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

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The European Parliament adopted a resolution based on the own-initiative report drafted by Henri **WEBER** (PES, FR), noting that the Commission communication highlights positive results and that the indicators, in all but a few cases, show an increase in the scheduling of European works. However, major discrepancies among the methods of applying and interpreting the provisions of the Directive make it impossible accurately to reflect the situation, as the findings of the independent audits have shown.

Parliament regretted that some Member States have still not provided all the relevant information, particularly as regards satellite or cable TV channels, which are often omitted from national reports. It called on the Commission to impose clear sanctions in the event of persistent failure to comply with the obligation to supply information. It also regretted that in certain Member States the application of quotas is calculated by broadcaster and not by channel, which is in breach of the principles of the Directive. This is particularly serious in Member States where there is a high concentration of broadcasters.

Although most of the quotas for "European works" are filled by national programmes, Parliament was opposed to any expansion of the current quota system, preferring voluntary initiatives for further quotas on works from other European countries. The resolution also calls for more precise definitions of "European works", "independent producer" and "specialist channel".

Parliament went on to note that the European audiovisual space is better exploited by United States producers than by Europeans themselves – even though Europeans produce more documentaries and fiction – owing to the lack of an integrated and globalised European industry. The imbalance in the movement of audiovisual works could jeopardise cultural diversity. In order to enable the European audiovisual industry to compete with the United States industry, European efforts.

Revision of the Directive: Parliament asserted that the European audiovisual model must be founded on a balance between a independent and pluralistic public service sector and a dynamic and equally pluralistic commercial sector, both of which are directly and indirectly creators of jobs. The continued existence of this model is essential to the vitality and quality of creative work and requires a legislative framework to ensure respect for the rights of Europeans.

It recommended that a safeguard clause be included expressly to establish respect for Member States' competence in the fields of culture and the media.

Furthermore, the revision of the Directive should ensure the development of new technologies and new services, in order to secure the growth of the European economy. However, the market alone will not resolve the problems and the institutions must respond to the concerns of Europeans about the cultural content of television.

Parliament moved on to underline the need to define the content and regulation of advertising, in particular that relating to alcohol, which has a particularly harmful effect on children and vulnerable people. The protection of minors must remain a priority objective of audiovisual policy and a fundamental principle which ought to be extended to all audiovisual services made available to the public.

The revision of the Directive must make it possible to lay down legal obligations and set out a firm political will to ensure strict separation between editorial and artistic content on the one hand and commercial promotion on the other.

Parliament noted that digitisation and interactivity represent opportunities both for the industry and for consumers, but that more choice does not necessarily equate with better quality or a greater proportion of European works. There is a risk of a two-speed audiovisual sector emerging.

Pluralism and concentration: Parliament was alarmed at the tendency towards (vertical and horizontal) concentration of the media in certain Member States. This poses a threat to democracy and a risk to cultural diversity and could accentuate tendencies towards the extreme commercialisation of the audiovisual sector and the hegemony of certain national products over those with narrower linguistic areas and smaller production. When drafting new legislation, particular care should be paid to preventing the majority of new digital distribution services from falling under the control or decisive influence of large, capital-rich, multinational media groups– particularly those with interests outside the EU.

Competition and competition law are not enough to ensure media pluralism. Pluralism is based on respect for and promotion of diversity of points of view across all media, through the recognition of editorial independence, both in the public and the commercial sectors, and through the authority and independence of the regulatory authorities.

Parliament called on those Member States, both old and new, which are experiencing rapid development in the sector, to strengthen national rules to restrict concentration of media ownership and to respect the independence of the regulatory authorities. Since cultural diversity and the freedom and pluralism of the media remain the most important elements of the European audiovisual model, these three values are essential prerequisites for cultural exchange and democracy.