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Regulation of radio music

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Regulation of radio music

INTRODUCTION

This report summarises the results of IFACCA's 30th *D'Art* question, initiated by the Arts Council of Finland as part of a research project on the regulation of radio music. The project is affiliated with an initiative financed by the Academy of Finland entitled *Music cultures and corporate cultures: changes in music broadcasting in Finland, 1963-2005*.

The objective of the Arts Council's research is to examine legislative and other types of regulation relating to music broadcast by public service broadcasters and commercial local radio stations in certain countries. The key questions of the project are to find out whether radio regulation exists and, if so, does that regulation have cultural policy dimensions? In particular, does the regulation have an impact on the amount, genre and origin of radio music?

In February 2007 the International Federation of Arts Councils and Culture Agencies (IFACCA) distributed a *D'Art* questionnaire to target countries, IFACCA members and its international network. The questionnaire and project description can be found in Appendix B.

This report summarises the outcome of the *D'Art* query. It contains a summary and analysis of responses, including a list of selected online resources and websites at Appendix A. The report was prepared by Pekka Oesch based on responses and on his own research and edited by Christopher Madden, an independent research analyst. As always, we welcome any comments or additions to this report at info@ifacca.org. More information on the Arts Council of Finland's regulation of radio music project can be found at the Council's website, www.taiteenkeskustoimikunta.fi and more information on this topic can be found at IFACCA's topic page <http://www.ifacca.org/topic/regulation-of-radio-music/>.

Sarah Gardner

Executive Director
IFACCA

SUMMARY OF RESPONSES

Responses to the *D'Art* query were received from 24 people in 16 countries. Multiple responses came from the Netherlands, Switzerland, Germany and Brazil. Other responses were received from Argentina, Belgium, Botswana, Ireland, Austria, Jamaica, Canada, Latvia, Mauritius, Nigeria, New Zealand, Zimbabwe and the Council of Europe (respondents are listed in Appendix C). Responses indicate that Canada, Latvia and Zimbabwe have regulations relating to the type of music broadcast on radio. While there are no specific regulations in Finland, New Zealand and Switzerland, these and other countries have broad government guidelines or general instructions regarding radio music. Both regulations and general instructions are detailed below. The *D'Art* process uncovered two valuable pieces of research on the topic, and these are also described below. Respondents also provided a range of publications, research and web sites, which are reproduced in Appendix A.

Regulations

In Canada, 35 percent of all radio music aired weekly must be Canadian, in accordance with the Canadian content requirements of the Canadian Broadcast Act. Music is considered to be Canadian when it fulfils two of the following requirements:

- The music is composed entirely by a Canadian.
- The music is, or the lyrics are, performed principally by a Canadian.
- The musical selection consists of a live performance that is recorded wholly in Canada, or performed wholly in Canada and broadcast live in Canada.
- The lyrics are written entirely by a Canadian.

Seven percent of all music aired on the ethnic programs of ethnic radio stations must be Canadian. On French language radio stations, 65 percent of the popular vocal music selection broadcast weekly must be in the French language and at least 55 percent of the popular vocal music selection broadcast between 6am and 6pm, Monday to Friday, must be in the French language.

In Latvia, 40 percent of the music selection of public service radio broadcasting each month between 7am and 10pm must reflect Latvian cultural identity.

In Zimbabwe, 75 percent of all programs and music must be local productions.

General guides and instructions

The information supplied by respondents indicates that the regulation of music – or the lack of regulation – is not entirely clearcut. In some countries, rather than implementing detailed regulations and quotas, government lays down more general guidelines about radio content, such as in Acts of Parliament, general instructions, or statements of expectations. Examples are provided below.

New Zealand does not have regulations on the content of radio broadcasting, but according to the Broadcasting Act of 1989, adequate on-air time must be reserved for drama productions, and for New Zealand music and programs that are interesting to women, children, young people, people with a disability and ethnic minorities.

In Switzerland, a radio broadcasting licence comes with instructions concerning both language and culture. Licensed stations are subject to expectations on the broadcasting of Swiss content and on radio programs that are either of Swiss origin or are produced by a Swiss radio station.

The Netherlands has only very general instructions on radio broadcasting content. Programmers must provide cultural and educational material, news, current affairs programs and a diverse range of music. The general instructions state, among other things, that 50 percent of all spoken language on programs aired between 7am and 7pm must be Dutch or Frisian. Twenty-five percent of 'oldies' and 'new music' genres must come from the Dutch charts. These regulations do not apply to all commercial operators: some have smaller quotas than those outlined here.

In Hungary, the Radio and Television Act of 1996 stipulates that 35 percent of all music in public service radio transmissions and 15 percent of all music transmitted in other channels must be Hungarian.

In France, 40 percent of the songs transmitted by private radio stations must be in the French language or in another local language. This rule does not apply to the public service station Radio France. However, Radio France's programs must give priority to songs performed in the French language and must aim to promote new talent.

In Finland, there are no cultural policy or language based regulations concerning radio music. Since Finland is officially a bilingual country, there are specific radio channels for the Swedish-speaking population (two nationwide channels). Besides that, the Finnish Broadcasting Company has a channel for Sámi people and certain programs for those whose native language is Russian.

Two other valuable sources of information on this topic were uncovered via the *D'Art* process:

Public Policy and Support of Music, by Edwin R. Harvey

Edwin R. Harvey, Cátedra UNESCO de Derechos Culturales, Universidad de Palermo, Buenos Aires, Argentina, has undertaken detailed international research on public policies that support music, published in a book, in Spanish, entitled *Política y financiación pública de la música* (Public Policy and Support of Music), released in early 2007. The book analyses music support policies based on comparative research conducted across 25 countries over a period of two years. Included in the research are countries in South America, Central America, the Caribbean, North America and Europe.

The book documents the government agencies responsible for funding and promoting music in selected American and European countries, and analyses a range of support mechanisms including: regulations for protecting domestic music; tax incentives and other indirect financial support measures; and direct financial support mechanisms such as government subsidies and grant systems.

Chapter 10 relates most directly to the current project. It introduces and evaluates in great detail current structures and methods used for protecting domestic music in a variety of countries. Current systems are placed in the context of their historical precedents. Systems analysed include quotas for radio music, obligations to transmit domestic music on radio and on television, and other protection mechanisms in Spain, France, Canada, Argentina, Brazil, Chile, Costa Rica, Guatemala, Nicaragua, Panama, Puerto Rico, Uruguay and Venezuela.

Unpublished research on the European audiovisual industry

According to unpublished research conducted at the beginning of the 2000s by the Centre for Cultural Research (Zentrum für Kulturforschung) in Bonn and the European Institute for Comparative Cultural Research (ERICarts), the European audiovisual sector is regulated in a

range of ways: through regulating the content of radio transmissions, through conditions attached to radio broadcasting licences, and through incentives (including tax incentives) on program production and distribution. The research suggests that the use of these instruments has increased during the last 15 to 20 years, and that economic interests are often camouflaged as a means of protecting national culture. As technology develops and the number of operators increases, many countries have replaced the supervision of broadcasting operations with regulation in the form of broadcast licences.

A common criterion for licences is the 'regionality' or 'local nature' of the broadcasting activities. The researchers note difficulties in defining 'regionality', 'local nature' and even 'culture' itself – and that there is no single European standard for the concepts. Nevertheless, they find that radio broadcasting legislation in many European countries connects culture with regionality on the premise that culture reinforces national, local and linguistic identity and unity. Culture and regionality are not necessarily associated with national borders: they can also be used to delimit particular communication areas. According to the research, cultural and regional unity has been found to be most distinct in countries where legislation used to promote culture is connected with regional production.

APPENDIX A

RESOURCES

Selected publications

Cliche, D and Wiesand, W, 2001, *All Talents Count: A Pilot Inventory of National Cultural Policies and Measures Supporting Cultural Diversity*, European Institute for Comparative Cultural Research (ERICarts), Bonn.

Council of Europe, 2006, *European television: keeping culture on our screens*, press release 28 September 2006, www.obs.coe.int/about/oea/pr/irisplus0806.html.

Harvey, E. R., 2007, *Política y financiación pública de la música*, Cátedra UNESCO de Derechos Culturales, Universidad de Palermo, Buenos Aires, Argentina.

Heinrich, J, and Kopper, G, 2006, *Media Economics in Europe*, Institute of Journalism, University of Dortmund, Germany.

Kathleen, W, 2007, 'Defining Indecency as an Artefact of Cultural Policy', *Review of Policy Research*, Volume 24 Issue 2, March 2007, Georgetown University.

Thorsten, A, 2006, 'Cultural and Regional Remits in Broadcasting', *IRIS Plus*, Legal Observations of the European Audiovisual Observatory, Issue 2006-08, available from www.obs.coe.int/medium/radtv.html.en

Wiesand, A, unpublished, *TV-Quoten und andere rechtlich-politische Rahmenbedingungen für Kultur und Medien im internationalen Vergleich*, ERICarts.

Selected links

Europe

Conseil supérieur de l'audiovisuel, Europe: www.csa.be

Council of Europe: www.coe.int

Cultural Policies and Trends in Europe: a Compendium of Basic Facts and Trends: www.culturalpolicies.net/web/index.php

EBU - European Broadcasting Union: www.ebu.ch

EPRA - European platform of regulatory authorities: www.epra.org

European Cultural Foundation: www.eurocult.org

Finnish Communications Regulatory Authority: www.ficora.fi/en/index.html

Commissariaat voor de Media, The Netherlands: www.cvdm.nl

Institution Norwegian Media Authority – Medietilsynet: www.medietilsynet.no/

Institution Office for Communications – OFCOM: www.ofcom.org.uk

Ofcom - Radio Authority OnLine: www.ofcom.org.uk/static/archive/rau/textindex.html

Art and Business, UK: www.aandb.org.uk

BAKOM Bundesamt für Kommunikation, Switzerland: www.bakom.admin.ch

MICA - Music Information Center Austria: www.mica.at

Institution Radio and TV Authority – RTVV, Sweden: www.rtv.se

SBC-SE - Institution Swedish Broadcasting Commission: www.grn.se

Service général de l'Audiovisuel et des Multimédias (SGAM) du Ministère de la Communauté française de Belgique: www.av.cfwb.be

Canada

CRTC: Canadian Content: www.crtc.gc.ca/eng/welcome.htm

New Zealand

New Zealand Ministry for Culture and Heritage: www.mch.govt.nz

NZ On Air: www.nzonair.govt.nz

Te Mangai Paho: www.tmp.govt.nz/radio/radio.html

International and other

Broadcasting Regulation and Cultural Diversity – BRCD: www.brcd.net

The network's website has been discontinued. Try these resources:

- [Internet archive of the last version of the website](#)
- [Google search](#)

IFACCA - International Federation of Arts Councils and Cultural Agencies, for news, events and other publications related to this topic: www.ifacca.org/topic/regulation-of-radio-music

Radio Studies Network – Links: www.radiostudiesnetwork.org.uk/Links.html

APPENDIX B

QUESTIONNAIRE

Regulation of radio music

From: Arts Council of Finland

Contact: Pekka Oesch

Date: February 2007

URL: www.artscouncil.fi

CONTEXT

The Arts Council of Finland is launching a research project on the regulation of radio music. The project is connected to a project financed by the Academy of Finland and entitled *Music cultures and corporate cultures - Changes in music broadcasting in Finland, 1963-2005*. The researcher responsible for the project at the Arts Council is Mr. Pekka Oesch.

The objective of the research project is to examine legislative and other types of regulation concerning public service broadcasting and commercial local radio in certain countries. The key questions of the project are whether regulation exists and does it have cultural policy dimensions. The focus of the project is on radio music. Consequently, it will consider whether the regulation has an effect, for example, on the amount, genre and origin of radio music.

The aim is to explore, among other things, how common regulation concerning language and origin is, and if there are other cultural policy goals apart from those connected to a language policy. The study will also provide an overall picture of the amount, means and goals of regulation with cultural policy as well as consider the effects of this regulation on the radio music in the selected countries.

QUESTIONS

- 1) Does your country have regulations concerning the use of music in radio operations?
- 2) Is this regulation connected to cultural policy goals?
- 3) What organisation or individual would be able to give more information on the subject?

We would welcome any assistance you can provide in this research.

WHAT TO DO:

- If you can provide assistance, please reply to the Arts Council of Finland (tkk-kirjasto@minedu.fi) and to IFACCA (info@ifacca.org).
- If you know someone else in your country who can help, please forward this query to them.
- The deadline for responses is 15 March 2007.
- A summary of the responses will be prepared and sent to the respondents and to IFACCA.

APPENDIX C

List of respondents

- Edwin Harvey, Cátedra UNESCO de Derechos Culturales, Universidad de Palermo, Argentina
- Andrea Lehner, Österreichische Kulturdokumentation, Austria
- Martine Grosse, l'Observatoire des Politiques culturelles, Belgium
- Thulaganyo Mogobe, University of Botswana
- Silene Matos, Ministério da Cultura, Brazil
- Fernanda Candêias, Ministério da Cultura, Brazil
- Larry O'Farrell, Queen's University, Canada
- Gesa Büttner, Council of Europe, France
- Hans J. Kleinsteuber, University of Hamburg, Germany
- Andreas Wiesand, ERICarts, Germany
- Marian Fitzgibbon, Arts Council of Ireland, Ireland
- Aggrey Brown, University of the West Indies at Mona, Jamaica
- Andris Mellakauls, National Broadcasting Council of Latvia
- Rakesh Gopaul, Ministry of Arts and Culture, Mauritius
- John Stevens, Ministry of Education, Culture and Science, The Netherlands
- Philomeen Lelieveldt, Utrecht University, The Netherlands
- Cas Smithuijsen, Boekman Foundation, The Netherlands
- Ruth Towse, Erasmus University, The Netherlands
- Jaap Visser, Raad voor Cultuur, The Netherlands
- Erik Koed, Ministry for Culture and Heritage, New Zealand
- Johnson Oluata, Royal Arcade c/o Lagos State University Museum, Nigeria
- Pius Knüsel, Pro Helvetia, Switzerland
- Daniel Köhler, Eidgenössisches Departement für Umwelt, Verkehr, Energie und Kommunikation, Switzerland
- Memory Mukudu, Zimbabwe

We thank all respondents for their contribution.