

Audiovisual

The legal basis of the Audiovisual Policy is Article 151 of the Treaty establishing the European Community

The audiovisual sector provides one million EU jobs. It involves big commercial interests and issues of cultural diversity, public service and social responsibility. Each national government runs its own audiovisual policy, while the Union sets rules and guidelines where common interests, like open EU borders and fair competition, are concerned.

Television without frontiers

The EU's landmark piece of audiovisual legislation is the 'Television Without Frontiers' directive which sets the conditions for the transmission of television broadcasts within the European single market. The directive dates from 1989 and was updated in 1997. It is under review and may be further amended, to take account, inter alia, of the impact of digital broadcasting and the wider choice of channels it offers. The scope of any proposed changes will be known by the end of 2005.

The directive requires member states to coordinate their national legislation in order to ensure that:

- » there are no obstacles to the free movement of television programmes within the single market;
- » television channels, where practicable, reserve at least half their broadcasting time for films and programmes made in Europe;
- » safeguards are in place to protect certain important public interest objectives such as cultural diversity;
- » governments take action to ensure that a broad public has access to major events, which therefore cannot be restricted to pay-TV channels only. This provision refers mainly to international sporting events such as the Olympic Games or World Cup football;
- » governments take measures to protect minors against violent or pornographic programmes by scheduling them late at night and/or by limiting access through a technical device built into the TV control handset;
- » parties unfairly criticised in a television broadcast have the right of reply;
- » the maximum volume of advertising that channels can carry during a given period (measured in minutes per hour or per day) are fully respected.

Public service broadcasting

The commitment to promote public service broadcasting was reinforced by a protocol attached to the Treaty of Amsterdam, which took effect in 1999. This confirms the importance governments attach to public broadcasting because of its role in underpinning the democratic, social and cultural needs of each society and in safeguarding plurality in the face of the trend towards media concentration

Under the protocol, each member state is free to define the structure of its public broadcasting service (PBS) and organise its tasks in a way that serves the general interest. It can also support the PBS

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financially, providing the funding is used to pursue the public service goal and does not impede normal commercial operations or distort competition among broadcasters.

The cultural exception

The requirement in the directive for a minimum quota of European programmes reflects concerns that American productions will take the lion's share of the European market. It is worth noting, for instance, that although EU countries make more films than the US, 75% of the income of European cinemas comes from American films.

To protect its own cultural diversity and promote local productions, the EU sought and secured at the World Trade Organisation what became known as the 'cultural exception'. This allows Union member states not to open up their markets for cultural items like films as they do for other goods imported from outside.