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LEGAL OBSERVATIONS
OF THE EUROPEAN AUDIOVISUAL OBSERVATORY

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EDITORIAL

European Community signs European Convention in the field of copyright and satellite broadcasting

Despite the fact that on 27 September 1993, the Council of the European Communities adopted its own Directive on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, the European Community decided to sign the Council of Europe's Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite of 11 May 1994. Unlike the Directive, the Convention does not apply to cable retransmission. The EC signed the Convention on 26 June 1996 and will therefore become a Party after the completion of the ratification procedure which involves the European Parliament. However, apart from the EC, so far only 6 States have signed the Convention and no State has yet ratified it, the Convention has not yet entered into force. The Convention will enter into force as soon as 7 States have actually ratified it, of which 5 have to be member States of the Council of Europe.

This is our last issue of IRIS before the summer break. The members of the editorial board wish all readers a pleasant summer holiday. IRIS 1998-8 will be published on 25 September 1996. At that time we will hope to publish further information on the outcome of the second reading by the European Parliament of the proposed amendments to the "Television without Frontiers" Directive and on the proposals that are expected from the European Commission regarding the harmonization of media ownership rules.

Ad van Loon
IRIS Coordinator

The global Information Society

UNESCO: Copyright and Communication in the Information Society

In IRIS 1996-6: 3 we reported on two conferences on copyright in the digital era, one organised by the Council of Europe and the Royal Norwegian Ministry of Culture, and the other one organized by the European Commission and the Italian authorities.
In June, a final report was published of another international symposium, entitled 'Copyright and Communication in the Information Society (global infrastructure, protection of rights, economic and cultural impact). The latter was organised by UNESCO in co-operation with the Government of Spain and with the support of *Telefónica de España S.A.* and of the *Sociedad General de Autores y Editores* and was held in Madrid from 11-14 March 1996.
The objectives of this Symposium were to:
– assess the articulation of the basic infrastructure of the various segments of the information superhighways;
– thoroughly study the question of the protection of copyright and neighbouring rights in the digital context; and,
– analyse the economic and socio-cultural consequences resulting from the advent of the information society.
The results of the discussions serve as a basis for the work of regional meetings which UNESCO is currently organizing on these themes, to provide the States, particularly the developing countries with an opportunity to determine their co-operation, in the regional context and to help them reach an international consensus for regulating the circulation of works and performances within the framework of the global information infrastructure.

International UNESCO Symposium on Copyright and Communication in the Information Society (global infrastructure, protection of rights, economic and cultural impact), Madrid 11-14 March 1996, final report. Available from UNESCO, Book and Copyright Division, 7 Place de Fontenoy, F-75352 Paris 07 SP, tel.: +33 1 45684707, fax: +33 1 43061673.

(Ad van Loon,
European Audiovisual Observatory)

EU Council: Linguistic diversity in the information society

In IRIS 1996-1: 3 we reported on the proposal by the European Commission for a multi-annual programme to promote linguistic diversity in the era of the information society. On 27 June, the EU Telecommunications Council examined the proposal but did not reach the unanimity required for approving this programme. The German and Dutch representations asked for a reduction of the proposed budgetary allocation. The file was referred to the COREPER (the Committee of Permanent Representatives). IRIS will keep you informed on further developments.

NETHERLANDS: Complaints counter for child pornography on Internet

The Dutch association of Internet providers *(Vereniging van Nederlandse Internetproviders, NLIP)* has opened on 20 June 1996 a complaints counter for child pornography *(Meldpunt Kinderporno)* that is distributed on the Internet. Users that come across illegal material can notify the complaints counter. The counter will first ask the provider of the material to remove it. If the provider does not respond, the office of the Public Prosecutor will be notified.
With this initiative the Internetproviders in the Netherlands want to show their willingness to cooperate in the fight against the distribution of illegal information. The Dutch Minister of Justice, Ms Sorgdrager, has reacted with approval to this form of collaboration. On the occasion of the opening of the counter, the Minister announced that the Ministry of Justice is planning to limit the criminal liability of Internetproviders. Through a change of the Criminal Code (Articles 53 and 54) the Ministry plans to give the Internetprovider the same limited liability as publishers and printers. The provider will not be prosecuted if he/she can point out the author of the illegal material.

Speech by the Minister of Justice of the Netherlands, 20 June 1996. Available in Dutch from the Observatory.

(Marcel Dellebeke,
Institute for Information Law at the University of Amsterdam)

ALBANIA: Bar on Internet barrier for private subscribers

Although the international computer communication network Internet made its entry into Albania recently, so far the only subscribers are 6 official institutions.
This is because the Albanian Government has barred access to Internet by private subscribers. Among the number of private candidates turned down, it is said that the Government is preventing their having access to Internet because their activities on it could not be controlled by the Government and there would therefore be a danger of computer crime.
At present the only 6 official institutions that are connected to Internet are: the Polytechnic University, the People's Assembly, the Office of the Prime Minister, the Harry Fultz Technical College, the Soros Foundation, and the President of the Republic.

Information based on a report by Henri Cili in the Albanian newspaper, *Drejt,* dated 5 May 1996, excerpts of which were published in *Post-Soviet Media Law & Policy Newsletter* 6/7 1996 (http://www.intercall.com/~hamilton/psmlpn.html).

(Wolfgang Cloß
Institut für Europäisches Medienrecht - EMR)

OECD

Report on competition policy and film distribution

In November 1995, the OECD held a roundtable on Competition Policy and Cinema and Television Film Distribution. Recently, the OECD published the proceedings of this roundtable as Volume No 3 in its publication series, Roundtables in Competition Policy.
The report divides the film distribution sector in three: cinema, television and video. To assess the competitive conditions in which films are distributed in these three different sectors, it explores possible market definitions so as to be able to determine the degree of concentration of the relevant distibution activity, and it discusses regulations and practices which prevent market entry.
The report reproduces national contributions from Australia, Germany, Portugal, Switzerland, the UK, the USA, and a contribution of the European Commission.

OECD, 'Competition Policy and Film Distribution' (series Roundtables on Competition Policy No 3) in: OECD Working Papers Vol. IV No 23, Paris 1996. Available from the OECD Publications Service, 2 rue André-Pascal, F-75775 Paris Cédex 16, or from URL address http://www.oecd.org/cgi-bin/swish/search.cgi.

(Ad van Loon,
European Audiovisual Observatory)

Report on the current status of communication infrastructure and the regulation: cable television

Recently, the OECD published a stocktaking of current policies and the current dimensions of the cable television industry in the OECD area (Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxemburg, Mexico, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, The Netherlands, Turkey, United Kingdom, and the United States). The Czech Republic and Hungary are not included in the survey since they only became a member of the OECS in respectively 1995 and 1996.
The report was prepared by Sam Paltridge of the OECD's Directorate for Science, Technology and Industry and presented to the Telecommunications and Information Services Working Party meeting last January and has now been made available to the public by the Information, Computer an Communications Policy (ICCP) Committee.
The report expresses worries about current regulatory policies in the OECD area on the basis of which public telecommunication operators are twice as likely to be able to offer cable television services than cable television companies are of providing switched public telecommunication services. In addition, from 1990 to 1995, an increasing share of the cable television market was gained by the public telecommunication operators; as measured by the number of subscribers, in areas where public telecommunication operators occupy monopoly positions in the field of public switched telecommunication networks, they also have more than 61% of the cable television market. Public telecommunication operators in monopoly telecommunication markets are said to be over three times more likely to own cable infrastructure than public telecommunication operators in competitive telecommunication markets and this would constitute a formidable barrier to the early roll out of competition at the local level. With the exception of Finland, Sweden and the UK, the EU area is at a tremendous disadvantage compared to Canada, Japan and the US, in terms of independent infrastructure available for the provision of local telecommunication competition. This is because most cable television infrastructure is owned by incumbent monopoly public telecommunication operators.
The report recommends to:
– accelerate liberalisation by allowing cable communication operators, and other alternative infrastructure providers, the opportunity to offer public switched telephony services (which is possible within the EU since 1 July 1996);
– for those Member countries considering privatising an incumbent public telecommunication operator, to sell their subsidiaries as separate entities;
– to prevent further acquisitions or mergers by public telecommunication operators in their 'home markets' where this will lead to an increase of dominance;
– where they have not done so, introduce safeguards to ensure public telecommunication operators are not cross subsidising the expansion of cable television networks (or cable systems as they are called in the USA) from monopoly public switched telecommunication services in advance of competition;
– for the transition to a fully competitive market, ensuring a stable regulatory framework to encourage invstment in alternative infrastructure and to ensure incumbent public telecommunication operators cannot use their dominant positions in unfair ways.

OECD - Committee for Information, Computer and Communications Policy, 'Current Status of Communication Infrastructure Regulation: Cable Television.' Paris 1996. Available in English from URL address http://www.oecd.org/dsti/gd_docs/s96_101e.html.

(Ad van Loon,
European Audiovisual Observatory)

Council of Europe

State of Signatures and Ratifications of the European Conventions that are relevant to the audiovisual sector - Update 1

In IRIS 1996-5: 7-10 we published an overview of the state of Signatures and Ratifications of European Conventions and other international treaties that are relevant to the audiovisual sector. We indicated that IRIS would keep you informed on a monthly basis of new signatures and ratification of relevant European Conventions. Therefore, we can now report that the:
European Convention on Transfrontier Television was signed by Ukraine on 14 June 1996; and that the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite, was signed by the European Community on 26 June 1996 and by the United Kingdom on 9 July 1996.
The Russian Federation will probably sign the European Convention on Transfrontier Television during August 1996. If this happens, IRIS will report on it in the September issue.

(Ad van Loon,
European Audiovisual Observatory)

European Union

Court of Justice of the EC: A-G's Opinion guarantees the availability of and access to leased lines in liberalised environments

The Opinion delivered by Advocate-General Tesauro on 23 May in connection with British Telecom's legal challenge to the implementation in the UK of the ONP leased lines Directive (Council Directive 92/44/EEC on the application of open network provision to leased lines, OJ 1992 L 165/27) successfully reconciles the tension between (i) the EC telecommunications regulatory environment which is still based on the traditional concept of special and exclusive rights held by operators and (ii) market structures which have already been liberalised and where special and exclusive rights have ceased to exist. The Advocate-General's Opinion should serve to reassure those undertakings wishing to obtain access to infrastructure by using leased lines (including, for example, on-line service operators or multi-media providers) that they will continue to be able to obtain access to leased lines on normal ONP conditions (including those of non-discrimination, transparency, cost-orientation etc).
The questions raised by the English High Court concerned the applicability of the ONP Directive to the UK's liberalised market. The Directive, as presently drafted, requires Member States to impose ONP leased line obligations on operators enjoying "special and exclusive rights". The Advocate-General conceded that these concepts do no longer apply to the UK since Oftel, its telecommunications regulator, grants operating licenses that are not exclusive and do not qualify as special rights. Nevertheless, the obligation to provide leased lines in the UK is imposed on BT with associated obligations falling on Mercury Communications and on Kingston Communications of Hull. Refuting BT's allegations of discrimination, the UK defended its imposition of the obligations on the three largest operators by reference to the uncontested dominance enjoyed by BT, to Mercury's considerable strength and to the geographic monopoly granted to Kingston.
Despite the apparent inapplicability of the wording of the Directive to the UK market, the Advocate-General concluded that the UK was entitled, or even required, to impose such obligations on BT. He stated that the aim of such provisions was to ensure that monopolistic or oligopolistic operators did not exploit their position by refusing access to less strong market participants. The Advocate-General, therefore, identified a need to impose these obligations even in a liberalised market where a body such as BT may continue to enjoy such a position for historical reasons. He thus clearly gave precedence to the "spirit" of the Directive over its form and wording. It remains to be seen whether the Court will follow the Advocate-General in his efforts to ensure ONP availability and access to leased lines or whether the undertakings requiring such access will have to await the finalisation of the reform of the ONP regulatory framework (which is anticipated to be based on the concept of "significant market power" as triggering criterion for the imposition of specific obligations) to obtain such guaranteed access.

Opinion of Advocate-General Tesauro delivered on 23 May 1996, Case C-302/94, *The Queen v. Secretary of State for Trade and Industry Ex parte: British Telecommunications plc.* Available in English from the Observatory.

(Dirk Van Liederkerke,
COUDERT Attorneys at Law, Brussels)

European Commission: Harmonisation of resale rights on the way

On 16 June 1995, the German Federal Court gave judgment on a German artist's resale rights in respect of works auctioned in the United Kingdom (IRIS 1995-8: 8). It rejected the claim brought on his behalf by the *Bild-Kunst* company, on the ground that resale rights did not exist in all the EU's member states.
The Commission has decided to remedy this situation by drawing up a draft Directive, proposing harmonization of the various national systems governing the resale rights of all authors of original works of art or original manuscripts. Its intention is to promote development of the internal market in works of art to a maximum degree. Existing disparities between the various national systems are to disappear progressively, and countries which lack this right are to incorporate it in their legislation and take practical steps to implement it.
The draft Directive also sets out to harmonize the threshold for resale royalties, as well as the rates (4% when the selling price is between 1,000 and 50,000 ECU, 3% when it is between 50,000 and 250,000 ECU, and 2% when it exceeds 250,000 ECU). Resale rights may apply to artists from non-EU countries on a reciprocal basis.
The draft, which is covered by Article 100A of the Treaty establishing the European Community, will be subjected to the joint decision procedure, involving the Council of Ministers and the European Parliament.

Proposal for a European Parliament and Council Directive on the resale right for the benefit of the author of an original work of art, OJEC 21.6.96 No. C 178: 16-19. Available in English, French and German from the Observatory.

(Frédéric Pinard,
European Audiovisual Observatory)

Community programmes in audiovisual sector now open to participation by Slovakia and Romania
Additional Agreements with non-Member States on copyright protection

Similar to the Additional Protocols to the Europe Agreements establishing associations between the European Communities and their Member States of the one part and Bulgaria, Hungary, Poland, Romania and the Czech Republic respectively, of the other part (*see* IRIS 199-2: 4-5), an Additional Protocol was approved to the Europe Agreement with the Slovak Republic on 22 April 1996. As a consequence, since 1 July 1996 Slovakia may participate in Community programmes and projects in the fields of, *inter alia*, information services and the audiovisual sector (which includes the MEDIA II programme). The Additional Protocol which allows Romania to participate in Community programmes in these fields will enter into force on 1 August 1996.
In IRIS 1996-2: 4 and 1996-4: 6 we reported on a number of agreements between the European Union and non-Member States which cover, *inter alia*, intellectual property law and that are relevant to the audiovisual sector. In the meantime, similar agreements have been concluded with other non Member States of the EU: Kazakhstan, Vietnam and Nepal.
All these agreements contain clauses for a better protection in the field of copyright and unfair competition.

Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, OJEC of 9.5.96 No L 115:42-46;
Interim Agreement on trade and trade-related matters between the European Community, the European Coal ans Steel Community and the European Atomic Energy Community, of the one part, and Republic of Kazakhstan, of the other part, OJEC of 20.6.96 No L 147: 1-21;
Cooperation Agreement between the European Community and the Socialist Republic of Vietnam, OJEC of 7.6.96 No L 136: 28-37;
Cooperation Agreement between the European Community and the Kingdom of Nepal, OJEC of 8.6.96 No L 137: 14-23.

(Ad van Loon,
European Audiovisual Observatory)

National

CASE LAW

RUSSIAN FEDERATION: The Court responsible for information disputes gives judgment

In the case of the journalist E.V. Limonov (Savenko), Editor of the newspaper *Limonka*, the Court responsible for information disputes had to decide whether two articles ("Hand grenades at Croats" and "Black list of peoples"), published in *Limonka*, Nos. 13 and 16 (1995), were unconstitutional and therefore a ground for prosecution.

The Constitution of the Russian Federation guarantees freedom of thought and of the spoken and written word, but Article 29 also prohibits any propaganda or agitation which foments social, racial, nationalistic or religious hatred or enmity. Glorification of war and agitation directed at oppressed peoples are forbidden by ordinary laws.

In both of the articles concerned, the author speaks of "collective guilt of a people" and of "evil peoples", justifies the future sending of troops into the Czech Republic and Slovakia, and puts forward an offensive and humanly degrading theory that certain ethnic groups have a genetic predisposition to brutality and cruelty. The Court took the view that the articles contained racist elements which insulted or threatened entire peoples or ethnic groups, fomented race hatred and glorified war.

In its Decision No. 7 (90) of 4 April 1996, the Court responsible for information disputes decided to send the files on the case to the Press Committee, recommending that the journalist be given an official warning for violating Section 4 of the Mass Media Act, and to the Public Prosecutor's Office in Moscow, with a view to the possible bringing of criminal proceedings against him.

Decision No. 7 (90) of 4 April 1996, on the articles by E.V. Limonov (Savenko), "Hand grenades at Croats" and "Black list of peoples"), published in Limonka, Nos. 13 and 16 (1995). Published in *Post-Soviet Media Law and Policy Newsletter,* No. 30-31 (May-June 1996). p. 7. Available in English from the Observatory.

(Mario Heckel,
Institut für Europäisches Medienrecht - EMR)

USA: Three judge panel issues preliminary injunction against provisions of the Communications Decency Act of 1996

On 11 June 1996, a three judge panel granted a preliminary injunction against enforcement of two provisions of the Communications Decency Act of 1996 ("CDA") designed to keep children from receiving sexually explicit materials on the Internet. The CDA constitutes Title V of the historic Telecommunications Act of 1996 passed on 8 February (*see*: IRIS 1996-3: 7-10). In *ACLU v. Janet Reno*, the court found sections 223(a)(1)(B) and 223(a)(2) as well as 223(d)(1) and 223(d)(2) of the CDA to be an unconstitutional abridgement of First Amendment free speech rights.

Section 223(a) prohibits the transmission of obscene or indecent material on the Internet where there is knowledge that the recipient of the communication is under 18 years of age. Section 223(d) prohibits transmission to a person under 18 years of age, or making available to a person under 18 years of age, material that is patently offensive as measured by contemporary community standards. Violators are subject to criminal penalties of up to a two-year prison sentence and fines up to $250,000.

Noting that the CDA imposed content-based restriction on speech, the court subjected the CDA to the strict scrutiny test which requires a compelling government interest and narrowly tailored government regulation to further that interest. While recognizing the government interest in protecting the physical and mental well-being of children, all three judges in separate opinions emphasized that the CDA was not appropriately narrowly tailored to further that government interest.

Judge Buckwalter's opinion concluded that the terms "indecent" and "patently offensive" were overly vague as used in the CDA. Neither the courts, Congress, nor the FCC have yet defined what is considered indecent over cyberspace. Judge Buckwalter also noted the difficulty in determining the relevant "community standard" applicable to Internet communication. He felt there was sure to be a chilling affect on speech as users would be required to steer wide of what may be considered patently offensive according to any "community standard." Judge Buckwalter concluded that the fact that users would be unable to reasonably predict whether their behavior conformed to the Act, violation of which constitutes criminal penalties including prison sentences, places the CDA at odds with the due process guarantees of the Fifth Amendment.

Judge Dalzell noted that the CDA has the effect of a complete ban, since internet users would be inhibited from making certain materials available even to adults in order to ensure that minors could not come across the same materials. Thus, Judge Dalzell concluded that the CDA was not sufficiently narrowly tailored to address only the protection of children from certain materials on the Internet. Judge Sloviter also maintained that the provisions of the CDA were more broad than necessary to accomplish its purpose, and that vigorous enforcement of current obscenity and child pornography laws would adequately protect minors from the harm to children the government sought to prevent.

The government is expected to appeal the court's decision. Such an appeal would be heard by the U.S. Supreme Court.

United States District Court for the Eastern District of Pennsylvania, 11 June 1996, ACLU v. Janet Reno. Available in English at the follwowing URL addresses:
http://www.aclu.org/court/cdadec.html
http://www.vtw.org/speech/index.html#decision
http://www.access.digex.net/~epic/cda/cda_opinion.html
http://www.eff.org/Alerts/HTML/960612_aclu_v_reno_decision.html
or from the Observatory.

(Fredrik Cederqvist,
Communications Media Center, New York Law School)

IRIS LEGAL OBSERVATIONS
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LEGISLATION

SLOVAK REPUBLIC: New film legislation

On 14.12.1995 the People's Council of the Slovak Republic adopted legislation on the film industry.
The new act covers the production and commercialization of cinema and video films, but not productions purely for television. As well as giving a range of definitions, the act contains certain obligations incumbent on producers of audiovisual works in the Slovak Republic and commercialization companies (registration duty, obligation to comply with provisions for the protection of children and young people), prohibits the commercialisation of violent and pornographic films, and contains provisions concerning quotas and language. There are further provisions on screen advertising, which must comply with specific standards, and in particular must be recognisable as publicity material. There is a blanket ban on advertising concerning children, medicines and alcohol.

Film industry act dated 14.12.1995, published in *Zbelerka zákonov* no.1 dated 05.01.1996. Available in Slovak from the Observatory.

(Andrea Schneider
Institut für Europäisches Medienrecht - EMR)

DENMARK: Broadcasting Act amended

On 12 June 1996 an amendment to the Danish Broadcasting Act was passed by the Danish Parliament *(Folketinget)*. It enables *Danmarks Radio* TV (DRTV) and TV2 - the two Danish public service broadcasters - to establish new satellite channels.
The passing of the Act is part of the agreement between 7 out of 8 political parties in Parliament (*see* elsewhere in this issue of IRIS). The purpose of separating the satellite issue from the rest of the planned amendments is to ensure the indisputable right of DRTV to launch a new channel, DR2, on 30 August 1996. DR2 is to be broadcast by digital as well as analogue techniques by satellite (via Intelsat 1ºW), and can therefore only be received by satellite dish or via cable. This raised the question whether DRTV under the existing Act could broadcast public service programmes which can only be seen by part of the population. With the passing of the 'Satellite Act' this discussion is no longer relevant.
DR2 is to be seen as a supplement to the existing programmes on DRTV, and furthermore it enables *Danmarks Radio* to experiment with the use of digital technology as a preparation to the planned launch of digital terrestrial channels.

The exact reference will be published in IRIS 1996-8.

(Hanne Sønderby,
Danish Ministry of Culture)

UZBEKISTAN: A bigger social role for TV and radio

Uzbekistan's President Islam Karimov has issued a decree which recognises that television and radio are vital democratic institutions, and sets out to give them a bigger part to play in a radical process of economic, political and social reform. The decree determines the legal status, tasks and fields of activity of the country's television and broadcasting corporation, and outlines funding arrangements.
Article 1 of the decree is concerned with reorganization of the "State Television and Radio Corporation of Uzbekistan", which is to become the "Television and Radio Corporation of Uzbekistan" (Uzteleradio). This will be the previous corporation's legal successor and an independent legal entity (Art. 2). The duties and fields of activity of Uzteleradio (Art. 4) are wide-ranging: they extend from the basic task of providing the public with objective, non-ideological information through helping to build a democratic society to the training and further training of broadcasting staff. The new corporation is also to reflect plurality of opinion in a pluralist society, help to educate the public, transmit knowledge, democratic values and the national cultural heritage, and keep in touch, through international co-operation, with technical and other developments in the media field. Finally, Articles 2, 5 and 6 outline funding arrangements: Uzteleradio's revenue is to come from the state budget, advertising and other commercial activities. It will be free of taxes and levies until the year 2000. However, Article 5 of the Decree requires it to produce, within a month and in co-operation with the Ministry of Finance, a plan covering a reduction in state aid and gradually allowing it to become self-financing from 2000 on.

Decree by the President of the Republic of Uzbekistan on measures to enhance the role of television and radio in the social development of Uzbekistan. Extracts published in *Post-Soviet Media Law and Policy Newsletter,* No. 30-31 (May-June 1996). p. 5. Available in English from the Observatory.

(Mario Heckel,
Institut für Europäisches Medienrecht - EMR)

BULGARIA: New licensing system for broadcast frequencies

On 5 October 1995, the Bulgarian Parliament passed a Licensing Act (DV. No, 92/95), which was supplemented, on 13 December 1995, by an implementing order (DV. No. 111/95) issued by the Council of Ministers.
The new act is based on Article 18 of the Constitution, which determines objects which are the State's exclusive property. In addition to mineral resources, beaches, power stations, forests, etc., broadcast frequencies and telecommunication networks are mentioned. The act regulates the procedure for allocation to third parties of the right to use these objects on the basis of Article 18, para. 5 of the Constitution.
Broadcast frequencies are thus one of the matters regulated by the new act (Section 4, Sub-section 1 (5)).
Under Section 2 of the act, the licensing procedure comprises three stages: a government decision to award a licence; a competition or auction; conclusion of a licensing contract.
This procedure may be initiated at an individual's request or by decision of the minister concerned (Arts. 4 and 5 of the implementing order). The basic decision must, however, be taken by the Council of Ministers, and Parliament must approve it.
Neither the act nor the implementing order lays down specific conditions for applicants or criteria for decisions on granting licences. Article 8 of the implementing order lists the aspects which must be looked into before a licence is granted: financial-economic, social, ecological and legal. Para. 6 merely says that, depending on the nature of the licence, "other" investigations may be required, if specifically provided for in law. Licensing contracts run for 35 years, with an option for a further 15.
The passing of the Licensing Act means that the allocation of broadcast frequencies, including those used for the broadcasting of programmes, now falls within the scope of administrative law.

Licensing Act of 5 October 1995 (DV. No. 92/95) and Implementing Order of 13 December 1995 (DV. No. 111/95), available in Bulgarian from the Observatory.

(Radomir Tscholakov,
Bulgarian National Television)

LAW RELATED POLICY DEVELOPMENTS

GERMANY: End of debate on Telecommunications Bill

In IRIS 1996-2, p.14, we reported that there was political agreement on a new Telecommunications Act.
On 27 June 1996 the *Bundestag* adopted the Telecommunications Bill. The *Bundesrat* was expected to approve it on 5 July. The Act can then be brought into force.
The Act comes after some debate, in which it was eventually possible to clarify the questions which still remained and reach an agreement with the somewhat divergent position of the *Bundesrat*. The Media Committee of the *Bundesrat* and the *Bundestag* finally reached agreement on 14 June.
The vocal and network monopoly of *Deutsche Telekom AG* is to be completely abolished by 31.12 1997.
From 1 January 1998 anyone may then be authorised to offer the public telecommunications services. For services offered on a commercial basis, the Bill provides for a licence fee. As soon as the Act comes into force alternative networks may be made available for services already liberalised.
The duties, status and instruments of the regulatory authority, whose tasks include price regulation, administration of numbers and the regulation of companies dominating the market to favour equal opportunity in competition. The activity of the regulatory authority should have the support of an advisory body, whose members should include representatives of the *Länder*.
The Bill sets out the procedures for interconnection and cooperation among the networks of the various operators, and provides for free access of users to the various networks.
The Bill includes regulations on the allocation of frequency bands, on setting up the plan for the use of frequencies, and on the allocation of frequencies. In this respect the Bill sets out clearly the *Länder's* responsibility for allocating broadcasting frequencies.
It has also been agreed that the public highway may be used for telecommunications cables free of charge, at the expense of the municipalities.
In accordance with European recommendations, there is provision for a basic supply covering the area with universal services at reasonable prices. More specific details are to be dealt with in the corresponding official regulation. The final section of the Bill sets out the provisions concerning telecommunications secrecy, data protection, security, and penalties (prison sentences and fines).

The text of the Telecommunications Bill is available in German from the Observatory.

(Natali Helberger
Institut für Europäisches Medienrecht - EMR)

UNITED KINGDOM: A further Consultative Document on Programme Formats

In 1989 the Privy Council denied copyright protection for the format (plan or scheme on which a television series is based) of the television gameshow 'Opportunity Knocks' ([1989] 2 All ER 1056). Although the decision of the Privy Council had highly persuasive authority, the issue remained controversial. In 1994 a draft private Member's Bill proposed to extend literary works to formats. Subsequently, the Patent Office issued a Consultative Document on the protection of formats. As a result the Patent Office has continued working on possible legislative approaches to the protection of formats. This has recently resulted in a further Consultative Document.

The new Consultative Document does not stretch the literary work to include formats but it enlarges the meaning of infringement by copying. To avoid problems with the different interpretations, the word 'format' has not been used. Instead the Consultative Document uses the words 'scheme or plan'.

It proposes to add some paragraphs to Article 17 of the Copyright, Designs and Patents Act 1988. As a result a copyright work may be infringed if the underlying format of this work is copied in a new programme. The established principle that copyright in a work embodying instructions for making a thing is not infringed by making that thing would accordingly be departed.

A condition is that the format has to be sufficently elaborated and original (not copied). Consequently, a notable higher threshold of skill and effort would apply to formats, than would be the case if a format was defined as a copyright work in its own right.

To ensure certainty about what is protected there will only be infringement if the scheme or plan is prefixed: set out in material form which predates the first programme made to that format.

Questions are asked in the Document on the protection of existing formats and the transitional provisions. As a result of international obligations the proposed protection would have to extend to nationals of states which are parties to the BC and the TRIPs. It might be that foreign owners of formats used in the UK would benefit more than UK producers of formats.

The Consultative Document invited comments on the chosen approach by the end of June to: Mrs. J. Sullivan, Copyright Directorate, The Patent Office, Hazlitt House, 45 Southampton Buildings, London WC2A 1AR.

'Programme Formats : A Further Consultative Document' is available in English through the Observatory.

(Jaap Haeck,
Institute for Information Law, Amsterdam)

UNITED KINGDOM: White Paper on radio spectrum published

Essential reforms to meet the communications needs of the UK into the next century and improve the management of the radio spectrum are being published as a White Paper by the Department of Trade and Industry (DTI). It announces the Government's intention to bring forward legislation to permit the use of pricing as an aid to effective spectrum management in a context of (potential) spectrum congestion. According to the Radiocommunications Agency (RA), which is responsible for the management of most non-military spectrum in the UK, the current radio licence fees do not reflect the real value of spectrum. Therefore this White Paper presents detailed proposals for a regime of spectrum pricing encompassing both auctions and administrative pricing.

It will however not affect the licensing of independent broadcasters under the Broadcasting Act 1990 and the Broadcasting Bill currently before Parliament nor the BBC's position under its Royal Charter and Agreement. But spectrum pricing could play a role in promoting and accelerating the transition from analogue to digital broadcasting services. The adoption of digital broadcasting is key to the Government's long term spectrum strategy since it has the potential to generate new broadcasting use or other applications through the release of valuable spectrum. The use of spectrum pricing will also be considered in the review that has been announced to establish a timetable for the withdrawal of frequency channels used for analogue broadcasting.

'Spectrum Management: into the 21st Century', Department of Trade and Industry. London: HMSO, CM3252, June 1996. This White Paper is also available on the Internet at URL address http://www.open.gov.uk/radiocom/rahome.htm.

(Stefaan Verhulst,
School of Law University of Glasgow)

UNITED KINGDOM: Broadcasting Standards Council publishes annual monitoring survey

The Broadcasting Standards Council, the body established under the 1990 Broadcasting Act to monitor the portrayal of violence, sex and matters related to taste and decency in television, cable, radio and satellite services, has just published its fourth annual monitoring survey. The findings relate to three areas: violence, sexual activity and 'bad language'. The key issue of audience concern remains the depiction of violence. However, the first significant change in the proportion of those registering a concern about this issue is recorded in this annual report (for 1995) - 57% saying that there is 'too much violence' which is down from 66%. As regards 'bad language', whilst the proportion registering concern remains consistent (around 57%), specific concern is expressed at the time at which such language is transmitted - specifically, before the so-called 'watershed'. As in the previous year's report, the same proportion of respondents - around 58% - thought there to be the 'right amount' of sexual activity on television.

Monitoring Report 1995 No. 4. Available from the Broadcasting Standards Council, 5-8 The Sanctuary, London SW1P 3JS, tel. +171-233-0544, fax +171-2330397.

(David Goldberg,
School of Law University of Glasgow)

NETHERLANDS: Recommendations on the future of the public broadcasting system

On 26 June 1996 an *ad hoc* commission installed by the Government of the Netherlands to advise on the future of the Dutch public broadcasting system (the *Commissie-Ververs)* published its conclusions and recommendations. The commission concludes that, in order for the public broadcasting system to survive, a radical transformation is required. The report suggests to change to a segmented structure; one segment consisting of the existing broadcasters in the public broadcasting system, the other segment being a central broadcasting organisation (a successor to the Dutch Broadcasting Corporation, *NOS*). To become part of the first segment, the public broadcasters would have to participate in 'broadcaster elections'. A broadcaster, who would need to have a minimum of 100.000 to 150.000 members, would only get a licence if he could acquire at least 10 to 15 per cent of the votes cast. The recommendation thus detaches the membership of a public broadcaster from the subscription to its programme guide. At present, all those who subscribe to a programme guide of a broadcaster in the public broadcasting system are automatically members of the broadcasting organisation.
The chosen public broadcasters would be assigned 60 per cent of the total of available broadcasting time, to be distributed according to the results of the elections. The other 40 per cent would be allocated to the central broadcasting organisation. The two segments would be required to coordinate their broadcasting activities.
Furthermore, the report recommends the establishment of a Programme Council *(Programmaraad)* that would decide on channel differentiation. At the level of the public broadcasting system, the Commission recommends maintaining the current 3 television and 5 radio channels that broadcast nationwide, but concludes that at least an amount of 75 to 100 million guilders must be saved.
After the summer recess the Cabinet and the Dutch political parties will react on the recommendations of the Commission.

'Terug naar het publiek', Rapport van de commissie Publieke Omroep, Den Haag, 26 June 1996. Available in Dutch from URL address: http://www.minocw.nl/vvindex.htm or from the Observatory.

(Marcel Dellebeke,
Institute for Information Law at the University of Amsterdam)

News

Information on law related policy developments which may have legal consequences but of which no documents or other texts are available yet.

PHARE Programme - Intellectual copyright: The results

In IRIS 1995-2: 12 we published an article on European Union aid programmes to Central and Eastern European countries for management of intellectual copyright (PHARE and TACIS).
Since 1991, the European Commission has been promoting training and awareness programmes with regard to intellectual copyright (especially for the audiovisual sector) in Central and Eastern European countries, throught the Association Internationale des Auteurs de l'Audiovisuel (AIDAA - International Association of Audiovisual Authors) and the Groupement Européen des sociétés d'auteurs-compositeurs (GESAC - European Group of Author-Composer Associations).
The programme features 6 successive phases :
1. analysis of existing legislation and proposals for amendment
2. awareness-increasing action for authors, producers and broadcasters
3. setting-up of royalty-collection companies and the organization of the companies
4. helping companies start up and helping with staff-training
5. international coproductions with regard to copyright
6. fighting audiovisual piracy.

Meanwhile, audiovisual authors societies have been set up in Bulgaria, Estonia, Poland, and the Czech Republic. Multi-disciplinary societies are dealing with audiovisual copyright in Albania and Latvia. Similar societies are also being set up in Lithuania and Rumania. Solutions still remain to be found for Hungary, Slovakia and Slovenia.
For further details concerning the programme and its results, the AIDAA recently published a Newsletter which is available from the secretariat.

Association Internationale des Auteurs de l'Audiovisuel (AIDAA), Mr Joao Correa, General Secretary, rue du Prince Royal 67, B-1050 Brussels, Tel: +32 2 5510350, Fax: +32 2 5510355.

EUROPEAN COMMISSION/EU COUNCIL: European Guarantee Fund to encourage cinematographic and television production

On 11 June 1996, the EU Council took note of progress made with regard to a decision on setting up this Fund (*see* IRIS 1996-1:4). It held an exchange of views, which confirmed the need to examine the proposal in more detail, so that the Council could perhaps discuss it at its session in November 1996.
The delegations' position on the proposal for a decision, as it emerges from the work done so far (including the exchange of views at the ECOFIN Council's meeting on 11 March 1996) can be summed up as follows:
A majority of the delegations accept the basic idea of establishing an instrument to encourage cinematographic and television production. Among them, however, are several delegations which still have reservations on the proposal, essentially for three reasons:
– lack of clarity concerning the projected agreement between the Commission and the European Investment Fund, and the attitude of the financial institutions to participation in the project;
– scepticism as to the Fund's financial self-sufficiency;
– the need to say more in the text of the proposal on the position of small and medium-sized companies. This applies more particularly to countries which do not have highly-developed film and television industries and so rely on small and medium-sized companies.

Other delegations oppose the project, or have serious reservations on it, mainly because they:
– doubt the Fund's capacity to finance itself;
– doubt whether the sector concerned is prepared to furnish the sums indicated by the Commission;
– do not consider Community funding of 90 MECU justified;
– do not think the Fund the right instrument to mobilise private capital;
– think that the proposed decision is in danger of failing in its aim, since the Fund may be led to concentrate on big budget productions;
– point out that, under the subsidiarity principle, encouraging cinematographic and television production should remain, first and foremost, a matter for the member states.

EU COUNCIL: Common position on "Television without Frontiers"

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;
– 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.

ITALY: Television and telecommunications Bill announced

During a Hearing before a Parliamentary committee held on 25 June 1996, the Telecomunications Minister announced that a Bill was being drafted on an order of new television and telecommunication services.
As reported in IRIS 1995-1: 19, the Italian Constitutional Court decided on 5 December 1995 that Article 15 of the Law governng public and private broadcasting in Italy (Law No 223 of 6 August 1990) is unconstitutional for the reason that it provides for a dominant position of a private commercial broadcaster (the Fininvest Group) in the audiovisual market (three nationwide channels). Despite this, the Constitutional Court held that the provision could remain in force until August 1996.
At the closing date of this issue of IRIS, the Bill to amend the 1990 Statute was expected to be introduced in Parliament by mid-July. The Bill is said to cover issues like anti-trust rules relating to television; a new advertising regime for public and private television; rules on telecommunication networks and services; the role of public broadcasters; the establishment of a new authority to supervise the traditional media (TV, radio, and the press) and providers of telecommunication services.
In regard to the antitrust rules for television, it is expected that the Government will propose anti-concentration rules which will be based on the revenues of the owners of television broadcast licences. Already concerns have been expressed about the consistency of this choice with possible future European initiatives in this field (*see* IRIS 1995 - Special Issue: 12-14; Crabit, Emmanuel; "Pluralism and media concentration": 10 questions and answers on the Commission's work).
Detailed information on the Bill will be provided in the September issue of IRIS.

(Roberto Mastroianni,
Faculty of Law of the University of Florence)

GERMANY: Agreement between the *Länder* on Broadcasting now available in five languages

The complete text of the Inter-State Agreement on Broadcasting, an agreement between the German *Länder* (federal states) on broadcasting, incorporating the first amendments of 24 June 1991, is now available from the Observatory in five languages: German, English, French, Spanish and Russian. The text is accompanied by an introduction on broadcasting law in Germany.

Agreement on Broadcasting between the Federal States in United Germany, 31 August 1991 as amended on 24 June 1994, published by INTER NATIONES, D-53175 Bonn, 1996.

GERMANY: Way open to national media services agreement

The *Land* Presidents have reached agreement with Chancellor Helmut Kohl on the division of responsibilities for legislating on the multimedia.
The *Länder* will conclude a national agreement on media services, which is to take efect on 1 January 1997. This is intended to ensure that economic development of this sector can proceed with the necessary legal and planning security.
The agreement will cover a graded regulating system for media services intended for the general public which do not require licensing or prior notification. It will also guarantee free access to the transmission channels.
The Federation will also be adjusting existing federal legislation (in the criminal and copyright fields, among others) to allow for the multimedia future.
This settlement has put an end to the dispute over powers which had existed for months between the Federation and the *Länder*.

(Dorothee Schwall-Rudolph,
Institut für Europäisches Medienrecht - EMR)

HUNGARY: First steps towards implementation of media law

In IRIS 1996-1 : 14 and 1996-3 : 15, we reported on the coming into force of the new Hungarian Radio and Television Act of 1 February 1996.
The act means that Hungary too now has a dual broadcasting system. State broadcasting authorities must be converted into public law institutions, and commercial broadcasting bodies (some are already operating) brought into line with the new legislation. New supervisory bodies have been elected for Hungarian Radio and Television and for the Duna satellite service. They have advertised the directorships of the various institutions and have already filled some of the posts.
The next step will probably be for the National Radio and Television Corporation (*Országos Radió-Televisió Testület*, ORTT) to advertise the frequencies currently used by the second Hungarian channel (MTV2), thus opening the way to privatization. But it will be 1997 at the earliest, before nationwide commercial channels become operational.

(András Szekfü,
Szignum Média Bt.
Natali Helberger,
Institut für Europäisches Medienrecht - EMR)

DENMARK: New broadcasting agreement

On 10 May 1996 the Danish Government and nearly all parties in Parliament (except one: the *Enhedslisten*) entered into a broadcasting agreement laying down the framework for Danish radio and television for the next four years.
The aim of the agreement is to secure that Danish electronic media and the Danish audiovisual industry are given as wide a framework as possible and to make it possible for the media to meet the increasing competition from abroad and the challenges posed by the technological development.
Some important elements are the following:
– Considerable extra funds are set aside for Danish film production in *Danmarks Radio TV* (DRTV) and TV2, a total of DKK 295 million;
– DRTV and TV2 will have increased financial freedom. The present budget limitations (set by the Minister of Culture) will be abolished and in the future TV2 will have full disposal of its advertising revenues as well as of its share of the licence fees. DRTV will have full disposal of its share of the licence fees. Moreover, DRTV and TV2 will be able to establish subsidiary companies or to enter into cooperation with other companies, for instance concerning pay-TV, and they will be able to offer telecommunications services;
– the public service obligations will be extended to include increased engagement in Danish film production and increased use of independent producers. Presentation of 'public service accounts' will be compulsory;
– discussions aimed at the establishment of TV2 as a limited company with public service obligations are to begin in the near future so that a possible new organisation can enter into force on 1 January 1998;
– local radio stations and local television stations will have a limited right to network, which is not permitted under the existing rules. For local television stations the conditions are, *inter alia*, that at least one hour of locally produced news is broadcast in the evening and that non-commercial stations are offered broadcasting time at specified hours;
– the power of local radio stations will be increased from 30 Watts to 160 Watts and increased geographical coverage will be possible;
– an annual subsidy of DKK 50 million will be granted for the support of non-commercial local radio and television. The subsidy will primarily be financed through a levy on commercial local television and through the licence fees;
– two 4-year pools each of DKK five million annually will be established for experiments with local television and telecommunication and experiments with media schools;
– licence fees will rise by 3.3 per cent annually equivalent to the development in prices and wages.
The Bill to amend the Broadcasting Act as of 1 January 1997 will be submitted in the autumn.
The new rules in the field of local radio and television will only take effect gradually as the present licences expire, unless the broadcasters agree voluntarily to change to the new scheme earlier. The points of agreement not requiring any amendment to the Act or related executive orders, for instance the increase of the transmitting power of the local radio stations, will be carried through as soon as possible.

(Hanne Sønderby,
Danish Ministry of Culture)

NETHERLANDS: Government intention to amend existing Media Decree

The Dutch Government intends to amend the Media Decree *(Mediabesluit)* that implements provisions of the Media Act. The new Media Decree will allow municipalities to charge a maximal surplus of 2 guilders on the regular licence fee *(omroepbijdrage)*, for the benefit of public local radio.
In addition, the new Media Decree will establish criteria according to which it will be allowed to use (commercial) products and services in programmes broadcast by public service broadcasters. The Media Act already generally allows such use (*see:* IRIS 1995-7: 6). The Media Decree will limit the use to the extent that it fits into the context of the programme and the consumption/use of the products/services is not stimulated. This rule will apply to both sponsored and non-sponsored programmes.
Thirdly, the new Media Decree will no longer set separate quotas for European productions for subscription channels. On the basis of the 'Television without Frontiers' Directive, Dutch media law requires that television broadcasters broadcast European works during a minimum of 50 per cent of their transmission time. An exemption was made, however, for subscription channels which are under the obligation to broadcast European products during a minimum of 10 per cent of their transmission time. After having been informed by the European Commission that subscription channels should not be exempted from the quota rules, the Dutch Government decided to change the Media Decree in accordance with this opinion of the Commission. The amendments that the Government wants to intoroduce in the Media Decree are now being evaluated by the State Council *(Raad van State).* It is expected that the amended Media Decree will enter into force in September or October 1996.

(Marcel Dellebeke,
Institute for Information Law at the University of Amsterdam)

UNITED KINGDOM: ITC launches second stage of consultation on Digital Terrestrial Television Licensing

The *Independant Television Commission* (ITC) is launched on 5 June 1996 the second stage of its public consultation on the licensing of digital terrestrial television. The Broadcasting Bill, currently under consideration in the House of Commons, sets out a two-tier licensing structure under which the carriers of the services, the multiplex operators, are to be licensed separately from the services themselves. The ITC published on 22 May in draft form the proposed Invitation to Apply for Multiplex Service Licences, together with a draft licence and various supporting technical documents. Documents published today concern the licensing of services which will be carried on the multiplexes.
The ITC is seeking comments on draft Notes for Guidance of Applicants for two types of such licences: the Programme Services Licence and the Additional Services Licence (eg text and data services). These licences will enable broadcasters to provide services which will be carried on multiplexes once they have entered into agreements with multiplex operators. It will be for multiplex operators to choose which services they will carry. All programme services licensees will be required to comply with the consumer protection requirements contained in the ITC's Codes. Additional services licensees must also comply with the Codes where the services are sent for general reception, as opposed to being sent to closed-user groups. The award of the licences will not be by a competitive process and there will be no limit on the number of licences which the ITC can issue. Each licence can cover more than one service.
Comments on the draft documents were to be received in writing by the ITC no later than Friday 5 July. This was also the deadline for comment on the multiplex documents.

Press release of 5 June 1996. The draft documents are available in English from the Observatory.

(Marcel Dellebeke,
Institute for Information Law at the University of Amsterdam)

SES (ASTRA Marketing France) publication on the right of reception

The Luxembourg based company *Société Européenne des Satellites* (SES), owner of the ASTRA satellite system, recently produced a publication on the freedom of reception under French and European law. The publication is distributed by ASTRA Marketing France. The publication should not be seen as a legal advice; it is the interpretation of SES of the rules relating to freedom of reception that were in force at the time of publication of the document. The document is said to be for information purposes only.
It contains information on the rights of owners and co-owners as well as of tenants. Furthermore it contains information on the impact of town planning rules and procedures and on appeal possibilities.

'Le droit à l'antenne. Le droit de réception des signaux de télévision et de radio.' Société Européenne des Satellites (SES), Luxembourg 1996. Available in French from ASTRA Marketing France S.A., 83 Avenue Charles de Gaulle, F-92200 Neuilly-sur-Seine or from SES Technical Marketing Services, tel.: +352 7107251, fax: +352 710725324.

(Ad van Loon,
European Audiovisual Observatory)

IRIS LEGAL OBSERVATIONS
OF THE EUROPEAN AUDIOVISUAL OBSERVATORY

RECTIFICATION:
Wrong listing of when States became Party to the Convention relating to the distribution of programme-carrying signals transmitted by satellite (IRIS 1996-5: 8)

In IRIS 1996-5: 7-10 we published an overview of the state of Signatures and Ratifications of European Conventions and other international treaties that are relevant to the audiovisual sector.
The listing of when States became Party to the Convention relating to the distribution of programme-carrying signals transmitted by satellite (printed on page 8) is, however, not correct. Accidentily it reproduces the dates on which States became Party to the Berne Convention for the protection of copyright of literary and artistic works (as printed on page 7).
The correct date on which States became Party to the Convention relating to the distribution of programme-carrying signals transmitted by satellite are as follows:

State	Date on which the State became Party to the Convention
Belgique	06/08/1982
Allemagne	25/08/1979
Grèce	22/10/1991
Italie	07/07/1981
Portugal	11/03/1996
Russie	25/12/1991
Slovénie	25/06/1991
Suisse	24/12/1993
Bosnie-Herzégovine	06/03/1992
Croatie	08/10/1991

AGENDA

Telecommunications & EC Competition Law
19-20 September 1996
Organiser: IBC
Fee: £699 (excl. VAT)
Venue: Radisson SAS Hotel, Brussels
Information and registration: Ms Holly Barton, Gilmoora House, 57-61 Mortimer Street, London W1N 8JX,
Tel.: +44 171 4532711,
Fax: +44 171 6313214

Kommunikationsrechtstagung 1996 / Journée du droit de la communication 1996
15 October 1996
Organiser: Medialex magazine in collaboration with the *Institut für Journalistik und Kommunikationswissenschaft* of the University of Freiburg
Fee: CHF 150; subscribers to Medialex: CHF 90; students: CHF 20
Venue: University of Freiburg, Switzerland
Tel.: +41 37 298383
Fax: +41 37 299727

Cyberspace : Advantage Europe ?
6, 7 & 8 November 1996
Organiser : IDATE
Venue : Palais des Congrès Le Corum, Montpellier, France
Tel : +33 67 14 44 10
Fax : +33 67 14 44 00

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