Council of the EU/European Commission Commission's response to the Common Position adopted by the Council on amending the "Television without Frontiers" Directive

IRIS 1996-9:1/13

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On 8 July the Council of Ministers of the EU submitted the final version of its common position on amending the "Television without Frontiers" Directive, which it had adopted on 11 June (as reported in IRIS 1996-6: 7). The Commission then communicated this to the European Parliament on 11 July, with its opinion that this common position was a step in the right direction. Compromise was necessary in order to be able to continue with the procedure for adopting a Resolution.

In its Common Position, the Council shares many of the Parliament's considerations, eg concerning determination of jurisdiction (see IRIS 1996-6: 7). The criteria for this are: 1. the place of the broadcaster's registered office; 2. the place where decisions on programming are made; and 3. the place where the larger part of the broadcasters' employees work. As least one of the first two criteria must apply. In this context, account must also be taken on the fact that the European Court of Justice is seeking to avoid the circumvention of individual State provisions. The Council is also in favour of dropping the Commission's proposal to apply quotas for a ten-year period, arguing that the present system in the Member States offers more flexibility for supporting European works. It intends setting up a contact committee to deal with the subject of quotas. It supports the inclusion of definitions or more detail on the concepts of "television operator" (Art.1b), "television advertising" (Art.1c) and "teleshopping" (Art.1e), and maintains that the definition of the concept "European work" should not be made less precise. The amended Directive contains further provisions for harmonising legislation on promoting European works (cf the Green Paper on strategical options of 7.4.1996 and the MEDIA-II programme). However, the Council did not agree with the suggested definition of a "television programme".

The Council agreed with the Parliament that the provisions on advertising should be extended generally to teleshopping. The Ministers are in favour of determining the maximum broadcasting time allowed for advertising. They believe that the new rules on advertising for self-promotional purposes - which until now has been relatively unimportant - will probably need to be supervised closely in future.

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The Commission was also instructed to work with the appropriate authorities in the Member States on considering ways of ensuring that young people are not subjected to scenes of violence and pornography, particularly by technical means such as coding programmes not deemed suitable for young people (referred to in IRIS 1996-6: 7). In its Communication, the Commission expresses the opinion that the scope of the Directive should not be extended to include the new audiovisual services, as the immediate need for legislation on pay-per-view and near-video-ondemand was already covered; moreover, individually called-up services raised specific legal problems which needed further consideration.

Under the procedure for joint decision in accordance with Art.189b of the EC Treaty, the Common Position will now probably go forward for a second reading in the European Parliament in November.

Common position adopted by the Council on 8 July 1996 with a view to adopting Directive 96/ /EC of the European Parliament and of the Council amending Council Directive 96/552/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, interinstitutional File No.95/0074 (COD).

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:51996AG0911%2809%29:EN:HTML

Communication from the Commission to the European Parliament on the common Council position on the proposal for a Parliament and Council Directive amending Council Directive 89/552/EEC laid down by law, regulation or administrative action in member states concerning the pursuit of television broadcasting activities ("Television without Frontiers") of 11 July 1996, SEC(96)1292 final.

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