European Commission: Communication on the Application of Articles 4 and 5 of the “Television without Frontiers” Directive

In August 2006, the European Commission issued a Communication containing the first post-enlargement progress report on the promotion of European works (for the period 2003-2004). Two Articles in the “Television without Frontiers” Directive, adopted in 1989 and amended in 1997, prescribe quotas for European works which broadcasters are required to observe in their transmission time. Article 4 of the Directive calls upon Member States to ensure, where practicable and by appropriate means, that broadcasters reserve the majority of their transmission time for European works. Article 5 sets a 10% minimum of either transmission time or programming budget for European works, in particular recent ones, created by producers independent of the broadcasters.

The report on the implementation of these provisions in the 25 EU Member States shows that the average transmission time for European works across the Union decreased slightly from 2003 to 2004, sliding from approximately 65% to 63%, but that the current trend suggests it stabilised at above 60%. As for the average share of independent producers’ works, it is around 30%, well above the 10% quota. For recent works by independent producers, the average hovers at slightly more than 20%.

The Commission proposal of December 2005 to reform the Television without Frontiers Directive does not alter Articles 4 and 5, nor does it extend their application to non-linear audiovisual media services (see IRIS 2006-1: 5). The proposal currently awaits the outcome of its first reading by the European Parliament.

• “European works’ share of TV broadcasting time now stable at over 60%, says Commission”, IP/06/1115, press release of 22 August 2006
  http://merlin.obs.coe.int/redirect.php?id=10378

  http://merlin.obs.coe.int/redirect.php?id=10381

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