Television without frontiers: application of Articles 4 and 5 of Directive 89/552/EEC, 2001-2002

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PURPOSE : Sixth Commission Report on the application of Articles 4 and 5 of the "Television without Frontiers" Directive.

CONTENT : this report constitutes the Sixth Communication from the Commission on the application of Articles 4 and 5 of Directive 89/552/EEC "Television without Frontiers", as amended by Directive 97/36 /EC, for the period 2001-2002. It sets out the Commission's opinion on the statistical statements submitted by the Member States on the achievement of the proportions referred to under Articles 4 and 5 for each of the television programmes falling within their jurisdiction.

The reporting period (2001-2002) concerns the EU-15. The ten new Member States, which joined the EU on 1 May 2004, are not covered by this document. However, they will be included for the first time in the next application report for the monitoring period 2003-2004.

The document consists of two parts:

- Part I "Commission opinion on the application of Articles 4 and 5";

- Part II "Conclusions drawn from the above opinion and the Member States' reports".

The figures on the average transmission time for the EU-15 indicate that, for the first time, there has been no progress at Community level in the scheduling of European works (Article 4). However, notwithstanding a slight decrease (-0.85 points) over the present reference period (2001-2002), there was a more apparent increase of 5.42 points over four years (1999-2002) which demonstrates a stabilisation in the scheduling of European works at almost 2/3 of total qualifying transmission time. Consequently, from a mid-term perspective there has been an overall satisfactory application of Article 4 of the "Television without Frontiers" Directive.

As regards the application of Article 5, the trend is less positive. For the first time, there was a decrease both within the present reference period (-3.70 points) and also compared with the previous reference period (-3.46 points). However, the EU-average transmissions of European works by independent producers were constantly at levels which are well above the minimum proportion of 10% set by the Directive. In addition, there were relatively high levels of transmissions of recent European works by independent producers. In relation to European works by independent producers overall (recent or not), recent works were even increasing. In this perspective, the positive development over the reference period continued the positive trend of the previous reference period (1999-2001). The overall assessment is therefore that the objectives of the Article 5 of the "Television without Frontiers" Directive have broadly been met. The application of Article 5 in respect to the scheduling of recent European works made by independent producers was generally satisfactory.

Detailed examination of the Member States' reports reveals, in a context of a general increase in the number of channels, stability in the broadcasting of European works, including those, to a lesser extent, by independent producers, particularly in the case of recent works.

This generally positive situation must, however, be qualified given that certain Member States did not communicate data on a considerable number of channels which are covered by Articles 4 and 5.