Basic information

2004/2236(INI) INI - Own-initiative procedure	Procedure completed
Television without frontiers: application of Articles 4 and 5 of Directive 89/552/EEC, 2001-2002 **Subject** 3.30.02 Television, cable, digital, mobile	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CULT Culture and Education	WEBER Henri (PSE)	22/09/2004

Key events

Date	Event	Reference	Summary
28/07/2004	Non-legislative basic document published	COM(2004)0524	Summary
16/12/2004	Committee referral announced in Parliament		
15/06/2005	Vote in committee		
21/06/2005	Committee report tabled for plenary	A6-0202/2005	
06/09/2005	Decision by Parliament	T6-0322/2005	Summary
06/09/2005	Results of vote in Parliament		
06/09/2005	Debate in Parliament		
06/09/2005	End of procedure in Parliament		

Technical information

Procedure reference	2004/2236(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	CULT/6/24917

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A6-0202/2005	21/06/2005	
Text adopted by Parliament, single reading		T6-0322/2005 OJ C 193 17.08.2006, p. 0027-0117 E	06/09/2005	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2004)0524	28/07/2004	Summary

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

2004/2236(INI) - 06/09/2005 - Text adopted by Parliament, single reading

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.

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

2004/2236(INI) - 28/07/2004 - Non-legislative basic document

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.