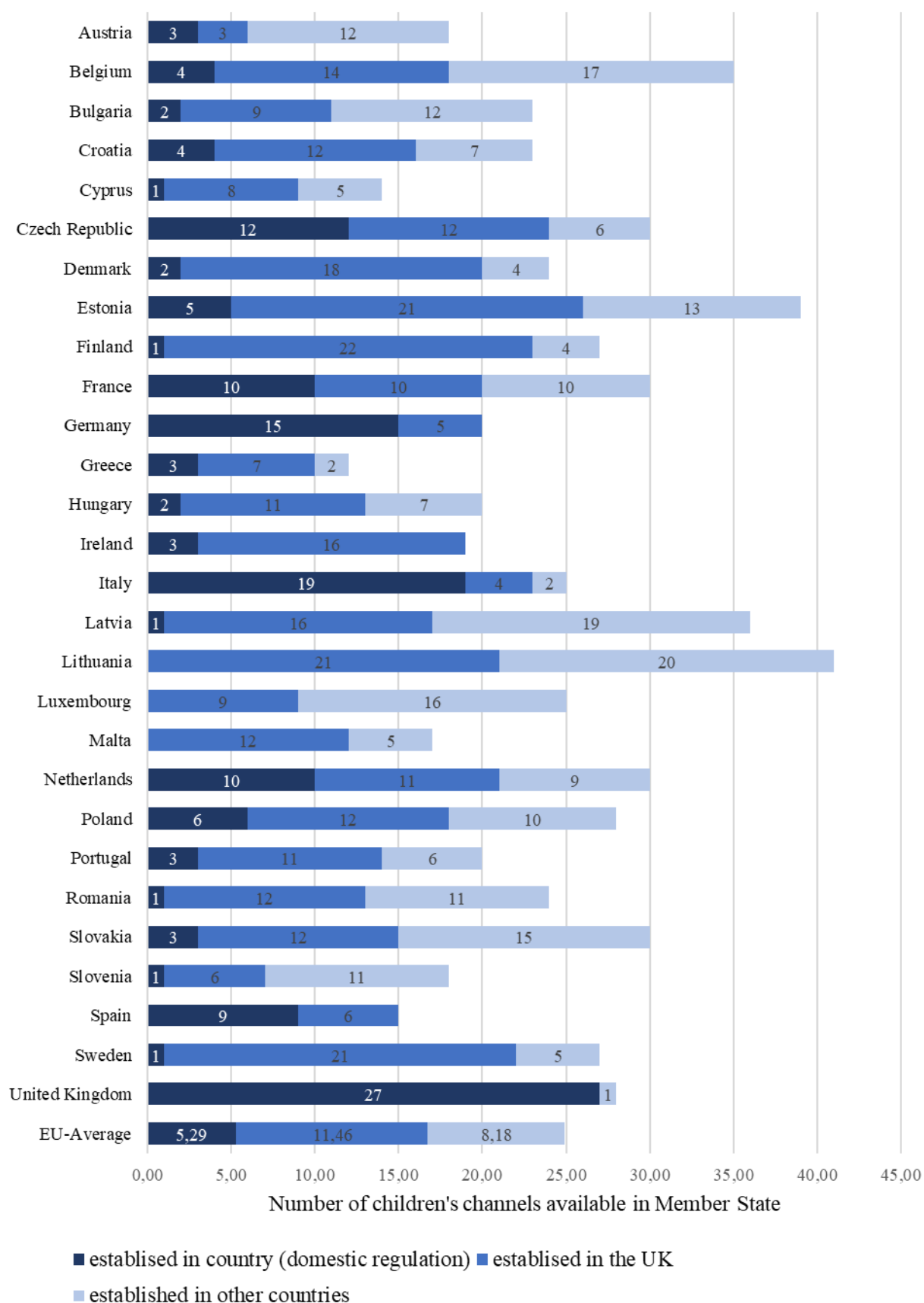
Figure 7. Children's channels origin, available in Member States; own production based on Database B.

Western European countries could rather develop strong national broadcasters that provide children's television, whereas in Eastern Europe, US networks could enter the gap of TV channels, after the fall of the iron curtain and started providing children's channels. In Figure 8, the dominance of the UK in regulation is demonstrated in detail: In all Member States children's channels can be found that are regulated by the OFCOM and the number ranges between three in Austria and 22 in Finland and 25 in the UK. No other regulator has this extensive power over the programming in other Member States.
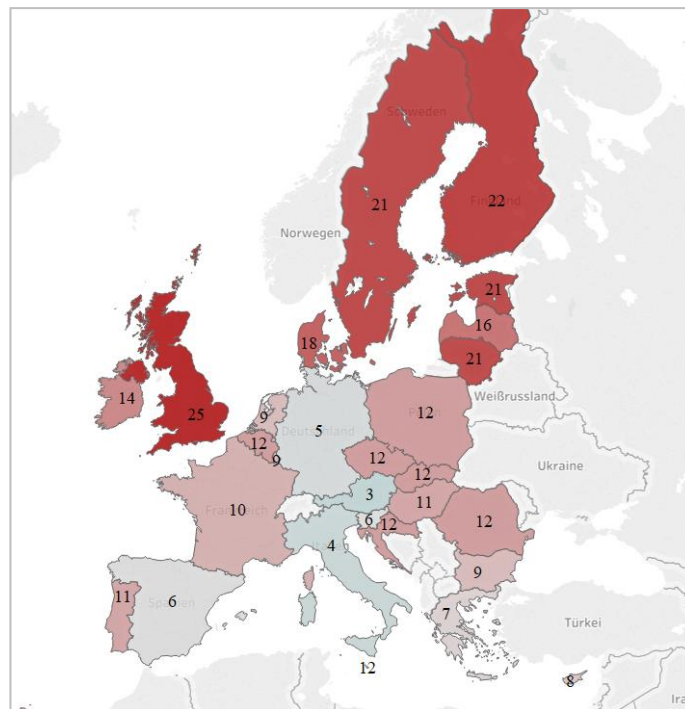
Figure 8. Map of channels regulated in the UK; own production based on Database B.

When only observing channels that belong to US Media Groups, a connection to regulation in the United Kingdom is found: As shown in Figure 9, 111 of the 196 US children's channels available in the EU (57 %) are regulated in the UK. From the other perspective, there are 124 channels that are established in the UK and 111 of those (ca. 90 %) belong US Networks.

Interestingly, the number of US channels regulated in other Member States is comparatively high in two Member States: Czech Republic and the Netherlands. In the Czech Republic, 23 US children's channels are regulated, 9 by Walt Disney, and each 7 by AMC Networks and Viacom. It seems that these companies have set their headquarters for Eastern Europe in the Czech Republic, as the channels established are linguistic versions aiming at Poland, Slovakia, Hungary, Czech Republic, Slovenia, Croatia, Romania and Bulgaria. In the

Netherlands, Viacom has established 16 channels, linguistic versions of Nickelodeon and Nick Junior aiming at the Nordic states and the Benelux states.
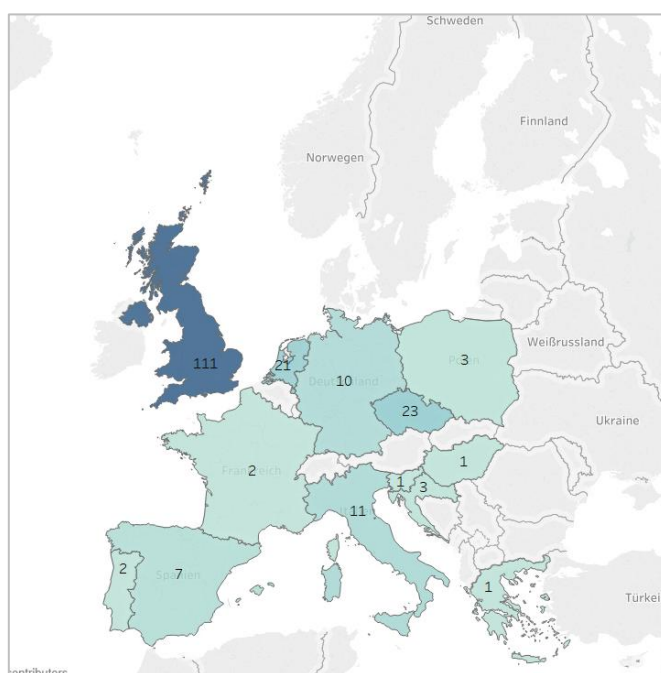
Figure 9. Map of channels beneficial to US Media Groups in Member States; own production based on Database B.

8.6   Media owners of the largest children's networks

The dominance of US media groups is evident in the whole media market but in the children's sector the concentration of owners has shown to be even stronger: The report of 2017 *Media Ownership: Children's TV channels in Europe – Who are the key players?* focusses on the main companies involved in the distribution of children's content and shows the markets of the European countries. The situation of ownership of children's channels is no exception to the dominant concentration of television market in Europe. The main actors operating in European children's programming are the four US groups Walt Disney, Time Warner, Viacom and AMC Groups (Ene, 2017). These top four US groups can be traced in nearly all Member states: Disney with a total of 57 channels in 28 Member States, Viacom with 52 channels in 28 Member States, Time Warner with 41 channels in 27 Member States and AMC Networks with 26 channels in 19 Member States, including also shared channels with domestic broadcasters, like *Super RTL* (Walt Disney and Bertelsmann), *Biggs* and *Canal Panda* (AMC Network and NOS) or *Boing* and *Cartoonito* (Time Warner and Mediaset).

In Figure 10, the availability of the top four US Networks channels is mapped. These networks fully cover the European Member States and are the main providers of private media content for children. In smaller countries, that do not provide a public service children's channel, these networks could fill this gap and dominate the market. In the Observatory's report, the availability of these channels was connected to regional differences of who has the strongest presence in the markets. For example, Walt Disney is available in most of the Western European and Scandinavian countries whereas AMC replaces them in terms of presence and availability in Eastern Europe (Ene, 2017). Another similarity of the top four is that most channels are pay TV channels, the large US Networks often provide one channel for free that is available in many countries.
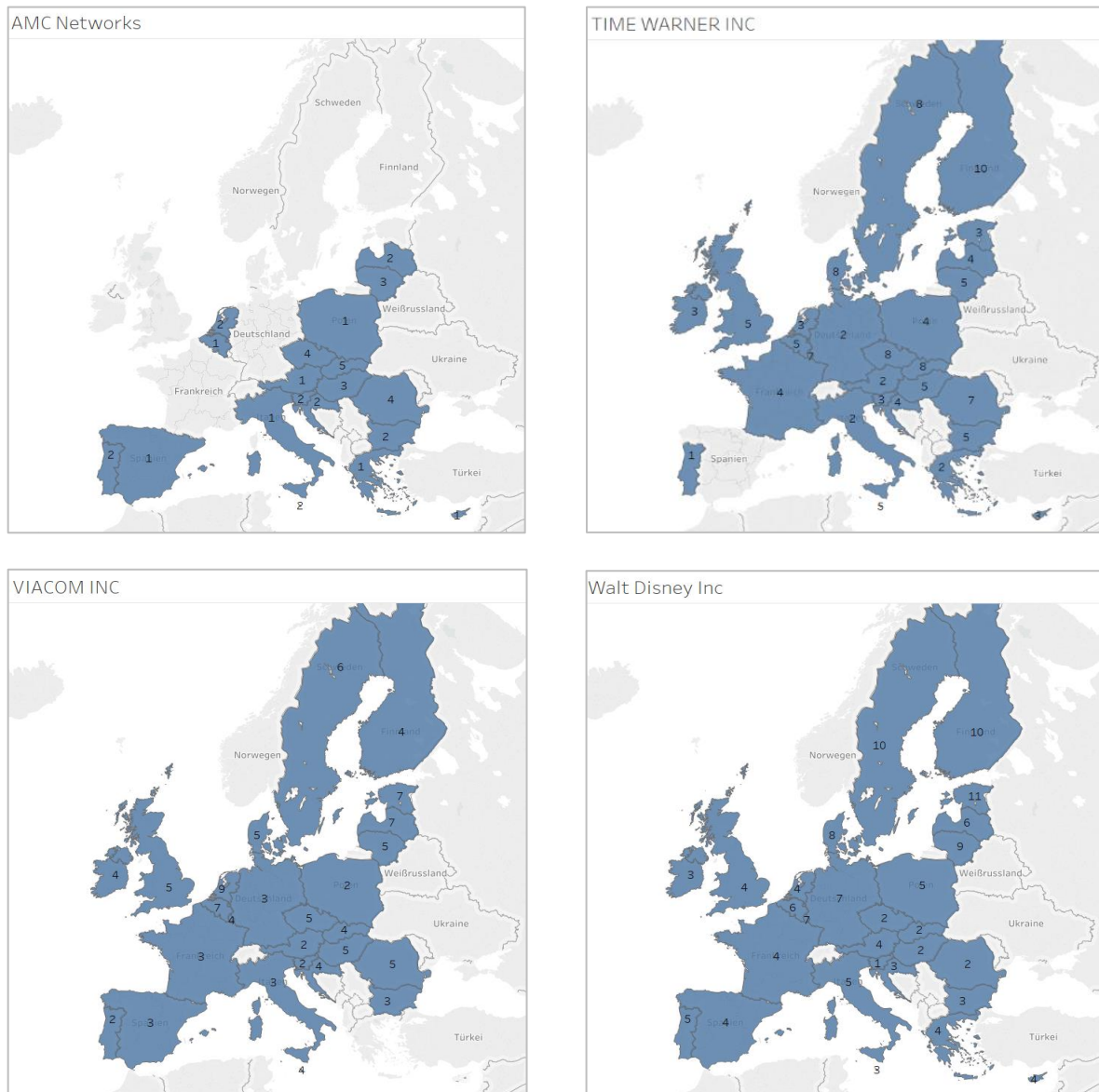
Figure 10. Maps of the children's channels operated by the top four US media groups available in Member States; own production based on Database B.

When connecting these companies to the regulation concentration stated above, the top four US Networks in children's television have at least ca. 40 % of their channels established in the UK. Each of the top 4 US networks has one "flagship" generalist children's channel, which is concepted for the mainstream of children up to 14 years: *Disney Channel*, *Cartoon Network*, *Nickelodeon* and *Minimax*. These flagship channels drive between 60 % and 70 % of the audience shares of the network – except for Time Warner's Cartoon Network that accounts for 44 % of its audience shares. Also, they all have established a pre-school channel and there is a tendency for more niche children's channels e.g. action-adventure-orientated channels for boys (Ene, 2017).

Table 6. US Networks regulation in the UK and other countries

US Groups	Number of channels regulated in the UK	Number of channels regulated in other countries
Walt Disney	28 (49,1 %)	29 (50,9 %)
Viacom	21 (40,4 %)	31 (59,6 %)
Time Warner	33 (84,6 %)	9 (15,4 %)
AMC	15 (57,6 %)	11 (42,3 %)

Source: Own production based on Database A.

For the top four US groups entering the European market successfully has been strategically planned and they were faced with strong competitors, also from the public sector. Especially in multi-lingual countries, a greater variety of television channels and a greater acceptance of foreign brands can be found– for example in Belgium, the Baltic States and Balkan States (Ene, 2017). In Eastern Europe, AMC Networks created the channels *JimJam*, *Minimax* and *Megamax*, that citizens perceive as local channels, as they could be established early after opening the market to Western broadcasters and AMC started investing in local production (ibid.).

Another strategy of large media conglomerates has been the co-operation with national broadcasters to joint forces. The US conglomerates could provide the content and copy rights to formats and the national broadcasters gained the audiences trust and have a local station that could be used. The co-operations the large US media companies have started are:

- AMC and NOS with two Portuguese channels are *Biggs* (Portugal) and *Canal Panda Portugal*, both pay TV channels.
- Bertelsmann and Walt Disney Company with the German channels *Super RTL*, *Toggo Plus* free TV
- Mediaset and Time Warner with two channels in Italy (*Boing* and *Cartoonito*) and one in Spain (*Boing*), all free TV children's channels

Another successful joint of forces of the French broadcaster Vivendi with Scripps Network are their Polish channels *Mini Mini+* and *Teletoon+*.

Table 7. Ranking of US groups and their respective networks by share of children's TV channels controlled and children's TV channels ratings at pan-European level

US Groups	US Networks	Share of children's TV channels controlled at pan-European level	Share of children's TV channel ratings at pan-European level
Walt Disney	Disney Channel Disney Junior Disney XD Disney Cinema Channel Disney Nature	28 %	39 %
Viacom	Nickelodeon Nick Jr. Nicktoons Nick Jr. Too Teen Nick Nick Music	24 %	23 %
Time Warner	Boomerang Cartoon Network Boing Cartoonito Toonami	20 %	26 %
AMC Networks	JimJam Minimax Megamax Canal Panda Biggs	12 %	4 %

Source: own production; data source: Ene (2017, pp.29 & 42)

Not only US groups could be established in the children's media sector. There are several networks that are active in the European market and serve more than their own country, Mega Max Media with their main free TV channel *Duck TV* that is available in 12 countries in East and South Europe, LaGardere with their main channel *Gulli* in France and 4 other countries. The Austrian media company F & F Film und Medien Beteiligungs-GmbH serves five countries with their channels *Fix&Foxy TV* and *RIC TV*, see Figure 11.

One large US-media group, that is not mentioned by the Observatory's report is 21st century Fox which provides the children's channel *Baby TV* aiming at under three years old in 11 countries and a connected video player, they also provide an Italian channel called Fox Animation. Fox does not provide another more generalist channel, nor is it leading in the ratings in children's television, however, it can be noted that it aims at a very specific market

only, babies and children up to 3 years without any linguistic content, that can be easily be distributed to various countries without much additional cost.

To explain these developments and programming issues in Europe better, in the following section the channel Super RTL by Bertelsmann and Walt Disney Inc, each 50 %, will be outlined and its programme, strategy and general activities will be described briefly.
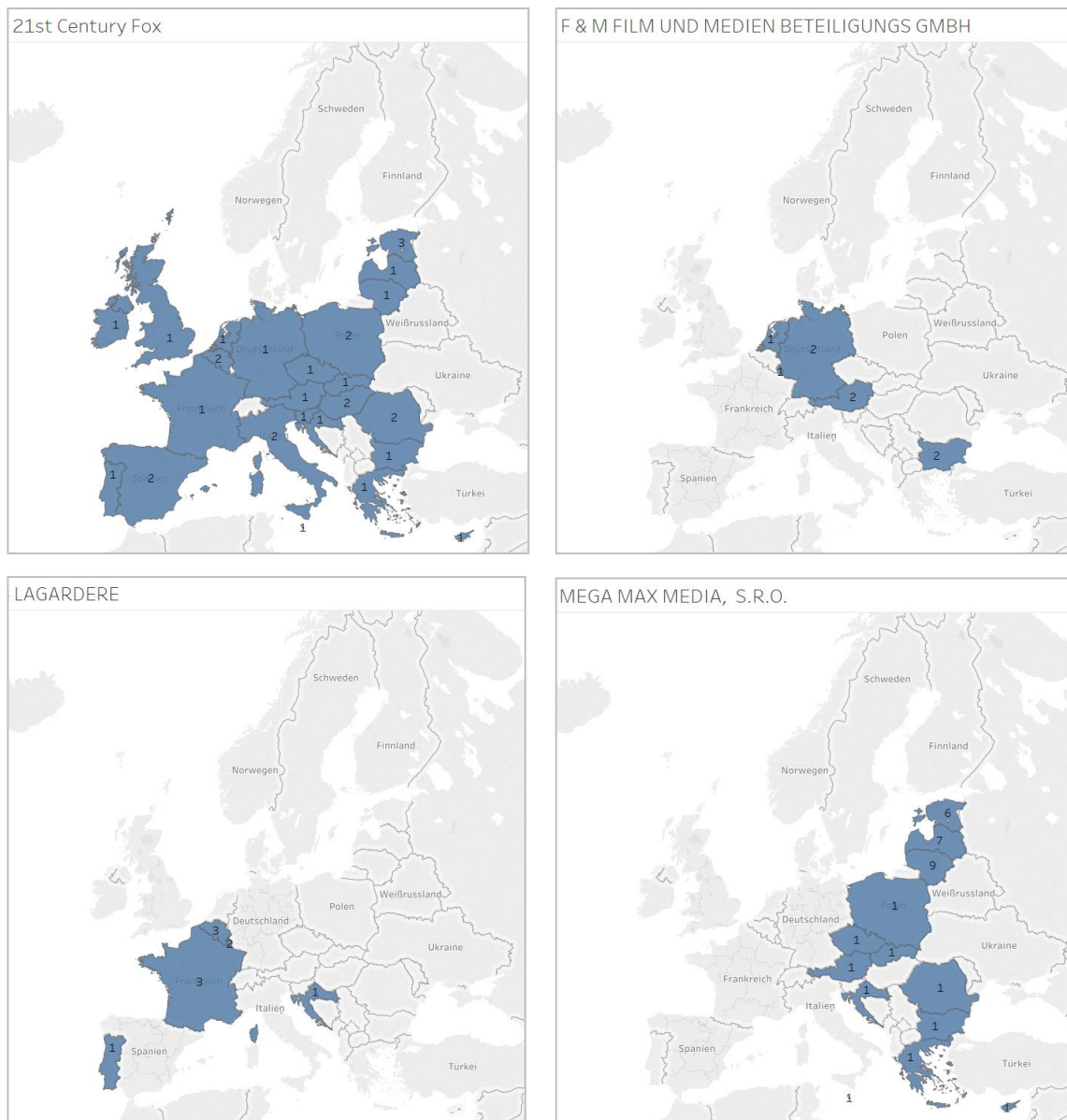

Figure 11. Maps of children's channels by large private actors in Europe; own production based on Database B

Example: Bertelsmann & Disney – Super RTL

The co-operation of Bertelsmann with their RTL brand and Disney resulted in one of the most popular children's channels in Europe by ratings. Super RTL is available in 15 countries, mostly in Central and Western Europe (see Figure 12). It is a German language channel and free to access in all countries available – ratings are only available for Germany. According to the Newsletter of the RTL Group 'backstage' Super RTL was the first channel focussing on children in Germany and started operating in 1995. It started as a project of CLT (Bertelsmann) and the Walt Disney Company, and soon became market leader (RTL Group, 2015). Other channels by Bertelsmann and Disney are *Toggo TV* available in Germany, *RTL Kockica, RTL Telekids* available in Slovenia and Croatia. The ratings have decreased in the last 20 years according to the KEK, the German regulatory body for concentration in media markets, from 2,1 % in 1996 (KEK, 2015) to 1,7 % in 2017 (KEK, 2018).

The programme consists of a pre-school programme *Toggolino* and the *Toggo* brand, that aims at children between 6 and 13. In 2011, the toggo app was published, with additional content and mini-games and features. In 2015, SUPER RTL has launched a subscription on-demand service *kividoo*. The programming of the channel distributes mostly Dreamworks (Comcast) and Buena Vista Studio (Walt Disney) productions. In 2013, Super RTL even started a co-operation with Warner Bros. Studios, supplying classic cartoons like *Bugs Bunny* (RTL Group, 2015). The children's programme[12] starts at 05:45 with pre-school cartoons, in the afternoon cartoons and animation for children older than 6 is shown until 20:15, which is the beginning of the primetime in Germany. In this time only one TV show that could be considered an information show for children is distributed, which is the Australian science show *Backyard Science* (German Title "Wow die Entdeckerzone") early in the evening. After 20:15, there are either children's or family movies on the programme or TV shows for adults (e.g. on March 27, 2018 three episodes of the TV show *House M.D.* are shown). After 0:25, *SUPER RTL* usually distributes infomercials.

The range of genre is very limited on *Super RTL*, the dominance of animation and cartoons, that were mostly produced in the US and the lack of factual shows or domestic content depicts the current state of the children's sector very well. The subscription video on-demand service (SVOD) kividoo, however, is designed similar to other SVOD platforms and contains similar content as the TV channel – mostly US-American cartoons and animation

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[12] For this numbers the TV programme of Super RTL on March 26 and 27, 2018 was used as an example for the way SUPER RTL programming is orientated.

shows. This on-demand service has not been included in the mavise database, without additional research it would have been missed.

Figure 12. Map of Super RTL's availability in Europe; own production based on Database B

9   DISCUSSION

9.1   Media ownership in the EU: marketisation of children's TV

The results presented above shed light on the complex issue of concentration of media ownership in the children's television sector. Media concentration in general and in specific in children's sector have to be analysed and connected to democracy and freedom of media. Media organisations are economically and symbolically relevant for the society and cannot be disconnected from those aspects, as well as they cannot be understood without the policies that have shaped them. The political economy of the media highlights the importance of analysing the macro-level of media, media industries and their symbolic value. Their economic competition shows to be a challenging subject of research because the power structures cannot be tracked easily (Schlosberg, 2017).

In reviewing the main issues of ownership and children's television, I identified following categories: the audiovisual market is generally very concentrated and attempts to media pluralism appear to be non-efficient. Major media conglomerates are in control of many channels across European borders, but regulation is only effective within the Member States. There is a lack in transparency and control, authorities and the public cannot access information on the companies that are providers of content in their countries because of the 'country of origin' principle. For children's channels and audiovisual content providers, there are specific standards of quality that are relevant for the channels, as they are regulated by specific authorities. Digitalisation brought new players to the competition: on-line on-demand platforms that are subject to other regulations and could develop more freely. The content that is distributed does not represent the culture of the audience and plurality of content is not even a topic in the regulation.

To strengthen media pluralism, some Member States try to support minority television with extensive financial support to public service programmes, like Finland or the UK (Sihvonen, 2013). Recent trends of television show a decline of audiences of linear programming (Digital TV Research, 2017) and new technologies, that cannot be regulated on a national level as easily as linear services, can help to bypassed restrictive regulation. This transition phase of audiovisual media, where a large majority relies on television as main

media, but the younger generation tends to individualize their viewing habits, on streaming platforms or on-demand services (Digital TV Research, 2017). The media industry has to adopt to these cultural and economic changes.

The failure to control the top four US groups can be seen in many examples and can be considered as one of the main issues of media ownership of children's television in Europe. The way they control the children's television market is connected to the decision-makers´ inability control children's media in specific: the focus is either on the economic or on the cultural dimension that is operated on the protection paradigm. In the context of media pluralism, democracy and future-citizens as which children must be understood, there can be found no attempts neither by the regulators or the public to engage children with the issues of media ownership and the lack of pluralism in children's media. Animation is mostly distributed on children's channels as it is cheapest to produce when other kinds of programmes like news, educational shows or factual programmes are decreasing. Critical content is reduced, even in public service broadcasters the attempts to innovative media content and lacks perspective and funds to serve the public in countries with smaller public service budget. Power in children's media is located where the fun is: US conglomerates that could establish as a brand dominate popular culture for children in a way that covers all areas of their lives and encourages them to consume more (Seaton, 2006).

Interestingly, the perspective on children and how to address issues that affect children are often formulated in a patronizing way and a picture of a dangerous world is drawn. The protection is happening on a very abstract level, when there are real live issues children are faced with that are being ignored, because in neo-liberal economy the consumption must always be on the rise (McChesney, 2002).

9.2 Regulation between fear for the child and for the market

Media regulation and media policy is one of the core topics affecting the European media market, as the European regulation provides a common framework for the national and international media companies active in the European Member States. In chapter 7, the most important legal provisions were identified to answer the second subquestion: *RSQ2: Which legal frame is affecting the distribution and production of children's audiovisual content in the European Union?* and these aspects are most relevant to the children's TV market in Europe: protection of minors on three levels, protection of the European production industry

and regulation of the channels. The European regulation, however, cannot be understood as a common regulation as it gives very few specific regulations on the protection of minors, only a few areas are described in a more specific way: alcohol and cigarette advertising are prohibited. The way protection of minors is treated in the AVMS-D leaves most of the actual decisions to the national regulation and contrasts with the wished for common market. In combination with the borderless broadcasting to all Member States these provisions are toothless. The Member States would not be willing to give the power over media, especially audiovisual media, to the European Union as they still control regulation, but the concentration of channels in the United Kingdom overrides the attempts to stay in power. The country-specific protection of minors' legislation does not affect channels if they are established in another country.

However, the AVMS-D provides the general direction and the most important aspects of protection in content, direct and indirect commercial communication. Due to the European common media market, the cultural expectations on the content and commercial communication are mixed up and the control of these is often not located in the country affected. The problem of ownership of production studios by other relevant actors like the toy industries cannot be controlled adequately and independent works are highly underrepresented, even below the very low European rate of 10 per cent. Children's content is therefore produced by the largest media providers worldwide and smaller production studios often are bypassed due to high costs. It seems that the European regulation and the national implementation is not concerned about the concentrated children's market and the lack of control and lack of possible control of foreign channels in the European Union. The very loose regulation and the possible bypasses have been partly issued in the academic and professional debate but have not been issued in the recent revision of the AVMS-D (European Commission, 2016).

The focus of the European framework for children's media lies on the protection of children of what might be harmful, the set of rules is concentrating on the notion of the 'innocent child' (Seaton, 2006) and protective measures are taken on three levels. The other approach focusses on production and the protection of European markets and independent producers. Nevertheless, the number of independent productions is only marginally monitored, and it could easily be bypassed by large companies, as the competition regulation in the media sector is not efficiently monitoring and punishing offences.

Producing for children is expensive, especially for independent domestic studios as there are obstacles in form of requirements to protect minors in content, direct and indirect commercial communication and they cannot rely on the attached infrastructure large media companies can afford. On the other hand, the number of channels has increased and new forms of television like on-demand services have developed. These issues have led to the now existing media environment, where only the large media conglomerates can afford to supply children's content and the concentration has increased in the television sector.

The current system of regulation promotes large media companies although the legislator committed to a pluralistic media environment and a common European strategy. This is undermined by the complex ownership structures and market characteristic that are dominating not only the children's sector but the whole European media market. Media pluralism cannot be reached with the current measures and the lack of control. The ownership structures that currently dominate the children's media will be mapped in the following. Economic considerations of the media companies have concentrated the main TV broadcasters in some countries that are more 'friendly' in their regulation.

The focus of regulation is on the protection of minors on the internet and the limitation of video-sharing platform, although the problems of the existing infrastructure of linear television are not solved. The new wish for more co- and self-regulation of the Commission that was formulated in the proposal of 2016, must be seen in this context. The Commission as well as the national governments lack to guarantee children a safe and educational media environment, without solely commercial interests of the largest US Conglomerates. The public broadcasters and the budget for domestic production need to be increased and there should be a more open approach to the content that is reflection children's realities (Seaton, 2006). These trends to deregulate media are strongly criticised as one core process of the marketisation of the media market (Hardy, 2014).

The AVMS-D gives insights of what could be possible in regulation media, however, the wish for media freedom is also part of the political aims and should not be forgotten in this context. The problem is not that the regulation of content and production is insufficient, it is rather that ownership of the children's channels and the production are not questioned. Loose provisions of the AVMS-D do not help the small domestic broadcasters and production studios but rather support the large ones. They can afford to move their companies to Member States with a more favourable regulation or to establish one of their production companies in one European countries. Official regulators have to classify it as European work. Small

businesses are more hesitant on children's channels, as they do not promise to be lucrative and often have more actors that would try to interfere with the content. The solution to these issues is, as the problem is so multi-layered, not found on one level: the regulation that is also implemented on many levels has shown that only restrictions would not help to provide children content they can benefit from. Positive measures as suggested by Lustyik (Lustyik, 2013), not bans could help to develop cultural sufficient children's television.

For the future the European Union will be faced with additional issues, as the Brexit is going to take place in 2019 (House of Commons, 2018) and as most of the channels are established in the UK, it will lose control of these outlet in a specific way. Of the total number of 306 children's channels in the European Union, about 40 per cent are located in the UK. Yet, it cannot be assumed how the UK and the EU will solve these issues and how the media industry will react to these changes, but for sure it will matter in some way.

9.3   Concentration of ownership and regulation

Current television market is in change due to digitalisation and the increase of popularity of on-demand services in the European Union. The third research sub-question *RSQ3: What are the characteristics of the European children's television market, with focus on media ownership?* reflects the status quo of the media environment and the channels both available and established in the Member States. The characteristics that have been identified in the course of the research were: access modalities, public service children's channels, linguistic versions, countries of establishment, regulatory authorities and the dominant media owners in the EU.

The most outstanding characteristics of the children's television market are firstly, that the relevant players of children's content distribution and production are based in the US. Secondly, the regulation of these channels is concentrated in the UK und the connected regulatory responsibility of the UK's regulator OFCOM. These findings are consistent with that of Ene (2017) who mapped the largest media groups active in children's television. Also, these findings will be discussed in a more critical way.

The number of channels with a beneficial owner in the US is very high, with 190 of the 306 children's channels available in the European Union. This result emphasises the concentration in the children's sector. Walt Disney, Viacom, Time Warner and AMC Networks control a large share of the content accessible by children. And not only that, they

also are the most watched children's channels, produce the most children's content and supply children with merchandise of their characters. Other media owners, like private television broadcasters have joint forces with their competitor rather than improving their programmes. Examples of this could be found in *Super RTL, Biggs, Canal Panda, Boing and Cartoonito*. This strategy helped the top four US companies to enter the market and made the consumers believe that they are viewing European channels.

The number of channels that are free to access and the number of public service children's channels are relatively low, compared to their popularity. There are a few channels with very high ratings, that are either free to access or publicly funded and free to access. Free TV is still a part of the European TV culture: one children's channel at least can be accessed for free in each Member State. In a democratic understanding, access to information and for children the access to entertainment appropriate for each age group, is very important. As discussed in context of children's rights to information, offering factual content that is closer to the children's realities could strengthen children as future citizens (Seaton, 2006). In the Member States that provide public children's channels this can be provided by the state if the channel is supporting this. In other countries that do not invest in public broadcasters, this gap is often filled by the top four US groups.

Most of the other channels are pay TV or premium TV channels (80 per cent) – the number of viewers is not publicly available. As children's television is referred to minority television and it was found by Sihvonen (2013) that children's channels are the least profitable channels, advertising-based free TV for children is rather rare – here it is also important to connect this to advertising regulation, which is strict for children and allows only little advertising and only specific advertising targeting children. These findings must also be considered in the context of how television is generally watched in each Member State.

The demand for well-made public service children's television can be observed, as the largest public children's channels are also the most successful in a European total (Ene, 2017). Countries that can afford large PSB, like the UK, Germany or Spain, have integrated children's interests, but for smaller Member States with less resources for public media that have to compete with US broadcasters, providing children's media proves to be harder (D'Arma & Steemers, 2013). However, public service children's channels are not automatically offering more pluralistic content – it has to be researched if the content provided is more pluralistic.

There are channels in all official languages of the European Union except Maltese, additionally in two regional languages like Catalan or Basque. The pluralism of languages within the national markets is a main characteristic of the market. As children's television is regarded as minority programme, the number of suppliers is small, and the ability of broadcasters with a lower budget to translate their content and distribute to other countries, especially small countries is limited. However, the top four US groups are able to offer content in different linguistic versions in a pan-European brand strategy (Ene, 2017).

The size of the company and the risks that can be taken are connected, as large companies are financially able to absorb losses more easily, taking advantage of economies of scale. For small companies that only provide a small number of children's channels, this strategy would not efficiently work. They have to rely on the consumers to choose their channel and stand out with a concept that would bind the audience to the channel. However, investing in domestic high-quality productions often pays off for private companies, and they can interest viewers in this content (Evens, 2013). So, these channels must invest in content in a market sector that does not promise increasing viewers and compete with large and well-established actors.

Companies active in children's television are faced with a set of high standards and obligations that are manifested in two ways: either the protection of minorities that affects not only the broadcasters but also the advertisers and European work that would force the companies to invest in domestic production if they were controlled in a way this sector would require. When only observing children's channels by US companies, the concentration in the UK is even stronger, and after that channels are established in the Czech Republic and in the Netherlands. The large media conglomerated have chosen these locations for their headquarters in the regions for the less strict regulations and the lower taxes on digital television (Szöke & Polyák, 2009).

Still, the content of these channels has to be observed more critically. As it could be shown in the example of the channel Super RTL, the number of own production, in this case productions by Walt Disney and other US Groups was very high. On the observed day, there has been only animation on day-time programming and only one show that showed actual people. The issues of the programming and the marketisation of children's content, that have been discussed earlier, lead to a non-pluralistic children's media market. Hence, the market might only seem to offer a variety of channels with the same interest and through competition these would be more pluralistic and improve in quality.

Media policy makers must bear in mind that the children's audiovisual market, with all its protective measures and quality standards, lacks a common European strategy to serve children content they can identify with and characters that are connected to their real lives. Although television must also be viewed as a medium of entertainment, the distribution of only US-American animation is shown in most of the channels is not surprising but at the same time challenging. The market is concentrated because of the above discussed reasons and media policy makers should be aware of the fact that domestic factual media needs to be strengthened by a regulation that is focussing on a common frame for children's media outside the protection paradigm, that is followed by the EU legislation.

9.4   Reflections on children's television in Europe

Before I end this discussion of media ownership in Europe and the specific role children's television plays, I am reflecting on my own views regarding television generally and children's content and the aims it has. As an Austrian white woman of the age of twenty-five, I have grown up without private television. In Austria, the television market was singularly public until 2003, and even then, the public opinion towards private television was very sceptical. I remember that my parents would not let me watch commercial television without their permission. This has shaped my very supporting attitude towards public service media quite early. Although there has not been a separate children's channel by the ORF, it was included at times, suitable for children to watch, so right after school when all children experienced the same content at the same time.

When I now observe the European media market, the offer of media content has increased immensely, and it is hard to find out, which programmes are good and which ones are bad for children. There is additional content available on the internet. The future impact of on-demand services on the audiovisual market cannot be denied. I personally favour to access public service media and connect to topics that are relevant to the society I live in. However, many children are not given the chance to engage with issues that are relevant to them, as the corporate media has taken over the media. Economic interests dominate the market and the public does not fight against it.

Furthermore, this debate is not neutral at all: Sarikakis (2012) points out that neither policy-making nor research can be viewed as neutral. Focussing on the aspect of gender, the author concludes that communication policy has rather helped to "maintain the gender status

quo" (Sarikakis, 2012). The status of the decision-makers and the interests must be discussed and not be viewed as objective or given. The topic of media ownership and media regulation has been discussed without this perspective over most of this thesis, however, I want to point out, that the main literature and the databases are formulated in a way that lets the reader assume that there is no gender and no status involved in this topic. Future research should focus more on the aspect of gender in media ownership.

Additionally, I want to clarify that in this paper media content has been excluded and the US conglomerates have been portrayed one-sided, although there is proof that the content has improved in quality and cultural pluralism (Spector, 1998). But the question of what is important for children should not be in the hands of a few corporations that have no direct link to the audience and are even not in the same tax system as the audience is, and therefore this perspective has been chosen. The awareness of the public of media ownership has risen, which could have been noted in the way the last corporate expansions of Disney have been commented in popular culture.

9.5   Challenges and limitations

Researching the European media market for children, this thesis has approached children's television on a perspective from the media industries and the findings can be attributed to the macro-level of media studies within the political economy of the media. The main limitation of this study is the lack of information available on this topic. Information on media ownership is a well-hidden construct and economic structures. The way the European media is regulated help to hide the real power of media conglomerates, as well as the complex media expansions. This thesis has aimed to give an overview of the most important issues of the children television market and its actors and therefore does not take into account, except a few examples, a national perspective, although children's media is most relevant on this level. Notwithstanding the relatively broad perspective on media ownership, this work offers valuable insights into the main issues and the way children's media are perceived by the regulators and the decision makers on a European level.

Also, I have excluded the debate of technical access to television in this thesis, as the technological developments in television are in most cases irrelevant for the viewers of television. It can be terrestrial television, digital television or IPTV, when watching television, it matters more what can be viewed than how exactly the distribution works.

10 CONCLUSION

The presented research was designed to determine what shapes the audiovisual media market for children in Europe and has identified the above discussed areas of ownership, regulation and market characteristics. The results show, it matters who owns the media and where the main interests of TV stations are located. These complex issues have shown to be challenging to map as well as monitoring media ownership. The provided data was lacking important factors and the authorities struggle to map the real beneficial owners of children's television. Underlying commercial interests can be assumed everywhere as well as the true beneficial owners can be traced to outside the EU, mostly to the US. Especially, due to the high concentration of media owners and the production industry in the US and relying on animation and cartoons has to be connected to media systems in a neo-liberal environment. Children are addressed as consumers but without possibilities to participate. The power in children's media is solely in the hands of the US conglomerates, where the public service broadcasters cannot provide children's television.

The EU regulator supports the view that children must be protected from various influences of audiovisual media. The regulation of the AVMS-D follows two main interests that are described as protection of children from 'unknown' dangers media content could hold, like violent content or sexual explicit scenes. Here commercial communication, both direct via advertising and indirect via sponsorship or product placement, is included. Although the EU aims to protect children from 'harmful' content or commercial communication, the debate lacks the perspective of children and what is really needed.

On the other hand, the European regulation has aimed to protect the European media production and independent studios, which has been showed to be not implemented in all Member States. The databases have shown that the main four US media conglomerates – Walt Disney, Viacom, Time Warner, AMC Networks – are active in all Member States and offer free TV in most of them. They have built co-operations with established domestic media companies and followed different strategies to enter the domestic European markets. However, these companies have established most of their economic value in the UK and distribute their channels all over the Union. The market is centred around these conglomerates

and other actors, is they are not publicly funded could not establish as even competitors on a pan-European level.

With the upcoming Brexit, the future of the media industries, especially the children's media is uncertain. The EU and Britain will have to set new rules for both European works and borderless distribution. Although, these could be similar to the existing set of rules, it could weaken the European media regulation if most of their industries would be located outside the EU. Future media ownership research and European media policy makers will have to monitor these developments carefully.

The findings of this research provide insights for the future of children's media, as it shows that the current media regulation has not served the European public, but it is in favour of the commercial interests of large media companies, that dominate this minority sector of the audiovisual media. A child-centred approach to media policy and the strengthening of public service in smaller countries could be a way to help the member states by providing content that is relevant to children and that would reflect their own realities and problems.

10.1 Future outlooks

During the research it could be found that the number of on-demand services for children is rapidly increasing and that the way they are organised reflects the protective approach of the EU very well. It would be the next step to map on-demand services in the European Union and find if they are in the same way connected to US conglomerates or of there are new actors like IT companies or production studios that could gain power through the guarantee media freedom through the internet.

Another possible connection point to future research could be the involvement of other industries in producing children's content. Evidence has been found, that toy industries and media conglomerates joint forces in children's movies and programmes. The merchandising industries has grown in the last decades etc. In the perspective of policy analysis, the developments on the proposal on the AVMS-D of 2016 can be observed on the impact they have on children's media environments and how the new protective measures are implemented in the member states. For future research the perspective of child-centred media policy should be considered.

However, the issues of media ownership in any sector of audiovisual media, has to stay in focus of media studies, as marketisation of the media sector is increasing. Although in the

public perception it often seems like digitalisation brings more involvement of the citizens, the actual power can still be found with the media conglomerates. Further research could be on the actual possibilities of new media for citizens participation.

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13 ABSTRACTS

Abstract English

Media ownership is highly concentrated in the children media sector and has shown to be in the hands of large US media conglomerates. In order to understand these issues in a broader context, this thesis seeks to find what shapes the audiovisual media market for children in Europe. Following the tradition of political economy of the media both theoretical and empirical findings were used to explore the issues of media ownership and regulation in the current European media markets. The regulatory framework of the audiovisual media services directive of 2010 provides protection of minors on three level: in content, direct and indirect commercial communication, whereas the levels of protective measures vary. The other important legal instrument to ensure children are the European and independent works that are also included in the AVMS-D: strengthening European production studios and independent productions. However, media concentration in children's TV is relatively high and in the hands of the top four US media groups: Walt Disney, Viacom, Time Warner and AMC Networks, who could enter the European markets with a common strategy and fill gaps where national (public) broadcasters could not provide children's content. Regulation of children's television is concentrated in the United Kingdom which has to be monitored in future regulation more carefully since in 2019, the UK will exit the European Union.

Key words: media ownership – media regulation – children's television – media policy – European Union – protection of minors – European works – political economy of the media

Abstract German

Medienbesitz von Kinderfernsehsendern ist stark konzentriert und diese befinden sich in den Händen großer US-Medienkonzerne. Um diese Themen in einem breiteren Kontext zu verstehen, versucht diese Arbeit herauszufinden, was den audiovisuellen Medienmarkt für Kinder in Europa prägt. Der Tradition der politischen Ökonomie der Medien folgend, wurden sowohl theoretische als auch empirische Befunde genutzt, um die Frage nach Medienbesitz und -regulierung in den aktuellen europäischen Medienmärkten zu untersuchen. Der Rechtsrahmen der Richtlinie über audiovisuelle Mediendienste aus dem Jahr 2010 sieht den Schutz von Minderjährigen auf drei Ebenen vor: bei der inhaltlichen, direkten und indirekten kommerziellen Kommunikation, während die Schutzmaßnahmen unterschiedlich sind. Ein weiteres wichtiges Rechtsinstrument zur Sicherung von Kindern sind die europäischen und unabhängigen Werke, die auch in der AVMS-D enthalten sind: Stärkung europäischer Produktionsstudios und unabhängiger Produktionen. Die Medienkonzentration im Kinderfernsehen ist jedoch relativ hoch und liegt in den Händen der vier führenden US-Mediengruppen: Walt Disney, Viacom, Time Warner und AMC Networks, die mit einer gemeinsamen Strategie in die europäischen Märkte eintreten und dort erfolgreich waren, wo die nationalen oder öffentlichen Sender keine Inhalte für Kinder bereitstellen. Die Regulierung des Kinderfernsehens konzentriert sich auf das Vereinigte Königreich, das in zukünftigen Verordnungen genauer überwacht werden muss, da das Vereinigte Königreich 2019 die Europäische Union verlassen wird.

Stichwörter: Medienbesitz - Medienregulierung - Kinderfernsehen - Medienpolitik - Europäische Union - Jugendschutz - Europäische Werke - Politische Ökonomie der Medien