Use of standards for the transmission of television signals (repeal. Directive 92/38/EEC)

1993/0476(COD) - 24/07/1995

The Council unanimously adopted the Directive after accepting all the amendments made by the European Parliament to its common position of 22 December 1994. The purpose of the Directive is to repeal Directive 92/38/EEC in the light of market developments and recent technical advances: Directive 92/38 /EEC provided for the switch from the current PAL and SECAM television systems to High-Definition Television using the D2-MAC and HD-MAC transmission systems applicable to satellite and cable broadcasting. The new Directive provides for Member States to take measures to promote the accelerated development of advanced television services including widescreen (16:9) television services, high-definition television services and television services using fully digital transmission systems. To that end the Directive lays down certain technical requirements that all television services transmitted to viewers, whether by cable, satellite or terrestrial means, will have to meet. The Directive also defines a series of rules for ‘conditional access’ to digital Pay-TV, i.e. the procedure whereby authorised subscribers have access to coded TV signals. Member States will have nine months to transpose the Directive. The repeal of Directive 92/38/EEC will also take effect in nine months time. When it adopted its common position, the Council decided to disclose the following statements: i) Statement on the recital introduced by Parliament referring to the general principle of open access to networks: ‘The Council and the Commission note that, according to the conclusions of the G7 Ministerial Conference on the Information Society, open access should be regulated by a framework preventing the abuse of dominant positions and constituting part of a future comprehensive regulatory framework for information services in a liberalised market structure, comprising competition in the field of services and infrastructures, the supply of universal services, the interconnectability of networks and a fair and effective system for issuing licences’. ii) Statement on the introduction by Parliament of a provision whereby Member States shall facilitate the transfer of widescreen television services already in operation to digital transmission networks open to the public: ‘The Council takes note of the statement made by the Commission during the debate on the adoption of this amendment in the European Parliament, to the effect that it interprets this text as not imposing binding obligations on Member States regarding the transfer of widescreen television services already in operation to digital transmission networks open to the public and it endorses that interpretation. The Council takes note that during the same debate the European Parliament signified its agreement to the Commission’s interpretation of this text’. iii) Statement regarding the first indent of Article 4, point (c) of the Directive dealing with conditional access to digital television and reading as follows: Member States shall take all the necessary measures to ensure that the operators of conditional access services, irrespective of the means of transmission, who produce and market access services to digital television services: - offer to all broadcasters, on a fair, reasonable and non--discriminatory basis, technical services enabling the broadcasters’ digitally-transmitted services to be received by viewers authorised by means of decoders administered by the service operators, and comply with Community competition law, in particular if a dominant position appears’. The Council and the Commission state that the first indent of Article 4, point (c): - applies to any provider of conditional access services operating on a cable, terrestrial or satellite broadcasting network in relation to broadcasters who have access to that network under the national procedures in force and wish to benefit from that conditional access service; - does not seek to impose an obligation to offer to any broadcaster access for television services to packages or tiers of television services configured and/or administered by the provider, or services involving transparent distribution to subscribers; - only requires Member States to ensure that broadcasters may have access to conditional access services and that the obligation in Article 4, point (c) does not extend to the underlying network. The Council and the Commission note with satisfaction that this interpretation is confirmed by

the debates in the European Parliament. Accordingly, the Commission confirms that the Member States are not obliged, when transposing this Directive, to take measures that go beyond the limited and proportionate objectives referred to in Article 4, point (c) as stated above’.