Television broadcasting activities. 'Television without frontiers'

1995/0074(COD) - 22/07/2008 - Follow-up document

This paper contains background documents dealing with the following: performance indicators; charts and tables on the application of Articles 4 and 5; the application of Articles 4 and 5 in each Member State; summary of the reports from the Member States and voluntary reports by Bulgaria and Romania; reports from the Member States of the European Free Trade Association participating in the European Economic Area; average transmission time of European works by channels with an audience share above 3%; list of television channels in the Member States which failed to achieve the majority proportion required by Article 4; and the list of television channels in the Member States which failed to achieve the minimum proportion required by Article 5.

With regard to **monitoring**, the Commission notes that, although further efforts seem to be needed in some of the Member States, monitoring practice improved in general, including the monitoring of commercial channels and, in particular, satellite channels. The increased number of monitored channels reflects an ever-growing number of private broadcasters entering the market.

The dynamic development of the sector is further mirrored in the Member States' reports. For the first time, channels broadcasting in Digital Video Broadcasting-Handheld (DVB-H) are listed in a Member State's report. Italy's statistical statement featured four such channels. Some Member States have also included on-demand channels in their reports. Belgium included the channel 'SiA a la demande', while citing the reservations expressed by the channel as to the possibility of applying Articles 4 and 5 to its format.

On the question of **cases of non-compliance with** the required proportions, in most cases, the Member States chose to hold talks with the channels/broadcasters concerned. In some cases, broadcasters were given a formal notice or subjected to specific monitoring. Only a minority of Member States explicitly mentioned that their legislation provides for administrative or penalty procedures. As in the previous report, only a few cases were mentioned where measures had already been taken at the time of reporting. In this regard, the Commission would like to insist on the need for Member States to improve their enforcement measures against channels in breach of the Directive, in order to ensure that the proportions of transmission time laid down in Articles 4 and 5 are achieved. Especially in cases where channels continuously fail to meet the proportions - and the number of such channels is significant - only stricter enforcement of the rules can ensure the effective implementation of Articles 4 and 5 at Member State level.

The Commission stresses that this is the first report containing statistical statements for the entire reference period from the 10 Member States that joined the EU in 2004. In general, with an increasing number of covered (and reported) channels, in both the EU-15 and the EU-25 as a whole,the national reports indicate satisfactory application of the provisions of Article 4, although there remains ample room for improvement. 15 of the EU-25 Member States increased their average majority proportion during the reference period. In the EU-15, 8 Member States were able to increase their percentages from 2005 to 2006. Nonetheless, over a medium-term perspective, looking at the previous reference period and the subsequent development, the majority of Member States have not seen any increase in the figures regarding the 50% proportion European works. Correspondingly, only 12 Member States increased their average majority proportion either during the years 2003-2006 or from the beginning of reporting in 2004. This negative impression is slightly mitigated when taking into account that 9 Member States saw only a decrease of 5% or less over 4 years.

As regards Article 5 (European works made by independent producers), 15 of the EU-25 Member States increased their average proportions for independent productions during the reference period. Over four years,the percentages fell in only 7 Member States, whereas the 18 other Member States saw often quite substantial increases. It may also be noted that 18 Member States were able to stabilise their performance regarding independent works at well above 25% of total qualifying transmission time. Despite the fact that a number of channels faced significant losses and given that Article 5 stipulates a minimum proportion of only 10%, this is a significant development, showing the positive effects of the progressive achievement approach.