

European Commission: Ninth Communication on the Application of Articles 4 and 5 TwF Directive

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The European Commission adopted its Ninth Report on the application of the “Television without Frontiers” (TwF) Directive on 23 September 2010. The Commission is required to adopt such biennial reports under Article 26 of the Directive. The period covered by the Ninth Report is that of 2007-2008. It is based on information provided by the member states on the application of Articles 4 and 5 of the Audiovisual Media Services Directive (the revised version of the old “Television without Frontiers” Directive). It is the first time that this Communication includes compulsory reports from all 27 member states.

The Report commences with general remarks regarding the audiovisual landscape. It specifically notes the continuing upward trend registered between 2005 and 2006 in the number of broadcasters. This is due to the switchover to digital technology which is making room for the emergence of new platforms and a large number of specialised ‘niche’ channels. The total number of channels in the EU-27 rose from 5,151 channels in 2006 to 6,067 channels in 2008, representing an increase of 17.8%.

The EU-wide average broadcasting time devoted to European works in all EU-27 Member States was 62.64% in 2007 and 63.21% in 2008. This denotes a slight increase over the reference period. Compared to the previous reporting period though, there was a slight dip in the registered upward trend in 2007 (see IRIS 2008-9: 3/2). The mid-term evolution of the 2004-2008 periods, however, presents a relatively stable trend. The average transmission time varied according to member state, with the overall trend being positive in 14, negative in 11 and stable in 2 member states. The overall figures are relatively stable and well above the 50%-threshold required by Article 4.

The results achieved at European level with respect to the proportion of European works made by independent producers show a slight decrease from 35.26% in 2007 to 34.90% in 2008. This slight decrease shows the continuance of the upward trend that was registered in 2003. The Commission therefore encourages member states to stimulate broadcasters to increase their transmission time to at least achieve the level attained in the previous reference period. All member states attained the 10% threshold of independent productions. In the previous reference period one had not attained this threshold.

The EU average compliance rate for channels in the EU-25 member states was 70.39% in 2007 and 72.35% in 2008. Compared to the previous reference period of 2005 and 2004, this denotes a respective decrease of -1.06 and -7.06 points. According to the Commission, this may partly be an effect caused by the increase in the number of channels covered during the reference period. Finally, the Commission drew attention to the high level of European works scheduling achieved by the two most recent member states, Bulgaria and Romania.

Ninth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC, as amended by Directive 97/36/EC and Directive 2007/65/EC for the period 2007-2008 (Promotion of European and independent audiovisual works), Brussels, 23 September 2010, COM(2010) 0450 final

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