European Commission: Eight Communication on TwF Television Content Quotas

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On the 22 July 2008, the Commission published its eighth report on the impact of EU rules for the promotion of European audiovisual works. These involve Articles 4 and 5 of the Audiovisual Media Services Directive (the revised form of the old “Television without Frontiers” Directive). According to Article 4 of the Directive, Member States are under an obligation to ensure that broadcasters reserve, "where practicable and by appropriate means", a majority proportion of their transmission time (excluding time appointed to news, sports events, games, advertising, teletext services and teleshopping) for European works. Article 5 decrees that 10% of that time or alternatively, at the discretion of the Member State, of broadcasters’ programming budget be dedicated to European works created by independent producers. The Directive calls for a bi-annual report, based on information provided by the Member States, on the effectiveness of these provisions. The current report covers the period from 2005 to 2006.

The figures released reveal an EU-wide average broadcasting time devoted to European works of 63.52% in 2005 and 65.05% in 2006. Thus, a slight increase can be detected within the reference period, although at the same time, comparison with the findings of previous reports suggests that the mid-term trend is one of decline. Nevertheless, the average proportion of transmission time in the medium term seems to have stabilised at 63%, a percentage significantly higher than the majority proportion required by the Directive. Average transmission time varied according to Member State, with the overall trend being positive in 15 and negative in 10 Member States.

In relation to the broadcasting of works from independent producers, a rise can be discerned from 36.44% in 2005 to 37.59% in 2006, both numbers again being well-above the minimum set by the Directive. 18 Member States have stabilised their transmission time of independent works at over 25%, while only one failed to meet the 10% threshold. The average share of independent European works corresponding specifically to recent works was 68.65% for 2005 and 66.75% in 2006, indicating an overall long-term stabilisation at a satisfactory level.

Apart from Articles 4 and 5, the new AVMS Directive also introduced last year Article 3i, which loosely calls for on-demand audiovisual media services to promote the production of and access to European works. A non-exhaustive list of

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means through which such promotion can be achieved is suggested by the Directive, but no specific minimum barrier is set. It is indicative in any case that the report notes that the expanding landscape of audiovisual communications has created a more difficult environment for investment in and scheduling of European works for traditional broadcasters. More and more broadcasters and channels are entering the European market leading to a fragmentation of audiences and economic pressures that drive broadcasters to cheaper and more accessible content.

The report is based on statistical data provided by the Member States on the achievement of the necessary percentages by broadcasters within their jurisdiction. The current report is the first in which the statements of the new EU-ten that joined in 2004 are presented and assessed. The staff working paper accompanying the Communication also includes information on the situation in Romania and Bulgaria, the two new Member States that joined the EU earlier this year. The two countries were not under any obligation to submit statements, but nevertheless provided them on a voluntary basis. This report is also the first time that channels broadcasting in Digital Video Broadcasting-Handheld (DVB-H) are listed in a Member State's submission.

Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC 'Television without Frontiers', as amended by Directive 97/36/EC, for the period 2005 2006, Brussels, 22 July 2008, COM(2008) 481 final

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