European Commission: UK List of Events of Major Importance to Society Confirmed

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In 1997 the Television without Frontiers Directive, originally drafted in 1989, was amended to include a major innovation in the form of a new article 3a which has had a significant impact on the viewing of major events (and especially sports events) within the European Union. The underlying idea was to prevent such events as the recent England v. South Africa Rugby World Cup Final or the 2002 wedding of the Dutch crown prince from being monopolised by the holders of the exclusive rights to such events and withheld from the general public by way of encrypted transmission. Article 3a states: “each Member State may take measures in accordance with Community law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events via live coverage or deferred coverage on free television”. This entails that events considered by a Member State as being of major importance for society will be broadcast free-to-air despite the exclusive rights held by pay-TV stations. The article lays down the procedural conditions for the listing of each Member State’s set of events of major importance for society and establishes a principle of mutual recognition (Member States must ensure that broadcasters under their jurisdiction respect the lists notified to the Commission by other Member States).

On 15 October 2007, the European Commission adopted a decision on the UK list of events of major importance for society to be broadcast free-to-air, either live or deferred. The list includes such events asthe Rugby World Cup Final, the Olympic Games, The Wimbledon Tennis Finals, The Open Golf Championship and Six Nations Rugby Tournament matches involving Home Countries.In taking this decision, the Commission is abiding by a Court of First Instance ruling of 15 December 2005 (see IRIS 2006-2: 5): a Commission decision, based on Article 3a paragraph 2 TVwF, on the compatibility of measures taken by a Member State, i.e. the list of events of major importance for society, has binding legal effects. Such decisions therefore have to be taken by the Commission college.

“Commission confirms UK-list of major events to be televised free-to-air”, press release of 15 October 2007

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1493&format=HTM

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List of major events published by EU countries

http://ec.europa.eu/avpolicy/reg/tvwf/implementation/events_list/index_en.htm

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