Basic information

2008/2179(INI) INI - Own-initiative procedure	Procedure completed
Community participation in the European Audiovisual Observatory **Subject** 3.30.01 Audiovisual industry and services	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	CULT Culture and Education	BELET Ivo (PPE-DE)	29/01/2007
European Commission	**Commission DG**	**Commissioner**	
	Communications Networks, Content and Technology	REDING Viviane	

Key events

Date	Event	Reference	Summary
10/01/2007	Non-legislative basic document published	COM(2006)0835	Summary
04/09/2008	Committee referral announced in Parliament		
20/01/2009	Vote in committee		Summary
23/01/2009	Committee report tabled for plenary	A6-0010/2009	
19/02/2009	Decision by Parliament	T6-0068/2009	Summary
19/02/2009	Results of vote in Parliament		
19/02/2009	End of procedure in Parliament		

Technical information

Procedure reference	2008/2179(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55-p4 Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	CULT/6/65397

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE415.354	18/11/2008	
Committee report tabled for plenary, single reading		A6-0010/2009	23/01/2009	
Text adopted by Parliament, single reading		T6-0068/2009	19/02/2009	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2006)0835	10/01/2007	Summary
Document attached to the procedure	SEC(2006)1806	10/01/2007	Summary

Community participation in the European Audiovisual Observatory

2008/2179(INI) - 10/01/2007 - Non-legislative basic document

PURPOSE: to present a report from the Commission on the implementation of Council Decision 1999/784/EC (as amended by Decision 2239/2004/EC of the European Parliament and the Council) concerning Community participation in the European Audiovisual Observatory.

CONTENT: this report describes the bilateral relations between the Commission and the Observatory and illustrates the main activities carried out by the latter since end 1999 up until mid-2006.

The main elements of the report are as follows:

Community participation: the Community's decision to participate fully in the Observatory has been instrumental in providing the European audiovisual industry with much needed, detailed, information in areas such as marketing, finance, legal rules and practice. The Observatory has proved highly effective in dealing promptly with information requests and the public dissemination of such data, notably in response to small and medium sized enterprises. Moreover, the Observatory's work represents an important asset for EU industry since it covers a large number of countries, including the candidate countries, as well as EEA and most of the other European states. As of mid 2006 the Observatory had 37 members: 36 countries and the Community.

Implementation of the Council Decision: at the beginning of 2000, the Commission opened negotiations with the Council of Europe and the Observatory in order to implement the Council Decision. The main points under discussion concerned the modalities of Community participation in the Observatory. Two issues needed to be resolved. First, the Community is not a member of Audiovisual Eureka, as was the case for all other members. Second, the membership needed to accommodate certain specific financial requirements of the Commission concerning, notably, the destination of unused funds and obligations in case of withdrawal from the Observatory. In order to accommodate the Commission requirements, the Council of Europe amended the Statute and Financial Regulation of the Observatory in September 2000.

Community financial contributions: the proposal for Decision 1999/784/EC foresaw total commitment and payment appropriations for EUR 1.325 million over a six-year period with a maximum yearly amount of EUR 235 000 in 2004. The Financial Statement of Decision 2239/2004/EC extended the 2004 ceiling for the years 2005 and 2006. Owing to lengthy negotiations, formalisation of Community membership could only take place in November 2000, about a year after the adoption of the Council Decision. Therefore, in order to avoid interrupting co-operation with the Observatory during that period, on 31st January 2000 the Commission concluded a Grant Agreement with the Observatory for a total amount equal to the theoretical statutory contribution and not exceeding the sum indicated for 1999. Application of the financial mechanism of the Grant Agreement entailed the payment of a contribution that was EUR 8 528 short of the maximum amount foreseen. The Observatory requested the Commission to pay the full amount. The Commission always contested this request, arguing that it had fulfilled all its financial obligations under the Grant Agreement. After an analysis carried out by a panel of experts, on November 2002, the Executive Council of the Observatory decided unanimously to waive this claim against the Commission. Thanks to the development of the Observatory's supplementary revenues, in addition to the members' contributions, commitments and payments in the years 1999 to 2006 were consistently lower in both nominal and percentage terms than the amounts foreseen in the Commission proposals for the Decisions of 1999 and 2004.

The Observatory's activity: in order to fulfil its remit, the Observatory has developed its activities along two main axes: publication of yearly statistics concerning audiovisual markets and the publication of periodical legal newsletters. Moreover, a number of ad hoc studies and publications have been released on various occasions. Publications such as the Yearbook, FOCUS and several ad hoc reports have provided a wide range of information with the view of supporting the work of many operators, professional categories and public administrations. Moreover, free on-line services have been launched, providing more detailed useful information, in particular for SMEs: the LUMIERE database on film admissions, the KORDA database on public funding, the PERSKY directory providing systematic lists of links to the websites of thousands of television channels and sources of information on the television national markets.

In order to implement these tasks, the Observatory has worked with various specialised networks of “data providers” including national film agencies, professional organisations, national statistics institutes, trade magazine and market research companies. The topics addressed by the Observatory include the digitisation of the media and electronic communications, convergence and globalisation and how these will affect areas such as human rights and economic freedoms, cultural goals and heritage, copyright law, criminal law, commercial law, advertising, consumer protection, free access to information, state support and EU aid programmes, tax schemes, transparency, education, etc. Since 1999, the Observatory steadily increased the legal information collected, processed and disseminated through different publications branded under the "Iris" name.

In conclusion, the positive assessment of the Community/Observatory relations expressed in the Commission 2002 Interim Report on the Community participation in the Observatory can be surely re-affirmed. The success of publications and databases such as the Yearbook, Iris and Lumière have elevated the Observatory to a position where it is seen as a key source for economic and legal information among market actors in the various segments of the audiovisual industry as well as by public authorities, both at national and Community levels. In addition to the publications released on a regular basis and the on-line databases, the Observatory has been able to release accurate analyses that it would be difficult to procure at such reasonable prices, either for industry or, given the amount of the membership fee, for the participating public bodies. The capacity of the Observatory to establish and maintain effective networks of scientific partners is among the most valuable assets of this institution and has proved essential for continuing provision of the highly diversified inputs for the Observatory's economic and legal analysis over the years. The Observatory, in turn, has provided the audiovisual sector and, in particular, the small and medium operators with comprehensive instruments that provide a clearer view of the markets and of the legal/regulatory framework. In order to continue to support the Observatory's activities, the Commission has proposed that the Community participation in the Observatory will continue up to 2013 within the framework of the new Media 2007 programme.

Community participation in the European Audiovisual Observatory

2008/2179(INI) - 10/01/2007 - Document attached to the procedure

This Commission staff working document accompanies the report from the Commission on the implementation of Council Decision 1999/784/EC of 22 November 1999 as amended by Decision 2239/2004/EC of the European Parliament and the Council concerning Community participation in the European Audiovisual Observatory.

The working document comprises 4 chapters which concern the following issues:

Chapter 1: Dissemination of publications: the report reveals that after a decline of sales by the end of the 1990s, the total sale of publications stabilised from 2001 to 2003 and increased again in 2004 and 2005. The report includes an overview of the geographical pattern of the distribution of sold copies of the Observatory publications for the year 2006 (January to end of August) as well as a breakdown of the categories of purchasers.

The Observatory has been commissioned by Marché du Film/Festival de Cannes (MIF) to prepare synthetic statistics on world film market trends. These statistics are printed, published and mainly distributed by MIF under the name "FOCUS" at the Cannes film festival to all accredited professionals (about 8500 copies). "FOCUS" is largely identified with the Observatory, which also disseminate about 2000 copies among its customers, professional partners and members.

The study "Public Funding for film and audiovisual works in Europe – A comparative approach", published in 2004, is considered to be a commercial success: by August 2006, 601 copies were sold and some 550 copies where distributed free of charge. For the report "Film Distribution Companies in Europeis", which is expected to be launched by fall 2006, marketing plans foresee a distribution of 450 copies free of charge and a minimum sales target of 200 copies.

Chapter 2: main Observatory reports concerning market and financing issues: 17 Observatory reports were published concerning market and financial issues.

Chapter 3: main Observatory reports concerning legal issues: a number of reports were published by the Observatory.

Chapter 4: online activity: from 1999 to 2003, the Observatory systematically published certain publications on its Internet portal. All publications, reports, papers and notes published on the Observatory's Internet site are accessible free of charge.

By August 2006 the Observatory counted three databases:

- "LUMIERE" launched in May 2002 provides for a systematic compilation of available data on admissions to films released in European cinemas since 1996;
- "KORDA" launched in May 2003 provides for a compilation of available information on public funding for film and audiovisual production and distribution in Europe. The database includes profiles of national, regional and pan-European bodies, as well as information on individual funding schemes;
- "IRIS MERLIN" has been fully operational since May 2003 and is a database on legal information relevant to the audiovisual sector in Europe.

The decline of visits which can be observed in spring 2006 is due to an unfavourable reindexing of the IRIS Merlin database by major search engines, which render the identification of content of the database for a potential user more difficult.

Community participation in the European Audiovisual Observatory

2008/2179(INI) - 19/02/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 586 votes to 20, with 48 abstentions, a resolution on Community participation in the European Audiovisual Observatory.

The resolution recognises that the Observatory plays a vital role by providing detailed information on the European audiovisual sector to both public and private bodies in the field.

Given that multimedia and new technologies will play an ever greater role in the audiovisual sector and that the Observatory must, in due course, strengthen its capacity to follow these new developments, the Parliament calls on the Observatory to extend its activities to cover more specifically the latest challenges that are created by media convergence and new developments (giving particular attention to the analysis of the impact of digitalisation on the film and audiovisual industry in general and the analysis of online audiovisual services, mobile TV and video games). The Parliament stresses, in this respect, that the Observatory must be provided with the **resources necessary** to continue achieving its objectives, thereby effectively keeping step with new developments in multimedia and new technologies.

Towards new tasks: the Parliament welcomes the Observatory's publication on copyright and other related rights. It suggests that the Observatory cover these issues systematically and extend its coverage to include the issue of tax and labour law in the audiovisual sector in Europe. It also invites the Observatory to provide suggestions and policy options which could serve as a basis for European policy, having regard to best practices in the audiovisual media field in other parts of the world with equivalent developments (such as Asia or North America). Moreover, the Parliament calls on the Observatory to carry out an analysis on developing models of cooperation with partners from third countries.

The Parliament recognises that whilst some specific areas, such as media literacy, are not currently within the field of activity of the Observatory, exploration of such issues should be envisaged.

The Parliament recognises the cultural differences between Member States which may result in different ways of dealing with harmful or offensive audiovisual material (especially vis-à-vis minors), and therefore recalls the need for minimum harmonisation in the field of protection of minors as laid down in the Audiovisual Media Services Directive and the actions taken under the Safer Internet plus programme. In this respect, the Parliament calls on the Observatory to monitor the different (legal) instruments and to develop policy options.

Raising awareness and information: the Parliament encourages the wider dissemination of the Observatory’s publications through an intensified communications policy in order to promote awareness of its activities. Lastly, it encourages the Observatory to provide, in cooperation with its members, more data on the availability of specific audiovisual services such as subtitling, audio description and sign language, designed to assist disabled people.