European Commisison: Proposal for a New Legal Framework for Television Services in Europe

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The Commission of the European Communities has passed a proposed review of the "Television without Frontiers" Directive. The official text was not yet available to be included in the current issue of IRIS.

The actual aim of the review is to take into account the technological development of the market, along with certain difficulties that had appeared with regard to the application of the present text (differing interpretations of the text as to the regulations applicable for a radio broadcaster ; regulations concerning the promotion of European programmes).

The Commission followed the recommendations of Mr Bangemann, Mr Monte and Mr Oreja and decided not to widen the field of application of the "Television without Frontiers" Directive to include the new interactive audio-visual services, in particular the video on demand service. The Commission considers that these new services should be dealt with separately as they give consumers the power to select and have control over the content of what they decide to watch, while the directive was drawn up for traditional television and would have been ill-suited to provide protection for the general interest and to provide for the free circulation of the services within the unrestricted area.

The Commission also took into account the various uncertainties (economic, technological, the impact upon society, etc.) surrounding the development of these new audio-visual services and decided it would be premature at this particular stage to regulate them. It also decided that analytical studies should be carried out within the framework of the basic principles governing the internal market, and that a wideranging consultation process should be underaken with the interested parties.

The Commission is convinced that the fundamental freedoms concerning the right of establishment and the freedom of movement of services (Articles 52 and 59 of the EEC Treaty) show the path to be followed for setting out its future policy in this field. A certain amount of work has already been carried out or is being prepared to implement this regulatory framework and in the following fields :

- a Directive on the protection of data concerning information on private individuals

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- a Green Paper concerning the protection of intellectual property within the information society

- a Green Paper on commercial communications;

- a Green Paper on the protection of encoded services

- ongoing consultation on media ownership consultation as to the necessity of an internal market mechanism that would guarantee the transparency of any new national proposal as well as its compliance with the current principles of the internal market , especially the unrestricted circulation of services.

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