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**FOURTH COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

**on the application of Articles 4 and 5 of Directive 89/552/EEC
"Television without Frontiers" for the period 1997-8**

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INTRODUCTION

This is the fourth Commission monitoring report on the application of Articles 4 and 5 of Directive 89/552/EEC¹ as amended by Directive 97/36/EC², for the years 1997 and 1998. It was drawn up on the basis of the reports sent in by the Member States concerning the application of Articles 4 and 5 over the reference period. As required by Article 4(3) of the Directive, the Commission informed the Member States of all these reports at the meeting of the Contact Committee held on 9 November 1999. The Commission will continue to monitor the application of Articles 4 and 5 in collaboration with the Contact Committee so that, *inter alia*, the development of the audiovisual sector can be taken into account when the next implementation report is drawn up.

The “Television Without Frontiers” Directive provides the legal reference framework for the pursuit of television broadcasting activities in the European Union, based on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States.

This Communication consists of three Chapters and three Annexes. In Chapter I the Commission sets out its opinion on the application of Articles 4 and 5 for the reference period, as provided for in Article 4(3) of the Directive. Chapters II and III contain the summaries of the reports sent in by the Member States and by those EFTA States that form part of the European Economic Area (EEA).

The Annexes consist of: (1) the suggested new guidelines for monitoring the application of Articles 4 and 5 of the Directive, which will be used for drawing up the next monitoring report; (2) a table showing the channels that failed to achieve the target for European works and/or independent productions; (3) the parameters used for calculating the weighted averages of the broadcasts of European works.

¹ Official Journal of the European Communities L 298, 17.10.1989

² Official Journal of the European Communities L 202, 30.7.1997

I. COMMISSION'S OPINION ON THE APPLICATION OF ARTICLES 4 AND 5 FOR THE PERIOD 1997/1998

1. Application by EU Member States

The Commission's opinion summarises each of the reports submitted by the Member States, identifies certain general tendencies and highlights in broad terms the differing degrees to which the Member States have implemented the provisions of Articles 4 and 5 of the Directive. It follows from these Articles that the Member States have an obligation to take action.

It should first be pointed out that the "Television without Frontiers" Directive allows Member States to adopt more detailed or more stringent rules, and in fact most Member States have used this aspect of the Community legislation and have introduced stricter provisions than those contained in the Directive.

The first general conclusion to be drawn from the Commission's analysis is that the number of television channels in Europe, and especially in the United Kingdom, increased substantially in the period 1997/98. The national reports indicate a total of 367 channels, compared with 214 in 1995/96, 162 in 1993/94 and 124 in 1991/92.

As regards the channels' compliance with the rules on the broadcasting of European works and independent productions, the results indicated by the national reports are generally satisfactory. The weighted average of European works broadcast by the major channels varies between approximately 81.7% and 53.3% depending on the country, with the exceptions of Luxembourg (RTL Tele Lëtzebuerg), 100%, and Portugal, 43%.

The aims of the Directive have broadly been met. The proportion of European works broadcast has increased between the 1997/98 reference period and the previous reference period, although certain channels show a slight fall in the proportion of European works and independent productions in their overall scheduling.

The following summaries present the results of the monitoring exercise for 1997/98 in more detail.

1.1 Broadcasting of a majority proportion of European works

- In Austria, channels ORF 1 and ORF 2, representing 62.2% of the audience, broadcast approximately 61.1% of European works during 1998.

ORF 2 is well above the majority quota for European works, while ORF 1 in contrast is still below the requirement. ORF 1 attributes the drop in the rates of broadcasting of European

works during the period 1997/98 to an increase in the number of hours it is on air and a change in its scheduling.

- In **Belgium (French-speaking community)**, channels RTL-TVI, Club RTL and RTBF 1, which represent 41.1% of the audience, broadcast approximately 64% of European works during 1998. It should be pointed out that in the French-speaking part of Belgium the French channels (TF1, France 2 and France 3) cover a substantial part of the audience.

All the channels comply with Article 4 (RTL-Tvi since 1998). The result is particularly positive because there has also been an increase in the proportion of European works broadcast, and this applies to all channels over the whole reference period.

- As regards **Belgium (German-speaking community)**, no report was submitted.
- In **Belgium (Flemish-speaking community)**, channels TV1, TV2, VTM and Kanaal 2, which represent 64.8% of the audience, broadcast approximately 60.4% of European works in 1998.

More particularly, three channels comply with Article 4, although in one case, TV1, the percentage of European works has fallen compared with during the previous reference period. Three channels fail to meet the broadcasting quota for European works. Two of these (CANAL+ 1 and 2) attribute this to their being special-interest film channels; as for the third (Kanaal 2), its proportion of broadcasts of European works has fallen compared with during the previous reference period. There are no data for 1998 for TV2 and CANAL+ Super Sport. However, in 1997 these two channels were well above the quota set by the Directive.

- In **Germany**, channels ARD, ZDF, Kabel 1, Pro Sieben, RTL, RTL 2, SAT 1, Super RTL and VOX, representing 90.8% of the audience, broadcast approximately 70% of European works during 1998.

Of a total of 25 channels mentioned in the report, 14 comply with Article 4. Of the 17 channels for which full data exist for the periods 1995-96 and 1997-98, 8 have increased their proportion of European broadcasts compared with in the previous period, 6 have decreased and 3 have remained unchanged.

The following channels did not meet the majority broadcasting requirement for European works: Discovery Channel (1997), DF 1 (1997/98), KABEL 1 (1997/98), Premiere (1997/98), Pro Sieben (1997/98), RTL2-(1997/98), Super RTL (1997/98), TM3 – Fernsehen für Frauen (1997/98), VIVA 2 (1997/98), VOX (1998). Explanations included the newness of the channel, the special-interest nature of the channel, or the structure of the channel.

- In **Denmark**, channels DR 1 and TV 2, which represent 68.3% of the audience, broadcast approximately 73.3% of European works during 1998.

Four of the seven channels surveyed easily comply with the provisions of the Directive and the general trend is towards a higher proportion of European works. However, TV Danmark did not meet the quota and the comments by the Member State suggest that penalties might be imposed. Erotica Rendez-Vous did not meet the quota in 1997, and TV Bio did not meet the quota either in 1997 or 1998, although it did broadcast 50% of European works in 1998.

- In **Greece**, channels ET1, Megachannel, Antenna 1, Sky and Star, which represent 79.1% of the audience, broadcast approximately 62.6% of European works during 1998.

All the channels in the 1995/96 report complied with the rules regarding the majority quota of European works and the percentages increased in nearly every case in 1997/98 compared with the previous period. Star Channel, after having fallen below 50% of European works in 1997, rose above this figure in 1998.

- In **Spain** channels TVE 1, TVE 2, Antena 3 and Tele 5, which represent 77.5% of the audience, broadcast approximately 53.3% of European works in 1998.

All channels comply with Article 4 for the two reference years, with the exceptions of Tele 5 and Antena 3 (only for 1997), whose proportions of European broadcasts did nevertheless rise. Of a total of 13 channels, 7 increased the proportion of European works broadcast, 3 decreased and 3 remained substantially unchanged.

- In **France**, channels TF 1, France 2, France 3, Canal + and M6, which represent 92.6% of the audience, broadcast approximately 69.2% of European works in 1998.

The terrestrial channels and most of the cable channels comply with the Directive. However, several cable channels do not meet the requirement to broadcast a majority proportion of European works (11 in 1997 and 9 in 1998). Explanations given for this include the relative newness and special-interest nature of certain channels.

- In **Ireland** channels RTE1 and Network 2, which represent 53% of the audience, broadcast approximately 81.7% of European works in 1998. Ireland continues to comply easily with the provisions of the Directive.
- In **Italy**, channels RAI Uno, Rai Due, Rai Tre, Canale 5, Italia 1, Rete 4 and TMC, which represent 92.2% of the audience, broadcast approximately 68.2% of European works in 1998.

Four of the major channels among the 11 surveyed comply with Article 4, and the percentage of European works broadcast is generally increasing (the exception being Canale 5, where the percentage fell slightly compared with in 1995/96.). This improvement also applies to those channels which do not comply with Article 4 (Italia Uno and Retequattro).

Most of the data for the new channels are missing, and those new channels which were

surveyed do not meet the required quota for broadcasts of European works. The report furnished by the Member State explains that this failing is due in part to the delay in implementing Directive 97/36/EC. With so much information lacking, it is not possible to evaluate in any depth the situation regarding Italy's smaller channels.

- In **Luxembourg**, RTL Tele Lëtzebuerg, which represents 58.32% of the audience during peak viewing hours, broadcast 100% of European works during 1997 and 1998.

As regards the channels also broadcasting in other Member States, it should be noted that RTL 5 has substantially increased its percentage of transmission time of European works since the last report. RTL-TVi achieved compliance in 1998 and Club RTL in 1997. However, five channels failed to reserve a majority proportion of their transmission time for European works in the reference period [RTL5 (1997/98), RTL Tvi (1997), RTL 9 (1998), RTL9 SAT in 1998 and RTL7 (1997/98)]. RTL9's results suffered from the channel's restructuring between 1997 and 1998. RTL7 began broadcasting in December 1996 ; however, it reserved a lower proportion of its time for European works than during the previous reference period.

- In the **Netherlands**, channels NED 1, TV2, NED 3, Veronica and SBS 6, which represent 54.2% of the audience, broadcast approximately 76.3% of European works during 1998.

Most of the channels surveyed (7 out of 11) comply with Article 4. Certain channels have slightly increased the proportion of their broadcasting time devoted to European works, while others have remained stable. SBS 6 (sports), TV10/Fox (recent restructuring) and Canal + 1 and 2 (pay channels) still fall below the required quota. The *Commissariaat voor de Media* (Media Authority) recently commenced proceedings against SBS6 and TV10 for failure to comply with the required percentage of European works specified in Article 52k of the Dutch Media Decree.

- In **Portugal**, channels RTP1, RTP2, SIC and TVI, which between them cover the whole audience, broadcast approximately 43.4% of European works in 1998. While channels RTP1, RTP2 and RTPi (the international channel) comply with the Directive, SIC and TVI still fall below the quota requirement.
- In **Finland**, channels MTV3, TV1, TV2 and Nelonen, which represent 95% of the audience, broadcast approximately 64.2% of European works in 1998. In general, Finland complies with the Directive. The Nelonen channel managed to devote 50% of its broadcasting time to European works in 1997/98.
- In **Sweden**, channels SVT-1, SVT-2 and TV4, which represent 75.6% of the audience, broadcast approximately 74.2% of European works in 1998.

Channels ZTV, TV8, SVT1, SVT2, UR, TV4 easily meet the required majority quota for European works, but five other channels fail to do so. This was the same situation in the last

report. Canal + and Canal + Gul have doubled their percentages of broadcasts of European works but still fall well below the required majority proportion. TV 1000, Cinema and 6 have hardly progressed at all since the last reference period.

- In the **United Kingdom**, channels BBC 1, BBC 2, ITV, Channel 4 and Channel 5, which represent 86.8% of the audience, broadcast approximately 68.2% of European works in 1998.

Compared with the previous reporting period, 26 channels have increased their percentage of broadcasts of European works, 14 have remained substantially unchanged, and 19 have seen a reduction. 37 channels fall below the quota for European works specified in the Directive.

The number of channels has rocketed (from 80 to 179). No data are available for most of these new channels (explanations include: very new channel, special-interest programming, use of non-Community languages, subsidiary of a company from a non-member State).

General remarks:

Most channels failing to meet the quota laid down in the Directive gave one or more of the following reasons:

- (1) Newness of the channel, restructuring of an existing channel, or increase in the channel's scheduling. Adopting a purely economic analysis, channels in these circumstances choose inexpensive programmes that are available immediately, and these tend to be non-European.
- (2) Special-interest nature of the channel. Faced with financial constraints, European production has problems in developing works of a specialist nature, the costs involved often being higher than those for similar works produced by non-member countries.
- (3) The statistics for specialist music channels are particularly difficult to compile, since it is virtually impossible to determine the origin of a music clip.
- (4) Film channels. Their schedules are built around big-budget films, and it tends to be difficult to find European films of this nature.
- (5) Subsidiaries of companies from non-Member States. The parent company decides on the scheduling and normally uses its own stocks.
- (6) Delay in implementing the Directive.

The first two of these arguments have to do primarily with economics. Consequently, even if the Member States do not take any measures in the short term, the channels concerned should rapidly become capable of complying with the Directive. In contrast, the third, fourth and fifth arguments

show that the Member States need to ensure that more thorough monitoring takes place in order to try to improve the present situation.

1.2 Works by independent producers

As regards compliance with Article 5, concerning independent productions, the results in the national reports are broadly satisfactory.

- In **Austria** all channels comply with the requirements of Article 5 of the Directive. Channels ORF 1 and ORF2 have actually increased the percentage of European works by independent producers during the reference period.
- In **Belgium**, the French-speaking community amply complies with the Directive's provisions. In the Flemish-speaking community the proportion of independent productions broadcast by TV1 and TV2 has fallen over the reference period, while the proportion has risen for the other channels, especially CANAL + 1 and 2. There were no broadcasters in the German-speaking community for the reference period.
- In **Germany**, the channels broadly meet the criteria. However, Phoenix (1997/98), MultiThématiques (1997/98), VIVA (1997/98) and VIVA 2 (1997/98), argue that their structures prevent them from meeting the requirements of Article 5. To some extent, the poor results achieved by these channels are made up for by the improved results achieved by other channels. In fact several channels' output consists of 100% independent productions (Discovery Channel, DSF, ONYX MUSIC TELEVISION, Premiere, SAT 1, Super RTL and TM3).
- **Denmark's** results are satisfactory, all channels meeting the Directive's criteria. Erotica Rendez-Vous's output of independent productions rose from 0.5% in 1996 to 100% in 1997 and 1998, while the percentages for DR1, DR2 and DK4 fell.
- **Greece** has improved its proportion of independent productions, quite substantially in the case of ET1, ET2 and TV Makedonia (the first two having climbed to about 20%, the third to 100%). All channels with the exception of ANT1 in 1998 comply with Article 5.
- In **Spain**, most channels comply with Article 5 of the Directive and have increased their percentages since the 1995/96 period. However, CST, ETB1 and TVG have fallen below the 10% target for independent productions, even though they were achieving this figure in the previous reference period. TV3 still does not comply but has managed to increase its percentage (from 2.2% to 9.2%).

- In **France**, all channels exceed the required 10% of independent productions. The example of La Cinquième, a terrestrial channel, is particularly notable, the figure having fallen from 72% in 1995 to 15% in 1997 and risen back up to 20.5% in 1998. Cable channels, however, are showing an upward trend.
- **Ireland** continues to meet the Directive's requirements easily.
- **Italy** has submitted only fragmentary information on independent productions. In the case of those channels for which data were provided the percentage of independent productions broadly meets the quota specified in the Directive, but the trend is downwards.
- **Luxembourg** amply meets the Directive's requirements. Four channels (RTL5, RTL Télévision, RTL Tvi and Club RTL) have increased their percentage of independent productions and three channels (RTL4, RTL9 and RTL7) have seen their percentage fall since the previous reference period.
- **The Netherlands** complies with the Directive. All channels have increased their percentage of independent productions. In the case of Canal + Nederland this increase has been particularly notable (from 17% in 1996 to 100% in 1997/98).
- In **Portugal**, all channels meet the quota for independent productions. However, in their report the Portuguese authorities draw attention to the problem of the fragility of national production in the face of the strong competition from productions of Brazilian origin. Three channels (RTP1, RTP2 and TV1) have increased their proportion and two others (RTPI and SIC) have fallen compared with the 1995/96 reference period.
- Four channels in **Finland** meet the Directive's requirements, even though the figures show a general downward trend over the reference period.
- In **Sweden**, in general, the channels which provided data meet the Directive's requirements. However, three channels (ZTV, STV1 and STV2) have seen their percentage of independent productions fall, and only one channel (TV4) has shown an increase compared with the 1995/96 reference period.
- In the **United Kingdom** there are numerous channels that meet the 10% quota for independent productions, but data for 53 channels are missing from the report. 20 channels fall below the quota. Compared with the 1995/96 reference period, 33 channels show an increase in the proportion of independent productions broadcast and 16 channels show a fall. In the national report, 27 channels are deemed to be exempt from the obligation to submit their figures.

Generally speaking, the data submitted by the Member States are appropriate and adequate. However, in some cases the absence of data is not justified.

2. Application by the Member States of the European Free Trade Area participating in the European Economic Area

This report provides data for Iceland and Norway for the second time. Liechtenstein did not submit a report as it has no broadcasters under its jurisdiction.

- In **Iceland** the percentages of European works broadcast have hardly changed over the reference period: RUV amply meets the majority requirement, while Channel 2 does not. RUV also amply meets the quota for independent productions. The corresponding data for Channel 2 were not submitted.
- In **Norway**, NRK AS and NRK2 have posted satisfactory results regarding the broadcasting of European works, while the figures for TV2 AS and TVNORGE AS have fallen as a result of a new programming policy, the acquisition and production of works now being shared by the two channels.

The proportion of independent productions broadcast by TV2 AS and TVNORGE AS is up. The figures for NRK AS and NRK2 are poorer, having dropped respectively from 57% to 11% and from 78% to 8%. This last figure is below the quota indicated in the Directive.

II. - SUMMARY OF REPORTS FROM MEMBER STATES

Key :

"NR" : not reported.

"-" : channel not in operation over the period in question.

AUSTRIA

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Methods</i>
3	Calendar years 1997 and 1998	

2. Proportions (%)

<i>Channel</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
ORF 1...h	ORF	2720	2320	1651	1304	811	569
.....%		36.6	32.0	22.2	18.0	49.1	43.6
ORF 2...h	ORF	6362	7101	1644	1678	754	608
.....%		86.7	83.3	22.4	19.7	45.9	36.2
	ORF total ...h	9082	9421	3295	2982	1565	1177
%	61.5	59.8	22.3	18.9	47.5	39.5
	RTV Services AG		1942h		2015h		
	2585h						
	%		75		78		41.5

B) Reasons given by Member State for failure to reach proportion

1. European works

The explanation for the difference compared with 1995 is that the ORF introduced a completely new schedule from 6 March 1995, with ORF 1 as the film and series channel and ORF as the alternative “Austria” channel. Another result of this change was that ORF’s total air time was extended from 34 to 48 hours (2 x 24) daily. To fill in the previous night-time gaps, use was made primarily of existing licences for films. As the licences were due to expire shortly, the programme planners sought to use them while they could.

2. Independent producers

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C) Measures adopted or envisaged by the Member State

It is anticipated that the proportion of European works will rise in future, especially because the acceptance of German productions in particular is now greater than used to be the case, with the result that these and comparable works will account for a larger proportion of broadcasting in the coming years. ORF has already stepped up its co-production efforts with German partners in particular — both public and private TV broadcasters (e.g. the “Medicopter” series with RTL, and the series “Kommissar Rex“ with SAT 1). The proportion of European works is thus expected to rise in ORF 1 by the next reference period 1999/2000.

D) Further comments

The above data relate to the broadcasting of the television channels run by *Österreichischer Rundfunk* (ORF) and the channel operated by the satellite broadcaster *Regional-TV Services AG*. The latter is a private television broadcaster approved by the *Privatrundfunkbehörde* (private broadcasting authority), which began broadcasting via satellite from 1 August 1998 (so only the period from 1.8.1998 to 31.12.1998 is relevant).

Apart from the broadcasters mentioned, others also operate channels in local cable networks. As these broadcasts address local audiences, and are not part of a national TV network, the broadcasters concerned are not covered by this report under Article 9 of the Directive.

BELGIUM

The Commission received two reports, one from Belgium's French-speaking Community (FrC) and one from the Flemish-speaking Community (FlC). No report was received from the German-speaking Community (Deutschsprachige Gemeinschaft, DSG) or the Federal Belgian State, neither of which has under their jurisdiction a broadcaster required to meet European works quotas.

FRENCH-SPEAKING COMMUNITY

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
5	Calendar years	Survey for CANAL+, sampling for RTBF and RTL-TVi

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
LA UNE	RTBF	83	81	38	31	38	31
LA DEUX	RTBF	96	95	39	45	39	45
RTL-Tvi	RTL-TVi	46.51	51.79	22.83	29.68	19.49	21.37
CLUB	RTL-TVi	53.39	54.25	34.96	26.52	14.45	4.09
CANAL +	CANAL +	50.64	55.70	30.32	32.30	-	-

B) Reasons given by Member State for failure to reach proportion

1. European works

Not reported for RTL-Tvi in 1997.

2. Independent producers

Not reported.

C) Measures adopted or envisaged by the Member State

Not applicable since 1998, in which year the quotas were met in full.

D) Further comments

Not reported.

FLEMISH-SPEAKING COMMUNITY

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
8	Calendar years	Survey, except for the VRT channels in 1998, for which sampling was used

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
TV1	VRT (formerly BRTN)	59.83	60.74	3.73	5.19	64.30	92.82
TV2	VRT (formerly BRTN)	71.29	-	5.05	-	24.21	-
CANVAS/ KETNET	VRT (formerly BRTN)	67.12	61.76	7.13	4.98	24.77	89.94
VTM	VMM (formerly VTM)	64	68	70	61	97	98
KANAAL 2	VMM (formerly VTM)	20	20	81	72	75	80
FILMNET 1/CANAL+1- Groen	CANAL+ TELEVISIE	27.3	27.5	54.2	61	90.7	63
FILMNET2/CAN AL+2-Blauw	CANAL+ TELEVISIE	16.8	42	89.5	48	92.3	76
CANAL+ SUPER-SPORT	CANAL+ TELEVISIE	62.2	-	16	-	100	-

B) Reasons given by Member State for failure to reach proportion

1. European works

The nature of the programming of CANAL+ TELEVISIE, whose two existing channels essentially broadcast films, prevents them from meeting the quotas. However, the Flemish Community stresses that there was an increase in the proportion of European productions from 1997 to 1998.

2. Independent productions

Not reported.

C) Measures adopted or envisaged by the Member State

With regard to VMM, the Flemish Community notes an increase in the proportions from 1997 to 1998. With a 50% average attained by VTM and KANAAL 2, no particular measures need to be taken.

As regards CANAL + TELEVISIE, whose specific nature has been outlined above, the Flemish Community does not see the need for any measures.

D) Further comment

The second channel (TV 2) of VRT was split up on 1 December 1997 into CANVAS/KETNET. The figures for TV2 – CANVAS/KETNET have been given separately for 1997. As of 1998, the figures given relate only to CANVAS/KETNET.

CANAL+ TELEVISIE has taken over the activities of FILMNET TELEVISION, which had broadcast FILMNET 1 and FILMNET 2. FILMNET 1 became CANAL+ 1 on 1 August 1997, and then CANAL+ Groen on 1 April 1998. FILMNET 2 became CANAL+ 2 and then CANAL + Blauw on the same dates.

SUPERSPORT stopped broadcasting on 1 August 1997.

The Flemish-speaking Community considers it unnecessary to take measures concerning the percentage of European works broadcast by Vlaamse Mediamaatschappij (VMM).

VMM has two TV channels: VTM and Kanaal 2. VTM is on air twice as long as Kanaal 2 each day. Taking account of this coefficient, and excluding the airtime devoted to news programmes, sport, games, advertising, teletext and teleshopping, VMM reaches the target quota for European works.

GERMANY

A) Statistical statement

1. Summary table

Number of channels	Reference period	Method
25	Calendar years	Survey

2. Proportions (%)

Channels	Broadcaster	A. European works		B. Independent productions		C. Recent works (% of B)	
		1997	1998	1997	1998	1997	1998
ARD	ARD-Rundfunkanstalten	90.2	90.0	43.2	41.3	85.0	85.0
Phoenix	ARD-ZDF	99.72	99.99	4.28	4.73	88.06	99.87
Kinderkanal	ARD-ZDF	74.12	80.63	21.70	18.4	76.48	78.64
ZDF	ZDF	83.7	85.4	56	46	75	84
3 Sat	ZDF-ORF-SRG-ARD	95.7	96.1	33.8	40.4	24.5	33.1
Deutsche Welle TV	Deutsche Welle	79	77	32	33	82	81
Discovery Channel		45	61	100	100	65	73
DF 1		31.8	37.9	99	98	> 21	> 24.1
DSF- Deutsches Sportfernsehen	DSF Deutsches Sportfernsehen GmbH	95	95	100	100	> 90	> 90
KABEL 1	K1 Fernsehen GmbH	33.67	36.86	24.59	25.98	34.97	35.21
MultiThématiques		75.25	68.75	1.91	2.19	50	50
n-tv Der Nachrichten-	Sender n-tv Nachrichtenfernsehen GmbH & Co KG	data not available	data not available	data not available	data not available	data not available	data not available
ONYX MUSIC TELEVISION	ONYX Television GmbH	59.48	55.34	100	100	data not available	data not available

Premiere	Premiere Medien GmbH & Co. KG	37.13	38.20	100	100	99.09	98.81
Premiere (Erstausstrahlungen)		54.36	56.47	100	100	98.51	99.01
ProSieben	ProSieben Media AG	47.67	48.11	37.08	38.64	38.21	38.79
RTL	RTL Deutschland Fernsehen GmbH & Co Betriebs KG	59	66	36	51	36	51
RTL2	RTL 2 Fernsehen GmbH & Co KG	42	35	43	47	37	39
SAT.1	SAT.1 Satelliten Fernsehen GmbH	61	62	100	100	52.4	52.92
Super RTL	RTL Club Fernsehen GmbH & Co KG	28.41	32.04	100	100	= 90	= 90
TM3 – Fernsehen für Frauen	TM3 Fernsehen GmbH & Co KG	31.69	46.50	100	100	= 7.5	= 10
VH-1	VH-1 Television GmbH & Co OHG	65	65	35	35	80	80
VIVA	VIVA Fernsehen GmbH & Co. KG	65.64	65.99	3.78	4.76	99.78	99.97
VIVA 2	VIVA Fernsehen GmbH & Co KG	40	40	3.92	2.19	85	85
VOX	VOX Film- und Fernseh GmbH & Co KG	64	48	88	85	90	92

*) The percentage of "recent works" is calculated on the basis of European works and not of independent productions.

B) Reasons given by Member State for failure to reach proportion

1. European works

DF1:

DF 1 is a new channel in its start-up phase and is not yet able to meet the quota requirements.

Kabel 1

Because of its programme orientation, Kabel 1 has broadcast only a small proportion of European works to date, but the percentage is increasing.

Première

Première is a pay-TV channel whose quota-relevant proportion is focused on feature films; the problems mentioned in past reference periods persist. Both the overall percentage of European works and the percentage of new works (first showings) are increasing; as to the latter, the proportion of European works is well over 50%

Pro Sieben:

With a growing percentage of European works, this channel missed the 50% target by less than 2%.

RTL2

This channel is owned by one of the newer German broadcasters, who will not be able to meet the quota requirements until after a phase of economic consolidation.

Super RTL

This channel is owned by one of the newer German broadcasters, who will not be able to meet the quota requirements until after a phase of economic consolidation.

VIVA2

This channel is owned by one of the newer German broadcasters, who will not be able to meet the quota requirements until after a phase of economic consolidation.

2. Independent producers

Phoenix

Because of the channel's structure there is little opportunity to contract out productions.

MultiThematik

Because of the channel's structure there is little opportunity to contract out productions.

VIVA

Because of the channel's structure there is little opportunity to contract out productions.

VIVA2

Because of the channel's structure there is little opportunity to contract out productions.

C) Measures adopted or envisaged by the Member State

The competent authorities are in permanent dialogue with the broadcasters.

D) Further comments

1. Phoenix

Phoenix's low quota of independent productions is due to the fact that it is a so-called niche channel (*Spartenkanal*): two-thirds of the programme consist of so-called event broadcasts and discussion programmes, which by their nature are in-house productions and are not commissioned from independent producers. Besides, from midnight on – barring a few exceptions at the weekend – documentaries are not rebroadcast, and this automatically reduces the quota of independent European productions as a proportion of total broadcasting time.

From 7 April 1997 to 30 October 1997 broadcasts were from 07.30 to 24.00, in other words approximately 16.5 hours daily. From 1 November 1997 the channel has been broadcasting round the clock with night-time retransmissions of the discussion programmes and event broadcasts.

2. DSF

Under C ("Recent works") the quota is given as over 90%, but because of the short quota-relevant broadcasting time it is difficult to give more precise figures.

3. Kabel 1

Low ratings.

4. n-tv

No data available. This is a news channel.

5. Super RTL

Low ratings.

6. TM3

This channel is a newcomer.

7. VH-1 - VIVA - VIVA2

These are music channels (that broadcast around the clock) with over 90% in-house productions.

DENMARK

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
7	Calendar years 1997/98	

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
DR 1	DR	80	81	17	17	68	50
DR2	DR	79	85	15	15	77	70
TV 2	TV 2	67	67	80	84	76	76
DK 4	CIAC	100	100	20	20	100	100
TV BIO	PPVO	36	50	100	100	15	1
Eurotica Rendez-Vous	DSTV	0	62	-	100	100	100
TV Danmark	Broadcast Danmark	20	25	46	54	91	80

B) Reasons given by Member State for failure to reach proportion

1. European works

PPV – TV Bio began broadcasting in November 1996 and reached a figure of more than 50% of European works in October 1997, thus giving an average of 36% for 1997 as a whole.

DSTV did not achieve the 50% target for European works before 1998 because of the difficulty of purchasing the rights for European programme material.

2. Independent producers

Not reported.

C) Measures adopted or envisaged by the Member State

The Ministry for Culture intends to ask the independent Satellite and Cable Authority to look into TvDanmark's position with a view to possible penalties.

D) Further comments

The 8 regional channels of TV 2 broadcast 30 minutes to one hour of regional news per day in TV 2's "windows". The data on these programmes are not included in the total figures.

GREECE

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
11	Calendar years 1997/1998	Survey

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
ET1	ERT A.E.	80	82	51	60	83	85
NET	ERT A.E.	86.1	99.25	18.6	18.71	75.71	58.45
ET3	ERT.A.E.	73.6	73.34	17.68	16.21	12.31	18
ANT1	Antenna TV A.E.	88.71	93.74	11.23	6.25	87.15	72.16
KANALI 5	Eleftheri Tileorassi	84	61	11.2	44.95	32	13
MEGA CHANNEL	Tiletupos S.A.	63	71	53	57	44.5	51.93
New Channel	Neo Kanali	70	70	40	40	49.98	49.98
Seven X	Nea Radiofoniki Prooptiki A.E.	87.7	88	94	98	100	93
Sky	Elliniki Doriforiki Tileorassi E.E.	56	58	22	26	8	11

Star Channel	Nea Tileorassi A.E.	46	52	27.7	28.4	55	58
TV Makedonia	Radiotileoptikes Epiririssis AE	61.5	66.3	100	100	-	-

B) Reasons given by Member State for failure to reach proportion

1. European works

Not reported.

2. Independent producers

Not reported.

C) Measures adopted or envisaged by the Member State

Not reported.

D) Further comments

1. The proportion of time reserved for recent European works by independent producers is calculated on the basis of the time reserved for European works by independent producers.

2. The Greek TV channels comply with the obligations arising from the "Television without Frontiers" Directive and in most cases actually broadcast a higher percentage of European works than that required by the Directive.

SPAIN

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
13	Calendar years	Annual check on daily scheduling

2. Proportions (%)

Channels	Broadcaster	European works (EW)		Independent productions (IP)		Recent works (RW)	
		1997	1998	1997	1998	1997	1998
TVE-1	RADIO TELEVISIÓN ESPAÑOLA	53.01	55.7	16	12.4	20.8	19.6
TVE-2	RADIO TELEVISIÓN ESPAÑOLA	66.1	69	21.7	19.8	10.3	10.8
ANTEN A-3	ANTENA-3 TELEVISIÓN	45.1	51.9	25	30.8	16.7	25.1
TELE-5	GESTEVISIÓN TELE-5	39.7	45.2	38	41	34	36
CANAL+	SOCIEDAD DE T.V. CANAL+ SOGECABLE	53.9	52.5	42	42.6	80	81
CST	RADIOTELEVISIÓN ANDALUZA	72.2	68.8	14.4	6.6	12.8	4.7
ETB-1	EUSKAL IRRATI TELEBISTA	90.4	91.6	6.4	7.4	5.9	6.8
ETB-2	EUSKAL IRRATI TELEBISTA	52.9	51.9	18.4	15	8.6	9.2
TV3	TELEVISIÓN CATALUÑA	58.1	58.7	12.9	9.2	8.2	7.3
TV33	TELEVISIÓN CATALUÑA	74.3	71.1	12.5	15.1	8	10.1
TVG	TELEVISIÓN GALICIA	80.7	79.5	4.3	3.6	3.9	2.7
TVAM	TELEVISIÓN MADRID	58.2	68.8	13.9	12.6	9.1	8.9
TVV	RADIOTELEVISIÓN VALENCIANA	54.4	53.2	11.2	12.2	7.8	8.4

B) Reasons given by Member State for failure to reach proportion

1. European works

In accordance with the provisions of Directive 89/552/EEC, Spanish legislation allows a process of gradual harmonisation. No infringements were found.

2. Independent producers

In accordance with the provisions of Directive 89/552/EEC, Spanish legislation allows a process of gradual harmonisation. No infringements were found.

C) Measures adopted or envisaged by the Member State

If the set quotas are not met, the authorities will institute quarterly checks to require operators to meet their annual obligations.

D) Further comments

Independent productions: the figures include works commissioned by channels from independent producers.

FRANCE

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
43 in 97, 51 in 98	<i>Calendar years</i>	

This report verifies the extent to which, in 1997 and 1998, television broadcasters applied Article 4 (the proportion of their broadcasting time that they reserve for European works) and Article 5 (the proportion that they reserve for European works created by independent producers).

In accordance with Article 9 of the Directive, broadcasters broadcasting local television programmes that do not form part of the national network were excluded from the scope of Articles 4 and 5.

This report therefore covers each of the national terrestrial broadcasters operating in the reference period, viz.: TF1, France 2, France 3, Canal+, La Cinquième and M6, and the 38 cable services available in 1997 and the 47 such services available in 1998.

2. Proportions (%)

a) Terrestrial channels

Channel	A		B		C	
	European works		Independent productions ¹		Recent works (% of B)	
	1997	1998	1997	1998	1997	1998
TF1	64.2%	65%	15.5%	16.6%	100%	100%
France 2	78.2%	77.3%	18.6%	19.6%	100%	100%
France 3	71.6%	70.7%	19%	20.7%	100%	100%
Canal +	62.1%	62.1%	14.5%	15.3%	100%	100%
La Cinquième	80.9%	82.3%	15%	20.5%	100%	100%
M6	67.6%	66.7%	17.7%	17.7%	100%	100%

All the obligations contained in Articles 4 and 5 have been met.

¹ Percentage of independent production evaluated in terms of the turnover of the business.

b) Cable channels

Channels	Broadcaster	European works (EW)		Independent productions (IP)		Recent works among independent productions (RW)	
		1997	1998	1997	1998	1997	1998
<u>AB1 CHANNEL</u>	ABSat SA	15%	26%	14% ^(b)	26%	NR	1%
<u>ACTION</u> ^(c)	ABSat SA	37%	35%	37%	35%	NR	4%
<u>ANIMAUX</u> ^(c)	ABSat SA	50%	61%	50%	60%	NR	58%
<u>AUTOMOBILE</u> ^(c)	ABSat SA	91%	NR	91%	NR	NR	NR
<u>CANAL J</u> ^(c)	Canal J SA	65%	60%	43%	40%	NR	65%
<u>CANAL JIMMY</u>	Canal Jimmy SA	55%	63%	37% ^(b)	37% ^(b)	NR	NR
<u>CHASSE ET PECHE</u>	ABSat SA	70%	64%	70% ^(b)	39%	NR	34%
CINE CINEMAS I CINE CINEMAS II - CINE CINEMAS III	Ciné-Cinéma Câble SA	52%	60%	67% ^(b)	70% ^(b)	NR	NR
CINE CLASSICS	Ciné-Cinéma Câble SA	75%	62%	66% ^(b)	64% ^(b)	0	0 ⁽¹⁾
<u>CINE-PALACE</u> ^(c)	ABSat SA	34%	47%	34%	47%	NR	7%
<u>CINESTAR 1</u> ^(c)	TPS Cinéma	38%	50%	38%	50%	NR	NR
<u>CINESTAR 2</u> ^(c)	TPS Cinéma	33%	47%	33%	47%	NR	NR
<u>CINETOILE</u> ^(c)	TPS Cinéma	34%	55%	34%	55%	NR	NR
<u>COMEDIE !</u>	SECC	/	60% ^(c)	/	17% ^(b)	/	44% ^(b)
<u>DISNEY CHANNEL</u> ^(c)	Disney Channel France SA	41%	51%	41%	47%	NR	44%
<u>ENCYCLOPEDIA</u> ^(c)	ABSat SA	62%	62%	62%	62%	NR	46%

^(b): Budget

^(c): Broadcasting time

(1) The channel is devoted to old films (+ 20 years)

/: Channel launched after 1997

NR: Not reported

<u>ESCALES</u> ^(c)	ABsat SA	65%	72%	65%	70%	NR	61%
<u>FESTIVAL</u> ^(c)	France Téléfilms	89%	92%	89%	92%	27%	42%
<u>FORUM PLANETE</u> ^(b)	Planète Câble SA	/	81%	/	50%	/	NR
<u>FOX KIDS</u> ^(c)	Fox Kids France	/	51%	/	11%	/	21%
<u>FUN TV</u> ^(c)	Fun TV SNC	60%	50%	10%	10%	NR	NR
<u>Histoire</u>	Histoire SA	/	61%	/	13% ^(b)	/	75%
<u>KIOSQUE</u> ^(c)	Kiosque SNC	/	24%	NR	NR	NR	NR
<u>LA CHAÎNE HISTOIRE</u> ^(c)	ABsat SA	66%	61%	66%	61%	NR	52%
<u>MANGAS</u> ^(c)	ABsat SA	14%	31%	14%	28%	NR	6%
<u>MCM Euromusique</u> ^(c)	Euromusique SA	81%	75%	33%	31	88%	89%
<u>MEZZO</u>	France Télémusique	/	65%	/	NR	/	NR
<u>MONTE CARLO TMC</u>	Monégasque des ondes	NR	NR	NR	NR	NR	NR
<u>MULTIVISION</u> ^(c)	Telcarte SA	14%	16%	14%	16%	NR	NR
<u>MUSIQUE CLASSIQUE</u>	ABsat SA	/	98%	/	98%	/	40%
<u>MUZZIK</u>	Euromusique SA	78%	88%	80%	76%	19%	21%
<u>NOSTALGIE LA TELE</u>	ABsat SA	53%	75%	53% ^(b)	75%	NR	NR
<u>ODYSSEE</u> ^(c)	Société d'exploitation de documentaires SA	78%	80%	72%	75%	NR	45%
<u>PARIS PREMIERE</u> ^(c)	Paris Première SA	97%	94%	82%	93%	NR	NR
<u>PLANETE</u>	Planète Câble SA	75%	75%	57% ^(b)	52% ^(b)	NR	NR

^(b): Budget

^(c): Broadcasting time

/: Channel launched after 1997

NR: Not reported

POLAR ^(c)	ABsat SA	52%	61%	52%	61%	NR	4%
RIRE ^(c)	ABsat SA	62%	65%	62%	65%	NR	3%
ROMANCE ^(c)	ABsat SA	54%	56%	54%	56%	NR	5%
SEASONS	Multithématique SA	70%	78%	16% ^(b)	78%	NR	NR
SERIE CLUB ^(c)	Extension TV SA	56%	55%	47%	46%	NR	NR
TELETOON ^(c)	TPS Jeunesse	74%	65%	59%	65%	NR	NR
TEVA ^(c)	Sedi TV SNC	65%	51%	44%	45%	NR	NR
13ème RUE	Société Universal Studios Channels France	/	26%	/	NR	/	NR
TV5 EUROPE ^(c)	Société Satellimages TV5	97%	95%	NR	95% ^(c)	NR	NR
VOYAGE	SAS Voyage	83%	79%	56%	65%	NR	NR
XXL ^(c)	ABsat SA	43%	76%	43%	61%	NR	50%
<u>ZIK* created in 98^(c)</u>	ABsat SA	/	64%	/	64%	/	99%

B) Reasons given by Member State for failure to reach proportion

1. European works

In 1997, 10 services failed to reach the target for European works: five of them are channels belonging to the firm AB Sat, which are included in only a small number of networks;

three of them are film channels (Cinestar 1 and Cinestar 2, which are largely identical, and Cinétoile, which broadcasts old films);

* the remaining two are Disney Channel and Multivision.

Multivision, which is a pay-per-view service, has found it difficult since its creation in 1994 to purchase rights to broadcast sufficiently attractive, recent European films. It has brought before the *Conseil de la Concurrence* (Competition Council) the questions of the operation of the pay television markets and the rights to broadcast French films, referring in particular to the freeze on rights imposed by the premium channel Canal +. A recent ruling by the Paris Court of Appeal endorsed the decision of the *Conseil de la Concurrence* calling on Canal + to end its practice of tying the prior purchase of exclusive rights to broadcast recent films on television by subscription

to the condition that the producer waives his entitlement to sell to any other operator the television broadcasting rights of these films for broadcasting by a pay-per-view service.

This ruling should in the long term make it possible for pay-per-view services such as Kiosque, established in 1998, to improve their compliance with the European quota.

The situation improved overall in 1998, since eight of the 45 services that provided figures did not meet the minimum requirements. Six of these channels are the same as in the previous year, but they all made progress in the broadcasting of European works (apart from AB Sat's "Action"), and the other two are the new "Kiosque" pay-per-view service and the Universal Studios "13^{ème} Rue" channel.

2. Independent producers

In terms of either programme budget or broadcasting time, all the services distributed by cable exceeded the percentage laid down in the Directive for European works by independent producers, which means that Article 5 was complied with.

C) – Measures adopted or envisaged by the Member State

Those services not reaching the quotas set by French law were given formal notice on 26 October 1999 to comply with the broadcasting quotas in future.

Since the French quotas are stricter than those of Article 4 of the "Television without Frontiers" Directive, the formal notice obviously also covers non-compliance with Article 4.

Under the terms of the agreements concluded between the CSA (Conseil Supérieur de l'Audiovisuel) and each service, no sanctions can be announced without the operator first being given formal notice to comply with the obligation.

D) Further comments

Special case

Since 28 September 1992, the Franco-German channel Arte (European economic interest grouping) has been broadcast on the fifth terrestrial channel in France between 7 p.m. and 1 a.m. In accordance with Arte's tasks as a European cultural channel, its programming is made up largely of European works (2 114 hours, or 82.1%, in 1997, and 2 147 hours, or 83.2%, in 1998), half of which come from Germany and half from France, as well as from the European broadcasters which recently signed agreements as associate members.

Furthermore, by placing orders of FRF 152.6 million in 1997 and FRF 172.1 million in 1998 for works whose original language is French from independent producers out of a programming budget of FRF 377 million and FRF 408 million respectively, *La Sept*, the French part of the European economic interest grouping, kept well within the obligation laid down by Article 5 of the Directive with ratios of 40% and 42%.

IRELAND

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
4	Calendar years 1997/98	

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
Teilifís Na Gaeilge (*)	RTE	-	95	-	64	-	100
RTE 1	RTE	84	81	15	15.5	100	100
Network 2	RTE	85	83	20	21	100	100
TV 3 (**)	TV 3	-	-	-	-	-	-

B) Reasons given by Member State for failure to reach proportion

1. European works.

Not reported.

2. Independent productions.

Not reported.

C) Measures adopted or envisaged by the Member State

Not reported.

D) Further comment

(*) Teilifís Na Gaeilge commenced broadcasting on the 31st October 1996. Its core programmes are in the Irish language. Its programmes for the most part are contracted out to the independent production sector.

(**)TV 3 is a private sector broadcaster which commenced transmissions in September 1998. It operates one channel. Reporting practices are in the process of being established between the station and the Independent Radio and Television Commission. The IRTC indicated that TV3 was not in existence for a sufficient period of time to make a return for the reporting period in question.

ITALY

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
14	Calendar years	Survey

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works</i>		<i>Independent productions</i>		<i>Recent works</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
RAI Uno	RAI - SpA	74.2	81.1	19.7	16.5	59.9	71.4
RAI Due	RAI - SpA	75.0	78.4	36.3	34.5	77.3	80.1
RAI Tre	RAI - SpA	81.8	81.7	29.7	25.6	50.4	60.4
Canale 5	RTI SpA	69.4	69.9	28.2	18.8	81.8	82.6
Italia Uno	RTI SpA	40.9	44.9	16.4	15.6	40.4	38.1
Retequattro	RTI SpA	41.3	44.3	21.1	18.4	21.1	22.8
Tele+ Nero ³	Prima TV SpA	38.6	42.1	14.0	20.8	11.6	19.4
Tele+ Bianco ⁴	Europa TV SpA	65.4	48.0	7.4	22.1	6.1	22.2
Tele+ Grigio ⁵	Omega TV SpA	99.9	NR	NR	NR	NR	NR
TMC	TV Internazionale SpA	16.2	19.0	NR	NR	1.3	2.1
TMC 2	Beta TV SpA	15.3	14.8	NR	NR	NR	NR

³ Formerly Telepiù Uno.

⁴ Formerly Telepiù Due.

⁵ Formerly Telepiù Tre.

Rete Mia	Vallau Italiana Promomarket Srl	NR	NR	NR	NR	NR	NR
Rete Capri	TBS Srl	NR	NR	NR	NR	NR	NR
Rete A	Rete A Srl	NR	NR	NR	NR	NR	NR

B) Reasons given by Member State for failure to reach proportion

1. European works

The report stated that the failure to reach the quota was partly due to the delay in implementing Directive 97/36/EC. As a consequence of this delay it was particularly difficult to define homogeneous monitoring criteria, especially with reference to the data to be collected. The adoption of law 122 in May 1998 produced a positive trend during the last quarter of the year.

2. Independent productions

According to the report, law 122/98 defined independent productions on the basis of two criteria: 1) the broadcaster does not hold too large a share in the capital of a production company; 2) the production company does not supply more than 90% of its output over a period of three years to the same broadcaster

C) Measures adopted or envisaged by the Member State

The report pointed out that the Italian regulatory authority for the communications sector has been authorised to adopt decisions on the production and programming of European works.

D) Further comments

The report regretted the broadcasters' failure to provide complete data for *Tele+ Grigio*, *TMC*, *TMC2*, *Rete Mia*, *Rete Capri* and *Rete A*. This was due to a variety of reasons, ranging from broadcasters specialising in teleshopping or niche markets, to difficulties in finding the right programmes at the right price on the European market. The data would be reported at a later date.

LUXEMBOURG

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
8	Calendar years 1997/98	Real broadcasting time

2. Proportions (en%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
RTL4	CLT-UFA	58.50%	53.70%	38.28%	38.90%	31.80%	32.10%
RTL5	CLT-UFA	42.30%	49.30%	25.70%	31.50%	10.70%	16.80%
RTL Television	CLT-UFA	58.68%	65.98%	36%	51%	35%	50%
RTL TVi	CLT-UFA	46.51%	51.79%	22.83%	29.68%	19.49%	21.37%
Club RTL	CLT-UFA	53.39%	54.25%	34.96%	26.52%	14.45%	4.09%
RTL9 terrestrial	CLT-UFA	52.85%	44.41%	31.18%	35.97%	7.47%	3.04%
RTL9 SAT	CLT-UFA	50.63%	43.79%	31.39%	35.91%	7.46%	5.26%
RTL7*	CLT-UFA	29.17%	27.75%	25.56%	24.26%	rather small%	rather small%
RTL Télé Lëtzebuerg	CLT-UFA	100%	100%	11.50%	18%	11.50%	12.70%

* RTL7 began broadcasting on 6.12.1996

B) Reasons given by Member State for failure to reach proportion

1. European works

RTL Télé Lëtzebuerg, RTL Télévision, RTL4 and Club RTL met the quotas specified by the Directive.

RTL TVi attained a majority proportion for European works in 1998. RTL 5 also made progress and almost attained a majority proportion in 1998, despite the change of format made in 1997.

Unfortunately, a majority proportion was not attained by RTL7 in 1997 and 1998, nor by RTL9 in 1998.

This situation is essentially due to the lack of European works of fiction available at competitive prices and suited to the audience of these channels, whose programming is centred around fiction and which were faced with serious economic problems during the reference period (1997/98).

At the end of 1997 and in 1998 RTL9 underwent major restructuring to combat a very difficult economic situation. During the same period, the French commercial television market changed considerably. The explosion in the number of special-interest channels and particularly in channels specialising in works of fiction has led to a severe reduction in the number of European works available and a real inflation in costs. The channel has not been able to cope with these changes during a period of internal reorganisation.

RTL7 is a new, Polish-language channel which was not launched until December 1996. Its main audience is to be found on the Polish market, which is undergoing rapid change and is fiercely competitive. With only limited broadcasting means (satellite and part of the cable network), RTL7 is still fighting for economic survival.

2. Independent producers

Not reported.

C) Measures adopted or envisaged by the Member State

The Government has asked CLT-UFA to take the necessary measures to attain a majority proportion of European works for all channels.

D) Further comments

Not reported.

NETHERLANDS

A) *Statistical statement*

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Methods</i>
11	Calendar year	(*)

(*)The NOS collects the information (concerning the public service broadcasters at Nederland 1, TV2 and Nederland 3) on the basis of the total transmission time (less the time reserved for news, sports events, etc.)

SBS6 used samples consisting of one week (chosen at random) per quarter of the reporting period.

Veronica used samples consisting of the following weeks : 3, 16, 29, 38 and 47.

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
Nederland 1	Public service broadcaster	80%	81%	26%	32%	85%	79%
TV2	Public service broadcaster	88%	91%	35%	40%	93%	96%
Nederland 3	Public service broadcaster	87%	89%	22%	28%	64%	64%
Veronica	HMG b.v.	69%	69%	62%	64%	98%	97%
SBS 6	SBS 6 b.v.	43%	34%	40%	32%	100%	100%
TV10 / Fox	TV10 Gold b.v.	37%	22%	NM	63%	0%	15%
Kindernet	Kindernet c.v.	55%	55%	75%	75%	62%	62%
TMF	The Music Factory b.v.	> 50%	> 50%	NM	NM	99%	99%

The Box	The Box Holland b.v.	± 65%	± 65%	NM	NM	99%	99%
Canal+ 1	Canal +Nederland b.v.	19%	24%	100%	100%	100%	100%
Canal + 2	Canal + Nederland b.v.	19%	24%	100%	100%	100%	100%

B) Reasons given by Member State for failure to reach proportion

1. European works

SBS 6 gave the following reasons for not reaching the percentage target of European works : they have devoted a bigger part of their programme budget to news and sports programmes and they have rebroadcast fewer Dutch productions during the day. SBS 6 are convinced that the percentage will grow again in the coming years because they are also buying on the English market now.

TV10 has been called Fox since 19 December 1998. Until 1 October 1997 TV10 mainly broadcast old television series. After that date they changed their day scheduling to Fox-kids : mainly (American) cartoons.

Canal + Nederland BV has been granted a (temporary) exemption by the *Commissariaat voor de Media* (see under « Further comments »). Canal+ specialises in films and sport. The majority of popular films were produced outside Europe.

2. Independent producers

NM (TMF and the Box) means « not measurable »: it is difficult to determine the origin of the video clips, i.e. where the production company was registered.

Until October 1997 TV10 mainly broadcast old television series (over 5 years old), for which it is difficult to discover the names of the producers. The cartoons they started broadcasting during the day after October 1997 are by independent producers.

C) Measures adopted or envisaged by the Member State

The *Commissariaat voor de Media* has initiated proceedings against SBS 6 and TV10 on the basis of not reaching the percentages of European works specified in Article 52k of the Dutch Media Decree.

D) Further comments

Canal + Nederland BV was granted a temporary exemption by the *Commissariaat voor de Media* on the basis of article 53b of the Dutch Media Decree for the years 1997 and 1998. In 1997 the percentage of European works had to be at least 10%, in 1998 at least 25%. Canal + has lodged an appeal against the figure of 25% set for 1998.

PORTUGAL

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
5	Calendar years 1997 and 1998	Samples

2. Proportions (%)

Channels	Broadcaster	European works (EW)		Independent productions (IP)		Recent works (RW)	
		1997	1998	1997	1998	1997	1998
		RTP1	RTP	54	59.9	29	31.5
RTP2	51	51.1		24	23.1	44	50.4
RTPI	100	98		40	41	80	84
SIC	SIC	29	35.7	15	18	91	90.7
TVI	TVI	23	26.2	13	18.7	52	71.7

B) Reasons given by Member State for failure to reach proportion

1. European works

SIC

During 1997 and 1998, SIC's percentages of EW programmes were higher than those laid down in Article 5 of the "Television Without Frontiers" Directive; the non-compliance therefore relates only to Article 4 of this Community text.

Without prejudice to the situation as presented, attention should be drawn to the progress noted between the first and second year covered by the report, and it is worth remembering that this trend has been even more pronounced during the first four months of 1999 (the calculations for which have already been done), where the percentages recorded have varied between 48 and 53%. With regard to the dissemination of European works, in its seventh year of activity SIC is already very close to complying fully with the programming principles laid down in the Directive.

Among the factors (apart from being a relatively new channel) which have prevented SIC from achieving compliance with these principles during the reporting period, particular mention should be made of the restricted nature of the national advertising market and the fragility of the national production industry, which does not allow the placing on national channels of works in Portuguese specially designed to attract viewers under competitive conditions similar to those for works produced in Brazil.

TVI

In the case of TVI, the discrepancies basically relate to the provisions of Article 4 of Directive 89/552/EEC, although during these two years the percentage of European works by independent producers that were broadcast has complied with the provisions of Article 5 of the Directive.

Like SIC, TVI also broadcast a higher percentage of European works in 1998 than in the previous year, and has therefore adapted progressively, in accordance with the first paragraph of Article 4 of Directive 89/552/EEC.

In the case of TVI, in addition to the adverse conditions already mentioned that affect all broadcasters in Portuguese television, it should also be pointed out that this station was the last to begin its activities, which has of course had consequences for it in terms of market penetration, audience and financial stability, and has led to instability with regard to ownership and successive changes of programming strategy.

2. Independent producers

Not reported.

C) Measures adopted or envisaged by the Member State

The Portuguese authorities have drawn the attention of SIC and TVI to the need to make all possible efforts to bring the percentages of European works broadcast closer to the objectives laid down by Directive 89/552/EEC.

However, the progressive improvement noted in both cases, the fact that the guidance given by Directive 89/552/EEC is only a recommendation and also the fact that the Portuguese authorities are aware that any penalty could have serious effects on the broadcasters have prevented them from imposing penalties, although they are closely monitoring the situation in the context of their regular dialogue with these broadcasters.

D) Further comments

Not reported.

FINLAND

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
4	Calendar years 1997/98	Survey

2. Proportions (%)

<i>Channel</i>	<i>Broadcaster</i>	<i>European works</i>		<i>Independent productions</i>		<i>Recent works</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
TV 1	Yleisradio Oy/Finnish Broadcasting Company	81	81	12	13	65	66
TV 2	Yleisradio Oy/Finnish Broadcasting Company	69	70	19	17	69	54
MTV 3	MTV Oy	58	53	26	20	100	100
Nelonen (4)	Oy Ruutunelonen Since 1.6.1997	50	50	36	36	100	86

B) Reasons given by Member State for failure to reach proportion

1. European works

Not reported.

2. Independent producers

Not reported.

C) Measures adopted or envisaged by the Member State

Not reported.

D) Further comments

In recent years the providers of television services have substantially increased their broadcasting times by transmitting more news and films. A large proportion of the films are non-European, which explains why the proportion of European programmes is slightly down on the years 1995-96.

SWEDEN

A) Statistical statement

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
11	Calendar years 1997/98	Questionnaire for broadcasters

2. Proportions (%)

Channels	Broadcaster	European works		Independent productions		Recent works	
		1997	1998	1997	1998	1997	1998
TV 1000	TV 1000 Sverige AB	29.1	30.4	n.a.	n.a.	n.a.	n.a.
Cinema	TV 1000 Sverige AB	28.2	29.5	n.a.	n.a.	n.a.	n.a.
Canal +	Canal + Television AB	19	22.4	n.a.	Almost all	n.a.	Majority
Canal + Gul	Canal + Television AB	19	21	n.a.	Almost all	n.a.	Majority
Z TV	Z TV AB	79.4	78.71	0	11.83	n.a.	100
6	TV 6 Broadcasting AB	43	49	3	n.a.	n.a.	n.a.
TV 8	Televisions-aktiebolaget TV 8	75	95	75	92	n.a.	100
SVT1	Sveriges Television AB	83	86	22	14	n.a.	100
SVT2	Sveriges Television AB	88	86	18	14	n.a.	100

UR	Sveriges Utbildningsradio AB	98.3	98	34.4	33	n.a.	22
TV 4	TV 4 AB	54.2	52.69	75.6	53.42	n.a.	n.a.

n.a . = not available

B) Reasons given by Member State for failure to reach proportion

1. European works

Not reported.

2. Independent producers.

Not reported.

C) Measures adopted or envisaged by the Member State

Not reported.

D) Further comments :

The percentages for Canal + in 1997 and SVT in 1998 refer in each case to the total broadcasts of the two channels operated by these broadcasters.

Since 7 June 1998 ZTV has been broadcasting from the United Kingdom. The figures for 1998 refer to the period 1 January – 7 June 1998.

UNITED KINGDOM

A) *Statistical statement*

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
179	Calendar years	Survey

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>A. European works</i>		<i>Independent productions</i>		<i>Recent works</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>		<i>1998</i>
TV (formerly The Computer Channel)		64	96	39	96	39	96
3+		28	20	9	14	9	14
Ace TV		N/O	N/O	N/O	N/O	N/O	N/O
Adult Channel		47	52	28	34	27	31
Ag Vision		100	N/O	0	N/O	0	N/O
Animal Planet		63	64	59	60	41	33
Apna TV		N/O	N/O	N/O	N/O	N/O	N/O
Arab News Network		N/O	Exempt	N/O	Exempt	N/O	Exempt
Ark 2		N/O	N/O	N/O	N/O	N/O	N/O
Asianet		7	77	1	15	1	15
Auction Channel		N/O	N/O	N/O	N/O	N/O	N/O
Babylon Blue	Non ITC licensee						
Bar Channel		N/O	N/O	N/O	N/O	N/O	N/O
BBC Choice		N/O	97	N/O	20	N/O	N/A
BBC News 24		100	100	0	0	N/A	N/A
BBC Prime		100	100	13	22	N/A	N/A
BBC World		99	95	3	13	N/A	N/A
BBC1		70	66	15	17	N/A	N/A

BBC2		63	77	18	15	N/A	N/A
Bet on Jazz International		N/O	2	N/O	0	N/O	0
Bloomberg Information Television		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Box Music TV		76	72	26	22	19	22
Bravo		20	21	0	3	0	4
Capital Network		N/O	N/O	N/O	N/O	N/O	N/O
Carlton Food Network		93	95	34	42	34	40
Carlton Select		75	75	23	25	14	9
Cartoon Network		20	24	20	24	11	16
Catholic Television Trust Ltd		N/O	N/O	N/O	N/O	N/O	N/O
Challenge TV		56	64	26	47	21	20
Chand Television		N/O	N/O	N/O	N/O	N/O	N/O
Channel 4		63	62	43	40	41	37
Channel 5		60	52	56	35	56	34
Channel 7 Europe		N/O	55	N/O	23	N/O	21
Chinese Channel		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Chinese News and Entertainment		4	0	0	0	0	0
Christian Channel		20	28	16	17	16	17
Christian Communications Network (Europe) Limited		N/O	N/O	N/O	N/O	N/O	N/O
CNBC		56	68	56	0	56	0
CNN International		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt

Country Music Television							
Television		N/O	N/O	N/O	N/O	N/O	N/O
Crime Channel		N/O	N/O	N/O	N/O	N/O	N/O
Cultural Television		N/O	N/O	N/O	N/O	N/O	N/O
Discovery Channel (Europe)		57	67	46	59	44	56
Discovery Home & Leisure		44	48	27	40	25	33
Disney Channel UK		14	25	3	4	3	2
Dragon		N/O	N/O	N/O	N/O	N/O	N/O
EBN		Exempt	N/O	Exempt	N/O	Exempt	N/O
EDTV	Non ITC licensee						
European Network Broadcasting		N/O	N/O	N/O	N/O	N/O	N/O
Film on Four		N/O	N/A	N/O	N/A	N/O	N/A
Fox Kids		15	16	13	13	10	11
Fox Kids Scandinavia		N/O	13	N/O	13	N/O	5
Front Row (with the Barker Channel)		N/O	26	N/O	0	N/O	0
Front Row (with the Barker Channel)		N/O	17	N/O	0	N/O	0
Gay TV		N/O	90	N/O	20	N/O	20
GSB Goodlife TV		81	53	0	2	0	2
GSB Men & Motors		89	58	25	10	25	10
GSB Plus		91	79	16	17	8	6
GSB Talk TV		38	N/O	0	N/O	0	N/O
HBO		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Het Weer Kanaal		N/O	N/O	N/O	N/O	N/O	N/O

History Channel		31	37	12	19	12	19
Home Order Television	No longer ITC licensee	Exempt	-	Exempt	-	Exempt	-
Home Shopping Network Now Quantum Channel							
Home Video Channel		15	15	7	6	5	5
Il Canale Meteo		Exempt	N/O	Exempt	N/O	Exempt	N/O
Indus Television		N/O	N/O	N/O	N/O	N/O	N/O
International Media Service TV		N/O	N/O	N/O	N/O	N/O	N/O
Intershop		N/O	N/O	N/O	N/O	N/O	N/O
ITV		69	71	22	25	19	18
ITV2		N/O	78	N/O	13	N/O	13
JSTV		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Kanal 5		19	23	16	21	7	1
Kindernet CV	Non ITC licensee						
Knowledge TV		30	N/O	2	N/O	2	N/O
Landscape Channel		91	83	83	79	100	100
Live TV		79	78	8	4	6	0
Living		51	40	51	40	44	33
MBC Ltd (Middle East Broadcasting)		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Med TV		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Media Shop Television		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Minaj Broadcast		N/O	N/O	N/O	N/O	N/O	N/O
MTV Central		89	94	65	89	30	71
MTV Europe		86	96	61	94	30	94
MTV Nordic		89	95	66	89	30	72
MTV South		N/O	N/O	N/O	N/O	N/O	N/O

MTV (UK)		90	93	66	86	30	68
Muslim Television		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Namaste TV		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
National Geographic		12	14	11	11	6	5
NBC Europe		52	54	46	54	46	51
Nickelodeon		23	25	14	17	7	8
Nickelodeon Nordic		17	18	14	16	3	8
Novashop		N/O	N/O	N/O	N/O	N/O	N/O
Novashop 2		N/O	N/O	N/O	N/O	N/O	N/O
Paramount Comedy Channel		19	17	8	6	7	4
Parliamentary Channel		97	97	73	97	73	97
Penthouse Channel		N/O	N/O	N/O	N/O	N/O	N/O
Performance - The Arts Channel		72	71	27	21	6	5
Playboy TV		8	11	8	11	8	11
Pro Sieben	Non ITC licensee						
Promotional Channel		N/A	N/O	N/A	N/O	N/A	N/O
Punjabi UK TV		N/O	N/O	N/O	N/O	N/O	N/O
Q24		N/O	N/O	N/O	N/O	N/O	N/O
Quantum Channel		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
QVC		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
QVC Deutschland Promotional		N/O	N/O	N/O	N/O	N/O	N/O
Racenet		N/O	N/O	N/O	N/O	N/O	N/O
Racing Channel		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Rainbow Television Network		N/O	N/O	N/O	N/O	N/O	N/O
Rapture		N/O	100	N/O	0	N/O	0

Regal Shop		Exempt	N/O	Exempt	N/O	Exempt	N/O
S4C - Analogue		99	100	56	74	54	73
S4C - Digital		N/O	100	N/O	90	N/O	81
SAT 1	Non ITC licensee TIC						
Sat-7		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Satellite Information Services - Racing Facts		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Sci-Fi Channel		7	13	4	4	1	3
Sell-a-Vision		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Setanta Sport		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Sima TV		N/O	N/O	N/O	N/O	N/O	N/O
SIS		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Sky 2		62	N/O	0	N/O	0	N/O
Sky Cinema (formerly Sky Movies Gold)		19	12	10	8	0	2
Sky Movie Max (formerly Screen 1 and Sky Movies)		25	16	9	8	4	5
Sky News		88	90	25	24	25	24
Sky One		44	44	4	4	3	4
Sky Premier (formerly known as Screen 2 and as the Movie Channel)		17	17	11	7	4	3
Sky Scottish		100	100	12	10	12	10
Sky Soap		38	39	36	30	N/A	N/A
Sky Sports 1		86	81	28	27	15	27
Sky Sports 2		86	79	30	45	19	45
Sky Sports 3		76	70	44	44	24	44
Sky Travel Channel		30	27	9	6	8	6
Sony Entertainment Television Asia		N/O	Exempt	N/O	Exempt	N/O	Exempt

Sportswire		N/O	N/O	N/O	N/O	N/O	N/O
Step-up		N/O	N/O	N/O	N/O	N/O	N/O
Studio Universal		N/O	25	N/O	25	N/O	0
Supershop		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Talent Channel		20	N/O	80	N/O	80	N/O
TCC		32	N/O	28	N/O	22	N/O
TCC Nordic		28	32	18	11	11	9
Television X		43	36	19	20	16	14
TESUG TV		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Thaiwave		Exempt	N/O	Exempt	N/O	Exempt	N/O
TNT (now TNT Classical Movies:Digital)		33	N/O	33	N/O	0	N/O
TNT Classical Movies:Digital		36	39	36	39	0	0
Travel (aka Landmark)		50	51	42	52	37	49
Trouble		11	10	48	30	8	1
TV Land		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
TV Shop		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
TV Shop – Sport		N/O	N/O	N/O	N/O	N/O	N/O
TV1000 Sverige AB	Non ITC licensee						
TV3 Denmark		35	28	26	18	26	18
TV3 Norway		20	18	12	10	12	10
TV3 Sweden		30	30	23	21	23	21
UK Arena		99	94	6	4	1	0
UK Channel		N/O	N/O	N/O	N/O	N/O	N/O
UK Gold		52	79	17	28	10	11
UK Gold Classics		N/O	76	N/O	43	N/O	19
UK Horizons		99	95	18	12	18	10
UK Play		N/O	89	N/O	10	N/O	11

UK Style		100	100	25	25	25	23
Vedic Television		N/O	N/O	N/O	N/O	N/O	N/O
VH1		93	93	77	91	25	70
VH1 Export		93	93	77	91	25	70
VIS Television Services Ltd		N/O	N/O	N/O	N/O	N/O	N/O
Vision Channel		60	66	45	56	41	53
Visual Arts		N/O	N/O	N/O	N/O	N/O	N/O
VT4		19	15	14	9	14	21
WBTV The Warner Channel		N/O	N/O	N/O	N/O	N/O	N/O
Weather Channel		N/A	N/O	N/A	N/O	N/A	N/O
What's in Store		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
What's in Store 2		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Williams Worldwide Television		N/O	N/O	N/O	N/O	N/O	N/O
Wizja TV		Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
World Health Network		N/O	N/O	N/O	N/O	N/O	N/O
X1		N/O	N/O	N/O	N/O	N/O	N/O
Zee TV (formerly Asia TV)		12	10	7	3	0	0
ZTV		N/A	49	N/A	19	N/A	19

N/O - Not operating

N/A - Not available

B) Reasons given by Member State for failure to reach proportion

1. European works

a) subject matter of the channel:-

Jazz International, History Channel, Sci-Fi Channel, Sky Cinema, Sky Movie Max, Sky Premier

b) when the channel commenced broadcasting:-

Front Row (with the Barker Channel), Front Row (without the Barker Channel), National Geographic, Studio Universal

c) broadcasts are predominantly in non-European languages. Those programmes which use an EU language are predominantly made outside EU:-

Asiannet, Chinese News and Entertainment, Zee TV

d) difficulty in finding European programmes or finding European programmes at competitive prices:-

3+, Bravo, Discovery Home & Leisure, Home Video Channel, Kanal 5, Living, Nickelodeon, Nickelodeon Nordic, Playboy TV, Sky One, Sky Soap, Sky Travel Channel, TCC Nordic, Television X, TNT Classical Movies:Digital, Trouble, TV3 Denmark, TV3 Norway, TV3 Sweden, VT4

e) subsidiaries of companies based in non-member countries broadcasting programmes mostly from their own stock:-

Cartoon Network, Disney Channel, Fox Kids, Fox Kids Scandinavia, Paramount Comedy Channel

2. Independent productions

Bravo has been a specialist-interest channel, previously showing films over 10 years old. The channel is now investing heavily in original production including with independent producers, which should increase its levels of independent productions and European content.

BBC News 24 is a “rolling” news programme produced in-house.

Disney Channel, the Front Row channels, GSB Goodlife, Home Video Channel, Live TV are new channels and/or have insufficient budgets to allow for larger investment in production.

C) Measures adopted or envisaged by the Member State

The Department for Culture, Media and Sport has asked broadcasters who have failed to meet the quotas to give detailed reasons for this failure and to state when and how they intend to reach the required level.

D) Further comments

No further comments.

III. – SUMMARY OF REPORTS FROM THE MEMBER STATES OF THE EUROPEAN FREE TRADE ASSOCIATION THAT ARE PART OF THE EUROPEAN ECONOMIC AREA

ICELAND

A) *Statistical statement*

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
	Calendar years	

2. proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
RUV Icelandic National Broadcasting Service Television	1	55%	60%	37%	40%	80%	80%
Channel 2 Independent Broadcasting service	1 & 2	35%	31%	Info not available			

B) *Reasons given by Member State for failure to reach proportion*

1. European works

Not reported.

2. Independent producers

Not reported.

C) *Measures adopted or envisaged by the Member State*

Not reported.

D) *Further comments*

Not reported.

NORWAY

A) *Statistical statement*

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Methods</i>
4	European works Calendar year (except TVNorge AS in 1997) Recent works: Eight sample weeks	European works: The statistics for TVNorge AS for 1997 are based on the sampling procedure described at point 7 of the "Suggested guidelines...". The Mass Media Authority has chosen, at random, eight sample-weeks in four quarters of the year. Data for 1998 cover the entire annual schedule. Recent works: The broadcasters do not register the proportion of recent works. These figures are based on an analysis of eight sample weeks, using the same procedure as above.

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent productions (IP)</i>		<i>Recent works (RW)</i>	
		<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>	<i>1997</i>	<i>1998</i>
NRK 1	NRK AS	77	80	11	11	85	81
NRK 2	NRK AS	62	69	9	8	67	46
TV 2	TV 2 AS	49.34	50.50	52.4	61.7	100	100
TVNorge	TVNORGE AS	14a)	13.4	14	13.4	58	59

B) *Reasons given by Member State for failure to reach proportion*

1. European works

TV Norge AS reports that its failure to reach the required proportion of European works is due to the fact that TVNorge has recently joined forces with TV 2 in terms of programming, acquisitions and production, and this transitional period has made it difficult to meet the

required quota of European works. The Norwegian Authorities have informed the broadcaster that such a low proportion of European works nevertheless is unacceptable.

2. Independent producers

NRK's channel NRK 2 fails (just) to achieve the the required proportion of independent productions.

C) Measures adopted or envisaged by the Member State

The Norwegian Mass Media Authority has informed TVNorge AS that the low proportion of European works is unacceptable, and has asked the broadcaster to submit a report on how it plans to increase its proportion of European works in the future.

The Mass Media Authority has also asked NRK AS, TV 2 AS and TVNorge AS to improve their systems for monitoring the percentage of “recent works”.

D) Further comments

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- **IV. ANNEXES**

ANNEX 1

SUGGESTED NEW GUIDELINES FOR MONITORING THE APPLICATION OF ARTICLES 4 AND 5 OF THE "TELEVISION WITHOUT FRONTIERS" DIRECTIVE

1. INTRODUCTION

1.1. The following guidelines have been prepared to assist Member States in their duty to monitor the application of Articles 4 and 5⁶ of Council Directive 89/552/EEC on "the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities", as amended by Directive 97/36/EC. The Member States' obligations in this respect are laid down in Article 4(3) of the Directive. This Article stipulates that "... the Member States shall provide the Commission every two years with a report on the application of this Article and Article 5. That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 5 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it."

1.2. These present guidelines have been drawn up in the framework of the "Contact Committee" set up by Article 23 of the Directive, to clarify certain definitions so as to avoid differences of interpretation which could lead to the Directive being implemented in different ways, and so as to render transparent to all interested parties the manner in which the provisions in question are applied. This document has no mandatory legal force and is merely intended to clarify certain provisions of the Directive. It constitutes the second version of the guidelines and incorporates the changes necessitated by certain provisions of the 1997 Directive amending the 1989 Directive.

The new guidelines came into force on 1 January 1999.

2. DEFINITION OF TELEVISION BROADCASTERS AND SCOPE

2.1. According to Article 1(b) of the Directive, a television broadcaster means "the natural or legal person who has editorial responsibility for the composition of schedules of television programmes within the meaning of (a) and who transmits them or has them transmitted by third parties."

Article 1(a) defines "television broadcasting" as "the initial transmission by wire or over the air, including that by satellite, in unencoded or encoded form, of television programmes intended for reception by the public. It includes the communication of programmes between undertakings with a view to their being relayed to the public. It does not include communication services providing items of information or other

⁶In the interests of clarity, all references to the Articles refer to the consolidated version of the Directive.

messages on individual demand such as telecopying, electronic data banks and other similar services."

2.2. The reporting requirement under Article 4(3) applies to all broadcasts transmitted by broadcasters under a Member State's jurisdiction, with the following exceptions:

Articles 4 and 5 do not apply to "news, sports events, games, advertising, teletext services and teleshopping."

Article 9 stipulates that Articles 4 and 5 do not apply to "television broadcasts that are intended for local audiences and do not form part of a national network."

Recital 29 to the Directive stipulates that "channels broadcasting entirely in a language other than those of the Member States should not be covered by the provisions of Articles 4 and 5."

Article 2(6) provides that the Directive shall not apply to broadcasts intended exclusively for reception in third countries, and which are not received directly or indirectly by the public in one or more Member States.

There is no need, therefore, for Member States' reports to include information on the following categories:

channels broadcasting exclusively "news, sports events, games, advertising, teletext services and teleshopping" ;

broadcasts "intended for local audiences" and which "do not form part of a national network", irrespective of the means of transmission used. As an exception to the rule, the term "local" should be interpreted strictly and thus be taken to mean "sub-regional";

channels broadcasting exclusively in a language that has no official status as one of the languages of one or more Member States;

broadcasts covered by Article 2(6), i.e. those intended exclusively for reception in third countries and which cannot be received in a Member State.

3. JURISDICTION OVER BROADCASTERS

For the purposes of the Directive, the broadcasters under the jurisdiction of a Member State are, pursuant to Article 2(2) :

those established in that Member State in accordance with paragraph 3 (establishment being determined as the place or places where the broadcaster has its head office, takes its editorial decisions about programmes schedules and/or has a significant part of the workforce involved in the pursuit of the television broadcasting activity);

those to whom paragraph 4 applies (i.e. broadcasters who, while not being established in a Member State, use a frequency granted by that Member State or the

satellite capacity appertaining to that Member State or a satellite link-up situated in that Member State).

4. RELEVANT TRANSMISSION TIME

4.1. Transmission time, within the meaning of Articles 4(1) and 5(1), is a broadcaster's total transmission time, the test card excluded, less the time reserved for news, the retransmission of sports events, games, advertising, teletext services and teleshopping.

4.2. To ensure comparability with previous reports, when a broadcaster broadcasts on more than one channel the proportions (of European and independent works) must in principle be reported for each of the channels concerned. However, Member States may take appropriate account of the specific nature of certain new broadcasting services in duly substantiated cases in their reports.

4.3. Member States do not need to include in their reports information on transmission times devoted to news, sports events, games, advertising, teletext services and teleshopping, whether of European origin or otherwise.

5. EUROPEAN WORKS

5.1. The term "European works" is defined in Article 6 of the Directive as:

- a) works originating from Member States;
- b) works originating from European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of Article 6(2);
- c) works originating from other European third countries and fulfilling the conditions of Article 6(3).

5.2. The works referred to in paragraph 1 (a) and (b) are works mainly made with authors and workers residing in one or more States referred to in paragraph 1 (a) and (b), provided that they comply with one of the following three conditions::

- (1) they are made by one or more producers established in one or more of those States;
- (2) production of the works is supervised and actually controlled by one or more producers established in one or more of those States;
- (3) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.

A producer is considered to be established in a European State if the company is a going concern which has a permanent staff involved in both production and commercial operations in Europe.

5.3. The works referred to in paragraph 1(c) are works made exclusively or in co-production with producers established in one or more Member States by producers established in one or more European third countries with which the Community has concluded agreements relating to the audiovisual sector, if those works are mainly made with authors and workers residing in one or more European States.

The Commission will draw up a list of the countries that may benefit from the provisions of paragraphs (b) and (c). The Commission and the Member States will make this list available on request to interested parties. For the provisions of (b) and (c) to apply, works originating from Member States must not be the subject of discriminatory measures in the third countries concerned.

5.4. Works that are not European works within the meaning of paragraph 1 but that are produced within the framework of bilateral co-production treaties concluded between Member States and third countries shall be deemed to be European works provided that the Community co-producers supply a majority share of the total cost of the production and that the production is not controlled by one or more producers established outside the territory of the Member States.

Member States will draw up a list of their bilateral co-production treaties. The Member States and the Commission will make these lists available, on request, to interested parties.

5.5. Finally, works which are not covered by any of the above provisions, but which are made mainly with authors and workers residing in one or more Member States, shall be considered to be European works to an extent corresponding to the proportion of the contribution of Community co-producers to the total production costs.

6. INDEPENDENCE

6.1. This concept must be interpreted in the light of Recital 31 to the Directive.

Producers with broadcasting interests will only be considered as independent producers if their broadcasting interests do not represent their principal activity.

6.2. In other words, in the definition they apply to the wording of Article 5, Member States should take into account the following three indicative criteria, which are not exhaustive:

- Who owns the production company?

The aim is to make sure the broadcaster does not hold too large a share of a production company's capital (and *vice versa*). The term "broadcaster" should be understood here as meaning the broadcasting organisation in its entirety, not each channel which comes under the organisation.

- How many programmes are supplied to the same broadcaster?

The purpose of this criterion is to measure independence in terms of the amount of programming supplied, basing the analysis on a period long enough to allow conclusions to be drawn, and bearing in mind any special characteristics of the broadcasting organisation in question.

- Who owns the secondary rights?

This criterion enables the independence of a producer to be assessed in the event that all his rights, including secondary rights, have been bought by broadcasters, leaving the independent producer in a position where he cannot put together a catalogue of material with secondary rights which can be sold on other markets.

7. DATA COLLECTION

7.1. SUBJECT TO THE EXCEPTIONS SET OUT IN SECTION 2.2. ABOVE, STATISTICS, EXPRESSED IN HOURS AND PERCENTAGES, MUST COVER THE RELEVANT OUTPUT OF ALL BROADCASTERS UNDER THE JURISDICTION OF THE MEMBER STATE DURING THE REPORTING PERIOD, IRRESPECTIVE OF WHETHER THEY ARE NEW OR SPECIAL-INTEREST BROADCASTERS.

Member States should, as far as possible, report the annual statistics for each channel separately (see 4.2 above).

It is suggested that Member States use the definitions provided above in order to ensure the compatibility of national reports.

If Member States use definitions other than those given above, the monitoring report should include details of the definitions used and how they differ from those given above, and also, where possible, how they affect the resulting data.

7.2. Where broadcasters can code their programmes according to the above mentioned definitions, they should be advised to apply data recording systems in such a way that comprehensive statistics for the entire annual schedule can be compiled.

If the national authorities are satisfied that a derogation from comprehensive reporting is justified in the reference period, then a detailed description of the broadcaster's sampling procedure and basis of estimates should be submitted for consideration to the Commission. Samples should consist of at least one week (chosen at random) per quarter of the reporting period.

7.3. Model

Member States could use the following model for their reports:

Broadcaster	Channel	A. European works (EW)		B. Independent productions (IP)		C. Recent works (RW) (% of B)		Reasons for non- compliance	Measures adopted or envisaged to achieve compliance
		1999	2000	1999	2000	1999	2000		

ANNEX 2**LIST OF CHANNELS NOT ACHIEVING THE TARGET FOR EUROPEAN WORKS AND INDEPENDENT PRODUCTIONS (1997/98)****A) EUROPEAN WORKS**

<u>Status</u>	<u>type</u>
PR = Private channel	GE = General-interest ✓ = target met
PB = Public channel	TH = Special-interest x = target not met
PY = Pay channel	LA = non-Community - = data not communicated
BA = Channel which is part of a basic service for a cable network or satellite service	n.o. = not in operation

		1997	1998	Status	Type
AT	ORF 1	x	x	PB	GE
BE	RTL TVI	x	✓	PR	GE
	KANAAL 2	x	x	PR	GE
	FILMNET 1	x	x	PR/PY	TH
	FILMNET 2	x	x	PR/PY	TH
DE	Discovery Channel	x	✓	PY	TH
	DF 1	x	x	PY	TH
	KABEL 1	x	x	PR	GE
	ntv Der Nachrichtenkanal	-	-	PR	GE
	Premiere	x	x	PY	TH
	Pro Sieben	x	x	PR	GE
	RTL 2	x	x	PR	GE
	Super RTL	x	x	PR	GE
	TM3-Fernsehen für Frauen	x	x	PR	TH
	VIVA 2	x	x	PR	TH
	VOX	✓	x	PR	GE
DK	TV Bio	x	x	PR/PY	TH
	Erotica Rendez-Vous	x	✓	PR/PY	TH
	TV Danmark	x	x	PR	GE
GR	Star Channel	x	✓	PR	GE
ES	Antena 3	x	✓	PR	GE
	TELE 5	x	x	PR	GE

FR	AB Channel	x	x	PR/BA	TH
	Action	x	x	PR/PY	TH
	ANIMAUX	x	√	PR/BA	TH
	AUTOMOBILE	√	-	PR/BA	TH
	CINE-PALACE	x	x	PR/PY	TH
	CINESTAR 1	x	x	PR/PY	TH
	CINESTAR 2	x	x	PR/PY	TH
	CINETOILE	x	√	PR/PY	TH
	DISNEY CHANNEL	x	√	PR/PY	TH
	FUN TV	√	x	PR/BA	TH
	KIOSQUE	n.o.	x	PR/PY	TH
	MANGAS	x	x	PR/BA	TH
	MONTE CARLO TMC	-	-	PR/BA	GE
	MULTIVISION	x	x	PR/PY	TH
	13ème RUE	n.o.	x	PR	TH
	XXL	x	√	PR/PY	TH
IE	Teilifis Na Gaeilge	-	-	PB	GE
IT	Italia 1	x	x	PR	GE
	Retequattro	x	x	PR	GE
	Tele + Nero	x	x	PR/PY	TH
	Tele + Bianco	√	x	PR/PY	TH
	Tele + Grigio	√	-	PR/PY	TH
	TMC	x	x	PR	GE
	TMC 2	x	x	PR	GE
	Rete Mia	-	-	PR	TH
	Rete Capri	-	-	PR	GE
Rete A	-	-	PR	TH	
LU	RTL 9 Satellite	√	x	PR	GE
	RTL 9 hertzien	√	x	PR	GE
	RTL Tvi	x	√	PR	GE
	RTL 5	x	x	PR	TH
	RTL 7	x	x	PR	GE
NL	SBS 6	x	x	PR	GE
	TV10/FOX	x	x	PR	GE
	Canal+ 1	x	x	PY	GE
	Canal+2	x	x	PY	GE
PT	SIC	x	x	PR	GE
	TVI	x	x	PR	GE
FI	Nelonen(4)	x	x	PR	GE

SE	TV 1000	x	x	PR/PY	TH
	Cinema	x	x	PR/PY	TH
	Canal +	x	x	PR/PY	TH
	Canal + Gul	x	x	PR/PY	TH
	TV 6	x	x	PR/PY	TH
UK	3 +	x	x	PR	GE
	Adult Channel	x	√	PR/PY	GE
	Asianet	x	√	PR/PY	LA/GE
	Bet on Jazz international	n.o.	x	PR/BA	TH
	Bravo	x	x	PR/PY/BA	GE
	Cartoon Network	x	x	PR	TH
	Chinese News & Entertainment	x	x	PR/PY	LA/GE
	Christian Channel	x	x	PR	TH
	Discovery Home and Leisure	x	x	PR	GE
	Disney Channel UK	x	x	PR/PY	GE
	Film on Four(*)	n.o.	-	PR/PY	TH
	Fox Kids	x	x	PR	TH
	Fox Kids Scandinavia	n.o.	x	PR/PY	TH
	Front Row (with the Barker Channel)	n.o.	x	PR/PY	TH
	GSB Talk TV	x	n.o.	PR/PY/BA	TH
	History Channel	x	x	PR	TH
	Home Video Channel	x	x	PR/BA	GE
	Kanal 5	x	x		
	Knowledge TV	x	n.o.	PR	TH
	Living	√	x	PR	GE
	National Geographic	x	x	PR	TH
	Nickelodeon	x	x	PR	TH
	Nickelodeon Nordic	x	x	PR	TH
	Paramount Comedy Channel	x	x	PR/PY/BA	TH
	Playboy TV	x	x	PR/PY	TH
	Sci-Fi Channel	x	x	PR/PY/BA	TH
	Sky Cinema (formerly Sky Movies Gold)	x	x	PR/PY	TH
	Sky Movie Max (formerly Screen 1 and Sky Movies)	x	x	PR/PY	TH

Sky One	x	x	PR/PY/BA	GE
Sky Premier (formerly known as Screen 2 and as the Movie Channel)	x	x	PR/PY	TH
Sky Soap	x	x	PR/PY	TH
Sky Travel Channel	x	x	PR/PY/BA	TH
Studio Universal	n.o.	x	PR/PY	TH
Talent Channel	x	n.o.	PR/PY	TH
TCC	x	n.o.	PR/PY/BA	TH
TCC Nordic	x	x	PR/PY/BA	TH
Television X	x	x	PR/PY	TH
TNT (now TNT Classical Movies : Digital)	x	n.o.		
TNT Classical movies: Digital	x	x	PR/PY	TH
Travel	x	√		
Trouble	x	x	PR/BA	TH
TV3 Denmark	x	x	PR	GE
TV3 Norway	x	x	PR	GE
TV3 Sweden	x	x	PR	GE
VT4	x	x	PR	GE
Zee TV (formerly Asia TV)	x	x	PR/PY	LA/GE
ZTV	-	x	PR	GE

(*) began broadcasting in December 1998

B) INDEPENDENT PRODUCTIONS

Status type
PR = Private channel GE = General-interest √ = target met
PB = Public channel TH = Special-interest x= target not met
PY = Pay channel LA = non-Community - = data not communicated
BA = Channel forming part of an.o. = not in operation
basic service for a
cable network or satellite service

		1997	1998	Status	Type
BE	TV1	x	x	PB	GE
	TV2	x	n.o.	PB	GE
	CANVAS/KETNET	x	x	PB	GE
DE	Phoenix	x	x	PB	TH
	Multithématiques	x	x	PR	TH
	n-tv Der Nachrichtenkanal	-	-	PR	TH
	VIVA	x	x	PR	TH
	VIVA 2	x	x	PR	TH

DK	Erotica Rendez-Vous	-	√	PR/PY	TH
GR	ANT 1	√	x	PR	
ES	CST	√	x	PB	GE
	ETB 1	x	x	PB	GE
	TV 3	√	x	PB	GE
	TVG	x	x	PB	GE
FR	AUTOMOBILE	√	-	PR/BA	TH
	Kiosque	-	-	PR/PY	TH
	Mezzo	n.o.	-	PB/PY	TH
	Monte Carlo TMC	-	-	PR/BA	GE
	13ème Rue	n.o.	-	PR	TH
	TV5 Europe	-	√	PB/BA	GE
IE	Teilifis Na Gaeilge	-	√	PB	GE
IT	Tele +Bianco	x	√	PR/PY	TH
	Tele + Grigio	-	-	PR/PY	TH
	TMC	-	-	PR	GE
	TMC 2	-	-	PR	GE
	Rete Mia	-	-	PR	TH
	Rete Capri	-	-	PR	GE
	Rete A	-	-	PR	TH
NL	TV10/Fox	-	√	PR	GE
	TMF	-	-	PR	TH
	The Box	-	-	PR	TH
SE	TV 1000	-	-	PR/PY	TH
	Cinema	-	-	PR/PY	TH
	Canal +	-	-	PR/PY	TH
	Canal + Gul	-	-	PR/PY	TH
	Z TV	x	√	PR	TH
	TV 6	x	-	PR/PY	TH
UK	3+	x	√	PR	GE
	AG Vision	x	n.o.	PR	TH
	Asianet	x	√	PR/PY	LA/GE
	Bet on Jazz	n.o.	x	PR/BA	TH
	International				
	BBC News 24	x	x	PB/BA	GE
	BBC World	x	√	PB/BA	GE
	Bravo	x	x	PR/PY/BA	GE
	Chinese News and	x	x	PR/PY	LA/GE
	Entertainment				
CNBC	√	x	PR/PY	LA/GE	

Disney Channel UK	x	x	PR/PY	GE
Film on Four	n.o.	-	PR/PY	TH
Front Row (with the Barker Channel)	n.o.	x	PR/PY	TH
GSB Goodlife TV	x	x	PR/PY/BA	GE
GSB Talk TV	x	n.o.	PR/PY/BA	TH
Home Video Channel	x	x	PR/BA	TH
Knowledge TV	x	n.o.	PR	TH
Live TV	x	x	PR/PY/BA	TH
Paramount Comedy Channel	x	x	PR/PY/BA	TH
Playboy TV	x	√	PR/PY	TH
Rapture	n.o.	x	PR	TH
Sci-Fi Channel	x	x	PR/PY/BA	TH
Sky Cinema (formerly Sky Movies Gold)	√	x	PR/PY	TH
Sky Movie Max (formerly Screen 1 and Sky Movies)	x	x	PR/PY	TH
Sky One	x	x	PR/PY/BA	GE
Sky 2	x	n.o.	PR/BA	GE
Sky Premier	√	x	PR/PY	TH
Sky Travel Channel	x	x	PR/PY/BA	TH
UK Arena	x	x	PR/PY	TH
VT4	√	x	PR	GE
Zee TV (formerly Asia TV)	x	x	PR/PY	LA/GE
ZTV	-	√	PR	GE

ANNEX 3

PARAMETERS USED TO CALCULATE THE WEIGHTED AVERAGES OF EUROPEAN WORKS BROADCAST BY EUROPEAN UNION CHANNELS WITH A MAJOR AUDIENCE.

Country	Channels	% audience (*)	% European works(**)
AT			
	ORF 1	26.9	32.0
	ORF 2	35.3	83.3
BE			
	RTL Tvi	19.8	51.8
	Club RTL	4.5	54.3
	LA UNE	16.8	81.0
	TV1	21.9	60.7
	TV2	9.7	61.8
	VTM	27.5	68.0
	Kanaal 2	5.7	20.0
DE			
	ARD	27.7	90.0
	ZDF	14.1	85.4
	Kabel 1	4.1	36.9
	ProSieben	8.5	48.1
	RTL	15.0	66.0
	RTL 2	3.8	35.0
	SAT.1	12.2	62.0
	Super RTL	2.6	32.0
	VOX	2.8	48.0

DK			
	DR1	30.8	81.0
	TV2	37.5	67.0
GR			
	ET1	6.3	82.0
	Megachannel	19.9	71.0
	Antenna 1	22.9	93.7
	Sky	15.1	58.0
	Star	14.9	52.0
ES			
	TVE1	25.4	55.7
	TVE2	8.7	69.0
	Antena 3	22.9	51.9
	Tele 5	20.5	45.2
FR			
	TF1	34.8	65.0
	France 2	22.9	77.3
	France 3	17.4	70.7
	CANAL +	4.7	62.1
	M6	12.8	66.7
IR			
	RTE1	34.0	81.0
	Network 2	19.0	83.0

IT			
	RAI Uno	22.6	81.1
	RAI Due	15.9	78.4
	RAI Tre	9.0	81.7
	Canale 5	21.3	69.9
	Italia 1	11.2	44.9
	Rete 4	9.7	44.3
	TMC	2.5	19.0
LU			
	Rtl Tele Lëtzebuerg	58.3	100.0
NL			
	Ned-1	10.9	81.0
	TV2	17.3	91.0
	Ned-3	9.4	89.0
	Veronica	8.0	62.0
	SBS 6	8.6	34.0
PT			
	RTP1	32.6	59.9
	RTP2	6.1	51.1
	SIC	49.7	35.7
	TVI	11.6	26.2
FI			
	MTV3	42.0	53.0
	TV1	26.0	81.0
	TV2	21.0	70.0
	Nelonen	6.0	50.0

SE			
	SVT-1	22.7	86.0
	SVT-2	26.2	86.0
	TV4	26.7	52.7
UK			
	BBC1	29.6	66.0
	BBC2	11.3	77.0
	ITV	32.0	71.0
	Channel 4	10.0	62.0
	Channel 5	3.9	52.0

(*) Source : Observatoire Européen de l'Audiovisuel, Period from 01-01-1998 to 30-06-1998, except for the United Kingdom (October 1997 to September 1998) and Luxembourg (1 October 1997 to 31 May 1998 between 19 h and 20 h).

(**) Source : Declarations by the Member States, period from 1 January to 31 December 1998.