European Commission: Communication relating to exclusive broadcasting rights to major (sports) events

IRIS 1997-2:1/6

Marina Benassi
Attorney at law

On 5 February 1997 the European Commission adopted, on the initiative of Commissioner Marcellino Oreja, a Communication on exclusive rights for TV broadcasting of major (sports) events. The Communication states the position that the Commission will adopt during the imminent conciliation procedure with the European Parliament and the Council of Ministers on the `Television without Frontiers II' Directive (see IRIS 1997-1: 8).

The directive `Television without Frontiers' should, in the view of the Commission, represent a guarantee for full reciprocal respect between the Member States of their national rules on broadcasting. The approach adopted by the Commission aims to prevent that the general public is excluded from watching televised events of substantial importance, the rights of which have been acquired by pay-TV services. At the same time, Member States remain competent to adopt national rules in this field. The position of the Commission leaves no doubt about its consistency with the amendment adopted by the European Parliament under article 189b of the Treaty, last November, concerning the access of the public to major (sports) events on in-the-clear television.

Having consideration for the difficulties involved in the harmonization of this particular sector of the broadcasting industry, the Commission concludes that special attention is required in dealing with national legal measures, also taking account of the very particular nature of major (sport) events.

The proposed solution concerns the exercise of exclusive rights as opposed to the acquisition of those rights. According to the Commission, Member States should be entitled to preserve their capacity to take appropriate measures with regard to particular events of special value for its nationals as well as against the exclusion of a sizeable portion of the national audience from watching the events live on TV.

A Committee of Member States, as set up by the amendment of the `Television without frontiers' directive, is to act as advisory organ for the Commission.

Where major events are broadcast from another Member State, the State where the broadcast originates (the so-called `transmitting State') is to ensure, on a quid pro quo basis, that exclusive rights to major events are exercised in such a manner that no major exclusion of public results in the `receiving State'.

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Communication from Mr Oreja to the Commission of 3 February 1997 on Exclusive Rights for TV Broadcasting of Major (Sports) Events.

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