

The Challenge of Delocalized Channels: Transfrontier Television in Poland (Characteristics, Typology, and Content)

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This article focuses on the so-called delocalized channels (a product of broadcasters registered in other European Union countries that direct their broadcasts to Polish audiences). In recent years, the Polish National Broadcasting Council has recognized that delocalizing content as an increasing problem. In this study, I established the following goals: to describe the character and scale of delocalization content in the Polish market of audiovisual media services, to create a complete typology of delocalized channels in the Polish market, and finally to analyze 20% of the delocalized channels from the point of view of their quality and topics. Some suggestions for the Polish National Broadcasting Council are provided.

Keywords: transfrontier, television, delocalized, content of programs

Introduction: Definition and Types of Delocalized Channels

A crucial problem of the Polish linear market (traditional distributed channels) of audiovisual media services in the past few years seems to be activity (scale, range, and character) of the so-called *delocalized channels*. Upholding pluralism (of content and ownership), variety, and high quality of broadcasters' audiovisual media services directed to Polish viewers, the Polish National Broadcasting Council (2011b, 2012) has recognized the increasing problem of broadcasters registered in other European Union countries that direct their broadcasts to the Polish audience.

In a report subsection dedicated to implementation of the Audiovisual Media Services Directive (AMSD; European Parliament and Council's Directive, 2010), the Polish National Broadcasting Council (2011b) stated that it is very important to analyze the legal status of Polish programs distributed from other countries and directed to the Polish market. Those are the delocalized channels. In recent years, this issue also has been discussed by organizations such as the European Platform of Regulatory Authorities and Central European Regulatory Forum (Tusa, 1995).

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The Polish National Broadcasting Council (2011a) in its "Regulatory Strategy for 2011–2013" stated that transfrontier channels can be divided into delocalized and others. The term *delocalization* is defined in Article 4, Item 3, Point b of the AMSD: It is a situation in which "the broadcaster in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules [in Poland]" (e.g., MTV, Cartoon Network). The other category comprises channels available in many countries and in different language versions in Poland (e.g., Eurosport, AXN). The European Audiovisual Observatory (2004) identified five types of channels broadcast in Europe in a transfrontier manner:

- Channels broadcast in original languages but with Pan-European purpose: Such channels started to appear in the mid-1980s (Donaldson, 1996). The pioneers were Sky Channel, Music Box, and some public channels (e.g., TV5 or 3SAT). Nowadays, such channels are TV5Monde Europe, BBC World, BBC Prime, 3SAT, BVN, and MTV Europe (Chalaby, 2002).
- Pan-European broadcasters (transnational TV networks) with various language versions directing their programs into markets that have different languages in the European Union as well as other countries, especially in Central and Eastern Europe (Chalaby, 2005a): For example, Eurosport, Eurosport News, Euronews, Canal Digital, and Viasat are registered in Sweden and perform a similar practice, but they also direct their offerings (adjusted linguistically) to Denmark, Finland, and Norway. This type of broadcast activity (working according to the create-once-present-everywhere rule—one product sold in many places; Chalaby, 2012; D'Arma & Steemers, 2012) is most often used by American broadcasting groups, directing thematic channels to European markets, which are mainly registered in the United Kingdom, the Netherlands, or the Czech Republic; for example, Turner Broadcasting (TCM, Cartoon Network), Discovery Networks Europe (Discovery Channel, Animal Planet Europe), NBC Universal (13th Street [earlier Hallmark]), National Geographic, or Viacom (MTV, Nickelodeon; Chalaby, 2005b).
- Delocalized channels: These broadcasters are registered in Country A, but their broadcasts are directed to the market in Country B, for example, RTL4 and RTL5 (registered in Luxembourg, directed to the Netherlands), RTL9 (registered in Luxembourg, directed to France and Switzerland), TMC (registered in Monaco, directed to France), TV3 and ITV3+1 (registered in the United Kingdom, directed to Nordic countries), and Channel5 (registered in the United Kingdom, directed to Sweden).
- A channel broadcast in Country A, including advertising and/or programs added ad hoc, and directed also to other countries or a greater number of neighboring television markets such as Swiss and Austrian advertising in German private channels (SAT1, RTL, Pro7): Some channels have licenses from the countries where particular advertising appears (SAT1 Österreich, SAT1 Schweiz).

- Channels unregistered in Europe and distributed through European satellites: for example, TV Globo International.

Dilemmas and Types of Delocalized Channels

In light of the present situation in the Polish market of linear audiovisual media services, this article deals with situations characterized by the second and third abovementioned points. It is worth noting that the purpose of content delocalization is often to avoid stricter regulative laws present in the Polish television market. The AMSD allows stricter regulations for broadcasters registered in a particular country, but stricter laws may be used for foreign broadcasters only in a part not specified by the AMSD (Huhenholtz, 2009). It would seem that the Polish National Broadcasting Council is not helpless. For example, in the case of *TV10 SA v. Commissariaat voor de Media* (1994), a private broadcaster chose Luxembourg to register its activity to circumvent the stricter rules of Dutch law; the Dutch audiovisual market regulator (Commissariaat voor de Media) forbade distributing this channel in the Dutch market. The Court of Justice of the European Union decided that if a broadcaster registers its activity in another country to avoid the laws in the country where its audiovisual services are meant to be distributed, and so it has to adhere to the rules of that country. The court supported the Dutch regulator. We have to bear in mind that, at the same time, the Court of Justice of the European Union is in charge of development—according to the AMSD—common and free European audiovisual media services market.

Unfortunately, the AMSD itself in its openness causes European Union countries many more dilemmas (Esser, 2007; European Audiovisual Observatory, 2004; Williams, 2008). In many cases, those are the cultural differences that make difficult the successful performance of the AMSD in dealing with harmonization of audiovisual services in the European market (Bennet, 2004; De Burgh, Rong, & Siming, 2011; Xu, Wayne, & Straubhaar, 2013). Those dilemmas are best represented by Potter Stewart, one of the judges in the case *Jacobellis v. Ohio*, who, concluding a definition of pornography, said,

I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it.

In this context, the Polish regulator had bad experiences with such a delocalized channel as MTV Poland (registered in the Czech Republic) that broadcast *From the Memoir of a Virgin*, a story of eight teenagers who have their first sexual experience in front of the cameras. The youngest was 16 years old. After intervention of the Polish National Broadcasting Council, the broadcaster decided that the program has an educational character and it was not cancelled.

One should look at the phenomenon of delocalization from the point of view of those who perform content delocalization in the Polish audiovisual media services market. Researchers from the European Audiovisual Observatory (2004) highlight three possible situations of how foreign channels work in the markets of European countries, especially the smaller ones:

- In some small European television markets (e.g., Luxembourg, Belgium, Ireland, Cyprus), the importance of foreign channels strongly depends on the success of national channels of bigger neighboring countries (e.g., RTL4 and RTL5, registered in Luxembourg, directed to the Netherlands) versus NPO1, NPO2, and NPO3 (Netherlands Public Broadcasting).
- In some European countries (e.g., Denmark, Sweden, Norway, the Netherlands), the importance of shares in international audience depends on the success of the channels registered in other countries that are adjusted to the market specification that is the broadcaster's aim. An example is TV3, registered in the United Kingdom and simultaneously directed to Nordic countries.
- National channels from bigger countries broadcast their special versions with profiled advertising for smaller, neighboring countries such as German private channels (SAT1, RTL, Pro7) that created their Swiss and Austrian mutations.

Taking into account those dangers as well as Polish broadcasters' limited production and capital capabilities of creating high-quality broadcasts for millions of Polish people, a possible encouragement and stimulation policy should be revised that may help the Polish National Broadcasting Council build the widest, pluralistic, and good-quality market of audiovisual media services (De Burgh et al., 2011).

Den of Delocalized Channels (The United Kingdom and Czech Republic)

Data published by the European Audiovisual Observatory (2012) show that foreign channels (also the delocalized ones) are becoming more and more popular in Poland. In 2006, during the day, shares reached 3.4%; in 2010, that figure was 11.5%. For prime time, in 2006, shares equaled 2.3%; in 2010, they were three times more (8.3%).

Recently, there has been a significant rise in license applications in the Czech Republic. However, the undisputed leader in giving licenses is Great Britain. It is worth emphasizing that most of delocalized channels directing their content to Polish viewers come from Great Britain or the Czech Republic.

In the case of Great Britain, it is mostly about the ease in website navigation (one may easily find a registration form and a handbook), a simplified registration form (18 pages including instructions on how to fill them in), and waiting time (assuming that the form has been filled in properly) of 25 working days (i.e., OFCOM, 2015). In addition, the fees are relatively low: The administrative fee for application is £2,500, and the yearly concession fee for satellite broadcasting depends on income and equals part-per-thousand (but not less than £1,000 a year). There is also another aspect that makes Great Britain the center of cross-border broadcasters: relatively low fines for broadcasters (see below). The difficulty may be the standpoint that the Office of Communications (OFCOM) published in 2010 in which a British regulator stated in a guidebook to concessions that if a broadcaster diversifies an offer (i.e., content of a particular channel) according to the country to which it is directed, such a modification or mutation must be registered separately by the British regulator who has to give another concession (OFCOM, 2010).

It is important to remember that the Polish National Broadcasting Council has an entirely different structure and legal background from those of the OFCOM, which cumulates competences of all the authorities connected to the media and telecommunication sector. This might be the reason why the OFCOM examines concession applications so quickly. In Poland, this process can take up to four months. Because of this, it is worth giving attention to the solutions of the Czech Republic, which in recent years had been giving more and more licenses to broadcast to Polish viewers. Moreover, the structure of the Czech Council for Radio and Television Broadcasting (RRTV) and its competences is almost identical to that of the Polish National Broadcasting Council. Bearing in mind the limited space, my focus is only on some aspects.

The Czech broadcasting act adjusted to the requirements of the AMSD in Part IV, beginning with Section 26: A broadcasting entity has to file a registration application to the regulatory authority in the period no shorter than three months before the planned beginning of broadcasting.

Sections 42–46 of the Czech broadcasting act specify the degree of promoting European productions. The legislator recommends that the broadcasters, if possible, allocate at least 50% of the total broadcasting time for the European productions. Furthermore, European productions of independent producers should compose no less than 10% of the airtime or no less than 10% of the whole production budget of a particular broadcaster. In these entries, the Czechs meet the requirements of the AMSD. It is worth specifying that Section 45 does not concern local broadcasters, which do not have national range, or broadcasters whose program is broadcast only in languages other than Czech or other than those in operation in the Member States of the European Union. However, if a significant part of the program is broadcast in a language other than Czech or other than one of the languages of the Member States, then it is possible not to apply the rules of Sections 42–44 in these parts. What is more, in the next section, the legislator states,

The obligations of the television broadcaster set out in Sections 42 to 44 hereof shall not apply to television broadcasters whose broadcasting is intended exclusively for reception outside the Czech Republic and outside the territory of the Member States of the European Communities, which television broadcasting is not directly or indirectly received by the public in the Czech Republic or in any of the Member States of the European Communities. (Act 231/2001)

It implies that delocalized channels in the Czech Republic that direct their broadcasts to Polish viewers are not subject to the regulation concerning promotion of the European production and the requirement that 10% of the airtime be intended for independent European productions. It seems that it is one of the key dimensions explaining the popularity of the Czech Republic as a Central European center of delocalized channels. In addition, Section 47, which concerns monitoring by the market regulator as well as implementing by the broadcasters the shares of European production directing their services to the Czech audience, states that in case a particular broadcaster does not implement in a given calendar year the requirements concerning the shares of European productions and independent productions in the airtime, the broadcasting entity should submit an explanation to the regulator on the lack of implementation of those requirements. In the sections dedicated to fines (60–62), the legislator has set

the fines for share violations (from 5.000 to 2.500.000 CZK, which is from around 800 to more than 405.000 PLN of the maximum fine).

However, according to the regulations, it is more unacceptable to fail to file the explanations with the council than it is to fail to allocate the required proportion of broadcasting time for European and independent works. It is worth pointing out that in Section 59, the legislator stated that in case of adjusting to the remarks and recommendations of the council during the stated time, the regulator cannot impose fines on the broadcasting entity. According to the act, fines are a definite sanction that help the regulator subdue insubordinate entities that would tenaciously ignore the objections, remarks, and recommendations of the RRTV.

It is necessary to note that Section 42 of the Czech broadcasting act recommends that all broadcasters dedicate more than half of the whole airtime to European productions. However, it needs to be added that the regulation includes the wording "if it is possible."

A comprehensive analysis of the media legislation in the Czech Republic, which is beyond of scope of this article, shows that there is no doubt that Polish regulations (among others connected with acquiring licenses and implementing shares of European productions) should be simplified and the requirements liberalized, especially for satellite broadcasters.

In light of the Czech broadcasting act adjusted to the requirements of the AMSD, Section 61 states that the regulatory authority may impose a fine within one year of but not later than three years after the date on which it first learned about the breach of obligations. The amount of the fine depends on the nature of the broadcasted program: the position on the media market of the broadcaster with respect to its informational, educational, cultural, and entertainment responsibility to the audience. The council takes into account the degree of blame with respect to the extent, type, and coverage of the faulty broadcasting and to the financial benefit of the emission. Moreover, the act obliges the regulatory authority to take into consideration the opinion of a relevant self-regulatory body, which should be delivered to the council within 10 working days from the date of commencement of administrative offense proceedings. The fine should be paid within 30 days of the date on which the decision on its imposition becomes final. It is important that the punished entity may file a complaint against the decision, which has a suspensive effect until the court decides on the complaint (within 90 days). In Polish media legislation, there is no question of suspending imposition of the fine after filing a complaint against the decision of the Polish National Broadcasting Council (Article 46 of Broadcasting Act of December 29, 1992, with amendments). The amount of the fine varies between 5.000 CZK and 10.000.000 CZK. The advantage of Poland is that the chairman of the Polish National Broadcasting Council may impose a fine within a year from the breach of obligations, and the Czech RRTV may impose a fine within a year but no later than after three years. Unfortunately, Polish fines are definitely higher: Chapter 8 of the Polish broadcasting act states that the chairman of the Polish National Broadcasting Council may impose a fine of up to 50% of the annual fee for the license or even up to 10% of the broadcaster's annual revenues.

It should be also mentioned that the Czech license is for 12 years with a possibility to prolong the license for another eight years. Polish regulator licenses are for 10 years.

In addition, lawfully inscribed communication between the Czech RRTV and the president of the Office of Electronic Communications takes 15 days in the Czech Republic, but in Poland, it takes 45 days. Furthermore, the decision on licensing takes no longer than in 90 days (complicated issues), but usually takes only 30 days. In the case of the Polish National Broadcasting Council, the standard is three to four months.

The Czech act includes the shortened licensing procedure in three cases: (a) prolonging the license according to Sections 12(8) to 12(12), (b) confirmation of the change of legal form of the company, and (c) giving a short-term license to one applicant. In Polish law, there is no entry for this matter. It would be worth discussing such a change in the Polish broadcasting act.

Licensing fees, which are lower in the Czech Republic, cannot be ignored. In the case of a satellite license, the Czech fees are one fifth of the Polish fees: It costs no more than 50.000 CZK, which is around 8.100 PLN. In Poland, the satellite broadcaster pays 10.000 PLN. As we can see, there are numerous reasons (both legal and economic) why there is a great increase of broadcasters registered outside of Poland directing their content to the Polish audience.

The Aims of the Analysis

For this study, I set the following goals:

- Describe the character and scale of delocalization content in the Polish market of audiovisual media services;
- Create a valid list of delocalized channels available in the Polish market as well as identify ownership entities (broadcasters);
- Create a complete typology of delocalized channels in the Polish market based on their place of registration, the owner (broadcaster), the way of distributing content, and topics (quasigenre);
- Analyze 20% of the delocalized channels with the biggest shares in the Polish television market regarding the quality, topics, and audience.

Context

The most interesting and useful analyses are the Polish National Broadcasting Council's yearly documents entitled "Information About Basic Problems of Broadcasting." The Polish National Broadcasting Council, in such a document from March 1999, states that

programs broadcast from abroad through the satellite to Poland can be divided into two categories—programs addressed specifically to the Polish viewer, and programs being a Polish version of European programs. The first program broadcast from abroad and

directed specifically to the Polish viewer was Polonia 1—broadcast from Italy through the satellite after turning the ground transmitters off. Next, there were film programs: Filmnet (later taken over by Canal+) and HBO that wanted to compete with Canal+ on the pay television market. In 1997, the music channels broadcasts started: Atomic TV from England, RTL7 from Luxembourg, and (at the end of 1998) Super 1 channel from Hungary. Simultaneously some broadcasters of European channels started broadcasting in Polish language (Eurosport, Planete, Animal Planet, Discovery, Cartoon Network, Travel, National Geographic, Fox Kids, QuesTV, Bet on Jazz, Hallmark, TCM). (...) [*sic*] Foreign broadcasters broadcasting via satellite channels designed specifically for viewers in Poland (for example RTL 7, HBO, Polonia 1, Super 1, Atomic TV, Wizja TV programs) or creating Polish versions of European programs (for example, Eurosport, Planete, Animal Planet, Discovery, TNT, Cartoon Network) were able to reach around 1.5 to 2 million satellite antenna owners and 3 to 3.5 million of cable television owners (almost 40% of households in total). (Polish National Broadcasting Council, 1999, p. 12)

These data show how important for the Polish National Broadcasting Council are the issues of delocalized broadcasters that, among cable-satellite broadcasters, have profited the most since 2005 (Huhenholtz, 2009). Further in the report, one can read that the increase of these shares translates into higher profitability of their business so that they grow in power:

A separate group among the television broadcasters is made of 8 independent satellite stations. Those broadcasters have made 1.4% of yearly profit from the sales of all the television broadcasters. In 2009, the discussed group of concessionaries noted an increase of about 33% of all the profits from the sales and an increase of costs of only about 4%. At the end of 2009 for the first time since many years those broadcasters achieved the profit from the primary activity. (Polish National Broadcasting Council, 2011a, p. 31)

Research

In this part of the article, I present the results concerning the delocalized broadcaster typology as well as the most important information about those broadcasters' market structure in Poland. Data were prepared by the team working on the project using the MAVISE database that includes the list of all of the programs available in a particular country as well as the registry of broadcast programs directed by the Office of Electronic Communications.

Because there is no clear and finite definition of a *delocalized broadcaster*, I adopted the following requirements for the term:

- The broadcaster is formally registered in a country other than Poland.
- The broadcast is dedicated for the Polish market, indicators of which may be the following program characteristics:

- Polish translation,
- Modification of a standard program format for the purposes of Polish viewers (e.g., Polish video clips in VH1), and
- Advertisements dedicated for a Polish customer.

In addition, in a doubtful situation with coding a particular channel, subsidiary indicators were used that could show the delocalized broadcasting character:

- The broadcaster has a foreign legal entity as an enterprise owner.
- The broadcaster has foreign headquarters.

These criteria are crucial because, depending on accepting a particular definition of *delocalized broadcaster*, the number of subjects fulfilling this definition can vary. The lack of a clear definition is a flaw, for example, for the European Audiovisual Observatory, see *Yearbook 2011 volume 1 –Television in 37 European States* (2012), which gives the number of delocalized channels reaching a certain market but does not define the criteria of qualification of these channels as delocalized.

Another methodological problem connected with counting the delocalized channels is a matter of huge differences in databases including information about particular channels (e.g., discrepancy between the registry of broadcast channels made by the Polish National Broadcasting Council and MAVISE database).

Bearing in mind those methodological objections, I present a typology of delocalized broadcasters (Casado, Peñafiel, de Arroyabe, & Gómez, 2008). For this particular definition, there were 106 channels identified as delocalized.

Typology of Delocalized Broadcasters in Central Europe

For the purposes of this article, the typology of delocalized broadcasters has been formulated including four main dimensions diversifying these subjects:

- The country of registration,
- Program distribution model,
- Culture from which most parts of the production in a presented program format derives, and
- Dominating themes of broadcasts on this channel.

The programs have been classified into specific categories as follows:

1. The country of registration: using the MAVISE database, subsidiarily complemented by the registry of broadcast programs and the data from the programs' websites.
2. Program distribution model: using the MAVISE database, subsidiarily complemented with information provided by the broadcast owner.
3. Culture: through the analysis of the program format according to the countries in which specific programs are produced.
4. Dominating themes of broadcast as stated in Point 3.

The typology used for the purposes of this article is mostly empirical and not model-based, which means that it includes only categories that are thought to be significant for the researched programs' division. This typology does not include (apart from thematic typology) empty categories for which it was impossible to find an empirical example.

Country of Registration

In the case of the first delocalized broadcaster typology, the category division was simple and resulted unequivocally from the country of registration of a particular channel. Figure 1 shows a significant domination of Great Britain as the country supplying the most delocalized programs in the Polish market. The second country is the Czech Republic, from which one fifth of delocalized broadcasters broadcast. Only France, Germany, and Switzerland have more than two delocalized channels directed to Poland. An interesting fact is that the big broadcasting groups (owning several delocalized channels) are mainly in Great Britain and to a lesser extent in the Czech Republic. The only two groups located outside these countries are a group of Eurosport programs (broadcasting from France) and the Fox group, which has a significant disparity in databases concerning the underlying jurisdiction—some of the sources point to Luxembourg, some to Switzerland, and some to Italy, so this example should be treated as atypical.

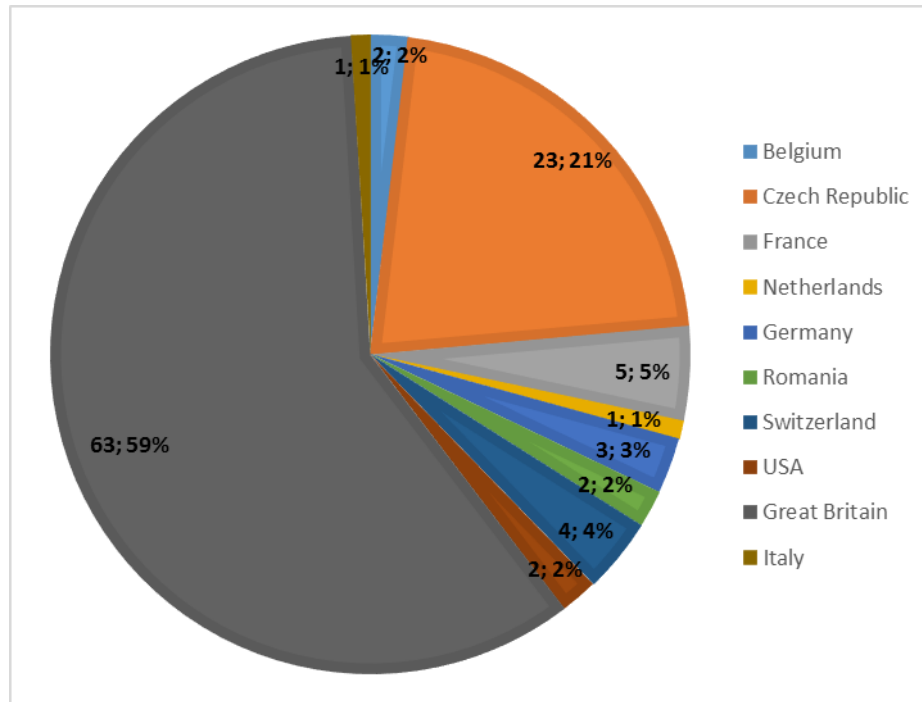


Figure 1. Numbers and percentages of countries of registration of delocalized programs in Poland.

Distribution Model

Another level of typology describes delocalized program distribution. In this typology (the character of which is local, distinct, and different from a typology of transnational channels), based on information about availability of programs in particular countries, there are two crucial pieces of information (it should be emphasized that we are looking at transnational channels from the viewpoint of a particular culture). First, it allows distinguishing between Pan-European (or dispersed) broadcasters and broadcasters addressing their programs to narrower markets in a geographical sense. Second, it allows grasping proportions between different strategies of broadcasting available in the market.

This typology includes separate and defined empirical categories as follows:

- Dispersed distribution: A program reaches at least four European countries but they are not of the same culture (Pan-European broadcasters, transnational TV networks).

- Distribution in the Central and Eastern Europe market: A program reaches mainly Poland, the Czech Republic, Hungary, Romania, Bulgaria, and Baltic countries (regional broadcasters districted to Central and Eastern Europe).
- Distribution in the Southern Europe market: A program reaches mainly Italy, Greece, Spain, Portugal, and the Balkans (regional broadcasters districted to Southern Europe).
- Connected distribution: A program reaches Poland and one or two other countries (bi- and trinational broadcasters around Poland).
- Distribution to Poland: A program reaches the Polish market exclusively (local broadcasters).

The local channel mutations that appear as the same brand in different countries were coded in this analysis as dispersed distribution. It may seem nonintuitive, for example, in the case of music programs that modify their program format to the local conditions still broadcasting as the same brand. However, for the purposes of this article, I decided that the dominant component of their dayparting remain the programs prepared outside Poland and broadcasting to all the countries where the program is available.

The first interesting collation is the comparison of the number of dispersed (Pan-European) broadcasters broadcasting in the Polish market with the number of broadcasters for which Poland is the only market or part of a specified geographical market (see Figure 2). From this collation, it is clear that the Polish market is dominated by delocalized Pan-European (scattered ones) programs that reach the Polish market after changing the language version or after a slight change in the format so that the programs deal with local context. Channels dedicated to particular geographical (other ones) markets are below 40% of the whole population.

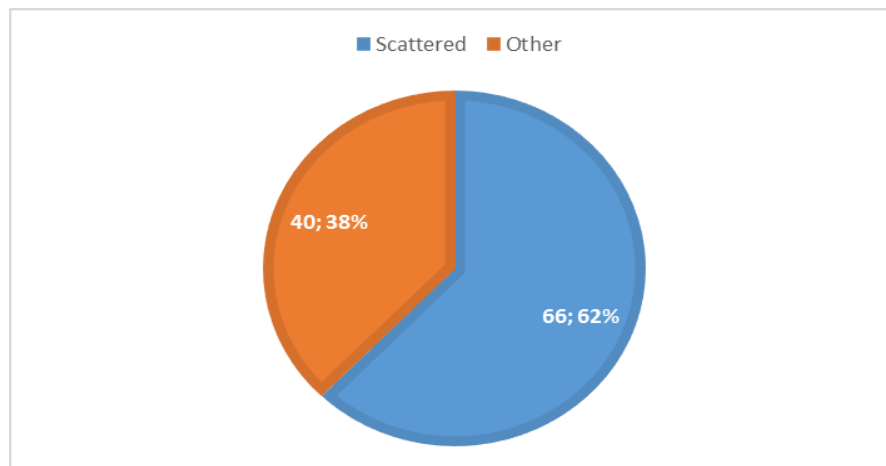


Figure 2. Numbers and percentages of dispersion of delocalized broadcasters in Poland.

The second collation shows the frequency of all occurring broadcasting strategies. Figure 3 shows the diversification of the way the channels define their markets in a geographic sense and in which markets they position Poland. As Figure 3 shows, Poland is the only market in which programs are dedicated to only nine delocalized channels. For 21 broadcasters, Poland is part of the Central and Eastern European segment; it is also joined with the southern market in four cases. Figure 3 also shows that the dispersed strategy is the dominant strategy. In practice, the shape of the diagram may be the cause of two phenomena. On one hand, it shows the broadcasters' goal to carve out their channel range to diverse European markets (e.g., the strategy of the Discovery Channel). On the other hand, it may seem that there are broadcasters that are trying to overtake at least one geographical niche as they do not have the possibility of expanding in the Pan-European market. Figure 3 also shows that a relatively small group is broadcasters that direct their programs only to the Polish market but under foreign jurisdiction because of the place of registration. Those nine programs could be the subject of action of the regulator encouraging registration in Poland.

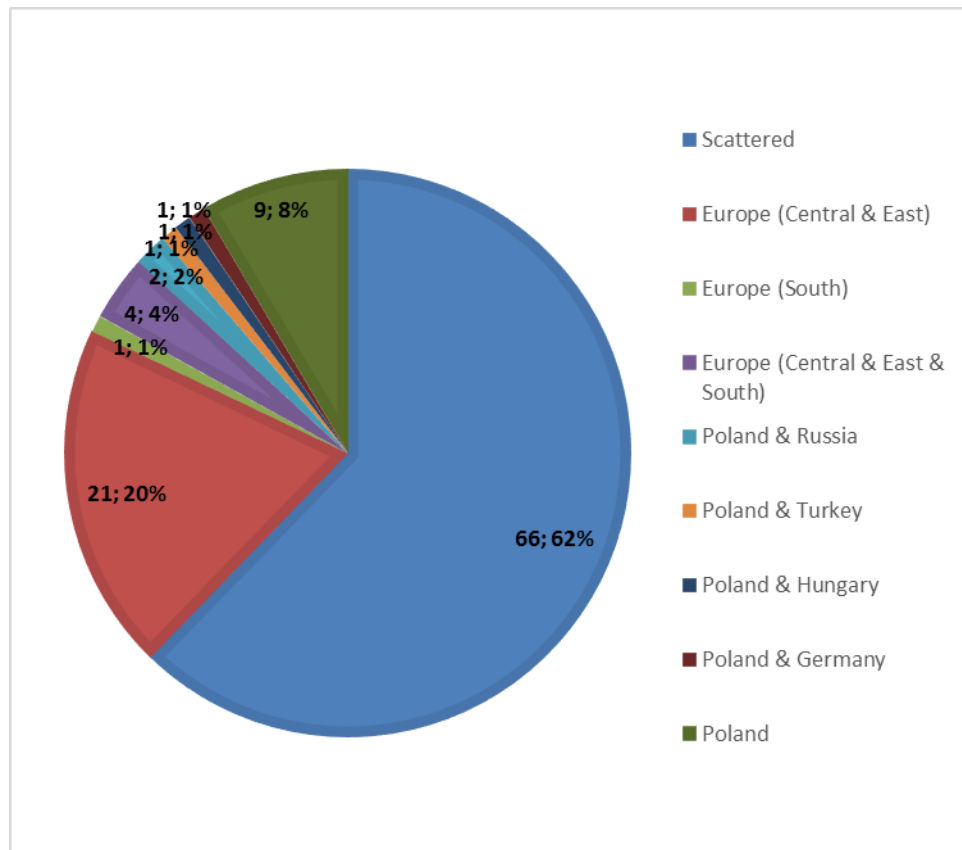


Figure 3. Numbers and percentages of models of broadcasting of delocalized programs in Poland.

Culture

The cultural typology classifies the programs according to the cultural background of the country where the program is broadcast (see Figure 4). The distinguishing categories are as follows:

- European circle: It is the most general category, indicating that it is impossible to distinguish one dominating culture, and that the programs in similar proportions come from different European countries;
- Anglo-Saxon circle: All channels for which the production in English is significantly dominant were added to this circle.

In addition, particular national areas have been distinguished among the programs of France, Germany, Russia, and Italy. As Figure 4 shows, despite the profitable trend of changes toward increasing shares of European production in the market, dominating are programs that create their format based mainly on productions originally made in English.

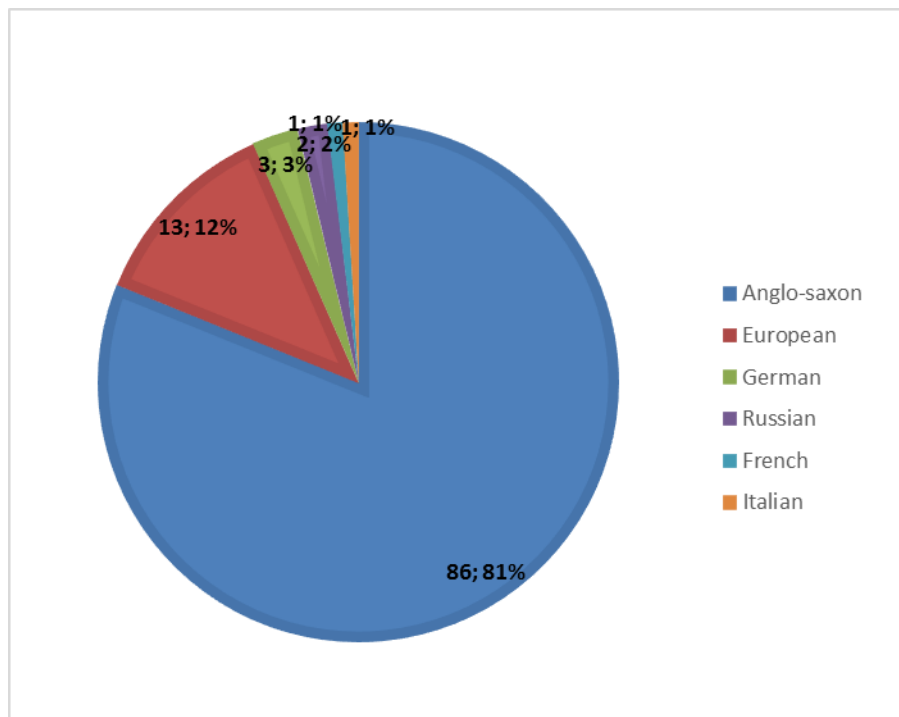


Figure 4. Numbers and percentages of cultural circles in delocalized programs in Poland.

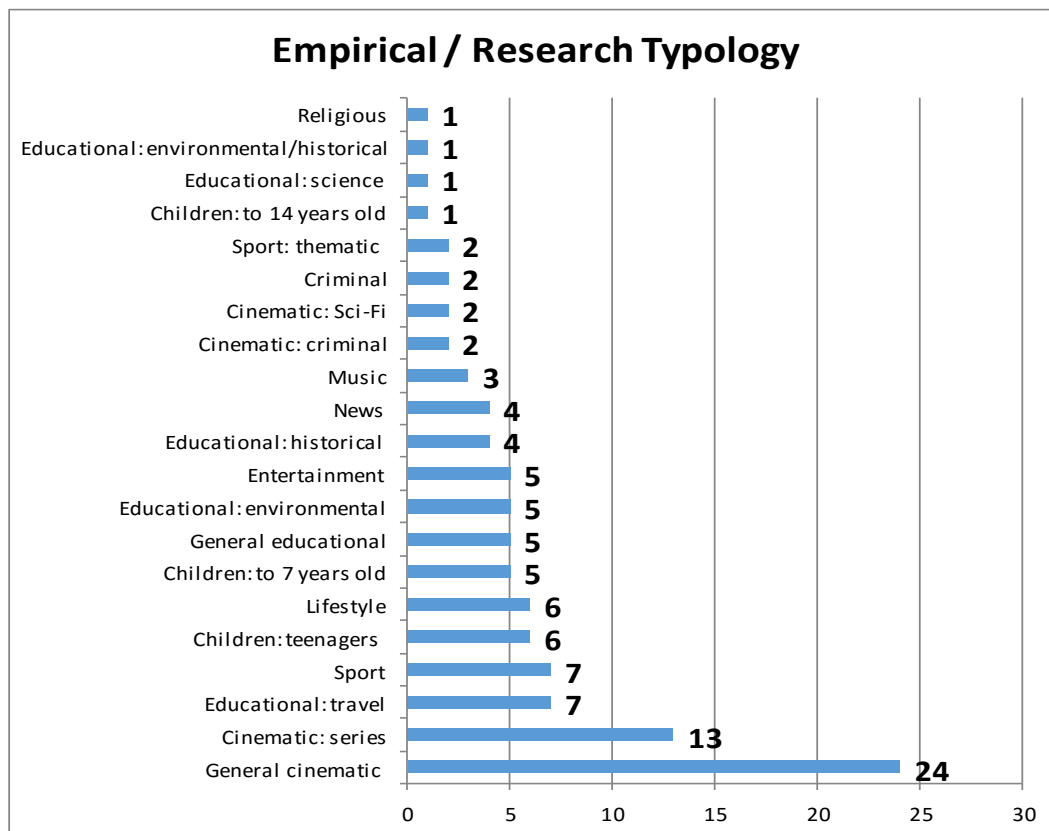
Themes

The last dimension of the examined television programs is their subject matter. To avoid creating an artificial typology incongruent to the program data, I used the empirical typology adjusted to the analyzed databases. During the research, the types of programs were distinguished as follows:

- Children's programs: Broadcasting mainly cartoons and to a lesser extent educational programs. Children's programs are divided according to the age of children into three groups:
 - 3–7 years old,
 - 8–14 years old, and
 - Teenagers (15–18 years old).
- Educational programs for adults (the main goal of these programs is broadening knowledge and horizons of viewers who are curious about different subjects and problems around the world): They broadcast mainly documentary films, programs devoted to particular parts of knowledge, and reports. Among them there are distinctions:
 - General knowledge programs (varied themes),
 - Historical,
 - Science and technology,
 - Travel, and
 - Environmental.
- Film programs: These broadcast mainly films and TV series. They are divided into subcategories:
 - General films (diversified mixture of films and TV series),
 - Criminal,
 - Science fiction, and
 - TV series.
- Information programs (news): These broadcast current news and reports.
- Criminal: These broadcast documentary materials and reports concerning crime (nonfiction).
- Lifestyle channels: These broadcast mainly tips concerning different parts of life such as fashion, beauty, decorating, and health.
- Music: These broadcast mainly video clips.

- Religious: These broadcast programs of different genres but are devoted to religion or its impact on lives.
- Entertainment: These broadcast mainly talent shows, docudramas, docusoaps, or quiz shows.
- Sports: These broadcast sport transmissions, including
 - General sports (varied themes) and
 - Thematic (devoted to one sport discipline).

Figure 5 presents the themes. The dominating themes are film and education as well as sport and children's programs. The rest of the categories are represented to a lesser extent, which shows that the dominant function of delocalized channels is entertainment (film channels, sport, programs for children) as well as educational channels. To a lesser extent, there are programs used for building worldview (low frequency of religious channels) or citizen attitudes (only four information channels).



**Figure 5. Number of themes in delocalized programs in Poland.
Content Analysis: Selected Delocalized Channels**

The detailed analysis examined 20% ($n = 11$) of delocalized channels with the highest shares in the Polish television market (according to the telemetric data from AGB Nielsen): Disney Channel, AXN, Eurosport, Cartoon Network, Disney XD, Discovery, TLC, Disney Junior (Playhouse Disney), Viva Poland, Polsat JimJam, and 13th Street Universal (Hallmark). The monitoring period of quality analysis was a randomly selected week.

I used the statements of sociologists, psychologists, and media studies professionals led by Aronson (2007) to determine the theoretic frames of delocalized programs. I have assumed that mass media, next to family, friends, and acquaintances, have a huge impact on attitudes and values that people follow in their lives. Furthermore, following Aronson, attitudes compose mostly emotions, beliefs, and behavior. These lead to reactions (assessment, judgment, decision) and finally to actions toward someone or something. Moreover, people mostly follow certain values in their lives, which, next to attitudes, condition self-perception, perception of the world, and people's role in it. Values are divided into autotelic (e.g., life, freedom, health) and instrumental, those that are used by people to achieve the autotelic values (e.g., money, social status, professional position).

Taking into consideration this theoretic perspective, I distinguished four categorizations of the thematic channels with the most shares in Poland (see Figure 6). The first categorization deals with the way of perceiving reality. In this regard, it was assumed that the program can refer to either the mind (cognition, understanding, rationality) or emotions (feeling, sensitivity). The coder qualified the program as rational if there were mostly components assigned to cognition or understanding of reality. In other words, the program answered the following questions: Who is it? What is it? Where is it from? Why? How? An emotional program deals with the emotions and sensitivity of its heroes and answers the following questions: How do people feel? What do they wish? Who do they love? Who do they avoid?

The second categorization concerns the program's topic: How interesting, unique, surprising, varied, and multifaceted it is, and how common, repeatable, and predictable it is. The coder qualified a program as interesting when it undertook unclear and unique issues. The points of reference for the coder were other known television programs in the Polish market belonging to the same or comparable genre. The aim was to identify innovation of the programs' authors in the delocalized thematic channels.

The third categorization concerns the overtone of the programs. Programs were coded depending on whether the program educates (i.e., creates knowledge) and directly forms particular attitudes and behaviors or perhaps encourages evaluation of reality and other people, expressing opinions on different topics, or looking at the world in a judgmental and critical way (i.e., the program does not offer simple solutions; it provokes, creates obstacles, asks questions, deals with controversial issues).

Finally, the fourth categorization concerns the form of the program (concept, production). The coder's task was to decide whether it is attractive, original, eye-catching, modern, and fascinating, or whether it is trivial, unoriginal, schematic, and copying known solutions. Obviously, the points of reference for the coder were other television programs belonging to the same or comparable genre.

It is important to mention that in each of the four categorizations, the coder had to make a binary decision (0/1) according to which conceptualization fit the particular television program better. In other words, the coder had to decide whether the program was more rational or emotional, more unexpected or predictable, more educational or judgmental, and finally, more fascinating or schematic. It is worth emphasizing that those measures do not have a quantitative character. They are strictly qualitative tools that arrange qualitative profiles of delocalized programs in a panoramic manner. This is why a critical element of this analysis is the characteristic of each and every one of these channels, enabling recognition of the recipients of particular programs and channels. This should be helpful in diagnosing the weaknesses of the Polish audiovisual market, which seems to be the market of delocalized broadcasters that possess greater finances than the Polish ones.

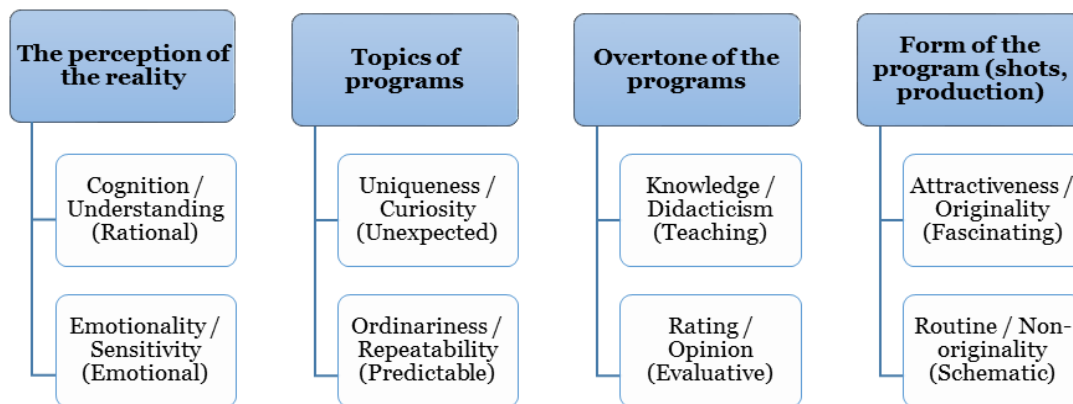


Figure 6. Categorizations of the quality analysis in the examined delocalized channels in Poland.

Based on the content of the AMSD and other European Commission documents, I prepared an index that allows coding to check whether the programs include promotion or violation of the key values essential from the point of view of the AMSD authors. In operationalizing those values, I used two indicators. Some of the values were coded positively (as their promotion emerged significantly), and some of them were coded in a negative way (their violations were coded). The decision was motivated by the character of particular values and indirectly by their importance.

The key values included the following:

- Political and worldview pluralism,
- Protection from discrimination (of sex, age, religion, nationality), and
- Protection of the juvenile.

These were coded in a negative way: Any kind of violation in the program content was perceived as alarming. It is reflected in the AMSD, which treats those values as priorities and imposes obligation of their protection on all national regulators.

The following four values have a supplemental character:

- Localism,
- Ecology,
- Healthy lifestyle, and
- European culture.

They were coded in a positive manner (the coder noted their significant presence in the content of the program). They reflect a relatively rare frequency of programs that are strongly profiled for promoting these values and their optional character, as well as striving for promoting those values by the authors of AMSD.

Figures 7 and 8 present the comparison of the program specification of the analyzed programs. We can quickly spot the specification of the main cluster of delocalized programs: Those are mainly channels placing quite high on the emotions, predictability, and assessment axes. In practice, such a result represents the intuitive observation that is confirmed by the collation of the themes of delocalized channels, which states that in this group entertainment programs dominate (among the most frequently watched programs even more than in the whole of its population) and not the opinion-forming ones.

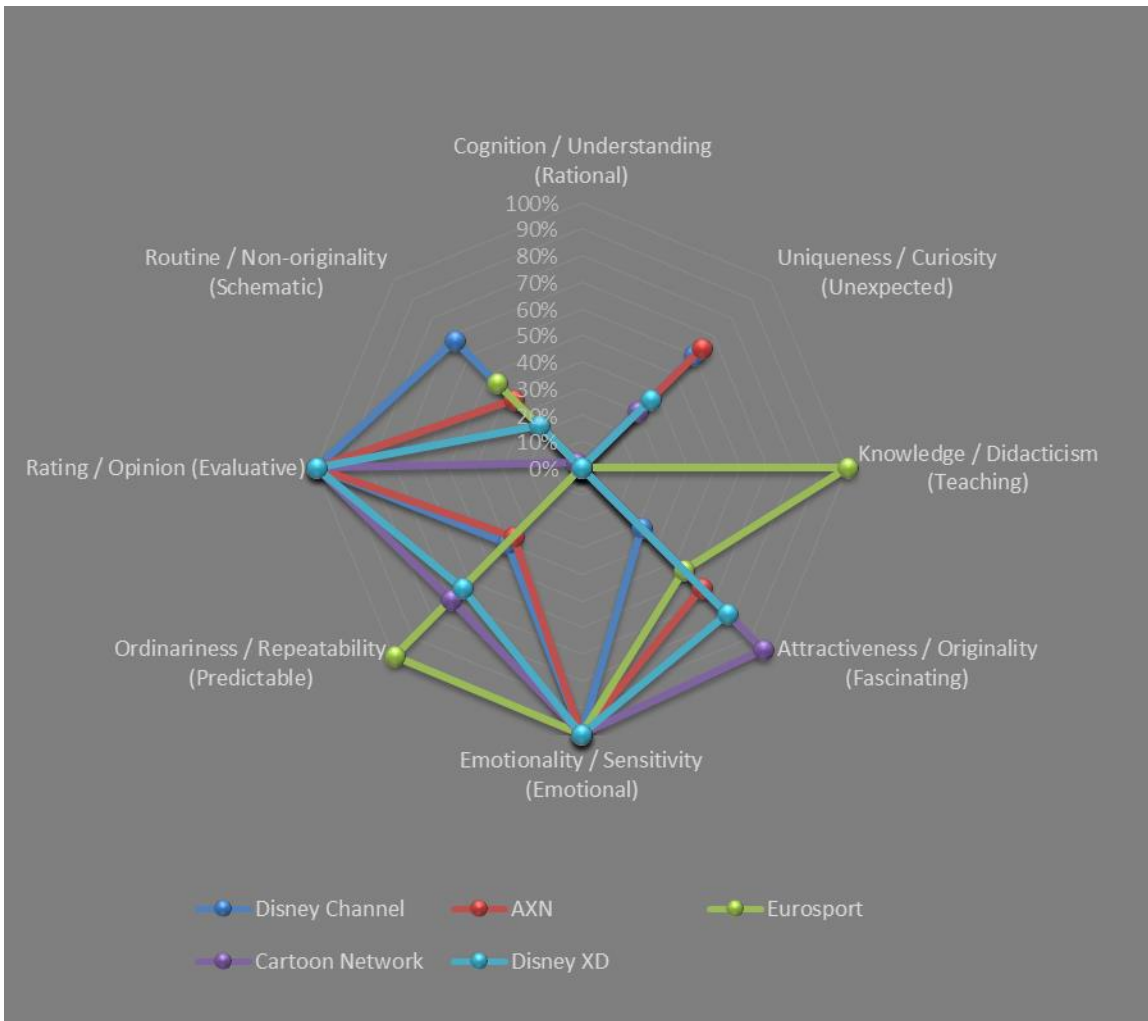


Figure 7. Dimensions of qualitative analysis of selected delocalized channels in Poland: Disney Channel, Cartoon Network, AXN, Disney XD, and Eurosport.

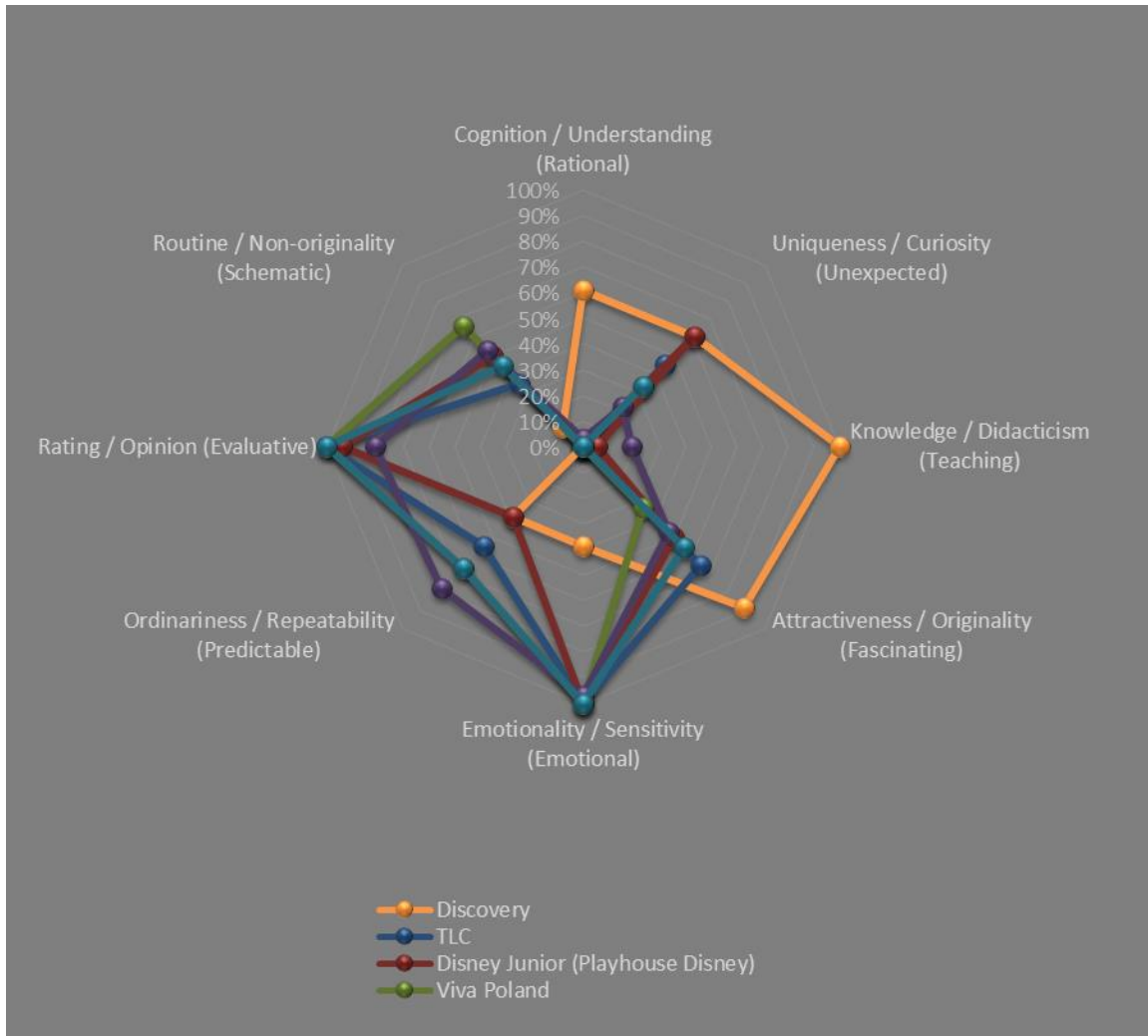


Figure 8. Dimensions of qualitative analysis of selected delocalized channels in Poland: Discovery Channel, Disney Junior (Playhouse Disney), Polsat JimJam, TLC, Viva Poland, 13th Street Universal (Hallmark).

In the case of the Disney Channel, the key and most characteristic dimensions were emotional/rational and assessing/educating. The programs of this channel have mostly an entertaining character created without educational intentions (see Figure 7).

AXN is a channel based mainly on entertainment, without educational or journalistic programs, pointing out the rational attitude toward the presented reality (see Figure 7).

Eurosport programs were classified as knowledge-oriented (sport news) and very clearly defined through the emotional and predictability dimensions. They show strong formalization and repeatability of the programs (fixed narrative scheme in sport transmissions), but also attractiveness and emotions that are caused by sports competition (see Figure 7).

Similar to other cartoon channels, the Cartoon Network was classified as emotional and assessing, and also, because of a lot of unusual and unrepeatable cartoons different from those on other channels, it was also high in rank in the attractiveness dimension (see Figure 7).

The Disney XD channel presents a scheme similar to other cartoon channels, with high results in the assessment and sensitivity dimensions (see Figure 7).

The Discovery Channel presents a clearly distinct specification from other programs examined. It achieved high ranks in the knowledge and attractiveness dimensions and a relatively high rank compared with other channels in the rationality dimension. The analysis of the programs in this case confirms that it was the only educational program in the group (see Figure 8).

TLC achieved similar results to other entertainment programs, with high ranks in the assessment and emotional dimensions (see Figure 8). This program was quite highly placed in the originality dimension because of the fairly distinctive topics of the programs (although mainly in the docudrama genre).

The Disney Junior Channel was coded as similar to the scheme characteristic for cartoons and film programs, with high ranks in the assessment and emotional dimensions (see Figure 8).

Viva Poland, the only music channel examined, got very high rankings on the assessment and emotional dimensions and quite high results in the predictability dimension (connected with a very schematic program frame consisting mainly of video clips; see Figure 8).

The Polsat JimJam channel was the most distinctive channel among those broadcasting cartoons. It similarly got high rankings in the assessment and emotional dimensions, but also had the highest shares of educational programs in this segment. It also was characterized by great predictability and repeatability of broadcast programs (which may be geared toward younger viewers; see Figure 8).

13th Street Universal gathered high results in the assessment and emotional dimensions, similar to other film–entertainment channels (see Figure 8).

The index of values also showed only sporadic aberrations in the range of the analyzed norms. The cases worth mentioning in the period of research were *Gypsies in the City* on the National Geographic channel, which may be treated as including discriminating content because of the ethnic group, as well as the TV series *1000 Wrongdoings* on the Comedy Central channel and *Doctor Sex*, which includes content inappropriate to juveniles (violence and sexual references) broadcast during hours not meant for this type of production (before 10 p.m.). What is more, a large number of programs were transparent from the

point of view of AMSD values: They did not violate those values significantly but they also did not promote European culture or other values in any way. The most visible violations were connected with juvenile protection: It reflects Polish practice, but is also visible in other European countries.² Most of the complaints directed to the Polish National Broadcasting Council concern violation of juvenile protection, which in the case of delocalized broadcasters are directed to appropriate regulative institutions in the countries of jurisdiction where the broadcasters accused of violations are registered.

Conclusion: Opportunities and Challenges

The analysis of 20% of the most popular delocalized program topics shows the existence of some visible segments of these types of programs. First, entertainment channels including films, TV series, cartoons, and music mainly offer emotional experiences devoid of didactic or journalistic context. Second, information channels include mostly sport news. Finally, education channels are directed to knowledge presentation in the form of documentary films, reports, and other programs explaining different kinds of phenomena and giving knowledge about the world.

The specialists of the European Audiovisual Observatory put an emphasis on the European Platform of Regulatory Authorities as a forum for the exchange of experiences between the regulators (Botella & Machet, 2006). Experts emphasized that many countries had pointed to the problem of delocalized channels as the main obstacle in creating successful international relations between the regulators of audiovisual markets. Many countries complained about the lack of information from the regulator of the audiovisual media services market concerning Country A registering a channel directed to the viewers of Country B (Botella & Machet, 2006). This situation has changed significantly after introducing the AMSD; however, the flow of information about those broadcasters is still far from perfect, as the collation of differences in the databases concerning delocalized broadcasters shows.

Moreover, the analysts pay attention to the important problem of culture differences between the Member States of the European Union and the ways and range of minorities' protection. For example, nudity is not a matter that causes special emotions in some countries, whereas in countries such as Poland, it is. On the other hand, in Sweden, people have a very low acceptance of any kind of violence, which is different from that in Great Britain or France (Botella & Machet, 2006).

An unequivocal recommendation comes from experts who deal with transfrontier markets of audiovisual media services: International cooperation is indispensable (Esser, 2007; Huhnholtz, 2009; McGonagle, 2006).

A model example of international cooperation is the FANTV channel, which applied for a license in Latvia to broadcast in Sweden (McGonagle, 2006). When the broadcaster filed an application, the Latvian regulator Nacionālā Radio un Televīzijas Padome turned to its Swedish correspondent and asked whether it wished to include any particular details concerning Swedish law in the license. A Swedish regulator (SBC) stated that in Swedish law there are strict regulations concerning advertising for children and

² For example, a detailed description of solutions in Sweden is included in Olsen (2010).

promoting alcoholic beverages. As a result, the Latvian regulator asked the broadcaster whether it was willing to abide by those regulations. The owner of FANTV agreed and on March 30, 2006, he received from the Latvian regulator a transfrontier license allowing broadcasting the FANTV channel to Sweden. The license included an additional protocol stating that there could be specific sanctions applied to the broadcaster if the regulations are violated. It seems that this example is the most desirable model. On one hand, it enables implementation of the AMSD aiming to create a Pan-European market of audiovisual media services; on the other hand, it protects the cultural and national interests of particular countries.

To conclude, the aim of this elaboration was to characterize completely the Polish market of delocalized channels. Partial qualitative analysis of the content of the chosen delocalized channels presented in this work clearly shows that the cultural and mission value (of high quality and standard; in other words, the idea of public media that provide programs and services that inform, educate, enlighten, and enrich the public and help inform civil discourse essential to a certain society, according to Corporation for Public Broadcasting, 2016) of these programs leaves a lot to be desired. They are of a strictly entertaining character and are part of the phenomenon called "infotainment" (Postman, 1986). What is worth emphasizing is the fact that the delocalized channels rarely directly violate the rules of the AMSD. However, to a larger extent, the problem of delocalized channels is connected to the practice of omitting stricter laws of a given audiovisual services market by registering the company in another country with more liberal attitudes toward audiovisual regulations, with a clear aim of broadcasting to different audiovisual markets (different from the place of registration within the European Union, in this case, the Polish market). From the perspective of the Polish regulator, the National Broadcasting Council, as well as public media, the aim of which is fulfilling the public mission and developing Polish and European culture, these type of channels that are not under Polish law or audiovisual regulations are relevant competition fighting for the attention of the audience. Moreover, their presence in the Polish market of audiovisual services, in most cases, does not give any other profit or advantages that might be defined as cultural, educational, or connected with the public mission of audiovisual media. It is one of the greatest challenges that the delocalized channels bring in an open, cross-border market of audiovisual services in the European Union. It turns out that open borders do not necessarily carry the rise of quality in the audiovisual services offered or cultural and educational development, nor do they overcome particular barriers between different nations and their cultures.

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