[GB] Regulator Amends Code on Sports and Other Listed Events

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The Independent Television Commission, the UK broadcasting regulator, has made minor amendments to its "Code on Sports and Other Listed and Designated Events". The Code relates to the listed events (drawn up by the Secretary of State for Culture, Media and Sport) for which the acquisition of exclusive rights for live television coverage is restricted, and for which broadcasting on an exclusive basis requires the Commission's consent. The code gives details of various matters relating to the treatment of such events, including the definition of "live" used, matters to be taken into account in giving or revoking consent for exclusive coverage, circumstances in which sanctions might not be imposed where it has been unreasonable to comply with restrictions on live coverage, and requirements relating to designated events arising from the "Television without Frontiers" Directive. This refers to the broadcast of an event to another European Economic Area (EEA) State where the event in question has been designated in that State (see R v Independent Television Commission, ex parte TV Danmark 1 Ltd, IRIS 2001-8: 9). Currently, the only other EEA States which have lists of designated events that have been verified by the European Commission are Germany and Italy; Denmark's list having been rescinded at the beginning of 2002.

The changes made in the new text of the Code make it clear that broadcasters should check whether an event has been designated in another EEA State before they acquire rights and should inform the Independent Television Commission as soon as they do so. It is also made clear that free-to-air broadcasters must be given an opportunity to acquire the rights on fair and reasonable terms, and that it is the broadcaster's responsibility, rather than that of the rightsholder, to seek the Independent Television Commission's consent for broadcasting. Reference to the Danish list has now been deleted from the Code.

Independent Television Commission, "ITC Code on Sports and Other Listed and Designated Events, Revised January 2002"

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