

zung, Kolonialismus und Medienwandel, in dem sich Böschs konsequent internationale Sicht besonders auszeichnet. Dem Leser werden hier nicht nur die sehr unterschiedlichen Medienentwicklungen in den einzelnen Erdteilen vorgestellt, er erfährt auch viel über Wirtschaftsunternehmen als Akteure der ersten Globalisierung. Wenn es um den Aufbau eines internationalen Telegraphennetzes oder eines intensiven, grenzüberschreitenden Nachrichtenverkehrs ging, waren sie immer federführend beteiligt. Ähnlich differenziert geht Bösch bei seinen Abschnitten zu Medien in Diktaturen vor. Für die Medienentwicklungen unter dem nationalsozialistischen und dem kommunistischen Herrschaftssystem nennt der Autor nicht nur die wichtigen Stationen staatlicher Medienlenkung und Zensur, sondern er befragt die aktuellste Literatur auch danach, was wir über den realen Medienalltag wissen, also auch nach Grenzen der Diktaturen. Wichtig sind hier beispielsweise Lese- und Sehgewohnheiten der breiten Bevölkerung. Das Kapitel über die Bundesrepublik fällt im Vergleich etwas kurz aus, sodass hier viele Entwicklungen der Medien- und Demokratiebegründung nach 1945 nur gestreift werden können. Es ist aber eine richtige Entscheidung, die Ereignisse und Folgen der Internet-Revolution nur noch als Ausblick einzubringen. Eine Einführung in die Mediengeschichte muss sich nicht nur von den drängenden Fragen der Gegenwart leiten lassen. Trotzdem nutzt Bösch dieses Schlusskapitel auch dazu, viele dieser Themen historisch einzubetten und auch damit genauer beurteilen zu können. Wenn wir über die Interaktivität des Web 2.0, der kulturpessimistischen Angst vor den Gefahren neuer Medien oder politischer Kontrolle im Internet sprechen, lohnt der Blick auf vergangene Epochen, um ganz ähnliche Phänomene unter anderen technologischen Rahmenbedingungen zu sehen.

Insgesamt liefert die Einführung einen sehr guten und faktenreichen Überblick, der mit gut 200 Seiten einen kompakten Umfang hat. Der Band verliert sich aber nie im Detail und bringt jenseits der notwendigen Daten und Fakten immer wieder die großen Entwicklungen und unterschiedlichen Deutungen der Medienepochen in die Darstellung mit ein. Viel mehr kann man von einem solchen Buch nicht erwarten.

Armin Müller

**Karen Donders / Hallvard Moe (Eds.)  
Exporting the Public Value Test**

The Regulation of Public Broadcasters' New Media Services Across Europe

Göteborg: Nordicom, 2011. – 188 S.

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This book was edited by Dr. Karen Donders (Free University of Brussels) and Dr. Hallvard Moe (University of Bergen, Norway). Both researchers' contributions to the development of the theoretical framework in the fields of public service and technological innovation (Moe 2008) and European policy (Donders 2012) are internationally acknowledged. The book is the final result of the seminar "Exporting the Public Value Test: Assessing EU Member States' Evaluation of Public Broadcasters' New Media Services", which was jointly organized by the IBBT (Interdisciplinary Institute for Broadband Technology) and the SMIT Department (Studies on Media, Information and Telecommunication) at the University of Brussels on May 25th 2010. Besides the chapters resulting from presentations held at that seminar, the book also includes contributions by media practitioners and officials from regulatory authorities.

The book addresses and analyses the design and implementation of ex-ante evaluation procedures targeting public service media activities as a result of the requirements by the European Commission (2001, 2009) in the fields of free competition and state aid. In the first part of the volume (chapters 1 to 5), several transversal topics are tackled in order to define a theoretical framework concerning ex-ante evaluation in the audiovisual sector. In the second part (chapters 6 to 17), several national cases are studied. Consequently, the book is a very valuable source of knowledge.

In the first chapter, the editors elaborate about the need to assess public service and identify its causes and consequences. Moreover, they raise several questions that are tackled in the following chapters. In that sense, Donders and Moe aim for the book to provide valuable information about how the ex-ante tests are implemented across Europe. In addition, they point out the need to identify similarities and differences, as well as the problems that arise when performing the evaluations. The editors also emphasize the need to question whether the ex-ante assessment contributes positively to the evolution that public service broadcasters need to tackle as a result of technological innovation.

In the second chapter (Tim Raats and Caroline Pauwels), the difficulties that arise when trying to compare national public services are analysed. The need to consider the specific political, technological, economic and social characteristics of each national media system is stressed: this strongly shapes the definition and articulation of public service. Consequently, Raats and Pauwels explore several methodologies within the field of public policy comparison and suggest their adaptation and combination in order to deal with the study ex-ante evaluation.

In the third chapter, Donders carries out a detailed analysis of the origin of the ex-ante evaluation, which results from the numerous complaints filed with the European Commission by commercial operators. Moreover, she explores to what extent the ideological and methodological frameworks that determine the implementation of the ex-ante evaluation procedures have been influenced by disputes between the European Commission and British and German media authorities. Following that, in the fourth chapter, Ross Biggam, general director of the European Association of Commercial Television, argues that the ex-ante tests are a necessary tool to control the impact of public service on the market. Moreover, he maintains that, despite the support by European Union's Institutions, their implementation at national level is not totally satisfactory. Consequently, Biggam believes that more formal complaints are to be expected.

Closing the first part of the book, Professor Richard Collins provides a valuable historical and ideological analysis of how the concept of 'public value' has been praised in the United Kingdom. Despite being applied initially to the evaluation of public administration, it has later been adopted to assess how public media performs. Collins warns of how the continuous and mechanical monitoring of public media legitimacy and performance can result in stagnation or even impairment of their performance. This can result in sacrificing the obligation to serve the citizenry in order, instead, to merely satisfy the authorities.

In the second part of the book, the design and implementation of ex-ante evaluation systems of public service media are analysed, including studying national cases like Germany, Norway, Denmark, Sweden, The Netherlands and the region of Flanders in Belgium. The last chapter briefly reviews the situations in France, Spain and Italy.

Thanks to its 'Drei-Stufen-Test' (three-step test), Germany is without any doubt the most

complex case. Consequently, chapters 6 to 8 are dedicated to it. In chapter 6, Irini Katsirea offers a detailed description of the legal basis of the ex-ante evaluation in Germany and analyses how it has resulted in a complex assessment methodology. In that context, she raises interesting questions and criticisms. In the seventh chapter, Renate Dörr details how the public broadcaster ZDF has applied the test and confirmed the validity of most of those services that were evaluated. Dörr also identifies the risks that such a detailed test implies, and emphasizes how the demands by commercial operators can jeopardize public interest. Moreover, she also believes that constant monitoring has a negative effect on innovation. Similarly, in chapter 8, Stoyan Radoslavov and Professor Barbara Thomaß draw attention to the excessive pressure on policy-making institutions exerted by commercial players. In their opinion, this had a significant impact on the design of the evaluation tests and did not favour protecting the public interest.

The case of Norway is analysed in chapters 9 (Marie Therese Lilleborge) and 10 (Hilde Thoresen and Erik Bolstad). The legislative process, the design and the implementation of the evaluation test are described in detail. Moreover, conclusions are drawn about how higher control over public service media can result in less innovation or restrict the collaboration between public broadcasters and third parties.

In chapter 11, Erik Nordhal Svendsen reviews the case of Denmark, where the implementation of ex-ante evaluation tests has fostered a battle between public service providers and commercial outlets. Following that, in chapter 12, Nina Wormbs describes the multiple controversies to which ex-ante assessment has led in Sweden. Wormbs argues that auditing public service media performance can reinforce their legitimacy. However, she points out the important role played by the national particularities of each media market, which have a strong influence on how the tests are designed and implemented.

In chapters 13 (Jo Bardeel and Marit Vochteloo) and 14 (Herman Wolswinkel), the case of The Netherlands is explored. There, the evaluation of public service activities already has a long trajectory, enabling some conclusions beyond the description of the technical procedures. On the one hand, Bardeel and Vochteloo warn against the excessive bureaucratization to which such an evaluation can lead. On the other, Wolswinkel identifies the risks that an uncontrolled public service can result in for commercial operators.

The case of the region of Flanders is tackled in chapters 15 (Hilde Van den Bulck) and 16 (Ben Appel). The discussion is focused on two issues: on the one hand, there is a public debate about to what extent the government has assumed too many requirements set by commercial broadcasters. On the other, it is argued that, as the tests have not yet been applied, the extension of the activities carried out by public operators is distorting the market.

The last chapter of the book (Benedetta Brevini) tries to offer a review of the debate about the assessment of public service media in the South of Europe. Consequently, the latest regulatory changes in France, Spain and Italy are listed and commented upon. The result is a bit poorer than in previous chapters. The complexity of the situation in each of those cases does not make it possible to analyse them jointly and in such brevity, as if the three countries could be included in the same model.

In the book, the idea that the ex-ante evaluation is a clear example of the European Commission's permeability to the demands by commercial broadcasters is strongly supported. Moreover, it is argued that the Commission has not been able to give priority to the common / public interest ahead of the market players' goals. Nevertheless, at the same time, most of the authors also agree on the fact that adapting the evaluation of public service media to the particularities of the current media scenario was unavoidable. In that sense, it is broadly accepted that the redefinition of the public service remit and a better performance are required. Moreover, according to most of the authors it is absolutely necessary that public service in the field of media improves its transparency and becomes more efficient. However, according to the national cases analysed, it could be stated that the current debate is too focused on technicalities. The essential reasons for having a public service media offer are frequently obviated. In fact, some authors question whether the legitimation of the service should be demonstrated on a continuous basis and, especially, whether it should depend on the 'health' of the market.

In conclusion, it is fair to state that the editors and the authors have done a very good job, resulting in an excellent book addressing the main current issues in the field of public service media. Its content will be useful not only for academic scholars and students but also for media professionals and people involved in policy-making. The book is easy to read; the fact that each chapter is independent and addresses a particular issue makes it very versatile.

Roberto Suárez Candel

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## Nils Gruske

### Telekommunikationsüberwachung und Pressefreiheit

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Die Untersuchung befasst sich mit einer Thematik, welche in jüngerer Zeit sowohl im Verfassungs- als auch im Strafprozessrecht erhebliche Aufmerksamkeit gefunden hat. Der Diskussionsbedarf ist umso größer, als die grundlegende Entscheidung (BVerfGE 107, 299; dazu Gusy, NSStZ 2003, 399; Kugelmann, NJW 2003, 1777) zwar einerseits die Relevanz der Presse- (und Rundfunk-)freiheit für die Überwachung der Kommunikationsdaten von Journalisten hervorgehoben hat, andererseits aber nicht recht deutlich machte, worin der besondere Schutz der Presse gegenüber dem allgemeinen Schutzniveau des Art. 10 GG liegen könne.

Dieser Thematik widmet sich Gruske in voller Breite. Die erkennbar von der Diskussion um die Vorratsdatenspeicherung inspirierte Arbeit (S. 22; näher S. 131ff.) unternimmt zu Beginn eine verfassungsrechtliche Grundlegung, die recht übersichtlich, an entscheidenden Stellen aber dann doch knapp ausfällt (etwa S. 39f. zum „allgemeinen Gesetz“). Dies fördert die Sach- und Problemnähe der folgenden Ausführungen, welche gesetzorientiert das „System“ der Eingriffsbefugnisse darstellen. Nach einer Darstellung der Gesetzgebungskompetenzen (S. 42-52) folgen breite Ausführungen zur StPO (S. 53-131), zur Vorratsdatenspeicherung (S. 131-161), zum IMSI-Catcher (S. 162-175; die Handy-Ortung wird nicht als Eingriff in die Pressefreiheit qualifiziert) und zur Telekommunikationsüberwachung im Po-