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EDITORIAL

IRIS - Europe wide competence and reliability in the field of media law

Emanating from Audiovisual EUREKA together with thirty-three Member States, the Commission of the European Communities and operating in the legal framework of the Council of Europe, the Observatory was established during 1993. By actively utilising Europe's largest network of professional partners and organisations, its purpose is to act as an information and reference centre for the audiovisual professionals in regards to legal, economic and practical data relating to television, cinema and video throughout Europe. The team of the Observatory consists of a number of qualified specialists, whom are committed to this unprecedented international venture.

In its legal and regulatory information area, the Observatory aims at improving the transfer of information of legal and law-related policy developments within the audio-visual industry and providing greater transparency. By providing this service, the Observatory pays particular attention to ensuring the reliability of the information provided.

In order to perform this task successfully, the Observatory has initiated co-operation between public and private suppliers of information, and has negotiated access to their documentation centres and databases.

Consequently, a network is established with collaborating partner and correspondent organisations, adopting the principles of flexibility and decentralisation and relying on existing information centres and research institutes.

"IRIS - Legal Observations of the European Audiovisual Observatory" is produced by the Observatory together with its network of partner and correspondent organisations in the legal and regulatory information area. The Observatory's legal partners are the Institute for Information Law of the University of Amsterdam (IViR) and the *Institut für Europäisches Medienrecht* (EMR) in Saarbrücken. There are forty national correspondent organisations and one thematic correspondent organisation (the *Max Planck Institut für ausländisches und internationales Patent-, Urheber- und Wettbewerbsrecht* in Munich). This committed team together with the editorial board and a growing number of ad hoc contributors produce the abstracts contained in IRIS.

We are determined to provide you with a publication that contains abstracts on current legal developments that are relevant to the audio-visual professionals, available ten times a year, plus, a special eleventh issue which together with the ten previous issues will constitute a valuable legal yearbook and reference tool. As you can expect, we try and provide the most up-to-date information, however due to our sophisticated production process and the provision of IRIS in three languages, our deadlines for inclusion of articles are three weeks before publication. For ease of use all abstracts are published on the same page in all three language versions.

As I mentioned before, we are very much interested in hearing your comments and views so that IRIS positions itself as a relevant and positive contribution to the legal audiovisual field.

Ad van Loon
IRIS Co-ordinator

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The global Information Society

Conference of G7 Ministers on the Information Society

At the Conference of Ministers held in Brussels on February 25th and 26th, the G7 countries jointly decided to take a leading role in the setting up of a global information network. The participants agreed that their future collaboration would be based on eight basic principles of which two aim especially at encouraging competition and private investment. It is expected that an official structure will be set up which, in the opinion of the participating countries, must take users' needs into account and allow the association to supply services at reasonable prices.

Furthermore, this structure should ensure the protection of personal and private information. Competition rules should be laid down and implemented so as to allow global collaboration but still prevent the danger of abuse of market leader positions.

Other basic principles include encouraging variety in programs and equal opportunities for everyone. The participating countries are seeking to ensure a very wide range of services and free access to the network. Newly reformed States and developing countries will be especially involved in the setting up of this network since it is in these countries that new development is the most expected. Pilot projects are planned soon by the partners involved to demonstrate the opportunities offered by the new information network.

Closing Report on the G7 Conference. A German version is available at the Observatory. Published in English in: "The official results of the G7 Ministerial Conference on the information society", (Europe Documents) EUROPE - Agence internationale d'information pour la presse, 27 February 1995, N° 1923: 1-8; published in French in: "Les résultats de la Conférence ministérielle du G-7 sur la société de l'information", (Europe Documents), EUROPE - Agence internationale d'information pour la presse, 27 février 1995, N° 1923: 1-9

(Volker Kreutzer, *Institut für Europäisches Medienrecht* - EMR)

EBU's Contribution to the G7 meeting on the broadcasters' role in the information society

In a statement dated 20 February 1995, the European Broadcasting Union (EBU) has made a contribution to the G7 meeting on the information society. The statement, titled "Broadcasters' role in the information society", expresses the views of the national broadcasters which are members of the EBU, on the development of the information society. The EBU *inter alia* points out that the cultural, political and social dimensions of the information society must not take second place to the technological and economic aspects of the electronic superhighways. According to the EBU, a purely market driven information society, is likely to lead to negative consequences in regards to greater media concentration and loss of cultural and linguistic diversity in Europe. Public service broadcasting is said to be the best institutional safeguard to counterbalance aberrations caused by a commercially driven information society, on the condition that it is able to evolve. According to the EBU, public service broadcasters will be among the first to use new transmission standards such as DAB and DVB and the new digital technology, which will not only lead to an improvement in the quality of transmissions, but will also offer new complementary services.

European Broadcasting Union, 20 February 1995, "Broadcasters' role in the information society". Contribution from the EBU to the G7 meeting (Brussels, 24-26 February 1995).

European Parliament: Resolution on the information society

In a Resolution on the G7 conference on the information society, held in Brussels on 24-26 February, the European Parliament called upon the Commission to establish a "Bangemann 2 Committee" to look into the effects of the information society on democracy, employment, education, protection of privacy and civil liberties and culture. The Parliament regrets that the Round Table of 25 February solely consisted of representatives from business and industry, with the exclusion of other social partners and independent experts representing a broad range of social interests. Therefore, the "Bangemann 2 Committee" should include representatives of the European Parliament, social partners and independent experts representing a cross-section of society.

In addressing the G7 conference, the Parliament invited the participants to agree on a common agenda which takes full account of the interdependence of the economic, industrial, social, cultural and technical aspects of the information society. The pilot schemes which emerge from the G7 conference should be designed to involve poorer as well as richer countries. In the same Resolution, the European Parliament insists that the European infrastructure should only be opened up to third countries if these countries provide attractive concessions in return, including investment in Europe.

Resolution on the G7 conference on the information society, European Parliament, Minutes Sitting of 16 February 1995, provisional edition, PE 187.047: 28-30.

European Parliament: Report on European Information Highways

The Directorate-General for Research of the European Parliament published a working paper on possible standards for European Information Highways. The report deals mainly with the issues related to the success of Internet. It also summarizes the European Union's policy on the subject of standard-setting for information highways and pays attention to the question of information content.

Ameil, Cécil; "European Information Highways: Which Standards?" (Economic Series), Working Papers W-18, 2-1995, European Parliament, Directorate-General for Research, ISBN 92-823-0679-8. Also published in French under the title: "Autoroutes européennes de l'information: vers quels normes?"



NETHERLANDS: National Media Council recommends new information policy

There is a gradual shift towards a society that is based on cheap and fast exchange of information, as well as a growing supply of information services (facing a relative constant demand by citizens). The number and capacity of means of information transport are increasing in terms of infrastructure and telecommunication services. Moreover, every infrastructure can be used for the transport of nearly every type of information or communication service.

Thanks to technological changes, transfrontier service provision and economies of scale, the number of market players is increasing. The market of supply and demand for information and telecommunication services is on its way to become a 'normal' market where general competition rules play an important role. Because of these developments the need for governmental intervention changes.

The general aims of a new information policy, according to the Media Council should be:

- guaranteed access to a broad diversity of affordable information and communication services for all citizens: producers as well as users of information;
- fair competition within all levels of information transport and information production, provided that limitations are possible in case of matters of public interest.

New information policy should be coherent in regards to the issues of information transport, information production and competition.

Information transport

All information should be available through network services. These network services have a free choice of an underlying infrastructure for the delivery of services, no matter what the nature or content of these services may be. In order to reach this goal there should be regulation on: universal service, interconnection, obligation-to-deal for infrastructure providers and must carry rules for certain information services.

Information production

The provision of information services like broadcasting should be free. Licensing is not necessary and a broad variety of information services should be available. Government must have instruments to promote the availability of services and citizens must have access to the information services. Therefore, individual subsidies, must-carry and price control through universal service obligations might be necessary.

Competition policy

The Media Council holds the opinion that, apart from the earlier mentioned obligations for providers of transport services, market structure and market conduct should only be submitted to general competition law. The latter has enough flexibility to deal with the developments in the information industry. Specific competition regulation like cross-ownership rules is superfluous and can even be considered as a barrier of entry.

Mediaraad (National Media Council), *Nieuw Informatiebeleid*, Amsterdam: Otto Cramwinckel Uitgever, ISBN 90 71894 69x, 72 p.

(Jilles van den Beukel
secretary for broadcasting matters - *Mediaraad* [National Media Council])

Council of Europe

European Court of Human Rights: *Bluf!* v. the Netherlands

On 9 February 1995, the European Court of Human Rights ruled that the seizure by the Dutch authorities of the circulation of an issue of a left-wing weekly, containing a report of the Dutch internal security service, constituted a violation of Article 10 of the ECHR. In the Spring of 1987 the weekly, called *Bluf!*, got access to a quarterly report of the Dutch internal security service, which *Bluf!* decided to publish as a supplement to the issue of 29 April 1987. However, the Amsterdam Regional Court (*Rechtbank*) ordered the seizure of the circulation of the issue concerned before it was sent out to subscribers. Because the police had failed to take away the offset plates from the printing press, the staff of *Bluf!* managed to reprint the issue. The reprinted issues were sold on the streets of Amsterdam the next day, which was the Queen's birthday, a national holiday. The authorities decided not to put a stop to this circulation so as to avoid any public disorder. The request for the return of the confiscated copies was dismissed; the Dutch Supreme Court (*Hoge Raad*) held that the seizure of printed matter to be distributed was, in this case, justified under the Dutch Criminal Code. The European Court of Human Rights noted that the seizure amounted to an interference in *Bluf!*'s freedom to impart information and ideas. The Court ruled that, although the interference was "prescribed by law" and pursued a legitimate aim (the protection of national security), the seizure and withdrawal was not "necessary in a democratic society" and therefore constituted a violation of Article 10 ECHR. The Court based this ruling on its doubt whether the information in the report was sufficiently sensitive to justify preventing its distribution, and furthermore on the fact that, since the issue was reprinted and distributed, the information in question was made accessible to a large number of people; as a result, protecting the information as a State secret was no longer justified and the withdrawal of the issue no longer necessary to achieve the legitimate aim pursued.

European Court of Human Rights, Case of *Vereniging Weekblad Bluf!* v. the Netherlands, 9 February 1995, Series A vol. 306-A.



European Court of Human Rights:
Vereinigung Demokratischer Soldaten Österreichs and Gubi v. Austria

The European Court of Human Rights has held that the refusal of Austria to distribute a special interest magazine among Austrian soldiers, constituted a violation of Article 10 of the European Convention on Human Rights. The monthly magazine, called *der Igel* (the hedgehog) was aimed at the soldiers serving in the Austrian army; it contained information and articles - often of a critical nature - on military life. In 1987, the organisation that published *der Igel* requested the Austrian Federal Defence Minister to have *der Igel* distributed in the barracks in the same way as the other two military magazines. The minister decided that he would not authorise such a distribution. In his opinion, only publications adhering to the constitutional duties of the army, which did not damage its reputation and which did not lend column space to political parties, should be supplied on military premises. The second applicant in this case, Mr Gubi - at that time fulfilling his national service - had been ordered to stop the distribution of issue No. 3/87 of *der Igel* in his barracks. A disciplinary penalty for distributing the magazine was imposed on Mr Gubi, because of certain guidelines prohibiting the distribution of any publication in the barracks without prior authorisation of the commanding officer.

The European Court of Human Rights held that the refusal by the Minister of Defence to allow the distribution of *der Igel* in the same way as other magazines distributed by the army was disproportionate of the legitimate aim pursued. Prohibiting Mr Gubi to distribute the magazine also constituted a breach of Article 10 of the Convention, since the interference was not "necessary in a democratic society".

European Court of Human Rights, Case of Vereinigung Demokratischer Soldaten Österreichs and Gubi v. Austria, 19 December 1994, Series A vol. 302. Available in English and French at the Observatory.

Recommendation on the protection of personal data
in the area of telecommunication services

On 7 February 1995, the Committee of Ministers of the Council of Europe adopted a Recommendation on the protection of personal data in the area of telecommunication services, with particular reference to telephone services.

In their Recommendation, the Ministers recommend the Council of Europe's thirtyfour Member States to apply the principles set out in an Appendix to the Recommendation, to network operators and service providers, who, for the accomplishment of their functions collect and process personal data and process these automatically.

The principles in the Appendix relate to the respect for privacy, the collection and processing of data, the communication of data, rights of access and rectification and security measures to prevent unauthorised interference with, or interception of, communications. For communication of data to third parties, the principles follow the opt-in system: communication of personal data should not take place, unless the subscriber to a network or a service has been given in writing his express and informed consent and the information communicated does not make it possible to identify called parties.

However, subscriber lists which contain personal data may also be communicated by network operators and service providers to third parties if the subscriber has been informed of the intended communication and has not objected, or the data protection authority has authorised the communication, or communication is provided for under domestic law.

Recommendation No R (95)4 of the Committee of Ministers to the member States on the protection of personal data in the area of telecommunication services, with particular reference to telephone services, 7 February 1995. Available in English and French at the Observatory, together with the Explanatory Memorandum.

European Union

Court of Justice of the European Communities: French restrictions
on televised advertising not contrary to European legislation

On 9 February 1995, the Court of Justice of the European Communities has ruled that Articles 30, 85, 86, 5 and 3(f) of the EEC Treaty and the EEC Directive on "Television without Frontiers", do not prevent Member States from prohibiting - by Statute or by regulation - the broadcasting of advertisements for the distribution sector by television broadcasters established on their territory.

The Court answered to a question which was referred to it by the Tribunal de Commerce de Paris in its judgment of 27 September 1993, in the case of the Société d'Importation Edouard Leclerc-Siplec v. TF1 Publicité S.A. & M6 Publicité S.A.

The import company Leclerc-Siplec launched a complaint against TF1 Publicité and M6 Publicité for their refusal to broadcast an advertisement concerning the distribution of fuel by Leclerc supermarkets. TF1 and M6 refused on the basis of Article 8 of Decree No 92-280 of 27 March 1992 which prohibits televised advertising for the distribution sector. Leclerc-Siplec regarded Article 8 of the Decree contrary to several provisions of the EEC Treaty and the Directive on "Television without Frontiers" and asked the Paris Court to refer the question to the Court of Justice.

The Court rules, *inter alia*, that Article 3 of the Directive - which allows stricter rules for a Member State's own nationals than the rules laid down in the Directive - contains no restriction as to the interests which the Member States may take into consideration when prohibiting televised advertising.

Case C-412/93 of 9 February 1995, Société d'Importation Édouard Leclerc-Siplec v. TF1 Publicité S.A. & M6 Publicité S.A. Available in English and French at the Observatory.



European Parliament: Resolution on satellite communications

On 17 February 1995, the European Parliament discussed the Communication from the Commission on satellite communications. In a Resolution adopted on that date, the European Parliament calls on the Member States of the European Union to take any measures in such international satellite organisations as Intelsat, Inmarsat and Eutelsat, likely to ensure the non-discriminatory allocation of space segment capacity. Parliament would like to see an efficient orbit and frequency management and therefore calls on the Commission and the Member States to cooperate closely in the International Telecommunications Union.

Moreover, Parliament asks the Commission to take account of both cultural and economic pluralism so as to ensure and increase diversity and the exchange of views in radio and individual communications.

Furthermore, Parliament expresses the view that the principle of open access to the satellite sector should apply equally to public enterprises partly or completely controlled by the national telecommunications organisations and to private operators and that neither must control the market in the provision of satellite-based services by using protected distribution systems such as coding, whether in television, interactive VSAT or individual services.

Finally Parliament concludes that there may be a need for a central supervisory authority to monitor all providers of space segment capacity in Europe to ensure protection of access and fair competition in the Community.

Resolution on the communication from the Commission to the Council and the European Parliament on satellite communications: the provision of - and access to - space segment capacity, European Parliament, Minutes Sitting of 17 February 1995, provisional edition, PE 187.048: 24-25. Available in English, French and German at the Observatory.

National

FRANCE: State aid to the audio-visual programme industry

On 2 February 1995, the French Prime Minister signed a Decree containing new rules on financial support of the State to the audio-visual programme industry. These new rules replace similar rules that were laid down in Decree No 86-175 of 6 February 1986.

The new rules provide for investment and re-investment aid, and State warrants for audio-visual production companies and aid to production and distribution companies for the promotion and sales of the audio-visual products.

Production companies which are eligible for the different forms of State aid are those which are established in France, of which the chairman, director or manager as well as the majority of the administrators are either of French nationality, or nationals of an EC Member State, a State which is a Party to the European Convention on Transfrontier Television, or of a State with which the EC has concluded special agreements. Another requirement is that the production company applying for aid must not be controlled by one or more other production companies which are established outside these European countries.

The applying production company itself must propose the initiative, accept financial, technical and artistic responsibility as regards the realisation of the work which it undertakes to produce and also guarantee that it will be successfully completed.

Audio-visual productions proposed will only be eligible for State aid in case the intention is to broadcast it firstly on one of the television stations which are subject to French law; an initial investment is made out of a production company's own financial means of at least 5% of the final costs of the alleged production and, in case of an international co-production, of at least 5% of the value of the French participation. This initial investment may be shared by a maximum of two production companies. Furthermore, an initial investment of at least 25% of the final costs of the alleged production must be made by one or more television broadcasters which are subject to French law; in case of an international co-production, this initial investment should be 25% of the value of the French participation. Finally, the production must essentially be realised with the collaboration of either French authors, leading actors, collaborating creative technicians or such nationals of European States of the different categories mentioned above or technical industries established in these countries.

If an audio-visual work is produced only by one or more production companies established in France or, in case of an international co-production, the value of the French participation is higher than 80% of the final costs, the original version of this work must be produced in the French language or in one of the regional languages currently in use in France and at least 50% of the production costs must be spent in France.

If the audio-visual work concerned is produced in the framework of an international co-production, and the value of the French participation is lower than 80% of the final costs, the work, to be eligible to French State aid, must be financed by a French participation of at least 30% of the final costs and at least 30% of the final production costs must be spent in France.

The Minister of Culture decides on whether or not to grant the aid requested on the basis of the advice of specialised commissions which will be established. The French National Film Centre (Centre national de la cinématographie) is assigned the task of administering the new rules.

Decree No 95-110 of 2 February 1995 relating to financial support of the State to the audio-visual programme industry, Journal Officiel de la République française of 3 February 1995: 1875-1879. Available in French through the Observatory.

GERMANY: Satellite dishes in the home - Request by a Turkish expatriot, now of German nationality, to install a satellite dish to receive foreign broadcasts.

In the above case, the Bavarian Supreme Court turned down an application by a Turkish expatriot (the claimant) to install a satellite dish to receive foreign broadcasts.

The claimant acquired German nationality in 1982 and renounced his Turkish nationality at the same time. He owns his own flat in a large apartment complex where a Turkish channel is available by cable. The claimant put up a satellite dish on his balcony to receive more Turkish channels by satellite, and as a result, the other flat owners in the complex successfully brought a case against the man.

A deciding factor in the case was that, in the opinion of the court, the other flat owners in the complex were suffering prejudice by the dish because it went beyond reasonable limits for communal living areas. The court found that putting up a satellite dish detracted from the aesthetic look of the apartment block and that this was confirmed in the present case.

The decision that unavoidable prejudice was caused was carefully considered by the court, considering on the one hand the claimant's need for information and the interests of the other flat owners who require protection against prejudice to their communal property. The claimant's need for information from his original home country was considered to be greatly reduced by the fact that he had renounced his Turkish nationality. His need for information about events in his country of origin was considered to be much greater than that of a person having acquired German nationality by birth, for events abroad, but not as great as that of a Turkish subject living in Germany. The court therefore ruled that, in view of all the facts, the claimant could receive a Turkish channel through the cable network thus giving precedence to the interests of the flat owners.

Ruling by the Bavarian Supreme Court on October 28th 1994, Az.: 27 BR 77/94. Available in German from the Observatory.

(Volker Kreuzer, *Institut für Europäisches Medienrecht* - EMR)

GERMANY: Child protection on German Television - The Voluntary Television Review Body (FSF)

On November 23rd 1993 the biggest private television channels in the German federal republic took the decision to set up a voluntary review body - "Freiwillige Selbstkontrolle Fernsehen e.V." (FSF). This organisation, which is managed by the broadcasters themselves, seeks to control violence and sex as portrayed on television, following a recent public outcry on this matter.

The aim of the association, which came into being officially on April 1st 1994 in Berlin, is to limit the portrayal of violence and sex on television in such a way that they are not prejudicial to the moral, spiritual and mental development of infants and young adults. This aim should ensure child protection over and beyond the limits set down by the law. The association is also seeking to collaborate with regional media bodies, the film industry voluntary review body and the federal assessment body for texts likely to be damaging to children and young adults (cf. Article 2 of the FSF statutes).

Although state bodies are not permitted to make assessments before programs are broadcast because of the ban on complete censorship, a voluntary review body can already start its work at this time. When programs are assessed by the youth protection officers from each television broadcaster, the FSF can also offer guidance in youth protection issues. Rulings made by the examining committee which can include recommendations on broadcasting times, orders to cut certain sequences or warnings against broadcasting, are compulsory (Art 7 No. 4 of the FSF statutes). An appeal committee can be called upon to act against the assessment of the first committee (cf. art. 7 of the basic assessment principles of the FSF). The assessment report is made available to the regional media bodies.

Assessment procedures and content are monitored by an independent board of experts.

The statutes and provisional basic assessment principles of the voluntary review body (FSF) are available in German from the Observatory.

(Andrea Schneider, *Institut für Europäisches Medienrecht* - EMR)

NETHERLANDS: New sponsorship rules

The Dutch Parliament has significantly amended the Government's Bill on the introduction of sponsorship rules for the public broadcasting stations. The Bill - aimed at implementing the 1989 EC Directive on transfrontier television - set out strict limitations on the possibilities of external financing by commercial sponsoring. The Parliament changed the 'no - except' approach into a 'yes - except' form; sponsoring of the programmes of public broadcasters is allowed, except for programmes as news broadcasts, political programmes, programmes aimed at children of 12 years or less and consumer information. Contrary to the Government's proposal, the condoned use of bill boards will be legally allowed to inform the viewers of the fact that a programme is sponsored.

Gewijzigd voorstel van wet, of 7 February 1995, Nr. 23752, Wijziging van bepalingen van de Mediawet met het oog op de uitvoering van richtlijn nr. 89/552/EEG van de Raad van de Europese Gemeenschappen van 3 oktober 1989 betreffende de coördinatie van bepaalde wettelijke en bestuursrechtelijke bepalingen in de Lid-Staten inzake de uitoefening van televisie-omroepactiviteiten (PbEG L 298), en het stellen van overeenkomstige regels inzake de uitoefening van radio-omroepactiviteiten. Copy in Dutch available at the Observatory.

RUSSIAN FEDERATION: New rules on advertising distribution

On 15 December 1994 the State Duma adopted a new federal law "On the Rules of Coverage of the Activity of Institutions of the State Authority in Mass Media". It was signed by the President on 13 January 1995 and entered into force the same day.

Rossiyskaya gazeta on 17 January 1995.

Article 13 of this law states that the TV and radio broadcasting and programs covering the activity of the State institutions may not be interrupted by commercials.

Furthermore, the State Duma of the Federal Assembly approved in the first reading a Federal Bill on advertising which defines advertising and different legal notions relating to it ("advertiser", "producer of advertisements", "distributor of advertisements", "user of advertising"). The Bill also defines "authenticity", "conscientiousness", "decency" in advertising, sets standards for outdoor billboards, advertising on public transportation means, in information services, and for financial, insurance and investment services. Furthermore, it holds provisions for the protection of minors in advertising and provides the instruments for governmental and public control on advertising activities and regulates the liability in case of violations of its provisions.

The latest rules adopted regulating advertising distribution are in the Decree of the President of the Russian Federation "On Guarantees of the Right of Citizens on Health Protection in Advertising Distribution". In it, the President, confirming the requirements of the "Basic Principles of Legislation on Protection of Citizens Health" (adopted in 1993), prohibits distribution by the mass media of advertisements of alcoholic beverages and tobacco products, means of prophylactic treatment and diagnostics, medical drugs, services of healers, psychics, and other products and services that have not been properly tested and have no relevant permits. It is also not permitted to advertise products eligible for compulsory certification but not having received a certificate yet.

The Decree provides for penalties in case of distribution of the banned ads: everything received by media companies or advertisers as a result of such illegal advertising (whether in cash or in kind) will be confiscated by the State to be used in health protection programmes.

Federal law "On the Rules of Coverage of the Activity of Institutions of the State Authority in Mass Media" of 13 January 1995, *Rossiyskaya gazeta* of 17 January 1995.

Decree No 161 of 17 February 1995, *Rossiyskaya gazeta* of 22 February 1995.

Available in Russian through the Observatory.

(Aleksei Samokhvalov

Editor-in-chief, *Rossiskoye Pravo* Information Agency)

UNITED KINGDOM: Radio Authority Code on Advertising and Sponsorship revised

The Radio Authority's Code of Advertising Standards and Practice and Programme Sponsorship has recently been revised. The rules on a wide variety of topics have been amended. Changes have been made with respect to: copy clearance; betting and gaming; premium rate telephone services; financial and medical advertising; introduction agencies and prohibited sponsors.

The Authority has consulted the industry on the changes which were made in the light of two considerations: changing circumstances within the industry and the need for further clarity as regards particular topics.

The Advertising Standards Authority Code has also been revised recently whilst both the Independent Television Commission and the Independent Committee for the Supervision of Standards of Telephone Information Services are reviewing their Codes. The Independent Television Commission (ITC) is particularly concerned about food advertising.

Radio Authority Code of Advertising Standards and Practice and Programme Sponsorship. Available from the Radio Authority, Press and Information Office, Holbrook House, 14 Great Queen Street, London WC2B 5DG, ph.: +44 171 4302724; fax +44 171 4057064.

(David Goldberg, School of Law, University of Glasgow)

UNITED KINGDOM: Future of the BBC debated

On 9 February 1995, the House of Commons debated the future of the British Broadcasting Corporation, following the publication last Summer of a White Paper on the topic.

Two important issues were discussed. One concerned the basis of the BBC's financing, specifically the retention of the licence fee. The Secretary of State for the National Heritage - the Government department responsible for broadcasting - reaffirmed the Government's commitment to the licence fee as the basic means of funding the Corporation. However, some MPs criticised the fact that this policy was to be reviewed before the end of 2001.

The second topic concerned the commitment in the White Paper to taking 'a reasonable proportion of network production from the nations and regions' of the UK. The Government supported this policy of decentralisation, but urged the BBC to be more precise as regards introducing more programme production outside London. Thus far, it has decided to spend GBP 75 million implementing the policy.

White Paper 'The future of the BBC: Serving the Nation, Competing World Wide': Cm 2621. Available from Her Majesty's Stationary Office, London or through the Observatory. Hansard [verbatim proceedings of Parliament] Vol. 254, 9 February 1995. Session 1994-5. Cols 471-554. Available from Her Majesty's Stationary Office.

(David Goldberg, School of Law, University of Glasgow)



News

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

New legal service for new and independent production companies with a modest turnover

The London based organisation PACT's Legal Service, operated in association with Marriott Harrison, has recently been designed to allow new and independent production companies with a modest turnover access to first class professional advice.

The scheme is designed to make expert advice available at times when producers are struggling for finance. The rates offered are not made available to broadcasters or other financiers, and once an allowance for legal advice is made in development budgets, or a television/feature film is commissioned or funded, the fee level is a matter of agreement between Marriott Harrison and the client. The arrangements for invoicing for such fees would then also be a matter for Marriott Harrison and the client to agree directly.

The legal services offered within the scheme are expected to include the following:

- (i) business start up (including company formation, partnership formation, personal service contracts, basic tax advice);
- (ii) project development (including option acquisition, contracting writers, basic copyright advice, vetting development agreements);
- (iii) finance (basic advice as to feasibility of raising and utilising certain forms of finance);
- (iv) business affairs advice relative to the foregoing;
- (v) litigation (initial advice only).

For further information, contact Mr Martin Hart at PACT on ph.: +44 171 2336000, ext. 310; fax: +44 171 2338935.

EC Commission distributes questionnaire on pluralism and media concentration issues

In IRIS 1995-2: 5, we announced that the Commission of the European Communities would open a second round of consultations on the subject of pluralism and media concentration. In the meantime, the Commission sent out a questionnaire on the issue to a large number of European organisations.

The Commission is now planning a second mailing of the questionnaire. It is anxious to hold an open consultation: any individual, firm, body or authority may reply to the questionnaire. The questions in the questionnaire are not exhaustive; other points may be raised. The Commission would now also like to hear the views of the readers of IRIS, especially, academics and practising lawyers which are urged to contact the Commission.

Contributions should reach the Commission by 15 April 1995. For further information you may contact Ms Margot Fröhlinger, Head of Unit E/5 (The Media, Commercial Communication and Unfair Competition) in Directorate-General XV (Internal Market and Financial Services) on ph.: +32 2 2959350 or +32 2 290110, fax: +32 2 2961736, or Mr Emmanuel Crabit, the official in charge of the questionnaire, on ph.: +32 2 2958114 or +32 2 2960110, fax: +32 2 2957712. The postal address is: Commission of the European Communities, DG XV, C-107 8/59, 200 rue de la Loi, B-1049 Brussels.

If you wish to receive a copy of the Green Paper on "Pluralism and media concentration in the internal market - an assessment of the need for Community action" of 23 December 1992 (COM(92) 480 final) or of the Communication to the Council and the European Parliament on the "Follow-up to the consultation process relating to the Green Paper on "Pluralism and media concentration in the internal market - an assessment of the need for Community action" of 5 October 1994 (COM(94) 353 final), you can fax your request to Ms Lauter or Ms van de Vorle on +32 2 2957712 or write to the address indicated above, specifying which language version you require.

FRANCE: TF1 fined for failing to keep to standards laid down for sponsoring

On 13 January 1995, TF1 was fined FRF 4,980,000 by the *Conseil d'Etat* for not keeping to standards laid down for television sponsoring. The channel was accused of failing to include in the credit titles the name of the programme's sponsor, *Tiercé Magazine*: likewise, as the magazine was quoted by name during the main part of the programme, this in turn means the offence comes under Article 7 of the decree of 26 January 1987, which bans press advertising messages. Moreover, with regard to the sponsorship, TF1 was also accused of having quoted the name of the magazine too often during the programme, without keeping to the requirements governing sponsorships and the number of times the sponsor's name can be shown on the screen.

This requirement limiting the number of mentions of the sponsors comes from a circular issued by the *Conseil Supérieur de l'Audiovisuel* (CSA) on 23 July 1990 and which set out conditions for programme sponsorship. The circular went on to say that the mention of the sponsor's name should not last for more than six seconds in the credit titles and five seconds during the programme and at intervals of at least ten minutes. After TF1 appealed, the *Conseil d'Etat* decided that the circular was simply clarifying Article 11 of the aforementioned decree of 1987 and that no appeal could be made against the CSA for acting in excess of its authority.

MEDIA II: more funds for the audiovisual sector

As already mentioned in IRIS 1995-2: 12, the Commission, on the recommendation of Mr. Marcellino Oreja, member of the Commission for Culture and the Audiovisual sector, has adopted the MEDIA II programme. MEDIA II sets out to encourage and develop the audiovisual programme industry in Europe. Its budget for the period 1996 - 2000 will amount to 400 MECU and will be shared out between those three sectors recognised as meeting the needs of a single audiovisual market.

Backing for training for sector professionals

The Commission considers it essential to increase professional skills within the sector if the growth in audiovisual production is to result in an increase in jobs.

The Community action focuses on amplifying and consolidating the training of managers and administrators in the sector and also on promoting awareness of new technology in audiovisual production.

It is the Community's job to back up and amplify the actions of the member States, to stimulate co-operation between professional teaching and training organisations and the corporate sector and to encourage the exchange of information and experience. This action will be carried out in co-operation with existing training centres. The number of establishments that should be interested in the proposed training plan comes to around a hundred. This means that two or three thousand students and professionals could be trained each year (in first-degree and ongoing programmes).

(ii) the development of pan-European programmes

The Commission feels that the problems met by European audiovisual works in their marketing stage often come from a lack of preparation and investment in the pre-production or development phase (script writing, financial package, market surveys).

The objective is to facilitate the development of cinema and television productions that are intended for European consumption and which are likely to grab a fairly large slice of the market. To encourage this initiative, the Commission will be acting within article 130 of the EEC treaty to promote development of projects which feature a commitment to Europe in their distribution strategy. The Commission will also be inviting regional and national authorities to step up their efforts in the same direction.

(iii) trans-national distribution of European programmes

Efforts will be mainly concentrated on this sector. The Commission considers that European productions suffer from a lack of trans-national distribution structures (for cinema films) and a lack of systematic co-operation between television broadcasters, who are the organisations actually responsible for the circulation of audiovisual works (fiction and documentaries).

The objectives can be summed up as follows :

a) cinema : promote the distribution of about a hundred films a year in the European market, by encouraging distributors from the various countries in Europe to make simultaneous contributions to the financing of these productions and also to set themselves up in networks;

b) television : grow the circulation of European works broadcast by European TV corporations by encouraging them to join together in coproductions and with independent production companies.

Funds would be granted as for MEDIA I (1991 - 1995), in the form of loans that would not go over 50% of the cost of the actions in question (except for training, where Community backing, given as expendable subsidies, could go up to 75%).

Funding to help quality dubbing or sub-titling will also be an important part off MEDIA II's objectives. Community funding thus granted will be written off.

The MEDIA II Programme will be published in document COM (94) 523 final.

NETHERLANDS: Public broadcaster in joint venture with private Luxembourg broadcaster; other public broadcasters join forces

The Dutch broadcasting organisation Veronica, currently licensed to broadcast in the public broadcasting system of the Netherlands, is going ahead with its plans to become a private commercial broadcaster. The broadcasting organisation has concluded an agreement with Endemol, a major independent production company based in the Netherlands, and with RTL4 and 5, the Dutch language private commercial channels of the Luxembourg based organisation CLT. Endemol will produce most of the programmes for the joint venture. The new conglomerate will broadcast three television programmes: the existing RTL4 and RTL5 programmes, joined in September by Veronica's programme. The agreement was due to be signed on 15 March.

At the same time, three other Dutch broadcasting organisations licensed to broadcast in the public broadcasting system of the Netherlands who were already coordinating their broadcasts, are planning to merge their activities. They are convinced that integration of the broadcasters operating in the public broadcasting system will offer the best guarantee for an independent public broadcasting service. Therefore, the VARA, VPRO and NPS (former NOS) - currently broadcasting on the channel Nederland 3 - will co-produce programmes starting this Fall with the ultimate aim of merging the three organisations into one in five years time. The agreement to this end between them is in a state of draft at the time this issue of IRIS going to press. As with the developments with Veronica/Endemol/RTL, IRIS will keep a close watch on these developments and will report on them in the next issues.



BELGIUM: VT4 access to the Flemish cable networks - Part 3

The State Council, the high administrative Court in Belgium, has ruled in a judgment of 2 March 1995 (Case No 51.964) that VT4 is to be given access to the Flemish cable networks. By Ministerial Order of 16 January 1995 the Flemish Minister of Cultural Affairs refused to permit the Flemish cable networks to distribute the television programmes of VT4. A decision of 24 January 1995 by the President of the 4th Chamber of the State Council had already provisionally suspended the Ministerial Order. In its judgment of 2 March the State Council affirmed the suspension. The Ministerial Order is now suspended until the final judgment of the State Council within a period of six months.

The suspension of the Ministerial Order refusing VT4 access to the Flemish cable networks is essentially based on European Community law. The State Council refers to article 2 of the Television Directive of 3 October 1989, according to which a receiving state is not entitled to deny access to the national cable network if the foreign broadcaster is licensed in another EC Member State. The argument that the British authorities are not capable to control the VT4 programmes properly and hence the failure of the United Kingdom to fulfil its obligations under the Television Directive, is not relevant, according to the State Council. Eventually it is up to the European Court to decide on this question; the receiving states are not competent on this issue.

The denial of access to VT4 is also considered to be a breach of the provisions concerning the freedom of movement of services within the EC, as guaranteed by article 59 of the EC Treaty. It is argued by the State Council that the protection of the existing monopoly of the Flemish commercial broadcasting organisation VTM (*Vlaamse Televisie Maatschappij*) is not a legitimate argument to restrict the freedom of movement of services offered by foreign broadcasters. The appeal on article 90 par. 2 and article 128 of the EC Treaty to legitimise the protection of the VTM-monopoly and the denial of access of VT4 to the Flemish cable networks, is also dismissed by the Administrative Court.

(Prof. Dirk Voorhoof,

Media Law Section of the Department of Communication Sciences, Ghent University, Belgium).

COUNCIL OF EUROPE:

State of Signatures and Ratifications of relevant European Conventions

on 1 March 1995 -

Part 2: update, rectification, Reservations, Declarations and Territorial Declarations

In IRIS 1995-1: 16-18 we provided an overview of the state of signatures and ratifications of all Conventions concluded within the framework of the Council of Europe and of relevance to the audio-visual sector.

However, sometimes the signature of States is accompanied by a Declaration and sometimes States may make their signature subject to a Reservation.

Since the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite, the European Convention on cinematographic co-production and the European Convention on Transfrontier Television are treaties on which the European Audiovisual Observatory receives many questions, we consider it important to provide an update and to publish the texts of the Declarations and Reservations made by the States that are Parties to these particular Conventions.

(i) Date of Signature; (ii) Date of Ratification or Accession; (iii) Date of entry into force.

European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite/Convention Européenne concernant des questions de droit d'auteur et de droits voisins dans le cadre de la radiodiffusion par satellite, 11.5.1994, European Treaties Series/Série Traités Européens No 153, entry into force: 5 ratifications including 4 Member States.

Cyprus: (i) 10.02.1995.

Luxembourg: (i) 11.05.1995.

Norway: (i) 11.05.1994.

San Marino: (i) 11.5.1994.

Spain: (i) 11.5.1994.

Switzerland: (i) 11.5.1994.

European Convention on cinematographic co-production/Convention Européenne sur la coproduction cinématographique, 2.10.1992, European Treaties Series/Série Traités Européens No 147, entry into force: 1.04.1994.

Member States

Austria: (i) 9.02.1994; (ii) 2.09/1994; (iii) 31.01.1995.

Denmark: (i) 2.10.1992; (ii) 2.10.1992; (iii) 1.04.1994.

France: (i) 19.03.1993.

Germany: (i) 7.05.1993.

Italy: (i) 29.10.1992.

Latvia: (i) 27.09.1993; (ii) 29.09.1993; (iii) 1.04.1994.
Luxembourg: (i) 2.10.1992.
Netherlands: (i) 4.07.1994.
Portugal: (i) 22.07.1994.
Slovak Republic: (i) 05.10.1993; (ii) 23.01.1995; (iii) 1.05.1995.
Spain: (i) 2.09.1994.
Sweden: (i) 10.05.1993; (ii) 10.06.1993; (iii) 1.04.1994.
Switzerland: (i) 5.01.1992; 5.11.1992; (ii) 5.11.1992; (iii) 1.04.1994.

United Kingdom: (i) 5.11.1992; (ii) 9.12.1993; (iii) 1.04.1994.

Declaration made at the time of deposit of the instrument of ratification, on 9 December 1993 (original language: English):

In accordance with Article 5, paragraphe 5 of the Convention, the United Kingdom designates the Department of National Heritage, 2-4 Cockspur Street, London SW1Y 5DH as the authority for which co-production status application shall be submitted.

Non-Member States

Holy See: (i) 10.02.1993.

Russian Federation: (i) 30.03.1994; (ii) 30.03.1994; (iii) 1.07.1994.

Declaration contained in a letter from the General Consul of the Federation of Russia, dated 5 May 1994, registered at the Secretariat General on 6 May 1994 (original language: French):

In accordance with Article 5, paragraphs 2 and 5, of the European Convention on Cinematographic Co-production, the Government of the Federation of Russia declares that the "State Committee of the Russian Federation for cinematography", 7, M. Gnezdnikovski per., 103877 Moscow shall be the authority to which applications for co-production status shall be submitted.

European Convention on Transfrontier Television/Convention Européenne sur la télévision transfrontière, 5.05.1989, European Treaties Series/Série Traités Européens No 132, entry into force: 1.05.1993.

Member States

Austria: (i) 5.05.1989.

Cyprus: (i) 3.06.1991; (ii) 10.10.1991; (iii) 1.05.1993.

Declaration contained in a letter from the Permanent Representative of Cyprus dated 27 March 1992, registered at the Secretariat General on 30 March 1992 (original language: English):

Authority (Article 19): Ministry of Interior, Nicosia, Cyprus

Finland: (i) 26.11.1992; (ii) 18.08.1994; (iii) 1.12.1994.

Reservation contained in the instrument of acceptance, deposited on 18 August 1994 (original language: English):

Finland declares, according to Article 32, paragraph 1.a, of the Convention, that it reserves the right to restrict the retransmission on its territory, solely to the extent that it does not comply with its domestic legislation, of programme services containing advertisements for alcoholic beverages according to the rules provided for in Article 15, paragraph 2 of this Convention.

Declaration contained in a letter from the Permanent Representation of Finland, dated 15 August 1994, handed to the Secretary General at the time of deposit of the instrument of acceptance, on 18 August 1994 (original language: English):

Authority (Article 19): Ministry of Transport and Communications, P.O. Box 235, FIN-00131 Helsinki, Finland, Tel.: +358 0 17361, Fax: +358 0 1736340.

France: (i) 12.02.1991; (ii) 21.10.1994; (iii) 1.02.1995.

Declaration made at the time of signature on 12 February 1991 and confirmed in the instrument of approval, deposited on 21 October 1994 (original language: French):

In the same spirit as at the time of the adoption of the Community's "Television without Frontiers" Directive in October 1989, France has decided to sign the Council of Europe's Convention on Transfrontier Television with a view to promoting freedom of information as well as the exchange and production of audiovisual programmes in Europe.

Now that the Audiovisual EUREKA project is beginning to bear fruit, France intends to make every endeavour to ensure that the Convention contributes in a wider geographical framework to the promotion of European programmes and the emergence of a structured and competitive continental market.

This Convention was not designed, and should not be used, to justify projects whose sole purpose is to circumvent national and Community regulations intended to encourage European programming and production.

In committing itself, therefore, France is sure that all the signatory countries to the Convention share the same concerns, as any interpretation or measure contrary to such principles would constitute a serious undermining of the very foundations of the policy of European audio-visual co-operation.



Germany: (i) 9.10.1991; (ii) 22.7.1994; (iii) 1.11.1994.

Declaration made at the time of signature on 9 October 1991 (original language: English and German): Legal proceedings are pending at present before the Federal Constitutional Court in which the question of whether the European Communities were entitled to issue the directive on television may be of importance.

The Federal Republic would like to make it clear that its signing of the Convention does not at the same time prejudice its consent to the European Communities' accession to the Convention.

Declaration contained in a letter from the Permanent Representative of Germany, dated 30 August 1994, registered at the Secretariat General, on 1 September 1994 (original language: French and German):

Legal proceedings are pending at present before the Federal Constitutional Court in which the question of whether the European Communities were entitled to issue the directive on television may be of importance.

The Federal Republic would like to make it clear that the deposit of the instrument of ratification of the Convention does not at the same time prejudice its consent to the European Communities' accession to the Convention.

Declaration contained in a letter from the Permanent Representative of Germany, dated 30 August 1994, registered at the Secretariat General, on 1 September 1994 (original language: French):

Authorities (Article 19): Bundesministerium des Innern, Referat S M 7, Graurheindorfer Str. 198, 53117 Bonn (at Federal level); Rundfunkkommission der Ministerpräsidenten der Länder zugleich Staatskanzlei des Landes Rheinland-Pfalz, Peter Altmeier Allee 1, 55116 Mainz (at Länder level).

Note: A copy of each message to one authority shall be transmitted to the other one.

Greece: (i) 12.03.1990.

Hungary: (i) 29.01.1990.

Italy: (i) 16.11.1989; (ii) 12.02.1992; 1.05.1993.

Declaration contained in a letter from the Permanent Representation of Italy dated 12 May 1992, registered at the Secretariat General on 13 May 1992 (original version: French):

Authority (Article 19): Postal and Telecommunications Ministry ("Ministerio delle Poste e Telecomunicazioni"), Cabinet du Ministre, Viale, 201, I-00144 ROME.

Liechtenstein: (i) 5.05.1989.

Luxembourg: (i) 5.05.1989.

Malta: (i) 26.11.1991; (ii) 21.01.1993; (iii) 1.05.1993.

Declaration contained in a letter from the Ministry of Foreign Affairs dated 26 March 1993, registered at the Secretariat General on 5 April 1993 (original language: English):

Authorities (Article 19): Dr Peter GRECH, Attorney General's Office (Legal); Mr Anthony MALLIA, Executive-Ministry for Youth and the Arts (Technical).

Netherlands: (i) 5.05.1989.

Norway: (i) 5.05.1989; (ii) 30.07.1993; (iii) 1.11.1993.

Reservation contained in a letter from the Minister for Foreign Affairs dated 3 May 1989 and handed to the Secretary General at the time of signature and confirmed at the time of deposit of the instrument of ratification, on 30 July 1993 (original language: English):

The Government of Norway upon signing the European Convention on Transfrontier Television, in accordance with Article 32, paragraph 1, litera a, reserves the right to restrict the retransmission of programme services containing advertisements for alcoholic beverages which do not comply with Norwegian domestic legislation.

Declaration contained in a letter from the Permanent Representation of Norway, handed to the Secretary General at the time of deposit of the instrument of ratification, on 30 July 1993 (original language: English):

Authority (Article 19): Ministry of Cultural Affairs, P.O. Box 8030 Dep., N-0030 OSLO, Norway. (Tel. 47 22 34 90 90) (Fax: 47 22 34 95 50).

Poland: (i) 16.11.1989; (ii) 7.09.1990; (iii) 1.05.1993.

Declaration contained in a letter from the Permanent Representative of Poland dated 22 April 1992, registered at the Secretariat General on 29 April 1992 (original language: English):

Authority (Article 19): Committee for Radio and Television, 17, J.P. Woronicza Str., PL - 00-950 Warsaw.

Portugal: (i) 16.11.1989.

San Marino: (i) 5.05.1989; (ii) 31.01.1990; (iii) 1.05.1993.

Spain: (i) 5.05.1989.

Sweden: (i) 5.05.1989.

Switzerland: (i) 5.05.1989; (ii) 9.10.1991; (iii) 1.05.1993.

Reservation and Declaration contained in a letter from the Head of the Federal Department for Foreign Affairs dated 5 May 1989, registered at the Secretariat General on 17 May 1989 (original language: French):

Switzerland reserves the right to restrict the retransmission on its territory, solely to the extent that it does not comply with its domestic legislation, of programme services containing advertisements for alcoholic beverages according to the rules provided for in Article 15, paragraph 2 of this Convention.

Switzerland will provisionally apply the Convention as from the signature at today's date.

Reservation contained in the instrument of ratification deposited on 9 October 1991 (original language: French):

Switzerland reserves the right to restrict the retransmission on its territory, solely to the extent that it does not comply with its domestic legislation, of programme services containing advertisements for alcoholic beverages according to the rules provided for in Article 15, paragraph 2 of this Convention.

Declaration contained in a letter from the Federal Department for Foreign Affairs of Switzerland, dated 15 April 1992, registered at the Secretariat General on 27 April 1992 (original language: French):

Authorities (Article 19):

1. Federal Office of Communication, Federal Department of Transport, Communication and Energy, Mr Frédéric RIEHL, Vice-Director, 44. rue de l'Avenir, CH - 2503 BIENNE;

2. The Independent Authority for the Examination of Radio and Television Complaints (Autorité indépendante d'examen des plaintes et matière de radio et télévision) Case postale 8547, 3001 Berne, will, if necessary, work in conjunction with the authority mentioned above. The Independent Authority for the Examination of Complaints is competent in Switzerland to rule on the content of radio and television programmes (application of Article 7 of the Convention).

Turkey: (i) 7.09.1992; (ii) 21.01.1994; (iii) 1.05.1994.

United Kingdom: (i) 5.05.1989; (ii) 9.10.1991; (iii) 1.05.1993.

Declaration contained in a letter from the Permanent Representative of the United Kingdom dated 23 March 1992, registered at the Secretariat General on 1 April 1992 (original language: English):

Authorities (Article 19):

1. Authority responsible for all television broadcasts on BBC1 and BBC2:

British Broadcasting Corporation (BBC), The Secretary, Broadcasting House, Langham Place, GB - London W1A 1AA;

2. Authority responsible for any other television broadcasts from the United Kingdom:

Independent Television Commission (ITC), Mr Johnson, Esq, Chief Assistant (Policy), 70 Brompton Road, GB - London SW3 1EY.

Note: Any communication with either of these two authorities should be copied to the Broadcasting Department of the Home Office, 50 Queen Ann's Gate, London SW1.

Territorial Declaration contained in a letter from the Permanent Representative of the United Kingdom dated 1 September 1994, registered at the Secretariat General on 2 September 1994 (original language: English):

In accordance with Article 31 of the said Convention, the Convention shall apply to the Bailiwicks of Jersey and Guernsey, being territories for whose international relations the Government of the United Kingdom is responsible.

Non-Member States

Holy See: (i) 17.09.1992; (ii) 7.01.1993; (iii) 1.05.1993.

Declaration contained in a letter from the Special Envoy of the Holy See dated 4 February 1993, registered at the Secretariat General on the same day (original language: French):

Authority (Article 19):

Pontifical Council for Social Communications, Palazzo San Carlo, 00120 Città del Vaticano, tel.: (39) 6-698-83.197, Fax: (39) 6-698-85.373;

H.E. Mgr John P. FOLEY, President

Mgr Pierfranco PASTORE, Secretary

Mr Hans-Peter RÖTHLIN, Under Secretary

Russian Federation: (i) 30.03.1994; (ii) 30.03.1994; (iii) 1.07.1994.

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AGENDA

Home Shopping, 5 April 1995: "Developing your interactive home shopping application" (Code G3275), 6-7 April 1995: "Exploiting the opportunities in the rapidly emerging market of home shopping" (Code G3274), Conference G3274: The Regent London, 222 Marylebone Road, London NW1 6JQ, ph.: +44 171 6318000, fax: +44 171 3969090, Seminar: Harrington Hall, 5-25 Harrington Gardens, South Kensington, London SW7 4JW, ph.: +44 171 3969696, fax: +44 171 3969090, Conference: £ 695 (excl. 17.5% VAT), Seminar: £ 495 (excl. 17.5% VAT), Both: £ 1040 (excl. 17.5% VAT), Information and Registration: IIR Ltd., ph.: +44 171 4120141, fax: +44 171 4120145.

Les mardis de l'Audiovisuel
Cycle de conférences sur le droit de l'audiovisuel européen
Themes:

11 April 1995 - Marianne Dony: "Les aides à l'audiovisuel à la lumière du traité de Maastricht";

9 May 1995 - Carine Dautrelepon: "La jurisprudence de la Cour de justice dans le domaine de l'audiovisuel".

Time: 6.30 pm-8.00 pm
Place: Institut d'Etudes européennes, Avenue F.D. Roosevelt, 39 - CP 172, Séminaire III, B-1050 Brussels. Organisation: "Université Libre de Bruxelles (ULB), Centre de droit de l'information et de la communication de la faculté de droit" in collaboration with the "Institut d'études européennes".
Information and Registration: Jeanne De Ligne, Institut d'Etudes européennes, Avenue F.D. Roosevelt 39, B-1050 Brussels, ph.: +32 2 6503093. Price: BEF 1,100 for each session.

Justice et Medias
Seminaire de philosophie du droit

Theme: *Démocratie médiatique*
3 April 1995 - Jean de Munck: "Que peut la justice au marché de l'image?"

17 April 1995 - Boris Libois: "Vers une régulation procédurale des médias";

15 May 1995 - Daniel Bounoux: "Le direct, la démocratie et les effondrements symboliques";

29 May 1995 - Philippe Raynaud: "La transparence";
12 June 1995 - Séance de synthèse. Claude Lefort: "La démocratie à l'épreuve des médias".
Time: 5.30 pm - 7.30 pm
Place: ENM, 3 ter quai aux fleurs, F-75004 Paris.
Organisation: Ecole Nationale de la Magistrature (ENM), the Institut des hautes études sur la justice and ESPRIT. Information and Registration: Anne Avy, IHEJ, 8 rue Chanoinesse, F-75004 Paris, ph.: +33 1 40510251, no charge.

Telecommunication Services and Competition Law in Europe

6th Annual Seminar presented by the Communications Law Committee and the Antitrust and Trade Law Committee of the International Bar Association's Section on Business Law, 6-7 April 1995, Inter-Continental Hotel, Vienna, information and registration: International Bar Association, 2 Harewood Place, Hanover Square, London W1R 9HB, ph.: +44 171 6291206, fax: +44 171 4090456.

DigiMedia. Where Television and Multimedia meet

19-21 April 1995. Organisation: University of Geneva - MIRA-Lab, Audiovisual EUREKA, the European Broadcasting Union (EBU) and the International Telecommunications Union (ITU). Attention will be paid to the regulation of multimedia developments especially in relation to copyright. Information and registration: DigiMedia Secretariat, Philippe Coeytaux, 91 Boulevard de la Cluse, CH-1205 Geneva, fax: +41 22 3209075.

International Intellectual Property Law and Policy

3rd annual conference on copyright, patent and trademark law, New York, 20-21 April 1995, Fordham Law School, 140 West 62nd Street, NY 10023, with speakers of the Commission of the European Communities, the U.S. government, academia and the U.S. and international bars. Information: T. Scott Lilly, Office of Academic Programs Fordham University School of Law, e-mail address on the internet: slilly@law.fordham.edu.

European Telecommunications Law; conference and workshop. Developments in the legal and regulatory framework

Brussels 10-12 May 1995, Radisson SAS Hotel, Wolvengrachtstraat 47/Rue du Fosse-Aux-Loups, B-1000 Brussels, ph.: +32 2 2192828, fax: +32 2 2196262, information and registration: IBC Technical Services Ltd., Gillian Charlton or Caroline Bishop, Gilmoora House, 57-61 Mortimer Street, London W1N 8JX, ph.: +44 171 6374383, fax +44-171-6361976 / 6313214, £ 995 + 20.5% VAT; documentation only: £ 185.

International Conference on Media Concentration: Transparency, Access & Pluralism

Copenhagen, 12 & 13 June 1995, organised by the Danish Media Committee in cooperation with UNESCO. Information: Ms Else Fabricius, Prime Minister's Office, +45 3392 2292.

Asian Telecommunications Conference

Hong Kong, 15 & 16 June 1995, Island Shangri-La Hotel, Financial Times Conferences, P.O. Box 3651, London SW12 8PH, ph.: +44 181 6739000, fax: +44 181 6731335, £ 720.

Philantropy and the media

International Conference, Malta, 13-15 September 1995, Selmun Castle. Information and registration: Interphil, CIC Case 20, CH-1211 Geneva 20, ph.: +41 22 3776717, fax: +41 22 7347082, US\$ 250.

Post-Soviet Media in Transition.

An East-West Symposium
25-27 August 1995, John Logie Baird Centre (Universities of Glasgow and Strathclyde), the Stirling Media Research Institute (University of Stirling) and the Department of Slavonic Languages and Literatures (University of Glasgow), Information and registration: Dr. Brian McNair, Stirling Media Research Institute, University of Stirling, Stirling FK9 4LA, Scotland, ph.: +44 786 467525, fax: +44 786 466855, e-mail address on the internet: brian.mcnaire@stirling.ac.uk.