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INTERIM REPORT

REALITIES AND TENDENCIES IN EUROPEAN TELEVISION :

PERSPECTIVES AND OPTIONS

(Report from the Commission to the European Parliament)

C O N T E N T S

	<u>Page</u>
	5
I	7
II	9
	10
	11
	11
III	15
	15
	16
	17
	19
IV	21
	21
	23
	26
	27
	28
	30
	32

ANNEXES

1.	Resolution on radio and television broadcasting in the European Community, passed by Parliament on 12 March 1982	33
2.	Technological developments	41
3.	Ariane launch programme	51
4.	US space shuttle launch programme	55
5.	International organizations and initiatives	59
6.	Council of Europe	79
7.	National activities	99
8.	Table of DBS satellite projects in Europe	143
9.	Maps of DBS reception areas in Europe	149
10.	National broadcasting legislation in the European Community	161
11.	Euro-Barometer survey of European attitudes to transnational television	191

SUMMARY AND CONCLUSIONS

1.

The new telecommunications technologies, and especially direct broadcasting by satellites (DBS), will inevitably lead to a proliferation and an internationalization of television broadcasts in Europe by the end of the decade.

The situation now emerging, though certainly not without its risks, will afford the citizens of Europe greater opportunities to learn about, appreciate and participate in the cultural unity of our continent.

In global terms, the new technological developments will enable Europe, to make a greater impact, compared with its major competitors, both industrially and culturally - provided a common policy is launched without delay.

2.

Faced with this development the European Community and its Member States will have to take the initiative and act in various fields :

On the institutional front, they will have to devise and put in place a general framework for the "European system" which will be constituted by the satellite, cable and traditional network, and to examine the economic and financial aspects of the new situation, including the question of advertising.

In industrial policy, the aim must be to adopt uniform technical standards and to support European industry.

As regards programme production, no European country will be able to satisfy on the enormous needs of tomorrow on its own. The integration at European level of the programme market, in terms both of production and of demand - including the integration of cinema and video production, in both technical and commercial terms, will become imperative.

And, last but not least, action will be needed in order to maintain the pluralism of national identities that go to make up the cultural unity of Europe.

In this context, the creation of a common television programme constitutes a first step towards a more European perception of the prospects and problems of tomorrow.

3.

The prospects have already given rise to several national and international projects in Europe, devised by both public and private bodies. Within the European Broadcasting Union (EBU) a number of public television organisations are already trying out, among other projects, the production of a common television programme - a full programme featuring news, education, entertainment and sport. The purpose of these multilingual experiments started in 1982 and designed for the 300 million television audience in Western Europe, is to identify the technical, economic, political and legal problems involved. In the future, this new venture could be transmitted direct to the European public especially when the European Space Agency's L-Sat becomes operational in 1986. This project, initiated by an autonomous decision of the public broadcasting authorities involved paves the way for the first steps in the areas mentioned in point 2.

4.

The Commission is therefore prepared to provide political and material support and a reference framework for this initiative by the EBU and its members. To preserve the independence of the broadcasters and promoting the interests of the European public, an appropriate body, bringing together representatives of the broadcasters, the governments of the participating countries and if appropriate, the Institutions of the European Community could be set up.

5.

An initial public opinion poll conducted by the Commission among the citizens of the ten Community countries has shown that a majority (57%) of Europeans are interested in a European television channel.

6.

This is only an interim report and its conclusions must therefore be regarded as tentative. They will be subject to regular review, to adapt them in the light of the unprecedented rate of change in the technological, economic and political fields.

I. INTRODUCTION

1.

On 12 March 1982 Parliament adopted the resolution on radio and television broadcasting in the European Community (1), which calls on the Commission "to submit a report on the media giving assistance to the Community institutions in preparing the decisions to be taken by them in this field" and to "create the political and legal basis for the realization of a European television channel".

Point 8 of the explanatory statement (2) to the resolution states that the report should contain information on the following :

- (a) the legislation relating to the media in the Member States;
- (b) the legal basis for action by the Community in this field;
- (c) the matters in respect of which legal provisions should be laid down;
- (d) whether a convention on the media drawn up within the Council of Europe is advisable and, if so, what form it should take; and
- (e) the legal requirements and practical possibility for the creation of a European television channel.

2.

In this report the Commission understands the term "media" as referring exclusively to television, which is the field where the new technologies - satellites, cables and video - will have by far the heaviest impact on existing structures. This will demand a radical reappraisal of public, professional and political attitudes, but will at the same time, open new and unprecedented vistas.

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- (1) Resolution on radio and television broadcasting in the European Community (OJ C 110, 5 April 1982); reproduced at Annex 1.
 - (2) Published in the report on behalf of Parliament's Committee on Youth, Culture, Education, Information and Sport on radio and television broadcasting in the European Community. Rapporteur : Mr W. Hahn. Doc. 1-1013/81, 23 February 1982 (EP 73.271 final).

3.

The report itself is to be regarded as an interim statement, for two basic reasons :

- the technical and statutory framework is still in a state of flux in all the Member States and in the international organizations operating in the field of telecommunications. If the Commission and Parliament consider it their task to keep up with medium- and long-term developments in order to define their role in this field, the data and facts contained in this report will have to be systematically updated;
- the Commission is preparing a "Green Paper" on the progressive establishment of a common market for television, especially considering the freedom to provide television services within the Community and to receive television programmes transmitted from one Member State to another.

Meanwhile the Council of Europe's Steering Committee on the Mass Media is still collecting documents, comparing data, studying solutions and drawing up recommendations concerning satellite broadcasting within a broader context. The Commission will keep abreast of this activity so that efforts can be coordinated to the maximum extent possible.

4.

Considering the purpose of the report, to which both the Commission and Parliament attach the same importance, it has been decided to give first consideration to the practical possibilities of getting a European television programme onto the screen in the situation which the new technologies will create.

5.

The data regarding the plans of the various European countries for broadcast satellites and cable networks were checked with the International Institute of Communications (IIC) in London which was also consulted on developments in video reception and recording equipment.

Contact has also been established with the Council of Europe, the European Space Agency and the European Broadcasting Union.

II. EUROPEAN TELEVISION AND THE CHALLENGE OF NEW TECHNOLOGIES

6.

The eighties will be a critical period for the telecommunications industry and thus also for the national and international bodies responsible for telecommunications planning and supervision. Experts believe that the pace of technical progress in the coming decade will be greater than in the whole of the preceding hundred years. It is only twenty-five years since the launching of the first sputnik on 4 October 1957, yet already people depend on satellites for countless essential services in their daily lives. The "electronic village" which Marshall McLuhan spoke of in the sixties is already a reality.

7.

The new prospects opening up for television are due to developments in three fields : satellites and optical-fibre cables for the transmission and distribution of programmes, and domestic TV receivers and video-recorders.

The combination of these developments will have far reaching effects on the programme market. Experts have speculated that by the end of the eighties European countries would, on average, have 30 cable television channels, 3 television channels for direct broadcasting by satellite (DBS) and 3 traditional television channels, with 10 hours of transmissions a day on each channel. Altogether that would amount to some 1 million to 1½ million hours of broadcasting a year in Western Europe. Assuming that films and similar productions would occupy somewhere between a third and half of total broadcasting time, one arrives at some 500,000 hours a year for this type of production. Considering that film production in the four leading European countries in this field (Germany, France, Italy and the United Kingdom) at present stands at around 1,000 hours a year, it can easily be seen that output will have to expand enormously. In the absence of sufficient European production, the gap would be filled by non-European material.

8.

The new European broadcasting system will comprise satellites, optical-fibre cable networks and video receivers.

In the light of the recent decision by a number of European governments to set up cable networks, the outlines of the situation by the end of the eighties are beginning to emerge in the following form :

- the domestic receiver (today's television set) will be linked to a keyboard unit to provide a terminal giving access to a wide range of services (telecommunications, data banks, etc.), of which television will be only one;
- reception will be via cable networks (primarily in urban areas) or via aerials which will capture the signals from satellites or land-based transmitters (primarily in rural areas).

9.

The introduction of direct broadcasting by satellite (DBS) will accentuate the major influence of technology on programming. Programmes will inevitably become more international and this will directly affect cultural developments for the people of Europe and hence the future of the Community.

Even if most DBS programmes are distributed by cable networks, the result will still be the same, provided the States do not place barriers in the way of free movement of programmes.

In this respect optical-fibre cables, although representing, as mentioned above, a major technological advance which is of great importance for the expansion of programme production as well as for a wide range of other communications applications, will not have, at the international level, such a revolutionary impact as DBS satellites. The installation of cable networks on a large scale now being planned by a number of European countries remains, by its very nature, a national activity.

The new systems for the transmission, distribution, reception and recording of images are already available. But changes and developments within the systems themselves are proceeding at such a pace that the scope and significance of the technical standards laid down are already being changed. Future national and international decisions will have to take such changes into account if they are not to be out of date before they come into effect, with the consequent danger that they may act as a barriers or causes of delay

The consequences on programmes

10.

Europe is in a special position : by reason of its geography and the density of its population, direct broadcasting by satellite will be able to reach more viewers outside the country of transmission than inside it. Inevitably the greatest impact will be on programmes.

The emerging prospect of larger and larger audiences who will be able to receive these programmes across traditional boundaries has given rise to two opposing points of view :

- that it is an opportunity not to be missed for spreading a particular culture or message more widely; or
- that it poses a threat of "invasion" by a foreign culture.

A third possible view point would be to consider the future prospects as a challenge and incentive to produce new programmes for a new audience on a continental scale. In this way a new domestic European market could be borne which would develop an increasing ability to resist outside influences and a renewed ability to compete on the world market for television programmes.

Technical standards

11.

The countries of Europe, despite having been unable to agree on common technical standards for 625-line television, now have a new opportunity to standardize their satellite services. This would help to achieve rationalization on the internal market and to ensure an effective European presence at world level in terms of industry, commerce and exports.

The European Broadcasting Union (EBU) is currently preparing common technical standards which are due to be ratified in April 1983 (1). Significantly, European industry has been consulted by the EBU and has expressed its approval of common European standards for DBS. The first direct broadcasting satellites are scheduled for launching in 1985. It is therefore essential to begin at once drawing up the timetable of decisions to be taken and then to keep to it, since it will take about three years to develop receiving equipment that complies with the new standards and bring it onto the market.

DBS regulations in Europe

12.

In 1977 the World Administrative Radio Conference of the International Telecommunications Union, held in Geneva, adopted rules for Europe, Africa and Asia (2) concerning the allocation of frequencies and orbital positions for geostationary DBS satellites capable of transmitting a signal powerful enough to be received directly in the home with individual or (in the case of an apartment block, for example) communal dish aerials.

(1) Annex 2, point 21.

(2) Originally the Conference in Geneva was due to adopt DBS standards for North and South America too, but pending further technological developments the American countries, including the United States, chose not to sign the final agreement and to hold the question over for a new Regional Conference scheduled for 1983.

An earth station transmits the signal up to the satellite, which then transmits it back to the target area. Frequencies and orbital positions for the European region have been allocated on a national basis (1), each country being authorised to use up to five television channels.

The 1977 conference also laid down the technical parameters for signal reception in the target area using "standard" equipment, comprising a dish aerial 90 cm in diameter. On the basis of these parameters (signal strength and bandwidth), it is possible to show on a map the elliptical area (the "footprint") in which the satellite's transmissions can be received with the standard aerial. That part of the "footprint" which lies beyond the boundaries of the actual target area is defined as the technically inevitable overspill area (2)

The first DBS satellites in Europe are due to be launched in 1985-86 (3).

13.

At present television transmissions via satellite are made only from "point to point", i.e. from a transmission station to one or more receiving stations which then distribute the programme to domestic receivers via cable or ground transmitters.

At the world level - excluding the Soviet Union and Eastern Europe, which operate their own "Intersputnik" system (4) - a monopoly of international satellite communications was, in principle, granted by governments to Intelsat. Intelsat rules stipulate that the creation of any other organization in the same field must be approved by Intelsat's Board of Governors. The establishment in Europe of Eutelsat comprising the telecommunications authorities of 26 countries, to manage European communications satellites, has given rise to some tension in relations with Intelsat. The situation is further complicated by the fact that the Eutelsat countries also belong to Intelsat.

The conflict was temporarily resolved in September 1982, when Intelsat granted Eutelsat a concession until 1988 for specific European services.

(1) Except for the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), which were authorized to use eight of their channels for a joint regional service (Annex 7, point 115).

(2) Annex 9.

(3) Annexes 5 and 7.

(4) Annexe 5, points 14 and 24.

In Europe "point-to-point" satellites, which also relay telephone and other communications, are developed by the European Space Agency. The working life of the preoperational OTS satellite (Orbital Test Satellite) in orbit since 1978, will run out by the end of 1983. The first two operational satellites in the ECS (European Communication Satellites) series will be launched in 1983.

14.

The overspill beyond target areas from future national satellites, significant enough at the time of the 1977 decisions, is steadily increasing as progress is made in receiver aerial technology. Paradoxically, the original situation is now being turned upside-down, with the potential audience in the overspill areas exceeding the audience in the target areas.

In theory a government could prohibit its citizens from watching foreign transmissions, although this would be unthinkable in the Western democracies. Indeed, the European Convention on Human Rights, ratified by all the Member States of the Community, guarantees every person the freedom to receive and impart information and ideas without interference by public authority and regardless of frontiers (1).

(1) The full text of Article 10 of the European Convention on Human Rights is as follows :

- "1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".

The Convention, drawn up by the Council of Europe, was signed on 4 November 1950 and entered into force on 3 September 1953. All 21 Member States of the Council of Europe have signed it, and all but Liechtenstein have ratified it.

The imposition of barriers to the distribution of television transmissions from one country to another could also be held to be incompatible with the rules laid down by the Treaty of Rome concerning freedom to provide services within the Community (1).

The reception areas for television programmes will, then, go far beyond traditional boundaries; the necessary technical conditions exist therefore for the birth of a pan-European television service.

15.

Under the 1977 Agreement no frequencies were allocated for a pan-European television service. To establish such a service would therefore require :

- the use of a number of national frequencies on the basis of an ad hoc agreement; or
- the use of an international experimental satellite such as the European Space Agency's L-Sat (2), which is due to be launched in the spring of 1986 and will be powerful enough for its two television channels to be received by standard DBS aeriels. To use the L-Sat would, of course, require the prior consent of the countries participating in its launching and management.

16.

Although each European country may use frequencies for five DBS television channels, none of the satellites currently planned will have more than three channels. It will be some time before precise details of the way in which these channels will be used by the countries concerned are defined, but it appears highly unlikely that the governments involved will be prepared to give up all claim to one of their channels in favour of a joint programme.

For the present, the option preferred by the experts for an experimental pan-European channel - both for technical and economic reasons, and because it is the most realistic solution in political terms - would be use the ESA's L-Sat.

(1) Articles 59 et seq of the EEC Treaty.

(2) Point 21.

III. NATIONAL AND INTERNATIONAL ACTIONS AND PROJECTS - THE EUROPEAN SCENE

17.

The current situation on the United States and Canada, large countries without internal frontiers, shows how rapidly satellite and cable networks can expand in just a few years. The expansion of the cable networks, linked with satellite broadcasting, is being held back - at least until 1986 - both by a shortage of satellites, and by economic factors inherent in the sheer size of these countries. Only direct broadcasting by satellite DBS will make it possible to reach the entire population.

The situation is entirely different in Europe : densely populated, criss-crossed by national boundaries, it is a patchwork of national and regional languages, traditions and cultures. That, beyond any technical or economic factors, will have a major influence on decisions regarding satellite broadcasting.

National satellites

18.

Following the decisions of 1977, the DBS satellites of eight European countries (1) will share the orbital position at 19° West; five countries (2) share the position at 31° West; and five smaller states (3) 37° West. The orbital position of each satellite determines the orientation of the viewers' television aerials.

The pressures that powerful business interests could bring to bear on the smaller countries entitled to the position at 37° West are easy to imagine. International conglomerates are prepared to spend money on advertising their products on the European market, and the arrival of DBS is seen as an opportunity not to be missed by what has been called "thwarted capital" (thwarted by the restrictions currently imposed on advertising in Europe). Pressure of this kind is particularly to be expected in the cases where the country concerned is unlikely to exploit the orbital position and frequencies itself.

(1) Austria, Belgium, France, Federal Republic of Germany, Italy, Luxembourg, Netherlands, Switzerland.

(2) Iceland, Ireland, Portugal, Spain, United Kingdom.

(3) Andorra, Liechtenstein, Monaco, San Marino, Vatican.

19.

As things stand at the moment, five to ten national DBS satellites should be in orbit by 1990 (1), provided, among other things, that a sufficient number of launchers is available. The German satellite, scheduled for early 1985, would probably be the first in orbit, followed by a French satellite later that year; in 1986 the second French satellite should be launched, as well as the two British and a Swedish one. The Luxembourg satellite will probably not be launched before 1987. Switzerland and the Nordic countries will follow in 1987 and 1988 respectively (2). All these dates are indicative and subject to change, depending in particular on the availability of launchers (Ariance and US space shuttle).

The Italian Government, which has no plans to put a national satellite into orbit, has reserved one of the two television channels on the ESA's L-Sat for DBS broadcasts to Italy, thereby ensuring access to a DBS channel through a European project rather than by launching its own satellite. The Italian authorities have furthermore offered time on this channel to the European Broadcasting Union (EBU) for a European programme (3).

International satellites in Europe (4)

20.

In 1978 the ESA, which has eleven European countries as members and is responsible for developing the Ariane rocket, launched the OTS satellite (Orbital Test Satellite) which is used, among other things, for "point-to-point" television transmissions.

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- (1) France 2, Federal Republic of Germany 1, Luxembourg 2, Scandinavian countries 1, Sweden 1, Switzerland 1, United Kingdom 2. See annex 8 for details. (If the Austrian satellite project is approved it will be put into effect after 1990).
 - (2) Annex 7.
 - (3) Point 21.
 - (4) The structure of the world network of communications satellites, the role of Intelsat and its relation to the European organization Eutelsat are mentioned at point 13 above. Further details can be found in Annex 5, points 16 to 23.

OTS will be followed by the ECS series (European Communication Satellite), planned for launching in June 1983 and March 1984. These satellites will each have nine channels for "point-to-point" television transmissions and telephone communications. ECS (like OTS) will be managed by the European Post and Telecommunications Services represented in Eutelsat (1)

21.

The launching of L-Sat (Large Satellite) by Arianespace (2), on behalf of the ESA, is scheduled for 1986. It is an experimental platform which will serve a number of purpose and will be equipped with two DBS television transmitters. One transmitter will be permanently beamed at Italy (3), the other has been offered by the ESA to the European Broadcasting Union free of charge for three years for experimental broadcasts to Europe. L-Sat management will be in the hands of the ESA itself. Since the Italian Government has also offered the first channel to the EBU, these two L-Sat DBS channels will be able between them to cover most of the EBU's member countries; reception would generally be possible with individual dish aerials with a diameter of about 90 cm or in outlying areas, with larger communal owns (200 cm in diameter) (4).

The activities of the European Broadcasting Union (EBU)

22.

The EBU, which links together European broadcasting organisations (5) has its headquarters in Geneva, and it is better known to the European public under the name Eurovision.

(1) Annex 5, point 27.

(2) "Arianespace" is a private-sector company set up in France on 26 March 1980 for the management and commercial exploitation of the Ariane launcher. It has its headquarters in Paris and was created by the eleven members of the ESA, the (French) National Centre for Space Studies (CNES), 35 industrial companies and a number of banks.

(3) Point 19 above and Annex 5, point 27.

(4) Annex 9, map 3.

(5) Annex 5, points 32 et seq.

"Eurovision" is best known to the general public for such programmes as "It's a knock-out", the "Eurovision Song Contest", and so on, although these transmissions are only a marginal activity for the EBU. The Olympic Games, the World Cup, the European elections, etc. are also transmitted simultaneously throughout all of Europe by the EBU. Its most important activity is the management of the news exchange system through which its member stations exchange news pictures between them three times each day. In addition all trans-border television circuits in Europe are managed by the EBU's Technical Centre in Brussels.

To adapt to the situation created by the introduction of new national DBS services and the possible future joint satellite television services the EBU has adopted a new constitution which came into force in 1982.

23.

In addition to the studies which are being made by the various EBU bodies of the technical, legal and financial aspects of a European channel, it produced a five-week series of experimental programmes in 1982 called "EURIKON". Five member organizations (1) each produced a week of experimental programmes totalling 35 hours (5 hours a day for 7 days), which were transmitted by the OTS satellite to 15 stations (2). The object of the operation was to test in practice the sort of problems that would be raised by the content, style, organisation, coordination and translation of a European programme, broadcast simultaneously in several languages and devised by a multinational editorial team. For legal and technical reasons these programmes had to be shown on closed circuit and were not seen by the general public, though audience panels were organized in the various countries to get an initial impression of viewer reactions.

Although the final report on these experiments is not yet available, it is already decided that new experiments will be made along different lines in the future. In particular, Dutch television has offered to make available to EBU member stations both studios and the channel allocated to the Netherlands on the new ECS satellite for more ambitious experiments which, in certain conditions, could be received by the public via cable networks (3).

(1) IBA, United Kingdom; RAI, Italy; ORF, Austria; NOS, Netherlands; ARD, Federal Republic of Germany.

(2) The stations producing the broadcasts plus the television authorities of the following countries : Algeria, Finland, France, Greece, Ireland, Portugal, Spain, Switzerland, Tunisia, Yugoslavia.

(3) Annex 5, point 47.

24.

In 1982 furthermore the EBU signed a contract with Eutelsat for the exclusive full-time lease of two ECS television channels for ten years. They will serve to complement the land-based networks used for existing international transmissions.

The aim of the EBU's experiments is to be ready for DBS in 1986 - and particularly for the possibilities which L-Sat will offer of direct access to a European public - with a practised "European" infrastructure, even if major political, legal and financial questions remain to be solved. The use of a European beam via L-Sat - to transmit a jointly-produced EBU programme - will require a modification of the 1977 regulations according to the procedures under article 4 of Appendix 30. These procedures are under way.

Other initiatives

25.

The initiatives discussed so far have all been taken by public-service television organizations, controlled by the public authorities of the countries concerned. The EBU itself was also set up by these public-service organisations.

However, the ongoing structural reform of the EBU, begun in 1982, will have to take account of a changing situation in Europe where, beside traditional public-service television, the private sector is becoming increasingly important.

Private international satellite television ventures are already under way (1). They are financed either by traditional advertising or by the sponsoring of programmes. It is of interest to note that in Europe advertising accounts for approximately a third of the aggregate income of all television stations. It seems, according to the business interests involved, that a large amount of private capital could be available for investment here.

In addition, the European space industry, associated industries and the audio-visual industry are looking for new markets both in Europe and elsewhere.

(1) Annex 5, point 52.

It is clear therefore that pressure is building up for a substantial expansion in both technical equipment and programmes for satellite and cable television in Europe. The combination of new systems of television production, transmission and distribution and strong commercial pressures for the extension of television productions is already then a reality. And this trend cannot but increase on the years to come (1).

(1) Point 7 : future requirements for television programmes in Europe.

IV. THE CURRENT SITUATION OF TELEVISION IN EUROPE AND OPTIONS FOR THE FUTURE

Specific nature of the situation in Europe

26.

As already stated, the situation in Europe is considerably different from the situation in continents where countries covering a large area have few problems concerning the "overspill" of satellite broadcasts beyond the target area. In Europe, geography and population density combine to make this overspill a factor of major importance. Consequently television broadcasts will become "internationalized" from the second half of the eighties.

27.

Several bodies in Europe and elsewhere have already become aware of the situation which is emerging. Various private and public service initiatives (described in the Annexes to this report) are based on the possibility of reaching more viewers outside national frontiers than inside.

It seems clear that, when all the national and international projects involving direct broadcasting by satellite (DBS) have been implemented and are fully operational, there will be a wide range of channels in Europe. A similar situation, structural differences apart, is already involving in North America.

It is also evident that some of these channels will be international in the sense that they will broadcast programmes designed for a multinational and multilingual audience from the Arctic Circle to North Africa. Some promoters of DBS projects are already proposing to give their programmes a "European" character (1)

28.

From the legal angle, the systems governing the electronic media in the Member States are protected by national legislation. The very fact that broadcasters need a licence from the State - and this condition is contained in all legal systems (2) - is significant : broadcasting is somehow seen as one of the attributes of national sovereignty. The latest laws on broadcasting, such as the French law, uphold this principle. This fact has still to be reconciled with the fundamental requirement of freedom of information. This freedom must be guaranteed in an entity like the European Community, especially as we are heading for a time when, because of DBS, reception areas will no longer coincide with national borders.

(1) For example, ZDF in the Federal Republic of Germany, RTL in Luxembourg and Eurosat in Andorra (Annex 7, point 10; 58 et seq; 89 and 90).

(2) Annex 10, point 6.

In view of the medium-term prospects outlined above - all of which will offer European viewers a large number of television channels and programmes originating in different countries - the question whether the existing legal principles need to be reviewed in the light of a completely changed situation will have to be considered by the end of the decade.

For the moment, however, the active role played by the public authorities in all the Member States in radio and television must be considered as an established fact of the European scene. Account must also be taken of the "paramount importance" of publicly controlled broadcasting corporations in the Member States (underlined by the European Parliament's resolution of 12 March 1982 (1) on which this report is based) in "ensuring the development of appropriate policies and initiatives in the interests of the people of the Community".

29.

All the initiatives and policies which are being developed for DBS in the interest of the people of Europe, will have to take account of the fact that, because of the geography and population density of Europe (2), DBS will become a powerful unifying factor. Viewers in one country will be able to share television programmes with viewers in other countries and will thus acquire a new feeling of belonging and involvement. This sharing of pictures and information will be the most effective means of increasing mutual understanding among the peoples of Europe, and will give them a greater sense of belonging to a common cultural and social entity. The development of a truly European spirit will therefore become possible in national audiences, who will still, of course, retain their full cultural identity.

This European audience will develop new aspirations which cannot be fully satisfied by either national initiatives or initiatives by private commercial bodies, since both propose to use this European audience created by satellite television for their own ends.

Initiatives based on language, like the common French-language proposal, launched jointly by France, Belgium and Switzerland, only confirm and reinforce a cultural reality which has existed for a long time. By their very nature, they cannot come to grips with this new multilingual European reality.

That is why the expectations and demands of the new European audience can only be fully satisfied by an initiative which is itself European in its structure and objectives.

(1) Annex 1, last recital.

(2) Point 26.

The Community : its interests and role

30.

Parliament's Resolution of 12 March 1982 (1) already contains a number of considerations concerning the Community's interests :

- if the Community is not involved in decisions on the utilization of new techniques "developments might take place which would not be in the interests of the Community";
- reporting of Community problems in the past "has been inadequate";
- public opinion polls conducted among the citizens of Europe show "disappointment with the development of the Community and, at the same time, a lack of information as to what is actually going on".

In addition, it should be pointed out that there is no systematic European news which is complete and objective, since there is no European television programme directed to a European audience.

It is entirely natural that national broadcasters should give priority to national subjects or, when they deal with other subjects, to those aspects of relevance to their country : this is precisely what happens with European matters. A national view on European and international questions is thus presented to the public.

the Community must take account of the more general interests already outlined in Parliament's resolution, calling for a balanced and all-round European programme of news, politics, education, culture, entertainment and sport, in which the European viewpoint would be based on the ideals and realities of the cultural unity of Europe. Such programme should give equal weight to all regions of the Community to increase European awareness and account of the "essence of European culture, namely diversity in unity" and, finally, ensure "the involvement of people in the regions concerned and their organizations in the preparation of appropriate programmes" (2).

31.

A new service at European level would not of course aim to replace national programmes. People in each country would continue to watch programmes from their national and regional stations which cater for the interests and culture which are close to them and cover the subjects which affect their everyday lives. The role of a common European programme would therefore be to complement national programmes; expanding horizons towards a broader reality and promoting increased awareness.

32.

The Community's role in DBS in Europe would be to facilitate the trans-border transmission of national and international programmes within the Member States.

(1) Annex I.

(2) Annex I.

In doing this, the respect of the EEC treaty rules on the free flow of services, in the television field, must be guaranteed and certain aspects of television and copyright law coordinated. As indicated above (1) a Commission "Green Paper" on the gradual establishment of a common market in the television field is being prepared.

It has already been stated (2) that harmonization of technical standards is desirable. With the introduction of DBS, it should be possible to overcome the difficulties encountered in the past as a result of the coexistence of different standards (PAL and SECAM) in Europe.

The question of the harmonization of technical standards particularly concerns European industry and will influence its prospects in the Community and outside. The industries concerned have moreover expressed their support for the principle of standardization. The Community should play the role of a catalyst in this field and thus promote the removal of technical barriers to the unification of the internal market. The EBU is drawing up recommendations on this subject and its decisions are expected shortly (3).

33.

On the basis of these considerations (4), the objectives of Community action may be defined as follows :

- the use of a DBS channel specifically reserved for European programmes aimed at a European public in general;
- maintenance on these programmes of an overall view of the interest of the European public.

The problem thus arises of choosing an effective strategy for achieving these objectives.

34.

From the second half of the eighties, DBS in Europe will see a variety of different initiatives existing side by side and exerting a mutual influence on each other (5) :

-
- (1) Point 3.
 - (2) Point 11.
 - (3) Annex 2, point 21.
 - (4) Point 29, last paragraph, and point 30.
 - (5) Annex 7.

- a) programmes transmitted by national satellites which, because of the technically unavoidable overspill, will be received in substantial areas of neighbouring countries;
- b) national programmes which will deliberately use overspill to address audiences in neighbouring countries : examples are the programmes planned by RTL (Luxembourg), ZDF (Germany), SSR (Switzerland), ORF (Austria) and Eurosat (Andorra);
- c) regional programmes of the type to be developed by the Nordic countries with the Nord-Sat and Tele-X satellites;
- d) programmes based on shared languages, such as the French-language programmes on which France, Belgium and Switzerland will collaborate from 1983;
- e) programmes made by private commercial bodies (e.g. SATV in the United Kingdom and Euro-TV in the Netherlands).

Considering the expansion of cable networks planned in some countries (1), all these programmes will be received both by means of individual DBS aerials and through mixed - DBS plus cable distribution - systems.

35.

This large number of initiatives confirms the internationalization of television broadcasting in Europe which will be an accomplished fact by the end of the eighties (2).

Faced with this situation and the objectives set out at point 33, the Community can choose between three options :

- do nothing, leaving it to the various broadcasters to use the opportunity presented by DBS and the emergence of a European audience in whatever way suits them;
- encourage a joint initiative by public and, possibly, private stations in Europe;
- set up an independent European organisation.

36.

The first option would entail giving up the objectives indicated. If the third option was selected, a large organization would have to be set up entailing serious financial, legal and political problems.

(1) Points 7 and 8.

(2) Point 26.

These problems have already been set out at point 6 of the explanatory statement to the Hahn report (1), which describes this option as "not very realistic". The Commission can only share this opinion, at least at the present time.

There thus remains the second option, which is also the one recommended in Parliament's resolution of 12 March 1982 (2) : to collaborate with the stations, especially those belonging to the EBU.

This is the course which the Commission considers appropriate to follow, and it will take all the initiatives which may prove necessary for that purpose.

The EBU and the EURIKON experiments

37.

The existence of a common initiative by certain European television stations in the form of the EURIKON experiments (3) offers a concrete basis for possible Community action.

The 15 participant countries in EURIKON (4) did not include all the Community countries, since Belgium, Denmark and Luxembourg did not take part. On the other hand two countries outside Europe (Algeria and Tunisia) were involved.

The European idea behind these experiments is in the broadest sense, being based on criteria such as geographical proximity, cultural unity and historical heritage. Indeed, satellites will not respect Community boundaries any more than national ones.

38.

The main aims of the EURIKON experiments can be summarized as follows :

- to develop a truly pan-European service to reach out beyond the traditional barriers of nationality and language to a new audience more than 300 million strong;

(1) Point 1 (footnote 2)

(2) Annex 1.

(3) Points 23 and 24.

(4) Point 23 (footnotes 1 and 2).

- to establish the nucleus of a European editorial structure, i.e. a team of highly qualified broadcasters who, with the support of the organizations they come from, are convinced of the value of their work and believe in its future;
- to identify the proposed project's inherent technical, legal, cultural, linguistic and economic problems.

Representatives from the five coordinating stations (in United Kingdom, Italy, Austria, Netherlands and Germany) set up a joint working group to direct the experiment; Parliament and the Commission were represented by observers. This group provided an operational testing ground for the international editorial team producing a real common programme.

39.

A report on the EURIKON experiments will be presented to the EBU by the coordinators in the spring of 1983. This report will also contain the results of the audience research carried out to test reactions to the programmes produced

The confidence of the participants in the EURIKON experiment as regards the value of their initiative is illustrated by their decision in principle to conduct new experiments in 1983. These will take different forms, since their aim is to study the widest possible range of technical options and cultural concepts, but the basic objective remains the same : to be ready for the advent of DBS in Europe, in the latter half of the eighties, equipped with a professional and technical machinery developed to meet the needs of the new European public.

Advent of DBS

40.

The EBU members feel that the first major date with the DBS will be the launching of L-Sat by the ESA which, as from 1986, will provide the means for far-reaching experiments before a European public. As already mentioned (1), these experiments could make use of the satellite's two television channels. The two channels will allow programmes to be received in most Western European countries with individual dish aerials about 90 cm in diameter and, in outlying areas, with communal aerials of 200 cm (2).

(1) Point 21.

(2) Annex 9.

As for the alternative possibility (1) of using different channels on the national satellites simultaneously to reach a Europe-wide audience, the EBU feels, quite apart from the comments already put forward (2), that this would be a waste of resources since the areas covered by the channels used (their footprints) would overlap in most cases. Several channels would thus be used to broadcast the same programme to the same area. A pan-European reception would be possible, however, by using a limited number (4 or 5) of satellites.

41.

Decisions as to the best time to launch a Community action must be taken quickly for two reasons :

- firstly, a technical point : L-Sat, which will go into orbit in 1986, will have a useful life of six to ten years. The follow-up to these experiments, which may take the form of a European DBS system, will be determined by decisions taken now as to how it should be used;
- secondly, as underlined at the very beginning of this report (3), the eighties will be a critical period for telecommunications. Given the enormous number of DBS initiatives in the offing, the development of a European service and its acceptance by the viewing public will become progressively more difficult as other new programmes come to occupy the satellite channels.

Possible forms of cooperation

42.

If European television channel by satellite is to be set up, the Community's cooperation with European television organisations working together on it within the EBU framework should be based on three main criteria :

- to provide the organisations taking part with material support, a reference framework and, if necessary, a legal basis;
- to safeguard the independence of the professional broadcasters in performing their duties and producing programmes;
- to ensure an overall view of the interests of the European viewing public (4).

(1) Point 4 of Parliament Resolution of 12 March 1982 (Annex 1).

(2) Points 15 and 16.

(3) Point 6.

(4) Point 33.

43.

Given these aims, and following a thorough examination of responsibilities in the field, the Community could decide to encourage the creation of an ad hoc organization by the members of the EBU, and under the auspices of the EBU itself, or to participate in a project of this kind at the invitation of its initiators.

The major part of the financing for this initiative would probably have to come from the companies involved.

As for advertising, there is reason to believe (as already mentioned (1)) that extensive funds are available for financing television programmes in Europe - even up to 100 %. However, any decision to make use of this source of financing would have complex political and cultural implications and cannot be taken without agreement between the participant companies, on the one hand, and the Community and national authorities involved, on the other (2).

In terms of financial participation by Community Institutions a distinction has to be made between the experimental period involving the preparation of such broadcasts and the creation of a permanent body to run a joint European service.

The willingness of the Institutions to lend their support, even financial support, to the experimental phase presents no apparent problems. A direct and regular contribution from the Community budget to cover the cost of a joint service might on the other hand be seen by the broadcasters as an undesirable factor of political control of programming. But one of the basic principles of any Community support - as outlined in the point above - is precisely to safeguard the broadcasters' independence : for this reason the creation of an appropriate mechanism could be envisaged (point 45).

The Community will therefore have to find, in consulting the television organisations, and in the light of the role which it is willing and able to play, the most appropriate form for its involvement.

44.

The European service should have a permanent structure as simple and as flexible as possible . It might consist of four components :

- an international programming team made up of professionals seconded from the participant stations. This team would be responsible for programme schedules, based either on contributions devised and produced in a European perspective by participant stations or on original productions;

(1) Point 25.

(2) For details of EBU and Council of Europe action in this field, see Annex 5, point 35, and Annex 6, point 7, respectively.

- an editorial team responsible for news and magazine programmes, likewise international and made up of television journalists from participant companies, who would be guaranteed complete independence in their work;
- a translation and interpreting service covering the languages used. There is little need to underline the complexity, delicacy and importance of this (highlighted by the EURIKON experiments);
- the requisite administrative and technical infrastructures.

These four components would be provided for the most part by the participating television companies, although the possibility of Community participation should not be ruled out. This could be limited to special operations on specifically Community projects, and to observer status.

45.

An appropriate body consisting of representatives of the broadcasters, the governments of the countries involved, and, if appropriate, the community Institutions, could be set up with three main functions :

- to define the framework for the activities of the new organization on the basis of principles accepted by all concerned, and to ensure that these principles are respected;
- to ensure that the independence of those responsible for programming and news broadcasting is protected against unwarranted interference;
- to arbitrate in any disputes and problems raised by members of the organization.

Opinion poll among Community citizens

46.

Through its "Euro-Barometer", the Commission has organized a preliminary opinion poll in the Community on the public reaction to a multilingual European channel (1).

In October-November 1982 six questions were put to 9,600 respondents (aged 15 and above) who were interviewed in the ten Community countries by professional pollsters. The poll was conducted as a supplement to Euro-Barometer No 18.

A majority of Europeans (57 %) expressed interest in the idea of a European television network. The question that was put to them read as follows :

(1) Annex 6.

"With the development in the next few years of satellite TV, you may be able to get reception on your own TV set, as well as the programmes you get now from British transmitters, a European TV channel whose programmes (news, entertainment, sport, education, etc.) will be made by several European countries working together, including our own. How much does this idea interest you?"

The answers received fall into the following categories :

	Community as a whole (%)	

. A lot	30	} 57 %
. Somewhat	27	
. A little bit	20	} 39 %
. Not at all	19	
. Don't know	4	

	100	

In addition to this central point (the viewing public's interest in the plan for a European television channel) the survey also covered the extent to which viewers in the different Community countries watch foreign television programmes, and preferences regarding the technical possibilities of solving the language problems.

47.

The answers to the question about the idea of a multilingual European channel are very encouraging and exceed the most optimistic forecasts. Even if, not surprisingly, greater interest is shown in the more highly educated sector of the population, whose attitude towards the Community is also more favourable, the percentage recorded is extremely positive and favours support for the existing projects for a joint European channel and action by the Community institutions along the same lines.

Final considerations

48.

The Commission feels that the creation of a European television service of the type envisaged by the EBU and its members is highly desirable. It has no ambition to usurp the function of professional broadcasters, but believes that such a service would go a long way to making and keeping Europe's citizens aware of the European dimension in their lives in political, economic, social as well as cultural areas. It would thus help to attain the primary objective of the Treaty of Rome, which is "to lay the foundations of an ever closer union among the peoples of Europe".

The Commission, in conjunction with Parliament, is therefore willing to take all the initiatives which may prove necessary in support of the EBU and its members in their efforts to establish a European service made possible by new communication technologies.

ANNEX 1

RESOLUTION ON RADIO AND TELEVISION BROADCASTING IN
THE EUROPEAN COMMUNITY

Adopted by the European Parliament on 12 March 1982 and
published in the Official Journal of the European Communities
on 5 April 1982

RESOLUTION

on radio and television broadcasting in the European Community
adopted on 12 March 1982

The European Parliament,

- having regard to the motion for a resolution by Mr Pedini, Mr Hahn and others on radio and television broadcasting in the European Community (Doc. 1-409/80), the motion for a resolution by Mr Schinzel and others on the threat to diversity of opinion posed by commercialization of the new media (Doc. 1-422/80), and the European Parliament's resolution of 16 January 1981 on the information policy of the European Community, of the Commission of the European Communities and of the European Parliament (1),
- having regard to the report of the Committee on Youth, Culture, Education, Information and Sport and the opinions of the Political Affairs Committee and the Legal Affairs Committee (Doc. 1-1013/81),
- convinced of the need for all citizens of the Member States to receive authentic information on Community policy and thus to be given a share in the political responsibility,
- whereas adequate and expert information is essential to the development of a sense of common responsibility and willingness to take joint political action,
- whereas radio and television are today the chief media for informing and shaping public opinion,

(1) OJ No C 28, 9.2.1981, p. 74; Schall report (Doc. 1-596/80).

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- whereas reporting of European Community problems in the past has been inadequate and in many cases negative,
 - having regard to the public opinion polls recently conducted among the citizens of Europe, which show an alarming disappointment with the development of the Community and, at the same time, a lack of information as to what is actually going on,
 - having regard to the unsatisfactory results of the latest European Council summit with regard to the solution of existing urgent problems,
 - whereas the introduction of transmission by satellite, which may be expected in the years ahead as a result of new technologies, and the different cable systems, will vastly increase broadcasting capacity via the additional channels and make it possible to reach all regions of Europe simultaneously,
 - whereas the anticipated media revolution in the Member States is causing increasing discussion of the reorganization of television broadcasting and whereas a large number of different proposals have been made on the use of the new facilities and in some cases far-reaching decisions are about to be taken,
 - concerned that if the European Community and its institutions do not participate in this decision-making process, developments might take place which would not be in the interests of the Community,
 - convinced that the timely intervention of the European Community in the decision-making process will help to achieve an appropriate solution,
 - convinced that the role and involvement of publicly controlled broadcasting corporations in the Member States is of paramount importance in ensuring the development of appropriate policies and initiatives in the interests of the people of the Community,

1. Calls on the Commission to submit within six months a report on the media giving assistance to the Community institutions in preparing the decisions to be taken by them in this field and containing in particular the information mentioned in paragraph 8 of the explanatory statement and, on the basis of this report, to create the political and legal basis for the realization of a European television channel;

2. Regards it as essential for the European Community to encourage the national television companies and the European Broadcasting Union in their plans to establish a European television channel and for it to take part in the related discussions and decisions;
 3. Considers close cooperation with the European Broadcasting Union to be imperative;
 4. Calls on the Community institutions to ensure that the Member States make the fifth channels of the national satellites available for a European channel, or to see that one channel of the L-satellites to be launched by the European Space Agency in 1986 is reserved for this purpose;
 5. Proposes that the European television channel should provide a full range of programmes, covering news, politics, education, culture, entertainment and sport and that it should be European in origin, transmission range, target audience and subject matter;
 6. Expects that equal weight will be given to all regions of the European Community to increase European awareness and recommends that account be taken of the essence of European culture, namely diversity in unity; and that initiatives will be undertaken to ensure the involvement of people in the regions concerned and their organizations in the preparation of appropriate programmes;
 7. Considers that outline rules should be drawn up on European radio and television broadcasting, inter alia with a view to protecting young people and establishing a code of practice for advertising at Community level;
 8. Instructs its own television service to make available all technical facilities possible for Eurovision broadcasts, and urges the Commission to do likewise;
 9. Instructs its President to forward this resolution and the report of its committee to the Council and the Commission.
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ANNEX 2

TECHNOLOGICAL DEVELOPMENTS

Contents

	<u>Page</u>
The satellite systems : launchers, spillover and reception	43
Launchers	43
Satellites and their footprints	44
Reception	46
Optical fibre cables	47
Video equipment	47
Video cassettes	48
Videodiscs	48

TECHNOLOGICAL DEVELOPMENTS

1. The new horizons opened up to television are the outcome of progress in three sectors - satellites, optical fibre cables and video receiving and recording equipment.

The satellite systems : launchers, spillover and reception

2. Satellite television broadcasting systems (together with radio and other communications systems, of course) depend on the availability of, first, a space launcher to place the satellite in a geostationary orbit approximately 36 000 km (1) above the equator, second, the satellite itself, capable of transmitting amplified signals received from an earth station towards the relevant reception area; and third, equipment for receiving such signals.

Launchers

3. The European countries now possess the Ariane rocket to put satellites into orbit. Plans for developing Ariane 1, 2 and 3 involved an operational launch programme running from 1982 to 1986 (2).
4. The payload of Ariane 1 and 2 is 1 700 kg; Ariane 3 should bring this up to 2 400 kg and it is scheduled to be available for the end of 1983 or beginning of 1984. Development of Ariane 4 with a payload of 4 200 kg was authorized last January, and it should be available for operation at the beginning of 1986.
5. Ariane at present has to face competition from the United States space shuttle, which can carry a 29 500 kg payload to low orbit (3) and also launch such a payload towards the ultimate geostationary orbit approximately 36 000 km above the equator. It also has to face competition from the United States Delta rocket. The space shuttle's launch schedule is very full at the moment. (4)

(1) 35 785 km.

(2) Annex 3.

(3) The orbit which can be reached by the first two shuttles (Columbia and Challenger) is approximately 250 miles (402.3 km), but Columbia has not yet exceeded altitudes of between 155 and 170 miles (250 and 273.5 kms).

(4) Annex 4.

6. During its fifth flight, which took place between 11 and 16 November 1982, the first American space shuttle, Columbia, placed two satellites in geostationary orbit. One, the SBS-3, is the third in a series of business communication satellites for Satellite Business Systems (1); the other, Anik C-3, belongs to Telesat Canada (2) and is intended for commercial communications - direct broadcasting, telephone circuits etc. within Canada, operating in a frequency range of 12 to 14 GHz.

After Columbia released the two satellites into space at 250 km altitude, the SBS-3 and Anik C-3 came under the direct control of their owners, who transmitted the radio signals (from Washington DC for the SBS and from Ottawa for Telesat Canada) needed to activate the propellant systems in the two satellites and guide them to their final position in geostationary orbit 36 000 Km above the equator.

7. Where cost is concerned, the price of launching Ariane was, in March 1982, between \$ 20 and 22 million. The declared cost for the Delta rocket at the same was \$ 25 million, whilst NASA gave figures of \$ 32 and 38 million, at 1975 prices, for the space shuttle for missions in 1982 and in October 1985 (3). It should be remembered, however, that the cost of a shuttle space mission can be spread over a number of users.
8. The world requirement for satellite launches between now and 1990 is assessed at 200.

Satellites and their footprints

9. Technical advances are more and more tending to blur the basic distinction between satellites used for "point to point" transmission (i.e. fixed services between a broadcasting station and one or more receiving stations, but not involving direct reception by the general public) and direct broadcasting satellites, whose signals are to be received by the general public. Recently even the legal distinction, which nonetheless remains valid in principle, has been called into question. (4)

-
- (1) A company formed by International Business Machines (IBM), Consat General and Aetna Life and Casualty.
- (2) Established by the Canadian Parliament on 1 September 1969, this is a semi-public company formed by Canadian telecommunications firms and the Canadian Federal Government.
- (3) But NASA only charged SBS and Telesat Canada \$ 8 to 9 million for launching their satellites in November 1982, on the basis of prices set several years ago in order to attract customers for the shuttle.
- (4) There are plans for "hybrid" satellites which would be used for broadcasting either point to point or direct to the public. Such flexibility in use would have obvious technical and economic advantages. In addition, it is recognized that signals broadcast from a direct broadcasting satellite could legally be received by a communal aerial servicing a group of users. At the moment no accurate definition of the size of a communal group has been provided. Should the communal aerial service a cable network for a entire city, the difference between this service and point-to-point satellite broadcasting would in practice be difficult to ascertain.

Conversely, if a large number of aerials able to receive the signals transmitted by point-to-point satellites were used (assuming the necessary licences were granted) by blocks of flats or hotels, what difference would there be between this and direct satellite broadcasting ?

10. The "Direct Broadcasting Satellite" (DBS) is a powerful, geostationary satellite whose signals can be received by domestic television sets either via an individual dish aerial of 90 cm diameter (1) or via a communal aerial. An earth station beams a signal up to the satellite, which amplifies and broadcasts it towards the target area.
11. Each satellite, consisting of a platform and payload, can be expected in the present state of the art to have a ten-year working life. A DBS system is held to be operational when two satellites are in orbit and able to function, one being immediately available if the other breaks down, and when a third is held in reserve on the ground ready for launching.
12. The World Administrative Radio Conference (WARC) organized by the International Telecommunications Union (2) in Geneva in 1977 set basic standards for DBS in Europe, Africa and Asia. These came into force in 1979 and apply for at least 15 years.

The national DBS reception areas were defined by WARC as areas in which the quality of the signal received via a standard 90 cm diameter aerial is acceptable. These areas (the footprint of the satellite) are strictly defined using two parameters, the strength of the signal and the width of the beam, determined by the Conference in direct relation to the surface area of the country involved (3). It should be added that as a result of technical progress the size of aerials is being reduced. In the maps at Annex 9, the central area of each footprint where reception would be possible with a 60 cm aerial is delineated.

13. Frequency ranges were set at between 11.7 and 12.5 GHz for Europe and Africa and 11.7 - 12.2 GHz for Asia, and the Conference reaffirmed the principle that satellite services should be aimed at the national territory (4).
14. As stated in the Report (5), the divergence between the reception area in which DBS broadcasts may be received via the standard aerial and the national territory involved is defined by the ITU as the technically unavoidable spillover area.
15. The positions in orbit over the equator of the satellite which each European country is entitled to launch were determined by the Geneva Conference, which also decided to grant each country a maximum capacity of five television channels.

(1) Para. 12.

(2) Annex 5.

(3) France and Italy were granted wide beams and power ratings up to 320 watts. Germany and the United Kingdom have narrower beams and power ratings up to 230 watts. Switzerland and Luxembourg have respective narrow beams, and power ratings of 100 watts and 40 watts respectively.

(4) The exceptions to these rules are : the countries too small to comply with the norm (Andorra, Liechtenstein, Monaco, San Marino and the Vatican); the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), which have been authorized to use 8 of their 25 channels for a joint regional channel; and the Islamic countries, which were given a similar authorization.

(5) Para. 12.

Reception

16. For the direct reception of satellite transmissions viewers will need to obtain special equipment in addition to his or her present receiver. This equipment consists of two main items :
- a) a parabolic areal of around 90 cm. diameter which will have to be installed securely and aimed towards a precise orbital position (in which several satellites can be located);
 - b) a converter/decoder which will feed the signals direct to the normal receiver. Initially this will take the form of an additional item (the so-called "black box") but in later models may be integrated in the receiver.

The cost of this additional equipment is likely to be similar to that of a modern colour TV set or home video recorder, the areal and its installation being much more expensive than the black box.

17. Were sound is concerned, it was unanimously agreed at the beginning of 1982 within the EBU that a digital encoding system would be adopted to replace the analog systems used hitherto. However, a decision still has to be reached on which of the various digital techniques for TV sound transmission should be chosen.
18. As for colour picture transmission, the British Government recently (on 29 November 1982), came out in favour of adopting the MAC (Multiplexed Analogue Component) system perfected in the United Kingdom by the Independent Broadcasting Authority (IBA). The Part Report (1) on choosing a new DBS standard whose recommendations were accepted by the Government, proclaims the technical superiority of the MAC system over the other systems proposed. This report also states that the MAC system is the only possible basis for a broad European agreement on a single video standard.
19. The Part Report explicitly recommended adoption of the MAC system with system C for sound. In this connection, whilst expressing a preference for the British "structure map" system, the Home Office Committee stated that the French system (packet multiplexing) should not be opposed if it was generally preferred and might promote the adoption of a single European standard.
20. The EBU's Technical Committee, consisting of representatives of member broadcasting organizations, has been following the development of the new systems from their inception. In December 1981 the Administrative Council of the EBU labelled the definition of broadcasting standards for DBS satellites in Europe as urgent and invited the Technical Committee to increase its efforts towards recommending a single standard for satellite broadcasting at European and possibly world level during 1983.

(1) Produced by the Home Office Committee consisting of Sir Anthony Part (Chairman), Professor Alan Day of the London School of Economics and Professor Roy Griffiths, Professor of Electronics at Loughborough University.

21. From 10 to 15 January 1983 a week of technical demonstrations was organized in London in order to compare the various systems. At the beginning of February, the Bureau of the Technical Committee recommended to the Committee the adoption of a system of the C-MAC-packet type, as the only possible candidate for a common European standard. System specifications will be approved by the Committee at their plenary session in Copenhagen, on 18-22 April next.

Optical fibre cables

22. The main advantages of optical fibre cables are their massive transmission capacity and their particular suitability for transmitting digitally encoded information (in line with the world trend towards dropping the analogue method used hitherto).

Unlike coaxial cables, optical fibre systems have capability for transmitting sound, pictures and data, for providing interactive services including video telephone and videoconferencing, and for remote document copying (telefax).

23. Optical fibres fit in well with all the components of a telecommunications network and have even greater advantages :
- their material is readily available and cheap (sand instead of copper);
 - they are cheap to manufacture, since only one process is involved;
 - they are light (ten times lighter than copper);
 - they are small bore cables, so little space is required for installation.

In addition, optical fibres are not subject to electromagnetic interference.

24. The converter, which converts the signals from the cable into UHF signals for the television screen, could be made into a terminal which the subscriber could use to select programmes, information services etc, with a capacity of up to 50 channels.
25. In several European countries there have recently been decisions to expand utilization of cables; these decisions are summarized in Annex 7.
26. The basic observation to be made with regard to the potential of optical fibre cables is that their characteristics make it technically and economically possible to boost television transmission capability tremendously throughout Europe. This is therefore a powerful factor which alone, or in conjunction with satellite broadcasts (and particularly those which could be transmitted from point-to-point satellites), enhances the prospects for cross-frontier broadcasting and for European channels.

Video equipment

27. The term video is used with reference to a whole range of equipment for receiving and recording programmes, development of which rapidly increased from the mid-seventies with significant repercussions on all visual media.

The biggest boom was in the "home-video" sector, equipment for private, non-professional use, stimulating the expansion of the manufacturing industry.

Towards the end of 1982, expert forecasts were hinting that the growth in the world market for such equipment might decrease and even fall off altogether in 1985, following the arrival of DBS and cable networks. The trend towards a fall-off would be more marked in countries in which pay-TV was introduced.

At present, the market is flooded by Japanese products whose production figures have exceeded all targets. To meet a demand estimated at 11 million units in 1982, Sony and JVC (Japan Victor Company) alone produced approximately 14 million units.

Videocassettes

28. The three systems for recording pictures on magnetic tape cassettes (European, American and Japanese) which now share the world market are technically incompatible with each other (and also with the other Japanese system, U-Matic, which is for professional use). Approximately 60 makes and models using one or other of the three systems are on offer to the consumer.

Videocassettes for non-professional use now play a part in two fields - recording by private individuals of programmes received either off air or via cable on their personal television set for timeshift viewing, with the possibility of recording one programme while watching another; and specialized firms supplying the public with pre-recorded videocassettes. The breakdown of these various types of use varies from one country to another (1).

Videodiscs

29. The videodisc is only just coming onto the market. The equipment needed for playback costs half the price of the cassette recorder and is less fragile and easier to use. The picture quality is better and it can be linked to a hi-fi system. The long-playing disc itself, approximately 30 cm in diameter, costs a third of the price of a videocassette and is far easier and cheaper to manufacture. The two sound channels can either be used together (stereo effect) or separately, which means that two different language versions of the same recording can be made available. It is also possible to add sub-titles.

However, unlike videocassettes, videodiscs cannot be used to record television programmes. The number and quality of recordings available on disc are therefore decisive factors for the success of the system; it is the problem of software availability which has put a brake on sales.

(1) Annex 7.

The three systems available - Philips Laservision, RCA Selectavision and JVC's VHD - are incompatible. This first system uses a laser beam and the two others a stylus on a plane disc (1).

There are three sectors in which future expansion of videodiscs could take place :

1. TV and cinema programmes, exhibiting excellent picture quality and stereo sound characteristics;
2. Data files for companies and research institutes;
3. Educational programmes.

(1) The RCA system was launched on the American market in March 1981 with a stock of 100 disc titles available. It is to be marketed under licence in Europe in 1983 by European firms (in Japan the licences have been granted to Hitachi and Toshiba).

Sales in the United States were 2.9 million discs in the first 9 months; this did not meet RCA's expectations, but the firm is still convinced that the product is viable.

ANNEX 3

ARIANE LAUNCH PROGRAMME

Ariane Launch Programme

(announced by Arianespace (1) on 28 February, 1983)

Transition phase (ESA-CNES) (2)

<u>Date</u>	<u>Launch</u>	<u>Transported satellites</u>
3 June 1983	L6	ECS-1 and AMSAT
26 August 1983	L7	Intelsat-5 F7
4 November 1983	L8	Intelsat-5 F8
January 1984	L9	Intelsat-5 F9

Commercial phase1984

March	L10	ECS-2 and Westar-6
May	L11	Telecom-1a or MARECS-b2 and Spacenet-1
July	L12	Gstar-1 and Arabsat-1 or MARECS-b2
September	L13	Spacenet-2 and Gstar-2 or Telecom-1b
November	L14	MARECS-b2 or Arabsat-1 and Telecom-1b or Gstar-2

(1) Report, point 21, footnote 2.

(2) During the transition phase, the launches will still be mainly the responsibility of the European Space Agency and of the (French) Centre National des Etudes Spatiales. During the commercial phase, the management of the rocket will be entirely entrusted to Arianespace.

1985

January	L15	Spot-1 and Viking
February	L16	SBTS-1 and ECS-3
April	L17	Intelsat-5A F14 or TV-Sat
May	L18	TV-Sat or Intelsat-5A F14
June-July	L19	Intelsat-5A F15 or TDF-1
July-August	L20	Giotto
August-September	L21	SBTS-2 and ...
October	L22	TDF-1 or Intelsat-5A F15
December	L23	Ariane-4-01

Satellites to be launched in 1986 :

STC-1, Anik, CLT-1, Unisat-1 and 2, Skynet-1 and 2, L-Sat, DBS Corp.-1 and 2, Tele-X, Intelsat-6, Spot-2, Postsat.

On 28 February 1983, the press release from Arianespace said that the technical problems which caused the failure of 10 September 1982 were solved. Construction of the second launching pad ELA-2 at Kourou was progressing and its completion will permit up to 10 launchings per year, starting in 1985.

ANNEX 4

US SPACE SHUTTLE LAUNCH PROGRAMME

US SPACE SHUTTLE LAUNCH PROGRAMME

<u>Dates</u>	<u>Name of satellites</u>
October 1984 - January 1987	A total of six Intelsat satellites are scheduled for launching
1984 May	Westar 6
July	Westar 7
October	RCS Domestic satellite
1985 May	RCA Domestic satellite
1986 January	STC Corporation DBS satellite
April	STC Corporation and RCA DBS satellite
April	RCA Domestic satellite
August	STC DBS satellite
November	STC DBS satellite and RCA DBS satellite
1987 February	STC DBS satellite
April	RCA Domestic satellite

ANNEX 5

INTERNATIONAL ORGANIZATIONS AND INITIATIVES

Summary

	<u>Page</u>
<u>World-wide</u>	61
United Nations	61
UNESCO	61
International Telecommunications Union (ITU)	62
Other international organizations	64
<u>International Satellite communications systems</u>	64
Intelsat	64
Intersputnik	
Inmarsat	66
<u>Europe</u>	67
European Space Agency (ESA)	67
Eutelsat	69
European Broadcasting Union (EBU)	69
The EBU and the prospects for pan-European television programmes	70
EURIKON experimental programme within the EBU	71
Conference on European Cooperation in Broadcasting	72
Private initiatives	73
 UNITED NATIONS RESOLUTION	
 on international cooperation in the peaceful uses of outer space	

INTERNATIONAL ORGANIZATIONS AND INITIATIVES

World-wide

United Nations

1. A number of international organizations, both governmental and non-governmental, have responsibilities in the field of DBS. At world level, the United Nations is mainly concerned about the peaceful use of outer space; it held its second conference on this subject in Vienna from 9 to 21 August 1982. The UN's ad hoc Committee and its Legal Sub-committee, after fourteen years of work, have prepared a resolution on the principles governing direct broadcasting by satellite, which states that the prior consent of a country was required only when satellite broadcasts were deliberately beamed to it by another country.

The solution was adopted by the General Assembly in December 1982 by 109 votes to 13, with 13 abstentions. Nine European countries (Belgium, Denmark, Germany, Italy, Luxembourg, Netherlands, Norway, Spain and the United Kingdom) voted against; seven (Austria, Finland, France, Greece, Ireland, Portugal and Sweden) abstained.

The text of the resolution is reproduced at the end of this annex.

UNESCO

2. UNESCO is responsible for the "new world information order", cultural policies, problems concerning authors' rights and the development of communications. The Council of the International Programme for the Development of Communications (IPDC) held its second meeting in Acapulco in January 1983 to establish priorities for its own activities and for projects to be supported. Fifteen projects were approved in the basis of these priorities; they will be financed from the IPDC's special fund and partly from other sources.
3. A large symposium on regional and international mechanisms for the dissemination and exchange of information was organized by UNESCO from 27 to 30 October 1981. It was attended by regional associations of radio and TV broadcasting authorities, international and regional press agencies, and a large number of observers from other international organizations, notably the western and eastern organizations responsible for the Intelsat and Intersputnik systems (1). A joint committee of the two working groups in the symposium (press and radio and television broadcasting) asked for an urgent investigation into the world satellite system so that this could be used for distributing information world-wide. The symposium unanimously passed a resolution calling for investigation into the permanent rental of half the time on three channels, one on each of the Intelsat satellites serving the Atlantic, Indian and Pacific Oceans, for the exchange of televised information and cultural programmes.

The study would be based on the experience of the regional broadcasting and press associations. The symposium decided that direct negotiations with Intelsat should be conducted by a delegation consisting of representatives of the regional broadcasting unions and press agencies, assisted by UNESCO.

(1) Point 14.

4. The direct contacts between the symposium delegation and Intelsat in November 1981 constitute a departure from the principle that media organizations can only use the Intelsat system via their national post and telecommunications authority (1). The symposium expressed the hope that the UN Secretary-General or the Director-General of UNESCO would approach national governments secure preferential tariffs from the authorities for the planned world service.
5. Participants in the UNESCO symposium clearly agreed that, if the world-wide exchanges to which the resolution referred could in fact be organized, the whole organization would be managed by the staff of broadcasting and press organizations. UNESCO would act singly as a catalyst and as a source of finance.

International Telecommunications Union (ITU)

6. The ITU, which has 157 member countries, is the oldest of the UN specialized agencies. Its main responsibility is the international regulation of frequencies.

The governing body of the ITU is the Plenipotentiary Conference, which at each meeting revises and renews the International Telecommunication Convention on which the ITU is based. There have been six Plenipotentiary Conferences since the second world war :

Atlantic City, 2 July - 2 October 1947
 Buenos Aires, 3 October - 22 December 1952
 Geneva, 14 October - 21 December 1959
 Montreux, 14 September - 12 November 1965
 Malaga-Torremolinos, 14 September - 25 October 1973
 Nairobi, 28 September - 5 November 1982.

About 900 delegates from 147 countries took part in the Nairobi Conference which culminated in the signing of the new ITU Convention. The next Plenipotentiary Conference will be held in Paris in 1989.

7. The International Telecommunications Convention sets out both basic and general rules. The basic rules enunciate the fundamental principles on which the ITU operates; the general rules are supplementary to them, and more easily amended.

The third section of the basic rules concerns radio communications. It lays down that radio frequencies and the orbital positions of communications satellites are limited natural resources which should, therefore, be used in the most economic and efficient manner so that all countries have equal access to both according to their needs and the technical resources they have available.

8. The ITU Convention also contains administrative rules (Telegraph, Telephone and Radio Regulations) which are drawn up by separate World Administrative Radio Conferences (WARC).

(1) Point 18.

As stated in the Report (1), the 1977 WARC laid down rules for satellite radio broadcasts (2) for Europe, Africa and Asia on the 11.7 - 12.2 GHz frequency bands. Originally, it was also to fix rules for the Americas (on the 11.7 - 12.5 GHz bands) but the countries concerned, including the United States, decided not to sign the final agreement and to defer a decision to the 1983 Regional Administrative Radio Conference.

9. The 1979 WARC drew up new rules for telecommunications on a world scale and reallocated frequencies among the various radio services in the ITU's three regions : Region I, Europe (including the USSR) and Africa ; Region II, the Americas; Region III, Asia, Australia and Oceania. The Final Acts of the Conference came into force on 1 January 1982 for a period of at least fifteen years; Annex 30 contains the decisions of the 1977 WARC on satellite broadcasts in Europe, Africa and Asia.
10. The 1979 WARC also approved a resolution calling for guarantee to all countries of fair access to the allocation of orbital positions and frequency bands for space services. This will be the main task of the World Broadcasting - Satellite Administrative Radio Conference which will take place in two parts, one in 1985 and the other in 1987.
11. In addition to conferences of its member countries, the ITU has four other parts to its structures :
 - an elected Administrative Council of thirty-six members, which meets in Geneva for three weeks every spring;
 - two Consultative Committees comprising all the members (as do the Conferences, but the Committees do not have the power to draft treaties): the International Radio Consultative Committee and the International Telegraph and Telephone Consultative Committee;
 - the International Frequency Registration Board, which has five members;
 - a General Secretariat.

The most specialized component of this structure is the International Frequency Registration Board. Its five experts are responsible for registering the radio frequencies assigned by national authorities to stations and the geostationary orbits allocated to satellite communication systems. The Board is also asked by national authorities for its opinion on how frequencies may best be allocated (so as to cause minimum interference) and on the fairest, most economic and most efficient use of satellite orbital positions. The members of the Board are regarded as being independent, not as representing their countries.

(1) Point 12.

(2) Defined as a broadcast service whose transmissions are intended to be received by the public at large. This may include radio, television or other types of broadcasting (extract from the Final Acts of the 1979 WARC).

Other international organizations

12. The Organization for Economic Cooperation and Development (OECD) has a general responsibility for information technology policies.
13. The World Intellectual Property Organization (WIPO) is concerned with authors' rights.

International satellite communications systems

14. At world level, the operational responsibility for communications satellite system is, in principle, shared between two organizations : Intelsat and Intersputnik (1). Both organizations are exclusively concerned with geostationary "point to point" communications satellites and have no DBS projects. A third organization, Inmarsat (International Maritime Satellite Organization) (2), is responsible for navigation satellites. It was set up to manage a system of communications satellites for ships and rigs.
15. The regional systems have a special position because, as noted in the report, (3) they constitute a derogation from the principle of Intelsat's global monopoly. The main ones are :
 - Eutelsat; (4)
 - Arabsat, an organization established in September 1978 by twenty-two countries of the Arab League to set up a satellite communications system meeting the needs of its members; (5)
 - international use of national satellite communication systems, such as the Indonesian Palapa system (6) and the planned French and British systems (Télécom and Unisat) (7).

Intelsat

16. According to the rules of Intelsat (International Telecommunications Satellite Organization), the establishment of any other organization in the field of international satellite communications systems management must be approved by Intelsat's Board of Governors.

The organization was set up in Washington in 1964 when an agreement was signed between Comsat (8) and thirteen countries, most of them European. Its final statutes were adopted in Washington in 1971 and became binding on the then seventy-seven members (who comprise the Assembly of Parties) in 1973.

-
- (1) Point 24.
 - (2) Point 25.
 - (3) Report, point 7.
 - (4) Point 30.
 - (5) In October 1982 Arabsat signed agreements for the launching of its first two satellites : Arabsat A should be launched by Ariane in February 1984 and Arabsat B by the US shuttle in October 1984.
 - (6) The Palapa system, based on two satellites and fifty earth stations, started on 8 July 1976 with the launch of Palapa 1 by the United States. The second satellite, Palapa 2, was launched on 10 March 1977.
 - (7) Annex 7.
 - (8) Comsat (Communication Satellite Corporation) was set up in 1962 by the US Congress on the basis of President Kennedy's Communication Satellite Act. Comsat was intended to meet the United States' needs for communications with other countries but was not concerned with domestic space communications.

In April 1965, Intelsat put into orbit Early Bird, the first commercial geostationary satellite (the very first had been the US Syncom 2, launched in July 1962). Early Bird had a capacity of 240 telephone circuits (an increase of 50% on existing transatlantic capacity) or one television channel.

17. Today Intelsat has 106 member countries and manages a system including 260 earth stations and eight satellites in the Intelsat 4, 4A and 5 series,-. The latest series, launched in 1980, 1981 and 1982, provides 12 000 telephone circuits and two television channels. Series 5A, which will be ready in 1983, will provide 15 000 telephone circuits and two television channels.

The fifth satellite in the Intelsat 5 series was launched on 28 September 1982 and has been commercially operational since the beginning of December. It is situated over the Indian Ocean.

Intelsat's 1982 Annual Report records a 24% increase in telecommunications traffic in 1981 and estimates that it will double by 1985. There are options to increase to fifteen the number of satellites in series 5 and 5A and add a further eleven satellites to the original contract for five series 6 satellites.

18. The members of Intelsat are the national post and telecommunications authorities (except for the United States which is represented by Comsat, which is a commercial company). As was noted above (1), this means that the international broadcasting bodies cannot contact Intelsat directly - all approaches must be made through the appropriate national authorities.
19. The Intelsat 6 series, which will replace series 5 and 5A from 1987, will have a number of new technical features, requiring adaptations to be made to the earth stations if they are not to be forced to continue using Intelsat 5A. Intelsat 6 will have 33 000 telephone circuits and four television channels, so doubling the capacity of satellites 5 and 5A. If the option for eleven further satellites mentioned in the previous paragraph is taken up, series 6 will consist of sixteen satellites - this reflects the explosion in demand for satellite communications forecast for the nineties.
20. Intelsat is not undertaking any DBS projects, but in March 1982 it announced the introduction of new television services. Although so far it has provided only occasional use, on the basis of ad hoc reservations by minute of satellite time, a permanent round-the-clock service will be available in future for television transmission on a network reserved for that purpose.
21. As stated under point 16, the 1971 basic agreement between Intelsat members confers on the Board of Governors the power to decide whether or not to authorize the setting up of any new body. Under this agreement, international satellite systems set up by member countries outside the Intelsat structure must not cause significant economic harm to Intersat.
22. Naturally, the new national and regional projects which are being added to existing national systems (2) come into competition with Intelsat since they are taking away its traffic. This conflict of interest exists for all the members of Intelsat who also have an interest in the success of their own parallel ventures.

(1) Point 4.

(2) In the USSR, the USA, Canada and Indonesia.

23. This problem was discussed with particular reference to the situation in Europe at the end of September 1982 when the Intelsat Board of Governors met in Washington. There was no official communiqué but the specialist press noted that the Board had decided to make Intelsat's global infrastructure services available to the European Eutelsat system (1) and the French Télécom system for only five years (2).

After the December 1982 meeting, the Board's spokesman stated that the activities of Intelsat and Eutelsat were well coordinated and that Intelsat has no objections to Eutelsat being used to meet the needs of those European countries which has also signed the Intelsat agreement.

Intersputnik

24. Intersputnik (3) was set up in 1971. Its members are Bulgaria, Cuba, Czechoslovakia, the German Democratic Republic, Mongolia, Poland, Romania and the Soviet Union. The first series of Molyniya satellites (from 1965 to 1981) was followed from 1975 by the Raduya/Stationar and Gorizont satellites. The projected global telecommunications satellite system will be based on seven geostationary Stationar satellites - numbers 4 and 5 are now in orbit over the Atlantic and Indian oceans.

Inmarsat

25. The intergovernmental organization Inmarsat (3) (International Maritime Satellite Organization) was set up in 1979 to provide a satellite system for ships and rigs. In February 1982 it took over the three Marisat satellites from the United States, each of which had ten channels, and Marecs A from the European Space Agency. Today, thirty-seven countries, including the Soviet Union, are members of Inmarsat.

The loss of Marecs B when an Ariane L-E rocket failed on launching will not reduce Inmarsat's capacity because it has extended its lease of the Marisat satellite from Comsat. In addition, the maritime communications capacity of the Intelsat 5 satellites will add from next December a further thirty-two two-way communications channels to enable ships at sea to communicate with almost anywhere in the world.

(1) Point 30.

(2) It should also be noted that, besides the regional international bodies, there is international utilization of national systems, such as the Indonesian Palapa satellites (third indent of, and sixth footnote to, point 15) and the future French (Télécom) and British (Unisat) systems.

(3) Point 14.

Europe

European Space Agency (ESA)

26. The European Space Agency took over on 31 May 1975 from the European Space Research Organization (ESRO), in which the activities of CECLES (Conférence Européenne pour la mise au point et la Construction de Lanceurs d'Engins Spatiaux, set up in 1962) and CETS (European Conference on Satellite Communications, established in 1964) had previously been regrouped in 1973.

The ESA now works on the basis of an agreement signed by eleven European countries (1), which came into force in October 1980. This provides for a scientific programme in which all the member countries participate and satellite utilization projects which are agreed and financed on an "à la carte" basis by interested countries.

27. Besides the Ariane rocket development programme (2), the ESA has two main communications satellite projects :

- The OTS (Orbital Test Satellites) and ECS (European Communications Satellites) series of satellites for "point to point" transmissions. The OTS-2 (3) has been in orbit since 1978 and is expected to reach the end of its useful life at the end of 1983.

The new system will not become operational until ECS-1 and 2, which will be launched by Ariane in 1983-84, are functioning. Three other satellites are planned for the period from 1983 to 1985. The first two ECS satellites will have twelve channels each, of which nine will be capable of operating simultaneously and three will be kept in reserve.

- The L-Sat (Large Satellite) which was finally authorized at the end of 1981 by the eight participating countries.

The project is financed as follows : Austria, 0.75%; Belgium, 3.7%; Canada, 9%; Denmark, 1.3%; Italy, 32.8%; Netherlands, 11.8%; Spain, 2.6%; United Kingdom, 34.3%; other contributions, 3.75% (4).

L-Sat is a multi-purpose experimental platform for telecommunications and DBS which will be launched in 1986 by Ariane. One of the DBS channels will be aimed at Italy and the other has been offered by the ESA to the European Broadcasting Union (EBU) free of charge for three years so that it can make test transmissions to the whole of Europe.

Italian television has also offered the EBU the first DBS channel for a European television programme.

-
- (1) Belgium, Denmark, France, Germany, Ireland, Italy, Netherlands, Spain, Sweden, Switzerland and the United Kingdom. Three other countries, Austria, Canada and Norway, have observer status.
- (2) Ten countries are taking part : Belgium, Denmark, France, Germany, Italy, Netherlands, Spain, Sweden, Switzerland and the United Kingdom.
- (3) The first satellite in the series, OTS-1, was lost in September 1977 when the Thor-Delta launching rocket exploded at Cape Kennedy.
- (4) This 3.75% will be redistributed among the participating countries on a scale to be agreed. None of the existing contributions will rise by more than 10% of its present figure. Switzerland, which was one of the initiators of the project and has followed developments with keen interest, may also take part.

When correctly aimed, L-Sat's two DBS channels will cover most of the member countries of the EBU and reception should generally be possible by means of individual aerials (90 cm or even 60 cm diameter) (1). In peripheral areas, communal aerials will be needed.

28. The new programme of Ariane launches (after the failure of 10 September 1982) was adopted in February 1983 (2). This programme is prepared by agreement between the ESA, governments and other bodies (including Intelsat, which has made reservations before the loss of Ariane L-5). The current discussions will also determine the date on which Arianespace, a commercial company created to finance, produce and launch the Ariane rocket and market its services (3) will become fully operational.

The ESA now is also facing the problem of relations between the European satellite services and the Intelsat world coordination system (4). As already stated, Intelsat has agreed to recognize the European specialized satellite systems as international services for only five years, that is until 1988 (5). The European governments have to reconcile their participation in the Intelsat global system, in the ESA and in Eutelsat (6), with their own national projects, which could, in some cases, have international ramifications (7).

It has yet to be decided whether the Intelsat system will take over the European traffic or whether this will be done by the new European, international and national systems.

29. As regards current programmes, the ESA is assured of the research budget required for the projects which will follow the current development of Ariane 4, which will have a payload of 4 200 kg. Future projects include the establishment of a space station in collaboration with NASA, and the additional orbital infrastructure which would be required if Europe has to operate outside the Intelsat system.

(1) Annexes 2 and 9 (map No 3).

(2) Annex 3.

(3) Report, point 21, footnote 2.

(4) Points 16 and 21.

(5) Point 23.

(6) Point 30.

(7) For example, the French Télécom 1 system will provide telephone circuits and television programmes to the French territories of Central America and the Caribbean, and the British Unisat system will be able to send signals as far as Chicago.

Eutelsat

30. The intergovernmental agreement on the establishment of Eutelsat, a permanent international organization based in Paris, was signed on 28 September 1982 by the 26 member countries of the European Conference of Postal and Telecommunications Authorities.

Its purpose is to set up and manage the space section of a European satellite telecommunications system.

31. It was preceded from June 1977 by a Interim Eutelsat in which the nineteen countries taking part in the ESA's MAROTS, (1) OTS and ECS programmes participated. Eutelsat has received twenty-nine requests to use the channels in ECS-1 from bodies in Belgium, France, Germany, Italy, the Netherlands, Norway and the United Kingdom. There are nine channels available in ECS-1 and the Eutelsat Board is now engaged in preparing criteria for consideration of the applications. Eutelsat does not offer a priority service to television broadcasters; channels must be made available on request for telecommunications purposes. Television signals must be coded so that they can only be received by bodies authorized by the governments.

Of the nine channels on ECS-2, which was originally intended to be launched in September 1983, two have been allocated to the EBU Eurovision broadcasts and seven have been provisionally earmarked for commercial telecommunications purposes.

European Broadcasting Union (EBU)

32. The EBU, comprising European radio and television broadcasting organizations, acquired new rules in June 1981, which came into force on 1 January 1982. These are regarded as the first step in a process of reform which will follow considerable changes foreseen in radio and television. In particular, the structure of the EBU will have to be adapted to cope with the advent of national DBS services and possible joint European services by satellite.
33. An interdisciplinary study group within the Administrative Council monitors the activities of international organizations with responsibilities in the field of broadcasting (ITU, UNESCO, Council of Europe, the institutions of the European Community).
34. The Technical Committee of the EBU and its working parties are mainly concerned with the question of common standards for DBS. As indicated in Annex 2, the Technical Committee's recommendations are expected by April 1983.

(1) Maritime OTS. Later the MAROTS programme and the subsequent MARECS programme were taken by Inmarsat (see point 25 above).

35. The problems of advertising in DBS television are also being studied. General guidelines for a "declaration of principle" concerning advertising matter transmitted by DBS were approved by the EBU Administrative Council meeting in Tunis on 3-4 December 1982. The final text of the declaration is due to be approved by the Council in May 1983, after consultation of the TV Programme Committee, and submitted then to the General Assembly in Luxembourg in July. The declaration is essentially a summary of the general rules which the EBU's member organizations consider they should apply to limit possible difficulties concerning advertising, especially as a result of technically unavoidable overspill.
36. In January 1982 the EBU signed a contract with Interim Eutelsat for the exclusive round-the-clock rental for ten years of two television channels on ECS-2 (1). The contract will be implemented when at least five earth stations in ECS system are operational, that is, probably not before 1985 (the establishment of earth stations is the responsibility not of Eutelsat but of the member country concerned). Until then, the EBU will have only its existing landlines to use for programme exchanges.

The EBU and the prospects for pan-European television programmes

37. As already noted (2), the ESA offered in December 1981 to make available to the EBU the second DBS channel on L-Sat for a pan-European programme. This channel has been designed to beam signals to any member country of the EBU.

At the same time, as was also mentioned, the RAI, which has exclusive use of the first L-Sat channel (which is permanently beamed at Italy), also made this available for the EBU to use it for a "European programme" coordinated by the EBU itself.

38. The joint European programme, which implies a request for a "European wave-band" on L-Sat, could constitute the first amendment to the plan of the 1977 WARC. For this purpose, the necessary procedures are under way (3).

The EBU TV Programme Committee is currently studying the various operational and financial aspects of the programme and a joint working party on which the ESA, the RAI and the permanent services of the EBU are represented is considering the technical aspects of this project.

(1) Point 31.

(2) Point 27.

(3) Report, point 24.

EURIKON test transmissions within the EBU

39. In 1982 the EBU ran five weeks of test transmissions under the title EURIKON to look into the problems of content, style, organization, coordination and financial and legal matters which would be raised by a European television programme.
40. The weeks were coordinated and transmitted by different stations as follows:
- | | |
|------------------------|----------------|
| 24-30 May | IBA, London |
| 19-25 July | RAI, Rome |
| 27 September-3 October | ORF, Vienna |
| 25-31 October | NOS, Hilversum |
| 22-28 November | ARD, Munich |
41. Each week consisted of some 35 hours of broadcasts (5 hours a day for 7 days) which were sent in code to the OTS-2 satellite for relay still in code (so that no non-participating body could receive them) to the 15 broadcasting organizations taking part (1) for closed circuit use (that is, only by the stations staff).
42. An operating group of representatives of the five coordinating stations drew up a programme schedule for each day of the experiments, using contributions from all the participating stations, to test the concept of a programme designed by broadcasters from a number of European countries and directed to a Europe-wide public (2).
43. The most difficult technical problem was that of language, where a variety of solutions were tried (simultaneous interpreting, dubbing, sub-titling). There was also the problem of the general design of the programme and the balance between the various elements (news, education, culture, entertainment). Editorial responsibility for news programmes, which, by definition, cannot be jointly prepared in advance, was given to the coordinating station, thus permitting an assessment of the problems which would be used by a future "European" news services. These experiments also looked at questions relating to the central machinery, technical, legal and financial, which would be required.
44. Preliminary research by the coordinating station into reactions to the EURIKON programmes among the sample audience groups in each country is under way.

(1) In Algeria, Austria, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Spain, Switzerland, Tunisia, the United Kingdom and Yugoslavia.

(2) Parliament and the Commission were represented as observers in the operations group.

45. An audiovisual summary of the programmes of the first three weeks was presented to Parliament on 13 October. The final report, which the stations taking part in the experiments will submit to the EBU during Spring 1983, obviously be of crucial importance for future decisions, and particularly for the EBU's reply to the ESA's offer of the L-Sat for a European programme.
46. It is now certain that experiments with a European television programme involving a number of members of the EBU will be continued. New "active" participants will probably join the original group, either as technical coordinators of broadcasts or as programme suppliers.
47. It is also clear that the new experiments will be different in both form and detail from those mounted in 1982. The project now under study by some members of the EBU would involve the use of the Netherlands ECS channel for twelve or more hours per day on a permanent basis (1). The aim is to provide from the beginning of 1984 an experimental but full pan-European television service that could be made available, via land-based transmitters and/or cable systems, to the public in the countries of the participating broadcasters. The service would include a breakfast time "good morning Europa" programme and blocks devoted to music and the arts, sport, European cinema and regional and minority interests. It is intended that the service would eventually be self-financing through advertising and cable subscriptions and produce revenue for programme production by the time DBS services such as L-Sat are operational.

In the meantime the material broadcast would remain under the control of the participating national broadcasters, who, according to their own national circumstances, would be able to opt in or out of any part of the programme offered and, if they wish, to exclude advertising.

Conference of European Cooperation in Broadcasting

48. At the suggestion of the French Government, an Intergovernmental Conference on European Cooperation in Broadcasting met in Paris on 19 and 20 July 1982. It was attended by representatives of Austria, Belgium, France, Germany, Luxembourg and the Netherlands. It was decided to request the French Government to convene a new conference, to which all the members of the Council for Cultural Cooperation of the Council of Europe (2) would be invited. It was originally planned to hold this in Paris, but it was postponed and will now probably take place in spring 1983.

(1) Report, point 23.

(2) The 21 member countries of the Council of Europe (Annex 6, page 1, footnote 1) plus Finland, the Holy See and Yugoslavia.

49. The text approved by those attending the July conference noted that new communication techniques offered Europe new possibilities but also raised new problems. It affirmed the need to lay foundations for European cooperation in broadcasting based on the following principles : freedom of movement of information, respect for cultural diversity within Europe, respect for the various expressions of this diversity, and the development of all forms of cooperation in broadcasting. It was also stated that this initiative should in no way affect the work being undertaken by other bodies, in particular the Council of Europe, the European Economic Community and the EBU.
50. The Paris Conference decided to set up three working parties to prepare for the enlarged conference. These were to look into general policy on the media (chaired by Belgium), advertising and finance (chaired by the Netherlands) and relations between television and the cinema (chaired by Germany).
- The group under German chairmanship met in Berlin on 28 and 29 October, that under Dutch chairmanship in The Hague on 2 and 3 November and that under Belgian chairmanship in Brussels on 9 and 10 December.
51. The Commission of the European Communities has been invited by the French Government to participate as an observer at the future intergovernmental conference on European cooperation in broadcasting.

Private initiatives

52. Two private projects for the international use of the European satellite system should also be mentioned :
- Satellite Television plc (SATV), a British company set up in 1980 to offer a commercial satellite television service financed from advertising, which would be free to subscribers to cable networks carrying SATV programmes transmitted by OTS-2 (covering the whole of Europe from Finland to North Africa). SATV operates on the basis of an ad hoc agreement between British Telecom and Interim Eutelsat.
- At present SATV programmes (two hours a day of programmes already shown on British television) are distributed to some 300 000 households in Norway, Finland and Switzerland. The aim of the company, which expects to start producing its own programmes in 1983, is to reach within 5 years the 4 500 000 subscribers to 400 European cable distributors capable of installing receiving aerials. About 80% of these viewers are in Belgium and the Netherlands.
- Euro-TV, a Dutch group which is at the initial organizing stage, intends to use a pay-TV scheme either through individual subscriptions or cable distribution. In November 1981 the company announced that it had bought an option on the services of ECS-1.

UNITED NATIONS GENERAL ASSEMBLY

10 DECEMBER 1982

INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE

PREPARATION OF AN INTERNATIONAL CONVENTION ON PRINCIPLES
GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES
FOR DIRECT TELEVISION BROADCASTING

Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Egypt, India, Indonesia, Iraq, Kenya, Mexico, Niger, Nigeria, Peru, Phillippines, Romania, Uruguay, and Venezuela :
revised draft resolution.

The General Assembly

Recalling its resolution 2916 (XXVII) of 9 November 1972, in which it stressed the necessity to elaborate principles governing the use by States of artificial earth satellites for international direct television broadcasting, and mindful of the importance of concluding an international agreement or agreements,

Recalling further its resolutions 3182 (XXVIII) of 18 December 1973, 3234 (XXIX) of 12 November 1974, 3388 (XXX) of 18 November 1975, 31/8 of 8 November 1976, 32/196 of 20 December 1977, 33/16 of 10 November 1978, 34/66 of 5 December 1979, 35/14 of 3 November 1980 and 36/35 of 18 November 1981 in which it decided to consider at its thirty-seventh session the adoption of a draft set of principles governing the use by States of artificial earth satellites for international direct television broadcasting,

Noting with appreciation the efforts made in the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee to comply with the directives issued in its resolutions mentioned above,

Considering that several satellites direct broadcasting experiments have been carried out and a number of direct broadcasting satellite systems are operational in some countries and may be commercialised in the very near future,

Taking into consideration that the operation of international direct broadcasting satellites will have significant international political, economic, social and cultural implications,

Believing, that the establishment of principles for international direct television broadcasting will contribute to the strenghtening of international co-operation in this field and further the purposes and principles of the Charter of the United Nations,

Adopts the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting set forth in the annex to the present resolution.

Annex

PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES FOR INTERNATIONAL DIRECT TELEVISION BROADCASTING

Purpose and objectives

1. Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.
2. Such activities should promote the free dissemination and mutual exchange of information and knowledge in cultural and scientific fields, assist in educational, social and economic development particularly in the developing countries, enhance the quality of life of all peoples and provide recreation with due respect to the political and cultural integrity of States.
3. These activities should accordingly be carried out in a manner compatible with the development of mutual understanding and the strengthening of friendly relations and co-operation among all States and peoples in the interest of maintaining peace and security.

Applicability of international law

Activities in the field of international direct television broadcasting by satellite should be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967, the relevant provisions of the International Telecommunications Convention and its Radio Regulations and of international instruments relating to friendly relations and co-operation among States and to human rights.

Rights and benefits

Every State has an equal right to conduct activities in the field of international direct television broadcasting by satellite and to authorise such activities by persons and entities under its jurisdiction. All States and peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

International co-operation

Activities in the field of international direct television broadcasting by satellite should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements. Special consideration should be given to the needs of the developing countries in the use of international direct television broadcasting by satellite for the purpose of accelerating their national development.

Peaceful settlement of disputes

Any international dispute that may arise from activities covered by these principles should be settled through established procedures for the peaceful settlement of disputes agreed upon by the parties to the dispute in accordance with the provisions of the Charter of the United Nations.

State responsibility

1. States should bear international responsibility for activities in the field of international direct television broadcasting by satellite carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.
2. When international direct television broadcasting by satellite is carried out by an international intergovernmental organisation, the responsibility referred to in the above paragraph should be borne both by that organisation and by the States participating in it.

Duty and right to consult

Any broadcasting or receiving State within an international direct television broadcasting satellite service established between them requested to do so by any other broadcasting or receiving State within the same service should promptly enter into consultations with the requested State regarding its activities in the field of international direct television broadcasting by satellite without prejudice to other consultations which the States may undertake with any other State on that subject.

Copyright and neighbouring rights

Without prejudice to the relevant provisions of international law States should co-operate on a bilateral and multilateral basis for protection of copyright and neighbouring rights by means of appropriate agreements between the interested States or the competent legal entities acting under their jurisdiction. In such co-operation they should give special consideration to the interest of developing countries in the use of direct television broadcasting for the purpose of accelerating their national development.

Notification to the United Nations

In order to promote international co-operation in the peaceful exploration and use of outer space, States conducting or authorising activities in the field of international direct television broadcasting by satellite should inform the Secretary-General of the United Nations to the greatest extent possible of the nature of such activities. On receiving this information, the Secretary-General of the United Nations should disseminate it immediately and effectively to the relevant United Nations specialised agencies, as well as to the public and the international scientific community.

A/SPC/37/L.5/Rev.1
English

Consultations and agreements between States

1. A State which intends to establish or authorise the establishment of an international direct television broadcasting satellite service shall without delay notify the proposed receiving State or States of such intention and shall promptly enter into consultation with any of those States which so requests.
2. An international direct television broadcasting satellite service shall only be established after the conditions set forth in paragraph 1 above have been met and on the basis of agreements and/of arrangements in conformity with the relevant instruments of the International Telecommunication Union and in accordance with these principles.
3. With respect to the unavoidable overspill of the radiation of the satellite signal, the relevant instruments of the International Telecommunication Union shall be exclusively applicable.

ANNEX 6

THE COUNCIL OF EUROPE

Contents

	<u>Page</u>
Substance of the Report	82
COUNCIL OF EUROPE - STEERING COMMITTEE ON THE MASS MEDIA (CDMM) AND COMMITTEE OF EXPERTS ON MEDIA POLICY (MM-PO) : Excerpt from the "Final activity report on the possibility of reaching agreement on a legal instrument relating to direct broadcasting by satellite (DBS)"	85
Declaration on the freedom of expression and information adopted by the Committee of Ministers on 29 April 1982	95

Annex 6THE COUNCIL OF EUROPE

1. The Council of Europe's activities (1) concerning the media were reorganized in 1981. Initially, from 1976, under the wing of the Directorate for Legal Affairs, matters concerning the media are now the responsibility of the Directorate for Human Rights, under the Council's second medium-term plan (1981-85). The main responsibility lies with the Steering Committee on the Mass Media (CDMM) and with two other Committees that report to it, the Committee of Experts on Media Policy (MM-PO) and the Committee of Legal Experts in the Media Field (MM-JU).
2. The study of the problems of DBS was assigned by the CDMM to the MM-PO, which in December 1981 proceeded to draft a long list of questions to be considered and then formed a working party of seven experts (one each from the Federal Republic of Germany, France, Luxembourg, the Netherlands, the United Kingdom, Sweden and Switzerland). This group was then instructed to gather technical data on DBS, analyse all the aspects, positive and negative, consider what might and should be done at European level and give an opinion on the legal form and substance of an appropriate legal instrument.
3. On 29 April 1982 the Committee of Ministers, meeting in Strasbourg, adopted a Declaration on freedom of expression and information (2), which stipulates that the Member States have a duty to foster diversity of means of communication and the plurality of sources of information. Their policies should be based on the absence of any arbitrary censorship, control or constraint on the substance, transmission or dissemination of information and should strive to ensure the individual's freedom of access to information.
4. To attain these objectives, one of the decisions by the Committee of Ministers was to speed up the work of the CDMM on the problems of direct broadcasting by satellite (DBS) with an instruction to report on "the possibility of reaching agreement on a legal instrument" in this field.

(1) The Council of Europe, set up in 1949, consists of 21 member countries : Austria, Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom. Its aim is to achieve greater unity between its members and is pursued through discussion and common action in economic, social, cultural, educational, scientific, legal and administrative matters and in the maintenance and furtherance of human rights. These main sectors are cited in Article 1 of the Statute, but the list is not exhaustive.

(2) Reproduced in full at the end of this annex, page 95.

On the basis of this brief the MM-PO and its working party compiled the report (1). The final text was approved by the MM-PO at its fourth meeting held in Strasbourg from 21 to 24 September 1982. The opinion in the report is reproduced in full below (page 85).

On 10 November 1982 the Committee of Ministers, on the basis of the report, considered that it was not only possible but also a matter of urgency to conclude a European agreement on DBS and instructed the CDMM to carry on with this work.

5. The CDMM held its fifth meeting in Strasbourg from 8 to 11 February 1983. In the DBS field it instructed the Committee of Legal Experts in the Media Field (MM-JU) to deal with copyright problems and the question of satellite-to-cable services. The Committee of Experts on Media Policy (MM-PO) was asked by the CDMM to deal with the following questions : advertising, leasing of DBS channels to European and non-European users; contacts between countries affected by DBS; co-operation between broadcasters and European programmes; protection of individual rights; industrial consultations.
6. The MM-PO met in Strasbourg from 21 to 25 March 1983 to continue its work on the basis of its mandate from the CDMM. Basing themselves on preliminary texts prepared by 6 groups from the CDMM which had met on 11 February, three working groups of the MM-PO looked into the following questions : leasing of DBS channels, contacts, cooperation and European programmes; and protection of individual rights. The question of industrial consultations will be dealt with by written procedure. The next meeting of the MM-PO is scheduled for 25 to 28 October 1983.
7. Concerning advertising, the Council of Europe's Parliamentary Assembly adopted, on 2 October 1982 during its 34th ordinary session, Recommendation 952(1982) on international means to protect freedom of expression by regulating commercial advertising. On this basis, the Committee of Ministers instructed the CDMM to examine these questions.

At its March 1983 meeting the MM-PO received the final report on principles concerning advertising by satellite, prepared by the group designated by the CDMM. This group had met at the headquarters of the EBU on 15, 16 March for an exchange of views and information with the EBU. The text presented to the MM-PO in Strasbourg in March, and discussed at length, was largely inspired by the EBU's draft for a "Declaration of principles" on the field of advertising by DBS. (2)

SUBSTANCE OF THE REPORT

8. As regards the legal instrument for an agreement on DBS within the Council of Europe - an agreement which the report considers to be both "possible" and "urgent" - the Committee, in its final report, does not suggest a Convention, but "for the moment" proposes "recommendations",

(1) At the same time a working group of the MM-JU has drafted a report on the legal problems of intellectual property and transfrontier television.

(2) Annex 5, point 35.

which it regards as effective "instruments for action on specific problems by all Council of Europe Member States, leaving scope for implementation in accordance with the specific situation of each country". The report also recommends that "the CDMM should continue its work and be considered as continuously entrusted with DBS matters and thus be allowed to take up any questions brought to its knowledge in this field".

9. Stressing the urgency of a European agreement the "proposals" in the report express the Committee's surprise at the "contrast between the intensive cooperation between European countries for the planning, followed by broadcasting satellites, and, on the other hand, an apparent lack of a similar close cooperation between European countries about the programmes to be broadcast by DBS".
10. For the rest, the report considers that "the circle of Europe of the 21 constitutes a sensible basis" for such cooperation, which "should in no way constitute an obstacle to", but "could on the contrary contribute to other frameworks of cooperation either between countries among the "21", such as the Nordic countries or the Ten of the EEC, or to interregional cooperation, for example between European and non-European countries in the Mediterranean".
11. Following this annex the following texts are reproduced :
 - an extract from the Final Report of the CDMM. This extract contains sections C. Opinion of the Committee, and D. Proposals, which conclude the report;
 - the complete text of the "Declaration on freedom of expression and information" adopted by the Council of Europe's Committee of Ministers on 29 April 1982.

COUNCIL OF EUROPE

STEERING COMMITTEE ON THE MASS MEDIA (CDMM)
COMMITTEE OF EXPERTS ON MEDIA POLICY (MM-PO)

EXCERPT FROM THE

"Final activity report on the possibility of reaching agreement
on a legal instrument relating to direct broadcasting by
satellite (DBS)"

Adopted by the MM-PO at its fourth meeting from 21 to 24 September 1982

A. THE FACTUAL SITUATION

B. ANALYSIS

C. THE COMMITTEE'S OPINION

I. Impact of DBS on national media structures

59. The following concerns have been expressed to the Committee :

- the risk of a decrease in advertising revenue for the daily and periodical press, as a result of increased competition on the part of DBS;
- the risk that the media as a whole of a country will lose advertising to DBS stations of other countries;
- the risk that programme quality will suffer due to loss of revenue and competition from commercially oriented DBS stations, especially in countries which do not have such stations;
- the risk that Pay-TV would make it more difficult to sustain licence fees as a source of financing.

60. On the first concern, the representative of the newspaper publishers has pointed out to the Committee that though trends varied from one country or region to another, there might indeed be a loss of advertising revenue for the newspapers, for which direct compensation might not be forthcoming. On the other hand, the press, having an important regional and local mission, and DBS which was national and supra-national in character might play a complementary role. It is essential, according to the above representative, that the written press should not be kept away from the possibility of participating in the new media which would enhance their role (cable, "narrowcasting", etc.).

61. Different submissions were made to the Committee on the second concern. According to the European Advertising Tripartite the national market is the natural limit for the advertising of most products whereas only a few products are suitable for advertising by DBS. The EAT believes that DBS opens up new markets which will increase the total amount of advertising. Existing media might not lose revenue substantially, though they would face more competition of advertisers.

The Committee notes that two problems in particular require attention at the European level, both in connection with advertising via DBS which is specially addressed to the public in other countries :

- the situation in countries having no advertising and/or a relatively small supply of home-originated programmes;
- non-conformity of the foreign advertising with the national rules on advertising of the receiving country.

62. Also on the third concern different views have been expressed to the Committee. The EAT stated that it is the advertisers who are attracted by broadcasting stations and not vice versa.

Others fear that prospective DBS stations in search of advertising revenue will seek to please the taste of advertisers who are principally guided by considerations of commercial profit.

Opinion of the Committee

63. The Committee recalls that every State freely determines, in conformity with the applicable international regulations and especially with Article 10 of the European Human Rights Convention, its own media structures and the use of DBS which is at its disposal.

64. Since it is a question of future developments it is difficult to predict what impact one country's advertising may have on another country but there is some doubt that this impact will be as great as it is feared by some. In any case, so far as the EEC countries are concerned, the principles of the freedom of establishment and freedom to provide services set out in the Treaty establishing the European Economic Community create an obligation to take measures to facilitate the exchange within the Community of television programmes, including advertising messages.

65. The Committee would like to call attention, however, to the principle of good neighbourly relations according to which each country generating DBS programmes should have due regard to the effect which its programmes are likely to produce on receiving countries.

The Committee will come back to this question under the next heading.

II. DBS and national laws applicable to broadcasting

66. This problem, which existed already before the advent of DBS, is becoming more acute as a result of it.

Starting from the assumption that every country has positive standards (a high level, a proper balance and a wide range of programmes) and negative standards (prohibition of certain types of advertising or programmes, incitement to violence, crime etc.) and that it will maintain these standards also in the case of broadcasts specifically meant for a foreign public, two types of problems arise :

- divergencies between the standards of the country of origin and the receiving country;
- even where the standards are the same :
 - i. different impact of the programme on the receiving country
 - ii. difficulty or even impossibility of implementing one country's standards into another.

67. The French and Netherlands experts, and a number of Belgian experts, would add to this a problem which results from the many ways in which DBS transmissions can take place and from the diversity of legislations of the various countries concerned. Generally speaking, these factors create risks such as non-compliance of DBS broadcasts of one country with the legislative requirements imposed on broadcasting in all the countries affected. This may occur :

- inevitably, because spillover of DBS transmissions cannot technically be avoided;
- deliberately when DBS transmissions from one country are directed to another.

Three situations may occur :

- programmes and/or advertising messages from abroad which do not comply with the regulations of the countries into which they spill over;
- programmes and/or advertising messages from abroad
 - i. specially directed to, or
 - ii. also addressed to

other countries but which do not comply with the legislation applicable to broadcasting of the receiving countries.

- a (prospective) broadcaster going abroad to a country with the least stringent criteria for admission to the broadcasting system.

This infringement, which might in certain cases become veritable breaches of the law, might become particularly serious if they would adversely affect legislation of "ordre public" or, more generally, the fundamental rules of the national life of the countries receiving the broadcasts.

In their opinion, it is therefore legitimate for those receiving States to wish to make sure that their law, particularly their criminal law and broadcasting law, will not be ignored or evaded by States or by persons, whether or not these are under their jurisdiction, who are carrying out DBS activities.

Opinion of the Committee

68. Attempts at harmonisation should be welcomed for such attempts would certainly contribute to encouraging the development of DBS broadcasts. This would particularly be welcomed in the field of advertising on television.

It should also be possible to harmonise rules in certain other fields such as the protection of health and of youth, the prohibition of incitement to crime, disorder, violence, intolerance, etc.

69. Finally, some countries may be sensitive to foreign broadcasts which are regarded as a direct interference with their political life, but in this field great caution is required because regulatory measures might enter into conflict with the freedom of expression and information.

70. It is desirable that a general agreement should be reached between the member States on certain basic principles which should be included in the conditions for the issue of licences given by each country to its DBS stations.

In the absence of such measures of harmonisation, it will clearly be desirable - and in the interest of the broadcasters themselves - for those responsible for DBS broadcasts not to give avoidable offence to countries where the broadcasts might be received, even if unintentionally. It is a question how far DBS broadcasters should be under a formal obligation to comply with broadcasting legislation of all countries which their transmissions might reach, unavoidably or deliberately. The Committee identified but did not reach a conclusion on these questions, which merit further urgent study.

71. The French and Netherlands experts add that it is necessary that the European States give an undertaking not to permit the avoidance or evasion by their DBS activities of provisions of "ordre public" of States receiving their broadcasts. The conclusion of binding legal instruments obliging the States concerned with DBS activities appears to these experts to be a matter of urgency.

72. The Committee considers that a Convention is not necessarily, at least not in the short term, the most effective way of formulating common basic standards.

It has noted in this respect :

- that the conclusion and entry into force of a convention is time-consuming. Even with the greatest measure of good will on the part of the member State it might not be possible to conclude one before 1987 or 1988; however, DBS is expected to become operational at the latest in 1985 or 1986 and important decisions are already being taken;

- that conventions bring together and bind only those States which want to be a party; there would be a risk that some States would remain outside such a convention, at least for some time;
- that a convention must lay down a modicum of definite legal rules. However it is still very difficult at the present moment to reach agreement on the rules which should be codified;
- finally, that it would be arduous to find formulas which would not be incompatible with the independence of broadcasters.

For these various reasons, the Committee is inclined to prefer for the moment "Recommendations" of the Committee of Ministers which are more suitable instruments.

73. Advertising standards should be elaborated in close co-operation with organisations such as the European Broadcasting Union, the International Chamber of Commerce and the European Advertising Tripartite.

With regard to standards on matters other than advertising (prevention of crime, protection of morals, etc.), guidance would be taken from paragraph 2 of Article 10 of the European Convention on Human Rights.

It will be a matter for further discussion to which specific questions relating to standards priority should be given at the European level.

74. The protection of the rights of persons (natural or legal persons) who are affected by a programme of foreign origin broadcast by DBS raises a special problem.

Arrangements made at national level, for example to guarantee the rights of reply, the protection of privacy or of one's reputation, and of copyright may prove inadequate in the international context. The same applies to the protection of consumers' rights.

Solutions for these problems (1) might be sought in the framework of the Council of Europe. It is recalled that work is also in progress relating to copyright and broadcasting within the MM-JU Committee.

III. DBS and cultural values

75. The advent of DBS offers new prospects for the enhancement of cultural values of European countries, but may also produce an adverse effect on them. On the positive side, DBS will offer countries new possibilities to share each other's cultural values, to search for common values and to cater to the needs of special interest groups.

(1) Only those relating to rights and interests of private persons and bodies not those of States.

On the negative side, there are fears about (a) lowering of the quality of programme content, (b) undue increase of entertainment at the expense of other types of programme and (c) countries having no advertising and/or producing few programmes nationally being at a disadvantage.

76. Different views have been expressed to the Committee on the question of programme quality and the scope in this connection, of any European agreement to safeguard quality.

The view was expressed that it is very difficult to ensure the good quality of programmes within a single country and that it would be all the more difficult to require programme-makers to comply with the appropriate norms of neighbouring countries. To this objection some experts have replied that it is out of the question to require programme-makers of one country to comply with standards applied in the neighbouring countries.

Many are of the opinion that while it is impossible to establish direct control over the concept of quality, it could be influenced indirectly. It has been argued by the Consumers Unions that special attention should be given to minority interests and that there might be some sort of system of "proportional representation" of the various interests that DBS should cater for.

Opinion of the Committee

77. The Committee fully subscribes to the concern of member States about the respect of cultural values, the maintenance of high standards and of plurality and diversity.

This objective should be a constant for each member State in its DBS policy and in its co-operation with other States.

78. The promotion of diversity and plurality and the enhancement of choice should not be confined to the national framework and should take into account the new possibilities which DBS offers to member countries of the Council of Europe for mutual cultural enrichment.

79. The Committee notes that DBS will lead to an increase in the number of available channels. It emphasizes that member States might want to seize this opportunity of seeking means to develop the plurality and diversity of programmes beyond what exists already, in order to promote the cultural values of the countries of Europe.

To achieve such diversity and plurality on a larger scale, close European co-operation appears most desirable.

IV. Independence of programme makers from commercial and political forces

80. Different views have been presented to the Committee on the question whether the independence of programme makers will be enhanced or jeopardised by DBS.

These views relate to uncertainty about the extent to which DBS might be undertaken outside broadcasting frameworks. If there were to be a greater share of commercial advertising in the financing of programmes and if important national and industrial interests are involved in DBS there has been concern that the independence of programme makers might suffer.

81. Furthermore, the use of satellites for point-to-point communication opens the prospect of being able to dispose on an economic basis of a large number of channels feeding cable networks. This prospect might according to some lead to an excessive penetration of non-European cultural industries. Others, on the contrary, stress that the same possibilities will also be available to European programme-makers.

82. With regard to the job market, some fear that the scale-enlargement of audio-visual activities resulting from the introduction of DBS system may widen the gap between the top artists and programme-makers and those of the second level. Others believe that DBS, as every new technique, will open new possibilities for these professions and that its international scale may make them more independent of national interests.

Opinion of the Committee

83. If DBS develops within existing broadcasting frameworks the present safeguards for the independence of programme makers will continue to apply.

There appears to be very little scope for new European instruments, but the further developments in this field should be closely kept under review within the Council of Europe.

D. PROPOSALS

Possibility of a legal instrument

84. With regard to the possibility of reaching agreement on legal instruments relating to direct broadcasting by satellite, the Committee is of

the opinion that such an agreement is possible and urgent. The Committee was struck by the contrast between the intensive co-operation between European countries for the planning, construction and launching of communication satellites, soon to be followed by broadcasting satellites, and, on the other hand, an apparent lack of a similar close co-operation between European countries about the programmes to be broadcast by direct broadcasting satellites, save for some projects at a regional level (France, Germany, Nordic countries) or between countries sharing the same language (notably the French-speaking countries).

85. Closer co-operation between the Council of Europe's member States will help to enhance the positive aspects of DBS and to prevent or attenuate possible negative effects.

86. The Committee believes that the circle of "Europe of the 21" constitutes a sensible basis for such co-operation, having regard to the fact that these countries constitute a compact region, share common values and principles and co-operate within the Council of Europe whose Statute enables them to have regard to all aspects of DBS : financial, social, legal, cultural, etc.

87. Such co-operation should in no way constitute an obstacle to, but could on the contrary contribute to other frameworks of co-operation either between certain countries among the "21", such as the Nordic countries or the Ten of the EEC, or to inter-regional co-operation, for example between European and non-European countries in the Mediterranean.

88. The instrument should in any case deal with advertising and, according to some experts, also with standards for programme content. With regard to the latter point, however, other experts have expressed reservations since agreements on programme content might enter into conflict with the principle of the free flow of information.

Type or legal instrument

89. Turning to the question of what type of legal instrument (or instruments) would be appropriate in the present case, the Committee is of the opinion that this choice is guided by the nature of DBS which is characterised by its rapid development, its broad geographical and economic scale and by uncertainties about expected short-, medium- and long-term effects.

A further factor to be taken into account is that the member States of the Council of Europe, though determined to co-operate in this field, as in other fields, have developed a variety of approaches to DBS, a variety which is to some extent the unavoidable consequence of differences between their geographical and linguistic situation, and their cultural, social and economic conditions.

90. In the preceding paragraphs a number of indications have been given for such steps :

- the consistent application of existing instruments and notably the European Human Rights Convention (Article 10) and the Declaration on the Freedom of Expression and Information to DBS;
- the drawing up of recommendations on advertising rules and rules on other criteria for programme content, having regard to the consideration laid down in paragraph 84;
- the examination of legal problems such as copyright, the status of point-to-point transmissions, the right of reply to individuals, the liability of programme-makers, etc.

91. It does not appear to the Committee that to conclude a European Convention would be the most efficient way in the near future of achieving this, and this for the reasons stated in paragraph 72 above. The Committee would propose for the moment recommendations which are instruments for timely action on specific problems by all Council of Europe member States and leave scope for implementation in accordance with the specific situation of each country.

The Steering Committee on the Mass Media (CDMM), its subordinate Committees and Working Parties set up by these could be entrusted with the drafting of these recommendations.

92. Furthermore, the Committee recommends that the CDMM should continue its work and be considered as continuously entrusted with DBS matters and thus be allowed to take up any questions brought to its knowledge in this field.

DECLARATION
ON THE FREEDOM OF EXPRESSION AND INFORMATION

adopted by the Committee of Ministers at its 70th Session
on 29 April 1982

The member States of the Council of Europe,

1. Considering that the principles of genuine democracy, the rule of law and respect for human rights form the basis of their co-operation, and that the freedom of expression and information is a fundamental element of those principles;
2. Considering that this freedom has been proclaimed in national constitutions and international instruments, and in particular in Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention on Human Rights;
3. Recalling that through that Convention they have taken steps for the collective enforcement of the freedom of expression and information by entrusting the supervision of its application to the organs provided for by the Convention;
4. Considering that the freedom of expression and information is necessary for the social, economic, cultural and political development of every human being, and constitutes a condition for the harmonious progress of social and cultural groups, nations and the international community;
5. Convinced that the continued development of information and communication technology should serve to further the right, regardless of frontiers, to express, to seek, to receive and to impart information and ideas, whatever their source;
6. Convinced that States have the duty to guard against infringements of the freedom of expression and information and should adopt policies designed to foster as much as possible a variety of media and a plurality of information sources, thereby allowing a plurality of ideas and opinions;
7. Noting that, in addition to the statutory measures referred to in the second paragraph of Article 10 of the European Convention on Human Rights, codes of ethics have been voluntarily established and are applied by professional organisations in the field of the mass media;

8. Aware that a free flow and wide circulation of information of all kinds across frontiers is an important factor for international understanding, for bringing peoples together and for the mutual enrichment of cultures,

I. Reiterate their firm attachment to the principles of freedom of expression and information as a basic element of democratic and pluralist society;

II. Declare that in the field of information and mass media they seek to achieve the following objectives :

- a) protection of the right of everyone, regardless of frontiers, to express himself, to seek and receive information and ideas, whatever their source, as well as to impart them under the conditions set out in Article 10 of the European Convention on Human Rights;
- b) absence of censorship or any arbitrary controls or constraints on participants in the information process, on media content or on the transmission and dissemination of information;
- c) the pursuit of an open information policy in the public sector, including access to information, in order to enhance the individual's understanding of, and his ability to discuss freely political, social, economic and cultural matters;
- d) the existence of a wide variety of independent and autonomous media, permitting the reflection of diversity of ideas and opinions;
- e) the availability and access on reasonable terms to adequate facilities for the domestic and international transmission and dissemination of information and ideas;
- f) the promotion of international co-operation and assistance, through public and private channels, with a view to fostering the free flow of information and improving communication infrastructures and expertise;

III. Resolve to intensify their co-operation in order :

- a) to defend the right of everyone to the exercise of the freedom of expression and information;
- b) to promote, through teaching and education, the effective exercise of the freedom of expression and informations;

- c) to promote the free flow of information, thus contributing to international understanding, a better knowledge of convictions and traditions, respect for the diversity of opinions and the mutual enrichment of cultures;
- d) to share their experience and knowledge in the media field;
- e) to ensure that new information and communication techniques and services, where available, are effectively used to broaden the scope of freedom of expression and information.

ANNEX 7NATIONAL ACTIVITIEScontents

	<u>Page</u>
FEDERAL REPUBLIC OF GERMANY	107
Satellites	107
Cable	108
Video	110
FRANCE	111
Satellites	111
Cable	112
Video	113
BELGIUM	115
Satellites	115
Cable	115
Video	115
DENMARK	116
Satellites	116
Cable	116
Video	116
GREECE	117
Satellites	117
Cable	117
Video	117
IRELAND	118
Satellites	118
Cable	118
Video	119
ITALY	120
Satellites	120
Cable	121
Video	121

	<u>Page</u>
LUXEMBOURG	122
Satellites	122
Cable	123
Video	123
THE NETHERLANDS	124
Satellites	124
Cable	124
Video	125
UNITED KINGDOM	127
Satellites	127
Cable	128
- The Hunt Report	129
Video	131
ANDORRA	132
AUSTRIA	133
Satellites	133
Cable	134
Video	134
SWITZERLAND	135
Satellites	135
Cable	137
Video	137
THE NORDIC COUNTRIES : FINLAND, ICELAND, NORWAY AND SWEDEN	138
Satellites	138
- The Nordsat Project involving Finland, Norway, Sweden and Iceland	138
- The Tele-X Project involving Sweden, Finland and Norway	138
Finland	139
Norway	140
Sweden	140

ANNEX 7
-----**NATIONAL ACTIVITIES**

1. The following section summarises the various European countries' projects with regard to satellites, cable TV and video equipment. It does not limit itself to the European Community but also, the other European countries with projects in the field of DBS: Austria, Switzerland and the Nordic countries (Finland, Sweden and Norway). In addition, reference is made to a study of Andorran DBS projects.
2. Firstly, the plans of the 10 Community Member States are examined. French alphabetical order has been used, except that France is examined immediately after the Federal Republic of Germany because of the close links between the two countries' satellite projects.
3. A table summarizing national DBS satellite projects and the European Space Agency L-Sat project has been added to the end of the list (Annex 8).
4. With regard to the cable TV coverage, present estimates place the number of households served by such systems at approximately 30 000 000 in the 16 countries examined. This means therefore - if the figure of 3 to 4 inhabitants per household is taken - that more than 30% of the total population (approximately 300 million) are involved. Approximately 8.44 million subscribers are linked up to cable distribution networks, whilst 22 million use communal aerials installed in blocks of flats (as in most cases in France and Germany).

The older networks, originally laid in order to provide improved reception of national channels, have a restricted four channel capacity.

Many assessments of future requirements have been published, but they do not tally. The study published in the United Kingdom in December 1982 stresses the importance of the present period during which each European country is attempting on its own to solve the problems of installation, ownership, management and regulation of all the various systems of cable TV distribution. The same study estimates that there will be some 42 million cable TV subscribers in 1987. Approximately 15.5 million subscribers to the networks served by a central aerial (CATV, Central Antenna TV System). The other 26.5 million would be hooked up to communal aerial systems for blocks of flats (MATV, Master Antenna TV System) which will provide reception of DBS broadcasts.

It should, however, be stressed that in several countries - as mentioned in the following pages - government action is aimed at setting up integrated national optical fibre cable networks for the distribution directly to the households of a large number of different services, including television.(1)

5. At international level, British Telecom is engaged in negotiations with the Post Office authorities of the Federal Republic of Germany, Belgium and the Netherlands with a view to installing the first European optical fibre telecommunications network. British Telecom first fully operational optical fibre undersea cable will be laid between Portsmouth and the Isle of Wight. The planned project could provide significant experience for these four countries and, simultaneously, help toward reaching a decision on the use of optical fibres for a trans-Atlantic telephone cable which British Telecom favors strongly.
6. A statistical analysis of video equipment in Europe, published in November 1982 by Screen Digest, gives a total figure of 8.3 million households possessing such equipment. Of this, Community countries account for 7.3 million households. Another estimate published during the ITA European Home Video seminar held in Cannes in November 1982 puts the value of sales of prerecorded video cassettes in 1981 at 385 million dollars in all (37% for the United Kingdom, 29% for Germany and 13% for France). Equipment of Japanese manufacture accounts for 80% of sales on the European market.
7. A certain amount of restructuring is taking place in the European consumer electronics industry. Perhaps the most significant is the agreement for the purchase of 75.5% of the shares of the German company, Grundig, by the French Thompson-Brandt Group, which was signed in November 1982. This agreement is at present being scrutinized by the German Monopolies Commission, which is concerned at the dominant position, which the French group might gain in the German electronics industry, given that Grundig holds a 25% share in Telefunken.

In addition, 24.5% of Grundig shares are held by Philips. This means that if the Thompson-Brandt-Grundig agreement goes through, Philips and Thompson-Brandt will automatically become linked. This is what the two groups, which started negotiations in Paris in January 1983 with a view to reaching a cooperation agreement in all the consumer electronics fields, i.e. television, radio and video, are in fact hoping to achieve. It would be this new group's aim to stand up to Japanese competition. Philips and Grundig in fact brought an anti-dumping complaint against Japanese VTR manufacturers in December 1981, accusing them of cutting prices by approximately 60% and thereby bringing them below production costs in Japan.

(1) Report, point 8.

FEDERAL REPUBLIC OF GERMANY

Satellites

8. Two pre-operational DBS satellites are under manufacture as a result of the Franco-German agreement of April 1980. A semi-public company, Eurosatellite GmbH, was set up in Munich in July 1982 to manufacture, launch and test two satellites. The main contract for the development of the German TV-Sat and French TDF-1 was signed in October by Eurosatellite on the one hand and the French CNES (1) and the German Ministry for Research and Technology (BMFT) on the other. Eurosatellite GmbH thus assumes the main responsibility for delivering TV-Sat in February 1985 and TDF-1 in April of the same year.
9. The first German TV-Sat, with three channels, will be placed in orbit by Ariane, according to the original programme, shortly after delivery in Spring 1985. The German Post Office authorities will be responsible for managing it, whereas the political decision on the use of the three channels will fall to the governments of the nine Länder.
10. TV-Sat will be able to reach 55 million households. At the outset, before individual aeriels become widespread, its initial coverage area will be confined to Belgium, Switzerland and the border areas of France, since these have the best cable networks.
11. The second phase of the Franco-German project, which will only come into effect after 1988, provides for five DBS channels in both countries.
12. Unless the Länder rapidly decide otherwise, TV-Sat will be used initially to broadcast ARD and ZDF (German first and second TV channels). However, since at present the ARD interrupts its national programmes between 18.00 and 20.00 hours in order to leave the slot free for regional programmes, it will have to produce two hours daily of new programmes for DBS needs. The ZDF, for its part, is also seeking authorisation to provide 14 hours of new programmes weekly (2 hours a day or 1 day per week). This means that both German stations need to find additional financing.
13. With regard to the prospects for a European channel, it should be pointed out that the ARD was one of the five coordinating stations for the EURIKON experiments of the EBU in 1982 (2). The ZDF did not participate in the OTS (Orbital Test Satellite) experiments but put forward a proposal that, once the stage of a five-channel DBS system had been reached, each of the major European countries should commit itself to producing a programme

(1) Centre National d'Etudes Spatiales (National Space Research Centre).

(2) Annex 5, point 39 et seq.

in the European spirit and broadcasting it over one of its satellite channels. The various parallel programmes, closely cross-coordinated, could subsequently be brought together to form into a single channel under joint control.

14. More recently the ZDF suggested a new project to the EBU related to the offer of L-Sat to the EBU for a European channel (1) and to the EURIKON experiments. The totally new situation which will be created by DBS and its repercussions on the concept of national boundaries and copyright calls, according to the ZDF, for new Eurovision structures and for daily exchanges of material between members.
15. Germany is not involved in the European Space Agency's L-Sat programme. Both ARD and ZDF have held back on a decision to take part within the EBU in the three years of experimentation of a European channel via L-Sat on the basis of ESA's offer until they can come to a better assessment of operating costs and programme content.

Cable

16. The Deutsche Bundespost (DBP) has already installed cable networks in areas where airborne reception is bad (such as Hamburg and Nuremberg) and in new town districts where local authorities have banned TV aerials or insist on, and provide funds for, the installation of cables. These networks provide ARD and ZDF programmes.
Only 5% of TV viewers are at present linked up to the DBP network. Approximately 9% subscribe to the Master Antenne TV (communal aerials).
17. In October 1982, new programmes were announced including a 1983 budget increase from DM 400.000 to DM 1 million for the installation by the DBP of wide bandwidth cable capable of relaying television. Private cable firms would be able to take part in the planned national networks, but decisions on how the networks should be used would be with the Länder and agreements they might reach between themselves.
18. The Federal Commission for the Development of the Technical Communications System (KTK), set up in 1974, proposed in 1975 several pilot cable network schemes. In 1978, agreement was reached between the Federal authorities and the Länder for networks to be installed in Dortmund, Ludwigshafen, Munich and Berlin, managed by the Deutsche Bundespost, and used for trials of several new services in addition to radio and television.

(1) Annex 5, point 27.

19. For Berlin, Dortmund and Munich, the existing radio and television organisations will be entrusted with providing the cable programmes: Sender Freies Berlin (SFB) for Berlin, Westdeutscher Rundfunk (WDR) for Dortmund, and Bayerischer Rundfunk (BR) for Munich.
20. The Ludwigshafen experiment is covered by a law passed in 1980 by the Rheinland-Pfalz Parliament (Landesgesetz über einen Versuch mit Breitbandkabel of 4.12.1980). The system selected by the Land legislature can be described as follows:
 - duration of trials: 3 years;
 - services provided: transmission of radio and TV channels, teletext, interactive communications and transmission of satellite programmes;
 - audience : minimum 30 000 households;
 - advertising is allowed, but must be clearly distinct from the other programmes and is banned on Sundays and public holidays;
 - establishment of an organization governed by public law, called the "Institute for Cable Telecommunications"
 - anyone wishing to produce a programme has to obtain permission from the Land Government and a licence from the Institute for Cable Telecommunications;
 - programmes must respect the following principles: democratic values, international understanding, human dignity and pluralism of ethical and religious convictions;
 - a right of reply is established for all individuals or organisations criticised in the programmes.
21. The network will have a capacity of eleven local television and radio channels. It will transmit the programmes of the ARD and ZDF, French channels, AFN (American Forces Network) and other programmes. Amongst the offers made for these other programmes there were projects from the Catholic and Evangelical Churches, from consortia set up by the editors of the Ludwigshafen daily newspaper, from a number of Frankfurt banks and from local businessmen.
22. The Munich project provides for the gradual installation from 1983 of an operational network linked by the Deutsche Bundespost to 80 000 households. The Bavarian Land radio and television licence fee was slightly increased in January 1983 to finance the project.
23. At the end of 1982 work began on installing trial multi-purpose networks of optical fibre cable in Berlin, Düsseldorf, Hamburg, Hannover, Nuremberg and Stuttgart, and this will continue until 1986.

Video

24. There has been a tremendous boom in the sales of video-recorders and video cassettes over recent years. At the end of 1982, the number of owners was 2.35 million. Demand is mainly centred on pre-recorded cassettes rather than on blank cassettes. Production figures for pre-recorded cassettes in the three systems (1) are therefore exceptionally high.

(1) Annex 2, point 28.

FRANCE

Satellites

25. France now manages the Symphonie satellite in conjunction with Germany. This has been in operation since the end of 1974 and is used for scientific experiments due to continue for another two years. In addition, French TV programmes are regularly transmitted to Tunisia via ESA's OTS (Orbital Test Satellite). The successor to the OTS (ECS-1) will also be used for these broadcasts.
26. Two Télécom-1 satellites for point to point transmission (for government and technical telecommunications services), are due to be launched by Ariane in July and October 1983. The Télécom system with fixed and mobile ground stations should come into operation at the end of the year.
- The commissioning of the system will have international repercussions since it will provide telephone circuits and TV programmes for French territories in Central America and the Caribbean. The resulting problems which might arise with Intelsat were dealt with in Annex 5 (1).
27. The first French DBS satellite, TDF-1, is scheduled, under the 1980 Franco-German agreement, to be launched in summer 1985. A second satellite will go up in the first half of 1986.
28. TDF-1 is a three-channel television satellite, two of whose channels were originally to be used for broadcasting the programmes of TF-1 and Antenne 2, whilst the third was to be allocated to a new organization. However, no decision has yet been taken on how the first two DBS channels are to be used. For the third, several potential uses are being considered: commercial or pay TV, linkups between local cable networks, or even European channel, to be reserved at the outset for French-speaking countries, along the lines of that planned from 1983 for the OTS-2 satellite (2).
29. The DBS channels which will come into operation between 1985 and 1986 are closely linked to the cable programme in the general conception of the French plan. The receiving stations will be connected to cable networks whose channels will be supervised by the Haute Autorité de l'Audiovisuel.
30. France is not participating in the ESA's L-Sat project. TF1-1 was, however, a passive participant - receiving closed-circuit programmes in the EURIKON experiment under the aegis of the EBU.

(1) Points 21 to 23 and 28.

(2) Point 31.

31. A project for satellite and cable broadcasting of French-speaking television programmes is shortly to be launched. Three hours per day of programmes selected from the French, Belgian and Swiss television channels will be broadcast free of charge by the OTS-2 satellite to European cable networks starting in 1983. This agreement, concluded for six months' duration, could then be continued and extended to cover the French-speaking countries in North America and Africa. This will be a truly joint channel produced by a programming team consisting of representative of the three television authorities.
32. The commissioning of the fourth French television channel will have particular significance for DBS. The channel is intended to be financed - since State financing and advertising have been ruled out by a two-tier payment system, a basic subscription and a specific fee for access to a number of encoded programmes. In addition, other programmes would be offered free by sponsoring organisations.
33. The French Government would like the fourth channel, "Canal Plus", to start operating from 1983. However, as a year will be needed to chose the decoder, the channel will have to start operating without a pay TV system.

The Government is insisting that the whole national territory should be covered and that owners of the old VHF aerials used for receiving black and white 819 line TV pictures (none have been installed since 1978), should be assured of receiving uncoded, free programmes. This means that the frequencies which were originally allocated to the French Post Offices's planned radio telephone services will have to be used. However, from 1986 - when the TDF satellite system will be operational - the fourth programme can be transmitted via the third channel of the TDF-1 satellite. From 1988 onwards it will also be possible to use cable networks. The frequency-allocation problems will then be solved for both TDF and the postal authorities.

34. Starting operation without a payment system will clearly raise financial problems. In specific circumstances, sources of funding can however be found, via Sofirad (a state-controlled company with shares in radio and television broadcasting organization such as Radio Monte-Carlo, Europe-I, Soméra, etc..) and from various Ministries.

Cable

35. On 3 November 1982, The French Government announced the launching of an optical fibre cable network installation programme to be carried out by the PTT (Post Office and Telecommunications). The initial objective will be to link up 1 400 000 subscribers between now and 1985. The Government confirmed at the same time the decision to launch the TDF-1 satellite which should be commissioned at the same time as the first stage of the cable plan is completed.

36. Scheduled investment over three years is FF 5 000 million. From 1986 onwards the programme will be speeded up and annual investment of FF 4 000 million is scheduled in order to cable all urban households by the end of the century. Coaxial copper cable will be used over the first two years in order to give the industry time to adapt production capacity to the demand for optical fibre cables. The optical fibre network will also be used to bolster the telephone system and provide the information services which the electronics industry is planning. These services will become one of the major financing sources for this plan.
37. Cable distribution is at present very limited in France, being normally limited to installations of the MATV (Master Antenna TV) type. The new law encourages and authorizes local networks which will have access to foreign channels and/or satellite broadcasts.
38. Two local experiments have already been approved. In Biarritz, the French Post Office is to install gradually an optical fibre network to provide new services such as telematics, videophone, telephone, television and stereo music channels from mid 1983 onwards.

The other project, relating to the Lille "Urban Community", is now being implemented. The cable network is to be installed and managed by a semi-public company made up of Télédiffusion de France (TDF), the Post Office authorities and the "Urban Community", whilst the programmes are to be produced by a "groupement d'intérêt économique" (ad hoc consortium) of local associations and groups. The two parties involved, the semi-public company and the consortium entrusted with producing the programmes, would provide financing for the project.

Negotiations between the Urban Community and the Post Office authorities were successfully completed in October 1982. It was agreed that an initial trial network of optical fibre cables, capable of serving 3.000 households, will be installed in one district of the town in 1984-85.

Video

39. There are now 900 000 videorecorders in France and the total is expected to reach 2 million by the end of 1983. Philips V2000 recorders and Sony videocassettes are manufactured in France. New taxation of videorecorders was introduced from the first of January 1983 to the amount of FF 471 per recorder. This substantial amount is roughly equal to the 1983 colour TV licence fee. From the same date pre-recorded videocassettes are subject to 33% VAT. These new taxes will be used to increase the revenue of radio and television organizations.

This measure is certain to have an influence on sales of machines, of which 85% are of Japanese origin and 15% are manufactured by Philips.

In addition, the Government decided that all imports of video equipment should be processed only at the Poitiers customs office. New rules requiring all customs documentation to be in French only were also introduced. As a result of these measures, only 6 000 VCRs were received by retailers who had orders for 200 000 sets. Akai (France), which has had 60% of its 1982 production stopped at customs, halted manufacture in France. Sony dropped its planned to construct a factory in south-west France.

In December 1982, the European Commission formally notified the French Government that it was commencing proceedings in the Court of Justice in respect of these restraints on imports, which were considered to be protectionist measures incompatible with Community rules and harmful to other Community Member States.

40. Mention should also be made of the establishment, announced at the beginning of November 1982, of an "Association pour le Développement de l'Audiovisuel" to familiarize producers with new techniques - videodiscs, microcomputers, digital processing and image synthesizing systems, etc. - and thereby encourage production of videoprogrammes in the coming years. The Association, set up by the Directorate-General for Telecommunications (DGT) of the Post Office, will include the DGT's own engineers, engineers from the Centre National d'Etudes sur les Télécommunications (CNET = National Centre for Telecommunications Research) and audiovisual producers.

Where equipment is concerned, the DGT will be instructed by the Ministry for Research and Industry to stimulate a revival of the industrial production of videodiscs, now that Thompson has abandoned its project.

BELGIUMSatellites

41. Belgium has no plans for a satellite, because its territory is very small and its population split in two communities, one French-speaking, the other Dutch-speaking, which means that new channels are not required. Four channels operate at present: the RTBF runs two French-speaking channels and the BRT two Dutch-speaking channels. All the channels of neighbouring countries can be received via cable.

Cable

42. In Belgium, more than 80% of households are linked to cable networks. As indicated above, nine foreign television channels (three French, three German, two Dutch, one from Luxembourg) are available in addition to the four Belgian channels (two French-speaking and two Dutch-speaking) and they are all distributed via cable. Negotiations are continuing with the BBC on distribution of its British channels.

The number of channels available to the Belgian cable networks will more than double over the next ten years as a result of the commissioning of national DBS satellites belonging to Germany, France and the United Kingdom, possibly followed by those of Luxembourg, Switzerland and Sweden.

43. At national level the RTBF has requested the Government for permission to set up a pay-TV cable channel.

New legislation on cable networks is at present being drafted. One of the problems to be solved relates to the banning of cable distribution of foreign channels which include advertising. This ban is provided for in the Arrêté Royal of 1966 but not applied.(1)

Video

44. Belgium, with less than 30 000 videorecorders, is not included in statistical analyses of video in Europe.

(1) For the legal rules governing cable distribution in Belgium, see Annex 10, points 30 to 35.

DENMARKSatellites

45. Denmark has no national plans as such, but is participating in the ESA's L-Sat project and supports the concept of a European television channel put forward by the EBU to be received by Danish TV viewers; Danmarks Radio (DR), the national broadcasting organization, could contribute to this.

In February 1982, after years of study and discussion, Denmark formally withdrew from the Nordic countries Nord-Sat project (1). It also declined the Swedish invitation to participate in Tele-X, an experimental project for satellite telecommunications, with two television channels, to cover the Nordic countries. (2)

Cable

46. Approximately 50% of viewers (or 800 000 households) were subscribers to cable TV systems at the end of 1981.

Under the law of 15 June 1973, communal aerial systems and other systems designed to distribute programmes to residential accommodation can only be used to disseminate the DR programmes and those of foreign broadcasting authorities. However, the Ministry for Cultural Affairs may authorize the experimental cable distribution of local programmes.

This same Ministry recently banned cable distribution of the programmes provided by the private British company SATV (3) via the OTS-2 satellite, since that would conflict with the State monopoly on broadcasting.

Video

47. Only 5% (70 000 to 80 000 households) of TV licence holders possess a video recorder. Nonetheless, blank videocassette sales are high.

(1) Point 117.

(2) Point 118.

(3) "Satellite Television plc", Annexe 5, point 52.

GREECE
-----**Satellites**

48. Greece does not have any plans at the present time to use the orbital position and DBS frequencies which it has been allocated. There is a measure of hostility in broadcasting circles to spillover reception of programmes transmitted by foreign satellites.

Cable

49. Projects are under examination with regard to a possible State initiative regarding information and data transmission services.

Video

50. A limited number of video recorders are used to record films and for viewing cassettes rented by Athens' video clubs.

IRELAND
-----Satellites

51. Ireland has not yet announced any plans for DBS although RTE, the State-controlled organization which has a broadcasting monopoly, is involved in the EBU's EURIKON experiments.

The position at 31° west, suitable for a possible DBS geostationary satellite, is shared by Iceland, Ireland, Portugal, Spain and the United Kingdom. This would give an Irish satellite access to an extensive market.

52. The official position as regards possible private initiatives is none too clear, as may be judged from the present situation in which about one hundred pirate radio stations, and some pirate television stations, are illegal but tolerated. (1)
53. Two parliamentary bills have been introduced; one of them would outlaw pirate stations while the other would provide a legal status for local radio. There is a possibility that RTE's monopoly may be reviewed, and an injection of private capital used to operate the DBS channels to which Ireland is entitled.

Cable

54. Twenty-one cable networks are centred in the North and East of the country where 54% of Irish viewers live. British television channels can be received in this area. About 26% of Irish television subscribers are linked up to these networks, the three largest of which are situated in Dublin (including "RTE Relays", which belongs to RTE). Each network must broadcast RTE programmes, and is liable to a 15% tax on its revenue to compensate RTE for the loss advertising revenue. (2)

The rest of the country receives only RTE, but in 1982 the Minister for Posts & Telegraphs announced the decision to authorize cable distribution of various channels in areas where only one channel can be received at the moment (the towns of Cork and Limerick, and County Galway).

(1) The private television stations relay British programmes.
(2) Annex 10, point 79.

Video

55. The most recent figures available show that there were 39 000 video recorders in Ireland at the end of May 1982. However, this figure covers only private households. Public places, especially public houses, where the majority of prerecorded cassettes are viewed, were left out of account.

ITALY

Satellites

56. The new space programme, adopted in March 1982, covers the period from 1982 to 1986 and has been granted a budget of Lit 513 000 million. This programme includes: a 32.8% participation in the ESA's L-Sat programme (1), development of Italsat, a pre-operational satellite, by Telespazio and other related industries, development of land-based stations for telephone links, data transmission, teleconferencing and telefax, and lastly cooperation with NASA for the development of the Tethered Satellite System for scientific observation satellites linked by cable to the American space shuttle. Launching of Italsat is scheduled for 1987 or 1988. There are also plans to set up an Italian space agency within the next two years.
57. With regard to the DBS sector, the main point to note is Italy's high level of support for the L-Sat project (the Italian contribution is the second largest after Britain's). Italy has exclusive rights to one of the channels of the satellite which will be beamed towards its territory according to the WARC plan. The RAI (Radio Televisione Italiana) has offered this channel to the EBU (2) for a European programme.
- The agreement reached in April 1982 between the RAI and the Italian Post Office authorities grants to RAI exclusive rights to all types of broadcasting (radio and television, by airborne, cable or other means). Similarly, only the RAI has access to the PTT's land-based stations for broadcasting television pictures from the Intelsat system. (3).
58. Private radio and television stations are permitted to transmit locally. In the absence of a more accurate definition of "locally", the Constitutional Court's order is interpreted as relating to the area of each of Italy's 21 regions. At the present time, the number of television stations has fallen to approximately 350, but the private TV scene has been dominated, since January 1982, by three networks which cover between them approximately 7/5 stations. These are Canale 5, Italia Uno and Rete Quattro (4).

(1) Annex 5, point 27.

(2) Annex 5, point 37.

(3) In December 1980, however, a private television company was, as an exceptional measure, permitted to relay the Mundialito football championship from Uruguay, for which the RAI had not planned any live coverage.

(4) Microwave or cable links between the various regional stations are forbidden, so the large networks operate by sending pre-recorded tapes for broadcast four days later. The regional network agents provide daily programmes to the stations in which local advertising is included.

The private TV companies appealed to the courts against this ban on setting up truly national networks. Canale 5, in anticipation of a successful outcome, has already established a network of transmitters. The same companies are seeking possible means of expansion and new markets; they are very interested in the prospects offered by satellite and cable.

59. The possibility of private organizations availing themselves of the orbital position and frequency allocated by the WARC 77 to the Principality of Monaco has, however, been blocked by the agreement reached in 1982 between the RAI and Télémontecarlo (TMC). TMC has agreed, in exchange for the RAI's financial contribution and guaranteed four hours transmission per day, not to grant third parties the right to broadcast in Italian towards Italy.
60. The publishers Mondadori (which control Rete Quattro) for their part hold shares in the British SATV (Satellite TV) company which transmits commercial programmes via the OTS-2 satellite.
(1)

Cable

61. The expansion of private radio and television transmitters has caused the small cable networks in blocks of flats to disappear and prevented any further expansion.

Video

62. The abundant availability of TV channels has naturally brought to an almost total halt the spread of video recorders and cassettes.

(1) Annex 5, Point 52.

LUXEMBOURG

Satellites

63. The area covered by the Luxembourg satellite (Lux-Sat) would take in France (as far as Paris, Lyon and Bordeaux) three quarters of Germany and almost the whole of Belgium and the Netherlands.

Estimates put the number of households which Lux-Sat broadcasts could reach at approximately 40 million.

However, a final decision to approve the project is far from being a foregone conclusion. The feasibility of abandoning the plan for an independent Luxembourg satellite and joining France in providing programmes for the third channel of TDF-1 (the first French DBS satellite) is under examination.

64. Lux-Sat would be a small satellite similar to the ESA's ECS-type satellites with DBS transponders added. Options have been taken out for a launch in 1986 using a Ariane or the American space shuttle. A second satellite would follow almost immediately, and a third would be scheduled to be put into orbit in 1994.
65. Lux-Sat might have four DBS channels, three of which for broadcasts in German, French and Dutch, respectively. All programmes, according to CLT declarations, would be "European" in nature. Where advertising is concerned, the CLT would observe the rules in force in the target countries and apply the rules of the International Chamber of Commerce. In a number of official and unofficial statements, the Luxembourg authorities have warned against adopting a protectionist stance which would conflict with the concepts of free movement of information and freedom to provide services.

According to the CLT, 40% of the programmes broadcast by Lux-Sat would be produced by its subsidiary Radio-Télé-Luxembourg (RTL), while the remaining 60% would originate from foreign producers or be co-productions.

66. In 1982 the shareholders in the Compagnie Luxembourgeoise de Télédiffusion (CLT), 47% of whose equity is held by French public and private sector interests, decided to accept in principle the Luxembourg government's offer of a DBS service managed directly by the CLT (and not by a separate company).
67. Since the Lux-Sat project is mainly aimed at markets outside the Grand-Duchy it is obvious that its success or failure will depend in part on the attitude of neighbouring countries governments.

The hostility of the German government up to November 1982 meant that the association of German newspaper editors which had planned to take a 25% share in the Luxembourg project withdrew their support. It is difficult, at the time of writing, to forecast how the new German government will act.

68. Pending a decision on its satellite, RTL announced plans for a second TV channel in October 1982; in addition to Luxembourg this could cover areas of France and Germany, Belgium and the southern part of the Netherlands. This service would be multilingual, similar to the one announced by the CLT for the satellite. Programmes would be broadcast in German from 1200 to 1400, and in English from 1700 to 1900. The news would be in French and each evening a film would be shown with subtitles in German and Dutch. However, Belgium opposed the plan and its implementation, originally scheduled for the end of 1982, has been postponed indefinitely.

Cable

69. Approximately 50% of Luxembourg households are on cable, particularly in the towns in which the Belgian company Coditel operates. The only prerequisite for operation is to broadcast RTL.
70. A number of local radio and television cable networks have been installed throughout the Grand-Duchy. They are granted by local authorities to firms or private interest groups on a concessionary basis. No actual fee is charged, but a number of clearly defined charges have to be paid.

These firms and interest groups relay RTL programmes and those of official foreign radio and television stations which can be received within the Grand-Duchy.

Video

71. Sales of videorecorders are not high in Luxembourg, since all neighbouring countries TV programmes can be received there.

THE NETHERLANDS

72. The Staatsblad (Official Gazette) of 28 October 1982 published the general guidelines adopted by the government on the basis of the report submitted by the Scientific Council on Media Policy on 7 September last. These are:

- a ban on all advertising specially aimed at the Dutch public in cable-distributed foreign programmes (a general policy on foreign programme distribution by cable is being defined);
- liberalization to permit the participation of the press, publishing and non-profit organizations in local radio and TV, whilst ensuring that no commercial pressures are brought to bear on the management of broadcasting organizations and their programming policies;
- recognition of the press's role in teletext services;
- lowering of restrictions on advertising in sports stadiums.

Satellites

73. The Netherlands have no national projects in the DBS sector. They are participating in the ESA's L-Sat project (1) and the NOS (Dutch Broadcasting System) is one of the coordinating organization for the EBU's EURIKON experiments (2).

Several Dutch organizations have submitted requests, via the Post Office authorities, to Eutelsat for permission to use channels on the OTS-2 satellite and its successor ECS-1. Two of the six applications for ECS-1 channels were submitted by companies formed by Dutch publishers who intend to use the satellite for subscription or pay television.

74. Generally speaking, the Netherlands have no objections to receiving DBS programmes from neighbouring countries' satellites on the principle that free movement of information is essential, provided that such programmes do not contain advertising specifically aimed at the Dutch public.

They would like agreement to be reached at European level on radio and television advertising and advertising standards to allow for cases in which programmes produced by one country are deliberately designed to take advantage of satellite broadcast spillover.

Cable

75. 70% of Dutch households are linked to cable networks and it is estimated that the total will exceed 75% in 1985. Networks covering more than 50 000 subscribers are managed by the PTT,

(1) Annex 5, point 27.

(2) Annex 5, point 40.

but local networks may be managed by other organizations according to technical specifications laid down by the PTT. Almost all smaller networks are managed by local authorities. The CASEMA, a semi-public company composed of the PTT (60%) and the NOS (40%), manages approximately 15% of these minor systems. The CASEMA, a semi-public company composed of the PTT (60%) and the NOS (40%), manages approximately 15% of these minor systems (1).

76. As a general rule, seven channels are broadcast: the two Dutch channels, three German channels and the two Dutch-speaking Belgian channels. Cable distribution of programmes from the Soviet Gorizont satellite is permitted. The number of local networks is increasing, as is the number of subscribers and the cable network managers' interest in providing new services via available channels.
77. The Scientific Council's report on the media (point 63 above) made suggestions regarding the broad lines of new legislation on cable. The main source of financing should be by subscription, and subscribers should themselves be called upon to decide which channels they should receive according to the area they live in. National television channels should be available free of charge.

Video

78. The number of privately owned video recorders was estimated at 65 000 at the end of 1982; this figure corresponds to 15.7% of TV subscribers.

The Dutch video equipment distributors association estimates that 35-70% of prerecorded videocassettes sold on the Dutch market are pirated. Court cases are pending with a view to stamping out the practice.

79. The Dutch company Philips is the largest European manufacturer of electronic and electrical, TV and video equipment and the fourth largest in the world (2).

On 5 January 1983, Philips and AT&T announced that they had reached agreement on jointly developing, manufacturing and marketing telecommunications equipment, including transmission systems. AT&T, following the US anti-trust case in which it was ordered to relinquish ownership of Bell Telephones, is eager to penetrate new sectors in markets outside the United States and therefore needs a partner with international experience and marketing capability. As for Philips, it is seeking to avail itself of AT&T's experience in electronic switching systems in order to bolster its position on the telecommunications market.

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- (1) On the legal aspects of cable distribution, see Annex 10, points 124 and 125.
- (2) Preceded by IBM, General Electric and AT&T in the United States.

The Philips-AT&T agreement is however viewed unfavourably by the French Government, which is concerned at the arrival of a powerful American company on this European market.

Reference has already been made to the possibility of Philips and the French consortium Thompson-Brandt working together through the German Grundig company (in which Thompson-Brandt may gain a controlling interest and in which Philips holds a 24.5% share (1) and also to the anti-dumping proceedings brought by Philips and Grundig against Japanese video equipment manufacturers.

(1) Point 7.

THE UNITED KINGDOM

Satellites

80. Following the British Government's decisions of 4 March 1982, the United Kingdom set itself the aim of possessing an operational two-satellite DBS service by 1986. The Government intends immediately to use two of the five channels allocated by WARC 77 at the position of 31° West. These two channels have been allotted to the BBC.
81. The first satellite will be launched by United Satellite Ltd (Unisat), a company formed by British Telecom, (which will deal with the telecommunications service), British Aerospace (which will provide the satellite) and Marconi (which will provide the payload).(1)
82. The Government also decided on 29 November 1982 that the MAC (Multiplexed Analogue Components) system developed by the IBA (Independent Broadcasting Authority) would adopted as the new DBS broadcasting standard.(2)
83. For its part, Unisat has decided that the satellite will have six transponders, two for television and four for telecommunications. The British Aerospace-designed project for the ESA's ECS (European Communications Satellite) (3) will be further developed to permit the installation of the six transponders.
- The two satellites are due to be launched by Ariane in June and September 1986, but the dates have not yet been finalized. The cost of the system will partly be covered by revenue from the telecommunications service.
84. With regard to the TV services available, the BBC proposal, approved by the Government, provides for a subscription service in which the programmes would include films, cultural events, sport, entertainment and the use of historical film documents as well as a "window on the world" made up of the best programmes from other television authorities and new programmes with an international flavour.

(1) Project Mercury, the private consortium holding the first Government permit for the installation of a telecommunications network to compete with British Telecom, will rent circuits on the satellite and act as BT's agent in terminal leasing.

(2) Annex 2, point 18 et seq.

(3) Also for Immarsat's Marecs maritime communications satellites: Annex 5, point 25.

85. The IBA (1), for its part, has stated that it wishes to have DBS channels and proposed instituting a subscription service, a service offering repeat broadcasts of the best British products, and lastly a pan-European service. In its application to the Government the IBA stressed the role it had played over the past five years in satellite research and development and in producing test programmes for the EBU's EURIKON broadcasts, via the OTS satellite.

In its statement to Parliament in March 1982, the Government agreed that the IBA should have a part to play in future DBS services and gave assurances that the necessary legislation would be included.

86. In sectors other than television, British Telecom have announced plans for private telecommunication networks from 1984 onwards based on the digital X-Stream systems using ECS satellites (2). These networks will provide four services termed Switchstream, Magastream, Kilstream and Satstream, with teleconferencing, telefax and packet-switching capability. It will be possible to receive these services via cable-network terminals served by five metre aerials, via public airborne relay stations or via customers' personal terminals.

87. The United Kingdom is taking part in the ESA's Ariane and L-Sat programmes. According to British Telecom, participation in L-Sat will be the natural follow-up to Britain's commitment to space when, towards the end of the eighties and at the beginning of the nineties, larger satellites will have to take over.

In December 1982 a contract worth £180 million was signed between the ESA and British Aerospace as lead contractor for the construction of L-Sat. The other main contractors for this project are Aeritalia and Selenia from Italy, Fokker from the Netherlands and Spar Aerospace from Canada.

Cable

88. There are at present 2.6 million subscribers to cable television in Britain, and approximately 14% of all TV sets are linked to cable networks. These are above all communal aerials since distributors are permitted to broadcast only the national channels (3) which are available over the air to 99% of the population.

(1) The IBA is a public authority responsible for the private sector of radio and television broadcasting in the United Kingdom. It grants limited contracts for programme production concessions on a regional or local basis to several dozen private companies, supervises their work and transmits their programmes.

(2) European Communication Satellites, managed by Eutelsat. Annex 5, point 30.

(3) Except pilot pay-TV schemes authorized in 1981 (Annex 10, point 140).

89. Since cable distributors have hitherto had little to gain by laying multi-channel cables, most of the networks are outdated and carry only four channels. All four channels have been in use since Channel 4 came into operation in November 1982.

From 1980, however, certain trial networks providing subscribers with other cable-distributed services have been authorised.

The Hunt Report

90. With regard to the future, the Government took decisions based on the report submitted in October 1982 by a three member Consultive Committee. The Committee, chaired by Lord Hunt (1), had the task of studying cable broadcasting and programming policy for radio and television.

The proposal in the 39-page Hunt Report would lead to a revolutionary change in the British TV scene by reducing regulation and control of whatever type to the absolute minimum.

91. The first of the new services could be available to the public in two years. Although "use British material should be encouraged", all restrictions on import of foreign programmes (now set at 14% of BBC and ITV television programmes) would be abolished and cable network operators, with a maximum thirty channels available, would have virtually total freedom with regard to programme production. They would, however, be required to carry all existing and future BBC and ITV programmes.
92. A great deal of controversy arose over the basic findings of the report, which were as follows:
- There should be no limit to the number of channels which could be financed by subscription and advertising and it should be possible for entire programmes to be funded by a single advertiser (sponsorship). In the first few years of operation, financing from advertising and sponsorship would be unrestricted.
 - Pay-per-view TV would not, however, be permitted for the time being.
 - There would be no obligations with regard to the content of programmes offered on subscription.
 - There would be no obligation with regard to the balance and mix of different programmes, with regard to impartiality (except in news programmes), or scheduling programmes not suitable for children (for which electronic blocking devices are planned), advertising or foreign programmes, etc. However, no cable network would be allowed to have a totally biased position (e.g. by being owned by a political or religious organization). In addition, access to local cable channels would have to be guaranteed on an impartial basis.

(1) Former Cabinet Secretary. The other two members of the Committee were Sir Maurice Hodgson, Chairman of British Home Stores, and Professor James King of Imperial College, London.

- Organizations operating existing cable networks could continue, but only for a five-year period, after which they would have to invest in new multi-channel networks.
- A new Authority would be set up, with the task of granting concessions and monitoring the activities of network operators. The Authority would have to be set up by Act of Parliament. However, if necessary (i.e. if not enough time were available to prepare the legislation) "it should be established on a non-statutory advisory basis". With regard to the powers of the authority, the Hunt Report states that network operators' activities should only be checked from time to time (monitoring) or in response to complaints received. Neither programmes nor advertising would have to be submitted for prior approval, there would be no systematic monitoring at the production stage and network operators would not be required to contribute towards financing the control machinery.
- A number of different criteria would be used to define the concession areas, such as 500 000 population, linking rich urban areas with poor rural areas, time required to carry out installation, etc.
- Normally, the concessions would last for eight years but at present they might reach ten years. This period may be regarded as very short, given the heavy investment needed to install cable networks.

93. The Hunt Committee was not called upon to give its verdict on the choice between coaxial and optical fibre cables. When it was suggested that the Government might be in favour of using coaxial cable initially, British Telecom reacted by stating that it was vital that the system chosen should give room for development of all the capacity required to provide a wide range of information and entertainment services.

94. Once the Hunt report was published, the BBC, the IBA and the Independent Television Companies Association (ITCA), which represents the private regional TV companies which produce the programmes broadcast over the IBA network, voiced the following opinions :

The BBC argued in favour of the principle of controlling programme content in order to protect the TV viewer and making cable and DBS complementary. A guarantee should be given that the DBS channels would be provided to users in addition to the other channels distributed by cable. In addition, the BBC stressed the need to defend the interests of that 40% of viewers who could never be economically linked to a cable network.

The IBA, for its part, expressed outright opposition to the conclusions of the Hunt report, particularly where it stated that if its recommendations were adopted there would be no serious adverse effect for public radio and TV broadcasting services.

The ITCA did not wholly share the IBA's hostility to the report. A number of the companies involved were interested in participating in cable network management. Most of their criticism concerned the fact that no restrictions were to be placed on advertising and that the compulsory proportion of British productions in programmes was to be lifted. They also objected to the recommendation that a television company should not be able to have a majority holding in a cable management company.

None the less, broad agreement existed on the need to plan a 20 to 25 year duration for concessions which would only become profitable after 7 to 8 years.

Video

95. The United Kingdom has the world's highest percentage of households possessing video recording equipment : between 12.5 and 15% of the 20 million households with a television set at the end of 1982. It is estimated that this percentage will rise to 27% in 1983 and 40% in 1984. The market is divided up between the VHS system of JVC and Matsushita (57%), Sony's BETA system (27%) and the Philips V2000 system (15%). 54% of recorders belong to users; 46% are rented. According to a recent Gallup poll 1.25 million videocassettes are rented each week. Recordings are mainly made of films broadcast by the TV channels late in the evening.

In addition, TV viewing time in Autumn 1982 was 10 to 12% lower than in Autumn 1981 (2 to 3 hours per week). Over the Christmas period, which has always been the peak viewing time, the number of viewers fell by 23% to 11.1 million on the four channels on Christmas Day (compared to 17 million on the same day in 1981). For the first time in 1982 it was estimated that rentals of films recorded on videocassette exceeded cinema box-office takings.

Some 82 million blank videocassettes were sold in 1981 (for a total value of £74 million) in order to record programmes from television or copy other cassettes. The total value of sales and rentals of videocassettes in 1982 is estimated at £400 million.

Towards the end of 1982 most of the small videocassette distributors (video clubs and rental firms) which proliferated in 1981 and 1982 had disappeared. The major video distributors and videogram producers dominate the market and have started cooperating on a self regulation system and on combating piracy: it is estimated that pirate videocassettes account for 70% of sales.

With that aim in mind, the British Videogram Association, the Motion Picture Association and the Society of Distribution have set up a Federation Against Copyright Theft (FACT).

ANDORRA

96. The Andorra Government, with the agreement of the two Co-Princes (the Bishop of Urgel and the President of the French Republic) granted authorization for a study of the potential uses of the DBS satellite whose position at 37° West was allocated to Andorra by the World Administrative Radio Conference of 1977.

Andorra Produccions SA, which is the project leader, considers that one of these satellite channels could very easily be adapted to broadcasting European programmes.

97. The Co-Princes have ruled out advertising as a source of finance. Andorra Produccions is therefore seeking sponsors who could -possibly working together within a joint organization- produce the programmes needed. The sponsors would preferably be European international or interregional organizations.

AUSTRIA

Satellites

98. A decision by the Austrian Government on the feasibility, technicalities and financial sources for placing an Austrian satellite in orbit is not expected for two years. This decision will be based on the opinion of a joint PTT-ORF (Oesterreichischer Rundfunk) Committee set up in October 1981. In any event, no national satellite is scheduled for the next ten years. The Committee is, however, to make recommendations with a view to possible Austrian involvement in European DBS activities over the same period.
99. Three options are being examined :
- (a) Participation in an EBU European programme. It should be borne in mind that the ORF is one of the coordinating organization for the EBU's EURIKON experiments (1).
 - (b) Use of transmission time on one of the three channels of the German TV-Sat satellite, in conjunction with the Länder organizations involved in the ARD and with the ZDF (the ORF has been cooperating with these organizations as a matter of course for many years).
 - (c) Management of a satellite in conjunction with Switzerland. In this connection, contact has been made with the Société Suisse de Radiodiffusion et Télévision (SSR) and the Swiss PTT, but the Swiss authorities have not yet adopted a definitive stance on this subject. The SSR has financial problems, like the ORF, and if the ORF were to become involved in the commercial Tel-Sat (2) project this might cause difficulties.
100. At all events, Austria is uniquely placed with respect to Europe. Its radio programmes cover an area stretching from the Adriatic to Western Russia and Romania. Its TV programmes can be received in Switzerland, Southern Germany, Czechoslovakia, Hungary and Yugoslavia. Using the WARC standard of a 90 cm diameter aerial, the optimum coverage area for an Austrian DBS satellite would include approximately 45 million people, but in reality it could reach 110 million in Czechoslovakia, France, the two Germanies, Hungary, Italy, Poland, Switzerland, and Yugoslavia; and the number of radio listeners could be doubled.

Austria already receives German, Swiss and Italian television programmes and has no objections to receiving DBS programmes from other national satellites.

(1) Annex 5, points 39 et seq.

(2) Point 103.

Cable

101. Early cable networks in Austria were laid in Western frontier areas to permit German and Swiss visitors to receive their country's channels in places in which off-air reception was not possible. Now the networks are expanding, but only in the Eastern cities. At the beginning of 1982, 108 000 households were linked to cable.

Video

102. 3% of TV subscribers, i.e. 70 000 households, were in possession of a video recorder at the end of 1981.

SWITZERLAND

Satellites

103. A Swiss initiative on DBS was started by the private sector when the Association pour la Télévision Suisse par Satellite (Tel-Sat) was formed. In May 1980 Tel-Sat submitted a request to the government (amended in February 1981) to be granted the concession of three of the five DBS channels set aside for Switzerland by the World Administrative Radio Conference of 1977. The three channels would be used for programmes in the three official languages of the Confederation. The installation and management of the system would be carried out in conjunction with the PTT. Tel-Sat would be in favour of all types of cooperation, particularly with the Société Suisse de Radiodiffusion et Télévision (SSR).
104. 80% of potential Tel-Sat viewers would be located in Germany, Austria, France and Italy. Finance for the first eight years of operation, during which profitability would not be achieved, would come from private Swiss sources (55%) and foreign sources (45%). It is planned to launch the satellite in 1987.
105. The SSR, which currently has exclusive rights to transmit radio and television programmes granted by the Confederation, has suggested a Swiss satellite equipped with two TV channels. The first would be used for a pay-TV service and the other would be kept for a pan-European channel to be set up within the EBU. The SSR's proposal recognize the need for a fundamental revision of the present structure of its monopoly to take account of the public's attitude and of the increasing difficulty in obtaining federal funds.
- In a statement on 17 September 1982, the SSR Central Committee stressed the technical and professional experience it could contribute in cooperating with other Swiss organizations in the DBS sector. The text of the statement is given below (point 110).
106. Switzerland now receives TV programmes from France, Germany Austria and Italy and Swiss viewers spend approximately 50% of their viewing time watching them. This obviously has implications for the advertising rates which the SSR is able to charge. In the future, if the four neighbouring countries make full use of the potential offered by the DBS channels allotted to them, Switzerland will receive an increasing number (up to 20) of foreign TV channels.
107. The situation is further complicated in Switzerland by the fact that there is no constitutional basis for Federal regulations on radio and TV programmes. Two draft laws were rejected in referenda in 1957 and 1973. In 1982 the Government sought Parliament approval for a new article (1) of the Constitution to confer authority for the radio and TV sector on the Federal Government, to determine the function and roles of this sector and to guarantee its freedom. If Parliament passes the legislation, it will then have to be submitted to public referendum.

(1) Article 55 bis (article 55 relates to the freedom of the press).

108. In June 1982 the Federal Council (the Government of the Confederation) made a statement to the National Council (the Chamber of Deputies) on its stance on DBS. It stated that cooperation with other countries should be sought for the initial trials, particularly where this related to programmes with an international vocation. All notion of a monopoly is explicitly rejected; the five Swiss DBS channels should be granted to several different broadcasting companies, who would have to cooperate. The PTT should install and manage the technical infrastructure. The cost would be borne by users and advertising would be permitted, though within strictly defined limits.
109. The Management Committee of the National Council presented Parliament, in Autumn 1982, with a report on the constitutional, legal, political and social aspects of satellite broadcasting. This report is the follow-up to an initial report drawn up by a "Commission pour une conception intégrée des médias" (Committee for an integrated media concept, also known as the Kopp committee) submitted in May 1982 after three years' work. The Kopp report does not grant priority to DBS. It recommends that the radio and TV sector should be exposed to competition without, however, in any way jeopardizing the future of the SSR.
110. The text of the statement by the Central Committee of the SSR on 17 September 1982 with regard to satellite broadcasting (point 105) was as follows (translation):

"SSR guidelines with regard to satellite broadcasting

"For the SSR, the definition of future Swiss policy on satellite broadcasting should stem from the following considerations:

- "1. The presence of Switzerland in the satellite broadcasting sector is in the national interest.
- "2. It is irrational to use satellite broadcasting in order to serve the national territory alone.
- "3. The reception area allocated to Switzerland lends itself to cross-frontier utilization.
- "4. Bilateral and multilateral cooperation are required in order to draw the maximum benefit from the technological potential of satellites. With regard to programmes, this cooperation should take place primarily within language areas.
- "5. The SSR, as a multilingual organization, can both provide satellite broadcasting with its infrastructure from the programming, manpower and operational points of view and offer its experience and expertise, together with the relations it has established internationally. The SSR has a long-standing tradition of international cooperation both in technical matters and in programme production. The Swiss PTT and the SSR have international status which should be exploited in the interests of the country.

- "6. Any SSR commitment on satellite broadcasting should be in keeping with its financial, programming and organizational capacities.
- "7. In order to improve the influence of Switzerland abroad, the SSR will seek to cooperate with all interested parties in Switzerland in order to further satellite development.
- "8. Swiss broadcasters should be involved in all consultation and planning procedures already under way.
- "9. In order to operate in the DBS sector in the country's interests, the SSR requires a mandate from the Government.
- "10. The SSR is basing its DBS activities on the tasks conferred on it by its concession. It places particular emphasis on the effects which DBS will have on independent national coverage with regard to programmes."

Cable

- 111. Cable networks are very widespread. More than 60% of Swiss viewers are served by cable companies providing eight to twelve channels. In certain cities the percentage of subscribers is close to 95%. The PTT provides the relay stations to transmit foreign programmes from the Swiss frontier to local cable networks.
- 112. The PTT also has responsibility for granting concessions to local companies (local authorities or private companies) which, until last year, operated under a Federal order of 1977. This order, which expired in 1982, restricted broadcasting by cable and banned advertising. The subsequent order of July 1982 opened up new prospects - local programmes can also be transmitted over the air within a maximum 20 Km range under permits granted for three to five years. Advertising is only allowed on radio and cannot occupy more than 15 minutes' air time or 2% of total daily air time. At the closing date of 30 September 1982 more than 150 requests had been received for the 20 to 30 concessions to be granted in 1983. These will be granted to pilot schemes in terms of programmes or the organizational and financial aspects and recipients will have to submit an assessment of the results at the end of the operational period.
- 113. The first cable pay-TV service is managed by a company whose 130 000 subscribers all live in Zurich area. The trial period started in April 1982. Lastly, another Zurich network is distributing satellite broadcasts from the private British company Satellite Television PLC (SATV) (1).

Video

- 114. The number of Swiss households who now have video equipment is assessed at 160 000. 90% of pre-recorded videocassettes are rented rather than purchased.

(1) Annex 5, point 52.

THE NORDIC COUNTRIES : FINLAND, ICELAND, NORWAY AND SWEDEN

Satellites

115. The five Nordic countries - the four deal with here and Denmark - were permitted by the World Administrative Radio Conference of 1977, as an exception to the rule of strictly national use of DBS, to use eight of their twenty-five channels for a joint regional service (1). As a result the regional project Nordsat was devised; and Finland and Norway are involved in the Swedish Tele-X satellite project (points 117 and 118).

116. Sweden is participating in the ESA's Ariane programme. From 1986 onwards, Swedish TV viewers will be able to receive two DBS channels via the Tele-X satellite. Sweden will also be covered by the footprints of the German, French, British and Russian satellites.

Norway became an associate member of the ESA for a five-year period in November 1981. It is also taking part in the ESA's Marecs and European Remote Sensing Satellite programmes.

Finland took part in the EURIKON experiments for joint television programmes via satellite under the auspices of the EBU.

The Nordsat project: Finland, Norway, Sweden and Iceland

117. Denmark's withdrawal from the Nordsat programme has already been mentioned at point 45. In March 1982 the Nordic Council for Industry and Cultural Media decided to pursue Nordic cooperation in the field of satellite radio and television in spite of the Danish decision. In April, Iceland announced its decision to participate in the project. Negotiations for an operational agreement therefore started between Sweden, Norway, Finland and Iceland. The programme is to be finalised by 1984 and the system should become operational in 1988.

The Tele-X project: Sweden in conjunction with Finland and Norway

118. Denmark also declined an invitation to participate in the Swedish Tele-X satellite project (2).

Tele-X is an experimental DBS satellite with two transponders for data and video services and two DBS channels. It will be developed by Sweden in conjunction with Finland and Norway. In February 1982 the Swedish space company signed an agreement with Arianespace for the launching of the satellite in June 1986. The Swedish Parliament approved the project in March 1982.

(1) Annex 2, point 13, footnote (4).

(2) Point 45.

Cable and VideoFinland

119. At present approximately 7% of Finnish households are linked to commercial communal cable TV networks which distribute the two Finnish channels and the two Swedish channels. The biggest company, Helsinki Television (HTV), distributes its core programme to 75 000 subscribers and 10 000 others are linked to its pay-TV channel. HTV broadcasts a news programme, the programmes of the Estonian television authority from Tallin and the programmes from the OTS satellite transmitted by the British company Satellite Television (SATV) (1).
120. Draft legislation on cable television was submitted to Parliament in October 1981 by a Parliamentary Committee on Radio and Television set up in December 1979 in order to amend existing legislation, which dates from 1927.
121. The plans for cable relate to radio networks of more than 500 subscribers and TV networks of more than 400. Permits will be granted to public or private companies or local authorities subject to certain conditions. Firstly, there must be a high percentage of Finnish productions in the programmes, advertising is to be limited, there will be restrictions on certain mixes of shareholders and a number of obligations with regard to programme content (subjects of local interest and social and international questions). Distribution of the two channels of the public broadcasting authority YLE (Oy Yleisradio) would be compulsory. Under the scheme the YLE itself would be authorized to manage a cable service distributing its own two channels and other channels (pay or subscription TV) and negotiations with the PTT have been started for the purpose.
122. In addition to the report on cable, the Parliamentary Committee submitted two interim reports, one on the possible setting up of a third TV channel for the Swedish-speaking population on the West coast and the other on new programmes produced by the Commercial television company MTV (Oy Mainos-TV-Reklam AB).

The same Committee is now drawing up a whole new set of draft legislation on radio and television which is due to be submitted to the Finnish Government at the end of 1983.

(1) Annex 5, point 52.

Norway

123. In December 1981, following the entry into force of new legislation, the monopoly which the NRK (Norsk Rikskringkasting) enjoyed was for the first time encroached upon. Licenses were granted to 37 local radio stations, and three companies were granted permission to distribute TV programmes via cable. This is over and above the large number of community TV companies already in existence. Six of the latter have been given permission to distribute the programmes of the British company Satellite Television (SATV) transmitted by the OTS satellite (1).
124. Three committees were set up by the Government in order to study the problems of community and local radio, the potential of cable television and the question of advertising. At the same time a media commission has been at work for four years and its report is due to be delivered shortly.
125. At this time, 90% of the Norwegian households have a television set (70% in colour). At the end of 1981 there were 40 000 videorecorders (3.3% of the total number of television sets) and 350 000 blank videocassettes had been sold during the year.

Sweden

126. Approximately half of Swedish households are now linked to private cable systems with communal aerials. The first wider network has been laid near GÖteborg by a public company which builds blocks of flats, and this has meant that several thousand households can receive both Swedish and Danish channels.
127. The PTT plans to set up, by 1986, a national cable network to interconnect the various local networks. A Parliamentary Committee has been set up to examine the mass media, with the task of studying the legal aspects of DBS and reaching an accurate definition of cable distribution with a view to the future regulation of such activities.
128. The PTT has banned cable distribution of the programmes transmitted by the British company Satellite Television (SATV) over the OTS satellite since this goes against the principle of the SR (Sveriges Radio) monopoly of broadcasting to the general public.
129. In 1980, the number of video equipment owners was estimated at 120 000 and, over the year, some 10 to 11 million blank cassettes and 3 000 amateur video cameras were sold.

(1) Annex 5, point 52.

130. 50% of SR's television programmes are foreign. Most of the prerecorded videocassettes on sale in Sweden are copies of American or British films. It is thought that the video sector will expand, with approximately 30% of Swedish households owning a recorder by 1985.

The preference of the Swedish public for foreign production has led the Government to apply a number of measures. In March 1982, the video distributors association was obliged to add a tax to the sale price of prerecorded videocassettes. Revenue from this tax will be used for new productions by the Swedish film institute. In June, a further tax on blank cassettes was decided on.

131. A law passed in August 1982 requires that films recorded on videocassette are approved by the censor and imposes heavy fines for offenders.

ANNEX 8

LIST OF DBS PROJECTS IN EUROPE

LIST OF DBS PROJECTS IN EUROPE

ANNEX 8

Country or organization	Name and scheduled launching date	Launcher	Orbital position	Manager or user	Remarks
Federal Republic of Germany	TV-Sat Spring 1985	Ariane	19° West	Deutsche Bundespost	Joint project with France. Work in progress.
France	TDF-1 Summer 1985 TDF-2 1986	Ariane Ariane	19° West 19° West	Télédiffusion de France	Joint project with Germany. Work in progress.
United Kingdom	June 1986 September 1986	Ariane Ariane	31° West 31° West	British Telecom-BBC	
Sweden	Telex-X June 1986	Ariane	5° West		Joint project with Norway and Finland. Decision taken.
Luxembourg	Lux-Sat - 1987	Options for Ariane and the American space shuttle	19° West	Compagnie Luxembourgeoise de Télédiffusion	Small ECS-type satellite to be equipped with DBS channels. A second satellite should be launched shortly after the first and a third is scheduled for 1994. Study stage.
Switzerland	TEL-Sat 1987	-	19° West	Association pour la Télévision Suisse par Satellite (Tel-Sat)	No decision will be taken before 1983. Relations between Tel-Sat, which is a private association, the SSR and the PTT have still to be defined.

Country or	Name and scheduled launching date	Launcher	Orbital position	Manager or user	Remarks
Sweden, Norway, Finland and Iceland	Nordsat 1988		5° East	Nordic countries	The Nordsat programme is scheduled to be finalized in 1984.
European Space Agency	L-Sat 1986	Ariane	19° West	ESA	Experimental satellite. Two DBS channels; the first will be allocated definitively to the RAI (Italy) and the second will be allocated temporarily free of charge to the EBU for 3 years. Schedule life 6 to 10 years. Decision taken.

ANNEX 9

Page

Maps of DBS reception areas in Europe	151
1. Individual reception areas with 90 cm aerials for the beams of the following countries: France, Federal Republic of Germany, Italy, Luxembourg, Sweden, Switzerland, United Kingdom	152
2. Community reception areas with 2 metre aerials for the beams of the following countries: France, Federal Republic of Germany, Italy, Luxembourg, Sweden, Switzerland, United Kingdom	153
3. Reception areas for the two beams of ESA's L-Sat	154
4. Reception areas for the German satellite beam	155
5. Reception areas for the French satellite beam	156
6. Reception areas for the Luxembourg satellite beam	157
7. Reception areas for the United Kingdom satellite beam	158
8. Reception areas for the Austrian satellite beam	159
9. Reception areas for the Swiss satellite beam	160

MAPS OF DBS RECEPTION AREAS IN EUROPE

This annex contains nine maps showing the delineation of the reception areas for DBS beams allotted to a number of European countries and to the ESA's L-Sat satellite.

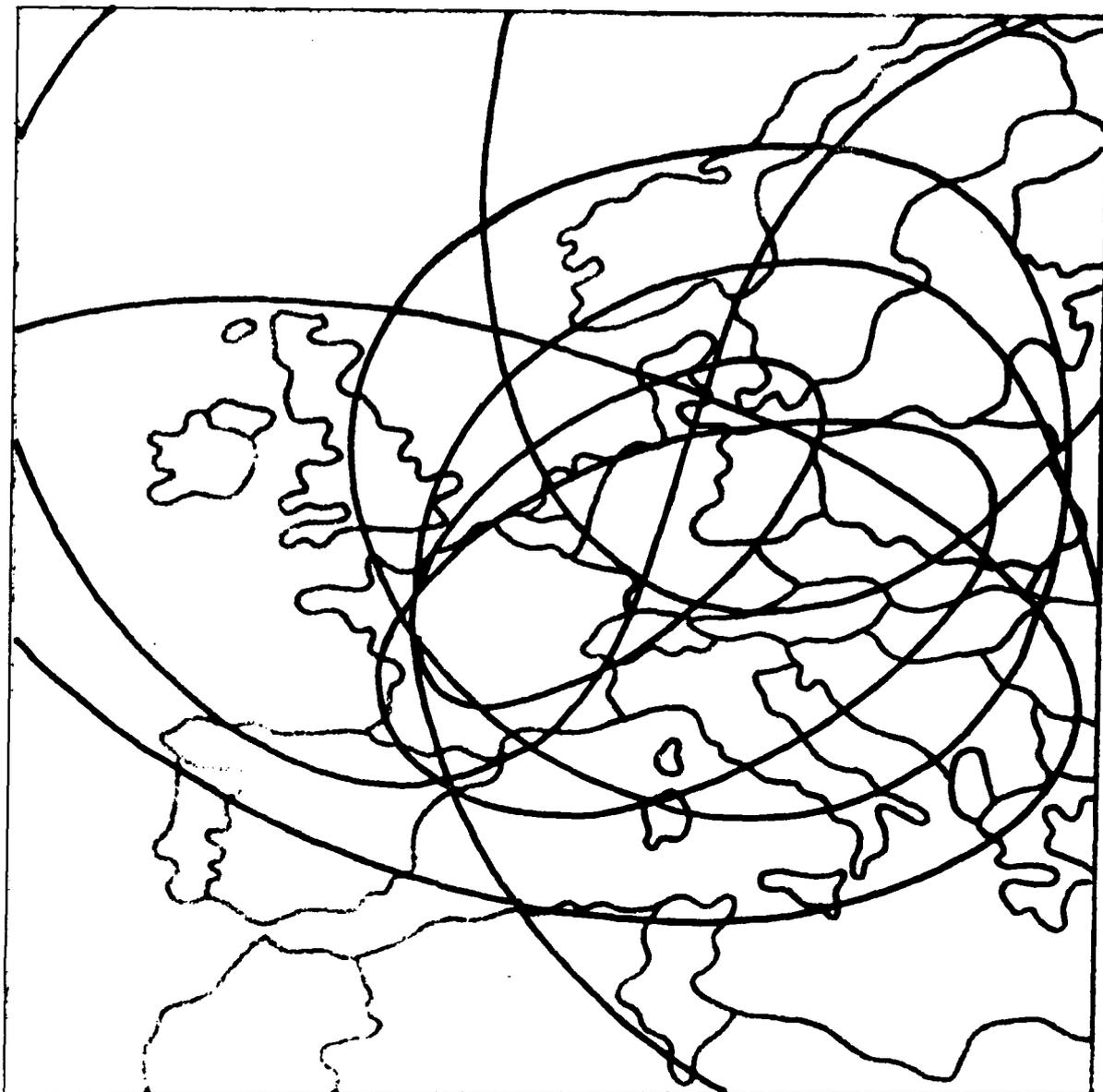
The purpose of these maps is to give clear and illustrative examples of the extent to which television programme reception will become an international affair in Europe. The only DBS satellites shown are those which are in the planning stage and are the most likely to be built during the first phase of development of DBS.

Map 3 shows the areas in which it will be possible to receive the television programmes broadcast by L-Sat. The area in which it will be possible to receive broadcasts using individual aerials with diameters of about 90 cm covers virtually all of Western Europe from Scotland to Greece and from Denmark to North Africa.



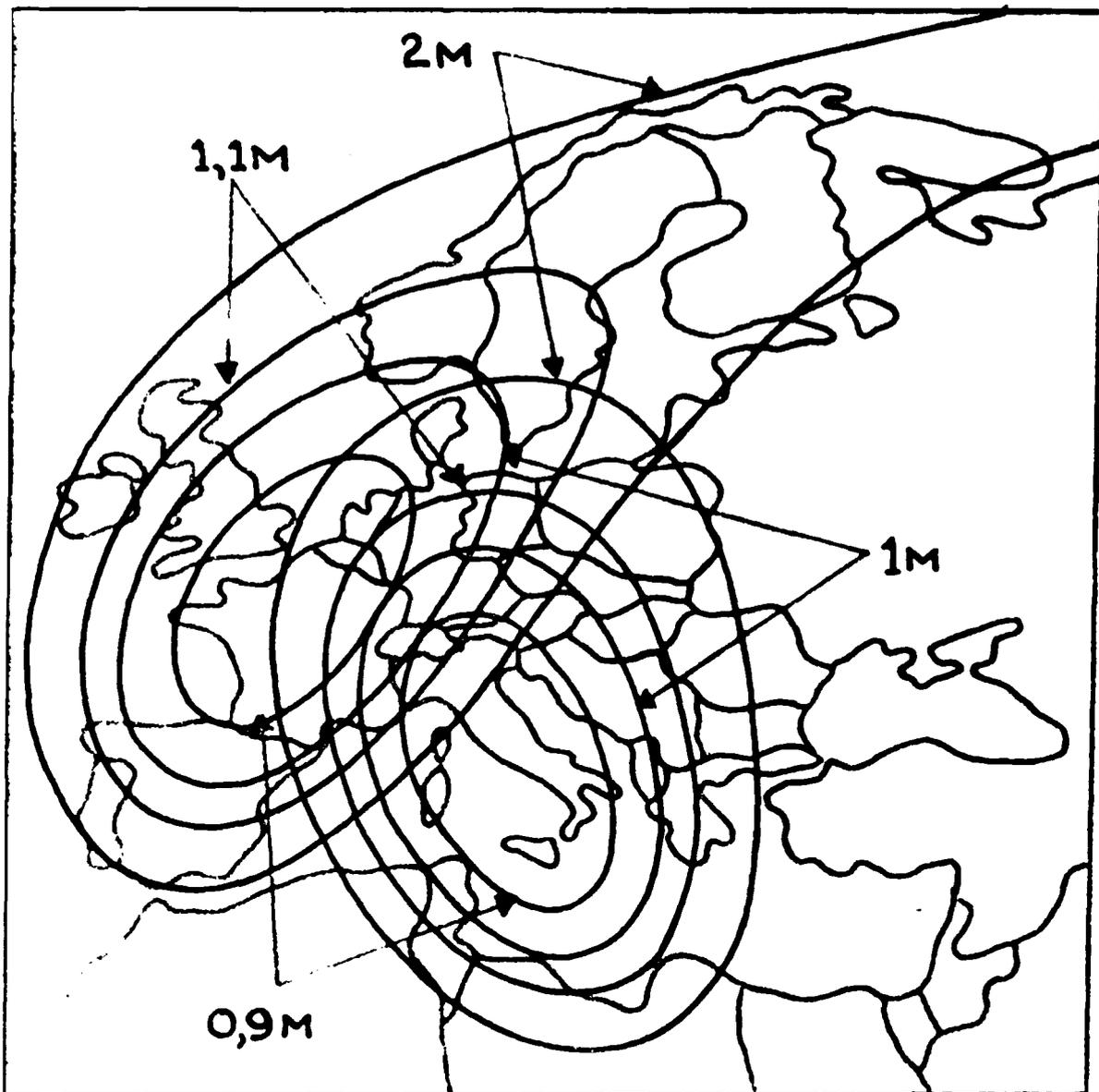
1. INDIVIDUAL RECEPTION AREAS WITH 90 cm AERIALS FOR THE BEAMS OF THE FOLLOWING COUNTRIES:

- FRANCE
- FEDERAL REPUBLIC OF GERMANY
- ITALY
- LUXEMBOURG
- SWEDEN
- SWITZERLAND
- UNITED KINGDOM



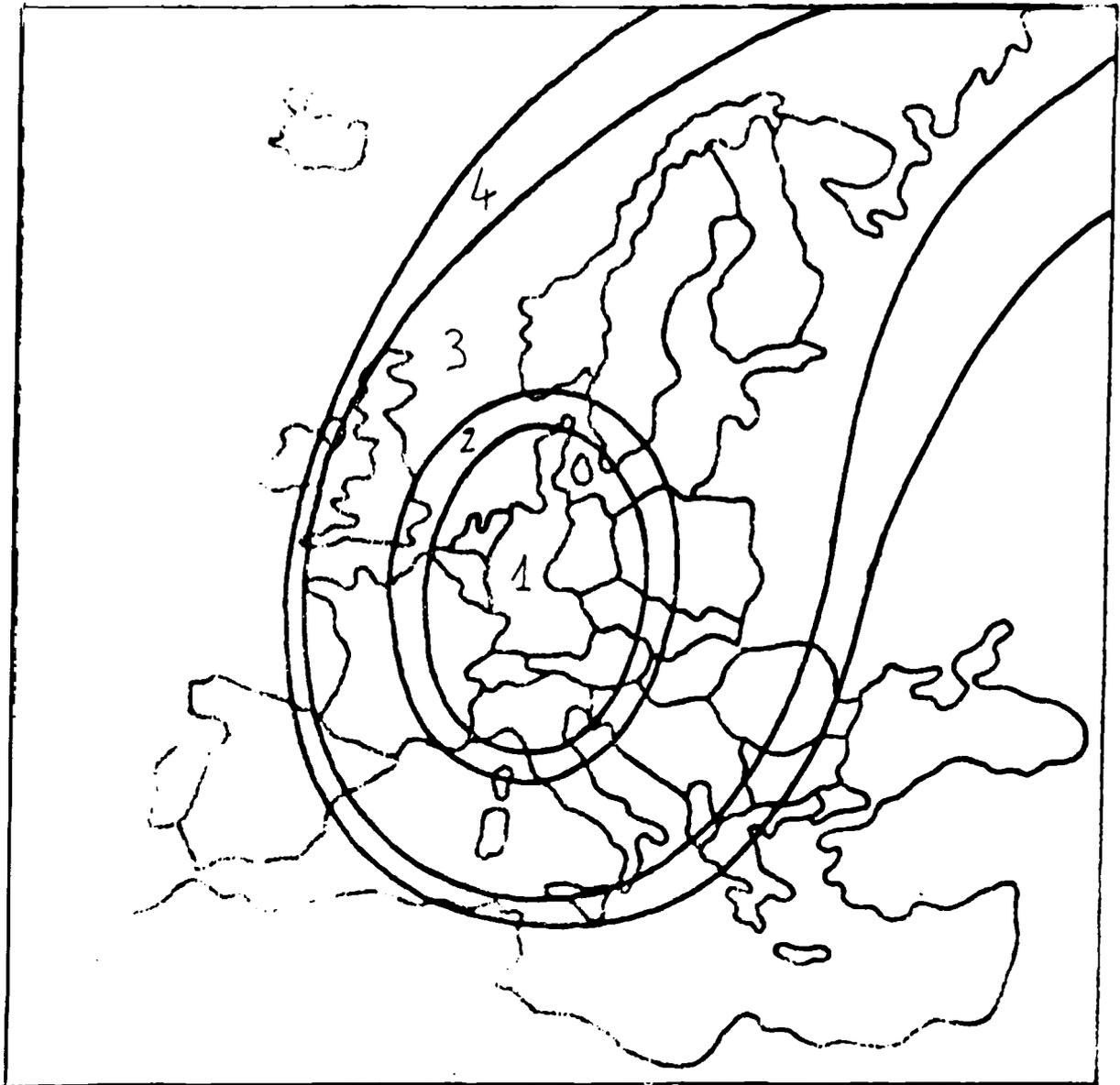
2. COMMUNITY RECEPTION AREAS WITH 2 metre AERIALS FOR THE BEAMS OF THE FOLLOWING COUNTRIES:

- FRANCE
- FEDERAL REPUBLIC OF GERMANY
- ITALY
- LUXEMBOURG
- SWEDEN
- SWITZERLAND
- UNITED KINGDOM



3. RECEPTION AREAS FOR THE TWO BEAMS OF ESA'S L-SAT

according to whether the diameter of the aerials is 0.9, 1, 1.1 or 2 metres



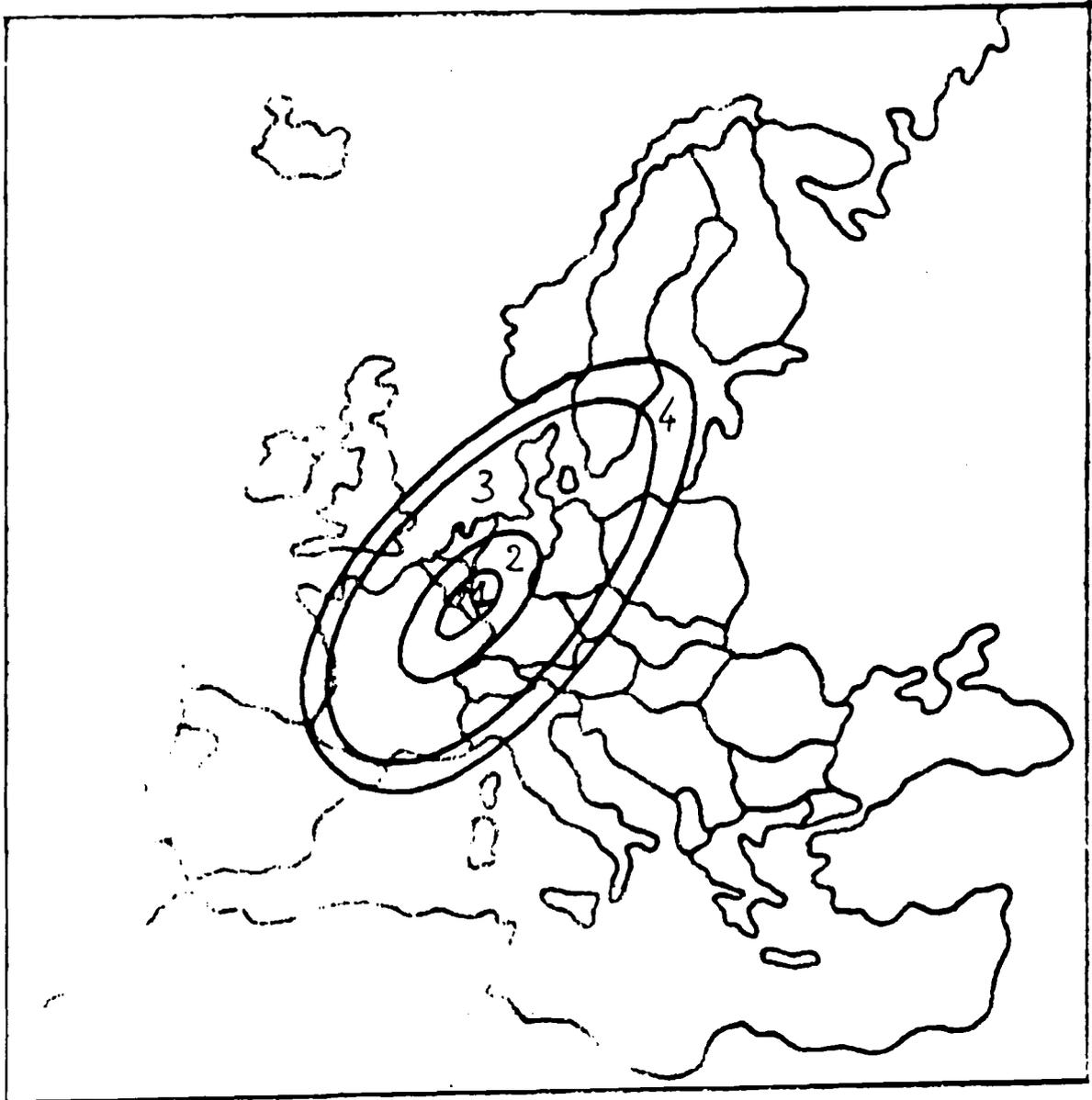
4. RECEPTION AREAS FOR THE GERMAN SATELLITE BEAM:

- 1. with 60 cm aerial
- 2. with 90 cm aerial
- 3. with 2 m aerial
- 4. with 4 m aerial



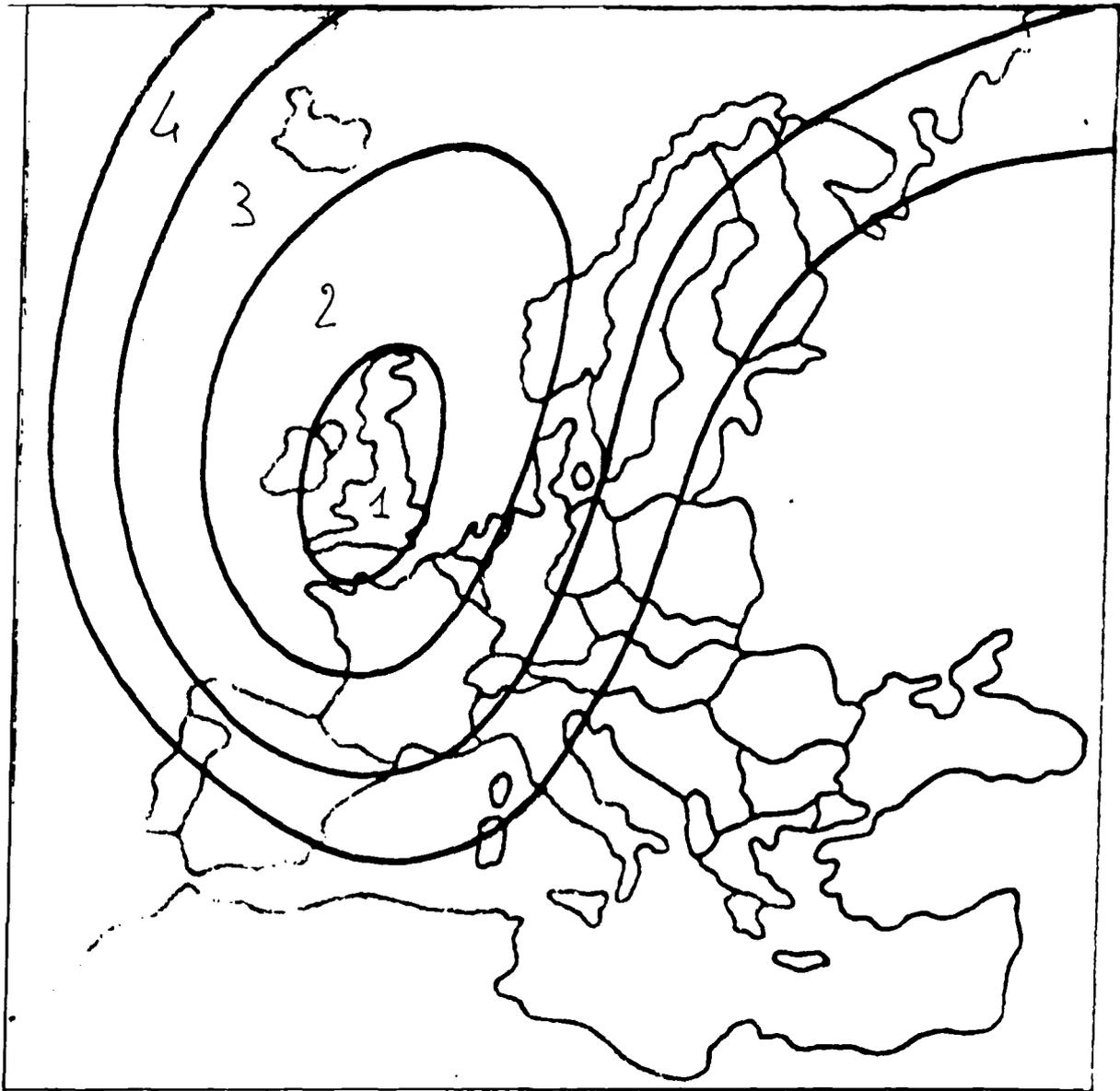
5. RECEPTION AREAS FOR THE FRENCH SATELLITE BEAM:

- 1. with 60 cm aerial
- 2. with 90 cm aerial
- 3. with 2 m aerial
- 4. with 4 m aerial



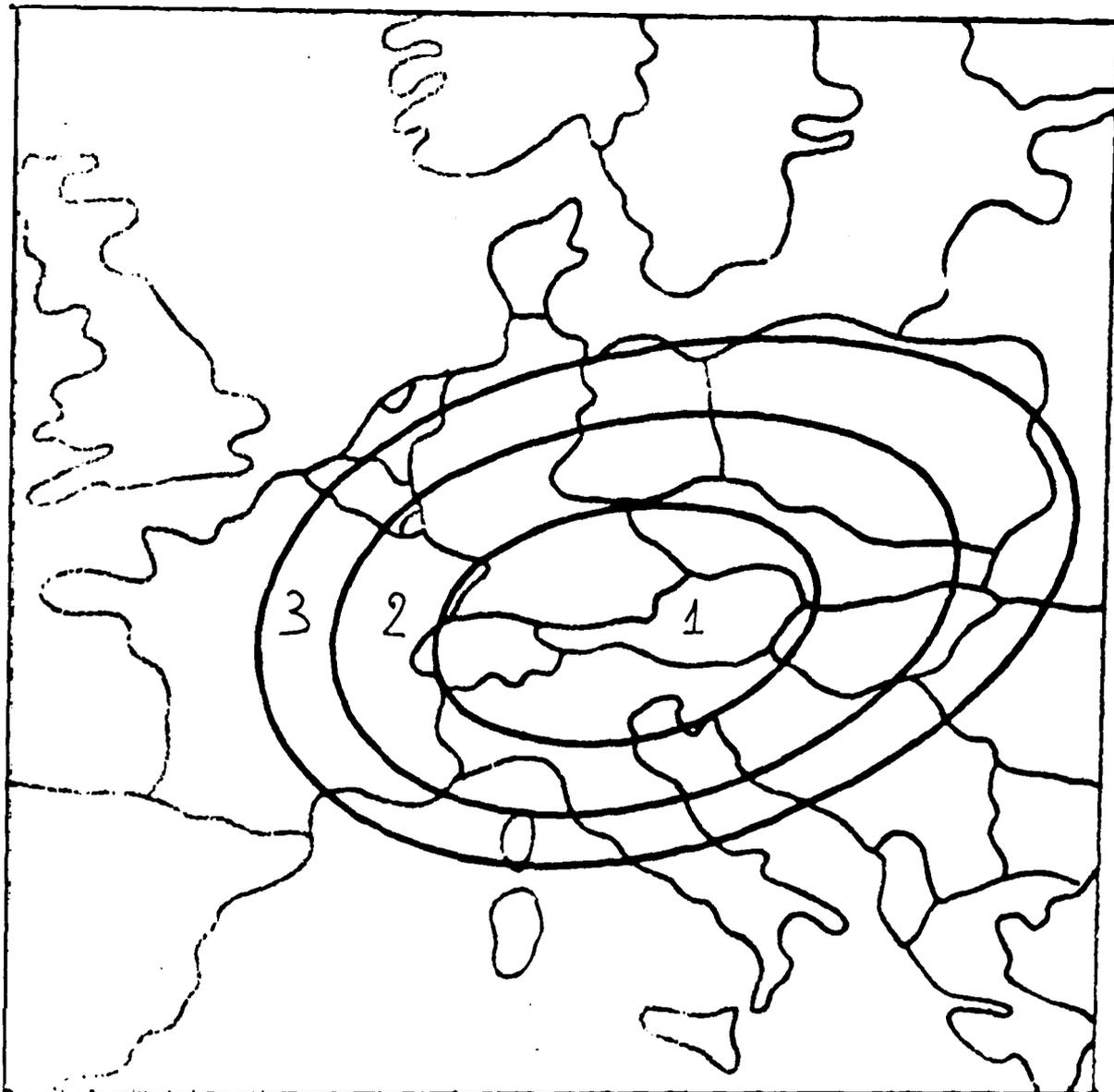
6. AREA COVERED BY THE LUXEMBOURG SATELLITE BEAM:

- 1. with 60 cm aerial
- 2. with 90 cm aerial
- 3. with 2 m aerial
- 4. with 4 m aerial



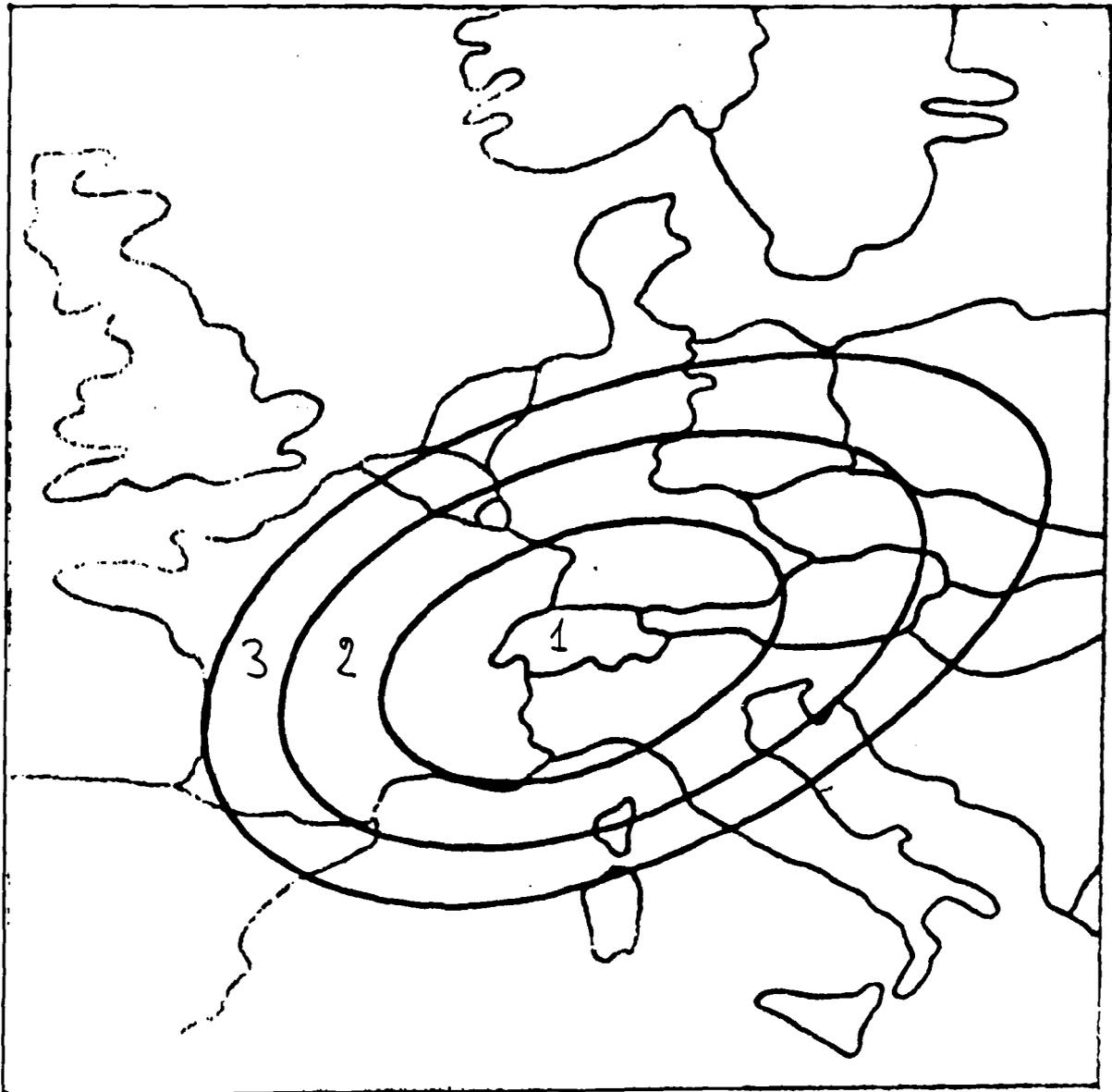
7. RECEPTION AREAS FOR THE UNITED KINGDOM SATELLITE BEAM:

- 1. with 60 cm aerial
- 2. with 90 cm aerial
- 3. with 2 m aerial
- 4. with 4 m aerial



8. RECEPTION AREAS FOR THE AUSTRIAN SATELLITE BEAM:

- 1. with 90 cm aerial
- 2. with 1.1 m aerial
- 3. with 2 m aerial



9. RECEPTION AREAS FOR THE SWISS SATELLITE BEAM:

- 1. with 90 cm aerial
- 2. with 1.1 m aerial
- 3. with 2 m aerial

ANNEX 10NATIONAL BROADCASTING LEGISLATION
IN THE EUROPEAN COMMUNITYContents

	<u>Page</u>
FEDERAL REPUBLIC OF GERMANY	165
Organization	165
Programmes	167
Advertising	167
 BELGIUM	 168
Organization	168
Programmes	170
Advertising	170
 DENMARK	 171
Organization	171
Programmes	171
Advertising	171
 FRANCE	 172
Organization	172
Programmes	175
Advertising	175
 GREECE	 176
Organization	176
Programmes	176
Advertising	176
 IRELAND	 177
Organization	177
Programmes	177
Advertising	178

	162
ITALY	179
Organization	179
Programmes	180
Advertising	180
LUXEMBOURG	181
Organization	181
Programmes	182
Advertising	182
NETHERLANDS	183
Organization	183
Programmes	186
Advertising	186
UNITED KINGDOM	
Organization	187
Programmes	189
Advertising	190

ANNEX 10NATIONAL BROADCASTING LEGISLATION IN THE EUROPEAN COMMUNITY

1. This Annex gives a summary description of the legal status of the broadcasting organizations in the Community countries and the way in which they operate. The main purpose is to single out the essential features of national legislation and other factors liable to encourage or hinder the production, broadcasting and reception of television programmes beyond national frontiers.

Below is a summary table of the number of television and radio stations or networks currently existing in the 10 Members States of the Community, at national, regional and local level. (N = national; R = regional; L = local) (1).

<u>Country</u>	<u>TV networks/stations</u>	<u>Radio networks/stations</u>
Federal Republic of Germany	N. 2 R. 5	R. 30
Belgium	N. 4	N. 7 R. 4
Denmark	N. 1	N. 3 R. 8
France	N. 3 R. 11	N. 3 R. 16
Greece	N. 2	N. 2 R. 1 L. 7
Ireland	N. 2	N. 2 R. 1 L. 2
Italy (Plus some 350 private TV and between 2500 3000 radio stations)	N. 3 R. 21	N. 3 R. 2 L. 4
Luxembourg	N. 1	N. 1 (services in 5 languages)
Netherlands (For the organization of TV in the Netherlands see point 114 ff)	N. 2	N. 4 R. 5 L. 1
United Kingdom	N. 4 R. 26	N. 4 R. 12 L. 60

(1) Source : European Broadcasting Union

2. All member countries of the International Telecommunications Union (1) - and that includes all the Community countries - are obliged to require broadcasting stations to obtain a licence before setting up and beginning operations. The birth of any broadcasting enterprise therefore necessarily involves the intervention either of the state itself or of a public authority.
3. The granting of a licence by the state entails a positive obligation to provide certain services, which it reserves the right to extend or restrict in the public interest at any time in accordance with the principles governing a public service :
 - the principle that the state always has the right to lay down and amend the regulations governing the public service, to exercise control of any centralized public body and to revoke any licence, concession or recognition given to a private body;
 - the principle that the state must guarantee the regularity and continuity of the service;
 - the principle of the equality of users, meaning that a public service may not be set up to cater for specified individuals, although the beneficiaries of a service may be designated impartially or its use may be made subject to certain conditions (such as payment of a fee).
4. The exigencies of a public service are most clearly reflected in the rules governing programme standards, laying down both what programmes must and what they must not include. The first category covers for example matters of professional ethics such as objectivity, impartiality or accuracy in news broadcasts or the encouragement of cultural values, including defence of the national language. The second category aims to ban programmes which might be detrimental to public order to public interest.
5. State controls to ensure compliance with these standards are generally exercised after the programme has been broadcast.
6. As stated in the report (2), the legal environment of electronic media in the Member States is protected by national legislation. The relevant laws and regulations currently in force in most of the Member States are less than ten years old. The most recent example is the French law of 29 July 1982, which profoundly changed the face of the existing system while leaving the general principles referred to in points 3 and 4 untouched.
7. These relatively recent reforms of national legislation are evidence that the Member States are generally concerned to ensure that the broadcasting institutions keep up with the rapid pace of social and technological change.

(1) Annex 5, points 6 et seq.

(2) Point 27.

FEDERAL REPUBLIC OF GERMANYOrganization

8. Radio and television services in Germany are provided by twelve public institutions operating a public service :

A. Nine regional broadcasting stations at Land level (including the first and third television channels) :

1. Bayerischer Rundfunk (BR), Munich (Law of the Free State of Bavaria of 10 August 1948, revised 26 September 1973).
2. Hessischer Rundfunk (HR), Frankfurt (Law of the Land of Hesse of 2 October 1948).
3. Norddeutscher Rundfunk (NDR), Hamburg (Agreement between the Länder of Lower Saxony, Schleswig-Holstein and Hamburg of 16 February 1955).
4. Radio Bremen (RB) (Law of the Land of Bremen of 22 November 1948).
5. Saarländischer Rundfunk (SR), Saarbrücken (Law of the Saarland No. 806 of 2 December 1964).
6. Sender Freies Berlin (SFB) (Law of the Land of Berlin of 12 November 1953, revised 5 December 1974).
7. Süddeutscher Rundfunk (SDR), Stuttgart (Law of the former Land of Württemberg-Baden of 21 November 1950).
8. Südwestfunk (SWF), Baden-Baden (Agreement between the Land of Rhine-land-Pfalz and the former Länder of Baden and Württemberg-Hohenzollern of 27 August 1971).
9. Westdeutscher Rundfunk (WDR), Cologne (Law of the Land of North Rhine Westphalia of 25 May 1954).

The first television network broadcasts regional programmes between 18h.00 and 20h.00 and a common programme at other times. There are also 5 separate regional networks for the regions served by BR, HR, SDR/SR/SWF and NDR/RB/SFB. In addition, each of the Land stations offers at least 3 radio services.

B. Two Federal broadcasting stations (aimed particularly abroad).

1. Deutsche Welle (DW) (Federal Law of 29 November 1960).
2. Deutschlandfunk (DLF) (Federal Law of 29 November 1960).

DW and DLF provide radio services only.

C. Zweites Deutsches Fernsehen (ZDF - Second German television channel) (Agreement between all the Länder of 6 June 1961).

9. The nine broadcasting corporations under Land law and the two Federal corporations form the "Arbeitsgemeinschaft der öffentlichrechtlichen Rundfunkanstalten der Bundesrepublik Deutschland - ARD" (Association of Public Broadcasting Corporations of the Federal Republic of Germany).

Set up in 1950, the ARD's task is to represent the joint interests of the broadcasting corporations and to study questions relating to programmes, legal affairs, technical developments and commercial management which affect them all.

10. All the broadcasting stations are public corporations, entirely independent of the Government.

In accordance with the allocation of responsibilities under the German Constitution, legislation on programme production is the sole prerogative of the Länder. By virtue of legislation or agreements between themselves they established the corporations under their own law, whereas the Federal Government, being responsible for international affairs, set up the Deutsche Welle and the Deutschlandfunk by Federal law.

11. The broadcasting corporations are thus independent of the executive and may not take instructions from it. On 28 February 1961 the Federal Constitutional Court ruled that this form of organization was in accordance with Federal law. In 1971 the Court confirmed the principle, stating that broadcasting concerns the community at large and must therefore be assured of full independence; it must be beyond the party arena and free of outside influence (B Verf GE, Vol. 31, page 327). A third Court judgement of 1981 reconfirmed this principle.

12. The Land of Lower Saxony is considering a bill to authorize local commercial radio stations. The first ones are planned for the Hanover area in two or three years. Advertising will be restricted to no more than 20% of total broadcasting times and programmes may not be interrupted.

13. Each corporation is governed by three bodies : the Broadcasting Board (Rundfunkrat), the Administrative Board (Verwaltungsrat), and a Director-General (Intendant).

a) The Director-General is responsible for day-to-day management, including programme policy.

b) The Broadcasting Board and the Administrative Board in all the broadcasting stations have advisory and general management function; they are, for example, responsible for appointing the Director-General and all the senior management, approving certain major legal transactions, approving the budget and the annual statement of accounts and ensuring strict compliance with the principles laid down by law concerning programming.

c) The Broadcasting Board is responsible for laying down programming guidelines and advising the Director-General on programme planning.

Programmes

14. Under the laws and agreements between the Länder, programmes are subject to certain directives which have the force of law though they are formulated and presented in different ways. Broadly speaking the broadcasting stations are required to inform, educate and entertain the public, to be objective and impartial in the presentation of news and news reports, to respect the basic principles of democracy, human dignity, ideological convictions and religious beliefs and maintain a balance of opinion on all questions of public interest. The breakdown of the ZDF's programme and their general content are governed by Articles 2 (programme guidelines) and 3 (information) of its act of concession. These are supplemented by the rules laid down pursuant to Article 3 of its statute and the programme directives issued by the ZDF television board. Under these directives, viewers throughout Germany are to be given an impartial presentation of world affairs and a summary of German affairs. Broadcasts must be made with the aim of promoting the unification of Germany in peace and liberty and also of promoting international understanding. They must be full, accurate and objective. News and comment must be kept separate and it must be stated that comments are personal opinions. Programmes must promote European integration.
15. Relations between the ARD and ZDF as regards programmes are dealt with in Article 22(4) of the ZDF Agreement between the Länder and the final protocol. Provision is made for a system of coordination between the ZDF and the stations operating the first television channel in order to offer viewers a choice of contrasting programmes (Kontrastgebot).
16. The radio and television board and, where it exists, the programme advisory board, are responsible for ensuring that broadcasts comply with the guidelines. The content and presentation of broadcasts may be subject to post-transmission controls by the broadcasting or television board. In exceptional cases there may be some form of control before a programme is broadcast.

Advertising

17. Apart from WDR radio broadcasts, the nine Land broadcasting stations carry commercial advertising provided by companies affiliated to them and founded for the sole purpose of selling broadcasting time. The ZDF also carries advertising, which it manages direct.
18. Advertising is clearly set apart from other broadcasts. Under the ZDF Agreement between the Länder and the final protocol of the ARD agreement total advertising time on television is limited to 20 minutes a day by agreement with the Länder Prime Minister. Any time not used up on one day may be carried over the another day subject to a maximum of five minutes per working day.
19. Advertising may not be broadcast after 8.00 p.m., nor on Sundays and holidays. As part of the programme, advertising broadcasts are subject to controls by the broadcasting or television board.

BELGIUMOrganization

20. There are three bodies responsible for public and television broadcasting :

- the French-language "Radio-Télévision Belge de la Communauté Française" (RTBF); its statute was laid down by the Decree of 12 December 1977 of the Cultural Council for the French Language Community;
- the Dutch-language "Belgische Radio en Televisie" (BRT); its statute was laid down by the Decree of 28 December 1979 of the Cultural Council for the Dutch Language Community;
- the German-language "Belgisches Rundfunk" (BRF), which was established by the Regulation of 4 July 1977 of the Cultural Council for the German Language Community.

There is thus a service for each of the three language communities in the country. Following the constitutional changes of 1971 the Cultural Councils for the language communities were granted the power to issue decrees having force of law to govern radio and televisions broadcasting, except as regards the transmission of government announcements and commercial advertising.

21. The three services (RTBF, BRT and BRF) are public corporations, each governed by a Board of Directors appointed by the appropriate Cultural Council.
22. Each Board of Directors elects from among its members a Standing Committee responsible for administration and financial management and preparatory work on matters which come before the Board.
23. A General Manager is appointed by the King for the RTBF and BRT. He is responsible for putting into practice the decisions of the Board of Directors, which appoints a Managing Director. The relative strength of the political groups represented on each Cultural Council must be reflected in the membership of the bodies responsible for administration and management in each service.
24. Each service has a number of other advisory bodies, including a committee comprising representatives from various associations which gives its opinion on programmes.
25. The law of 30 July 1979 on radio communications brought up to date the previous legislation, which dated from 1930. In particular, it introduced more flexible arrangements for authorizing the use of private radio communications transmitters and receivers (including private broadcasting services). This was largely intended to legalize the many "free" or "local" stations which had sprung up in recent years. The detailed arrangements for granting authorizations were laid down in the Royal Decree of 20 August 1981 governing the establishment and operation of local radio stations.

26. A local radio station must first be officially recognized by the Executive of the appropriate cultural community. The conditions for recognition are laid down by the Cultural Council of the community concerned. The arrangements made under the Decree of 8 September 1981 of the Cultural Council of the French Language Community are given below by way of example.
27. A Council of Local Radio Stations, comprising 24 members, is responsible for considering requests for recognition and delivering a reasoned opinion to the executive of the Community concerned.
28. To be granted recognition, a local radio station must comply with a number of conditions. It must give priority to the promotion of social, cultural and civic values and permanent education; in particular it must provide local news and promote local events, it must be aimed at a specific local audience, it must be independent of any professional or political group, must encourage easy access to the air for local people and must produce its own programmes. It must be a non-profit association and may not be linked with any commercial enterprise; it may not - de facto or de jure - be part of a network of private stations. Among other things the law forbids broadcasts that encourage disobedience to the law, endanger state security or public order and morality, or denigrate a foreign country. Commercial advertising and election campaign broadcasts are likewise prohibited.

Recognition is granted by the executive of the cultural community. It is valid for two years and may be renewed.

29. Recognition must be obtained before approval be given by the Minister with responsibility for broadcasting.

However, the authorization required by Article 3 of the Law of 30 July 1979 is granted by the Ministry for Posts and Telecommunications following a technical inspection by the telecommunications authority. The two main technical requirements for local radio stations are that their power may not exceed 100 watts and the aerial may not be more than 35 metres high. The station must be approved by the telecommunications authority, which then allocates it a frequency in the 100-104 MHz band on the basis of a frequency plan and in accordance with the ITU rules.

30. A local radio station is granted an authorization valid for two years (subsequently renewable) to broadcast monophonic signals with a maximum nominal range of eight kilometres (paragraph 6 of Article 1 of the Royal Decree of 20 August 1981).
31. The laws governing cable distribution are especially important in Belgium, as it has the largest cable network in the Community (1).
32. Under the Royal Decree of 24 December 1966 the operation of a cable distribution network is subject to a licence from the Ministry for Posts and Telecommunications. The authorization is valid for eighteen years and may be extended for further nine-year periods.

(1) Annex 7, point 42.

33. Roughly half the cable operators who currently hold an licence belong to the private sector. The remainder come under the public sector, for example in the form of intercommunal networks.
34. Operators are required to carry all Belgian television transmissions in full.
35. In principle the Royal Decree of 1966 (Article 21) forbids commercial advertising broadcasts to be carried. In practice the ban is not observed despite a ruling by the Cour de Cassation (Supreme Court of Appeal) of 12 June 1980 confirming that Article 21 of the Royal Decree still applies. In addition, the Court of Justice of the European Communities, in its ruling of 18 March 1980 (Case 52/79 ECR 833 1980) held that such rules are not contrary to the rules laid down in the EEC Treaty concerning freedom to provide services if they are applied without distinction as regards the origin, whether national or foreign, of those advertisements, the nationality of the person providing the service, or the place where he is established.
36. The Royal Decree of 1966 also prohibits cable operators from distributing their own programmes. However, under a Royal Decree of 4 May 1976, a number of experiments were authorized in the French-speaking part of the country; the programmes distributed must be of local interest and limited to socio-cultural activities.

Programmes

37. The corporations (RTBF, BRT and BRF) draw up their own programme plan, which has to be approved by their respective Boards of Directors.
38. News broadcasts must be rigorously objective; there is no prior Government censorship.
29. Broadcasts must respect the law, may not conflict with the public interest, public order or morality and may not cast a slur on personal convictions or a foreign country.

Advertising

40. Commercial advertising is forbidden under the third paragraph of Article 28 of the Law of 18 May 1960.

DENMARKOrganization

41. Under Law No 421 of June 1973 concerning radio and television, Danmarks Radio has the exclusive right to operate a transmission network to broadcast sound radio and television programmes for the general public (Article 1).
42. Danmarks Radio is an independent public corporation, administered by a Radio Council which includes a large number of representatives from listeners' and viewers' organizations.
43. Each committee has set up a Programme Council whose task is to watch over the programmes of Danmarks Radio and to deliver opinions to the Radio Council, which acts as a programming committee.
44. The Radio Council set up a committee to provide advice and criticism on all broadcasts aimed at children and young people.

Programmes

45. Danmarks Radio is required to broadcast information, entertainment and cultural programmes for the public at large. Programme planning makes every effort to respect the principles of freedom of information and freedom of speech and to provide as wide a range of programmes as possible.

Over the past two years DR has been studying ways of improving and extending its single television channel. A second channel is currently under consideration, partly as a means of meeting the coming challenge of foreign programmes received by DBS.

In 1982 a law was passed authorizing DR to begin local radio transmissions and to carry out experiments over five or six years in regional television broadcasts. However, all these experiments must be financed purely from DR's own resources, which are liable to become exhausted earlier than planned as a result of cutbacks in public finance announced by the Government.

46. Danmarks Radio has to comply with certain rules concerning news broadcasts and programmes for children and young people.
47. DR's programmes are not subject to any prior controls but may be scrutinized after transmission by the Radio Council, in its capacity as Programming Committee, or by the Radio Adjudication Commission, which hears appeals against the Radio Council's decisions and complaints about programmes or series broadcast by DR. The Adjudication Committee, comprising three members appointed for four years by the Minister for Cultural Affairs, can order DR to correct any erroneous item of information broadcast. The Commission's decisions are published.

Advertising

48. Danmarks Radio is not allowed to carry advertising.

FRANCEOrganization

49. In France the State has traditionally held a broadcasting monopoly covering transmission, programming and production. Successive reforms left this fundamental principle untouched. However, technical innovation together with growing social demands on communications made it increasingly difficult to uphold the monopoly. In July 1981 the Government entrusted the task of rethinking and redefining the system to a Committee chaired by Mr Pierre Moinot. Its report on broadcasting reform (Pour une Réforme de l'Audio-visuel - September 1981) formed part of the basis for a bill presented to Parliament on 1 April 1982, which aimed to give France the means to take up the cultural, social, technological and industrial challenge of the new age of communications. The new law on broadcasting and communications was passed in July and promulgated on 29 July 1982 (Law no 82.652 - Journal officiel de la République Française, 30 July 1982, page 2431 ff).

50. In matters of principle the new law contains two fundamental innovations. First it covers the entire field of audio-visual communication, which is defined as making available to the public sound, pictures, documents, data or communications of any kind by the transmission of electro-magnetic waves or via cable (Article 1). The same article continues by declaring the freedom of audio-visual communications, thus signalling the end of the monopoly on programming and opening up a general right to publish audio-visual information.

But the introduction of an area of liberty in audio-visual communications does not mean that the law aims to do away with public service broadcasting. On the contrary, its programming capacity has been strengthened, it has been largely decentralized and its independence from political influence has been guaranteed by the creation of a High Authority for audio-visual communication (1).

51. The task of public service radio and television is to serve the general interest (Article 5), in particular by ensuring the accuracy, independence and pluralism of information and by catering for contemporary needs in terms of education, entertainment and culture. It must respect the principles of pluralism and equality between cultures, religious beliefs, and currents of thought and opinion.

52. At national level public service broadcasting is organized as follows :

- a public corporation is responsible for transmission (Télédiffusion de France - TDF);
- the national radio and television companies (Radio France, TF1, Antenne 2, FR3) are responsible for devising programmes and - except for FR3 - working out programme schedules. In the case of FR3 it is the regional television companies (2) which decide on the schedules for the programmes provided by the national company. The local and regional companies for the Overseas Territories and Departments also enjoy a free hand in their programme schedules; their broadcasts are devised by a new national company;

(1) Point 61.

(2) Point 53.

- the Société Française de Production (SFP) is a national company responsible for producing programmes for broadcasting;
 - the Institut de la Communication Audiovisuelle (INCA) is responsible for the preservation, management and commercial exploitation of archive material, for staff training and for research.
53. The TDF and the INCA are public corporations of an industrial and commercial type fully responsible for their own administration and finance. The national radio and television stations are public limited-liability companies; the sole shareholder is the State and its articles are approved by decree.
54. The public service broadcasting organizations at decentralised level are :
- regional radio companies, which run local stations responsible for devising and scheduling broadcasts;
 - twelve regional television companies;
 - local or regional radio and television companies for the Overseas Territories and Departments.
- The decentralization process was started at the beginning of 1983.
55. External services are provided by :
- Radio-France Internationale, a national company responsible for radio broadcasting to other countries;
 - a marketing company responsible for foreign sales of programmes for which it has acquired the rights from the broadcasting companies.
56. The radio and television companies must fulfil certain obligations determined both in general terms (such as ensuring continuity, fairness and impartiality) and annually (such as the specific arrangements regarding the showing of films).
57. Besides public service broadcasting the law of 29 July 1982 also deals with broadcasting by private individuals or companies. This is where the most significant innovations are to be found. The traditional monopoly of the national radio and television services as regards transmission, equipment and programme production has been broken:
- Transmission : the use of radio frequencies on French territory requires licence from the State, which may be revoked (Article 7). This applies only to radio and television transmissions by radio link. Satellite transmissions would therefore require such an authorization. The reason is that radio frequencies are scarce and are divided up among countries on the basis of a plan worked out under the auspices of the International Telecommunication Union.
 - Equipment : The State installs or authorizes the installation of transmitting equipment and the supporting infrastructures which make use of public facilities (Article 8). This covers both transmitters and relay stations as well as cables, but does not include reception aerials.

- Programme production : anyone wishing to provide broadcasts to the public, whether by radio link or via cable, must either give a prior undertaking (for interactive services) or obtain a licence (for other services, in particular those providing films). Television transmissions via electromagnetic waves which are aimed at the general public (as opposed to a limited audience) are subject under the law to a public service concession arrangement (Article 79). Licences and concessions impose an obligation to comply with the conditions laid down.

58. Local radio is dealt with in Article 81 of the law of 29 July 1982 and detailed rules were laid down by decree No 82-960 of 15 November 1982. Local radio stations must broadcast in FM and may not cover an area greater than 30 kilometers in radius. Only registered associations under the law of 1901 may apply for a licence, the aim being to prevent the establishment of commercial networks. The law provides for an aid scheme; this was established by decree No 82-973 of 17 November 1982, which introduced from 1 January 1982 a para-fiscal charge on radio and television advertising to finance a support fund for local radio. The system is intended to offset the effects of local stations being forbidden to carry advertising.
59. Licences are issued by the Haute Autorité de la Communication Audiovisuelle (High Authority for Audio-Visual Communication) (1) upon the opinion of a committee chaired by a member of the Conseil d'Etat (Council of State). Associations which obtain licence must comply with certain general conditions; in particular at least 80% of their broadcasts must be their own programmes devised and created by their own staff. Local stations are subject to technical control by the public transmission corporation TDF.

By the end of 1982 the High Authority had received over 300 applications for local radio stations. The first licences were granted on 21 December and fourteen others followed on 5 January 1983 in the provinces. The authority has also received some dozen applications for local cable television stations.

60. Under the law a special licensing system applies to broadcasting services provided by operators of stations under an international agreement to which France is a party (Article 85). This covers "peripheral" stations such as Europe No 1 and RTL and the distribution of foreign satellite transmissions via cable networks.
61. Besides dealing with the actual organization of national public service broadcasting and forms of access to means of transmission for those who wish to broadcast, the law establishes the following broadcasting institutions :
- a Parliamentary Delegation of 14 members with supervisory powers over radio and television organizations and the power to publish formal opinions, in particular on decrees laying down or amending the conditions governing broadcasting;

(1) Point 61.

- A High Authority for Audio-Visual Communication responsible in particular for ensuring the independence of public service broadcasting (Article 12). This was probably the innovation which attracted most initial attention and comment.

The High Authority has nine members, appointed for nine years by the President of the Republic. Most significant among the powers given it under the law are those which were previously exercised by the Government, in particular the power to ensure that programmes respect the principles of pluralism and balance and that the organizations fulfil their duties as a public service. Its other powers include the right to be consulted on the conditions governing broadcasting organizations; the power to appoint the chief administrators and chairmen of the public corporations and national public service companies; the power to issue authorizations for private local radio stations and cable radio and television; the power to enforce compliance with the rules on advertising; the harmonization of the national companies' programmes; and the publication of an annual report.

- A National Council on Audio-Visual Communication (Conseil national de la Communication audiovisuelle), comprising 56 members appointed for three years with mainly advisory powers on all aspects of audio-visual communication;
- Regional committees, on audio-visual communication, which also have an advisory role.

The 56 members of the National Council were appointed for three years from 1 January 1983 on 25 November 1982.

Programme planning

62. The conditions governing public service broadcasting organizations laid down the general guidelines for programme policy (first paragraph of Article 32). In the case of repeated serious breaches the High Authority may serve an injunction on the chairman of the programme company (second paragraph of Article 26).
63. Generally speaking the objectives and rules for programme harmonization are determined by recommendation or decision of the High Authority.

Advertising

64. The rules governing advertising for public service broadcasting organizations form part of the general conditions for broadcasting. Under the 1982 law there is no longer a ceiling on advertising revenue. Compliance with the rules on advertising is supervised by the High authority and the Régie Française de Publicité. Advertising on FR3 began on 1 January 1983 with a limit of ten minutes a day.
65. Local radio stations are forbidden to carry advertising.

GREECEOrganization

66. There are two broadcasting organizations in Greece :
- ERT (Ellinika Radiophonia Tileorassis), established by law in 1975;
 - ERT 2, which was created in 1982 from the former broadcasting organization Yened (Ypiressia Enimeroseos Enoplou Dynameon).
67. ERT is a public corporation in the form of a limited company with the state as sole shareholder. Its Board of Directors is appointed by the Government. It is headed by a Director-General, also appointed by the Government.
- ERT 2 is also a public corporation whose Board of Directors and senior staff are appointed by the Government.

Programme planning

68. Programmes must be objective, respect the democratic ideal and represent Greek culture.

Advertising

69. The two broadcasting organizations are allowed to carry advertising. There is no code for advertising but advertisements must respect the principles laid down in the Constitution and laws.

IRELANDOrganization

70. Radio Telefis Eireann (RTE) is the national radio and television organization established under the Broadcasting Authority Act, 1960.
71. RTE is the only organization legally empowered to provide radio and television services under existing legislation. This legislation would have to be amended if new broadcasting organizations were to be established.
72. The controlling body is the Broadcasting Authority, established under the Broadcasting Authority Acts.

Programme planning

73. Sections 17 and 18 of the Broadcasting Authority Act, 1960 as amended by the Broadcasting Authority (Amendment) Act, 1976, set out RTE's basic obligations concerning programme planning. The amended version of Section 17 of the Broadcasting Authority Act defines these obligations as follows :
- RTE must be aware of the interests and concerns of the community as a whole; it must seek to uphold the spirit of peace and understanding throughout the whole of the island of Ireland; it must ensure that the programmes reflect the various elements which make up the culture of the whole of the island of Ireland, particularly with regard to the Irish language and other distinguishing features of Irish culture.
 - it must uphold the democratic values embodied in the constitution.
 - it must bear in mind the need to arouse public interest in and understanding of the values and traditions of other countries, particularly of those belonging to the European Economic Community.
74. The amended version of Section 18 of the Act stipulates that :
- all news and information broadcasts should be presented objectively and impartially;
 - programmes dealing with current affairs should give equal time to all parties concerned in a particular matter, and should be presented objectively and impartially;
 - all material concerning current affairs produced by the Authority, whether printed matter, sound or pictures, should be objective and impartial.
75. The RTE is forbidden to express its own views in current affairs programmes, except where a proposal concerning broadcasting policy gives rise to public controversy, or is the subject of current public debate and is being investigated by the Government or the Ministry.
- The RTE is forbidden to broadcast or publish any material which could reasonably be considered likely to encourage or provoke crime, or undermine the authority of the State.
- The RTE is forbidden to encroach excessively on the private life of the individual, both in its programme and in the methods used to produce the programmes.

76. There is no statutory provision governing checks on the content of programmes prior to transmission. However, the Minister for Posts and Telegraphs, in accordance with the Act, has appointed a Broadcasting Complaints Commission to examine complaints concerning programmes which have already been transmitted.
77. Section 31 (as amended by Section 15 of the Broadcasting Authority (Amendment) Act, 1967) stipulates that, if the Minister deems programmes dealing with a particular matter to be of such a nature as to encourage or provoke crime, or to undermine the authority of the State, then he can direct the Authority to refrain from broadcasting such a matter and the Authority must comply with his direction.
- Every directive made under this Section remains in force for a maximum period of twelve months, but the period can be extended by issuing a new directive.
- The directive may be annulled by either House of the Oireachtas within 21 days after it has been laid before them.
78. Radio and television broadcasting by wire and cable (1) are governed by 1974 Wireless Telegraphy Regulations governing licences for the relay of programmes by wire. The Ministry of Posts and Telegraphs is responsible both for issuing the licences required by organizations operating cable television networks and for monitoring the technical standard of the networks.
79. The programmes which may be transmitted by cable require the consent of the Minister for Posts and Telegraphs, and are specified in the licences issued to the networks. Hitherto the relay of foreign programmes is permitted only in areas in which it is possible to receive the signals on existing wavelengths, so that the inhabitants could receive the transmissions with or without the help of a cable system. The licence does not in any way authorize the holder to violate any copyright or similar right in respect of any part of a relayed programme.
80. A fee equivalent to 15% of the revenue of the cable networks (in the form of rentals, etc.) must be paid to the Ministry of Posts and Telegraphs. Every year Parliament votes an annual subsidy to RTE, equal to the net amount of the fees thus received.

Advertising

81. Section 20 of the Broadcasting Authority Act, 1960, as amended by Section 14 of the 1976 Act, regulates the broadcasting of advertisements on radio and television.
82. The total daily time fixed by the Authority for broadcasting advertisements is subject to the approval of the Minister for Posts and Telegraphs.
83. Advertising cannot be used to finance specific programmes.
84. RTE has drawn up a code which controls advertisements on radio and television; a supplementary code concerning the advertising of alcoholic beverages also exists.

(1) See, also Annex 7, point 54.

ITALYOrganization

85. Radio and television broadcasting are governed by the new provisions laid down in Law No 103 of 14 April 1975.

For a full picture of the Italian situation two rulings delivered by the Constitutional Court on 10 July 1974 must also be mentioned; the first (No 225) concerns radio and television broadcasting and the second (No 226) deals with cable distribution. In the first, the Court ruled that the State broadcasting monopoly was not contrary to the constitution, provided that provision was made to ensure that information was objective and that ideas and cultural trends in society were presented impartially. In the second ruling the Court upheld the State's right to exclusive control of cable distribution services operating over all or most of the country on the same grounds that justify the State broadcasting monopoly on a national scale. However, the Court held that local radio and television cable networks could lawfully be established and run by private operators who obtained prior administrative authorization. In 1976 (Judgment No 202, subsequently confirmed by Judgment No 148 of 1981) the Court recognized the right of private enterprises to establish and operate local broadcasting stations. The rulings were based on Articles 21 and 41 of the Italian constitution, which deal with freedom of expression and freedom of private economic initiative.

86. The 1975 Law follows the principles laid down by the Constitutional Court by granting the State the sole right to distribute broadcasts by cable on a national scale, while at the same time providing for a licensing system for private operators wishing to establish and operate local cable television services.
87. The licence is issued by the Ministry of Posts and Telecommunications and certain conditions required by law are attached; in particular, advertising time is limited, programmes must be original and networks may not link up with one another.
88. The provisions of the Law of 1975 concerning cable television have not yet been put into practice. Taking advantage of the Constitutional Court's ruling of 1976, which opened up the way for local broadcasting, numerous private stations have sprung up which are not yet subject to specific legislation.
89. At the national level, radio and television broadcasting is undertaken by the RAI (Radio televisione Italiana), a public corporation whose first concession dates back to 1924. RAI's capital is owned 99.55% by the Istituto per la Ricostruzione Industriale (IRI) et 0.45% by the Società Italiana Autori e Editori (SIAE).

The last few years have seen the creation of some 350 private television stations and several thousand private radio stations.

90. RAI broadcasts cover the entire country, except for some regional programmes and certain programmes aimed solely at minority language groups or abroad.
91. The RAI's concession is granted by law; detailed rules are laid down in an agreements between the Ministry of Posts and Telecommunications and RAI.
92. The President of RAI is Chairman of the Board of Directors, acts as the corporation's representative and supervises its management.

The Director-General is directly responsible for the corporation's organization and activities. He is responsible to the Board for the radio and television service.

93. The Board of Directors comprises 16 members, 6 elected by IRI and 10 by Parliament's Supervisory Committee. The Board appoints the Chairman and the Director-General, is responsible for the management of the corporation, approving the quarterly programme schedule, examining proposed studies and monitoring broadcasts, on the basis of which it prepares periodic reports for the Parliamentary Committee.
94. Transmission stations are treated as newspapers and those which are registered are therefore constituted according to the law governing the press.
95. Regional broadcasting committees provide a consultative forum for the regions, issuing general guidelines on regional radio and television broadcasts.
96. The Parliamentary Committee for the general guidance and supervision of broadcasting services comprises 40 members; the Presidents of the two Chambers of Parliament each appoint half from the representatives of all the groups in Parliament. The Committee issues general guidelines on the preparation and distribution of programmes and on advertising.

Programme planning

97. Programmes must respect the principle of pluralism.
98. The Parliamentary Committee is responsible for approving programme plans, monitoring their implementation and considering the report of RAI's Board of Governors. Criticism of programmes is monitored by RAI's opinion service, which measures the popularity of programmes by statistical surveys (listeners' groups or telephone surveys).

Advertising

99. Advertising is allowed, but for RAI may not exceed 5% of transmission time both on radio and television.
100. Radio and television advertising is produced by RAI itself or by SIPRA (Società Italiana Pubblicità Radiofonica e Televisiva).

LUXEMBOURGOrganization

101. There is only one broadcasting organization in Luxembourg, the Compagnie Luxembourgeoise de Télédiffusion (CLT), which operates under the name of Radio-Télé-Luxembourg (RTL). RTL is governed by the law of the Grand Duchy of Luxembourg.
102. The CLT is a joint stock company under Luxembourg law. It operates on the basis of a concession from the State and is subject to a set of conditions.
103. Under a Law of 19 December 1929 anyone wishing to establish a broadcasting station in Luxembourg must obtain a licence from the Minister responsible for the postal service (Minister of Finance). In each case the conditions governing a station, including any changes to be made, are laid down in a set of specifications which is submitted to the Council of State. On 29 September 1930 the Government of the Grand Duchy, under the above Law, concluded a concession contract with CTL allowing it to establish and operate a broadcasting station on the territory of the Grand Duchy of Luxembourg. The licence was granted subject to the set of specifications, which form an integral part of the concession contract.
104. Each time the CLT extended its network of longwave, mediumwave, shortwave and FM transmitters, and similarly when it established a television station, a new concession contract was signed between the Government and the company together with an accompanying set of specifications. There are currently nine concession contracts, each with their accompanying specifications, but - apart from the technical details concerning each transmitter - they are all practically identical.
105. The specifications give CLT a monopoly of radio and television broadcasting in Luxembourg, although the State reserves the right to authorize low-power experimental stations.

Because CLT enjoys a monopoly of broadcasting, the State cannot grant any other natural or legal person the right to broadcast. The CLT's concessions expire on 31 December 1995.

106. CLT is a public limited company incorporated in accordance with Luxembourg law. Its management structure therefore consists of the general meeting of shareholders, the Board of Directors, the Managing Director and the general management of the Company. One of the conditions laid down is that the majority of the Board of Directors must be of Luxembourg nationality and must reside in the Grand Duchy.

As a public company its management is subject to scrutiny by "commissaires de surveillance" (auditors).

107. There are not specific provisions governing the distribution of radio or television broadcasts by cable in Luxembourg and the administrative, commercial, civil and penal aspects of such activity therefore come under the ordinary law.

Advertising is allowed provided it does not endanger public order or morality. There are no legal restrictions as regards which programmes may be distributed by cable. However, for technical and practical reasons cable distribution systems carry only programmes from Luxembourg itself and neighbouring countries (Germany, Belgium and France).

Programme planning

108. By virtue of its legal status as a limited company, the CLT is not subject to State planning. The specifications merely require it to broadcast programmes of a high intellectual level and to carry general and specific news and information.
109. Nevertheless, under the specifications the State reserves the right to require the CLT to provide the Government with its services free of charge, in particular to allow it broadcasting time and to provide the necessary technical support for political and social information broadcast in the station's radio and television programmes.
110. A Government officer responsible for safeguarding the interests of the State and ensuring compliance with the specifications monitors the intellectual level of broadcasts and sees that the CLT respects the rights of the State as regards information. He has observer status at general meetings of the company and meetings of the board and the management committees.
11. Under the specifications broadcasts must not offend against the law, endanger public order, morality or the security and neutrality of the country and may not denigrate a foreign state. Anti-religious or politically-biased broadcasts are also forbidden. News and information must be presented with strict impartiality.

Advertising

112. Under the specifications, advertising is allowed within the limits determined by the Government. As the Government has not determined limits, RTL runs its advertising on the basis of profitability.
113. There is no specific body responsible for managing or controlling advertising broadcasts; neither a general nor a specific code on advertising for radio and television exists.

NETHERLANDSOrganization

114. Broadcasting in the Netherlands is governed by the law of 1 March 1967, which entered into force in 1969. The main concern of the law was to ensure openness, diversity and cooperation. The law creates a favourable climate for free access to the broadcasting for the largest possible range of groups and ideologies.
115. The Minister for Cultural Affairs, Recreation and Social Welfare may grant broadcasting time to organizations which meet the conditions laid down in the law. The main requirements are that organizations must :
- have legal personality;
 - have the production of radio and television broadcasts as their main object;
 - aim to produce a full programme, covering all the main types of broadcast (news, education, culture and entertainment);
 - attempt to meet cultural, religious or spiritual aspirations in such a way that their broadcasts can be held to be of general interest;
 - be non-profit-making;
 - refrain from broadcasting programmes liable to endanger public order, morality or the security of the State;
 - have at least 100 000 members or subscribers, who must also pay the official radio and television licence fee.
116. The law makes a distinction between three categories of organization: organizations with 400 000 or more members or subscribers (category A), organizations with between 250 000 and 400 000 members or subscribers (category B) and organizations with between 100 000 and 250 000 members or subscribers (category C). The law also provides for "candidate" organizations, i.e. organizations with between 40 000 and 100 000 members or subscribers.
117. Broadcasting time is divided between categories A, B and C in the ratio of 5 : 3 : 1. Candidate organizations are allowed 1 hour's broadcasting time per week on television and/or 3 hours per week on radio for a maximum of two years.
118. The Dutch Broadcasting Foundation (Nederlands Omroep Stichting - NOS) acts as the umbrella organization for Dutch broadcasting. NOS was established on 29 May 1969 when Dutch Radio Union (NRU) and the Dutch Television Foundation (NTS) merged.

In particular, NOS is responsible for:

- providing broadcasting facilities for all the organizations, associations and institutions which have been granted broadcasting time;
- coordinating programmes and the working conditions of staff in the various organizations;
- producing its own radio and television programmes, which must:
 - offer a focal point for all viewpoints;
 - be of such a nature that they can be produced in collaboration with all the other organizations.

119. NOS has a board of Governors, which is made up as follows :

- the Chairman is appointed by the Minister for Cultural Affairs, Recreation and Social Welfare, who also determines the number of board members;
- half the members are designated by the broadcasting organizations;
- a quarter of the members are designated by representative cultural and social organizations;
- the remaining quarter are designated by the Crown.

Day-to-day management is the responsibility of the Management Board, whose members are drawn from the Board of Governors.

120. Two programme committees - one for radio and the other for television - issue directives and guidelines on the joint programmes of NOS to the Management Board. Each Committee consists of representatives from the broadcasting organizations and of organizations with a cultural, religious or philosophical basis. Radio and television each have a programme coordinating committee, whose task is to coordinate broadcasts by the various organizations so as to produce a balanced and harmonious overall programme.
121. A Broadcasting Council advises the Minister for Cultural Affairs, Recreation and Social Welfare on all questions concerning radio and television. The Council is appointed by the Crown and has at least twelve members. It can deliver opinions either at the request of the Minister or on its own initiative.
122. Broadcasting is watched over by a Government Broadcasting Commissioner appointed by the Crown (the Monarch and the Minister responsible), who is assisted by a deputy. The Commissioner monitors compliance with the law on broadcasting and has the power to issue instructions which are binding on the broadcasting organizations. He may attend board meetings at any time. The organizations which hold a broadcasting licence must provide him with any information necessary for the carrying out of his duties.

123. The broadcasting law also provides the possibility of transmitting regional programmes. Section 47A provides that the Minister of Cultural Affairs, Recreation and Social Welfare may require the NOS to transmit, over one or more transmitter to be designated, a joint programme destined, as a regional programme, particularly for the district, region or town covered by the transmitter or transmitters concerned. Thus, the regional radio organization RONO, established in 1946, transmits regional radio programmes in the north and east of the country, and the ROZ, set up in 1945, in the southern provinces. For each organization a regional programme council, reporting to the NOS Board of Governors, lays down guidelines for the programmes of the two regional networks.
124. Section 47B of the law provides for local broadcasting. It differs from the regional arrangements by providing for air time to be given, for each district, region or town, to a cultural organization representative of the district to allow the transmission of regional programmes it prepares. These organizations must be non-profit making and cannot transmit advertising material.
125. Under Article 48 of the Law a number of experimental cable television services are provided in several Dutch towns under licence from the Minister. In order to obtain a licence they have had to establish representative, non-commercial cultural organizations which are responsible for devising, preparing and broadcasting local television programmes. These experiments are accompanied by a scientific study principally designed to analyse the potential role of cable television at local level in terms of information and communication (1).
126. Article 48 of the Law of 1969 also allows certain forms of broadcasting which cannot be called either national or regional : these are broadcasts distributed via wired networks. A specific example is broadcasts for the sick, which are produced by specialist organizations.

There are also services which operate via telephone links to allow people to follow religious services at home. In both cases the circuits used are a combination of the radio telecommunications network of the Dutch telecommunications authority and the telephone network.

(1) For details of the current situation as regards cable distribution in the Netherlands, see Annex 7, points 75 ff.

Programme planning

127. Under the Law of 1969 "joint programmes (of NOS) must provide a focal point for the various spiritual and social trends in the country even if they are not represented by an organization which has been granted broadcasting time; they must include broadcasts which could be devised, prepared and produced by all the organizations, so that the programmes of NOS and the other broadcasting organizations constitute a balanced whole".
128. The State exercises control over broadcasting only at the post-transmission stage. Under Article 61 Of the Law on Broadcasting the Minister enjoys the necessary powers to ensure, in normal conditions, compliance with the various obligations under the broadcasting licensing system.

In practice the minister very rarely has to impose sanctions, which may take the form of a reprimand, a prohibition from broadcasting for a certain period, a withdrawal or suspension of all or part of the financial support granted to an organization which infringes the law.

Advertising

129. Under the Law the sole right to broadcast advertising is granted to the Foundation for Broadcast Advertising (Stichting Etherreclam - STER). Advertising must abide by the law, must not endanger public order nor display bad taste; advertising for alcoholic drinks is allowed, but restricted; advertising for tobacco is forbidden. Advertisements are broadcast together in blocks immediately before and after radio and television news broadcasts.
130. Control over advertising is exercised by the Advertising Council (Reclameraad), whose main task is :
- to monitor STER's pricing policy;
 - to watch over the content of advertisements;
 - to see that the rules it lays down are observed.

UNITED KINGDOMOrganization

131. There are two radio and television broadcasting organizations in the United Kingdom : the British Broadcasting Corporation (BBC) and the Independent Broadcasting Authority (IBA). The BBC both produces and broadcasts its own programmes.
132. The IBA does not produce programmes itself but appoints companies to do so. It then broadcasts these programmes, monitors them and supervises their production. There are 15 independent television companies holding IBA franchises :

Anglia Television
 Border Television
 Central Independent Television
 Channel Television (Channel Islands Communication (Television))
 Grampian Television
 Granada Television
 HTV
 London Weekend Television
 Scottisch Television
 Television South
 Thames Television
 Tyne Tees Television
 Ulster Television
 Television South West
 Yorkshire Television

In addition "Independent Television News" provides a nation-wide news service.

A further company "TV-a.m" has recently been added to the list. Its programmes, broadcast each morning over the whole country, began transmission in February 1983.

Finally, a new national television channel - "Channel Four" - began transmissions in November 1982. A public corporation established by act of Parliament, under the control of the IBA, its main task is to provide for minority interests. It purchase roughly half its programmes from the IBA programme companies and commission the remainder from independent television and film producers.

133. There are also 39 local radio stations responsible for producing local radio broadcasts which are then transmitted by the IBA (1)
134. The Wireless Telegraphy Act 1949 (as amended by the Post Office Act 1969) forbids the establishment or use of any transmitter or installation or the use of any wireless apparatus without the approval of the Home Secretary. All radio and television broadcasting in the United Kingdom is subject to public law in that the Home Secretary's permission must be obtained for the use of wireless apparatus and frequencies.

(1) In addition to the BBC's own local radio stations.

135. The BBC has a Board of Governors appointed by the Privy Council. Its staff is headed by the Director-General.
136. The Independent Broadcasting Authority is appointed by the Home Secretary and its staff is headed by the Director-General. The programme companies working under contract for the IBA are subject to company law.
137. The BBC's charter requires it to appoint a general advisory committee to give its opinion on all relevant matters. The BBC has also set up fifty-two other advisory bodies which may be grouped under two headings : those giving advice on policy and programmes in general, and more specialized bodies concerned with such subjects as farming, education, religious broadcasting, science and technology, programmes for immigrants and the social effects of television.
138. The law requires the IBA to set up special advisory committees and to obtain their views on matters concerning religious broadcasting, advertising and educational programmes. It also has to appoint local advisory committees in all areas where its local radio stations exist.
139. Cable distributors are approved by the Home Secretary in accordance with the 1949 Wireless Telegraphy Act subject to rules concerning safety, interference and programme choice. Foreign radio broadcasts may be made available only if accompanied by certain minimum of British programmes.
140. Cable operators are not allowed to cut the television or radio broadcasts they retransmit. The terms of their licence from the Home Secretary require them to provide as wide a choice of programmes as technically possible with the exception that there are restrictions on the retransmission of Independent Television programmes from one operator's zone to another. This is designed to safeguard the regional structure of independent television. Foreign broadcasts may not be transmitted without the Home Secretary's approval.
141. Until 1981, with a few limited and localized exceptions, cable operators approved by the Home Secretary were allowed to carry only BBC and IBA programmes but were not allowed to offer their own programmes. This situation has changed following the granting of licences for twelve pilot pay-TV projects in various parts of the United Kingdom. The experiment is for two years and is limited to one television channel. Licence holders have to conform to certain rules on programme content, in particular impartiality in news broadcasts and respect for public order (1).

(1) For future cable distribution projects, see Annex 7, points 90 ff.

Programmes

142. With a few exceptions, the law places responsibility for the planning and content of British programmes on the broadcasting companies themselves. The BBC' charter speaks of the importance of broadcasting as a means of informing, educating and entertaining and the BBC's first stated objective (clause 3a) is to provide a service of this type to the public at large.
143. Section 2 of the Independent Broadcasting Authority Act 1973 imposes on the IBA the duty to provide for the public television and local radio services offering information, education and entertainment. The Act goes on to state that programmes shall not be produced by the IBA itself but by "programme contractors". Section 12(3) imposes on the Authority the obligation to ensure fair competition so that programmes are supplied by a number of producers independent of each other both financially and from the point of view of control.
144. The BBC' charter and licence do not lay down any rules on programmes. It recognizes however that it has an obligation to maintain a high level of programmes and ensure a good balance between a wide variety of programmes, while treating contentious news items and public order issues with impartiality. As far as possible, programmes should not offend against good taste and decency, encourage crime or public disorder or offend public sentiment.
145. Section 4 of the Independent Broadcasting Authority Act 1973 lays down the main conditions concerning content. These include the same conditions as those accepted by the BBC plus the requirement to broadcast programmes of special interest to the areas served by the IBA stations, including programmes in a language other than English (e.g. Welsh) if this is also spoken by the population served by the station.
146. The IBA controls programme planning and approves the schedules of the companies which, under contract, provide the radio and television programmes which it broadcasts. As far as possible, if necessary by advance viewing, it tries to ensure that the programmes and advertisements conform to the requirements of the IBA Act and deals with complaints about programmes and advertisements in the first instance. It has also set up a Complaints Review Board, which acts as a review body both for specific complaints and complaints procedures in general. The Board examines complaints from the public or persons appearing in programmes, whether or not these programmes have been broadcast. It consists of five members, two from the IBA staff and three from the General Advisory Council, who must not have been concerned with decisions taken about a programme prior to transmission.

147. In the BBC, the Board of Governors is responsible for ensuring compliance with the obligations laid upon it. The BBC has set up a Programme Complaints Commission, which consider complaints from the public and allegations of partiality in radio and television programmes. It consists of members from outside the BBC.

Advertising

148. Without authorization from the Home Secretary, the BBC may not receive payments for broadcasts nor accept financial contributions. It may not therefore broadcast advertising for payment.
149. The IBA broadcasts advertising for which the programme contractors sell air time. Advertisements are broadcast during natural breaks within or between programmes.
150. The IBA has its own code of standards on advertising which apply to both radio and television.

ANNEX 11

EUROBAROMETER SURVEY OF ATTITUDES OF EUROPEANS TOWARDS
TRANSNATIONAL TELEVISION

Contents

	<u>Page</u>
Viewing foreign television	193
TABLE I - Reception of foreign channels	194
TABLE II - Viewing frequency for foreign channels related to possibility of reception	195
MAP: Average viewing frequency for foreign channels in regions of Community countries	196
Interest in the European channel project	197
GRAPH I - Link between average current viewing of foreign channels and average interest in European satellite television	198
TABLE III - Interest in European channel project related to frequency of viewing foreign channels, attitude towards the European Community and level of education	199
Practical aspects of a European channel	199
TABLE IV - Proportion of those in each country who could follow a European programme in some foreign languages	200
TABLE V - Preferred method of translation in the Community countries	201
TABLE VI - Interest in the European channel project related to interest in the option of listening in one's own language or in original versions	202

Page

TABLE VII - Interest in European channel by country	202
TABLE VIII - Interest in European channel related to various socio-demographic criteria	203
Description of survey	204
Sampling	204
TABLE IX - Technical details of the survey on "The European Television Satellite"	205
Questionnaire	206

EUROBAROMETER SURVEY OF ATTITUDES OF EUROPEANS TOWARDS TRANSNATIONAL TELEVISION

1. In October–November 1982 six questions about a future European satellite television channel or service were put to a representative sample of the adult population (aged 15 and over) in the ten countries of the EEC. Over 9,600 people were questioned personally at home by professional pollsters. The survey was conducted as a supplement to Eurobarometer No 18.

The questions asked are reproduced at point 19. This Annex is accompanied by a description of the survey (points 16 to 18) and technical details (Table IX).

2. What are the attitudes of Europeans towards transnational television ? Without trying to analyse all the aspects of this question, the survey yields certain information on three main points :
- viewing habits, in the Community countries, in respect of foreign television;
 - interest in the idea of a European television channel broadcast by satellite;
 - preferences concerning methods of overcoming the language problems.

Viewing foreign channels

3. Even before television satellites become operational, some Europeans already have the opportunity of watching more or less frequently foreign television. The behaviour of the European public in this situation already offers some pointers concerning transnational television. Two aspects must be considered :

- the possibility of receiving a foreign channel at home;
- actual viewing, either at home or elsewhere (including abroad), of foreign programmes.

4. First question asked (with answers) :

" Do you have TV at home ? If yes, are you able to receive directly on your TV set channels from other countries, or only (your own country's) channels ? "

	<u>Entire Community</u>
. Can receive foreign TV directly	26 .
. Can only receive (your own country's) channels	70
. Have no TV at home	4
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	100

The possibilities of reception vary widely from one country to another. Whilst virtually all Luxembourgers (97%) can receive foreign television at home, only 3% of the British can (see Table I). The geographical situation of each country is clearly the determining factor.

TABLE I Reception of foreign channels

	<u>Can receive foreign TV</u>	<u>Cannot receive foreign TV</u>	<u>Have no TV</u>	<u>Don't know -</u>	<u>Total</u>
	(%)	(%)	(%)	(%)	(%)
Luxembourg	97	-	3	-	100
Belgium	84	10	6	-	100
Netherlands	84	11	3	2	100
Denmark	69	28	2	1	100
Ireland	41	55	4	-	100
Italy	35	63	2	-	100
Germany	25	73	1	1	100
Greece	16	76	8	-	100
France	14	81	5	-	100
United Kingdom	3	94	3	-	100

5. Second question asked :

" Have you ever watched, at home or anywhere else (including while abroad), foreign TV channels ? And, if so, about how often ?

	<u>Entire Community</u> (%)
. Never	59
. Several times a year	21
. Several times a month	8
. Several times a week	9)
. More often	3) 12%
	<hr/> 100

Viewing index for foreign channels (1) = .96

(1) To aggregate the answers a simple index was calculated by assigning a weighting of "0" to "never"; "1" to "several times a year"; "3" to "several times a month"; "4" for "several times a week"; "5" to "more often". The viewing index may therefore range from 0 to 5.

Where the possibility of reception exists, foreign channels are watched fairly frequently : 66% of those who can receive a foreign channel at home watch it regularly, i.e. at least a few times a month (see Table II).

The attraction of foreign television is greater than the possibility of reception in the home. 25% of the respondents who cannot receive foreign channels at home are able to watch them some other time while abroad for instance.

TABLE II Viewing frequency for foreign channels related to possibility of reception

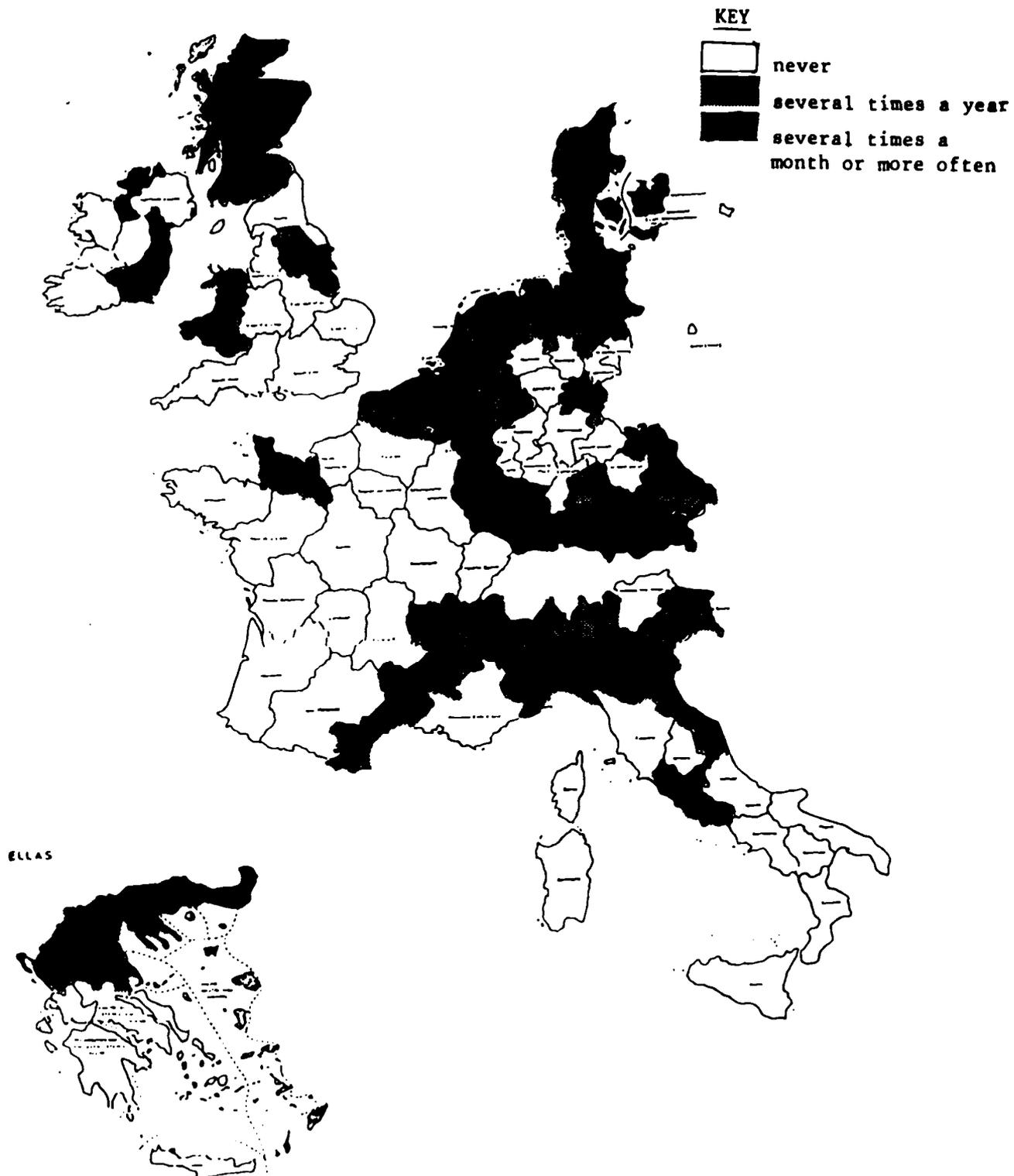
How often to you watch a foreign channel ?	Able to receive a foreign channel.		
	YES (%)	NO (%)	All (%)
. Never	16	75	59
. Several times a year	18	22	21
. Several times a month	25	2	8
. Several times a week	31	1	9
. More often	10	-	3
TOTAL	100	100	100

6. Like the possibility of reception, viewing frequencies for foreign channels show sharp variations between one country and another, and even between regions of the same country (see map). In France, for example, the viewing index for foreign channels (1) ranges from .03 in Aquitaine (meaning that Aquitainers never watch foreign television) to 2.89 in Alsace and Lorraine (which corresponds to several times a month). In Germany, the viewing index varies even more sharply: from .06 (= never) in Brunswick and Giessen to 3.95 (= several times a week) around Tübingen. Analysis of these viewing rates by region confirms what was to be expected, namely that two conditions must be met for the inhabitants of a region to watch a foreign channel with any regularity:

- the broadcasting country must be close by and the relief of the region must be favourable to transmission;
- the language of the broadcast must be understood.

To those may be added the interest of the regional population in the foreign channel they can receive.

(1) Point 5, footnote 1.



AVERAGE VIEWING FREQUENCY FOR FOREIGN CHANNELS IN REGIONS OF COMMUNITY COUNTRIES

Interest in the European television channel project

7. The question and the answers were as follows :

" With the development in the next few years of satellite TV, you may be able to get reception on your own TV set, as well as the programmes you get now from national transmitters, a European TV channel whose programmes (news, entertainment, sport, education, etc.) will be made by several European countries working together, including our own. How much does this idea interest you ? "

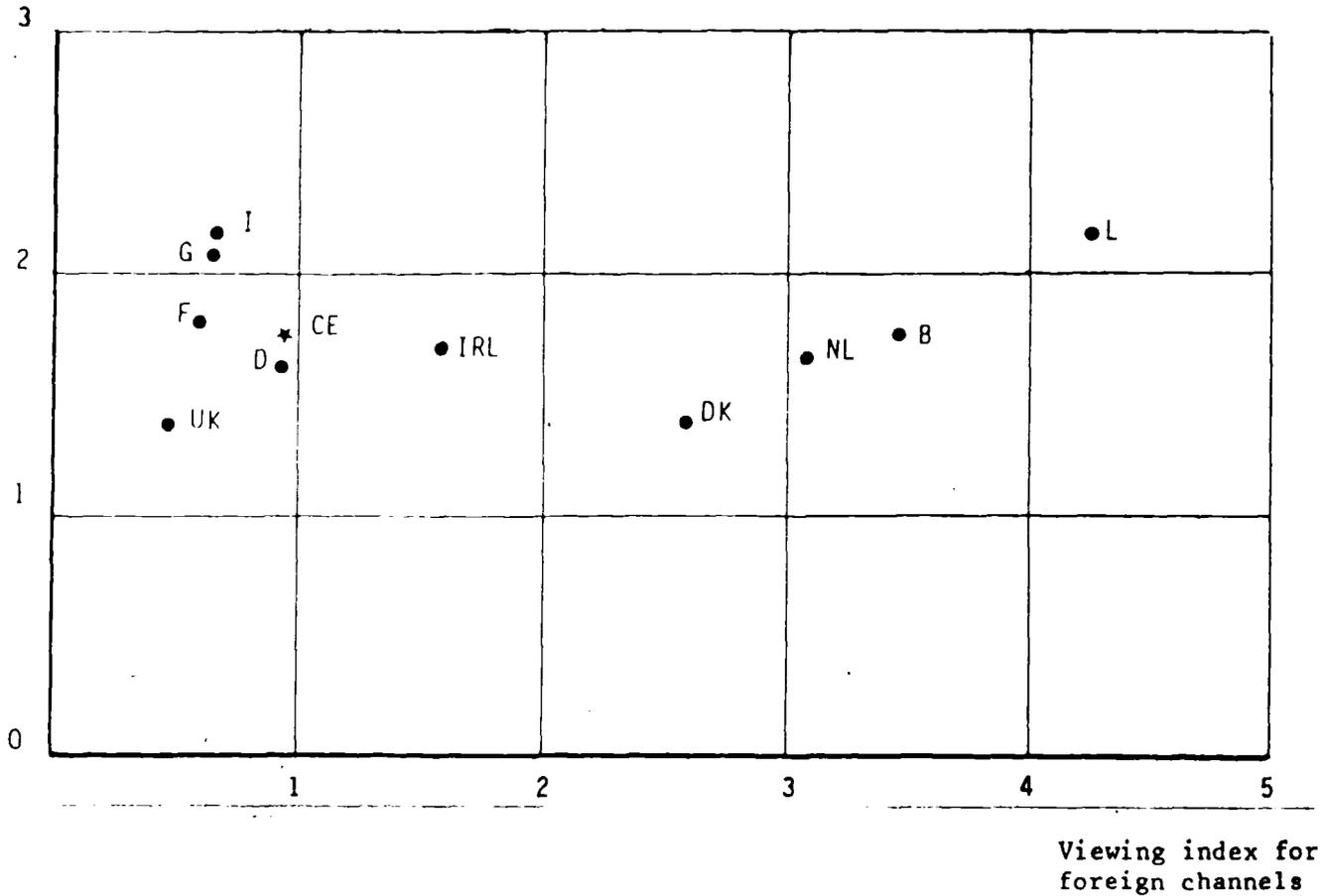
	<u>Entire Community</u> (%)
. a lot	30) 57%
. somewhat	27)
. a little bit	20) 39%
. not at all	19)
. don't know	4
	—
	100
Interest index (1)	1.72

A majority of Europeans say they are interested in the idea of a European satellite television channel. The respondents appear to have understood straightaway that with such a project, the two conditions which at present must be met if people are to watch a foreign channel would no longer be relevant. While the interest in a European channel varies quite distinctly from one country to another, the pattern bears no relation to the results for current average viewing of foreign channels (see Graph 1 and Table VII).

(1) The index aggregating the answers is calculated by assigning a weighting "3" to "a lot"; "2" to "somewhat", "1" to "a little bit" and "0" to "not at all". "Don't know" are excluded. The index will thus be between 0 and 3.

GRAPH I Link between average current viewing of foreign channels and average interest in European satellite television

Index of interest in
European satellite TV



Taking individual answers as opposed to national averages, the two variables are nevertheless closely related : the more accustomed a viewer is to watching foreign television, the greater the interest he shows in the idea of European television (see Table III). It is possible that some of the prejudices against transnational television are no longer present in those who are accustomed to foreign channels.

8. Two other factors are closely related to interest in European television: attitudes towards the European Community and level of education (see also Table III). Interest in a European channel rises in direct proportion to support for the European Community and to level of education. Acceptance of a transnational and European channel appears to be coupled with a more open attitude towards other countries of Europe, an attitude more frequently found among those who support the European Community and those who continued their education longer.

TABLE III Interest in European channel project related to frequency of viewing foreign channels, attitude towards the European Community and level of education

		Index of interest (1) in European TV (between 0 and 3)
<u>Watch a foreign channel</u>	. never	1.56
	. a few times a year	1.95
	. a few times a month	1.87
	. a few times a week	1.92
	. more frequently	2.14
<u>Attitude towards the Community</u>	. very much for	2.00
	. to some extent for	1.82
	. neither for nor against	1.50
	. to some extent against	1.45
	. very much against	1.32
<u>Level of education</u> (age of completion of studies)	1. 15 and under	1.49
	2. 16 to 19	1.78
	3. 20 and older	2.11
ENTIRE COMMUNITY		1.72

Practical aspects of a European channel

9. For audiences, language is the main practical problem connected with a European channel. Three basic aspects of this problem were investigated:
- the ability to follow European-channel broadcasts in certain foreign languages;
 - the preferred method of translation (dubbing or subtitling);
 - interest in a ("push-button") choice between the original and the dubbed version.

(1) Point 7, footnote 1.

10. Question asked and answers received :

" On the European TV channel we have just talked about, all countries will get the same picture. But there is a problem about the sound. As far as you are concerned, must the sound be in your own language, or are there other languages that you could listen to ? "

	<u>Entire Community</u>
. Must be in my language	73
. Could listen in some other languages	23
. Don't know	4
	<u>100</u>

One in four Europeans could listen to European-channel broadcasts in certain other languages. This relatively high figure for the Community as a whole nevertheless masks wide disparities between countries (see Table IV), and though ability to follow in other languages does vary appreciably according to the level of education, the differences between countries are still very marked even among the more highly educated (see Table IV).

TABLE IV Proportion of those in each country who could listen to a European programme in some foreign languages

	All (%)	High level of education (studies completed at age 20 or older) (%)
. Luxembourg	88	98
. Netherlands	60	73
. Denmark	41	63
. Belgium	34	59
. France	26	56
. Greece	24	50
. Germany	20	43
. Italy	17	39
. United Kingdom	16	43
. Ireland	8	36
ENTIRE COMMUNITY	23	51

11. Finally, ability to listen in some foreign languages is matched by a keener interest in the European television idea (1). This can partly be attributed to the fact that it is the more highly educated who have a better knowledge of languages as well as showing more interest in the projected European channel.

12. Question and answers :

" If a TV programme needed translation into (your own language) there are different ways of doing it. Which of these do you prefer ?

	<u>Entire Community</u>
. Complete translation of the sound into (your own language), like a foreign film dubbed	69
. Subtitles printed in (your own language) keeping the sound in the original	25
. Don't know	6
	<u>100</u>

(1) Almost half (46%) of those who could listen in some foreign languages say they are keenly interested in the idea.

Here again, the differences between countries are very marked. Whilst most countries would much rather have dubbing, in Denmark and the Netherlands the preference is heavily for subtitling (Table V). The choice seems to depend on national habits rather than on the knowledge of one or more foreign languages. The Dutch are a case in point here, for in the Netherlands nearly all foreign productions screened on television are shown in the original version with subtitles. Unlike most other Europeans, the Dutch have long been used to this form of translation.

TABLE V Preferred method of translation in the Community countries

	<u>Dubbing</u> (%)	<u>Subtitles</u> (%)	<u>Don't know</u> (%)	<u>Total</u> (%)
Italy	82	13	5	100
Germany	79	12	9	100
France	76	21	3	100
Ireland	67	24	9	100
United Kingdom	65	29	6	100
Luxembourg	58	38	4	100
Greece	51	44	5	100
Belgium	44	48	8	100
Denmark	17	75	8	100
Netherlands	13	80	7	100
ENTIRE COMMUNITY	69	25	6	100

13. Question and answers :

" Still talking about the sound, it will soon be possible to have an extra part added to your TV set, for a small price, with a button to press so that you have the choice between listening in your own language or in the original language. To what extent would you be interested by this possibility ? "

	<u>Entire Community</u> (%)
. very interested	27
. interested a bit	35
. not interested at all	34
. don't know	4
	<u>100</u>

The "push-button" choice between listening in one's own language and the original version is of real interest to only a quarter of Europeans. And it is, once again, the more highly educated who favour this option : 39% of those who went on studying up to or beyond the age of 20 say they would very much like to have it.

14. Interest in this option is in fact closely linked with general interest in the idea of European television (see Table VI). It would be an extra advantage that went with the project, but the basic question is about the project itself and not the option.

TABLE VI Interest in the European satellite project related to interest in the option of listening in one's own language or in original versions

		Interest index for European TV (1)
<u>Interest in the "push-button" option between translation and original version</u>	. very interested	2.47
	. fairly interested	1.76
	. Not at all interested	1.11
ENTIRE COMMUNITY		1.72

TABLE VII Interest in European channel by country

	A lot	Somewhat	A little bit	Not at all	Don't know	Total	Index
<u>BELGIUM</u>	24	32	24	13	7	100	1.73
of which: Flanders	21	35	29	9	6	100	1.73
Wallonia	24	27	20	18	11	100	1.66
Brussels	34	34	15	14	3	100	1.92
<u>DENMARK</u>	27	17	20	34	2	100	1.38
<u>GERMANY</u>	23	23	32	14	8	100	1.60
of which: the North	18	17	36	17	12	100	1.41
the South-West	28	23	37	7	5	100	1.76
the South-East	26	35	23	13	3	100	1.75
<u>FRANCE</u>	32	31	16	19	2	100	1.76
of which: the Paris region	44	33	9	13	1	100	2.08
the North-East	31	26	19	21	3	100	1.69
the North-West	25	32	19	23	1	100	1.59
the South-West	33	29	16	20	2	100	1.76
the South-East	28	32	18	20	2	100	1.71
<u>IRELAND</u>	35	20	19	23	3	100	1.68
<u>ITALY</u>	41	37	11	9	2	100	2.14
of which: the North	38	41	11	8	2	100	2.12
the Centre	36	42	11	10	1	100	2.05
the South	46	30	10	10	4	100	2.17
<u>LUXEMBOURG</u>	46	25	15	11	3	100	2.10
<u>NETHERLANDS</u>	29	28	20	21	2	100	1.65
<u>UNITED KINGDOM</u>	26	17	21	34	2	100	1.36
of which: Northern Ireland and Scotland	29	22	21	25	3	100	1.56
Northern England and Wales	24	16	22	36	2	100	1.28
Southern England	27	20	19	33	1	100	1.40
<u>GREECE</u>	45	25	12	13	5	100	2.07
<u>ENTIRE COMMUNITY</u>	30	27	20	19	4	100	1.72

(1). Point 7, footnote 1.

TABLE VIII Interest in European channel related to various socio-demographic criteria

		Say that this channel interests them a lot	Index of average interest for each division analysed
		(%)	(from 0 to 3)
ENTIRE COMMUNITY		30	1.72
SEX	Men	35	1.85
	Women	26	1.59
AGE	Men 15 - 24 years	42	2.07
	25 - 39 years	40	2.02
	40 - 54 years	31	1.83
	55 and older	29	1.57
	Women 15 - 24 years	38	1.95
	25 - 39 years	31	1.73
	40 - 54 years	24	1.59
	55 and older	16	1.20
LOCALITY	Village	27	1.68
	Small town	31	1.70
	Big town or city	34	1.72
AGE AT END OF STUDIES	Under 15	24	1.49
	16 - 19	32	1.78
	20 and over	45	2.11
	Still studying	46	2.24
INCOME LEVEL	Low - -	20	1.32
	-	28	1.65
	+	36	1.90
	High + +	39	2.00
LEADERSHIP RATING	Low - -	22	1.39
	-	29	1.69
	+	35	1.91
	High + +	43	1.97

15. Europeans appear, all in all, to be fairly receptive to the idea of a European television channel. Transnational television is not rejected out of hand, and foreign channels already exert a certain attraction; indeed, it is revealed that more people watch foreign channels at some time or other than are able to receive them at home. Moreover, those who are accustomed to watching foreign television, who thereby become more open in their outlook, show keener interest in the European television project. It should be emphasized that it is particularly the more highly educated who are in every respect the most receptive and it is they who most of all make up the potential audience for a European television channel.

Description of survey

16. The survey was made by European Omnibus Survey in conjunction with Euro-barometer No 18. It is based on a questionnaire, which is attached (point 19).

The questionnaire was put to representative samples of the total population aged 15 years and over of the ten countries of the Community (9 600 persons in all). All the interviews were conducted in the home by professional pollsters in October 1982.

17. The names of the institutes involved in the research and the number of interviews conducted in each country are shown in Table IX. The figures shown in the report for the whole Community are the result of a weighting of national samples, each country being assigned a weight proportionate to its population.

Sampling

18. The sample is designed to be representative of the total population aged 15 years and over of the ten countries of the Community.
In each country a two-stage sampling method is used :

1. Geographical distribution.

For statistical purposes the European Community divides Europe into 129 regions. The survey takes place in 126 of these regions (Corsica, Groenland and Val d'Aosta excluded).

In each country a random selection of sampling points is made in such a way that all types of area (urban, rural, etc.) are represented in proportion to their populations.

The interviews are distributed in more or less 1.150 sampling points.

2. Choice of respondents

For each survey different individuals are interviewed in the master sample of sampling points described above. Within these sampling points the individuals to be interviewed are chosen :

- either at random from the population or electoral lists in those countries where access to suitable lists of individuals or household is possible : Belgium, Denmark, Netherlands and Luxembourg;
- or by quota sampling. In these cases the quotas are established by sex, age and profession on the basis of census data : this system is used in France, Italy, United Kingdom, Ireland and Germany;
- or by a method combining the two preceding ones ("random route") : Greece.

TABLE IX Technical details of the survey on "The European Television Satellite"

<u>COUNTRY</u>	<u>INSTITUTE RESPONSIBLE FOR FIELDWORK</u>	<u>DATES (1982)</u>	<u>NUMBER OF INTERVIEWS</u>
BELGIUM	DIMARSO	2 to 20 October	1 020
DENMARK	GALLUP MARKEDSANALYSE	9 to 17 October	995
GERMANY	EMNID	14 to 24 October	1 012
FRANCE	INSTITUT DE SONDAGE LAVIALLE	10 to 23 October	939
IRELAND (1)	IRISH MARKETING SURVEYS	15 to 22 October	1 007
ITALY	DOXA	11 to 29 October	1 025
LUXEMBOURG	ILRES	12 to 20 October	300
NETHERLANDS	NIPO	8 to 18 October	1 056
UNITED KINGDOM	SOCIAL SURVEYS (GALLUP POLL) LTD	11 to 23 October	1 335
GREECE	ICAP-HELLAS	10 to 23 October	1 000

(1) For Northern Ireland : 308 persons aged 15 and over interviewed between 15 and 22 October; the answers are combined with those for the United Kingdom.

Questionnaire

19. The following six questions were asked :

Do you have TV at home ? If yes, are you able to receive directly on your TV set channels from other countries, or only (your own country's) channels ?

1. Can receive foreign TV directly
2. Can only receive (your own country's) TV channels
3. No TV at home

Have you ever watched, at home or anywhere else (including while abroad), foreign TV channels ? And if so, about how often ?

1. Never
2. Several times a year
3. Several times a month
4. Several times a week
5. More often

With the development in the next few years of satellite TV you may be able to get reception on your own TV set, as well as the programmes you get now from (national) transmitters, a European TV channel whose programmes (news, entertainment, sport, education, etc...) will be made by several European countries working together, including our own. How much does this idea interest you ?

1. A lot
2. Somewhat
3. A little bit
4. Not at all
- 0 ?

On the European TV channel we have yet talked about, all countries will get the same picture. But there is a problem about the sound. As far as you are concerned, must the sound be in your own language, or are there other languages that you could listen to ?

1. Must be in my language
2. Could listen in some other languages
- 0 ?

If a TV programme needed translation into (your own language) there are different ways of doing it. Which of these do you prefer ?

1. Complete translation of the sound into (your own language) like a foreign film dubbed
2. Subtitles printed in (your own language) keeping the sound in the original
- 0 ?

Still talking about the sound, it will soon be possible to have an extra part added to your TV set, for a small price, with a button to press so that you have the choice between listening in your own language or in the original language. To what extent would you be interested by this possibility ?

1. Very interested
2. Interested a bit
3. Not interested at all
- 0 ?