

Doc CC TVWF (2005) 4

MINUTES OF THE 23rd MEETING OF THE CONTACT COMMITTEE ESTABLISHED BY THE TELEVISION WITHOUT FRONTIERS DIRECTIVE

on 14 October 2005

1. Agenda

The Chairman welcomed the members of the Contact Committee. The agenda was adopted.

2. Review of the “Television without Frontiers Directive”- Results of the public consultation on the Issues Papers and the Liverpool Conference.

The Commission intends to adopt a draft legislative proposal round the end of 2005. In oral presentations the Commission outlined its conclusions from the results of the public consultation on the Issues Papers and the Liverpool Conference and its present line of thinking:

1. Rules applicable to Audiovisual Content Services – Jurisdiction.

The Commission Services reiterated that the future regulatory framework should cover audiovisual media services the purpose of which is the delivery of audiovisual content to the general public. As a result of the review of the Television without frontiers Directive the present Directive could be developed into a two-tier system of regulation.

With regard to jurisdiction, the Commission Services reiterated that the country of origin principle is the core of the Television without Frontiers Directive and that the European Court of Justice case law could be codified and complemented with a procedure for its easier application.

2. Rights to Information and Short Extracts.

The Commission Services recalled the Liverpool discussion on non discriminatory access for non national broadcasters and intermediaries to short extracts of newsworthy events.

3. Cultural Diversity and Promotion of European and Independent Audiovisual Production.

The Commission affirmed that the rules concerning Art 4 and Art 5 are satisfactory and that they should be applied only to linear services. With regard to non linear services, the Commission could envisage flexible rules encompassing the obligation to promote production and access to European works, but no quota obligations.

4. Commercial Communications.

The Commission Services reiterated their intention to simplify the regulation concerning commercial communications especially with regard to the rules on the insertion of advertisement. Linear and non linear audiovisual services should be subject to some basic common qualitative rules.

5. Protection of Minors and Human Dignity, Right of Reply.

The general principles regarding protection of minor (protection of physical, mental or moral development of minors) and human dignity (protection against incitement to hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) should cover linear and non linear services.

3. Application of Art 2a and Chapter V of the Television without frontiers *Presentations by the United Kingdom and the European Commission.*

The UK delegation outlined the facts and the procedure that led to the proscription of “Extasi TV” in the UK. The Commission explained the Commission decision according to which the measures taken by the UK are compatible with Community Law. However, the Commission also pointed to the fact that no Member State seems to be willing to accept jurisdiction for “Extasi TV” and since the operator evidently is established in the European Union this would be in breach of Community Law. The two Member States that according to the criteria in Art 2 TVWF are the possible responsible Member States (ES, IT) took the floor and explained the reasons for which they consider that they are not responsible. It was agreed that the competent regulators of the Member States concerned will cooperate to find a solution within two months and that the Commission would offer its good services to this bilateral consultations before launching any infringement procedure.

4. Regulation on Consumer Protection Cooperation

Presentation by the Health and Consumer Protection Directorate.

DG Sanco presented this cooperation scheme that requires competent national authorities to monitor the application of the regulation concerning health and consumer protection in order to provide the Commission with useful data in order to create an updated and common database.

5. Preliminary findings of the Study on Co-Regulatory Measure in the Media *Sector Presentation by Prof. Schulz, Hans-Bredow Institut.*

Prof. Schulz presented the progress made in the work on his study and announced that the seminar for validation of the draft final report would take place on 19 January 2006.