# EU COUNCIL: Common position on "Television without Frontiers"

**IRIS 1996-7:1/24**

*Ad van Loon*
*European Audiovisual Observatory*

On 11 June 1996, compromise suggestions by the Presidency enabled the Council to reach full political agreement, by qualified majority, on a common position regarding amendment of Directive 89/552/EEC (the "Television without Frontiers" Directive).

The common position will be formally adopted when the text has been finalised; it will then be sent to the European Parliament for a second reading under the joint decision procedure.

The Belgian, Greek and Irish delegations have indicated that they will abstain in the vote; Sweden will vote against.

The common position will incorporate most of the European Parliament's amendments (see IRIS 1996-3:6), which the Commission accepted in its modified proposal (see IRIS 1996-6:7), but also a number of amendments rejected by the Commission.

The amendments to the current Directive embodied in the draft common position are essentially designed to:

- clarify certain definitions ("televised advertising", "teleshopping", "European works") and member states' authority over television channels. The competent state will be determined chiefly with reference to the location of the channel's real head office and the place where management decisions on programming are taken. Other criteria will apply when necessary, so that the competent state can always be determined;

- clarify the provision on the minimum times which are to elapse between the first cinema showing of a film in a Member State and its first showing on television. Unless the rights-holders agree otherwise, the minimum period will be 18 months; this will reduce to 12 months for services which charge viewers on each showing, pay-TV channels, and films co-produced by the channel showing them;

- introduce regulations on home-shopping, partly similar to those on advertising;

- also introduce regulations on channels entirely devoted to self-promotion;

© European Audiovisual Observatory (Council of Europe) 2026

- protect minors better by making it obligatory to include an acoustic or visual warning signal, either before or during showing, to identify uncoded programmes which may harm them;

- set up a "contact committee" to act as a forum for consultation between member states and the Commission on application of the Directive and on changes in the regulations which govern television broadcasting;

- define freedom of reception more clearly. The conditions applying to possible restrictive measures by member states would be clarified.

Concerning television channels' obligation of showing more European than non-European material whenever this is possible, the draft common position suggests that the current system (Articles 4 and 5 of the 1989 Directive) be maintained, including a clause providing for review in five years' time.

Under the draft common position, Member States must comply with the amended Directive within 18 months of its adoption.

Finally, the text provides for regular Commission reports (the first in three years' time) on application of the Directive, including proposals on any changes needed to bring it into line with developments - particularly technological developments - in television broadcasting after its adoption.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026