

## Chapter 4

# Universality of public service media and preschool audiences

## *The choice against a dedicated television channel in Flanders*

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### Abstract

In 2017, Flemish public broadcaster Vlaamse Radio en Televisieorganisatie (VRT), that serves the approximately 6.5 million people of the Flemish community in Belgium, proposed launching a separate television channel for preschool children, making use of existing brand Ketnet Jr. VRT argued such a service was necessary given the different needs of preschoolers compared with older children, and the limited reach of their online offers within certain social-political strata. A universality rationale thus underlined VRT's plans. This chapter analyses the process, contents, and outcome of the public value test procedure applied to this proposal. The focus of the analysis is on whether universality arguments were seriously taken into account by the regulator and government, or made subordinate to competitors' logic. Our document analysis makes it clear that the opinion of commercial broadcasters, rarely substantiated by evidence, disproportionately impacted the regulator's assessment, and eventually resulted in a negative decision on a service of which the market impact was in fact limited and the public interest motivation high.

**Keywords:** public service media, public value test, preschool television, children's television, universality

## Introduction

Public broadcasters across Europe have the task to reach all citizens. Most are obliged to pay attention to special groups like children, next to a large quantity of animation that is available and valorised through transnational media markets. Compared to this commercial content, the children's offer of public broadcasters such as the British Broadcasting Corporation (BBC), the Nederlandse Publieke Omroep (NPO, Dutch public broadcaster), and Vlaamse Radio en Televisieorganisatie (VRT, Flemish public broadcaster) tends to be more varied in terms of genres offered and highly valued by both children and their parents.

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In 2017, VRT, that serves the approximately 6.5 million people of the Flemish community in Belgium, proposed launching a separate television channel for preschool children, making use of the existing brand Ketnet Jr. VRT argued such a service was necessary given the different needs of preschoolers compared with older children and the limited reach of their online offers within certain social-political strata. A universality rationale thus underlined VRT's plans. A public value test was carried out by the Flemish independent media regulator, Vlaamse Regulator voor de Media (VRM), that resulted, essentially, in neutral advice. Subsequently, the Flemish government, solely competent in this field, took a negative decision. In a highly commercialised market for children's television content, that outcome was odd – to say the least – yet unsurprising given the fierce lobbying from commercial media such as Nickelodeon and Flemish commercial broadcaster Medialaan (now DPG Media). While, in the end, VRT managed to introduce a partial Ketnet Jr. channel on one of its other linear channels for several hours per day, the original decision warrants close attention, as it points to the impact of regulatory (European Commission driven *ex ante* test for new services' requirements) and decision-making processes (multistakeholderism) on actual policymaking in crucial areas of public service media (PSM).

In this chapter, we analyse the decision-making process that resulted in the dismissal of Ketnet Jr. as a linear television channel. We focus, on the one hand, on the inclusion of a variety of stakeholders in the process as a proxy for how universality is reflected in multistakeholderism. On the other hand, we analyse the extent to which universality of audience reach was a relevant factor in the regulator and Flemish government's assessments of the proposed service. To this end, we develop a theoretical framework that discusses recent trends in (media) policymaking and multistakeholderism and the historic role of PSM organisations in providing content for young children as part of the goal of universality. These sections result in more operational, specific research questions. After describing our methodology, we present the findings of our analysis.

A case study such as this can only say so much as it involves just one event (the attempted launch of a children's channel) in one community (Flanders) at a particular point in time (2017). Yet, it is this combination of a substantial, spatial, and temporal limitation that gives meaning to a case study, as it allows an understanding of very specific processes and functions through detailed de- and re-construction. Furthermore, the findings provide insights that have relevance beyond understanding the particulars of this case for several reasons. First, VRT's position and media context is prototypical for many public broadcasters in Europe and beyond, caught between strict demands for added public value and a government and commercial competition doubting their legitimacy and role. Second, the *ex ante* test for new PSM services is an EU-wide phenom-

enon. While the particularity of procedures differs between member states, the principle in itself – the issues that surround it and the implications for PSM’s functioning in the contemporary media ecology – goes beyond this case. Finally, the issues and problems involved in PSM’s role in providing content for very young audiences transcend the Flemish, and even a European, context. For all these reasons – which will be elaborated on throughout the text – we believe our single case study has relevance for anyone interested in the contemporary functioning of PSM institutions.

### Trends in the process of media policymaking

In Europe, structures and processes in contemporary policymaking – in the area of media in general and PSM in particular – have changed following the growing interference of a common European policy framework and of national governments’ move to new public management and public value (Donders, 2012; Van den Bulck, 2015). This has resulted in a number of key changes. First, governments have externalised policy and watchdog roles, introducing independent policy advising, regulatory, and controlling bodies. While this has led to professionalisation and, sometimes, to more evidence-based policies, these bodies have been criticised for being insufficiently independent from government, non-transparent, too focused on economic considerations, and not enough forward-looking (Barnett, 2003; Klimkiewicz, 2013; Meier, 2007). This raises the research question: Has VRM played its role as an independent regulator in the process assessing Ketnet Jr.? That is, how evidence-based was its advice? Did it engage in a transparent process? Did it make conclusions in an independent manner?

Second, and related, governments are embracing multistakeholderism, that is, involving a range of stakeholders in developing media policy and regulation (Donders & Raats, 2012). Deliberation based in stakeholder participation is regarded as a key building block of a successful democratic process (Gutmann & Thompson, 2004). The underlying assumption is that “systematic attempts to include those affected by government policies in defining problems, collecting data and identifying possible solutions, results in more responsive and sustainable policymaking” (Donders et al., 2018: 2; see also Hintz & Milan, 2009; Walter, 2009). As such, the trend towards multistakeholderism is considered a positive, inclusive development. However, earlier empirical analysis (Donders et al., 2018) of instances of multistakeholderism in media policy development suggests that this is not unproblematic and, in fact, emerges as a new façade behind which old power relations remain dominant. This results in the research question: Did the adoption of a multistakeholderism approach bring about more inclusive decision-making?

Finally, specific to PSM organisations, there has been a shift in the fora these institutions are to account for and a growth in accountability arrangements and measures (Van den Bulck, 2015). Most notable is the so-called *ex ante* test as a requirement for expansions of public media services (European Commission, 2009: para. 84). Every significantly new service, before being introduced, must be evaluated for its public value and market impact. The test must be executed by a body independent from the public broadcaster; the consultation with regards to Ketnet Jr. is an instance hereof (Donders, 2012; Van den Bulck, 2011). Studies of *ex ante* testing for new public broadcasters' services show, in many cases, that these tests come down to greater interference from, and compliance with, demands from commercial players in the media market (see contributions in Donders & Moe, 2011). This results in the research question: Did the *ex ante* test favour priorities of commercial competitors over an inclusive consideration of all stakeholders' views?

### The fragility of children's television

VRT's plans for a linear television channel for preschoolers must be understood in the context of public broadcasters' long history of children's programming as part of the goal of universality. As Born and Prosser (2001) show, notions of public service changed over time, yet certain key normative criteria survived – including the notion of universality. The concept of universality originated as a multilayered ideal (Van den Bulck, 2001) referring to “universal access”: Public broadcasters' services must be available to every member of the community, regardless of economic, social, or geographical position. In the analogue era, this mainly referred to the availability of the signal in the far corners of the country. Today, it is interpreted against the background of persistent digital divides and the provision of services for those left behind in commercial digital media markets (cf. Van den Bulck & Moe, 2018). Universality also refers to “universal appeal”: Public broadcasters must provide a wide range of informative, entertaining, cultural, and inspirational programmes that appeal to the diverse interests of the young and old and the highly and less-educated across the community, allowing all members of the community to take part in a shared culture and identity (Grip-srud, 2002). Traditionally, this is achieved by providing a mix of information, inspiration, and entertainment for every age and social group (Van den Bulck, 2001), an interpretation adhered to up until today, despite pressures towards a market-failure approach (Donders, 2012). At the same time, universal appeal implies catering to every specific taste, even outside of the mainstream – that is, to minority interests, including high culture and educational programmes. This is reflected in public broadcasters providing various radio and television channels and online platforms to accommodate all tastes.

From the beginning of PSM, children's programming was very much part of this notion of universality – in various ways. Children's programmes were considered a legitimate and necessary part of the diverse programming of public broadcasters, and within the category of children's content, the aim was to provide a wide range of genres and programmes for all ages. Even in the early days of television, when technical and financial means were limited, most public broadcasters, including VRT, provided a diverse range of children's programmes for the very young and the somewhat older, covering entertainment, news, and education (Van den Bulck, 2001). Crucially, a majority hereof consisted of original programming in the children's own language and cultural context, presented in a non-commercial context. As television grew in popularity in the 1970s, so did concerns regarding the negative impact of commercialism, internationalisation, and homogenisation of children's content. For a long time, these concerns confirmed the need for children's programmes created from a public service perspective, outside of the commercial market (Fisch, 2004; Huston et al., 1989; Lesser, 1974), with a mix of linear and post-linear offerings to ensure reaching all children (cf. Rutherford & Brown, 2013).

Contradictory, growing academic and public concerns about how the growing dominance of a few major international players strengthened the homogenisation and commercialisation of content for children, especially for preschoolers (Borzekowski, 2001; Coon & Tucker, 2002), coincided with the undermining of the legitimacy of public broadcasters' position within this market by budget cuts, lobbying from commercial competitors, and general assaults on PSM (Stemers, 2010, 2013, 2016; Stemers & D'Arma, 2012). As a result, children's television is increasingly steered by consolidation of a few commercial providers of children's content. This results in the research question: Was universality, in terms of reach and appeal, an important consideration when evaluating the Ketnet Jr. proposal?

## Methodology

The case discussed in this chapter is the analysis of the public value test carried out regarding the proposal of Flemish public broadcaster VRT to launch a linear television channel for children up to six years old. It focuses on four questions, identified in the preceding sections:

1. Has VRM played its role as an independent regulator in the process assessing Ketnet Jr.?
2. Did the adoption of a multistakeholderism approach bring about more inclusive decision-making?

3. Did the *ex ante* test favour priorities of commercial competitors over an inclusive consideration of all stakeholders' views?
4. Was universality, in terms of access and appeal, an important consideration when evaluating the Ketnet Jr. proposal?

The data gathered concern the period from proposal submission (mid-December 2016) until its rejection by the Flemish government (September 2017) and largely consist of the following documents: All documents submitted by VRT; all available documents submitted by stakeholders to the Flemish Regulator for the Media on Ketnet Jr. ( $n = 45$ ); all assessment documents of VRM ( $n = 9$ ); and the Flemish government's decision ( $n = 1$ ). Complementarily, both authors informally discussed the case with a variety of stakeholders involved directly or indirectly in the procedure. One of the authors was part of the VRT team negotiating the Ketnet Jr. proposal and, in that capacity, had insight into internal discussions and external relations with stakeholders, the Flemish government, and the Flemish Parliament.

The document analysis is based on a descriptive quantitative part and a combined descriptive and interpretative qualitative part. The former is mainly concerned with the numeric use of stakeholder input by VRM; the latter with the nature of the arguments made by VRM and the different stakeholders, and the way in which universality of access and appeal was (not) considered a relevant argument.

### VRT's Ketnet Jr. proposal

Before presenting our findings, we elaborate on the proposal of VRT to launch Ketnet Jr., an additional children's television channel next to the existing Ketnet channel. At the time of the Ketnet Jr. proposal, Ketnet's market share was 21.2 per cent, reflecting a five-year decline. Other children's offerings included local commercial channels VTMKzoom and Kadet (MediaLaan Group) with a market share of 5–5.6 per cent, and Studio 100 Television (just under 5%), the free-to-air television channel of a major, Flemish-based but internationally active children's production company. Bigger than these local companies are Nickelodeon and Disney, taking just over 20 per cent and 10 per cent, respectively, of the Flemish children's television market through multiple channels, differentiating between preschoolers and older children. The international channels mainly offer fictional content and animation, mostly dubbed in Dutch by voice actors from the Netherlands (i.e., not Flanders). They generate income from advertising revenue collected by local, commercial broadcasters. MediaLaan, for example, is in charge of Nickelodeon's advertising sales. Few of these companies have an extensive online presence. In contrast, as a multiplatform brand, Ketnet offers audiovisual

content across platforms – including app-based – in a safe, advertising-free environment with guidance from Ketnet staff and parental involvement. Ketnet’s social media environment is highly popular, teaching children not yet allowed on Facebook how to deal with social media. The brand is reputable, as most people appreciate its educational yet fun programming and inclusive approach. The value of Ketnet is addressed on a regular basis, for example, in newspaper articles on new initiatives and programmes (VRT, 2016).

VRT’s proposal to launch a linear channel in a digital age stems from a combination of market, pedagogy, universality, and wider public-value related factors. First, VRT showed concern regarding its reach of a diverse audience (cf. universality of PSM offers, as explained above), based on the observation that nearly 25 per cent of the target audience (children up to six) do not have regular access to the Internet or a device (e.g., a tablet) that enables them access. These children can watch Ketnet, but this channel mainly targets older (6–12) children. It has some Ketnet Jr.-branded blocks of preschool content but, according to VRT, parents find this confusing in terms of brand positioning and want a more stable, full-day offer of public service programmes. While Disney Jr. and Nick Jr. offer preschool content, according to VRT, these mainly broadcast animation, de-localised and dubbed in Dutch by voice actors from the Netherlands. Ketnet aspires to offer various genres, making use of “real people” that speak Flemish Dutch and cover local habits, customs, and issues, thus fitting requirements relating to pedagogy and public added value of their children’s programming. Should the additional channel be approved, VRT promised to invest additional means in local production.

In line with the principle of technology neutrality, some VRT managers argued that, since Ketnet and Ketnet Jr. were already existing PSM brands, an extension of Ketnet Jr. from some linear television offerings and an online video player to a full linear television channel was covered by the existing management contract. The latter contains all obligations of VRT for a five-year period (Vlaamse Gemeenschap & VRT, 2015). However, part of VRT’s Board of Directors, in charge of strategic issues and made up of political representatives, disagreed, resulting in a push for a public value test, supported at governmental level.

### The lengthy public value test process in Flanders

VRT submitted its Ketnet Jr. proposal in mid-December 2016 and published it online. There were no guidelines on what had to be included, other than the vague stipulations in the Flemish media decree to assess new services vis à vis their contribution to Flemish society, culture, and market development, taking into account technological and international evolutions. The regulator refused

to provide additional instructions. VRT's proposal focused on the ways in which Ketnet Jr., as a linear television channel, would further public interest objectives for all preschool children and also elaborated on what they considered a limited market impact. According to VRT, Ketnet Jr. would offer a public-service driven alternative to commercial channels Disney Jr. and Nick Jr. for preschoolers. In collaboration with a Ph.D. in children's psychology (employed full-time by VRT), a schedule for the linear television channel was developed, providing a mix of programmes made for preschoolers and contributing to social, political, and cultural citizenship. These were designed to interact closely with digital offers to encourage children to move flexibly between the television and digital offers of Ketnet Jr., aiming to lessen the digital gap. Content would largely be Flemish (gradually increasing to 80% of broadcast volume), spoken in Flemish Dutch and relating to Flemish culture (such as the use of Flemish children's literature). The channel would be advertisement free. The VRT thus wanted to offer a service distinct from commercial offerings and societally relevant from a public interest point of view. Not surprisingly, they argued that market impact would be limited, estimating a modest (below 1% decrease of market share) loss of advertising revenue for commercial competitors.

The media regulator never provided any details on how it analysed VRT's proposal. At the end of January 2017, VRM published an open consultation structured around the identification of the respondent, the market economic situation of the Flemish media, changes in the media offers in the market, changes in technological evolutions, changes in international trends, protection and promotion of Flemish culture and identity, and the expectations and needs of media users. The general public was not consulted. Respondents could provide arguments (with or without evidence) and, at the end of each section, tick one of two boxes; that is, whether they – “yes” or “no” – supported the service. No other option was provided. From a methodological perspective, the regulator's questionnaire was problematic on three counts. First, questions were worded in very legalistic language, making it hard to understand them. In fact, after its publication, VRT received several questions from certain stakeholders complaining they were unsure how to approach things. Second, the elements covered by the questionnaire, while reflecting the areas indicated by the media decree, were not distinguished according to type of issue. Several elements (e.g., state of play of the Flemish media market, technical evolutions, and international trends) are contextual whereas Flemish culture and identity, market impact, and expectations of media users refer to expected impact of the service. This distinction was not made nor explained. Third, forcing respondents to give a final yes-or-no answer suggests a world divided into proponents and opponents of a PSM proposal, setting the debate in binary, oppositional terms.

The regulator decided to score all topics on a scale: - - (very negative); - (negative); 0 (neutral); + (positive); ++ (very positive). It did not elaborate on



how a score was determined, though. It appears that decisions were based on opaque, qualitative assessments of arguments in favour or against the service. For example, the regulator assumed a negative impact on other broadcasters saying, “the regulator has difficulties in accepting that the introduction of an additional, linear children’s channel would have no negative impact on the market shares of the other children’s channels”, (VRM, 2017: 20) without providing evidence of how it came to that conclusion.

The outcome of the procedure was that VRM stated it could not reach a conclusion. It decided neutral on all aspects except two: market impact, for which it concluded a negative impact on broadcasters; and Flemish culture, for which it observed a likely positive impact. It did not weigh arguments towards a final conclusion but, instead, left this to the Flemish government.

### Analysing an assessment that was not a real assessment

We conducted an analysis of the regulator’s advice, focusing on the attention in the advice devoted to the different aspects, the stakeholders mentioned, and the consideration of universality as an argument for or against Ketnet Jr. as a linear television channel.

First, there is a clear imbalance in the amount of attention (in terms of space) devoted to each of the various issues. Topics related to the market received notably more attention (33 pages) than topics such as protection and promotion of Flemish culture and identity (eight pages). The latter, by the way, is the only exclusively public interest related criterion the regulator looked at. Two annexes to the advice also concern market economic aspects. This suggests a disproportionate attention to market economic aspects to the detriment of public interest considerations, despite VRT’s proposal elaborating on them quite extensively.

Second, analysis of how often VRM uses input from particular stakeholders reveals that considerably more attention is devoted to the opinion of stakeholders with a distinct interest in blocking the proposal, that is, commercial broadcasters that offer children’s television. Furthermore, the regulator itself reached out to several stakeholders to submit an opinion (VRM, 2017), including to six advertising agencies, six author rights’ agencies, eight distributors of television services, nine civil society organisations, three broadcasters, ten educational organisations, nine production companies, and some interest groups or sector organisations. Stakeholders such as youth movements, schools making use of the Ketnet offer, organisations involved in preschooler’s care, or academics, amongst others, were not invited. The consultation was, of course, open to anyone who wanted to submit something but, as said, many stakeholders perceived the technicality of the questionnaire as an obstacle.

A total of 45 stakeholders submitted a response, 20 of which were on their own initiative rather than the regulator's invitation, suggesting considerable involvement from stakeholders other than those on the regulator's radar. Overall, more "market stakeholders" submitted a response than stakeholders motivated by public interest. All broadcasters and most television distributors submitted a response. Broadcasters such as Medialaan and Nickelodeon were opposed to the launch of Ketnet Jr. while SBS was somewhat more prudent. All production companies were in favour of Ketnet Jr. except for Studio 100, which was somewhat conflicted since it produces content for VRT but also has its own broadcast channel Studio 100 TV. Educational publisher WPG Uitgevers submitted a response in favour of Ketnet Jr., while author rights' organisations emphasised the need for being compensated for an additional channel. Television distributors mainly argued that the additional space required in their package for a new channel would reduce their revenue if Ketnet Jr. was granted a must-carry status and claimed there was no legal agreement between them and VRT to transmit such a channel. The regulator used the latter as an argument against the children's channel even though, clearly, it would be odd and possibly unlawful for VRT to have signed distribution contracts before the service was approved. Amongst the stakeholders with a public interest orientation that responded to the questionnaire, the main educational organisations' responses expressed very explicit support for Ketnet Jr. While not supporting television viewing in general, they considered the public service project of Ketnet and Ketnet Jr. as beneficial to preschoolers and older children. All other stakeholders with a public interest orientation supported VRT's plans, as did the four experts, two of whom were academics, that submitted a response.

Next to stakeholder identification, we analysed the relative weight of stakeholders' responses in the regulator's decision. To this end, for each issue we identified which stakeholder was referred to by the regulator when making a particular argument in favour or against Ketnet Jr. Results show that the regulator's (negative) evaluation of the market economic situation and the impact of Ketnet Jr. mentions the opinion of eleven stakeholders, two public interest (Screen Flanders and Kom Op Tegen Kanker), and nine (out of 26 submitted) market stakeholders. Interestingly, VRM refers to production companies (although without identifying them) but does not follow their – mostly positive – evaluation, as VRM dismisses VRT's suggestion that Ketnet Jr. will result in more investments in children's content (VRM, 2017). Medialaan, VRT's closest competitor in the Flemish market, gets four mentions in this section. Medialaan and Nickelodeon both are negative with regards to market impact, as are distributors who fear the potential must-carry status of the new channel.

The second assessment criterion of impact on children's television offerings in the media market was evaluated by the regulator as neutral. Several public interest-oriented stakeholders, specifically those occupied with children's

wellbeing, argued for a preschool channel without advertising and with locally produced content. They observed such a channel is not present in Flanders and, hence, would be a positive addition to existing offers. Broadcasters Medialaan and Nickelodeon, as well as advertising broker Transfer (working for international children's channels like Disney targeting the Flemish media market), argued against, saying VRT exaggerated the difference between commercial and public service television for children. On the basis of these conflicting arguments, the regulator concludes there is neither a negative nor a positive impact on the Flemish media market for children's programmes. So, not only does VRM not evaluate claims made, it also treats as equal the assessment of the distinctiveness and public value of this offer by commercial competitors that only offer animation of American origin, on the one hand, and by academic experts and civil society organisations that argue in the public interest, on the other hand.

The section on technological trends is very brief. Several stakeholders maintained that a linear channel is not innovative and that children increasingly can be reached on-demand. VRM refers to competing broadcasters and distributors that – unsurprisingly – are in favour of a paying, on-demand model. The regulator does not accept the argument of digital exclusion, making reference to studies that claim up to 90 per cent of children have regular access to new media devices. Young children indeed have access to, for instance, Netflix, yet that does not provide domestic children's content and, overlooked by VRM, the YouTube Kids app that broadcasters referred to was not available in Flanders at the time. The regulator further mentions specialised children's channels developed by commercial broadcasters and claims public broadcasters have no incentive to do so since they are not driven by commercial motives (VRM, 2017). There appears a flawed logic: Commercial channels are allowed to make more targeted children's channels because they can earn money in doing so. Public broadcasters cannot make money with a more specialised offer that could benefit preschoolers and other children and, therefore, should not offer more than one children's channel. This logic goes against public broadcasters' aim for universal access and appeal.

The section on international trends is based entirely on the regulator's own assessment. No reference to stakeholder submissions is provided. The regulator largely goes against the assumption that the market for children's television is internationalising. Nonetheless, a 2017 study of the European Audiovisual Observatory, concerning most EU Member States, clearly shows the internationalisation – and, notably, the Americanisation – of the children's television market (Ene, 2017).

Not surprisingly, the regulator concludes that the impact of the service on Flemish culture and identity is positive. The channel offers a considerable amount of domestic programming; there is a commitment of VRT to increase

the share of local content investments in local content from the independent production sector. The channel is also embedded in the local context and can relate to societal issues in Flanders better than international channels. The regulator concludes on a + and not a ++ because several commercial broadcasters argued that they, too, invest in local content and that VRT exaggerated the difference between public service and commercial content. Interestingly, the regulator claims that commercial broadcaster Studio 100 TV is more Flemish in nature than VRT's Ketnet channel, as it broadcasts nearly 85 per cent of Flemish programming whereas Ketnet broadcasts less than 50 per cent. To put this in context: Studio 100 produces a considerable amount of content for Ketnet and re-broadcasts this content on its own television channel. More importantly, most of its programming consists of music videos, thus providing a limited variety of programme genres. It is worth noting that the regulator refers to market stakeholders when discussing the public interest parameter of Flemish culture and identity, whereas for market impact, virtually no reference is made to opinions of public interest-oriented stakeholders, even though they commented on it. By and large, they claimed that market-driven arguments should not drive any decision regarding the approval of a children's channel. The regulator refers to none of these arguments.

Finally, the section on audience's needs and expectations makes little reference to stakeholder opinions. The two academic experts supported the proposal. They argued that too much television viewing may not be healthy for children, but television viewing within a safe environment and setting out from a clear pedagogical project is better than commercial offers. The regulator mainly refers to studies advising against television viewing below the age of 18 months. However, Ketnet Jr. targets preschool children until the age of six. The regulator is unclear about the added value of the channel for children aged 18 months to six years. The regulator, furthermore, dismisses the fact that there is a commercial offer for preschoolers, also for the group below 18 months, and that this target group makes use of this offer. This is surprising, as that offer suggests that the issue is whether a public service offer has its place next to (or is to be preferred over) a commercial, animation-dominated offering.

### Analysing an advice that was not really an advice

It remains by and large unclear what tools and benchmarks the regulator used to analyse stakeholder claims (several hundreds of pages in total). Why was some information aggregated? Why was the opinion of some stakeholders singled out? The reasons why the regulator analysed opinions A and B to come to conclusion C are not (made) clear. No independent assessment of claims is made. Instead, the regulator seems to rely on an intuitive weighing of arguments, going against

its rhetoric of adhering to evidence-based policies reflected at several points in the advice in statements such as the following:

Ketnet Jr. will, *according to VRT's proposal*, be an offer not yet available in the Flemish children's television market. *One can assume*, in line with the agreements made in the management contract between the Flemish government and VRT, that the channel will comply with certain quality requirements. Ketnet Jr. will not consist of a completely new offer, but will make the current offer for preschool children more accessible. VRT gives no information on how the offer on the regular Ketnet channel will evolve as a consequence. They merely say that some preschool offer will remain available on Ketnet, mainly with an eye on smoothening the transition for children from Ketnet Jr. to Ketnet. *The commercial channels say* that the difference between their offer and the offer of VRT is exaggerated. They fear that the introduction of *Ketnet Jr.* will weaken their own Flemish content offering. *On the basis of these arguments, the VRM assigns the following score* for the parameter "general media offering in Flanders": neutral [translated and emphasis added]. (VRM, 2017: 33)

On several occasions, the regulator seems overly reluctant to accept a positive impact of the new service on the market, relying on disclaimers such as "difficult to believe", "plausible", "unlikely", and "logical". There are few indications of checking, testing, and critically evaluating claims. For example, "the VRM *has difficulties to believe* that the introduction of a new linear channel would not have a negative impact on the market shares of other children's channels [translated and emphasis added]" (VRM, 2017: 20). And, "even if some production companies assert that revenues increases are possible, *it seems not very plausible* that the introduction of Ketnet Jr. will have a positive impact on all production companies and faciliatory companies [translated and emphasis added]" (VRM, 2017: 20).

Next to poor argumentation and random use of stakeholder input, the advice stands out for its inconsistency. According to VRM, the initiative is characterised by its contribution to Flemish culture and identity, yet would not constitute a significant change in the market offerings. Moreover, there are indications that the regulator did not fully analyse the information provided, as arguments are accepted as factual or reasonable quite easily. For example, the reference to YouTube Kids – a service not offered in the Flemish market – as a viable alternative for Ketnet Jr. is considered a reality. Mediaaan's investments in children's content are treated as a given, while several production companies say the commercial broadcaster hardly invests in Flemish children's content.

## What universality?

This final part analyses the consideration of universality in the public value test. VRT started from the observation that it did not reach all preschool children with its public service offer and assigned it to the target group's fragmented nature. In essence, these elements relate to universality from a perspective of access and appeal as discussed in the theoretical framework. VRT argues that its remit is to deliver its content to all children, not only to those with a tablet and high-speed Internet access. For VRT, this is part of its remit to provide such an offer because the preschool group in Flanders is targeted only by non-local, commercial channels Nickelodeon and Disney. At the time of the proposal, VRT's Ketnet Jr. app reached about 8,500 children and the Ketnet website had about 38,000 unique visitors per day. These numbers are considerable, but less than the reach of its linear channel, which is above 90,000 daily viewers. Moreover, VRT research shows that less than 50 per cent of Flemish children use their parents' smartphone to watch television, while this amounts to just 33 per cent for computers and 75 per cent for tablets. This means that considerable amounts of preschool children do not use the devices necessary to access Ketnet Jr. online. For Ketnet television, the penetration rate is 97 per cent. So, from a universality perspective – and knowing that the intensity of use (1.9 hours a day for 2–5-year-olds via television vs. 0.6 hours per day for tablets [VRT, 2016]) is higher for television than for other devices – VRT states it makes sense to provide for preschool audiences that are now reached by a separate, international, and commercial offer.

The regulator dismisses this idea, referring to studies that mainly deal with access to technologies, and dismisses that these studies point to 10–15 per cent of preschoolers that have no access to new technologies. According to the regulator, this group will be included in the future, adhering to a rather technologically optimistic view. Interestingly, while the regulator argues for Ketnet Jr. as a digital-only service, it refers to increased penetration rates of new technologies to forecast a negative impact of a Ketnet Jr. linear channel on commercial broadcasters. This would be unlikely in the regulator's own logic of an expected drop in linear viewing, as the impact of the new channel on other channels would be limited.

Next to universality of access, VRT (2017) argues in favour of a linear Ketnet Jr. channel based on universality as content geared to special groups. VRT argues that the needs of the preschool audience are completely different from children over the age of six regarding storytelling, graphical issues, language use, and so forth. Content for older children is not necessarily suitable for a preschool audience because it is more complex, targets different development goals, adopts more advanced language, and has a different format and duration. However – and despite the distinct public service logic underlying it – the regulator's advice completely ignores this argument of content universality.

## The Flemish government's decision not to approve

Faced with an advice that, essentially, was not an advice, the Flemish government had to decide on the service itself rather than on the regulator's evaluation. The largest political party in Flanders, the Nationalist New Flemish Alliance (N-VA), was opposed to the idea from before the actual procedure, supporting Flemish commercial broadcaster Medialaan. The Liberal Party (Open Vld) that provided the minister of media had an ambiguous position and, to the surprise of the production companies, decided against the service, but only after the advice of the regulator. Christian Democrats (CD&V) were in favour before, during, and after the procedure of the regulator and when the Flemish government wanted to reject the service before the 2017 summer recess, they managed to postpone the decision until after recess, hoping public broadcaster VRT could intensify its lobbying activities and convince (at least one of) the other parties.

Regardless, in October 2017, the Flemish government rejected Ketnet Jr. In its decision, the government argued digital trends would ensure all children would be able to access Ketnet Jr.'s online offer. Hence, there was no need for a linear preschool channel. The government did not elaborate on market or public interest effects, ignoring the considerable body of research that shows children from specific sociocultural and socioeconomic groups are excluded from regular use of the Internet, have no regular access to tablets or other devices, and lack the skills to use them. Universality did not feature in the government's decision, in the sense that the government denied a problem in this area.

## Discussion and conclusions

This chapter set out to answer four research questions. First, did the VRM act in its capacity as an independent regulator? The answer to that question is not a simple yes or no. The analysis shows that the regulator was essentially unprepared to do the *ex ante* test, unable to adopt objective methodologies to evaluate the contribution of the service to public interest and market objectives. It was confronted with opposing views from the public broadcaster and its main competitors and, in the end, was unwilling to provide any advice to the Flemish government. The fact that the regulator came to the conclusion that the contribution to Flemish culture was positive, to the market negative, and on all other elements neutral, suggests that the regulator was hesitant, to say the least, to come to an advice that would be difficult for the Flemish government to put aside. This is not to say that the regulator and the Flemish government agreed on the contents of the advice; there is no scientific evidence for that, but insights into the procedure suggest some kind of collusion.

Second, was the multistakeholderism approach of VRM inclusive in nature? The answer to that question is no. Even though, in principle all stakeholders had an opportunity to submit an answer to the open questionnaire, the regulator's use of legal and technical language in the survey created a real disadvantage for several less professionalised organisations and for stakeholders with less means or expertise in the field of media law. It discouraged several stakeholders from submitting answers. Moreover, the analysis of the regulator is not transparent about how stakeholder submissions were used.

Third, were concerns of economic stakeholders prioritised over public interest considerations? The answer is complex, as it appears that the interests of a specific group of economic stakeholders were prioritised over the interests of other economic stakeholders and stakeholders taking a public interest approach. As said, commercial broadcasters and distributors were mentioned significantly more and had more impact on the negative, positive, or neutral score. Competing broadcasters opposed the service, fearing children and their parents would prefer Flemish, advertising-free content over their offer of predominantly Anglo-Saxon children's content with advertising; distributors were unwilling to include another must-carry channel in their offer. Other economic interests were ignored. Most notably, production companies were very positive about the proposal, arguing that the public broadcaster is, in fact, the only company investing in local children's content. Their support was dismissed as abstract, with the regulator considering it unlikely that VRT would invest extra in local content. These doubts were expressed by politicians during the procedure, resulting in VRT publishing a paper to make explicit how much additional money it would invest on top of its ongoing engagement in children's content. The regulator refused to accept this document in an ongoing procedure and continued to insist that VRT's dossier was unclear on this point, despite not having provided VRT with any guidance regarding what elements to discuss in its application. Civil society opinions were included only in the part on the contribution of Ketnet Jr. to Flemish culture. Several stakeholders were not mentioned at all, even though they submitted elaborate responses on the educational and inclusive approach of Ketnet. From this follows that VRM valued opinions of certain stakeholders over those of others, aggravated and even enabled by a complete lack of an analytical, objectifying tool for evaluation.

Fourth, was universality an important consideration when evaluating the Ketnet Jr. proposal? No. The argument of digital exclusion was not accepted. Ignoring all scientific evidence regarding the remaining divide between "haves" and "have nots", also within younger age groups (Livingstone & Helsper, 2007), the regulator and, later on, the government, said that an online offer was sufficient to meet the demands of the youngest children and their parents. A linear channel was a thing of the past. Again, if that were the case, then why the fierce opposition from competitors? Why, during the Covid-19 crisis three



years later, the rushed government policies to give laptops and Internet access to a significant amount of children, if the digital divide was supposed to have been resolved?

The entire *ex ante* test and its outcome demonstrates a gap between the theory and reality of multistakeholderism in PSM policymaking. First and foremost, the idea of inclusive policymaking is an illusion (Donders et al., 2018). While VRM provided a list of nearly 50 stakeholders that submitted an answer to its questionnaire on Ketnet Jr., it does not refer to or quote over half of these stakeholders in its advice. In particular, its assessment rarely mentions arguments of educational organisations and individual professionals working with children in favour of commercial stakeholders' considerations. Furthermore, the regulator appeared driven by an attempt to find simplistic opposing views, as its questionnaire only provided opinions in favour or against the preschool channel. There were no questions asking stakeholders what conditions or modifications would make the VRT's proposal more or less desirable (VRM, 2017). Overall, the entire process created the illusion of serving the public while being an exercise to have public broadcasters serve the media market rather than society and its citizens. Needless to say, such an approach and ideology forces public broadcasters away from their mission to serve all parts of the audience with a public-value driven offer.

Ironically, VRT now offers Ketnet Jr. on one of its other linear channels, which otherwise broadcasts information and current affairs, culture, documentaries, and other more highbrow programs after 8 p.m. So, from 6 a.m., Ketnet Jr. is now a reality on that channel. This initiative met with no political discussions or protests whatsoever. No public value test was carried out. Commercial competitors remained utterly silent on the issue.

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