

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(84) 300 final

Brussels, 14th June 1984

TELEVISION WITHOUT FRONTIERS

GREEN PAPER ON THE ESTABLISHMENT OF THE COMMON MARKET FOR BROADCASTING, ESPECIALLY BY SATELLITE AND CABLE

(Communication from the Commission to the Council)

Introduction
Parts One, Two and Three

Pages 1-62

COM(84) 300 final

INTRODUCTION

THE BRIEF FOR THE COMMUNITY

Purpose of the Green Paper

On 25 May 1983, the Commission adopted its interim report on "Realities and tendencies in European television: perspectives and options".¹ The report is mainly concerned with examining the scope for creating a European television channel. The Commission decided that the question of how the common market for the national television channel could be established should be dealt with separately.² Examination of this question is presented here in the form of a Green Paper. This is intended by the Commission as a preparatory document providing a basis for legislative measures (harmonization of national law) and application measures (implementation of the freedoms enshrined in the Treaty of Rome). It describes as far as possible the situation at the beginning of May 1984.

The purpose of this paper is threefold: to demonstrate the importance of broadcasting (radio and television) for European integration and, in particular, for the free democratic structure of the European Communities; to illustrate the significance of the Treaty establishing the European Economic Community (EEC Treaty) for those responsible for producing, broadcasting and re-transmitting radio and television programmes and for those receiving such programmes; and to submit for public discussion the Commission's thinking on the approximation of certain aspects of Member States' broadcasting and copyright law before formal proposals are sent to the European Parliament and to the Council.³

The Commission's action is in response to Parliament's Resolution on radio and television broadcasting in the European Community of 12 March 1982, in which Parliament "considers that outline rules should be drawn up on European radio and television broadcasting, inter alia with a view to protecting young people and establishing a code of practice for advertising at Community level".⁴

¹ It was published as document COM(83)229 final and is referred to below as the interim report.

² Interim report, p. 8, point 3 and pp. 23-24, point 32.

³ Although this paper also deals with the copyright issues arising in connection with the establishment of a common market in broadcasting, it is not to be confused with the "Green Paper" on the reform of the law on copyright and related rights, announced by the Commission in its Communication to the European Parliament and to the Council entitled "Stronger Community action in the cultural sector" (Bulletin of the European Communities, Supplement 6/82, pp. 16-17).

⁴ OJ No C 87 of 5 April 1982, p. 110, point 7.

In the report on radio and television broadcasting in the European Community drawn up on behalf of the Committee on Youth, Culture, Education, Information and Sport by Mr Wilhelm Hahn (EPP) and adopted unanimously by Parliament, some of the reasons given are: "Information is a decisive, perhaps the most decisive factor in European unification. ... European unification will only be achieved if Europeans want it. Europeans will only want it if there is such a thing as a European identity. A European identity will only develop if Europeans are adequately informed. At present, information via the mass media is controlled at national level. ... Information and economics are closely inter-related - an obvious example being advertising - and consequently the involvement of the media in European unification clearly adds a new dimension within the context of the treaties of Rome. Economic exchanges, understanding of social processes, freedom of movement and trade, vocational training and many other activities are inconceivable without information. Indeed, for some time information itself has been an important branch of the economy. ... Further difficulties arise from the legal point of view: the Geneva broadcasting conference of 1977 tried to establish the responsibilities of the existing companies at that time in a form which would be legally binding for at least 10 years"; in other words, "it made efforts to fix national borders as the compulsory limits for satellite transmissions. This move is attributable to Eastern European fears about free movement of the media and to the concern among the Western countries about unlimited competition as a result of advertising."²

The Opinion of the Political Affairs Committee, drafted by Mr Johan van Minnen (S) and likewise unanimously adopted,³ includes the following: "In the eighties and nineties, therefore, broadcasting will be faced with ... far-reaching social developments. ... Those Member States ... will not escape the breaking-open of this /closed broadcasting system/. ... But if the state control is threatened this does not necessarily mean that television as such is also threatened! ... Although one may regret the advent of such an open structure, it would, in the view of the Political Affairs Committee, be incompatible with the freedom of information exchange to pursue a protectionist policy in this field. Freedom of information exchange is laid down in Article 10 of the 1950 European Convention on Human Rights and Fundamental Freedoms which states: 'everyone has a right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers'.

¹ European Communities, European Parliament, Working Documents 1981-1982, Doc. 1-1013/81 of 23 February 1982 (PE 73.271/fin.), pp. 8, 10 and 11.

² Hahn report, loc. cit., p. 7.

³ loc. cit., pp. 21-26.

"This open information market must not mean that satellite broadcasts should be allowed to flood the Community in unlimited quantities as though they were a commercial product. ... This could be prevented only by creating tight and harmonized Community legislation on broadcasting laying down arrangements for advertising for satellites used for broadcasting. The Political Affairs Committee gives its preference to a system ...: ... i.e. advertising spots at fixed times between programmes which do not interrupt broadcasts. ... To ban advertising on satellite-broadcasts would be as unrealistic and perverse as to forbid advertisements in newspapers; the British ITV authority is evidence of the fact that a broadcasting organization run on commercial lines can very well hold its own, in terms of quality, with a state-run broadcasting organization. Freedom of expression, however, cannot be the prerogative of the highest bidder and the Commission must therefore draw up a directive ensuring that commercial interests are channelled into a direction acceptable to the Community and made subject to certain conditions. ... A European outline regulation should embody the structural guarantees necessary for independence without which a European broadcasting war will inevitably break out which may destroy the cultural values of our Community."

In a unanimously adopted Opinion drafted by Mr Hellmut Sieglerschmidt (S),¹ Parliament's Legal Affairs Committee similarly came out in favour of an approximation of national legislation on broadcasting. It stresses that this exercise could not be confined to the freedom to provide services in the broadcasting field, the prevention of distortions of competition, notably in respect of advertising in broadcasting, and the protection of listeners, viewers and authors. "It /Community legislation on the media/ would also have to contain at the least provisions to ensure that a variety of opinions, information and cultures are expressed and provisions for the protection of youth."² "A corresponding Council of₃Europe convention would complete such legislation appropriately."³

To begin with, the Commission needed to conduct "a fundamental inquiry covering all aspects of international legislation on policy in relation to the media".⁴ This "report on the media should contain in particular information as to the following: (a) the legislation relating to the media in the Member States, (b) the legal basis for action by the Community in this field, (c) the matters in respect of which provisions should be laid down, (d) whether a convention on the media drawn up within the Council of Europe is advisable and, if appropriate, what form it should take and (e) the legal requirements and practical facilities for the creation of a European television channel".⁵

¹ loc. cit., pp. 27-36.

² loc. cit., p. 30.

³ loc. cit., p. 33.

⁴ loc. cit., p. 34.

⁵ loc. cit., p. 35.

This request was taken up by the Committee on Culture¹ and incorporated by Parliament in point 1 of its Resolution of 12 March 1982. The Commission welcomed this Resolution and announced appropriate initiatives.² Thus, on 25 May 1983, it first compiled an interim report entitled "Realities and tendencies in European television: Perspectives and options".³ This report contains, first and foremost, a whole range of facts on satellite and cable television and reviews broadcasting legislation in Member States⁴ (point 8(a) of Parliament's Motion) and the work of the Council of Europe⁵ (point 8(d)). This Report's main political thrust is to be found in the discussion of the facilities for creating a European television channel⁶ (point 8(e)).

The subject of this Green Paper is the opening up of intra-Community frontiers for national television programmes (freedom to provide services). This entails the step-by-step establishment of a common market for broadcasters and audiences and hence moves to secure the free flow of information, ideas, opinions the cultural activities within the Community.

In response to Parliament's request made at point 7 of its Resolution, the outline rules for European broadcasting are discussed from two angles: (i) their relationship to the EEC Treaty, and (ii) the scope for their further development under the powers it confers to approximate laws. In particular, the relevant provisions of Member States' legislation on the media are examined (abovementioned point 8(a) of Parliament's Motion) and then looked at in the light of the Treaty. The Green Paper also considers the legal basis for Community action (point 8(b)), discusses the matters requiring legislation (point 8(c)) and sets out approximation proposals (point 7 of the Resolution).

¹ loc. cit., p. 13, point 8.

² Statements by Mr Lorenzo Natali and Mr Karl-Heinz Narjes on 11 March 1982, OJ Annex No 1-282 of 11 February 1982, pp. 220 and 221-222.

³ Doc. COM(83)229 final.

⁴ loc. cit., pp. 161-190.

⁵ loc. cit., pp. 81-97.

⁶ loc. cit., pp. 23-32.

In a new Resolution, adopted on 30 March 1984, on a policy commensurate with new trends in European television, Parliament reaffirmed its previous position, calling on the Commission and the Council "to provide a reliable legal framework in which to implement the principles of the Treaty of Rome applicable to the subject /broadcasting/, particularly ... freedom to provide services".¹

It also called on the Commission and the Council "to cooperate with each other and the Parliament to review national legislation to ensure that it is possible to coordinate the different systems as required. This could include ... rules for advertising" and "rules for the protection of children and young people, copyright and authors' rights".² It was necessary "to formulate rules to ensure that public broadcasting monopolies do not seek to prevent private broadcasters and programme makers from fully contributing to the future developments ...".³

In a further Resolution, also adopted on 30 March 1984, on broadcast communication in the European Community (the threat to diversity of opinion posed by the commercialization of new media),⁴ Parliament stated that it "E. is aware that the new technologies require a reasonable degree of commercial support through advertising; F. believes that a decision must be taken at Community level regarding the limits applicable to the use of advertising by public and private television companies, so that all television companies operate on an equal footing; G. considers that, if current codes of conduct and commonly accepted standards of practice are pursued, neither an uncontrolled proliferation of new services nor a threat to quality or diversity will arise; ... 2. urges the Commission to prepare framework suggestions for transnational broadcasting which take account of the proposals currently being prepared by the Council of Europe".^{5,6}

¹ Point 2 in the Resolution, OJ No C 117, 30.4.1984, p. 201 (202).

See also the report drawn up on behalf of the Committee on Youth, Culture, Education, Information and Sport by Mr Gaetano Arfé (S), European Parliament Working Documents 1983-1984, doc. 1-1541/84, 16.3.1984 (PE 85.902/fin.), p. 20.

² Point 4 in the Resolution, loc. cit.

³ Point 7 in the Resolution, loc. cit.

⁴ OJ No C 117, 30.4.1984, p. 198. See also the report drawn up on behalf of the Committee on Youth, Culture, Education, Information and Sport by Mr A. H. Hutton (ED), European Parliament Working Documents 1983-1984, doc. 1-1523/83, 15.3.1984 (PE 78.983/fin.).

⁵ The reference is to what was later adopted on 20 February 1984 as Recommendation R (84) 3 of the Committee of Ministers of the Council of Europe to its 21 member states on the principles relating to television advertising (see Conseil de l'Europe, Communiqué de presse I (84) 7 of 23.2.1984 for the text of the Recommendation). There are at present no plans for a legally binding agreement (Convention) between the member states of the Council of Europe.

⁶ The full debate is published in European Parliament, Verbatim Report of proceedings, provisional edition, Strasbourg, 29.3.1984 - 30.3.1984, pp. 296-299, 305-315, 339-340.

EEC Treaty and cultural activities

Contrary to what is widely imagined, the EEC Treaty applies not only to economic activities but, as a rule, also to all activities carried out for remuneration, regardless of whether they take place in the economic, social, cultural (including in particular information, creative or artistic activities and entertainment), sporting or any other sphere. Thus, just as it guarantees Member States' nationals who are workers freedom of movement and those who are self-employed freedom of establishment no matter what their occupation, the Treaty guarantees free movement within the Community for whatever goods and services they supply.

Newspapers, magazines, collectors' items, records and films of all kinds as well as the showing of films benefit just as much from free movement within the Community as do food, capital goods, consumer durables and services provided by banks, insurance companies and advertising agencies. Likewise, intellectual property rights are as much subject to the EEC Treaty as industrial property rights (patents, trademarks, designs and models).

This comprehensive view of free movement for goods and services embodied in the Treaty is mirrored by the fact that the rights it confers are not the prerogative of workers in industry, the craft industries and the distributive trades but also extend to those working in the media and to bodies active in the worlds of art, entertainment and sport.

Nor is the right of establishment provided for in the EEC Treaty confined to industry, the craft industries, the distributive trades, banks and insurance companies. It is, in fact, a right to be enjoyed also by book and newspaper publishers, by film producers and distributors, by orchestra and entertainment organizers, and by press, film, theatre, opera and concert agencies, in short by all cultural undertakings and by all self-employed artists, authors, journalists, photographers and sportsmen equally. The Treaty does not exclude any sphere of activity. As a matter of principle, therefore, it grants the right of establishment to broadcasting organizations.

The freedom of movement that exists within the Community for workers and the self-employed, including all cultural and journalistic occupations, extends to the supply to the public of political information on other Member States and to their cultural interpenetration in the same way as it does to the free movement of newspapers, magazines, books, films, recorded cassettes, pictures, sculptures, etc., in short the free movement of movable physical cultural assets. Under the system of the four freedoms, immovable cultural assets and, hence, radio and television broadcasting are treated no differently.

Lastly, copyright holders (writers, composers, sculptors, film-makers, etc.) and performing artists (actors, musicians, singers, dancers, etc.) can rely on Article 117 of the EEC Treaty, which promises all workers "improved working conditions and an improved standard of living ... , so as to make possible their harmonization while the improvement is being maintained". Harmonization of national laws on copyright and performers' rights is one way of securing those desired improvements.

It thus transpires that the activity of the Community has, since the outset, encompassed essential aspects of cultural life in Member States. Even those who are culturally creative and their creations "belong" to the Community. They too were meant to share in the protracted process of creating a common market. They have a claim to the freedoms and forms of equality available at Community level, and primarily to the protection afforded by the basic rights of freedom of movement, freedom of establishment, freedom to supply goods and services, and treatment abroad as a national. To quote the Court of Justice of the European Communities: "Although educational and training policy is not as such included in the spheres which the Treaty has entrusted to the Community institutions, it does not follow that the exercise of powers transferred to the Community is in some way limited if it is of such a nature as to affect the measures taken in the execution of a policy such as that of education and training. Chapters 1 / Workers / and 2 / Right of establishment / of Title III of Part Two of the Treaty in particular contain several provisions the application of which could affect this policy."¹

¹ Case 9/74 Casagrande /1974/ ECR 773, at 779, ground 6. Similarly Case 152/82 Forcheri /1983/ ECR ... , ground 17 / cyclostyled version pp. 24-25 /.

EEC Treaty and broadcasting

The EEC Treaty encompasses broadcasting in a multitude of ways, the most important of which are discussed below:

(i) It applies to signals transmitted or relayed by radio, considering them to be services (Article 60). It provides for the abolition of restrictions on the freedom to broadcast within the Community (Article 59). It prohibits any new restrictions on the freedom to provide such services (Article 62). It thus guarantees broadcasters the right to transmit or relay their signals to other Member States (freedom of Community-wide broadcasting). It affords recipients in the other Member States the opportunity to capture such signals (freedom of Community-wide broadcasting reception) and to include them in their own selection of broadcasting (freedom of Community-wide choice of transmissions).

(ii) The EEC Treaty applies to broadcasters in their capacity as persons carrying on a self-employed activity for remuneration (second paragraph of Article 52). It is irrelevant here whether they are natural or legal persons, companies with or without legal personality, associations, cooperatives or foundations, or public-law or private-law organizations (Article 58). The Treaty provides for the abolition of restrictions on their freedom of establishment in the territory of another Member State (first paragraph of Article 52). It prohibits the introduction of any new restrictions on the right of establishment (Article 53). Consequently, it guarantees Member States' nationals the freedom to take up and pursue broadcasting activities in other Member States (freedom of establishment throughout the Community).

The Commission is responsible for ensuring, both on its own initiative and in response to complaints, that this European fundamental right and that of freedom to provide services are respected (Article 155, first indent, and Article 169, first paragraph). If a Member State fails to comply with the Commission's reasoned opinion, the Commission may bring the matter before the Court of Justice (Article 169, second paragraph). The other Member States have the same right (Article 170).

(iii) The EEC Treaty applies to national broadcasting and telecommunications legislation as the sum of the provisions laid down in individual Member States concerning the taking up and pursuit of a self-employed activity, viz. broadcasting (Article 57(2)). "In order to make it easier for persons to take up and pursue activities as self-employed persons", the Treaty

provides for coordination of the relevant provisions of broadcasting and telecommunications legislation (Article 57(1), taken in conjunction with Article 57(2), and Article 66). This approximation of legislation is to be achieved through directives adopted by the Council, acting on a proposal from the Commission and after consulting Parliament (Articles 57(2) and 66).

(iv) The EEC Treaty applies to those working for broadcasting organizations. To those who are employees it guarantees freedom of movement within the Community (Article 48). To those working for them in a self-employed capacity it affords freedom of establishment (Article 52) and freedom to provide cross-frontier services (Article 59). In so doing, it extends the freedom of reporting, expressing opinions and presenting cultural performances to the entire territory of the Community. All occupations, including journalistic and artistic activities, are covered (Articles 48, 52 and 60). In order to establish freedom of movement for workers, including those active in the spheres of culture, sport and reporting (Article 49) and to make it easier for persons to take up and pursue activities in a self-employed capacity (Article 57(1) and (2)), the EEC Treaty prescribes a series of Community measures (Articles 49, 50, 51, 57(2) and 66), including the mutual recognition of diplomas, certificates and other evidence of formal qualifications (Article 57(1)). Such recognition is to be secured through directives issued by the Council, acting on a proposal from the Commission and after consulting Parliament.

(v) The EEC Treaty applies to such of the Member States' technical provisions governing broadcasting (relay procedures and equipment, transmitters, receivers, standardization, etc.) as directly affect the establishment or functioning of the common market (first paragraph of Article 100), in particular therefore the transmission, dissemination or reception of signals from other Member States and the manufacture and Community-wide marketing of such procedures and equipment by industry and commerce in the Community. The EEC Treaty provides for the approximation of such provisions, to be achieved through directives issued by the Council, acting on a proposal from the Commission and after consulting Parliament and the Economic and Social Committee (Article 100).

(vi) The EEC Treaty applies to broadcasting organizations as undertakings that deal in materials, sound recordings, films and other products which they need to carry on their activity. It prohibits all State restrictions on free movement in such goods between Member States (Articles 9, 12, 30 and 31). It thus guarantees broadcasting organizations, as well as their suppliers and customers both at home and abroad, the freedom to take part in Community-wide trade.

(vii) The EEC Treaty applies to broadcasting organizations in their capacity as undertakings engaged in competition. It prohibits them from entering into agreements that restrict competition and from abusing a dominant position that may affect trade between Member States (Articles 85 and 86). It thus guarantees broadcasting organizations the freedom to compete with one another within the Community and protects their suppliers and customers from any abuse of economic power.

The Commission is entrusted under the Treaty with the task of securing compliance with these provisions on the freedom of Community-wide competition and trade.

PART ONE

TECHNICAL ASPECTS

A. NEW DEVELOPMENTS IN THE AUDIO-VISUAL FIELD

The rapid development of audio-visual techniques in the Community is regarded in all Member States as exceptionally important for the future coexistence of individuals and of nations.

The increasing speed and lower costs of electronic data transmission will, apart from other considerations, make this mode of communication more generally accessible and lead to an internationalization of communications. This is true not only of individual communications, where decentralized computers now enjoy access to the well-developed international telecommunications network, thus giving electronic data-processing an international dimension, but also of electronic means of mass communication. Direct satellites and cable are techniques which, individually but above all jointly, make it possible simultaneously to transmit vast quantities of information over long distances.¹

This development is occurring at the same time as the expanding use of the new storage techniques involving video cassettes and discs, which permit a further substantial improvement in the international availability of electronic data transmission.

In the Community, the free movement of goods extends to video cassettes and discs as economic assets in the same way as it does to sound cassettes and records. As a rule, therefore, films, television recordings and the like may circulate without restriction in the Community.

Wide-band cable makes it technically possible to relay national television programmes throughout the Community. Those on cable are able to choose between the national and foreign programmes offered by the cable operator. Direct broadcasting by satellite (DBS) knows no frontiers, since the programmes relayed can be received direct by any viewers in the coverage area that possess the necessary receiving equipment.

¹ Interim report, loc. cit., pp. 43 et seq.

It is impossible at the moment to say how DBS will develop in comparison with the cable transmission of radio and television programmes. In any case, the internationalization of broadcasting, to which both techniques will lead, gives rise to serious legal problems. It is not out of the question that, in line with the results of the experimental phases of DBS and given the rising costs associated with individual receiving aerials including the requisite accessories, cable transmission of radio and television programmes will gain readier acceptance, especially as cable offers a wide variety of possible applications. It is to be expected though that both broadcasting techniques will complement one another: satellites will feed the programmes they carry into the cable networks.

The Commission is looking into the problems associated with the development of these techniques and will present appropriate proposals as part of its work to formulate a Community telecommunications policy.¹

¹ Commission of the European Communities, Communication to the Council on Telecommunications - Lines of Action, doc. COM(83) 573 final of 29 September 1983, and Communication to the Council on Telecommunications, Progress Report on the Thinking and Work done in the field and initial Proposals for an Action Programme, doc. COM(84) 277 final of 18 May 1984.

B. DIRECT SATELLITE TELEVISION - A CONCEPT TO OVERCOME THE SPATIAL LIMITATIONS OF CONVENTIONAL TELEVISION TRANSMISSION

I. Agreements under international law

The World Administrative Radio Conference held in Geneva in January 1977 (WARC 77) drew up the technical rules for a satellite broadcasting service for Regions I and III (Europe, Africa, Asia, Australia and Oceania).¹ The Final Acts of this Conference² give the details of the allocation of frequencies and orbital positions (i.e. the "locations" of satellites above the Equator), contain information on the protected service area, the elliptical coverage area and the transmitting power of satellites, and set out the technical broadcasting specifications for a total of 40 channels (in Europe). All the Member States, but not the Community as such, are involved in this allocation of frequencies, which came into force on 1 January 1979 and is valid for at least 15 years.

II. Technical concept

The satellite, which remains in a circular orbit some 36 000 kilometres above the Equator, picks up the radio signals beamed from a ground station (upward transmission) and relays them back to Earth in heavily bunched form once the technically necessary conversion and amplification processes have been completed (downward transmission). It works in the same way as would a conventional transmission mast located high above the Earth.

With the help of a special parabolic-reflector aerial some 90 cm in diameter and an electronic conversion and demodulation component, the signals relayed from the satellite can be received direct by individual television viewers.³

¹ A conference dealing with Region II (America) was held in 1983 in Geneva with similar results.

² International Telecommunication Union, Final Acts of the World Administrative Radio Conference for the Planning of the Broadcasting-Satellite Service, Geneva 1977, Geneva RE III/1982.

³ For details, see Interim report, loc. cit., pp. 41 et seq.

III. Reception possibilities

The so-called super beams, which are consistent with the principle of the free flow of information and are able to harness the special technical possibilities of satellite television for serving large cross-frontier areas, failed to gain acceptance - except by seventeen countries forming four country groupings¹ - at WARC 77 because of the insistence on national service areas, even though, from both a frequency-allocation and a financing viewpoint, direct satellites are a particularly economic and suitable way of broadcasting television over wide areas.

At WARC 77, the telecommunications conditions for direct broadcasting by satellite (e.g. beam direction, aerial elevation angle, transmitting power) were defined with a view to creating national service areas.² The satellite frequencies allocated to the Member States enjoy protection only in respect of reception within the respective national frontiers. In other words, they may be used for other purposes elsewhere even if, as a result, reception in the area in question is disturbed. The Member States are also required, when determining the characteristics of a world broadcasting agency for satellite broadcasting, to employ all available technical means to keep to a minimum transmissions beamed over the territory of other countries, unless prior agreement on the matter has been reached with the authorities of those countries.³

In spite of these technical precautions to preserve the national character of satellite television, it is evident even now that the reception areas will, in practice, be much wider (coverage areas).⁴

¹The groupings with a common broadcasting area are the following: (i) the North African countries of Algeria, Libya, Morocco and Tunisia; (ii) one grouping of six Arab countries; (iii) one grouping of three Arab countries; (iv) the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden). In the last-mentioned grouping, two of the five channels allocated to each of them are intended for transmissions to the Nordic area as a whole. The other groupings have each set aside one channel for their joint programmes.

²Definition of service area (Annex to the Final Acts of WARC 1977): "The area on the surface of the Earth in which the administration responsible for the service has the right to demand that the agreed protection conditions be provided."

³No 2674 (previously No 428 A) of the 1982 Radio Regulation of the International Telecommunication Union.

⁴Definition of coverage area (Annex 8 to the Final Acts of WARC 1977): "The area on the surface of the Earth delineated by a contour of a constant given value of power flux density which would permit the wanted quality of reception in the absence of interference."

Since elliptical service areas cannot possibly be made to fit into national frontiers, there is no way of preventing a programme transmitted via direct satellites spilling over into other countries (overlapping).

In order to ensure high-quality reception in all parts of the service area, and for security reasons, it was decided in Geneva that the signal should be sufficiently strong (high-power satellite) to provide good reception even in outlying areas.

Advances in receiver technology are improving these cross-frontier reception possibilities. Recently developed aerials as well as receivers of a sufficiently broad technical design are lower-powered than was envisaged in Geneva in 1977.

In particular, the use of more costly aerials with larger diameters and/or incorporating more sophisticated electronics, e.g. community aerials, significantly enhances reception capability outside the original service areas. Lastly, cable companies use antennas 3m-5m in diameter that are able to pick up virtually all direct satellite programmes transmitted in the Community.

IV. Compatibility of broadcasting systems

Moves are under way in Europe to harmonize the technical broadcasting norms for direct satellite television. The broadcasting organizations in Europe that form the European Broadcasting Union have adopted and sent to the International Radio Consultative Committee a technical report setting out the final detailed specifications for a more sophisticated technique, the Multiplex Analogue Component (CMAC packet) System, to replace the existing PAL and SECAM systems. It is expected that a governmental conference will be convened to take the final decision on whether or not to adopt this system, which would make it possible, among other things, to improve broadcasting quality significantly and to extend further the coverage area.

The Commission has announced that it will take the measures it considers necessary to promote adoption of a European standard by the Member States.¹

¹ Answer to Written Question No 51/83, OJ No C 243 of 19 September 1983, p. 4.

V. Plans for direct satellite television in Member States

Several Member States have firm plans for developing and operating direct television satellite systems.¹

On 29 April 1980, Germany and France concluded a government-level agreement on technical and industrial cooperation in the field of satellite broadcasting. Under the agreement, a German satellite (TV-Sat D 3) and a French satellite of the same design (TDF 1 F 3) will be developed, manufactured, launched, positioned and tested by 1985.

The United Kingdom Government has decided to introduce direct satellite television starting in 1986 and has allocated two channels each to the British Broadcasting Corporation (BBC) and the Independent Broadcasting Authority (IBA).

In Italy, Radiotelevisione Italiana (RAI) is planning to broadcast a direct satellite programme on a trial basis using one of the channels offered by the L-Sat Olympus, which belongs to the European Space Agency (ESA). The satellite is expected to be in operation from around 1986.

In Luxembourg, Radio-Télé-Luxembourg (RTL) is studying the potential of direct satellite television and is involved in discussions with other operators on the use of future direct satellites.

Belgium, Greece, Ireland and the Netherlands are currently studying the potential of direct satellite television.

Denmark, which has withdrawn from the joint Nordsat Programme involving the Scandinavian countries, has no intention at the moment of introducing direct satellite television.

¹For details, see Interim report, loc. cit., pp. 199 et seq and pp. 143 et seq.