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Concentration and Vertical Integration in the European Television Production Market

Mercedes Medina, University of Navarra, Spain
Monica Herrero, University of Navarra, Spain

The European Commission understands that the audiovisual sector has a fundamental importance for the development of democracy, freedom of expression and cultural pluralism. In this sense it is assumed that pluralism will be itself get whether production is originated by independent producers. According to the European Commission the independence of producers is guaranteed when there is no ownership relations with broadcasters. However, solid and structured production companies integrated with the television channels are needed to encourage the production in Europe. According to the market necessities, it may be necessary to revise the legal definition of independent producers and search for other ways to guarantee pluralism.

Introduction

The European Commission understands that the audiovisual sector has a fundamental importance for the development of democracy, freedom of expression and cultural pluralism, and contributes to technological innovation, economic growth and the functioning of the single European market (Perry, 2003). In this sense it is assumed that pluralism will see itself favored in the measure that the production is originated by a larger number of production companies. This is the foundation of Article 5 of the European Directive 89/552, *Television Without Frontiers*, that says that television channels must allocate 10% of their transmission time or program budget to independent productions and an “adequate proportion” to *recent works*, in other words, those programs broadcast within five years after production. With the aim to stimulate audiovisual production in Europe, Article 4 points out the obligation to reserve a majority proportion of their broadcasting time for *European works*. In this proportion, information programs, sports, quiz shows, teleshopping programs, advertisements and teletext are excluded.

As regards commercial activity, the independent producer and the television broadcaster negotiate production conditions according to schedules, economic factors and the content of the program. The producer, then, is not only the person who is in charge of the artistic aspects, but is also the one who assumes all of the relative functions linked to the production of a program: creative, financial, technical, material, artistic, and personnel aspects (Bondia, 1988). On the other hand, depending on the size and diversification of the activity of a production company, it will carry out all of the related tasks or it will entrust them to third parties.

The duty of the distributor is frequently identified with that of the seller. In the broadcast market, this would be the television channel. In this sense, it is responsible for the programs to reach the consumers. To do so, it supposedly has information about the different markets, has efficient means of transportation to preserve the quality of the programs, carries out a publicity activity that is clear, ample and attractive, and adapts the programs to the markets where they will be sold. Although television channels are mainly broadcasters, historically they have also frequently assumed the role of producers, especially in Europe.

However, the European legislator is conscious of the danger of the ownership concentration on pluralism in the sector. In recent years the largest producers have aligned themselves with television companies to strengthen their position in the market. In this way, a phenomenon contrary to the United States has been produced in Europe. In that country, since the origin of television at the end of the thirties, the law prohibited the television networks from producing their own programs. The main consequences were: separation of broadcasting and production was guaranteed; growth and diversity in the market was favored, and the fact that some companies controlled all of the industrial phases was avoided. With the liberation of markets, from the nineties forward (Telecommunications Act 1996), television channels were allowed to intervene in production (Albarran, 2002). As a consequence the large producers of Hollywood, such as Twentieth Century Fox and Disney, and some film distributors such as Viacom, acquired the big three television networks, Fox, ABC and CBS respectively.

On the contrary, in Europe the process was the other way around. Following the growth and development of the broadcasting markets, and as a consequence of the formation of large multimedia conglomerates, some of the television companies began to buy part or all of the capital of the production companies.

Therefore, the concept of independence as it is understood by the European Directive *Television Without Frontiers* has seen itself under threat. Production companies are considered independent producers when the activities of broadcasting that they carry out do not constitute their principal activity. This concept was updated by the European Commission on May 31, 1995 when determining that *it would be considered that a producer is independent of television broadcaster if the television company does not own more than 25% of the producer capital, or 50% if it is about different television companies, and provided that, for a period of three years, the producer does not supply more that 90% to the same television channel, unless the producer has only made one program or one series during this period of reference* (COM 1995). So independent producer can be defined according to three criteria such as ownership of the production company, the amount of programs supplied to the same broadcaster and the ownership of secondary rights (COM 2002).

Though a growth of national television production has taken place in almost every European country, a process of concentration of production companies has been resulted, and few of these generate the largest part of content for the television channels, public as well as private. Therefore, there is hardly any diversity in the programming broadcast through different television channels. So pluralism and cultural diversity is achieve neither in each country nor in the European market as a whole. Also, in many cases these production companies have a close relationship with the television companies, so although there is an appearance of diversity because there is a multiple supply of channels, fundamentally, the real supply is very limited. This could be especially dangerous in a context where the number of television channels will increase thanks to the development of cable, satellite and digital terrestrial television.

Indeed, the market has developed differently from the way in which the legislators idealized it would and perhaps now it is the moment to question some of the adopted measures. It seems that encouraging European production requires having solid and structured production companies that are also integrated with the television channels. In this sense, it should be reviewed the concept of "independence" of the production companies and search for other ways to guarantee pluralism.

In this article we will first study the structure of prime time in the leading European channels, that is to say, who produces the programs and what is their audience share. Secondly, we will analyze the existing ownership relationships between production companies and television channels. The conclusions will point out some suggestions intended to encourage pluralism and diversity in television and new ways to guarantee the independence of contents.

Sources of the prime time European programming

Some production companies gather larger audience share than the broadcasters, because they produce programs for the prime time of different channels and different days along the week. So their power of influence in the life styles and thoughts of the audience can be bigger than the television companies. This is what we call "content concentration" and can be calculated with the accumulative audience share of the television programs produced by them.

Some politicians and media managers do not think that the entertainment programs can have some influence in the audience. They consider information programs as the most influential ones. However, entertainment programs are watched by larger number of viewers and also can be even more influential that the news because they transform cultural values and ways of life of the people, though they do that slowly and unforeseeable.

This study will allow the development of the established hypothesis focusing on six television markets in Europe: Germany, Great Britain, Spain, Netherlands, France and Italy. We will focus on the prime time of the first public channel and first private channel of each country during one week in September 2003, but in Netherlands and in Spain that is 2002. This is therefore a photographic analysis, more than an evolution through time. We will focus on prime time because it is the time with larger audience share. Furthermore, the programs broadcast at prime time come from the largest producers. The data have been provided by an expert of each country (see list of experts). These experts could easily access the data we needed.

Beside the title of the program, it is shown the type of content, audience share and rating, and the name of the production company that has made the program in the cases that correspond. This information will form part of two tables, one for each channel (Tables 1-12). Furthermore, another series of tables will place the first five production companies of each country according to the number of programs produced, except Netherlands where we got only three producers. With the information of the two preceding tables, next tables will have the daily share obtained by the first five production companies added on (Tables 13-18). Table 19 summarizes the main European television production owners at prime time in the weeks studied. To see the growth of independent production in Europe, Table 20 shows the overall proportion of the independent production in the television channels selected. Finally, Table 21 shows the audience share of these television channels. This will allow us to analyze the audience achieved by independent programming in comparison with the television channels audience, and as a consequence, to draw some conclusions about audience concentration and pluralism.

Let us see how is the structure of prime time programming considering audience and producer in Germany, United Kingdom, Spain, France, Netherlands and Italy.

Germany

Table 1. First public channel ARD (9-13 September 2003)

	Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
Prime time first hour program	*Die Kommisarin*	*Adelheid und ihre Mörder*	*Germany vs Scotland* (Football)	*Panorama*	*Das bischen Haushalt*
Type	TV Series	TV series	Sports	Info-Magazine	TV Movie
Share	22.8%	20.2%	48.8%	14.2%	15.6%
Audience	6,340,000	5,750,000	15,190,000	4,120,000	4,340,000
TV Producer	ARD/Monaco Film GmbH	Ndf GmbH	ARD	ARD	
Prime time second hour program	*Report*	*In aller Freundschaft*	*Germany vs Scotland* (Football)	*Tatort*	*ARD Exklusiv*
Type	Info-Magazine	TV series	Sports	TV Movie	Info-Documentary
Share	13.0%	16.4%	48.8%	13.7%	10.2%
Audience	3,910,000	4,670,000	15,190,000	3,650,000	2,800,000
TV Producer	ARD	Saxonia Media Filmproduktion GmbH	ARD	ARD	ARD

Prime time was defined as 8.00 pm to 10.00 pm.

Table 2. First private channel RTL (9-13 September 2003)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Die ultimative Chart Show*	*Millenium Man*	*Deutschland sucht den Superstar*	*Alarm Für Cobra 11*	*Wer wird Millionär?*
Type	Music Casting Show	TV series	Music Casting Show	TV Movie	Game Show
Share	21.0%	10.7%	17.0%	21.6%	27.9%
Audience	5,480,000	3,030,000	5,360,000	6,130,000	8,120,000
TV Producer	RTL	Paramount (US)	RTL	RTL	RTL
Prime time second hour program	*Die ultimative Chart Show*	*In Namen des Gesetzes*	*Die DDR-Show*	*Alarm Für Cobra 11*	*Mein Leben & Ich- Ritas Welt*
Type	Music Casting Show	TV series	Light Entertainment	TV Movie	Comedy
Share	21.0%	14.5%	12.5%	21.6%	15.4%
Audience	5,480,000	4,000,000	3,950,000	6,130,000	4,580,000
TV Producer	RTL	RTL	n.a.	RTL	RTL

In the first place it is necessary to point out that there is certain diversity in the typology of programs during prime time between the two channels. They are not limited to a specific genre, although television series predominate. Indeed, all of the programs belong to the entertainment genre.

With respect to the public channel, the two slots of prime time present a clear predominance of the channel's own productions, ARD. Something similar occurs with the first private channel, in which the majority of the productions come from RTL.

Not even affiliated production companies produce most of the programs on ARD and RTL in-house. This reveals, in the case of the German market, the minimal role that independent production companies play in the time slots with the maximum audience. In fact, in Germany there is no yet independent producer legal definition as occur in other European countries. If we were to consider ARD and RTL as producer companies, one could talk about the concentration of the production of these two program producer companies on prime time. The first one achieved an accumulative audience of 30 million viewers just in a week through its programs, and the second one, more than 32 million. The audience coverage of these channels like producers is much bigger that its audience television share. So as producers have got a larger power of influence than as broadcasters.

United Kingdom

Table 3. First public channel BBC 1 (9-13 September 2003)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Eastenders*	*Eastenders*	*Airport USA*	Eastenders	*Eastenders*
Type	Soap Opera	Soap Opera	Docusoap	Soap Opera	Soap Opera
Share	52.2%	57.7%	20.2%	55.7%	54.2%
Audience	12,680,000	12,690,000	4,450,000	11,290,000	12,030,000
TV Producer	BBC	BBC	BBC	BBC	BBC
Prime time second hour program	*Ground Force America*	*Holby City*	*Shops, Robbers and Videotape*	*Garden SOS*	*My Hero*
Type	Gardening	Popular drama	Crime reality	Gardening	Comedy
Share	20.8%	31%	19.7%	22.6%	28.2%
Audience	5,450,000	7,550,000	4,290,000	4,780,000	6,490,000
TV Producer	Endemol	BBC	BBC	BBC	Big Bear Films

Table 4. First private channel ITV (9-13 September 2003)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Coronation Street*	*Emmerdale*	*Coronation Street*	*Emmerdale*	*Coronation Street*
Type	Soap Opera	Soap Opera	Soap Opera	Soap Opera	Soap Opera
Share	60.6%	47.2%	56.6%	47.9%	57.1%
Audience	13,690,000	9,200,000	12,150,000	8,910,000	11,960,000
TV Producer	Granada	Yorkshire TV	Granada	Yorkshire TV	Granada
Prime time second hour program	*Coronation Street*	*Trial and Retribution*	*Emmerdale*	*The Bill*	*Emmerdale*
Type	Soap Opera	Drama	Soap Opera	Realistic Drama	Soap Opera
Share	49.9%	32.4%	49.9%	33.3%	47.1%
Audience	13,120,000	7,300,000	9,130,000	7,330,000	8,910,000
TV Producer	Granada	La Plante Productions	Yorkshire TV	Thames	Yorkshire TV

The analysis of the programs during prime time in Great Britain requires a previous explanation. Due to the short duration (30 minutes) of some episodes of the *Eastenders* (BBC) series and *Coronation Street* (ITV) series, the audience share of the prime time first hour program that runs from 8:00 p.m. to 9:00 p.m. is confusing. The 30-minute duration explains why on Mondays, for example, the BBC had a 52.2% share in this time slot and the private channel had 60.6%. The 52.2% belong to the 8:00 to 8:30 slot and the 60.6% to the 8:30 to 9:00 slot.

The duplication of the same type of contents on the two channels is clear: soap operas on prime time, especially during the first hour. In the BBC's case, all of the programs, except two, are its in-house productions. ITV entrusts most of its programs to Granada, and in second place to Yorkshire. Between the two channels, names of other production companies hardly appear on prime time programs.

The relationship between the prime time producers and the television channels in Great Britain is extremely clear. On one hand, the BBC, as a public channel funded by the licence fee, has a great tradition of program production. Every day of the week, except for Wednesdays, the BBC obtains a share superior to 50% on the prime time first hour program.

The case of ITV does not vary much from that of public television. Granada production belongs to the group that owns one of the regional (Manchester) television licenses that integrates ITV. Its experience in the market is consolidated through the years, especially with the soap opera *Coronation Street*, which has been on air during more than forty years. This explains why Granada produces the majority of the programs on prime time on ITV. In this way, Granada obtains a share superior to 50% three times a week. The days when it does not reach this, Tuesdays and Thursdays, Yorkshire, property of Granada, obtains a high share, near 50%. So its capacity to achieve the audience is again bigger through its production arm than through the television license. Recently this company has merged to other regional television license in London, Carlton TV.

The rest of the five main production companies occupy a very secondary place. The two days that their programs are broadcast on prime time, the share obtained is much lower to that obtained by the other production companies. In this way, the prime time production of the two main channels, the public and the private, is concentrated on two production companies, the BBC and Granada, that are also broadcasters. Though there are more than 2000 independent producers in the United Kingdom (Irisarri, 1999: 223), only few of them have the power of influence on the national prime time television programming.

Spain

Table 5. First public channel TVE (23-27 September 2002)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Musica en familia*	*UEFA Champions League*	*UEFA Champions League*	*Cuéntame cómo pasó*	*Cruz y Raya.com*
Type	Magazine	Sports	Sports	TV Series	Magazine
Share	18.8%	31.8%	39.7%	42.2%	24.5%
Audience	2,287,000	4,556,000	5,708,000	6,399,000	3,414,000
TV Producer	TVE			Cartel, GC, TVE	TVE
Prime time second hour program	*Musica en familia*	*UEFA Champions League*	*UEFA Champions League*	*Cuéntame cómo pasó*	*Cruz y Raya.com*
Type	Magazine	Sports	Sports	TV Series	Magazine
Share	18.8%	31.8%	39.7%	42.2%	24.5%
Audience	2,287,000	4,556,000	5,708,000	6,399,000	3,414,000
TV Producer	TVE			Cartel, GC, TVE	TVE

Prime time goes from 9.00 p.m. to 11.00 p.m.

In the Spanish case we have focused on TVE 1 and Telecinco, the national public channel and the first private channel in September 2002. However, the broadcast of two football matches from the UEFA Champions League on the public channel for two days somewhat distorts the final conclusions. From the prime time programs on the private channel we can deduce a predominance of Spanish fiction productions, especially series.

The series *Cuéntame cómo pasó* is an interesting case because though it is co-produced by two independent producers, Cartel and GC, and the public channel, governmental control is exercised in the series. Popular government from the right side is interested in showing a positive perspective from the Franco's regime because some sectors from the society relates its policy style with the ancient dictatorship. Fiction is a pleasant way to do that in a no very controversial terms. TVE as a public channel is still an important producer of its programs. However, it is possible to see a different behavior from the private channel. There is an apparent pluralism because as well as U.S. series and film, the rest of the programs is produced by independent producers. However, two of those producers are closely related to the channel. Atlas is a news agency owned by the television firm and Bocaboca belongs to Vocento, owner of Tele 5. So the only independent producer from the legal point of view is Videomedia.

Table 6. First private channel Tele 5 (23-27 September 2002)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*C.S.I.*	*Hospital Central*	*El comisario*	*Pecado Original*	*Enemigo Público*
Type	TV Series	TV Series	TV Series	Magazine	Film
Share	25.7%	26.5%	22.1%	21.8%	29%
Audience	4,177,000	4,212,000	3,457,000	3,029,000	3,451,000
TV Producer	USA (CBS)	Videomedia	Bocaboca	Atlas	
Prime time second hour program	*C.S.I.*	*Hospital Central*	*El comisario*	*Popstars*	*Enemigo Público*
Type	TV Series	TV Series	TV Series	Game Show	Film
Share	25.7%	26.5%	22.1%	17.9%	29%
Audience	4,177,000	4,212,000	3,457,000	2,324,000	3,451,000
TV Producer	USA (CBS)	Videomedia	Bocaboca	Videomedia	

Netherlands

Table 7. First public channel Nederland 2 (9-13 September 2002)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*The young ones*	*Cosby Kids*	*Cheers*	*Aïda*	*BZN ontmoet*
Type	Comedy	Entertainment	Comedy	Entertainment	Music
Share	5.1%	4.9%	2.8%	4.2%	6.5%
Audience	1,900,000	1,700,000	1,000,000	1,300,000	2,000,000
TV Producer	BBC	CBS Nickelodeon TNT	Charles Burrows Paramount		Ivo Niehe
Prime time second hour program	*BNN at work*	*Siska*	*Close-up*	*Jong*	*TV Show*
Type	Info-entertainment	Detective	Documentary	Talk Show	Talk Show
Share	6.4%	17.3%	5%	6.9%	18%
Audience	2,500,000	6,500,000	1,900,000	2,400,000	6,800,000
TV Producer	BNN	ZDF	Various	Sky High	Ivo Niehe

Prime time period is from 8.00 p.m. to 10.00 p.m.

Table 8. First private channel RTL 4 (9-13 September 2002)

	Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
Prime time first hour program	*Goede tijden, slechte tijden*	*Goede tijden, slechte tijden*	*Goede tijden, slechte tijden*	*Goede tijden, slechte tijden*	*Goede tijden, slechte tijden*
Type	Soap Opera	Soap Opera	Soap Opera	Soap Opera	Soap Opera
Share	29.9%	28.8%	29.8%	26.4%	29.9%
Audience	11,100,000	10,200,000	10,800,000	8,700,000	9,400,000
TV Producer	Endemol	Endemol	Endemol	Endemol	Endemol
Prime time second hour program	*Over de balk*	*TV Takelaar*	*11-S World Trade Centre*	*Adré van Duin op zijn best*	*De zwakste schakel*
Type	Information	Information	Documentary	Comedy	Games
Share	13.3%	14.1%	32.6%	18.5%	11.9%
Audience	5,300,000	5,200,000	12,400,000	6,500,000	4,600,000
TV Producer	625 TV	Endemol		Endemol	Holland Media House

The first private channel occupies a clear first position at prime time as far as share percentage is concerned.

Regarding the public channel, the strong presence of imported programs should be noted, especially from American and British producers. At prime time (first and second hour) there is only a national producer, Ivo Niehe, with two television programs. One of them, *TV Show* is the top-rating program for the public channel over the week.

The analysis of the private channel, RTL 4 offers interesting findings. The prime time first hour program is occupied every day by a soap opera produced by Endemol, reaching a great share. The second hour, with lowest share, has also the presence of Endemol.

The distribution of the daily share among the main television producers reveals interesting findings. Due to the strong presence of American productions in the public channel, Endemol enjoys a nearly exclusive presence at prime time through RTL 4. Endemol in Netherlans has diversified its own production with the popular soap opera *Goede tijden, slechte tijden,* daily broadcast in the first hour of prime time, the comedy *Adré van Duin op zijn best* and the information program *TV Takelaar*. However, the Endemol´s programs in other countries are mainly light entertainment. It should also be noted that Ivo Niehe, which has two programs in the public channel at prime time, belongs to Endemol.

France

Table 9. First public channel France 2 (22-26 September 2003)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Retour aux sources*	*Hook ou la reanche du capitaine crochet*	*Le monde de Yo Yo*	*100 minutes pour convaincre*	*La crim*
Type	Telefilm	Film	Telefilm	Magazine	TV Series
Share	23.2%	21.1%	23.5%	16.1%	27.3%
Audience	5,332,000	4,212,280	5,278,680	3,199,200	6,078,480
TV Producer	Expandrama, Alia/Rtbf	Steven Spielberg	Images et compagnies/les films de la boissière	France 2	France 2
Prime time second hour program	*Complément d'enquête*	*L'ombre blanche*	*Ca se discute*	*Double "je"*	*Advocats el associés*
Type	Magazine	Film	Magazine	Magazine	Serie
Share	23.6%	22.6%	37%	27.3%	16.3%
Audience	1,972,840	1,013,080	2,879,280	639,840	1,632,920
TV Producer	France 2	Warner Bross/Seagal/ Nasso Production	Réservoir Prod	France 2 /Equipage TV5/RFO	France 2 /Son et Lumiére

Table 10. First private channel TF1 (22-26 September 2003)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Le grand patron*	*Le mariage de mon meilleur ami*	*Ushuaïa Nature*	*Les cordiers juges et flics*	*Les 7 péches capitaux*
Type	Fiction	Film	Magazine	TV Series	Magazine
Share	26.9%	38%	31.6%	44.4%	30.7%
Audience	6,291,760	8,371,240	6,984,920	9,970,840	6,025,160
TV Producer	GMT Productions	Tristar Pictures/Zucker Brothers	Studio 107	Tel France	Quai Sud
Prime time second hour program	*Scrupules*	*Confession intime*	*Colombo*	*La methode Cauet*	*C'est quoi l'amour*
Type	Magazine	Magazine	TV Series	Magazine	Magazine
Share	21.3%	37.7%	28%	25.2%	27.3%
Audience	1,812,880	2,452,720	2,452,720	1,972,840	1,919,520
TV Producer	Réservoir	Quai Sud	Christopher	Lauribel/	Isoète

	Prod.		Seiter	Be aware	Production

As the tables show the figures of both channels possess a strong parallelism. TF1 reaches the highest share every day in the prime time first hour program although the difference is very short. In the second hour, both channels fight for the first place. A particular difference from other countries is the presence of magazines at prime time every day. There is no day in which people cannot enjoy such as programs either in France 2 or TF1 whereas in other countries films and TV series occupy most time.

It is worthwhile to point out the greater number of producer companies that allocate their programs in prime time as far as other countries is concerned. In TF 1, most of the programs is not produced by the broadcaster. So it is very significant the presence of independent producers in TF1 prime time. France 2 produces more programs, as it is one of the main television producers in France. However, some of them are co-productions and there are also programs coming from other producers during prime time. It is interesting to notice that on Tuesday two Americ an films are broadcast and they did not reach a high audience in comparison with the French productions. The strong presence of Canal Plus and Canal Satellite Numerique in the French television market may help to understand this last feature due to the great investment that these channels have done in domestic cinema.

Italy

Table 11. First Public Channel (RAI 1) (22-26 September 2003)

	Monday	**Tuesday**	**Wednesday**	**Thursday**	**Friday**
Prime time first hour program	*I grandi comici*	*I grandi comici*	*I grandi comici*	*I grandi comici*	*I grandi comici*
Type	Magazine	Magazine	Magazine	Magazine	Magazine
Share	15.1%	15.9%	15.4%	16.4%	17.8%
Audience	4,121,430	4,344,210	4,232,820	4,450,600	4,678,380
TV Producer	RAI	RAI	RAI	RAI	RAI
Prime time second hour program	*Salvo d'Acquisto*	*Scommettiamo che…?*	*Punto e a capo*	*I raccomand ati*	*Un papà quasi perfetto*
Type	Mini Serie	Magazine	Reality Show	Magazine	TV Series
Share	27.1%	20%	13.5%	24.1%	17.6%
Audience	7,463,130	5,235,330	3,286,005	5,847,975	4,622,685
TV Producer	RAI/Sacha Film	RAI	RAI	RAI	RAI/Clemi Cinematografia

The Italian market is peculiar because the high level of ownership concentration of the television companies. Mediaset, company of Berlusconi, owns the three national television channels, the advertising company, Publitalia, and produces their own programs. On the other hand, the government of Berlusconi also controls the public channels. Furthermore, RAI is an important producer for the public channels.

Firstly, it is worthwhile to point out the similar structure that both channels offer at prime time first hour program. Whereas RAI 1 broadcasts every day the magazine *I grandi comici*, Canale 5 does the satiric news program which reaches a spectacular share. This is the greatest difference among them, which tell us about the predominant position of Canale 5 in the Italian television market.

Table 12. First Private Channel (Canale 5) (22-26 September 2003)

	Monday	Tuesday	Wednesday	Thursday	Friday
Prime time first hour program	*Striscia la notizia- La voce della renitenza*	*Striscia la notizia- La voce della renitenza*	*Striscia la notizia- La voce della renitenza*	*Striscia la notizia- La voce della renitenza*	*Striscia la notizia- La voce della renitenza*
Type	News (Humor)	News (Humor)	News (Humor)	News (Humor)	News (Humor)
Share	40.2%	38.2%	36.8%	35.8%	35.5%
Audience	11,306,085	10,359,270	10,080,795	9,746,625	9,189,675
TV Producer	Mediaset	Mediaset	Mediaset	Mediaset	Mediaset
Prime time second hour program	*Cast away*	*Distretto di Polizia 4*	*Il Bello delle Donne 3*	*Il Bello delle Donne 3*	*Scherzi a parte*
Type	Film	TV Series	TV Series	TV Series	Reality Show
Share	29%	22.6%	20.3%	21.5%	32%
Audience	6,739,095	6,460,620	5,291,025	5,346,720	7,852,995
TV Producer	20th Century Fox	Mediaset	RTI	RTI	Mediaset

The prime time second hour program structure is also very similar: series and reality shows occupy most of the days. There are no such a great difference regarding share at this time between the two channels.

Concerning production an absolute statement could be made: there is no independent production at prime time. The only company that appears in prime time, RTI, is allied with Mediaset. This ones produces in RTI´s studios in Milan. Moreover, each broadcaster produces its own programs, as the table shows, with very few exceptions.

In summary, in Germany, United Kingdom, France, Italy and Spain the producers of the public channel programs are mainly the broadcasters. In Netherlands, however, the public channel does not produce any prime time program and instead it broadcast foreign programs from Europe and the US. Production for private channels is also very concentrated. It mainly depends of one producer, Endemol. In Germany, the main producer is the broadcaster, RTL, as well as in Italy, where the producers are RAI and Mediaset; in United Kingdom, Granada is the main producer; in

Netherland, Endemol, and in Spain, there are three Spanish producers, Videomedia, Bocaboca and Atlas and some US programs. France is the only country with different independent producers in prime time. However the most important ones are GMT and Quay Sud. In this country, the way of understanding the public service is to develop co-production projects with other producers and also to buy many programs from independent producers (Bottéon, 2003). From this analysis it is possible to doubt about pluralism of the television programming at prime time because there are few producers who are able to get the audience rating of national leader television channels.

Following the Article 5 of the European Directive, *Television Without Frontiers,* in some countries the law establishes that broadcasters have to invest part of their revenues to independent producers rather than a transmission time obligation. For example, in Spain the law 22/1999 tries to strength the film industry and sets that 5% of both public and private broadcasting revenues must be invested in production of Spanish films (Art. 12). In France the television channels should invest 16% of advertising revenue in independent production. In Italy, under Article 2 (5), Law 122/98, the television companies have to invest, by purchasing or producing, no less than 10% (20% for RAI) of their own net annual revenue from advertising in European works, including works of independent producers.

Next we will study the ownership structure of the production companies in the same countries in order to identify the independent producers, the real possibilities of pluralism and market tendencies in the audiovisual production sector.

Vertical integration between broadcasting and production

As we have pointed out, in every European country a vertical integration process has taken place between producers and broadcasters. This process of integration has its advantages and also its inconveniences from an economic and strategic point of view. Some advantages of this integration are the financial security for the production companies, and a better adaptation to the line of programming of the broadcasting channel. Among the inconveniences are the loss of control of the production companies, and therefore, their loss of independence. Also, if the relationship with the broadcasting channel is exclusive, the production company loses potential buyers.

In order to study the market concentration related to the power of producers, next tables show the most important production companies in the selected countries and their audience share in the prime time of the 4th week of September. At that stage, market concentration is related to the highest audience share. It is important to notice that most of the owners are the television companies.

Table 13. Five television producer companies, owners and daily share. Germany (2003)

Producer	Owner	Monday		Tuesday		Wed.		Thursday		Friday	
		1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Bavaria Film Gmbh	ARD (70%)										
Ufa Film & TV Produktion	RTL (100%)										
Studio Hamburg Produktion für Film & Fernsehen	ARD (75%)										
Ndf Gmbh	Kirch Group (90%)			20.2							
Endemol Entertainment Produktions Entertainment Service											
ARD	ARD	22.8	13.0					14.2	13.7	15.6	10.2
RTL	RTL	21.0	21.0		14.5	17.0		21.6	21.6	27.9	15.4

From the five main German production companies, only one of them is able to feature on the prime time broadcasts, and only one-day a week. Germany has a behavior that is different from the rest of the European countries, as it does not have a legal definition for an independent production company. In practice, the larger producers, those that produce for the prime time, are the public as well as private television broadcasters, RTL and Kirch. If we consider ARL and RTL as producers, we could easily talk about concentration of these two companies at prime time. This is the reason why we have included them in the table.

Table 14. Five television producer companies, owners and daily share. France (2003)

Producer	Owner	Monday		Tuesday		Wed.		Thursday		Friday	
		1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
France 2	France 2		23.6					16.1	27.3	27.3	24.9
Réservoir Prod.			21.3				37				
Quai Sud Télévision	Julien Courbet				37.7					30.7	
GMT Prod		26.9									
Endemol	Telefonica										

As the figures show, there is no pre-eminence of any producer apart from France 2. Even in this case, there are many other producers which allocate their programs in its prime time. The weak presence of the main five producer companies during the week of study means that there are other producers at prime time. The three main independent producers Réservoir, Quai Sud Télévision and GMT have four programs at TF 1 prime time, the rest come from other producers such as

Christopher Seiter, Studio 7, Tel France, Lauribel/ Be Aware and Isoète Production. Réservoir produces magazines both to France 2 and TF1. Endemol as in other European countries has got *Star Academy* for Saturdays. In the 4^{th} wee it achieved share of 31% and rating of 11.1%. Whereas in other countries, this should be the case of American productions, in France it is more important the presence of domestic productions coming from independent producers.

Table 15. Five television producer companies, owners and daily share. United Kingdom (2003)

Producer	**Owner**	**Monday**		**Tuesday**		**Wed.**		**Thursday**		**Friday**	
		1^{st}	**2^{nd}**	**1^{st}**	**2^{nd}**	**1^{st}**	**2^{nd}**	**1^{st}**	**2^{nd}**	**1^{st}**	**2^{nd}**
BBC	Board of Governors	52.2		57.7	31	20.2	19.7	55.7	22.6	54.2	
Granada	Quoted company (no single owner has more than 5%)	60.6	49.9			56.6				57.1	
Yorkshire	Granada (100%)			47.2			49.9	47.9			47.1
Thames TV	Fremantle (RTL: 90% Bertelsmann)								33.3		
Endemol	Telefonica		20.8								

The United Kingdom, although it has the largest number of independent production companies because of Channel 4 and has an obligation to broadcast programs produced by independent production companies, has a behavior that is similar to the rest of the European countries. The major producers for prime time are the broadcasters (Jezequel & Lange, 2000). Granada company, owner of three regional television companies in Manchester, Yorkshire and since October 2003, Carlton, is the producer with the largest accumulated audience in the country because of the success of its *Coronation Street* program. Secondly, the BBC continues to be a great producer of programs for the United Kingdom as much as for the rest of the world. As in other countries, the Dutch producer Endemol, owned by the Spanish company Telefonica, reaches 20% of the audience on Mondays due to their entertainment programs.

Table 16. Five television producer companies, owners and daily share. Spain (2002)

Producer	**Owner**	**Monday**		**Tuesday**		**Wed.**		**Thursday**		**Friday**	
		1st	**2nd**	**1st**	**2nd**	**1st**	**2nd**	**1st**	**2nd**	**1st**	**2nd**
Globomedia	Arbol (88%)										
Gestmusic Endemol	Telefonica (99%)										
Zeppelin TV	Endemol (Telefónica)										
Europroducciones	Vocento (Correo/Prensa Española)										
Videomedia	Videomedia	26.5	26.5								

In Spain, groups that own television channels share four of the largest Spanish production companies. Globomedia belongs to Arbol Company which in turn belongs to Vocento, owner of Tele 5; this group also participates in Europroducciones; Telefonica, owner of Antena 3 in 2002 has Gestmusic Endemol and through Endemol it participates in Zeppelin. At the end, the programming in Spain has two centers of production: Telefonica and Vocento. As well as production, these companies were the owners of the two private channels, Antena 3 TV until 2003 and Tele 5, since 1996.

Table 17. Three television producer companies, owners and daily share. Netherlands (2002)

Producer	Owner	Monday		Tuesday		Wed.		Thursday		Friday	
		1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Endemol	Telefonica	29.9		28.8	14.1	29.8		26.4	18.5	29.9	
Chrysalis	Chrysalis										
Ivo Niehe	Endemol									6.5	18

In Netherlands, there is no ownership relation between the producers and the television companies. Though there is a notable presence of Endemol in production, both in daily leader programs and through its affiliated company, Ivo Niehe.

Table 18. Five television producer companies, owners and daily share. Italy (2003)

Producer	Owner	Monday		Tuesday		Wed.		Thursday		Friday	
		1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Mediaset	Berlusconni	40.2		38.2	22.6	36.8		35.8		35.5	32
Titanus											
Pearson	Pearson										
Aran (Endemol)	Endemol										
Lux Vide	Bernabei										
RAI	RAI	15.1	27.3	15.9	20	15.4	13.5	16.4	24.1	17.8	17.6

As the figures show, only the RAI and Mediaset occupy any position at prime time among the main production companies. This leads us to assert that broadcasters produce their own programs at prime time, especially in the Italian case.

Table 19 shows the television producer owners at prime time (first and second hour) in the countries that we have studied. What seems clear is that the number of independent producers at prime time is very small, Videomedia in Spain and Endemol in UK and Netherlands. Moreover, these producers, as it is in the case of Endemol, are big players in the European television market and develop international activities. The rest of the producers are also broadcasters, such as BBC, Granada, RTL, ARD, ZDF, or television channels owners, such as Vocento or Endemol in Spain.

Table 19. Main European television production owners at prime time (2002/2003)

		Monday	Tuesday	Wednesday	Thursday	Friday
G	Public channel	ARD	Kirch	ARD	ARD	ARD ARD
	Private channel	RTL	RTL	RTL	RTL	RTL
FR	Public channel	France 2		Réservoir	France 2 EquipageTV5RFO	France 2
	Private channel	GMT	Julien Courbet	Christopher Seiter	Tel France	Julien Courbet
UK	Public channel	BBC Endemol	BBC	BBC	BBC BBC	BBC
	Private channel	Granada	Granada	Granada	Granada RTL	Granada
Spain	Public channel	TVE			TVE	TVE
	Private channel		Videomedia	Vocento	Vocento Videomedia	
NL	Public channel	BBC	ZDF			Endemol
	Private channel	Endemol	Endemol	Endemol	Endemol	Endemol
IT	Public channel	RAI RAI	RAI RAI	RAI RAI	RAI RAI	RAI
	Private channel	Mediaset	Mediaset Mediaset	Mediaset RTI	Mediaset RTI	Mediaset Mediaset

Indeed, the production of the leading channels in European countries is mainly produced by the broadcasting channels or related companies. The proportion of independent production has increased from 1994 to 2000 and every channel achieved the minimum 10% of works by independent producers (see Table 20). However, the first conclusion that can be risen according to the Table 19 is that in the prime time of leader television channels there is a small presence of independent producers programming.

More than ten years after the *Television Without Frontiers* Directive, the panorama concerning production could be described as follows. The main public and private broadcasters have increased their own production. In fact, public television channels produce most of the programs broadcast at prime time. There is only the exception of the Netherlands public channel.

Concerning the European private channels, the tendency is very similar: Granada in United Kingdom, which is strongly related with ITV; RTL produces its own programs in Germany;

Mediaset does the same in Italy, and Vocento is the main Spanish shareholder of Telecinco, the private television channel. Once again, the Netherlands is an exception with Endemol.

Table 20. Proportion of programming by independent producers

COUNTRY	TV CHANNEL	2000	1994
GERMANY	ARD	43.49%	+ 10%
	RTL 4	55.0%	+ 10%
FRANCE	France 2	15.1%	33.9%
	TF1	14.8%	20.45
U. KINGDOM	BBC 1	20.0%	14.5%
	ITV One	28.0%	16.6%
NETHERLANDS	Nederland2	47.0%	25.0%
	RTL 4	55.0%	+ 10%
ITALY	RAI 1	17.6%	10.4%
	Canale 5	14.03%	n.a.
SPAIN	TVE 1	36.11%	6.0%
	Tele5	50.20%	7.0%

Source: COM (2002); COM (1994)

Therefore, it seems that the Directive has encouraged public and private broadcasters to increase its production through vertical integration processes. Most of the public channels by producing directly their own programs; the private ones through the acquisition of programs of production affiliated companies. So what it should be questioned is weather independent production in terms of ownership is the best way to encourage pluralism and diversity.

Table 21. Market share of television channels. 2003

	COUNTRY	NAME	2003 %
FRANCE	PUBLIC TV	France 2	20.8
	PRIVATE TV	TF 1	32.7
GERMANY	PUBLIC TV	ARD/ZDF	14.0
	PRIVATE TV	RTL Group	15.4
U. KINGDOM	PUBLIC TV	BBC 1	26.0
	PRIVATE TV	ITV One	22.7
ITALY	PUBLIC TV	RAI 1	23.75
	PRIVATE TV	Canale 5	22.58
NETHERLANDS	PUBLIC TV	Nederland2	17.0
	PRIVATE TV	RTL 4	17.1
SPAIN	PUBLIC TV	TVE 1	24.7
	PRIVATE TV	Tele5	20.2

On the other hand, the power of influence of some of the producers is even higher than the television companies according to audience share (see Table 21). There are some programs produced by independent producers that achieved a higher audience that the average of the television channels. That is the German case, for example of the series of the producer GmbH owned by Kirch broadcast by the public channel such as *Adelheid und ihre Mörder* (20.2%-5,750,000), *In aller Freundschaft* (16.4% - 4.670.000) y *Die Kommisarim* coproduced with the television company ARD (22.8% - 6,340,000). In United Kingdom this happens with *Emmerdale* (47% - more than 9 million) of Yorkshire TV and *The Bill* (33% -7 million) of Thames production in ITV (22.7%), whose audience is higher than the average of the channel. In France, the average audience of France 2 (20.8%) is overcome by the magazine *Ca se discute* (37% - 2,879,280) de Réservoir Prod. and TF1´s audience (32.7%) is overcome by the magazine *Confession intime* (37.7% - 2,452,720) produced by Quai Sud. In the public channel in Netherlands there is only a program produced by an independent producer that overcomes the average audience of the public channel (17.0%), that is the talk show *TV Show* (18% - 6,800,000) produced by Ivo Niehe of Endemol. Every Endemol´s programs in RTL 4 overcome the average audience of the television channel. In Spain the Series Hospital Central (26.5% - 4,212,000) produced by Videomedia overcomes Tele 5´s audience share (20.2%), apart from its own affiliated productions. Italy is the only country where independent producers have not any role at prime time. So, the power of these producers in terms of audience is bigger than the television channels at prime time.

Dependency of independent producers

The first question to be answered is if the best way of guaranteeing independence is to limit the ownership of producers from broadcasters. The European production has increased in the television channels, however most of this production comes from producers related to television broadcasters. In fact, a property relationship does not prevent the independence of a production company. In practice there have been cases in which the channels have not bought the programs produced by their own production companies. For example, Antena 3 TV rejected *Gran Hermano (Big Brother)*, produced by Endemol-Gestmusic which was then successfully broadcast by the competitor, Tele5.

On the other hand, the close relationship between a production company and a television channel can be useful to ensure the programming policy of the channel and differentiates it from competitors. Both the production company and the television channel can gain audience loyalty and present an image of a solid and coherent brand.

Having television companies as shareholders does not guarantee the independence of the producer companies when the broadcasting channels force them to sell their exclusive rights. This tends to happen to the production companies that totally belong to one broadcasting channel. Also, according to the rules of the broadcasting market, the production companies, whether they are independent or not, in the end they are absolutely dependent on ratings. When the programs do not reach the foreseen ratings, the contracts with the production companies are automatically rescinded and thus, in many cases there is no return on the investment, personnel are dismissed and sometimes a creative idea is wasted. The threat of not reaching the foreseen ratings is a factor of insecurity for the production companies. In fact, most of them only produces one program per year and only few of them survive in the marketplace because the capital return is very small. The leader television channels generally only bet on programs that are successful on prime time. In this way, only the large production companies are able to sell their programs. In conclusion, one can point out that ownership independence is not a valid criterion to guarantee the growth of the production sector.

In summary, independent producers are not completed independent until they got funding from television channels (Richeri, 1994:79). Moreover, another point where producers loose power is in the secondary rights. Generally, the producers are small companies, not very structured and they do not have international agents to exploit the rights of the programs after the first broadcast. So the television companies are the ones who usually own the secondary rights and the copyright of the programs. So producers do not assume the commercial risk (Bustamante, 1999). Good ratings are the only way for producers to have a powerful position in the negotiation with broadcasters (Alvarez & Monzoncillo, 1999).

This leads us to reflect about ownership being the key to independence, or in the contrary, if one should point out other criteria to determine the effective independence of the production companies, taking into account that the existence of the independent producer companies can favour pluralism and diversity. In fact, current discussions about independent production definition added two new criteria with regard to the aims pursued. These criteria are related to the amount of programs supplied to the broadcaster and the ownership of secondary rights (COM, 2002).

The only advantage of being independent for producers is the access to funding Media Programs and Euroimages. Most of their aids are addressed to independent producers. However every economical aid must be adapted the criteria established by the same programs.

From the market analysis we have realized that there very few independent producers in prime time of leader television channels, so it is difficult to think that pluralism is guaranteed. On the other hand, for most of the production companies the only way to remain in the market is to be related to a television company. So maybe to look for new ways of guaranteeing the independence of producers is needed to encourage the European audiovisual production and pluralism in television channels. Finally we propose new ways to set the relationship between producers and television channels.

Conclusions

Domestic production has grown in Europe due to the increasing number of alliances between production companies and television channels. Moreover, rather than programs produced by independent companies, the number of those produced by the channels themselves has also risen.

Few production companies have consolidated their positions. They produce more than five programs a year and also have international presence. However, many of them cannot be considered independent from the legal point of view.

Pluralism is identified with various voices producing for television. Nevertheless, pluralism as such has not been possible because of the structure of the market itself: the strong dependence of the ratings; the scarcity of generalist channels; and the duplication of contents in the national channels, in fact, they broadcast the same type of programs.

Proposals

1. Each European country will have to decide which is considered as an independent production company. As well as ownership, there are other means to guarantee the independence of production companies. Perhaps the European legislators and the national governments should try to improve independence through other means such as:

a) To guarantee the permanence on air of the programs, at least to return the production costs to producers. Television companies should assume the investment of all the produced episodes, instead of investing only the broadcast ones.
b) Producers should be free to sell the rights to whomever channels they want and thus eliminate exclusive contracts between producer companies and television channels.

c) Television companies, especially the public ones, should develop co-production agreements with producers. In those projects, television channels could bring technical support, and talent and creativity should be a producer competence. Thus an editorial independence with respect to scripts should be guaranteed.
d) Both television companies and producers should share the secondary rights return.

Perhaps regulation must address itself towards the protection of production companies during negotiation with televisions and to assure that the negotiation is favorable for both sides in order to decide who will assume the artistic, financial and technical responsibilities (Pardo, 2001). Fundamentally, producers must share the responsibility of script development, the copyrights of these and the exploitation rights, contracting of personnel, distribution of the production budget, and the contribution of technical equipment. In this sense, who controls the property does not seem to be the only relevant issue and maybe this industrial structure allows more producers to achieve national channels.

2. Pluralism is not only a problem of having 10% of independent programming, but also having more television channels with different functions and type of programs.

a) If commercial broadcasters are in the business of producing audiences to be sold to advertisers, they will try to get the largest audience through their programs. Therefore, if channel owners are competitive and advertiser supported, then programming decisions show a strong tendency toward duplication, as they are demanded to rely on the same kind of programming. Television channels will offer duplicates of programming types that have large audiences if fractions of these audiences are larger than the audience of a single program for a minority taste audience. Although public and commercial television may not in every case compete for the same source of income, in practice in Europe both try to reach the maximum audience.
b) Many independent producers often make minority programs. If popular programs are available in public and commercial channels the pay television channels have no other choice but to cater to minority interests. This is why minority programs made by independent producers may find a place there. However, the access to these programs requires a direct payment and for this reason, many people cannot enjoy the programs made by independent producers, so the programs made by big producers are the ones available to the mass audience.
c) In some countries, such as Great Britain, the legislation requires sort of differentiation among open the air channels, and imposed specific criteria to Channel 4 when it started in order to encourage independent production.
d) The new digital environment, especially digital terrestrial television offers a new panorama in which independent producers could improve their position. The increasing number of channels, most of them free channels, requires more television contents. Bearing in mind this new arena, legislators could play an important role by establishing some measures that could make differentiation among channels effective. Thus independent productions could find a real place.

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LIST OF EXPERTS

Germany: Prof. Dr. Wolfgang Seufert, Startseite Medienwissenschaft Jena (w.seufert@uni-jena.de)
France: Nicolas Theurillat, Mediateur Culturel, AquiEuropa.com (buenanova@free.fr)
United Kingdom: Colin Sparks, University of Westminster (C.S.Sparks@westminster.ac.uk)
Netherlands: Richard Van de Wurff, Faculty of Social and Behavioural Sciences, University of Amsterdam (vanderwurff@pscw.uva.nl)
Spain: Ph D. Teresa Ojer, University of Navarra (tojer@alumni.unav.es)
Italy: Daniel Arasa, Facoltà di Comunicazione Sociale Istituzionale, Pontificia Università della Santa Croce (arasa@usc.urbe.it)