Television broadcasting activities. 'Television without frontiers'

1995/0074(COD) - 08/07/1996 - Council position

The common position of the Council, in incorporating the great majority of Parliament's amendments accepted by the Commission in its amended proposal but also certain amendments not accepted by the Commission, involves some significant changes compared with the original proposal, namely: - increased precision in the definition of the terms 'television broadcasting organization', 'television advertising', and 'teleshopping'; - clarification and a greater element of legal certainty in the criteria for determining the jurisdiction of Member States in respect of the television channels. The competent Member State would be determined principally on the basis of the effective head office, the place where editorial decisions are taken, or where the workforce involved in the television broadcasting activity in a Member State operates; - the rights of third parties (whether nationals or non-nationals) to apply to the competent national authorities to seek effective compliance with the provisions of the Directive; - adjustment of the definition of a European work so as to provide greater encouragement for co-productions with European third countries; - updating of media time-scales: general 18-month period between the first showing of a cinemagraphic work in the cinema and its broadcast on television, reduced to 12 months for pay-television and pay-per-view channels; - a legal framework applicable to teleshopping programmes and channels, namely, . alignment in part on the content and presentation rules applicable to advertising: identification, respect for human dignity, consumer protection, alcohol, tobacco, etc.; . specific rules concerning certain products or publics (prohibition of teleshopping for medicinal products; increased protection for minors), presentation of teleshopping windows (minimum period of 15 minutes with a maximum number of 8 windows per day) and teleshopping channels; - similar rules are introduced for channels exclusively devoted to self-promotion; - public service announcements and charity appeals broadcast free of charge are not to be included in the maximum daily transmission time for advertising; - means of protecting minors from programmes which might be harmful to them (acoustic or optical warning) have been strengthened, and the Commission is instructed to carry out an investigation into further ways of protecting minors, in particular by technological means such as an anti-violence chip, with a view to a forthcoming revision of such rules; - arrangements for exercising the right of reply have been improved by ensuring reasonable time limits for broadcasting of the reply; - a contact Committee is set up to be the forum of an exchange of views between Member States and the Commission, on the implementation of the Directive and the development of regulatory activities regarding television broadcasting services. As regards the promotion of European works, the common position departs from the Commission proposal and Parliament's opinion by retaining the current system (Directive 89/552/EEC), including a clause providing for a review after five years. Similarly, the Council was unable to accept Parliament's amendments concerning, in particular: - extension of the scope of the Directive to include certain new audiovisual services such as video-on-demand; - reference to an instrument to guarantee funds for audiovisual production; - compliance by advertising and teleshopping programmes and spots with provisions of Council directives on distance contracts and misleading advertising; - the need for a public service; - the idea that advertising and teleshopping should not offend philosophical convictions; - tightening of provisions to prevent any incitement to hatred on grounds of race, sex, religion or nationality.