

WHO'S AFRAID OF THE PAST: THE ROLE OF ARCHIVES IN SHAPING THE FUTURE OF PSBS

Olga Kolokytha

University of Vienna
Department of Communication
Währingerstraße 29
1090 Vienna
Austria

olga.kolokytha@univie.ac.at

Izabela Korbiel

University of Vienna
Department of Communication
Währingerstraße 29
1090 Vienna
Austria

izabela.korbiel@univie.ac.at

Krisztina Rozgonyi

University of Vienna
Department of Communication
Währingerstraße 29
1090 Vienna
Austria

krisztina.rozgonyi@univie.ac.at

Katharine Sarikakis

University of Vienna
Department of Communication
Währingerstraße 29
1090 Vienna
Austria

katharine.sarikakis@univie.ac.at

Abstract: Audiovisual archives play a crucial role for PSBs with regards to their function as democratic institutions. This paper discusses the importance of audiovisual archives as organic parts of PSBs and investigates structural, legal and institutional factors that impact on the state of archives using empirical evidence from four archives of PSBs in Europe. It focuses on universality as a fundamental PSB principle which it translates as availability, open and cross-border accessibility, public use and

exploitation, and archives awareness. The research highlights some of the struggles and contradictions that PSBs find themselves in as a result of pressures and tensions between institutions, the market and the citizens.

Keywords: governance of archives, PSBs, universality, access, digitalisation

1 Introduction

Historically a European institution, Public Service Broadcasters (PSBs) exemplify in a concrete and institutionally cemented manner, both the need for and practice of generating communicative spaces free from private interests and directed a sense of universality of reach, interests and society. Also historically, audiovisual (AV) archives have been predominantly curated by PSBs, and so, the bulk of AV archives in Europe is to be found within or under the supervision of these institutions. The most precise estimation on European PSB archives holdings was made at the very beginning of the digitisation process and indicated about 10 million hours of film, 20 million hours of video and 20 million hours of audio material were subject to preservation.¹ A re-ignited interest in the role and value of archives in the 'commons' of public communication and public opinion derives, certainly in part, from the need to find answers to a range of communicative dilemmas and malfunctions: from questions arising in relation to fact-checking and post-truth, to the role of 'the public' and its ownership over media and communicative platforms, whether these are digital social media or forms of legacy and historical media, such as community media or public service broadcasters.²

Archives are essential elements in the democratic function of PSBs, not only but crucially as repositories of culture and custodians of historical facts. This concept very much echoes European ideals of "epistemic commons" of shared and collective domains of knowledge and culture as fundamentals of modernity.³ A citizen-centred lens, therefore, situates archives as pivotal in enabling societies to self-reflect, re-evaluate, learn, remember, assess and understand their heritage of ideas and monuments, their historical past and origins of current political struggles, and repopulate their cultural diets with critical and appreciative approaches to current affairs and contemporary histories.

In this paper we are discussing the role of archives in the function of PSBs, both as a matter of forward-looking initiatives that aim (at least partly) to the opening up of archive culture to the lay public, but also as a specialised knowledge community culture, which considers archives as a distinct area of responsibility. Our starting point is that PSB archives, because of their function as repositories of history, memory and culture, are intrinsically linked with the essence of the PSBs and particularly with those values related to their public service nature. We argue that a heightened sense of the value of archives for the current role and future of PSBs is to be located in a new argument for universality. This understanding is largely found among the expert communities catering for archival protection- yet this sense is neither harmoniously shared as to the level of open access to the public nor mirrored in policies governing the state of archives. We identify the major obstacles for reaching the highest potential of archives usage in the process of digitalisation to be copyright legislation, resource scarcity for appropriate levels of digitisation, and conflicts in the view of archives as public resources.

2 Methodology

The research from which this paper originates was a project funded by the International Federation of Television Archives /Fédération Internationale des Archives de Télévision, (FIAT/IFTA), conducted in 2017.⁴ The structural, legal,

as well as institutional factors impacting on the state of archives as integral functions of PSBs, are discussed through comparison of four audiovisual archives in the Austrian, Greek, Hungarian and Polish broadcasters. The choice of the four countries reflects not only the origin of the members of the research team and the access to material otherwise not available for research but also their membership in FIAT/IFTA, which was a prerequisite for the choice of the four PSBs. Moreover, the selection of two Central Eastern European countries (Hungary and Poland) and a country on the 'fringes' of Europe (Greece) compared to a well-established welfare State in Western Europe (Austria) offered a broader insight and European contextualisation reflecting the "political and ideological realities" of historical democratic development.⁵ Thus, our purpose was not to draw conclusions at European level but rather to bring forward the situation in those four countries with an aim to engage in additional research that would lead to more generalized conclusions.

With regards to terminology, because of the nature of the paper the terms digitisation and digitalisation play an important role. Although sometimes used interchangeably, the terms are different- but anyway interrelated: *digitisation* is the conversion from analogue to digital and *digitalisation* the enabling of digital processing and use with digital technology.⁶ In our paper, we thus use digitisation to refer to the transition from analogue to digital content and digitalisation when we talk about processes, operations and strategic thinking in organisations.

We draw upon national legal and policy analysis and analysis of reports deriving from the researched organisations, combined with in-depth interviews with 25 experts and officers, on-site participatory observation and visits in four countries, and a meta-analysis of the available data. Our focus laid on enablers and constraints in archives governance, concerning the accessibility to and availability of audiovisual archives for European citizens.

3 Archives as Part of the 'Public Service' of Public Service Broadcasters

Understanding archives as a process of documenting historical memory is crucial in assessing their value for a democratic society. Audiovisual archives of PSBs came as a result of their need to preserve audiovisual material and use it either as illustration footage for the news or as original material that could be broadcasted again. Archives are part of the PSBs but occupy a different position in each broadcaster's organisational culture and structure- there are cases of PSB archives without formal statutes or organigram. The establishment of television archives has been historically a matter of national policy often connected to nation-building, to questions of identity and cultural heritage. Audiovisual archives are relatively new, as no major AV archival collection dates earlier than the 20th century- the BBC television archive, for example, dates from 1972, although the BBC had a catalogued gramophone collection since the 1930s.⁷

The way for archives to be available to the broader public was through both digitisation and digitalisation. Although PSBs recognized two decades ago the need to digitise archives, they lag behind due to cultural, structural and legal reasons. A significant motivation to digitise archives was not to make it available to the public, including researchers, but reuse the material in current productions. As Rotermund⁸ points out, very often the logic of archiving broadcast material was not understandable for someone outside the organization, and therefore it cannot be used. Another obstacle in making content available was the fact that PSBs did not own the copyrights for the content they broadcasted and archived, which very often prohibited (online) access to historical collections; thirdly, a clear and distinct legal basis for the public broadcaster's archives does not always exist.⁹ Moreover, archives are often found under the patronage of national institutions, and almost uniformly in Europe under the auspices of national PSB corporations and to a great extent, their function is determined by national legislation or the public broadcaster's internal regulations.¹⁰

If it is argued that the future of Public Service Media lies in the past,¹¹ then this inverse 'force' to the future involves and could expand, at least potentially, to include the curation of existing archives with the aim of opening them to the

public, the generation of new through content production, the possible commercial i.e. financial exploitation of archive material under certain conditions, and the free of cost at the point of access availability of archival material for scientific, educational and artistic usage.

Digital innovations in archives could be a chance for PSBs to act against their marginalization in the digital era. Oomen¹² argues the collections should be accessible where the users are, and today, they are in the digital world: “On the web, content likes to travel, and archives will embrace this fact.” It is precisely in this sense of ‘travel’ and openness that we argue that **universal service, as exercised in and by the archives** is a critical parameter in PSBs meeting their remits in the 21st century. The prerequisite to democratic governance of archives is the availability of and equal access to information, cultural and historical content preserved in those archives for and by the citizens. This requirement is to be met by re-defining and operationalising universal service requirements adapted to the realm of digital media.

4 The Universality Principle and Its Relevance to PSB Archives

The digital transformation of PSBs was neither simple nor straightforward. Van den Bulck et al¹³ recognized the main obstacles of this process in PSB's tight focus on domestic media services lacking the opportunity and (often) the inclination to ‘go global’. Sarikakis,¹⁴ however sees that at a macro-level PSBs have been historically and normatively also characterised by the ‘desire’ to connect the ‘nation’ to the world. A trajectory of international legal and policy instruments and the normative and symbolic content of international agreements and declarations have aimed precisely on the need to articulate universality and openness in the form of cosmopolitan expressions.¹⁵ These policy frameworks aimed to counteract excessive nationalism, inward-looking content production, and the view of history as a multi-perspectival process of experience and learning.¹⁶ Push-back from commercial media against PSB development online is already severe and increasingly influential. The global transformations stemming from neoliberalism and the new economic realities led to the – relative - decline and change in the philosophy of PSBs. These transformations were triggered by technological developments and digitalisation accompanying the diffusion of content through various platforms¹⁷ as well as crude state intervention on the institutions on the basis of political interference: either because PSBs became ‘uncomfortable’ to government policy or because they stood too close to the government.¹⁸

Among the main characteristics of the PSBs- universality, diversity, independence and distinctiveness- universal service is interpreted by UNESCO as PSBs’ accessibility to every citizen throughout the country with a “deeply egalitarian and democratic goal to the extent that it puts all citizens on the same footing, whatever their social status or income” providing the ground for equal and free expression of their ideas and opinions.¹⁹ Historically this meant ensuring nationwide coverage for television and radio with a universal appeal in the provision of a wide range of programs catering for the needs of all citizens.²⁰

The universal service principle was developed in the early 20th century under a specific set of political, technological and social conditions. Universality as a normative concept within this context was strongly connected to **Grundversorgung**, the doctrine of the basic broadcasting service²¹ under which broadcasters have the responsibility of ensuring their programmes effectively reached national audiences. In the era of terrestrial broadcasting, this was realised through free-to-air services enabled by legal and policy privileges to PSBs in terms of spectrum allocation. Universality was translated to the nationwide roll-out of broadcasting networks with close-to-entire geographical coverage, typically around 80–90% of the territory and availability of a limited number generalist PSB channels with due care for programming for all possible national audiences.²² Later, due to technological advancements in broadcasting by cable and satellite distribution, ‘must-carry’ policies were to ensure public access to public service content. Meanwhile, the digital switchover process from analogue to digital terrestrial still considered geographical factors, thus, networks were planned approaching 100% coverage²³ and policies to ensure digital multiplex assignments by priority,²⁴ which supported the ‘survival’ of the universality principle.

However, in the multimedia, internet-based media environment, the “digital debate” on PSBs during “a new wave of perceived abundance”²⁵ contested universality from all angles. The “digital argument”²⁶ in the technological determinist paradigm was very often coupled with neoliberal ideological contestations favouring superiority of market-based mechanisms for the delivery of television and radio services²⁷ and was used both in favour and against PSBs, but generally weakened the case for PSBs.²⁸ A critical contestation for PSBs today is the re-definition of universality: what does it entail on the internet, across borders? How does universality translate to European operationalization of preserving cultural and knowledge commons?

We have argued in previous research on the paradoxes European PSB audiences face: while not enough European content is available overall, what is produced becomes unavailable due to (unnecessary) spatial and temporal restrictions, attainable in geo-blocking practices, rendering audiovisual services inaccessible outside the country of origin as a result of copyright territorial restrictions and policy limitations on ‘catch-up’ content availability, lessening the plurality of media available for EU citizens, thus undermining the value of European works.²⁹ Our past research has also discussed the democratic case for broad access to archives, the policy dynamics of copyright regulation in Europe and their potential impact pointing to the relevance of digitisation of AV archives from the perspective of cultural democracy; it concluded on how European copyright legislation has systematically fallen short of enabling European citizens to fully participate in the digital public space and access, enjoy and explore a significant part of their cultural heritage.³⁰

Here we argue that a **transforming principle of universality** is of critical relevance to **archives of PSBs**. We see the key characteristics of a re-conceptualised universality principle manifested in the (a) availability of; (b) open and cross-border accessibility to archival content for all citizens; (c) public use and exploitation; and (d) awareness in the sense of the knowledge and information of the citizens about the existence of archival material and the ways this can be accessed. This interpretation is aligned with current concepts on the realisation of a “Digital Welfare State”, whereby access, availability, dialogical rights and privacy were identified as being central to this task.³¹ Our research explored the status and application of universal service in PSB archives along with these characteristics, based on a set of indicators and analysed the main impact factors accordingly (Table 1). The following table is a schematic representation of the characteristics, indicators and impact factors of universal service in PSB archives.

Table 1. Universal service in PSB archives

| Characteristics | Indicators | Impact factors |
|--|--|---|
| a. Availability | Legal and financial provisions | Legal (statutory) mandate Financial constraints |
| b. Open and cross-border accessibility | Legal framework | Copyright constraints |
| c. Public use and exploitation | Institutional policies Legal policies | Institutional and infrastructural capacities Copyright constraints |
| d. Archives awareness | Institutional efforts Financial provision | Media literacy Financial constraints |

5 A Critical Assessment of Universal Service in the Case Studies

5.1 Availability

The remit of ORF and of its archive is enshrined by the ORF Act³² and defined as the Core Public Mandate.³³ Along with the various tasks and responsibilities of the organisation to meet its public service remit, ORF is provided with an exclusive mandate to supply its services also online³⁴ which has boosted and supported the

digitalisation and online opening of the ORF Archive in many ways. The Public Archives Act³⁵ of 1999 plays a critical role for the preservation and safeguarding of broadcast content of cultural heritage value and granting public access to the archives after 30 years from the 'creation' of archived material again unless other legal obligations, e.g. data protection set different availability.³⁶ The Usage Regulation sets the process and method of provision of public access for the ORF Archive since 2010. These provisions aimed to guarantee minimum requirements of accessibility to public documents with a specific cultural value after 30 years. However, accessibility even after this period is severely constrained by copyright limitations set by the Austrian Copyright Act of 1936. Austria did not implement specific exceptions to copyright licensing in favour of access to archives³⁷; therefore, the only broadcast works ORF has full legal title to can be made available online, and only for education and research purposes.

ERT is Greece's public service provider and, as set by the Constitution, its role is to inform the country. Having an educational and cultural character, it operates under the dual system of funding with a limited amount of commercially driven income. According to the Law N4324/2015, ERT is the owner of the archival material of all public service providers in the country. There is no policy document regulating the use of the archive, but the internal policy of the organisation is that the material produced by ERT is kept in the archives indefinitely.

In Hungary, the two largest public institutions responsible for archiving broadcasted audiovisual content are the Archive of Hungarian Radio and Television (MTVAA) and the National Audiovisual Archive (NAVA). NAVA³⁸ is the legal deposit archive of all Hungarian broadcasters with national coverage including PSBs and commercial broadcasters to preserve audiovisual products born in the electronic media (analogue and digital television and radio) and make them available and accessible for research and educational purposes. MTVAA is tasked with a specific public service remit³⁹ to collect, register, preserve, renew and to make accessible the works, creations and documents of public service media assets, as well as to save, discover, digitise the values of the Hungarian national cultural heritage archived broadcast materials.⁴⁰ Furthermore, the right of the public for purpose-specific use for research and education of the archive is stipulated. The remit in both cases is clear on making the archives available to all possible audiences with assignments to contextualization and digital engagement. The mandatory legal deposit that rendered all broadcasted material with Hungarian relevance⁴¹ ('hungaricums') under the scope of NAVA was critical to a universal appeal.

The Polish TVP archive was founded in 1986.⁴² The collections produced before 1993 are considered common cultural heritage and as such are publicly owned and supervised by the National Archives. Moreover, this part of the collection can be reused by any commercial broadcasters as well. Here the TVP serves only as operator and preserver of the collection but not as owner. For all material produced after 1993, TVP holds all copyright titles as producer or co-producer.⁴³

Availability of archived material as a matter of universal service is, therefore, mainly embedded in legal conditions of the archives. The mandate of the PSBs in all countries sets the principles on the governance of the archives, which includes the scope of archiving and the purpose thereof reflecting as to what constitutes cultural heritage. Furthermore, availability is constrained in many cases due to financial restrictions (insufficient allocation of digitisation funds) and institutional issues (ownership).

5.2 Open and Cross-Border Accessibility

Since the beginning of digitisation, the ORF Archive actively supported "the aim of getting access to TV archives from the whole of Europe through the opening of these largely closed archive stocks"⁴⁴ among other leading European audiovisual archives. However, the initiative was severely narrowed by copyright constraints, and its impact was somewhat limited.

In Greece, users can access AV material from the archives on the ERT website, but accessibility is restricted to within the country due to territorial copyright restrictions. In Greece, none of the possible exceptions and limitations have been implemented in favour of public access to the archive. For those wanting more access to material, the first request from ERT is by email; users also can visit the organisation and watch material on its premises in Athens. ERT does not require any payment for either the visit to the premises or for personnel costs to locate and make the material requested available.

Both Hungarian archives bear the legal status of **national cultural heritage institutions**, which entitles them to specific copyright titles for digitisation and accessibility of archived material for public purposes.⁴⁵ Until 1st August 2017 MTVAA has run pay-walled, subscription-based Video-On-Demand (VOD) service (teleteka.hu) offering flagship children programmes from analogue times of the PSB as well as popular series from the 80's, drama and documentary programmes. The service was terminated partly due to the financial and administrative burden of copyright clearance, and plans were not publicly communicated. The vast majority of the NAVA collection is accessible via the 'NAVA Access Points' (more than 1700 established in public libraries, schools, higher education institutions and other public institutions throughout the country, and at Hungarian consulates) for research and education purposes. Users can have free but physically restricted - to the premises of the Access Points - access to archived digital content.

The Polish TVP introduced in 2012 an online service using archival material (tvp.retro) with the aim of "opening of the doors to the archives", but in reality, the material available online is minimal. Programmes currently broadcasted by the TVP can be accessed online via the VOD service,⁴⁶ but a substantial part of the material can only be accessed for a fee. Access of TVP material is often limited due to legal, structural and financial factors. In particular, it is problematic to access material produced before 1993 whereby ownership of archived material was also disputed. Moreover, ambiguities and contradictions of relevant laws on archiving and on copyright further restrict accessibility.

In all researched cases, copyright restrictions - unclear legal titles, lack of privileged terms of use and high costs of copyright clearance - were the main constraints to the opening up of the archives. Despite some partial achievements, the lack of adequate legal frameworks and practices cross-cuts the universal appeal of PSBs in operating their archives.

5.3 Public Use and Exploitation of Archives

In Austria, the ORF Archive directly assists and contributes to the core broadcasting requirements of ORF and functions as a multimedia archive since 2016. This change brought an integrated structure based on systematic digitalisation projects and created a virtual digital archive.⁴⁷ With massive digitisation especially since 2012 based on an outsourcing scheme, synchronous digital processing and interconnection of the archive and news production were enabled, as well as the launch of several initiatives of the archive to make content directly accessible to the public and enable citizens' engagement with it. On the institutional level, the approach to digitisation of production and distribution technologies, the 'mobilization' of audiovisual content was seen as an imperative as "thematic networking of archive content with new production as well with user-generated-content" and as a different attitude to "...new production and public access".⁴⁸ Digitalisation provided the ORF Archive with opportunities to reinterpret its public service remit and as a 'living archive'⁴⁹ to contribute to public social value.

ERT is digitising its archival material and has made it accessible through its website since 2015, in collaboration with the General Secretariat of the Ministry of Communications. However, only 10% of the total archival material of ERT has been digitised so far, as the organisation was awaiting appropriate equipment to proceed with the digitisation of different formats. An issue the archive is facing is that of language, as its website is in Greek and therefore not facilitating access and exploitation on an international level. These obstacles are currently hindering any meaningful public exploitation of the archive.

The MTVAA archive is not directly accessible online but feeds the [mediaklikk.hu](https://www.mediaklikk.hu) website of the PSB which offers some live streaming and current programmes for a limited length of time after their original broadcast. News programmes, children content, documentary and various other production of PSBs are available on the website without contextualization. MTVAA sees its role in serving the public similar to a 'platform' catering for all digitised analogue archived audiovisual broadcast material by the end of 2020.⁵⁰ The concept on all-digital media archives managed by the PSB envisions different purpose-specific service layers of the by then merged legacy press, press photo, radio and television archives. According to this strategy, a public service archive platform is to serve (a) the needs of the PSB as an all-media publisher; (b) the needs of the creative industries as the single one-stop front-end to AV media content in Hungary; and to (c) utilize Big Data opportunities in regards to use of digital content.

In 2017, TVP started a 36-months digitisation project aiming to digitise 836 films and TV programmes in order to make them available online (Centrum Informacji TVP 2017) which could bring a substantial improvement to the online offer. The popularity of current programs also enhanced their online consumption. Moreover, the video on-demand service is now accessible to a larger group of recipients also abroad (cross-border).

Digital public exploitation of the archives seems to be the most contested area of universal service by the PSBs. Private broadcasters successfully confronted the offering of VOD services for commercial aims in some cases on the grounds of limitations of the remit. Moreover, this is also the most competitive zone in audiovisual services whereby PSBs are to race against global giants such as Netflix or Amazon directly. However, these services are mostly sought after by audiences in case of an appealing catalogue offer.

5.4 Archives Awareness

There are different levels of archives awareness practised by the organisations researched- by archives awareness we see those initiatives and practices that aim to raise awareness among the public about the existence and work of the archives. There are digital access points set up by ORF at the Universities of Vienna, Linz, Innsbruck, Graz and Salzburg since 2009, providing access at the physical premises of those institutions. Later, the launching of the educational initiative 'ORF- TVthek goes school', integrating audiovisual broadcast archive material to elementary and high school level teaching, added another layer of digital presence and awareness. As a source of "digital storytelling"⁵¹ and with an active social media presence (on Facebook at #ORFarchiv #abgestaubt) the Archive became a distinct and critical actor in governing the digital future of ORF. Several initiatives implemented also reflect the understanding of meaningful engagement and participation through contextualisation and of public network value creation.⁵² The continued efforts of ORF Archive show an understanding of the needs of digital commons with the provision of inclusive and equal access⁵³ but limitations and constraints, mainly because of specific legal provisions, were challenging a genuine and digital engagement.

ERT has established an educational programme using its archives material in collaboration with teachers and schools, in which it provides audiovisual material related to the content of the school books, which functions as an additional learning tool for different levels and subjects of school education. It also provides free of charge material to educational institutions upon request, always with the ERT logo on. Its material is available to researchers, who can initially access it online and also in the premises of the organisation. Researchers can visit ERT to have access to more material which they can request. In the cases where material already exists in digital form, this can be acquired directly; if not, then it is transferred to a low-quality digital format. If the material needs to be shown in public, such as in some cases of academic research, it should not exceed 5 minutes with some flexibility depending on the topic of the research. ERT also supplies material to individuals if they appear on it, also upon request.

The NAVA in Hungary was responsible for supporting communities (schools, civil initiatives, archives) to go digital. The "NAVA social platform" service enables the uploading and sharing of non-copyrighted own audiovisual collections offering free and secure storage and contextualisation. The NAVA Access Points served as the basis for public

outreach, which also enabled the spread of local community screenings of archived materials since 2015 in public libraries of small towns and villages (approx. 424 throughout the country) with more than 3402 screenings attracting at least 50.000 participants.

The Polish TVP meaningfully engaged with digitisation („Digitalizacja Polskiej Szkoły Telewizyjnej i Filmowej z Archiwum TVP S.A.” - Digitisation of the Collection of the Polish Film and TV School in the TVP Archive) to enrich its collection for public outreach. However, no initiatives were reported on awareness-raising.

Awareness on archives and their potential use for educational and similar purposes is a crucial factor to a universal attractiveness of PSBs in the era of digital abundance. School-level initiatives and academic outreach are therefore of critical impact to engage with young generations and explore the potential of audiovisual content as the artefacts on historical and cultural remembrance.

6 Conclusions and Recommendations

Findings demonstrate that although universality is a fundamental principle in the core of the PSBs, it is, however, in reality, not encouraged or practised to its full potential regarding the PSBs archives. The examined case studies of PSB archives highlight tensions and contradictions of norms, policies and practices as they face obstacles related to copyright and resourcing, as well as issues regarding their functioning as public resources. These tensions mirror the environment PSBs find themselves into as a result of institutional pressures and struggles between different actors: institutions, the market and the citizens, and put the role and functions of PSBs about the responsibilities and services towards the public into pressure.

There are also remarks to be made with reference to the individual countries; the Austrian PSB archives seem to be inward rather than outward-looking; the Polish and Hungarian PSBs archives are caught by political constraints despite their forward-looking initiatives; and the Greek PSB archive is characterised by a lack of resources, despite its desire for archives to be open to the citizens. However, our findings point to the struggles PSBs are facing internally and externally throughout their digital transformation process and the systemic and broader contestations as public service institutions. They highlight the essential need for redefining the role of PSBs in all-digital contexts and more importantly in a globally connected, though atomized into “bubbles”, communication sphere.

Digitalisation impacts on the role of archives, as it makes them not only repositories of history and culture but living organisations that (can) contribute to the life and development of the PSBs. Findings show, however, that digital does not mean automatically either more democratic or more accessible. The advancement of technology and the digitisation of cultural content in archives does not mean that democratisation of culture takes place at the same pace or level. Going digital is challenging the notion of public service of PSBs, with constraints exercised through copyright, which should serve the authors but should not be an obstacle for the citizens.

In the case of AV archives, PSBs face challenges when it comes to the management of IP rights of content on the one hand and fulfilling their obligations to provide access for the citizens. Market pressures in the form of copyright and IP rights and pragmatic needs stemming from inadequate financing and shortage of resources, also result in the non- or limited accessibility of archives for the citizens. Not every production of a PSB can be readily available, enter the public domain and be fully accessible, even if it may have been subsidised by public funding.

This research offers to the debate of the value of the PSB archives and their importance for public life by identifying a general lack of vision within the archives and the wider governance structure of the PSBs regarding the role of the archives for citizens. Technology has enabled PSBs to progress with content development and provision of services

to the public. In the case of their archives, though, they seem to be with one foot in their role as institutions and with the other in their pragmatic responsibilities as organisations, as well as in the middle of tensions that challenge their democratic role and service to the citizens.

Archives as public resources should be open to and accessible by the citizens. To achieve that, it is necessary on the one hand to rethink a legal framework that is citizen-oriented with a practical approach to IP that would facilitate the use of archives physically and from afar. The current advancements on the European level with the adoption of the new Copyright in the Digital Market Directive⁵⁴ offer a unique opportunity and momentum to adapt universal archive services to more openness. Cultural heritage institutions will be allowed to make digital reproductions of all works in their collections, to digitise and make available online significant parts of their collections that were hidden to the public (out-of-commerce) and benefit from other copyright exemptions. A clear vision on the future of PSBs and an enabling institutional framework addressing all characteristics of universal service in PSBs would be inevitable to operate in full capacity. Archive management should prioritize a specific, systemic and sustained engagement with younger audiences through multiple paths with an interactive and bottom-up approach. Archives should lead a “culture creator” path on the basis of remix culture-making. The practical contribution of our research is to act as an enabler for PSBs to work towards these issues and develop policies to address them.

Notes

1. See the archive survey results from 2001: http://presto.joanneum.at/Public/ICHIM%20PRESTO%2028_05_01.pdf
2. Hermann Rotermund, ‘Digital Media Culture and Public Service Media in the Platform Era,’ in Gregory Ferrell Lowe, Hilde Van den Bulk, and Karen Donders, eds, *Public Service Media in the Networked Society RIPE@2017*, Nordicom, 2017, pp. 75–90; Ray Edmondson, *Audiovisual archiving. Philosophy and principles*, UNESCO, 2016; Johan Oomen, ‘Audiovisual Archives, the Next Ten Years: Turning Vision Into Reality and Positive Change,’ *Medium*, 18 October 2015, <https://medium.com/@johanoomen/soima-turing-vision-into-reality-and-positive-change-fc2388ea953f>
3. Hannu Nieminen, ‘A Short History of the Epistemic Commons,’ *Javnost - The Public*, 21, 3, 2014, 55–76.
4. FIAT/IFTA Media Studies Grant “The Governance of Cultural Memory Through Audiovisual Broadcast Archives: Preservation and Accessibility in Four European Countries.” Project report available from https://mediagovernance.univie.ac.at/fileadmin/user_upload/p_mediagovernance/PDF/FIATIFTARepor.pdf
5. Nieminen, ‘A Short History of the Epistemic Commons,’ 2014, 73.
6. Marisa Enhuber, ‘Art, space and Technology: How the Digitisation and Digitalisation of Art Space Affect the Consumption of Art—a Critical Approach,’ *Digital Creativity*, 26, 2, 2015, 121–137.
7. Richard Wright, ‘Preserving Moving Pictures and Sound,’ DPC Technology Watch Report 12, 01 March 2012, <http://www.dpconline.org/docs/technology-watch-reports/753-dpctw12-01-pdf/file> accessed 20 August 2017
8. Rotermund, ‘Digital Media Culture and Public Service Media in the Platform Era,’ 2017.
9. Ibid.
10. Berber Hagedoorn and Bas Agterber, ‘The End of the Television Archive as We Know It? The National Archive as an Agent of Historical Knowledge in the Convergence Era,’ *Media and Communication*, 4, 3, 2016, 162–175.
11. Karol Jakubowicz, ‘Public Service Broadcasting in the 21st Century. What Chance for a New Beginning?,’ in Gregory Lowe Ferrel and Jo Bardoel, eds, *From Public Service Broadcasting to Public Service Media*, Nordicom, 2007, pp. 29–51.
12. Oomen, ‘Audiovisual Archives, the Next Ten Years,’ 2015.
13. Hilde Van den Bulck and Hallvard Moe, ‘Public Service Media, Universality and Personalisation Through Algorithms: Mapping Strategies and Exploring Dilemmas,’ *Media, Culture & Society*, 40, 6, 2017, 875–892.
14. Katharine Sarikakis, ‘For Culture and Democracy: Political Claims for Cosmopolitan Public Service Media,’ in Petros Iosifidis, ed, *Reinventing Public Service Communication*, Palgrave Macmillan, 2010, pp 88–100.
15. Ibid.
16. Ibid.
17. Mira Burri, *Public Service Broadcasting 3.0. Legal design For the Digital Present*, Routledge, 2015; Pieter J. Fourie, ‘Leapfrogging Into the Market Approach: the Loss of Public Service Broadcasting for Development and Nation Building,’ 2003, available from https://www.researchgate.net/publication/268371259_Leapfrogging_into_the_market_approach_the_loss_of_public_service_broadcasting_for_development_and_nation_building

18. Katharine Sarikakis, 'Public-service media in Europe: A quiet paradigm shift?,' in Onur Andreotti, ed, *Journalism at Risk. Threats, Challenges and Perspectives*, Council of Europe Publishing, 2015, pp. 173–194.
19. Indrajit Banerjee and Kalinga Seneviratne, eds, *Public Service Broadcasting: A Best Practices Sourcebook*, UNESCO, 2005, p. 15. Available from <http://unesdoc.unesco.org/images/0014/001415/141584e.pdf>
20. Nicholas Garnham and Fred Inglis, *Capitalism and Communication: Global Culture and the Economics of Information*, Sage, 1990.
21. Eric M. Barendt, *Broadcasting Law: A Comparative Study*, Clarendon Press, 1993; Georgina Born and Tony Prosser, 'Culture and Consumerism: Citizenship, Public Service Broadcasting and the BBC's Fair Trading Obligations,' *Modern Law Review*, 64, 5, 2001, 657–687.
22. EBU, 'Media With a Purpose - Public Service Broadcasting in the Digital Era,' *The Report of the Digital Strategy Group of the European Broadcasting Union European Broadcasting Union*, November 2002. Available from https://www.ebu.ch/CMSimages/en/DSG_final_report_E_tcm6-5090.pdf
23. ITU, 'Handbook on Digital Terrestrial Television Broadcasting Networks and Systems Implementation,' *International Telecommunication Union*, 2016, 318. Available from https://www.itu.int/dms_pub/itu-r/oth/0a/07/R0A0700003B0001PDFE.PDF
24. ITU, 'Guidelines for the Transition from Analogue to Digital Broadcasting. Asia-Pacific: International Telecommunication Union,' January 2014. Available from <https://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/Documents/AtoDguidelinesV3.pdf>
25. Hilde Van den Bulck and Hallvard Moe, 'Public Service Media, Universality and Personalisation Through Algorithms: Mapping Strategies and Exploring Dilemmas,' *Media, Culture & Society*, 40, 6, 2017, 875–892.
26. Hilde Van den Bulck and Karen Donders, 'Of Discourses, Stakeholders and Advocacy Coalitions in Media Policy: Tracing Negotiations Towards the New Management Contract of Flemish Public Broadcaster VRT,' *European Journal of Communication*, 29, 1, 2014, 84.
27. Alessandro D'Arma, 'How do Public Service Broadcasters Make a Case for Themselves? An Analysis of BBC's "Charter Manifestos",' *Journal of Information Policy*, 8, 2018, 199–226.
28. Monroe Price and Marc Raboy, *Public Service Broadcasting in Transition: A Documentary Reader*, Kluwer Law International B.V., 2003.
29. Katharine Sarikakis and Krisztina Rozgonyi, 'Supporting European AV Works Diversity Beyond Quotas,' *Audiovisual Media Services within the Digital Single Market*, London, 15 June 2016. Available from http://blogs.lse.ac.uk/mediapolicyproject/files/2016/08/Sarikakis_Rozgonyi_presentation_2016.pdf
30. Katharine Sarikakis, Olga Kolokytha, and Krisztina Rozgonyi, 'Copyright (and) Culture: the Governance of Audiovisual Archives,' *Info*, 18, 6, 2016, 42–54.
31. Marko Ala-Fossi, Anette Alén-Savikko, Jockum Hilden, Minna Aslama Horowitz, Johanna Jääsaari, Kari Karppinen, Katja Lehtisaari, and Hannu Nieminen, 'Operationalising Communication Rights: the Case of a "Digital Welfare State",' *Internet Policy Review*, 8, 1, 2019.
32. Bundesgesetz über den Österreichischen Rundfunk, BGBl. Nr. 379/1984 [Federal Act on the Austrian Broadcasting Corporation; hereinafter: ORF Act].
33. The 'Öffentlich-rechtlicher Kernauftrag' [Core Public Mandate] - ORF Act §4 para.
34. See, Besonderer Auftrag für ein Online-Angebot [Special mandate for an online service] ORF Act § 4e. para (1).
35. Bundesgesetz über die Sicherung, Aufbewahrung und Nutzung von Archivgut des Bundes [Public Archives Act]. Available from <http://www.ris.breg.at/BGBl. I Nr. 162/1999>
36. See Public Archives Act Art. § 5. Para. (2) and § 8. (1).
37. Guido Westkamp, *The Implementation of Directive 2001/29/EC in the Member States*, Queen Mary Intellectual Property Research Institute, 2007. Available from http://bat8.inria.fr/~lang/orphan/documents/europe/ivir/InfoSoc_Study_2007.pdf
38. See 2004. évi CXXXVII. törvény a Nemzeti Audiovizuális Archívumról [Act CXXXVII 2004 on National Audiovisual Archive].
39. See 2010. évi CLXXXV. törvény a médiaszolgáltatásokról és a tömegkommunikációról [Act CLXXXV of 2010 on Media Services and Mass Communication].
40. Közszolgálati Kódex 2016 - A magyar nemzeti közszolgálati médiaszolgáltatás alapidokumentuma [Code of Ethics of the Public Service Media 2016].
41. See Act CLXXXV of 2010 on Media Services and Mass Communication Art. 203. § 37.
42. Centre for Documentation and Collection of TVP Program [Ośrodek Dokumentacji i Zbiorów Programowych].
43. Jędrzej Skrzypczak, 'Spór o status archiwów audiowizualnych telewizji publicznej w Polsce' ['The dispute about the status of audiovisual archives of public television in Poland'], *Środkowoeuropejskie Studia Polityczne [Central European Political Studies]*, 3, 2016.
44. ORF, *ORF Public Value Report 2011*, Vienna 2011, 162. Available from http://zukunft.orf.at/rte/upload/texte/2011/public_value_bericht_2011.pdf

45. See 1999. évi LXXVI. törvény a szerzői jogról [Act LXXVI of 1999 on Copyright] Art. 38. Para. (5) and 117/2004. (IV. 28.) Korm. rendelet a szerzői jogról szóló 1999. évi LXXVI. törvény 38. §-ának (5) bekezdésében szabályozott szabad felhasználás esetében a nyilvánosság egyes tagjaihoz való közvetítés és a számukra történő hozzáférhetővé tétel módjának és feltételeinek meghatározásáról [Government Decree 117/2004. (IV. 28.) on the determination of the manner and conditions of the communication and making available to the public in the case of free use provided for in Article 38(5) of Act LXXVI of 1999 on Copyright Art. 2 para (1)].
46. See vod.tvp.pl
47. Herbert Hayduck and Camillo Foramitti, *Geschichte(n) Aus 1.001 "Sendung," ORF Public Value Report 2015/16*, 2016, 144. Available from http://zukunft.orf.at/rte/upload/isabelle/pvb1516_klein.pdf accessed 20 October 2017
48. Herbert Hayduck and Camillo Foramitti, „Das Audiovisuelle Gedächtnis Der Republik“, *ORF Public Value Report 2011*, 2011, 115. Available from http://zukunft.orf.at/rte/upload/texte/2011/public_value_bericht_2011.pdf
49. Corinna Wenzel, 'Cultural Memory,' *ORF Public Value Report 2015/16*, 2016. Available from http://zukunft.orf.at/rte/upload/isabelle/orf_public_value_social_studie_2016_web.pdf
50. See 1404/2017. (VI. 28.) Korm. Határozat a Digitális Nemzet Fejlesztési Program megvalósítása során elkészült Közgyűteményi Digitalizálási Stratégiáról [Government Decree 1404/2017. (VI. 28.) on the Strategy of Public Digital Archiving as an integral part of the realization of the National Development Plan].
51. Hayduck and Foramitti, *Geschichte(n) Aus 1.001 "Sendung"*, 2016, 144.
52. Thomas Steinmaurer and Wenzel, Corinna, 'Public Network Value', *ORF Public Value Report 2015. Public Value-Studie Des ORF in Kooperation Mit Dem Bayrischen Rundfunk*, 2015. Available from <http://zukunft.orf.at/rte/upload/download/15i0005.pdf>
53. Graham Murdock, 'Reimagining the Cultural Commons,' *ORF Public Value Report 2015/16*, 2016, 129–146. Available from http://zukunft.orf.at/rte/upload/isabelle/orf_public_value_social_studie_2016_web.pdf
54. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

Biographies

Olga Kolokytha is Assistant Professor at the Department of Communication of the University of Vienna, researching on cultural policy. She has worked for more than a decade as cultural projects manager and consultant around Europe and is regularly invited as a guest lecturer from cultural organisations. She is a member of ECURES (the European Association of Cultural Researchers). She was one of the 35 representatives of the cultural sector invited by the European Commission to the Audience Development via Digital Means structured dialogue in 2015. She was also among the key experts invited by the European Commission to the stakeholder's consultation meeting on the future of the European Agenda for Culture in 2018.

Izabela Korbiel is PhD candidate and researcher at the Department of Communication, University of Vienna. She works on content governance with the emphasis on the under researched field of ethics and she teaches courses in communication ethics, qualitative research methods and sociology at the University of Vienna and at the Webster Vienna Private University. Her PhD project is based on a case study of the media coverage of suicide in times of financial crisis with emphasis on protest suicides committed in public in Southern Europe since the outbreak of the crisis in 2008.

Krisztina Rozgonyi is a senior media, telecommunication and IP regulatory and legal/policy consultant. She is Assistant Professor at the Department of Communication of the University of Vienna. Dr. Rozgonyi works with international and European organizations, with national governments, regulators, and companies as senior adviser on media freedom, spectrum policy and copyright legal frameworks re: digital audiovisual archives. Between 2004–2010 she served as the Chairperson (Deputy Chairperson) of the Telecoms Authority in Hungary. Dr. Rozgonyi's expertise lies in media and telecommunications policy-making and regulation with extensive experience in legal drafting, legal analysis and legal reform work.

Katharine Sarikakis is Professor of Communication Science with specialisation in *Media Governance, Media Organisation and Media Industries* at the **Department of Communication, University of Vienna**. She leads the Media Governance and Industries Research Lab, which researches and analyses issues, contexts, actors and impacts of media and cultural governance and their underexplored interconnections to citizenship, autonomy and control as they are articulated in the shapes of media landscapes and the relation of citizens-at-large to dimensions of interlocution. She is the founder and has served as twice elected Chair of the Communication Law and Policy Section of **the European Communication Research and Education Association**, an elected member to the ECREA Executive Board and an elected Member of the International Council of **IAMCR**. She is the Co-Editor of the *International Journal of Media and Cultural Politics*.