European Parliament: Resolution on "Television without Frontiers"

IRIS 1996-3:1/8

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On 14 February 1996 the Eurpean Parliament adopted a resolution on the proposal of the European Commission to amend the Directive on 'Television without Frontiers' (see: IRIS 1995-7: 4).

The resolution approves the Commission's proposal subject to Parliament's amendments (covering a wide range of issues, from the scope of application of the Directive to the provisions on quotas and protection of minors).

The main points are the following:

- Article 1, a): the EP includes audiovisual services "on demand" in the definition of "television broadcasting".

- Article 2: the EP foresees a detailed definition of "place of establishment" of a broadcaster, according to criteria such as the place where the head office is located, the place where editorial decisions are taken and the state for which programmes are intended.

- Articles 4 and 5 (quotas): The EP strengthens the Commission proposal as regards quotas by deleting the 10 years automatic phase-out period (there will be a revision of the system after 10 years), by excluding studio programmes from the quota of European works, by limiting the definition of "thematic channels" (eligible for an alternative investment quota), by extending (progressively) the quota provisions to on-demand broadcasts.

- Article 7: unless otherwise agreed by broadcasters and right-holders,cinematographic works will not be broadcast before 18 months from the first cinema show "in the member state concerned". This period is reduced to 12 months for pay-per-view, video-on-demand and pay-tv services and in case of co-production by a broadcaster.

- Article 11: feature films and films produced for television are to be treated in the same way as regards advertising breaks.

- Article 14: teleshopping of medicinal products and medical treatment is prohibited.

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- Article 18: the maximum amount for all forms of advertising is 15% of daily transmission time. The combined amount of advertising and teleshopping (non including teleshopping windows) is 20% of daily transmission time. The amount of advertising inserted during a feature film shall not exceed 15% of the film's scheduled duration.

- Article 18A: teleshopping programmes should be clearly separated from advertising and should be submitted to an obligation of contributing to programme output of European origin. Teleshopping windows shall not exceed the number of four and shall have a minimum duration of 15 minutes each and a maximum total daily time of two hours.

- Article 18B: advertising on channels exclusively devoted to teleshopping shall not be allowed.

- Article 22 and 22A: protection of minors is strengthened. A combination of a filtering device in all TV sets and a common classification of TV programmes is to give European parents direct control over television broadcasts receivable in their houses.

- Article 23: the "right of reply" must be "easily accessible within a clearly stated period of time". On the basis of the European Parliament's opinion, the European Commission is now to submit a "modified proposal" on which the Council of the European Communities will try to reach a "common position" at a qualified majority vote.

Legislative resolution embodying Parliament's opinion on the proposal for a European Parliament and Council Directive amending Council directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (COM(95)0086 - C4-0200/95 - 95/0074(COD).COD)) - Codecision procedure - first reading, MINUTES of the Sitting of Wednesday 14 February 1996, Provisional Edition, PE 196.583: 44-67.

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