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

**on the application of Articles 4 and 5
of Directive 89/552/EEC “Television without Frontiers”, as amended by Directive 97/36/EC,
for the period 1999–2000**

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INTRODUCTION

This communication, drawn up pursuant to Article 4.3 of Council Directive 89/552/EEC¹ of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997² (hereinafter referred to as the “Television without Frontiers” Directive), constitutes the Commission’s fifth report on the implementation of Articles 4 and 5.

This document includes a statistical statement on the achievement in 1999-2000 of the proportion referred to in Articles 4 and 5 for each of the television programmes falling within the jurisdiction of the European Union Member State concerned and those of the Member States of the European Free Trade Association participating in the European Economic Area (hereinafter referred to as EFTA). The Member States are under an obligation to provide the Commission with a report every two years on their application of Articles 4 and 5. Under the provisions of the Treaty, the Commission is responsible for ensuring compliance with this requirement.

The purpose of this document is to bring these national reports, together with the Commission’s opinion on the implementation of Articles 4 and 5 of the “Television without Frontiers” Directive, to the attention of the Member States, the European Parliament and the Council.

It comprises three parts and two annexes:

- Part I – Commission’s opinion on the application of Articles 4 and 5 for the period 1999-2000;
- Part II – National reports from the European Union Member States;
- Part III – National reports from the Member States of the European Free Trade Association participating in the European Economic Area;
- Annex 1: List of television channels in the European Union Member States which failed to achieve the majority proportion of European works (Article 4 of the Directive) and/or the minimum proportion of 10% of European works by independent producers (Article 5 of the Directive);
- Annex 2: Parameters used to calculate the average transmission time of European works by the channels of the European Union Member States (taking audience rating into account) — Article 4 of the Directive.

¹ OJEC L 298, 17.10.1989.

² OJEC L 202, 30.07.1997.

I. COMMISSION'S OPINION ON THE APPLICATION OF ARTICLES 4 AND 5 FOR THE PERIOD 1999/2000

1. APPLICATION BY THE EUROPEAN UNION MEMBER STATES

Under Article 4.3 of the "Television without Frontiers" Directive, the Commission is responsible for ensuring the application of Articles 4 and 5 in accordance with the provisions of the Treaty.

The European Union Member States and the EFTA Member States participating in the European Economic Area are under an obligation to provide the Commission with a report every two years on application of Articles 4 and 5, including (i) a statistical statement on the achievement of the proportion referred to in these Articles for each of the television programmes falling within the jurisdiction of the Member State concerned, (ii) the reasons, in each case, for the failure to attain that proportion, (iii) and the measures adopted or envisaged in order to achieve it.

Article 4.3 of the Directive provides that the Commission may take account in its opinion, in particular, of (non-exhaustive criteria):

- progress achieved in relation to previous years;
- the share of first broadcast works in the programming;
- the particular circumstances of new television broadcasters;
- the specific situation of countries with a low audiovisual production capacity or restricted language area.

To assist the Member States with their monitoring responsibilities, **guidelines drawn up by the Contact Committee³ have been suggested for the implementation of Articles 4 and 5.** These guidelines, which are intended to clarify certain definitions so as to avoid differences of interpretation and application of the Directive⁴, entered into force on 1 January 1999 and therefore cover the reference period (1999-2000) of this report.

This is the background against which the opinion set out in this document should be examined. For the first time, it shows the general trends observed both at Community level and in the individual Member States concerned. To this end, a series of indicators based on the criteria set out in Articles 4 and 5 of the Directive has been developed to provide an objective analysis grid.

Article 4 (European works):

- **Indicator 1:** average transmission time reserved for European works by the European channels with the highest audience ratings⁵ in each Member State concerned.
- **Indicator 2:** compliance rate of channels (achieving or exceeding the majority proportion) of all types, in each Member State concerned⁶.

3 http://europa.eu.int/comm/avpolicy/regul/twf/art45/art45-intro_en.htm

4 By way of illustration, section 2.2 of the guidelines states that it is not necessary for national reports to include data on channels broadcasting exclusively "news, sports events, games, advertising, teletext services and teleshopping".

5 For each year under consideration, the audience share is based on the most recent figures published by the European Audiovisual Observatory: Statistical Yearbook 2000 (Volume 2) "Household audiovisual equipment, transmission, television audience". Except in specific cases, all channels with over 3% audience share (whole day) over each of the two years under consideration were taken into account.

- Indicator 3: general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period (1999-2000)⁷.

Article 5 (European works by independent producers):

- Indicator 1: *average air time*, or alternatively, depending on the choice made by the Member State when transposing the Directive, *the average proportion of the programming budget* allocated to European works by independent producers.
- Indicator 2: compliance rate of channels of all types (achieving or exceeding the minimum of 10%) in the Member State concerned⁸.
- Indicator 3: general trend, in terms of number of channels of all types, in the proportion of European works by independent producers broadcast in each Member State concerned over the reference period (1999-2000).
- Indicator 4: *average air time*, or alternatively, depending on the choice made by the Member State when transposing the Directive, *the proportion of the programming budget* allocated to recent works by independent producers
- Indicator 5: general trend, in terms of number of channels of all types, in the proportion of recent works by independent producers broadcast in each Member State concerned over the reference period (1999-2000).

Subject to the option taken by some Member States pursuant to Article 3.1 of the “Television without Frontiers” Directive of establishing more detailed or stricter rules in the areas covered by the Directive⁹, these indicators enable an overview of implementation of Articles 4 and 5 to be obtained for the period 1999-2000.

1.1 Requirement to broadcast a majority proportion of European works

1.1.1 Assessment at Community level

The first general conclusion concerns trends in the number of television channels in Europe.

As a preliminary point, the total number of channels¹⁰ of all types in Europe (the European Union Member States and the EFTA Member States participating in the European Economic Area) was

6 This is obtained by determining the number of channels achieving or exceeding 50% and applying that figure to the total number of channels concerned by Article 4 of the Directive in each Member State.

7 This is obtained by determining the balance of the channels showing an increase, a decrease, or no change, irrespective of the actual proportion of transmission time allocated to European works. Account was also taken of new channels entering the national market under consideration during the reference period.

8 This is obtained by determining the number of channels achieving or exceeding the minimum of 10% and applying that figure to the total number of channels concerned by Article 5 of the Directive in each Member State.

9 In practice, a majority of Member States have made use of this option (e.g. exclusion of studio productions in Italy, positive definition of the works to be included in Germany, 60% requirement for transmission of European works in France, 25% allocation to works by independent producers in the United Kingdom and the Netherlands, etc.).

10 This figure is based on the data published by the European Audiovisual Observatory in its 1999, 2000 and 2001 yearbooks. It includes the national channels (with terrestrial broadcasting licence), national channels (cable and/or satellite and/or DTT, no analogue terrestrial transmission), foreign dedicated channels and channels intended for

around 550 in January 1999 and 670 in January 2000. The total number of channels as at January 2001 was around 820.

The number of channels concerned by Articles 4 and 5 of the “Television without Frontiers” Directive¹¹ continued to increase overall compared with the previous period (1997-1998) and within the reference period of this report (1999-2000), reflecting the dynamism in European audiovisual supply. This increase was considerable in most European Union countries, and particularly so in countries such as Spain, France, Italy, Sweden and the United Kingdom.

As regards methodology¹², some Member States still failed to provide full information, particularly with regard to cable and/or satellite television channels (which are often omitted from national reports). The Commission would therefore point out that the obligation set out in Article 4.3 applies to each of the television programmes within the jurisdiction of the Member State concerned¹³. Terrestrial television, on the other hand, is covered more or less exhaustively in the Member States' reports.

foreign markets. It does not, however, include non-networked regional/local broadcasts, local stations and regional or local channels.

11 The reporting obligation under Article 4(3) applies to all transmissions by broadcasters within the jurisdiction of a Member State, with the following exceptions:

- Articles 4 and 5 do not apply to “news, sports events, games, advertising, teletext services and teleshopping”.
- Article 9 provides that Articles 4 and 5 do not apply to “television broadcasts that are intended for local audiences and do not form part of a national network”.
- Recital 29 of the Directive states that “channels broadcasting entirely in a language other than those of the Member States should not be covered by the provisions of Articles 4 and 5”.
- Article 2(6) provides that the Directive does not apply to broadcasts intended exclusively for reception in third countries, and which are not received directly or indirectly by the public in one or more Member States.

In principle, therefore, the national reports do not cover:

- channels broadcasting exclusively “news, sports events, games, advertising, teletext services and teleshopping”;
- broadcasts “intended for local audiences” and which “do not form part of a national network”, irrespective of the means of transmission;
- channels broadcasting exclusively in a language which is not one of the official languages of one or more Member States;
- broadcasts covered by Article 2(6), i.e. those intended exclusively for reception in third countries and which cannot be received in a Member State.

12 It is worth adding that the nature and intensity of controls are often variable between Member States: daily monitoring of programming, statistical reports, surveys, sampling, estimates in some cases, etc. Furthermore, they may be carried out by the sector’s independent regulatory authority or, in some cases, directly by the competent government department.

13 The second paragraph of Article 4.3 states that “[the] report shall in particular include a statistical statement on the achievement of the proportion referred to in [Article 4] and Article 5 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.”

Reference period	1991-1992	1993-1994	1995-1996	1997-1998	1999	2000
Number of channels	124	162	214	367	352	400

The second conclusion concerns the average transmission time reserved for European works by the channels with the highest viewing figures¹⁴ (cf. indicator 1):

- the average transmission time of European works for all European channels, in all Member States, was **60.68% in 1999 and 62.18% in 2000**, representing a **1.50 point increase over the reference period**;
- depending on the Member State in question, the average transmission time varied between **52.94% and 71.46%¹⁵ in 1999 and between 55.33% and 71.18% in 2000¹⁶**, with the exception of Portugal¹⁷ (48.7% in 1999 and 49.5% in 2000) and Luxembourg (100% in 1999 and 2000);
- the trend in the broadcasting of European works, in terms of number of channels, **was upward in 12 Member States. It was stable in one Member State and (very slightly) downward in the other two. The overall trend was therefore positive over the reference period.**

The third conclusion refers to the total number of channels which achieved or exceeded the majority proportion of their transmission time of European works over the reference period (cf. indicator 2):

- the average compliance rate for all European channels in all Member States was **68.58% in 1999 and 72.50% in 2000**, representing a **3.93 point increase over the reference period**. This is a particularly impressive figure given the considerable increase in the number of channels, essentially special-interest channels, over the same period;
- the compliance rates for all types of channel varied, according to the Member State under consideration, **between 55% and 100% in 1999 and between 53% and 100% in 2000, with the exception of Italy which did not meet the majority proportion of transmission time (42% in 1999 and 49% in 2000)**;
- the average compliance rate, in terms of number of channels of all types, **rose in nine Member States, was stable in four and fell in two. The overall trend was therefore positive.**

The fourth conclusion concerns the general trend, in terms in terms of number of channels of all types, in the scheduling of European works over the reference period (cf. indicator 3).

- The national reports revealed **an upward trend in 14 Member States, the level in the fifteenth remaining stable. The general trend was therefore positive overall over the reference period.**

14 In practice, with a few exceptions, the data on the proportion of transmission time allocated covered all channels with over 3% of the audience share for each of the years under consideration.

15 One country had a slightly higher figure but has not been included here because, in the absence of full data, it did not include all the channels concerned with an audience share of over 3% over the reference period.

16 One country had a slightly higher figure but has not been included here because, in the absence of full data, it did not include all the channels concerned with an audience share of over 3% over the reference period.

17 Portugal, however, in accordance with the principle of progressive achievement of the target, made striking progress compared with the previous period (43.4% in 1997-1998) and approached the 50% threshold in 2000.

In conclusion, these generally positive results — most indicators showing an increase over the reference period — would appear to suggest that the objectives of the “Television without Frontiers” Directive are being achieved.

The table below shows the situation of implementation of Article 4 of the Directive across the Community over the period concerned.

EUROPEAN WORKS (ARTICLE 4 OF THE “TELEVISION WITHOUT FRONTIERS” DIRECTIVE)

MS	Total number of channels concerned by Article 4 (source: Member States' reports)			Indicator 1 Average % transmission time of European works (channels with the highest viewing figures ¹⁸)			Indicator 2 Compliance rate (% channels achieving or exceeding the majority proportion)			Indicator 3 General trend in the transmission of European works
	1999	2000	Growth	1999	2000	Growth	1999	2000	Growth	Growth (number of channels)
A	3	3	0	56.6	58.8	2.2	66.66	66.66	0	positive
B	17	18	1	59.29	60.23	0.94	57	67	10	positive
DE	23	24	1	60.22	63	2.78	61	62.5	1.5	positive
DK	5	7	2	60.66	61	0.34	80	71.4	-8.6	positive
GR	10	11	1	71.46	71.18	-0.28	100	100	0	positive
ES	40	45	5	52.94	58.50	5.56	70	78	8	positive
F	54	59	5	67.42	69	1.58	63	71	8	positive
IRL	4	4	0	54.17	55.33	1.16	75	75	0	stable
IT	38	43	5	65.9	65.98	0.08	42	49	7	positive
LUX	10	11	1	100	100	0	70	91	21	positive
NL	18	21	3	68	67.6	0.40	61	67	6	positive
P	7	9	2	48.7	49.5	0.8	71	78	7	positive
FIN	4	4	0	66.25	69.5	3.25	100	100	0	positive
SV	22	25	3	73.83 ¹⁹	74.45 ²⁰	0.62	57	58	1	positive
UK	97	116	19	64	68.8	4.8	55	53	-2	positive
Total	352	400	48							
EU average				60.68	62.18	1.50	68.58	72.50	3.93	

18 With certain exceptions, all channels with over 3% audience share (whole day) over each of the two years under consideration have been included.

19 TV 3 AB (audience share of 10.8% in 1999 and 11.4% in 2000) and TV 5 AB /Kanal 5 (audience share of 5.9% in 1999 and 6.1% in 2000) were not included because there were no data for 1999 (digital transmission began in 2000). In 2000, the average level for the following five channels: SVT 1, SVT 2, TV4, TV 3 AB, TV 5 AB/ Kanal 5 was 51.97% (transmission of European works).

20 Cf. note above.

1.1.2. Assessment at national level

Austria

ORF 1 and ORF 2, which together represented an audience share of 57.5% in 1999 and 55.6% in 2000, on average broadcast 56.6% and 58.8% of European works in 1999 and 2000 respectively, representing an average increase of 2.2 points over the reference period.

- Over the entire reference period, of a total of three channels mentioned in the report, two exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. Only ORF 1 was significantly below this threshold (34% in 1999, 36.6% in 2000). The compliance rate, in terms of number of channels, over the whole period was therefore 66.66%.

The reasons for the case of non-compliance were given in the report. Main points made were that the proportion of European works broadcast was increasing, German productions were becoming more popular (particularly television films). The report underlined the parallel increase in transmission of European works on ORF 2 which belongs to the same broadcasting organisation. No particular measure had been taken or was envisaged to rectify the situation.

The Commission observes that Austria is in the specific situation of a country with low audiovisual production capacity. However, in the case of ORF 1, it would point out that one of the reasons for the proportion defined in Article 4.1, which applies each year, is to ensure equal competition between all television programmes of broadcasters falling within the jurisdiction of the Member State concerned²¹.

- Of the three channels mentioned in the report, two were increasing the proportion of their transmission time allocated to European works and one was decreasing it. The general trend, in terms of number of channels of all types, was an overall increase in scheduling of European works over the reference period.

Belgium²²

French Community

The channels RTBF 1, RTBF 2, RTL-Tvi and Club, which together represented an audience share²³ of 43.4% in 1999 and 44.8% in 2000, broadcast an average of 66.83% and 67.20% European works in 1999 and 2000 respectively, representing an average increase of 0.38 points over the reference period.

21 Cf. the second paragraph of Article 4.3 of the Directive and point 2.2 of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the “Television without Frontiers” Directive, dated 11 June 1999.

22 Because two separate reports were sent in, a distinction has been made in the assessment between the channels of the French Community and those of the Flemish Community. The figures were aggregated for the Community-level assessment (cf. above). The Commission would also point out that channels RTL TVi and Club RTL are identical to those broadcast by CLT S.A. in Luxembourg. This being the case, they are included in the reports of both these countries. The same applies to Liberty TV, which is included in both the Belgian and Luxembourg reports.

23 Notable is the high penetration of the French channels TF1, France 2 and France 3, which represented an audience share of over 30% over the reference period.

- In 1999, of a total of eight channels covered by Article 4 of the Directive²⁴, four exceeded the majority proportion of transmission time laid down in that Article. RTL-TVI was the only channel to remain slightly below this threshold (49.1%). No figures were supplied for three channels²⁵. The compliance rate in terms of number of channels was therefore 50%.

For 2000, of a total of eight channels covered by Article 4 of the Directive, five exceeded the majority proportion of transmission time laid down in that Article. No data were provided for three channels²⁶. The compliance rate in terms of number of channels was therefore 62.5%.

The case of RTL-Tvi aside, there was, according to the report, no need for any particular measures. Concerning the two variants of the basic Canal + programme, the report indicated that a sampling-based system for measuring programme transmission would be put in place in 2002.

The Commission would point out that the proportion defined in Article 4.1 applies, for each year, to each of the television programmes falling within the jurisdiction of the Member State concerned. All these programmes must supply data providing an appropriate basis for measuring the extent to which the proportions provided for by Article 4 of the Directive are progressively being achieved²⁷.

- Of the five channels for which full data were supplied for the reference period, two were increasing the proportion of their transmission time allocated to European works, and three were reducing it. The general trend, in terms of number of channels of all types, in the programming of European works over the reference period was therefore downward overall.

Flemish Community

- The channels VRT TV1, VRT Canvas/ Ketnet, VMM-VTM, VMM-Kanaal 2, which together accounted for an audience share of 63.7% in 1999 and 66.1% in 2000, broadcast an average of 51.75% and 53.25% of European works in 1999 and 2000 respectively, representing an average 1.5 point increase over the reference period.

- For 1999, of a total of nine channels mentioned in the report, four exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, while five were well below it. These were Kanaal 2 (25%) and the special-interest channels of the Canal + group, which had a proportion of 20% or lower (Canal+ grijs, Canal+ blauw, Canal+ geel, Canal+ 16/9). The compliance rate, in terms of number of channels, was 44%.

For 2000, of a total of ten channels mentioned in the report, 5 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, while four were well below it. These were: Kanaal 2 (30%) and the special-interest channels of the Canal + group, which ranged from 27% to 42% (Canal+ grijs, Canal+ blauw, Canal+ 16/9). Canal + geel provided no data²⁸. The compliance

²⁴ The channels HSE, devoted exclusively to teleshopping, and Canal Z, devoted exclusively to economic and financial news, were not included.

²⁵ In addition to Liberty TV, for which there were no data, the report indicated that two further Canal + channels were not mentioned (lack of data).

²⁶ In addition to Liberty TV, for which there were no data, the report indicated that two further Canal + channels were not mentioned (lack of data).

²⁷ Cf. second paragraph of Article 4.3 of the Directive and point 2.2 of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the "Television without Frontiers" Directive, dated 11 June 1999.

²⁸ According to the report, this channel was replaced by Canal+ 16/9 as from 5 December 1999.

rate in terms of number of channels was 50%.

The reasons for the cases of non-compliance were stated. In the case of Kanaal 2, the report cited the increase in the proportion of European works and the fact that the channels of the VMM broadcasting organisation taken together exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. In the case of the Canal + group's channels, the reason was essentially the special-interest nature of their programmes (films).

Concerning Kanaal 2, the Commission would point out that the proportion laid down in Article 4.1 applies to all television programmes of a broadcaster falling within the jurisdiction of the Member State concerned. Finally, in general terms, the Commission notes the progress achieved over the reference period by all the channels below the target, in line with the principle of progressive improvement.

- Of the eight channels for which full data were supplied, seven had increased the proportion of their transmission time allocated to European works and one was stable (at 100%) over the reference period. The trend, in terms of number of channels of all types, in the scheduling of European works was therefore upward overall over the reference period.

German-speaking Community no report was received from the Belgian authorities.

Germany

- ARD, ZDF, Kabel 1, ProSieben, RTL, RTL 2, SAT 1, which together represented an audience share of 83.40% in 1999 and 83.3% in 2000 broadcast on average 60.22% and 63% European works in 1999 and 2000 respectively, representing an average 2.78 point increase over the reference period.
- For 1999, of a total of 23 channels mentioned in the report²⁹, 14 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, seven were below it and two (albeit news channels) supplied no data³⁰. The compliance rate in terms of number of channels was 61%. For 2000, of a total of 24 channels mentioned in the report, 15 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, seven were below it and no data were provided for two³¹. The compliance rate, in terms of number of channels of all types, was 62.5%.

The seven channels which were below the target for the whole of the reference period were: Kabel 1 (25.4% in 1999, 27.90% in 2000), ProSieben (46,20% in 1999, 46 in 2000), RTL 2 (36% in 1999, 46% in 2000), Super RTL (33,70% in 1999, 38.20% in 2000), 13 TH Street (20% in 1999, 17% in 2000), Première (35% in 1999, 33.1% in 2000), Studio Universal (30% in 1999, 35% in 2000).

The reasons for the cases of non-compliance were stated. These included, depending on the case: recency of the channel, its means of operation (pay TV), the special-interest nature of the programmes, or the channel's structure. Concerning remedial measures adopted or envisaged, the report made reference to ongoing dialogue with the various broadcasters.

²⁹ In contrast to the preceding report (1997-1998 period), Deutsche Welle TV was not mentioned.

³⁰ These were channels N-TV and VH 1.

³¹ These were channels N-TV and VH 1.

The Commission notes in particular the recurring difficulties of the three channels with an audience share of over 3%: Kabel 1, ProSieben and RTL 2. However, the two latter channels were very close to achieving the target in 2000.

- Of the 21 channels for which complete data were provided, 11 increased the proportion of their transmission time allocated to European works, four were stable and six reduced it over the reference period. The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

Denmark

- The channels DR 1, TV2 and TV Danmark, which together represented an audience share of 71.9% in 1999 and 72% in 2000, broadcast an average of 60.66% and 61% European works for 1999 and 2000 respectively, representing a 0.34 point increase over the reference period.

- For 1999, of a total of five channels mentioned in the report, four exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. Only TV Danmark was below this threshold (36%). The compliance rate, in terms of number of channels, was 80%.

For 2000, of a total of seven channels mentioned in the report, five exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, while two — TV Danmark (42%) and TV 2 Zulu (41% in 2000) — were below it. The compliance rate, in terms of number of channels, was 71.40%.

The report gave the reasons for the cases of non-compliance. TV Danmark has recorded constant growth since 1997 and, according to the estimates submitted, further growth is likely in 2001. TV 2 Zulu, on the other hand, is a recent channel which only began broadcasting on 15 October 2000.

The Commission observes that Denmark is in the specific situation of a country with low audiovisual production capacity and restricted language area, and notes the progress made over the reference period, in accordance with the principle of progressive improvement.

- Of the five channels with complete data, two increased the proportion of their transmission time allocated to European works, one remained stable (at 100%), and two showed a reduction over the reference period. To this should be added the results of two new entrants to the market which devote a large part of their broadcasting schedule to this type of work. The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

Greece

- The channels ET 1, NET, ALPHA, ANTENNA, STAR and MEGA CHANNEL, together representing an audience share of 83.4% in 1999 and 83.7% in 2000, broadcast an average of 71.46% and 71.18% European works in 1999 and 2000 respectively, representing a slight 0.28 point drop over the reference period.

- The Commission observes that all the channels mentioned in the report exceeded the majority proportion of transmission time laid down in Article 4 of the Directive over the entire reference period (with levels varying between 51.9% and 96.04%). The compliance rate, in terms of number of channels of all types, was 100%.
- Of the ten channels for which complete data were available, eight increased the proportion of their transmission time allocated to European works and two reduced it over the reference period. To this should be added the new channel TEMPO, which devotes over 50% of its broadcasting schedule to European works. The general trend, in terms of number of channels of all types, in the scheduling of European works was upward overall over the reference period.

Spain

- The channels TVE 1, TVE 1/ La 2, Telecinco and Antena 3, together representing an audience share of 76.8% in 1999 and 76.2% in 2000, broadcast an average of 52.94% and 58.50% European works in 1999 and 2000 respectively, representing an average 5.56 point increase over the reference period.
- For 1999, of a total of 40 channels mentioned in the report, 28 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, and 12 were below it. These were the terrestrial channel Telecinco (45.40%) and the following satellite channels: TCM (20%), AXN (22.5%), Alucine (37.45%), Fox kids (38.70%), Cinemania (30.9%), Disney Channel (18.61%), Nickelodeon (2.10%), Calle 13 (10.6%), Gran Via (25.55%), Gran Via 2 (25.85%) and Gran Via 3 (35.33%). The compliance rate, in terms of number of channels of all types, was 70%.

For 2000, of a total of 45 channels mentioned in the report, 35 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, while 10 were below it. The ten concerned were the satellite channels TCM (30.66%), AXN (27.70%), Alucine (32.04%), Fox kids (44.90%), Cinemania (37.70%), Disney Channel (24.53%), Nickelodeon (19.80%), Calle 13 (16.89%), Gran Via (40.06%) and Studio Universal (9.13%). The compliance rate, in terms of number of channels of all types, was 78%.

The report indicated the reasons for the cases of non-compliance. With the exception of Telecinco, which rectified the situation in 2000, these were digital satellite channels concentrating mainly on special-interest programmes. Spanish legislation has established two transitional provisions for this type of channel: the possibility of reserving 40% of air time for European works in the first year of broadcasting, and the counting of pay channels offered to subscribers in one inseparable bundle as one channel. One measure envisaged by the competent authorities is to issue a formal request to the operators concerned to rectify the situation.

The Commission notes the progress achieved by most of these channels over the reference period, in accordance with the principle of progressive improvement.

- Of the 40 channels for which full data are available for the reference period, 24 increased the proportion of their transmission time allocated to European works, two showed no change (maintaining the 100% maximum) and 14 showed a reduction. Mention should be made of the five new entrants to the market, four of which devote the majority of their broadcasting schedule to European works. In terms of the number of channels of all types, scheduling of European works showed a general upward trend over the reference period.

France

- The channels TF1, France 2, France 3, M6 et Canal +, together representing an audience share of 91.8% in 1999 and 89.1% in 2000, broadcast an average of 67.42% and 69% European works in 1999 and 2000 respectively, representing an average 1.58 point increase over the reference period.
- For 1999, of a total of 54 channels mentioned in the report, 34 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, while for 10 no data were available. The ten channels failing to meet the target were: AB1 (25%), Action (20%), Cinéfaz (24%), Cinéstar 1 (45%), Cinéstar 2 (43%), Cinétoile (48%), Histoire (40%), Kiosque (32%), Mangas (33%) and 13ème Rue (17%). The compliance rate, in terms of number of channels of all types, was 63%.

For 2000, of a total of 59 channels mentioned in the report, 42 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. No data were available for 5 channels. The 12 (cable) channels which failed to meet the target were: AB1 (30%), Action (23%), Mangas (34%), CinéCinema 1 2 3 (48%), Canal Jimmy (43%), Cinéfaz (45%), Cinéstar 2 (49%), Multivision (44%), Odyssée (46%), Polar (43%), RFM TV (43%) and 13ème Rue (34%). The compliance rate, in terms of number of channels of all types, was 71%.

The report indicated the reasons for the cases of non-compliance: dedicated (cinema) and/or recent nature of the channel, type of operation (pay-per-view). The Commission observes that measures had been taken or were envisaged by the competent authority for all cases of non-compliance: formal demand for the broadcasters to comply, penalty procedures including financial penalties.

- Of the 42 channels for which full data were available for the reference period, 29 increased the proportion of their transmission time allocated to European works, two showed no change and 11 a reduction. Again, account should be taken of the new entrants to the market: four of these five new channels gave over a majority of their broadcasting schedule to European works. In terms of number of channels of all types, there was a general upward trend in the scheduling of European works over the reference period.

Ireland

- The channels RTE 1, Network 2 and TV3 which together accounted for an audience share of 54.4% in 1999 and 2000, broadcast an average of 54.17% and 55.33% European works in 1999 and 2000 respectively, representing an average increase of 1.17 points over the reference period.
- Over the reference period, of a total of four channels mentioned in the report, three exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. Only TV 3 was — very slightly — below this limit (49.5% in 1999, 49% in 2000). The compliance rate, in terms of number of channels, was 75%.

The reasons for the case of non-compliance were not given in the report and no corrective measures taken or envisaged were mentioned. However, the Commission observes that the operator concerned was very close to the majority proportion of transmission time over the whole of the reference period and that Ireland is in the specific situation of a country with low audiovisual production

capacity and/or restricted language area. In view of the requirement for progressive improvement, efforts to increase this proportion should be pursued.

- Of the four channels mentioned in the report, two increased the proportion of their transmission time allocated to European works and the other two reduced it. The general trend, in terms of number of channels, was therefore stable over the reference period.

Italy

- The channels Rai Uno, Rai Due, Rai Tre, Canale 5, Italia Uno and Retequattro, which together accounted for an audience share of 90.2% in 1999 and 90.7% in 2000, broadcast an average of 65.90% and 65.98% European works in 1999 and 2000 respectively, representing a very slight increase (0.09 points) over the reference period.

- For 1999, of a total of 38 channels covered by Article 4 of the Directive³², 16 exceeded the majority proportion of transmission time laid down in that Article. No figures were available for nine channels. 13 failed to meet the majority proportion of transmission time. These were the terrestrial channels Italia Uno (41.25%), Tele + Nero (34.77%), Tele + Bianco (38.67%), TMC/ La 7 (43.86%) and the satellite channels Coming Soon Television (8.5%), Disney Channel (20%), Cineclassics (47%), Stream verde (0%), Tele + Grigio (48.82%), Tele + 16/9 (46.13%), Tele + Nero (34.77%), Palco (45.91%) and Tele + Bianco (38.67%). The compliance rate, in terms of number of channels of all types, was 42%.

For 2000, of a total of 43 channels covered by Article 4 of the Directive³³, 21 exceeded the majority proportion of transmission time laid down in that Article. No figures were available for nine channels. 13 channels failed to meet the majority proportion of transmission time. These were the terrestrial channels Italia Uno (39.66%), Tele + Nero (38.87%), Tele + Bianco (41.77%), and the following satellite channels: Coming Soon Television (8.5%), Disney Channel (28%), Fox Kids (36%), Duel (12%), Comedy Life (25%), Stream verde (0%), Tele + 16/9 (41.18%), Tele + Nero (38.87%), Palco (42.74%), Tele + Bianco (41.77%). The compliance rate, in terms of number of channels of all types, was 49%.

The reasons for cases of non-compliance were given in the report. For the terrestrial channels, for example, it was pointed out in the case of Italia Uno and TMC/la 7 that the group's channels taken together³⁴ do in fact meet the majority proportion of transmission time laid down in Article 4 of the Directive. In the case of Tele + Nero and Tele + Bianco, which are transmitted both terrestrially and by satellite, the report states that the same method is used, but that these channels nevertheless failed to meet the minimum proportion of transmission time. No particular measure has been taken or is envisaged to rectify the situation, particularly with regard to the terrestrial broadcasters.

³² No account was taken of channels broadcasting exclusively “*news, sports events, teleshopping*” or those broadcasting exclusively in a language which was not an official language of one or more Member States of the European Union, which accounted for a total of 22 channels.

³³ No account was taken of channels broadcasting exclusively “*news, sports events, teleshopping*” or those broadcasting exclusively in a language which was not an official language of one or more Member States of the European Union, which accounted for a total of 22 channels.

³⁴ The report explains that, under Italian law supplemented by a decision by the competent authority (*Autorita per le Garanzie nelle Comunicazioni*), where several channels belong to or are controlled by a single operator, the quota is determined on the basis of the channels’ overall schedules, with a minimum of 20% for each.

The reasons for non-compliance in the case of the remainder of the satellite channels were also specified in the report³⁵. These were the special-interest and/or recent nature of the channel, channels which were subsidiaries of non-EU companies and essentially broadcast their own catalogue material, or the programming method (near-video-on-demand).

The Commission observes that the compliance rate, in terms of number of channels of all types, over the reference period was relatively low but increasing. In the case of Italia Uno³⁶, TMC/ la "7"³⁷, Tele + Nero, Tele + Bianco and the satellite channels, the Commission would point out that the majority proportion of transmission time laid down in Article 4.1 applies each year with a view in particular to ensuring equal competition for all the television programmes of broadcasters falling within the jurisdiction of the Member State concerned³⁸.

- Of the 28 channels for which data for the reference period were available, 20 increased the proportion of their transmission time allocated to European works, one channel remained at zero, and seven registered a reduction. The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

Luxembourg³⁹

- RTL Télé Lëtzebuerg, which represented an audience share of 58.6%⁴⁰ in 1999-2000, broadcast 100% European works in 1999 and 2000, the situation therefore showing no change over the reference period.
- For 1999, of a total of ten channels mentioned in the report, seven exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, representing a compliance rate of 70% in terms of number of channels. The three channels failing to meet this proportion of transmission time were: RTL 9 (40.50%), RTL Tvi (49.10%) and RTL 5 (46%). For 2000, of a total of 11 channels mentioned in the report, ten exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, only RTL 4 showing a slight shortfall (49%). The compliance rate, in terms of number of channels, was 91%.

The reasons for the cases of non-compliance were given in the report: thematic focus (RTL 5 in 1999), economic restructuring (RTL 9). The report also emphasised that the pairs of channels (RTL 4 together with RTL 5 and Tvi Club together with Club RTL) met the minimum proportion of transmission time overall for the period 1999-2000. No particular measure has been adopted or is envisaged by the competent authorities.

The Commission would point out that the proportion of transmission time defined in Article 4.1 of

³⁵ The data, obtained on the basis of self-certification by the broadcasters, and the reasons put forward, are currently being assessed.

³⁶ This channel had an audience share of over 11%.

³⁷ As from 2000, TMC/La 7 did in fact meet the minimum quota (57.83%).

³⁸ Cf. second paragraph of Article 4.3 of the Directive and point 2.2 of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the "Television without Frontiers" Directive, dated 11 June 1999.

³⁹ The Commission would point out that channels RTL TVi and Club RTL are those identical broadcast by CLT S.A. in Luxembourg. They are therefore included in the reports of both countries. The same applies to Liberty TV, which is included in both the Belgian and Luxembourg reports.

⁴⁰ This refers to the prime time audience share (the rate drops to 14.3% for the day overall).

the “Television without Frontiers” Directive applies to each of the television programmes of broadcasters falling within the jurisdiction of the Member State concerned⁴¹ for each year under consideration. It also observes that, in accordance with the principle of progressive improvement, there was a clear improvement over the reference period resulting in a positive situation in 2000 (only one operator was slightly below the minimum proportion of transmission time).

- Of the eight channels for which full data were available for the reference period, three increased the proportion of their transmission time allocated to European works, three were stable (two at 100%) and two showed a decrease. The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was upward overall.

Netherlands

- The channels Ned 1, Ned 2/ TV 2, Ned 3, Veronica and SBS 6, which together accounted for an audience share of 53.1% in 1999 and 52.7% in 2000 broadcast an average of 68% and 67.6% of European works in 1999 and 2000 respectively, representing a slight drop (0.4 points) over the reference period.

For 1999, of a total of 18 channels mentioned in the report, 11 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, and no data were available in the case of one channel. The six which failed to meet the proportion of transmission time were: SBS 6 (46%), Film 1 (44%), Net 5 (40%), Veronica (49%), Canal + 1 (24%), Canal + 2 (17%). The compliance rate, in terms of number of channels, was 61%.

For 2000, of a total of 21 channels mentioned in the report, 14 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, and no data were available in the case of one channel. The seven channels failing to meet the proportion of transmission time were: Net 5 (49%), Veronica (45%), Canal + 1 (23%), Canal + 2 (26%), Film 1 (49%), Innergy (39%), FilmTime (17%). The compliance rate, in terms of number of channels of all types, was 67%.

The reasons for the cases of non-compliance were specified in the report: special interest and/or recent nature of the channel, insufficient European works available (lifestyle channel, temporary derogation). The Commission welcomes the adoption by the Dutch Media Authority of guidelines to facilitate controls, which entered into force on 1 January 2002.

- Of the 16 channels for which full data were available for the reference period, nine increased the proportion of their transmission time allocated to European works, two showed no change and five registered a reduction. There were three new market entrants, who varied in the proportion of European works in their broadcasting schedule (ranging from 17% to 76%). The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

⁴¹ Cf. second paragraph of Article 4.3 of the Directive and point 2.2 of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the “Television without Frontiers” Directive, dated 11 June 1999.

Portugal

- The channels RTP 1, RTP 2, SIC and TVI, which together accounted for an audience share of 94.4% in 1999 and 92.9% in 2000, broadcast an average of 48.7% and 49.5% European works in 1999 and 2000 respectively, representing an average 0.8 point increase over the reference period.
- For 1999, of a total of seven channels mentioned in the report⁴², five exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. The two channels which failed to meet the proportion of transmission time were: SIC (44.8%), TVI (30.5%). The compliance rate, in terms of number of channels, was 71%.

For 2000, of a total of nine channels mentioned in the report⁴³, seven exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. The two channels which failed to meet the proportion of transmission time were the same as for 1999, i.e. SIC (34.8%) and TVI (36.5%). The compliance rate, in terms of number of channels, was 78%.

The reasons for the two cases of non-compliance were given in the report. The competent authorities acknowledged that SIC had not met the objective but observed that the proportions achieved were close to the minimum proportion of transmission time, and that the proportion for the groups channels taken together was around 70%. In the case of TVI, the most recent operator to penetrate the Portuguese market, they pointed out that there had been steady progress and referred to the specific characteristics of the Portuguese market (production, advertising, etc.).

As far as measures were concerned, the report stated that the competent authorities had drawn the attention of the operators concerned, in particular TVI, to the situation in the course of regular dialogue but did not intend to take action in view of the considerable progress made.

The Commission observes that Portugal is in the specific situation of a country with low audiovisual production capacity and/or restricted language area and that, in overall terms, considerable progress has been made compared with the previous reference period⁴⁴. It also observes, however, that there has been a sharp deterioration over the current reference period in the proportion scheduled by SIC, which has a dominant audience share on the Portuguese market (over 44%). In this regard, it would point out that the proportion of transmission time laid down in Article 4.1 applies each year to all the television programmes of broadcasters within the jurisdiction of the Member State concerned, with a view, in particular, to ensuring equal competition⁴⁵.

- Of the seven channels for which full data were available for the reference period, three increased the proportion of their transmission time allocated to European works, while four reduced it. However, two new special-interest channels devoting the essential part of their broadcasting schedule to European works entered the Portuguese market in 2000 (levels ranging from 77.1% to 98.2%). The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

⁴² The report included the sports channel Sport TV Portugal.

⁴³ Cf. note above.

⁴⁴ The channels with the largest audience share broadcast 43.4% European works for the period 1997-1998. These figures showed a clear improvement in 1999 and 2000, with 48.7% and 49.5% respectively.

⁴⁵ Cf. second paragraph of Article 4.3 of the Directive and point 2.2 of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the "Television without Frontiers" Directive, dated 11 June 1999.

Finland

- The channels TV 1, TV 2, MTV 3 and Nelonen, which together accounted for an audience share of 95% in 1999 and 94.2% in 2000, broadcast an average of 66.25% and 69.5% European works in 1999 and 2000 respectively, representing an average 3.25 point increase over the reference period.
- Over the reference period, all four channels referred to in the report exceeded the majority proportion of transmission time laid down in Article 4 of the Directive (proportions varying between 52% and 86% in 1999 and 53% and 85% in 2000). The compliance rate, in terms of number of channels, was 100%.
- Of the four channels referred to in the report, three increased the proportion of their transmission time allocated to European works and one showed a very slight reduction (1%). The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

Sweden

- The channels SVT 1, SVT 2 and TV 4, which together accounted for an audience share⁴⁶ of 74.2% in 1999 and 71.9% in 2000, broadcast an average of 73.83% and 74.45% of European works in 1999 and 2000 respectively, representing an average 0.62 point increase over the reference period.
- For 1999, of the 21 channels referred to in the report⁴⁷, 12 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. The nine which failed to meet this proportion of transmission time were: TV 1000 (26%), Cinema (25%), « 6 » (42%), Canal + (23%), Canal + Gul (25%), Canal + Bla (20%), Kiosk (12%), CineCinemas (5.75%) and NolleTtan Television (47%). The compliance rate, in terms of number of channels of all types, was 57%.

For 2000, of a total of 26 channels mentioned in the report⁴⁸, 15 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive, and for one channel no data was supplied. The ten channels failing to meet the proportion of transmission time were: TV 3 AB (17%), TV5 AB (19.5%), TV 1000 (24%), Cinema (23%), Z TV (19%), Canal + (32%), Canal + Gul (36%), Canal + Bla (36%), Kiosk (14.1%) and CineCinemas (23%). Of particular note is that channels “6” (50%) and NolleTtan Television (100%) are now meeting the majority proportion of transmission time laid down in Article 4 of the Directive. The compliance rate, in terms of number of channels of all types, was 58%.

The reasons for the cases of non-compliance were given in the report and comprised the recency of the channel, the special-interest nature (film) of some channels and/ their operating method (pay TV), the shortage of good quality European films or the competitive price of USA productions compared with Swedish and European productions.

The Commission acknowledges that measures have been taken or are envisaged for the cases of

⁴⁶ This did not include TV 3 AB (audience share of 10.8% in 1999 and 11.4% in 2000) and TV 5 AB/Kanal 5 (audience share of 5.9% in 1999 and 6.1% in 2000) because of the absence of data for 1999 (began digital transmission in 2000). In 2000, the average level for the five channels: SVT 1, SVT 2, TV4, TV 3 AB, TV 5 AB/ Kanal 5 was 51.97% (European works broadcast).

⁴⁷ The following must be considered exempt: SVT 24, ViaSat Sport, DTU TV, TV Butiken.

⁴⁸ The following must be considered exempt: SVT 24, ViaSat Sport, DTU TV, TV Butiken.

non-compliance (request for increased buying of European programmes and seeking out European films of good quality). In the case of channels TV 3 AB and TV 5 AB/ Kanal 5, which have a large audience share, the Commission would point out in respect of 1999 that there is an obligation to provide the data on application of Article 4 of the Directive, irrespective of the means of transmission of the channels concerned (analogue and/or digital).

- Of the 20 channels for which complete data were available for the reference period, 12 increased the proportion of their transmission time allocated to European works, five showed no change and three a reduction. The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was therefore upward overall.

United Kingdom

- The channels BBC 1, BBC 2, ITV, Channel 4 and Channel 5, which together accounted for a market share of 86.1% in 1999 and 83.5% in 2000, broadcast an average of 64% and 68.8% European works in 1999 and 2000 respectively, representing an average 4.8 point increase over the reference period.

For 1999, of a total of 97 channels covered by Article 4 of the Directive⁴⁹, 53 exceeded the majority proportion of transmission time laid down in that Article⁵⁰. The compliance rate for channels of all types was 55%.

The following 44 channels failed to meet the proportion of transmission time : 3+ Denmark (18%), Adult Channel (48%), Animal Planet (40%), Bravo (18%), Disney Channel UK (4 channels: 27%), Fox Kids UK (27%), Fox Kids Scandinavia (20%), Front Row⁵¹ (35%), God Channel (35%), History Channel (26%), Inspiration network (30%), Kanal 5 (22%), Living (37%), National Geographic (9%), Nickelodeon (29%), Nickelodeon Nordic (8%), Paramount Comedy Channel (23%), Play Boy TV (15%), Revival Channel (16%), Sci-Fi Channel (11%), Sky Cinema (13%), Sky Movie Max (7%), Sky One (46%), Sky Premier (8%), Studio Universal (46%), TCC Nordic (27%), Television X (33%), Turner Cartoon Network (28%), Carton Network (Dutch Language) (22%), Carton Network (Italian Language) (20%), Carton Network (Spanish Language) (12%), Carton Network (Nordic) (15%), TNT Classical Movies (11%), TCM (40%), TCM (Spanish language) (40%), TCM (French language) (40%), Trouble (20%), TV3 Denmark (22%), TV3 Norway (15%), TV3 Sweden (22%), VT4 (15%).

For 2000, of a total of 116 channels concerned by Article 4 of the Directive⁵², 62 exceeded the majority proportion of transmission time laid down in Article 4 of the Directive. No data were available for two channels. The compliance rate for channels of all types was 53%.

The following 52 channels failed to meet the proportion of transmission time : 3+ Denmark (10%), Biography Channel (5%), Bravo (15%), Channel Health (35%), Discovery Health (44%), Discovery Kids (48%), Disney Channel UK (4 channels: 31%), Film Four (44%), Fox Kids UK (38%), Fox Kids

⁴⁹ This does not include those exempted (51 channels) or which were non-operational over the period concerned.

⁵⁰ The report included the following six *news* and *sports events* channels: BBC News 24, Sky News, Sky Sports 1, Sky Sports 2, Sky Sports 3, Sky Sports extra.

⁵¹ Without the Barker Channel.

⁵² This does not include the exempted channels (51 channels) or those which were non-operational over the period concerned.

Scandinavia (36%), Front Row (with the Barker Channel) (48%), Front Row (without the Barker Channel) (37%), God Channel (36%), History Channel (21%), Inspiration network (40%), Kanal 5 (20%), Living (31%), National Geographic (16%), Nickelodeon (20%), Nickelodeon Nordic (11%), Paramount Comedy Channel (24%), Play Boy TV (18%), Private Blue (49%), Revival Channel (31%), Sci-Fi Channel (11%), Sky Cinema (17%), Sky Movie Max (4%), Sky One (34%), Sky Premier (9%), Sky Travel Channel (43%), Studio Universal (47%), Television X (44%), Turner Cartoon Network (36%), Cartoon Network (Boomerang) (21%), Cartoon Network (Dutch Language) (26%), Cartoon Network (French Language) (21%), Carton Network (Italian Language) (22%), Carton Network (Spanish Language) (21%), Carton Network (Nordic) (20%), TCM (41%), TCM (Spanish language) (40%), TCM (French language) (41%), Trouble (24%), TV3 Denmark (16%), TV3 Norway (8%), TV3 Sweden (12%), V+ Norway (13%), VT4 (16%), ZTV (46%).

The reasons for the cases of non-compliance were given in the report. These were the special-interest or recent nature of the channel, the difficulty in finding European programmes or in finding them at competitive prices, subsidiaries of companies based in non-member countries broadcasting programmes mostly from their own stock.

The Commission would point out that the proportion of transmission time laid down in Article 4.1 applies each year to each of the television programmes of broadcasters within the jurisdiction of the Member State concerned⁵³.

- Of the 96 channels for which complete data were available for the reference period, 45 increased the proportion of their transmission time allocated to European works, nine showed no change and 38 showed a reduction. The general trend, in terms of number of channels of all types, in the scheduling of European works over the reference period, was upward overall.

⁵³ Cf. second paragraph of Article 4.3 of the Directive and point 2.2 of the suggested guidelines for the monitoring of the implementation of Articles 4 and 5 of the “Television without Frontiers” Directive, dated 11 June 1999.

GENERAL CONSIDERATIONS

(i) Monitoring and control method

The Member States' reports refer to monitoring and control methods varying in form (actual records, monitoring of daily programmes, collection of data from broadcasters, survey, sampling, simple estimation in some cases, etc.) and sometimes differing according to the means of transmission (e.g. monitoring of daily programmes for terrestrial channels and survey for cable).

On this point, there was generally more monitoring and control of terrestrial and cable channels than of satellite channels, which in many cases were not mentioned in the reports received.

In this regard, the Commission would point out that the obligation under Article 4.3 of the "Television without Frontiers" Directive applies to each of the television programmes falling within the jurisdiction of the Member State concerned, irrespective of the means of transmission (terrestrial, satellite, cable – analogue and/or digital). A full list of all the channels covered by Article 4 of the Directive must therefore be provided.

(ii) Reasons for the cases of non-compliance (failure to meet majority proportion)

The majority of the Member States with channels under their jurisdiction which failed to meet the majority proportion of transmission time laid down in Article 4 of the Directive gave the following reasons.

a) – Grouping of channels belonging to the same broadcaster. Member States' reports often pointed out that the channels concerned, if taken together, met or exceeded the minimum proportion of transmission time laid down by the Directive.

This situation, which fails to guarantee equal competition between the various TV broadcasters and isolates the scheduling of European works on one or more specific channels, can in some cases lead to artificial aggregation of the results of "small" channels (in terms of audience share) or special-interest channels with those of a "major" general interest channel.

b) – Special-interest nature of the channels' programmes and progress achieved. In many cases, the special interest theme does not enable the minimum proportion of transmission time to be met (very specific niche market).

c) – Recency of the channel. Nevertheless, many of the new entrants broadcast a large proportion of European works in their first years of operation in order to penetrate the market concerned.

d) – Subsidiaries of non-EU companies. Such channels tend to make systematic use of their own catalogue material and rarely show European works.

In practice, these reasons are often combined in Member States' reports. The channels in question are often the same in the various Member States concerned.

(iii) Measures envisaged or adopted to remedy cases of non-compliance

Various types of measure are reported: ongoing dialogue, subjecting the channels concerned to surveillance, formal notices and proceedings against broadcasters.

There are, however, cases in which no measures have been taken or envisaged. In this regard, the Commission would point out the need for the Member States concerned to ensure increased control and monitoring of these channels and to ensure, where practicable and by appropriate means, that the television broadcasters concerned achieve the proportion of transmission time s laid down by Article 4 of the Directive, in accordance with the principle of progressive improvement.

1.2 Works by independent producers

1.2.1 Assessment at Community level

As a preliminary remark, with regard to methodology, certain Member States did not always provide comprehensive information, particularly in the case of the cable and/or satellite channels (sometimes omitted from national reports). In addition, complete data were not provided for some channels on the relative proportion of recent European works broadcast.

In this regard, the Commission would point out that the obligation under Article 4.3 applies to each of the television programmes falling within the jurisdiction of the Member State concerned. It is therefore the responsibility of those countries to provide a list of all the channels covered by Article 5 of the Directive and to supply full data on them.

The first conclusion concerns *average transmission time* (minimum of 10%) or, depending on the choice made by the Member State when transposing the Directive, *the average programming budget* (minimum 10%) reserved for European works by independent producers⁵⁴ (cf. indicator 1⁵⁵):

- the average proportion of works by independent producers broadcast by all European channels in all Member States, was 37.51% in 1999 and 40.47% in 2000, representing a 2.95 point increase over the reference period⁵⁶;
- the average proportion reserved for this type of work varied, depending on the Member State concerned⁵⁷, **between 21.17% and 59% in 1999 and 20.94% and 59.26% in 2000**;
- The general trend, in terms in terms of number of channels **showed an increase over the reference period in nine Member States, was stable in two Member States and dropped in four Member States. The overall trend was therefore positive.**

The second conclusion concerns the total number of channels of all types achieving or exceeding the minimum 10% (compliance rate) of European works by independent producers (cf. indicator 2):

- the average compliance rate for all European channels in all Member States was **85.02% in 1999 and 84.81% in 2000, representing a very slight drop of 0.21 points over the reference period**;
- the average compliance rate by Member State ranged **from 48% to 100% in 1999 and from 58% to 100% in 2000**;

⁵⁴ Within the meaning of recital 31 of the Directive, which provides that (non-exhaustive criteria): “(...) *Member States, in defining the notion of “independent producer”, should take appropriate account of criteria such as the ownership of the production company, the amount of programmes supplied to the same broadcaster and the ownership of secondary rights*”.

⁵⁵ Article 3.1 of the Directive gives the Member States the option of requiring broadcasters under their jurisdiction to comply with more detailed or stricter rules. In practice, most Member States made use of this option.

⁵⁶ In the specific case of Italy, the particularly high figures reflect the average degree to which the objectives in terms of investment in European works created by independent producers were met (alternative 2 under Article 5 of the Directive) rather than the average transmission time of this type of work.

⁵⁷ The figures for Italy were not included, as they reflected an investment obligation rather than a transmission obligation.

- the average compliance rate in terms of number of channels, **rose in six Member States, was stable in four and fell in five; the general overall trend was therefore positive over the reference period.**

The third conclusion concerns the general trend, in terms of number of channels of all types, in the proportion of transmission time allocated to works by independent producers (cf. indicator 3):

- the national reports revealed **an upward trend in 12 Member States, no change in one Member State and a downward trend in two Member States; the overall development was therefore positive over the reference period.**

The fourth conclusion refers to the average share (“adequate proportion”⁵⁸) allocated to recent European works by independent producers, *i.e.* works broadcast within five years of their production (cf. indicator 4):

- the average share, for all European channels in all Member States, allocated to recent works was **53.80% in 1999 and 55.71% in 2000, representing a 1.91 point increase over the reference period;**
- the average share allocated to this type of work **varied, according to Member State⁵⁹, between 13.48% and 81.4% in 1999 and 12.34% and 80.25% in 2000;**
- The general trend, in terms in terms of number of channels of all types, **was upward in eight Member States, stable in one and downward in six; the overall trend over the reference period remained positive.**
- The fifth conclusion applies to the general trend, in terms in terms of number of channels of all types, in the relative proportion of recent European works by independent producers (cf. indicator 5).
- The national reports showed an upward trend in 14 Member States, with no change in one Member State; the overall trend was therefore generally positive.

In conclusion, these positive results overall — most of the indicators showing an increase over the reference period — suggest that the objectives of the “Television without Frontiers” Directive are being achieved.

The table below gives a summary of the implementation of Article 5 of the Directive for the Community overall over the period concerned.

⁵⁸ Cf. the terms of the final sentence of Article 5 of the Directive: “[this proportion] *must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production.*”

⁵⁹ N.B.: the figures for Portugal do not reflect the actual proportion of recent European works in all European works by independent producers (theoretical level).

EUROPEAN WORKS BY INDEPENDENT PRODUCERS (ARTICLE 5 OF THE "TELEVISION WITHOUT FRONTIERS" DIRECTIVE)

MS	Total number of channels concerned by Article 5 (Source: Member States' reports)			Indicator 1			Indicator 2			Indicator 3	Indicator 4			Indicator 5
				Average transmission time or average programming budget reserved for European works by independent producers			Compliance rate (channels achieving or exceeding the minimum of 10%)				Average transmission time or average programming budget reserved for recent European works (by independent producers) ⁶⁰			
	1999	2000	Growth	1999	2000	Growth	1999	2000	Growth	Growth (in terms of number of channels)	1999	2000	Growth	Growth (in terms of number of channels)
A	3	3	0	40.63	47.3	6.67	100	100	0	positive	46.07	58.37	12.3	positive
B	17	18	1	35.64	34.46	-1.18	93	80	-13	positive	59	58.73	-0.27	positive
DE	23	24	1	46.3	46.72	0.42	74	71	-3	positive	60.27	64.37	4.1	positive
DK	5	7	2	40.2	58.86	18.66	100	100	0	positive	81.4	75.43	-5.97	positive
GR	10	11	1	21.17	20.94	-0.23	91	92	1	positive	45.54	40.15	-5.39	positive
ES	40	45	5	36.44	40.24	3.76	95	96	1	positive	20.8	24.82	4.02	positive
F	54	59	5	59	59.26	0.26	81	92	11	positive	60.7	59.73	-0.97	positive
IRL	4	4	0	29	29	0	100	100	0	positive	100	100	0	stable
IT	38	43	5	68.05	63.85	-4.2	79	70	-9	positive	58.45	61.81	3.36	positive
LUX	10	11	1	29.93	28.68	-1.25	70	64	-6	negative	13.48	12.34	-1.14	positive

⁶⁰

N.B.: two particular points concerning Italy and Portugal:

- under Article 2 of Law 122/98, the figures from the Italian authorities were calculated in relation to European works overall, whether or not by independent producers. They do not enable the actual proportion allocated to works by independent producers within the meaning of Article 5 of the "Television without Frontiers" Directive to be determined;

- the figures from the Portuguese authorities do not reflect the actual proportion of recent European works in the overall figures for European works by independent producers (theoretical level).

MS	Total number of channels concerned by Article 5 (Source: Member States' reports)			<u>Indicator 1</u> Average transmission time or average programme budget reserved for European works by independent producers			<u>Indicator 2</u> Compliance rate (channels achieving or exceeding the minimum of 10%)			<u>Indicator 3</u> General trend in transmission of/investment in European works by independent producers	<u>Indicator 4:</u> Average air time or average programming budget reserved for recent European works (by independent producers) ⁶¹			<u>Indicator 5</u> General trend in transmission of/investment in recent European works (by independent producers)
	1999	2000	Growth	1999	2000	Growth	1999	2000	Growth	Growth (in terms of number of channels)	1999	2000	Growth	Growth (in terms of number of channels)
NL	18	21	3	52	52	0	83	86	3	positive	80	78	-2	positive
P	7	9	2	24.96	31.13	6.18	86	89	3	negative	24.96	31.13	6.18	positive
FIN	4	4	0	23	29	6	100	100	0	positive	80	80.25	0.25	positive
SV	22	25	3	27.94	34.63	6.70	48	58	10	stable	53.97	65.4	11.43	positive
UK	97	116	19	28.41	30.96	2.55	75.26	74.1	-1.16	positive	22.41	25.17	2.76	positive
TOTAL	352	400	48											
EU AVERAGE				37.51	40.47	2.95	85.02	84.81	-0.21		53.80	55.71	1.91	

⁶¹

N.B.: two particular points concerning Italy and Portugal:

- under Article 2 of Law 122/98, the figures from the Italian authorities were calculated in relation to European works overall, whether or not by independent producers. They do not enable the actual proportion allocated to works by independent producers within the meaning of Article 5 of the "Television without Frontiers" Directive to be determined;

- the figures from the Portuguese authorities do not reflect the actual proportion of recent European works in the overall figures for European works by independent producers (theoretical level).

1.2.2 Assessment at Member State level

Austria

1. Independent production

- The average proportion reserved for European works by independent producers for all channels was 40.63% in 1999 and 47.30% in 2000, representing a 6.67 point increase over the reference period.
- Over the entire reference period, the compliance rate, in terms of number of channels, was 100%. The four channels referred to in the report exceeded the minimum of 10% allocation to works by independent producers (percentages ranging from 19.3% to 81.2% in 1999, and from 13.7% to 97.91% in 2000).
- The general trend, in terms of number of channels, was upward. With the exception of ORF1 (19.3% in 1999 to 13.7% in 2000), all channels increased their allocation to works by independent producers over the reference period. A new channel on the market, ATV Privatfernseh, devoted most of its output to works by independent producers.

2. Proportion of recent works in independent production

- The average relative proportion of recent works for all channels was 46.07% in 1999 and 58.37% in 2000, representing an increase of 12.30 points. This type of work now represents the majority output.
- The general trend, in terms of number of channels, is rising. The four channels referred to in the report increased their proportion over the reference period. In 2000, all channels exceeded 50% (percentages ranging from 31.1% to 54.7% in 1999 and from 52.55% to 67.1% in 2000).

Belgium⁶²

French Community

1. Independent production

- The average allocation to European works by independent producers for all channels was 33.84% in 1999 and 28.22% in 2000, representing a drop of 5.62 points. Most of this drop was attributable to channel RTBF 2 (44.9% in 1999, 25% in 2000).
- Over the entire reference period, the compliance rate, in terms of number of channels, was 62.5%. Of a total of eight channels⁶³, five exceeded the minimum 10% allocation to works by independent producers (percentages ranging from 15.7% to 44.9% in 1999 and from 21.2% to 41.7% in 2000). The report gave no information on Liberty TV and two further Canal + channels.

⁶² Because two separate reports were sent, the channels of the French Community and those of the Flemish Community have been assessed separately.

⁶³ HSE, which is exclusively a teleshopping channel, and Canal Z, which specialises exclusively in economic and financial news, were not included.

- The general trend, in terms of number of channels, was downward over the reference period. Of a total of five channels for which full data were available, two increased their allocation to works by independent producers (Club et Canal +), while three showed a decrease (RTBF 1, RTBF 2, RTL Tvi).

2. Proportion of recent works in independent production

- The average relative proportion of recent works for all channels was 58.93% in 1999 and 57.17% in 2000, representing a 1.77 point drop over the reference period. No data were provided for five channels: RTBF 1, RTBF 2, Liberty TV and the two further Canal + channels mentioned in the report.
- There was an overall downward trend, in terms of number of channels, in the proportion allocated to recent works. Of a total of three channels mentioned in the report, one showed an increase and two a decrease. However, two channels exceeded 50% (proportions ranging from 16.6% to 93.7% in 1999 and from 13% to 94.8% in 2000).

Flemish Community

1. Independent production

- The average allocation to European works by independent producers for all channels was 55.44% in 1999 and 56% in 2000, representing a 0.56 point increase.
- For 1999, the compliance rate, in terms of number of channels, was 89%. Of a total of nine channels mentioned in the report, eight exceeded the minimum 10% allocation to works by independent producers (percentages ranging from 16% à 100%). Only Liberty TV.com, which bases its output on special-interest programmes, did not broadcast European works by independent producers.
- For 2000, the compliance rate, in terms of number of channels, was 70%. Of a total of ten channels mentioned in the report, seven exceeded the minimum of 10% (percentages ranging from 16% to 100%). No data were supplied for two channels. Only Liberty TV.com broadcast no European works by independent producers.
- There was an overall upward trend in terms of number of channels. Of a total of eight channels for which full data were available for the reference period, five increased their allocation to European works by independent producers and three remained stable.

2. Proportion of recent works in independent production

- The average relative proportion of recent European works by independent producers for all channels of all types was 78.67% in 1999 and 80.75% in 2000, representing a 2.08 point increase.
- There was an overall upward trend, in terms of number of channels, in the proportion allocated to recent works. Of a total of eight channels for which full data were available, four showed an increase, three were stable (two at very high levels) and one showed a (minor) decrease.

German-speaking Community: no report was received from the competent authorities.

Germany

1. Independent production

- The average allocation to European works by independent producers for all channels was 46.30% in 1999 and 46.72% in 2000, representing a 0.42 point increase.
- For 1999, of a total of 23 channels⁶⁴, 17 exceeded the minimum of 10% laid down in Article 5 of the Directive. No data were provided in respect of two channels. The following four channels failed to meet this proportion: 13th Street (4%), Studio Universal (2%), VIVA (2%), VIVA 2 (0%). The compliance rate, in terms of number of channels of all types, was 74% in 1999. For 2000, 17 channels exceeded the minimum 10% proportion. No data were supplied for two channels. The following five channels failed to meet the minimum proportion: 13th Street (6%), Phoenix (7.53%), Studio Universal (5%), VIVA (3%), VIVA 2 (0%). The compliance rate, in terms of number of channels of all types, was 71% in 2000.
- The general trend, in terms of number of channels, was upward overall. Of a total of 21 channels for which full data were available, 10 increased the proportion allocated to works by independent producers, six remained stable (including three at 100%) and five showed a slight reduction.

2. Proportion of recent works in independent production

- The average relative proportion of recent works for all channels was 60.27% in 1999 and 64.37% in 2000, representing a 4.11 point increase over the reference period.
- The general trend, in terms of number of channels, in the proportion allocated to recent works, was upward overall. Of a total of 21 channels for which full data were available, ten showed an increase, six were stable and five were decreasing.

Denmark

1. Independent production

- The average allocation to European works by independent producers for all channels was 40.20% in 1999 and 58.86% in 2000, representing an 18.66 point increase.
- Over the entire reference period, the compliance rate, in terms of number of channels, was 100%. All the channels mentioned in the report exceeded the minimum of 10% allocation to works by independent producers (percentages ranging from 12% to 87% in 1999 and from 14% to 99% in 2000).
- There was an overall upward trend in terms of number of channels. Over the reference period, three channels increased their allocation to works by independent producers, one remained stable and the

⁶⁴ In contrast to the previous report (period 1997-1998), Deutsche Welle TV was not covered in the document received for the whole of the reference period.

other showed a slight reduction. There were also two new entrants to the market, both with very high proportions (over 80%).

2. Proportion of recent works in independent production

- The average relative proportion of recent European works by independent producers for all channels was 81.4% in 1999 and 75.43% in 2000, representing a 5.97 point drop. With the exception of a new market entrant (TV BIC+) in 2000, all channels exceeded 50% (with proportions ranging from 63% to 100% in 1999 and from 70% to 100% in 2000).
- The general trend, in terms of number of channels, in the allocation to recent works, was upward overall. Of a total of five channels for which full data were available, two showed an increase, one was stable (at 100%) and two showed a decline. There were two new entrants to the market in 2000 (with percentages ranging from 25% to 93%).

Greece

1. Independent production

- The average allocation to European works by independent producers for all channels was 21.17% in 1999 and 20.94% in 2000, representing a drop of 0.23 points. This slight decline was attributable, in the main, to Star channel (46% in 1999, 12% in 2000).
- In 1999, of a total of 11 channels, 10 exceeded the minimum of 10% laid down in Article 5 of the Directive. Only Seven TV (Nea Radiofoniki Kai Tileoptiki Ltd.) failed to do so (5.51%). No data were provided for Alter channel. In 2000, of a total of 12 channels, 11 exceeded the minimum of 10%. No figures were provided for Alter channel. The compliance rate, in terms of number of channels of all types, was 91% in 1999 and 92% in 2000 (proportions allocated by individual channels ranging from 5.51% to 46% in 1999 and from 12% to 35.8% in 2000).
- There was an overall upward trend in terms of number of channels. Of a total of ten channels for which full data were available, four had increased their allocation to works by independent producers, three were stable and two (Star and Net) showed a reduction. Added to this was a new channel, Tempo (56% in 2000).

2. Proportion of recent works in independent production

- The average relative proportion of recent European works by independent producers for all channels was 45.54% in 1999 and 40.15% in 2000, representing a drop of 5.40 points. ERT 3 and Sky's allocation to this type of work was relatively low in 1999 (below 10%). No figures were provided for Alter channel for the entire reference period.
- There was an overall upward trend in terms of number of channels. Of a total of ten channels for which full data were available, five showed an increase and five a decrease. Added to this, however, was the new channel, Tempo, which entered the market in 2000 (44.7% recent works in 2000).

Spain

1. Independent production

- The average allocation to European works by independent producers for all channels was 36.44% in 1999 and 40.20% in 2000, representing a 3.76 point increase.
- For 1999, the compliance rate, in terms of number of channels, was 95%. Of a total of 40 channels, only two had an allocation to works by independent producers below 10%: AXN (7.90%) and Nickelodeon (0%). For 2000, with the number of channels increasing (five additional channels), the compliance rate was 96%. Of a total of 45 channels, two were below the minimum proportion: AXN (7.5%) and Studio Universal (9.13%).
- There was an overall upward trend in terms of number of channels. Of a total of 40 channels for which full data were available, 22 increased their percentage allocation to works by independent producers, two were stable (one at 100%) and 16 showed a reduction. This trend was reinforced by the arrival of five new channels on the market.

2. Proportion of recent works in independent production

- The average relative proportion of recent European works by independent producers for all channels was 20.80% in 1999 and 24.82% in 2000, representing a 4.02 point increase over the reference period. The following series of channels had a relatively low rate (below 10%): TCM, AXN, Cine Paraiso (1999 only), Alucine, Hispavision, Nostalgia, Cinemania (1999 only), Disney Channel (1999 only), Nickelodeon, Calle 13, Studio Universal (1999 only), Cine 600, Cine Classic Espana, Canal 33, Telemadrid.
- There was an overall upward trend in terms of the number of channels of all types. Of a total of 40 channels for which full data were available for the reference period, 26 showed an increase, one was stable, 12 showed a reduction and one remained at zero. Four out of the five new entrants on the market in 2000 reinforced this trend (with percentages ranging from 25.70% to 47.2%).

France

1. Independent production

- The average allocation to European works by independent producers⁶⁵ for all channels of all types was 59% in 1999 and 59.26% in 2000, representing an increase of 0.26 points.
- In 1999, of a total of 54 channels, 44 exceeded the minimum 10% proportion. No data were provided for ten channels. All channels for which data were provided exceeded the minimum proportion. In 2000, of a total of 59 channels, 54 exceeded the proportion. No data were given for four channels. Only Forum Planète (0%) showed no European works by independent producers (50% in 1999). The compliance rate, in terms of number of channels, was 81% in 1999 and 92% in 2000, representing a considerable increase seen in the context of the arrival of four new channels over the reference period.

⁶⁵ In the case of the terrestrial channels, this means the percentage of independent production calculated on the basis of the company's turnover.

- There was an overall upward trend in terms of number of channels. Of a total of 41 channels for which full data were available, 18 increased their allocation to works by independent producers, six were stable (four at 100%) and 17 showed a reduction. Added to this, four of the five new entrants to the market devoted a significant allocation to this type of work (percentages ranging from 25% to 100%).

2. Proportion of recent works in independent production

- The average relative proportion of recent European works by independent producers, for all channels of all types, was 60.70% in 1999 and 59.73% in 2000, representing a slight drop of 0.98 points over the reference period.
- Three channels allocated less than 10% to recent European works by independent producers: Cinétoile in 1999 (1%), Forum Planète (7%) and Ciné Cinéma (0%) in 2000.
- There was a general upward trend in terms of number of channels. Of a total of 36 channels for which full data were available for the reference period, 17 showed an increase, 9 were stable (seven at 100%) and 10 showed a reduction. Four of the five new entrants on the market broadcast this type of work (percentages ranging from 41% to 64% for 2000).

Ireland

1. Independent production

- The average allocation by all channels to European works by independent producers was stable at 29% over the reference period.
- All four channels exceeded the minimum proportion of 10% laid down in Article 5 of the Directive (percentages ranging from 15% to 65% in 1999 and from 18% to 60% in 2000). The compliance rate, in terms of number of channels, was therefore 100% for the whole of the reference period.
- There was an overall upward trend in terms of number of channels. Of a total of four channels mentioned in the report, two increased their allocation to works by independent producers, one was stable and the other showed a reduction.

2. Proportion of recent works in independent production

- The average relative proportion of recent European works was stable at 100% over the reference period.
- The general trend, in terms of number of channels, was stable over the reference period. Recent European works accounted for the entire output of all four channels.

Italy

1. Independent production

- The average allocation to European works by independent producers⁶⁶ for all channels was 68.05% in 1999 and 63.85% in 2000, representing a 4.20 point drop over the reference period.
- For 1999, the compliance rate, in terms of number of channels, was 79%. Of a total of 38 channels, only one (Stream Verde) made no allocation to works by independent producers. No data were supplied for eight channels. In 2000, the compliance rate was 70%. Of a total of 43 channels, only two (Stream Verde, Fox Kids) made no allocation to works by independent producers. No figures were supplied for 11 channels.
- The general trend⁶⁷, in terms of number of channels, was upward overall. Of a total of 29 channels for which full data were available, 11 increased their allocation to works by independent producers, 10 were stable and 8 showed a decrease.

2. Proportion of recent works⁶⁸

- The average relative proportion of recent European works (overall figure, proportion of works by independent producers within the meaning of Article 5 of the Directive not specified⁶⁹) for all channels was 58.45% in 1999 and 61.81% in 2000, representing a 3.36 point increase over the reference period.
- The following channels had a relatively low proportion (below 10%) of recent European works: Coming Soon TV, CineCinema 1 (1999 only), CineCinemas 2 (1999), CineClassics (1999), Stream Verde.

⁶⁶ The report makes a distinction between terrestrial and satellite channels. In the case of the former, the report explains that under Article 2(3) of Law No 122/98 transposing the “Television without Frontiers” Directive, national television broadcasters have to broadcast a minimum of 10% (20% for RAI) of European works by independent producers, and that under Article 2(5) of this Law, that they must invest, through purchase or production, not less than 10% (20% for RAI) of their net annual advertising revenue in European works, including those created by independent producers. The data on European works by independent producers were supplied directly by the national broadcasters on the basis of self-certification, as were the data on investment obligations.

In the case of the satellite channels, the report explains that they have no obligation under national legislation to allocate 10% of their broadcasting time to European works by independent producers, but did have to allocate at least 10% of their net advertising revenue to the production or purchase of European audiovisual programmes, including those by independent producers.

⁶⁷ This should be seen in perspective, in that the figure of "100%" quoted in the report indicates that the broadcasters invested amounts in excess of their advertising revenue in the acquisition or production of European works, in accordance with Italian legislation. The channels with no advertising revenue have no investment obligation (provision not applicable).

⁶⁸ N.B.: the figures forwarded by the Italian authorities were calculated, in accordance with Article 2 of Law 122/98, in relation to European works overall, whether or not by independent producers. It is therefore not possible to determine the actual proportion allocated to works by independent producers within the meaning of the final sentence of Article 5 of the “Television without Frontiers” Directive.

⁶⁹ Cf. note above.

- The general trend, in terms of number of channels of all types, was upward overall. Of a total of 25 channels for which full data were available over the reference period, 20 showed an increase, two were stable and two showed a decline.

Luxembourg

1. Independent production

- The average allocation to European works by independent producers for all channels was 29.93% in 1999 and 28.68% in 2000, representing a 1.25 point drop.
- In 1999, of a total of ten channels, seven exceeded the minimum proportion of 10% laid down in Article 5 of the Directive. No data were supplied for two channels. Nordlicht TV was alone in broadcasting no works of this type. The compliance rate, in terms of number of channels, was 70%. In 2000, of a total of 11 channels, 7 exceeded the minimum proportion of 10% laid down in Article 5 of the Directive. No figures were supplied for two channels. The two channels broadcasting no European works by independent producers were Liberty TV and Nordlicht TV. The compliance rate, in terms of number of channels, was 64% in 2000.
- The general trend, in terms of number of channels, was downward overall. Of a total of eight channels for which full data were available, three increased their percentage allocation to works by independent producers, one was stable (but at zero) and four showed a reduction.

2. Proportion of recent works in independent production

- The average relative proportion of recent European works by independent producers for all channels was 13.48% in 1999 and 12.34% in 2000, representing a very slight decline of 1.34 points over the reference period. No data were supplied for three channels over the reference period.
- Recent European works accounted for a proportion below 10% for the following channels: RTL Télé Lëtzebuerg (almost 10% in 2000), RTL9, Club RTL, Liberty TV, Nordlicht TV.
- The general trend, in terms of number of channels, was upward overall. Of a total of seven channels for which full data were available over the reference period, four showed an increase, two a decrease and one remained at zero.

Netherlands

1. Independent production

- The average allocation to European works by independent producers for all channels remained stable at 52% over the entire reference period.
- In 1999, of a total of 18 channels, 15 exceeded the minimum proportion of 10% laid down in Article 5 of the Directive. No data were supplied for three channels⁷⁰. The compliance rate, in terms of number of channels, was 83%. In 2000, of a total of 21 channels, 18 exceeded this proportion, and

⁷⁰

Owing to the difficulty in determining the origin of certain musical works such as video clips.

no data were supplied for two⁷¹. Only Net 5 failed to reach the minimum level of 10% in 2000 (7.6%). The compliance rate, in terms of number of channels, was 86%.

- There was an overall upward trend in terms of number of channels of all types. Of a total of 15 channels for which full data were available, five increased their allocation to works by independent producers, two were stable (at 50% and 85%) and eight showed a reduction. There were also three new entrants to the market, whose allocation to European works by independent producers varied between 25% and 100%.

2. Proportion of recent works in independent production

- The average relative proportion of recent European works for all channels of all types was 80% in 1999 and 78% in 2000, representing a 2 point drop over the reference period.
- The general trend, in terms of number of channels, was upward overall. Of a total of 17 channels for which full data were available for the reference period, six showed an increase, five were stable (including four with a level of or approaching 100%) and six showed a decline. There were also three new entrants to the market devoting a considerable proportion of their output to recent works (percentages ranging from 30% to 99%).

Portugal

1. Independent production

- The average allocation to European works by independent producers for all channels was 24.96% in 1999 and 31.13% in 2000, representing a 6.18 point increase over the reference period.
- In 1999, of a total of seven channels, six exceeded the minimum proportion of 10% laid down in Article 5 of the Directive. In 2000, of a total of nine channels, eight exceeded this threshold. The compliance rate, in terms of number of channels, was 86%. Sport TV was alone in failing to meet the minimum proportion in 1999 (5.5%) and 2000 (3.9%). The compliance rate, in terms of number of channels of all types, was 86% in 1999 and 89% in 2000.
- The general trend, in terms of number of channels, was downward overall. Of a total of seven channels for which full data were available, two increased the proportion of their allocation to works by independent producers and five registered a reduction. In addition, there were two new channels on the market which made a considerable allocation to independent production (ranging from 38% to 58% in 2000).

2. Proportion of recent works in independent production

- The report states that Portuguese legislation provides for a stricter system than that laid down by Article 5 of the Directive and reproduces the figures quoted for transmission of works by independent producers. Under Portuguese TV legislation, broadcasters must allocate at least a tenth

⁷¹ Owing to the difficulty in determining the origin of certain musical works such as video clips.

of their air time to European works by independent producers (first condition) which have been produced within the last five years (second condition).⁷²

- These two conditions should theoretically mean that all European works by independent producers referred to in point 1 are recent within the meaning of Article 5 of the Directive. In practice, however, it is still essential to determine the proportion actually allocated⁷³ to recent works by independent producers.

Finland

1. Independent production

- The average allocation to European works by independent producers for all channels was 23% in 1999 and 29% in 2000, representing a 6 point increase over the reference period.
- Over the reference period as a whole, all four channels referred to in the report exceeded the minimum proportion of 10% laid down in Article 5 of the Directive (percentages ranging from 17% to 32% in 1999 and from 23% to 38% in 2000).
- The general trend, in terms of number of channels, was upward overall. Three channels increased their allocation to works by independent producers and one decreased it very slightly.

2. Proportion of recent works in independent production

- The average relative proportion of recent European works was 80% in 1999 and 80.25% in 2000, representing a 0.25 point increase over the reference period.
- The general trend, in terms of number of channels, was stable. Of a total of four channels, one showed an increase, two were stable (at 100%) and one fell slightly, though still representing a majority proportion.

Sweden

1. Independent production

- The average allocation to European works by independent producers for all channels was 27.94% in 1999 and 34.63% in 2000, representing an increase of 6.7 points.
- In 1999, of a total of 21 channels, ten exceeded the minimum proportion of 10% laid down in Article 5 of the Directive. No data were supplied for nine channels. The channels “6”⁷⁴ and NollEttan Television made no allocation to works of this type. CineCinemas channel allocated less than 10% (5.75%). The compliance rate, in terms of number of channels, was 48% in 1999. In 2000, of a total of 26 channels, 15 exceeded this threshold. No data were supplied for ten channels. NollEttan Television was the only channel not to broadcast European works by independent producers. The compliance rate, in terms of number of channels, was 58% in 1999.

⁷² In this regard, the report's figures are strictly identical to those of point 1 (independent production).

⁷³ In order to evaluate the “adequate proportion” in the terms of the final sentence of Article 5 of the Directive.

⁷⁴ However, this channel reached 50% in 2000.

- The general trend, in terms of number of channels, was stable overall. Of a total of 11 channels for which full data were available, two increased their allocation to works by independent producers, two were stable and seven showed a decrease. However, this reduction must be seen in relative terms, as five new channels appeared on the market which varied in the extent of their allocation to independent productions (proportions ranging from 17% to 100% in 2000).

2. Proportion of recent works in independent production

- The average relative proportion given over to recent European works was 53.97% in 1999 and 65.40% in 2000, representing an 11.43 point increase over the reference period. The proportion was particularly low in the case of the following channels: TV 4 (2% in 1999)⁷⁵, “6” (0% in 1999 and 2000), Cine Cinemas (0% in 1999), NollEttan Television (0% in 1999).
- The general trend, in terms of number of channels, was upward overall⁷⁶. Of a total of ten channels for which full data were available over the reference period, two showed an increase, three were stable (including two at 100%) and five showed a decrease. In addition, however, four of the five new channels focused their efforts to a large extent on recent works (rates ranging from 85% to 100% in 2000).

United Kingdom

1. Independent production

- The average allocation to European works by independent producers for all channels of all types was 28.41% in 1999 and 30.96% in 2000, representing an increase of 2.55 points.
- In 1999, of a total of 97 channels concerned by Article 5 of the Directive⁷⁷, 73 exceeded the minimum proportion of 10% laid down in that Article. The 24 channels which failed to reach this proportion were: BBC News 24, Bravo, Disney Channel UK (Disney Channel, Disney Channel +1, Playhouse Disney, Toon Disney), Front Row (including Barker Channel), Front Row (excluding Barker Channel), GSB Men + Motors/Breeze, National geographic, Nickelodeon Nordic, Play UK, Rapture, Reality TV, SC4C2, Sci-Fi Channel, Sky Movie Max, Sky News, Sky One, Sky Premier, TCC Nordic, TNT Classical Movies, TV3 Norway, UK Arena.
- In 2000, of a total of 116 channels concerned by Article 5 of the Directive⁷⁸, 86 exceeded this proportion. The 28 channels which failed to achieve the minimum were: 3 + Denmark, BBC News 24, Biography Channel, Dating Channel, Bravo, Disney Channel UK (Disney Channel, Disney Channel +1, Playhouse Disney, Toon Disney), Film Four (9%), Front Row (including Barker Channel), Front Row (excluding Barker Channel), GSB Men + Motors/Breeze, History Channel, National Geographic, Nickelodeon Nordic, Reality TV, SC4C2, Sci-Fi Channel, Sky Movie Max,

⁷⁵ However, this channel reached 78.15% in 2000.

⁷⁶ This is a highly relative assessment in that no information was supplied for a large number of channels (9 channels in 1999 and 12 in 2000).

⁷⁷ This did not include the exempted channels (51 channels) or those which were not operational over the period concerned.

⁷⁸ This did not include the exempted channels (51 channels) or those which were not operational over the period concerned.

Sky News, Sky One, Sky Premier, TV3 Denmark, TV3 Norway, TV3 Sweden, UK Drama, V+ Norway.

The compliance rate, in terms of number of channels of all types, was 75.26% in 1999 and 74.1% in 2000.

- The general trend, in terms of number of channels, was upward overall. Of a total of 93 channels for which full data were available, 47 increased their allocation to works by independent producers, 9 were stable and 37 showed a decrease. Added to this positive trend were the new market entrants, who allocated a variable proportion to this type of work.

2. Proportion of recent works in independent production

- The average relative proportion given over to recent European works by independent producers for all channels was 22.41% in 1999 and 25.17% in 2000, representing a 2.76 point increase over the reference period.
- The proportional allocation to recent European works by independent producers by the following channels was particularly low: 3 + Denmark, BBC News 24, Biography Channel, Dating Channel, Bravo, Disney Channel UK (Disney Channel, Disney Channel +1, Playhouse Disney, Toon Disney), Front Row (including Barker Channel), Front Row (excluding Barker Channel), GSB Men + Motors/Breeze, History Channel, National Geographic, Nickelodeon Nordic, Reality TV, SC4C2, Sci-Fi Channel, Sky Movie Max, Sky News, Sky One, Sky Premier, TV3 Denmark, TV3 Norway, TV3 Sweden, UK Drama, V+ Norway.
- The general trend, in terms of number of channels, was upward overall. Of a total of 92 channels for which full data were available for the reference period, 44 showed an increase, 14 were stable and 34 in decline. Added to this positive trend were the new market entrants, who varied in the proportion they allocated to recent works.

1.3 General conclusion

For the reference period (1999-2000), the national reports reflect generally satisfactory application by the European Union Member States of the provisions of Article 4 (European works) and Article 5 (European works created by independent producers) of the “Television without Frontiers” Directive.

Detailed examination of these reports by the Commission reveals, for both Articles 4 and 5, a positive and dynamic trend in the broadcasting of European works, including those by independent producers, in the context of a general increase in the number of channels over the reference period.

Only some of the minority channels in certain Member States are presenting difficulties. In this regard, the Commission would remind the Member States concerned of the need for increased control and monitoring of these channels and the importance of ensuring, where practicable and by appropriate means, that these television broadcasters meet the proportions laid down by Articles 4 and 5 of the Directive, in line with the principle of progressive improvement.

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

For the third time, this communication includes an overview of the application of Articles 4 and 5 of the “Television without Frontiers” Directive by Iceland and Norway. Liechtenstein did not submit a report as it has no television broadcasters under its jurisdiction.

Iceland

2.1 Requirement to broadcast a majority proportion of European works

The channels Stöð2 (Channel 2), Sýn (Vision) and Bíórás (The Film Channel) broadcast a very low proportion of European works over the reference period as a whole (percentages ranging from 5.51% to 30.43% in 1999 and 5.55% to 36.26% in 2000). None of these channels achieved the majority proportion of transmission time laid down in Article 4 of the Directive. RUV channel was not mentioned in the report.

2.2 European works by independent producers

Of the three channels referred to above, only Sýn (Vision) exceeded the minimum of 10% laid down by Article 5 of the Directive (with 21.2% in 1999 and 21.17% in 2000). The other two channels broadcast practically no European works by independent producers. The report does not include any data enabling the proportion represented by recent works to be assessed.

Norway

2.1 Requirement to broadcast a majority proportion of European works

The channels NRK 1, NRK 2, NRK International, TV2, TV Norge and Metro broadcast an average of 57.67% and 60.17% European works in 1999 and 2000 respectively, representing an average 2.5 point increase over the reference period.

The situation appears satisfactory overall. Over the entire reference period, only TV Norge failed to meet the majority proportion of transmission time provided for by Article 4 of the Directive (22% in 1999 and 20% in 2000). As a remedial measure, the competent authorities addressed a formal notice to the operator concerned to comply with its obligations under broadcasting legislation.

2.2 European works by independent producers

The channels NRK 1, NRK 2, NRK International, TV2, TV Norge and Metro broadcast an average of 16.17% and 16.33% European works by independent producers in 1999 and 2000 respectively, representing a 0.17 point increase over the reference period.

The situation in this respect also appears satisfactory. Only NRK 2 (9% in 1999) and NRK International (9% in 2000) failed — for one of the years — to reach the minimum proportion of 10% of European works by independent producers. The competent authorities have, however, requested the operator concerned to increase this proportion.

The situation in respect of the proportion represented by recent works was particularly positive. For the channels mentioned in the report, this averaged 80.33% in 1999 and 86.33% in 2000, representing a 6

point increase over the reference period (levels ranging from 44% to 96% in 1999 and 71% to 100% in 2000).

II. - SUMMARY OF THE REPORTS FROM THE MEMBER STATES

Key:

“NR”: not reported.

“-”: channel not in operation over the period in question.

AUSTRIA

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
3	Calendar years 1999 and 2000	Figures supplied by the broadcasters as a legal obligation

2. Proportions (%)

<i>Channel</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
ATV-Privatfernseh GmbH		67%	51%	81.2%	97.91%	54.7%	67.1
ORF (all)	ORF	57.7%	58.4%	20.4%	21.9%	40.8%	53.4%
ORF 1	ORF	34%	36.6%	19.3%	13.7%	52.4%	55.5%
ORF 2	ORF	79.2%	81%	21.4%	30.3%	31.1%	52.5%

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

As pointed out in the 1997/1998 report, the proportion of European works is increasing, with German productions in particular becoming more popular. The trend towards showing more German language films has continued, the proportion for ORF 1 rising steadily from 32% in 1998 to 36.6% in 2000. In the case of ORF 2, the decision to broadcast mainly European works, including at night, has already brought about an increase in this proportion from 79.2% in 1999 to 81% in 2000.

2. Independent producers

Not reported.

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

As pointed out in the 1997/1998 report, the proportion of European works is increasing, with German productions in particular becoming more popular. The trend towards showing more German language films has continued, the proportion for ORF 1 rising steadily from 32% in 1998 to 36.6% in 2000. In the case of ORF 2, the decision to broadcast mainly European works, including at night, has already brought about an increase in this proportion from 79.2% in 1999 to 81% in 2000.

D) FURTHER COMMENTS

Apart from the broadcasters mentioned above, there are several other organisations in Austria which show programmes on local cable networks. As these programmes are directed at a local audience and

do not form part of the national network, the broadcasters concerned have not been included in the report, in accordance with Article 9 of the Directive.

BELGIUM

The Commission received two reports, one from Belgium's French Community (*Communauté française de Belgique, CFB*) and one from the Flemish Community (*Vlaamse Gemeenschap, VLG*). No report was received from the German-speaking Community (*Deutschsprachige Gemeinschaft, GSG*).

FRENCH COMMUNITY

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
8	Calendar years 1999-2000	Total figures or samples

2. Proportions (%)

<i>Channel</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
RTBF 1	RTBF	74.3	71.1	41.2	30.6	-	-
RTBF 2	RTBF	83.7	89.4	44.9	25.0	-	-
RTL-TVI	Tvi	49.1	54.1	27.6	22.6	66.5	63.7
CLUB	Tvi	60.2	54.2	15.7	21.2	16.6	13.0
CANAL+	CANAL+	67.0	59.9	39.8	41.7	93.7	94.8
HSE	HSE	-	-	-	-	-	-
LIBERTY TV	LIBERTY TV	-	-	-	-	-	-
CANAL Z	CANAL Z	-	-	-	-	-	-

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

Not reported.

2. Independent producers

Not reported.

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

Apart from TVI's slight deficit in 1999, there is no need for specific measures to ensure that Chapter II of the Directive is observed.

D) FURTHER COMMENTS

CANAL+ is offering its digital TV subscribers two variants of its basic analogue programme. The broadcaster was unable to provide figures for 1999 and 2000. However, it has decided to introduce a system in 2002 which will measure programme transmission based on sampling.

FLEMISH COMMUNITY

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
9	Calendar years 1999/2000	Survey

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
TV 1 (E/K)	VRT	59	60	16	20	89	90
Canvas/ Ketnet (E/K)	VRT	62	63	16	16	84	85
VTM (K)	VMM	61	60	61	65	95	96
Kanaal 2 (K) *	VMM	25	30	61	61	63	89
Canal + grijs (K) **	Canal + Televisie	17	28	89	93	93	93
Canal + blauw (K) **	Canal + Televisie	19	27	90	93	94	93
Canal + geel (K) **	Canal + Televisie	20		73		90	
Canal + 16/9 (K) **	Canal + Televisie	19	42	93	100	100	100
Liberty tv.com (K) ***	Event TV Vlaanderen	100	100	0%	0%	-	-
Vitaya (K) ****	Media ad Infinitum	-	67	-	-	-	-

Reasons given for non-compliance:

*: Cf. statistical statement for 1/1/1999 to 31/12/2000, point 3.2.

** : Cf. statistical statement for 1/1/1999 to 31/12/2000, point 3.3.

***: Cf. statistical statement for 1/1/1999 to 31/12/2000, point 3.4.

****: Cf. statistical statement for 1/1/1999 to 31/12/2000, point 3.5.

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

See below

2. Independent producers

See below

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

See below

D) FURTHER COMMENTS

VRT

VRT's figures require no comment.

VMM

In the case of Kanaal 2, there was an increase in the figure for European works from 20% in 1997-1998 to 25% in 1999 and 30% in 2000. As VMM's first channel, VTM broadcast 60% European works and has considerably more broadcasting hours than Kanaal 2, the percentage of European works is almost 50%.

These figures therefore do not pose a problem for the Flemish Community.

Canal+ Televisie

Canal + Televisie, formerly FilmNet Television, is a pay TV organisation broadcasting on three channels: Canal + grijs, Canal + blauw and Canal + 16/9 (which replaced Canal + geel on 5 December 1999). Canal + Televisie broadcasts mainly films. It is impossible for these pay-per-view channels to reach the set proportion.

No action in their regard is therefore considered necessary.

Event TV Vlaanderen (Liberty TV.com)

Since early 1999, Event TV has broadcast programmes on tourism, travel and news in this field.

Event TV broadcasts only its own material, so the problem of ownership does not arise. This broadcaster does not use independent producers.

In view of the specific nature of these programmes, no measures are considered necessary.

Media ad infinitum nv (Vitaya)

Vitaya has been broadcasting health and fashion programmes since August 2000. It produces its own programmes and supplements these with programmes purchased from other television broadcasters.

Media ad infinitum is not yet in a position to provide information on the percentage of independent productions and has been asked to supply details in the future.

On 9 November 1999, Kanaal Z was licensed as a TV broadcaster for the entire Flemish Community. It broadcasts exclusively stock market information and financial and economic news and therefore is not subject to the proportion rule.

N.B.: Article 1 of the Flemish Government Decree of 23 February 1994 on coordination of Flemish audiovisual policy defines an "independent producer" as "any private law entity who creates audiovisual productions and has no structural or social link with a television broadcasting organisation".

Germany

A) STATISTICAL STATEMENT

1. Summary table

Number of channels	Reference period	Method
24	Calendar years 1999-2000	Survey

2. Proportions (%)

Channels	Broadcaster	A. European works		B. Independent producers		C. Recent works (% of B)	
		1999	2000	1999	2000	1999	2000
ARD	ARD-Rundfunkanstalten	90.40	90.37	39.40	43.49	91.81	82.78
Phoenix	ARD-ZDF	97.87	99.14	10.68	07.53	98.75	98.90
Kinderkanal	ARD-ZDF	79.66	80.55	17.58	17.54	58.40	80.84
ZDF	ZDF	86.10	87.04	30.94	34.13	74.51	72.65
3 Sat	ZDF-ORF-SRG-ARD	96.22	95.65	34.37	32.10	27.21	27.19
13 TH Street	Universal Studios Networks Deutschland GmbH	20.00	17.00	04.00	06.00	10.00	10.00
Discovery Channel	Discovery Channel Betriebs GmbH	55.00	60.00	100.00	100.00	75.00	80.00
DSF	DSF Deutsches Sportfernsehen GmbH	74.00	80.00	100.00	100.00	> 50.00	> 50.00
KABEL 1	ProSiebensat.1 Media AG	25.40	27.90	22.20	23.70	45.50	43.90
N 24	ProSiebenSat.1 Media AG	-----	99.00	00.00	33.10	00.00	98.20
n-tv	n-tv Nachrichtensender	No data available	No data available	No data available	No data available	No data available	No data available
ONYX	ONYX Television GmbH	65.90	63.20	100.00	100.00	>50.00	>50.00
Planet TV	MultiThematiques GmbH	80.00	80.00	75.00	75.00	50.00	50.00
Premiere	Premiere World	35.10	33.30	98.60	99.00	30.00	39.10
ProSieben	ProSiebenSat.1 Media AG	46.20	46.00	25.30	21.80	85.10	86.10
RTL	RTL Television GmbH	71.00	71.00	57.00	55.00	>20.00	>20.00
RTL.2	RTL 2 Fernsehen GmbH & Co. KG	36.00	46.00	18.00	30.00	45.00	55.00
SAT.1	ProSiebenSat.1 Media AG	66.50	72.70	48.20	53.40	83.30	85.90
Studio Universal	Universal Studios Networks Deutschland GmbH	30.00	35.00	02.00	05.00	20.00	10.00
Super RTL	RTL DISNEY Fernsehen GmbH & Co. KG	33.70	38.20	100.00	100.00	66.00	81.60

Channels	Broadcaster	A. European works		B. Independent producers		C. Recent works (% of B)	
		1999	2000	1999	2000	1999	2000
VH-1	VH-1 Television GmbH	No data available	No data available	No data available	No data available	No data available	No data available
VIVA	VIVA Fernsehen GmbH & Co. KG	68.00	68.00	02.00	03.00	99.00	99.00
VIVA 2	Viva Fernsehen GmbH & CoKG	71	71	0	0	98	99
VOX	Vox Film- und Fernseh GmbH & CoKG	51	50	87	88	88	96

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

13th Street

This is a pay-TV channel which began transmitting in August 1998 and still has considerable dissemination problems.

Kabel 1

Because of its programme orientation, Kabel 1 has broadcast only a small proportion of European works to date (mainly westerns and police series).

N 24

News channel which only began broadcasting in 2000.

Première

Première is pay-TV channel whose quota-relevant proportion is focused on feature films. The broadcaster does not yet have a sufficient supply of European works.

Pro Sieben

This channel missed the 50% target by only 4% in 2000.

RTL2

With a growing percentage of European works, this channel missed the 50% target by only 4% in 2000

Studio Universal

This is a pay-TV channel which only began transmitting in September 1999 and has an increasing proportion of European works.

Super RTL

This channel is one of the newer German broadcasters, and has an increasing proportion of European works.

2. Independent producers

Phoenix

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

VIVA

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

VIVA 2

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

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

The competent authorities are in permanent dialogue with the broadcasters.

D) FURTHER COMMENTS

Phoenix

Phoenix's low proportion of independent productions is due to the fact that it is a special-interest channel: two thirds of its programmes consist of "event broadcasts" and discussion programmes, which by their nature are in-house productions and can not be commissioned from independent producers. Besides, barring a few exceptions at the weekend, documentaries are not rebroadcast after midnight, and this automatically reduces the quota of independent European productions as a proportion of total broadcasting time.

DSF

Quota for recent works (point C) over 50%; owing to the short quota-relevant broadcasting time, more precise figures were difficult to obtain.

Kabel 1

Low ratings.

n-tv

No data available (news channel).

Super RTL

Low ratings.

VH-1 - VIVA - VIVA2

These are music channels.

DENMARK

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
7	Calendar years 1999/2000	Survey

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
DR 1	DR	81	82	16	14	63	70
DR 2	DR	88	86	12	14	86	72
TV 2	TV 2	65	59	87	98	90	89
TV 2 Zulu	TV 2		41		99		93
TvDanmark	Broadcast Danmark	36	42	66	84	68	79
DK 4	CIAC	100	100	20	20	100	100
TV BIO+	Pay Per View		68		83		25

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

The proportion of European works broadcast by TvDanmark increased from 20% and 25% in 1997 and 1998 to 36% and 42% in 1999 and 2000. Similarly, the proportion of independent productions has risen since 1997-1998. According to TvDanmark, the provisional figures for 2001 show that there has been a further increase in the proportion of European works in the broadcasting schedule.

2. Independent producers

Not reported

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

Not reported

D) FURTHER COMMENTS

TV 2's eight regional television stations broadcast between 30 minutes and one hour a day in slots on TV 2. They mainly broadcast news and magazine programmes produced locally. The statistics do not take account of these programmes.

Both DR and TV 2 say that, in defining independent producers, they have used the definitions of parent and subsidiary company from the field of company law (see §2 of the Act on public limited companies (*aktieselskabslov*) and §2 of the Act on private limited companies (*anpartsselskabslov*)). TV 2 Zulu began broadcasting on 15 October 2000. TV Bio+ began broadcasting on 1 January 2000.

The following television stations had a broadcasting licence in 1999-2000 but have discontinued broadcasting: DSTV, Eurotica Rendez-Vous, Pay Per View, TV Bio.

The following television stations are not included in the statistics: Dan Toto Racing Live — only broadcasts sports news. Mesopotamia Broadcast — only broadcasts programmes in Kurdish.

GREECE

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
11	Calendar years 1999/2000	Survey

2. Proportions (%)

Channels	Broadcaster ⁷⁹	A European works (EW)				B Independent producers (IP)				C Recent works (RW)			
		1999		2000		1999		2000		1999		2000	
		Time	%	Time	%	Time	%	Time	%	Time	%	Time	%
ET-1	ERTAE	+5051 *7084	71	+4959 *6904	72	683	13.5	668	13.5	93	14	88	13
NET		+6360 *6655	95.56	+6796 *7086	95.90	2274	34.16	2338	32.99	1903	83.68	1889	80.79
ERT-3		+3066 *5110	60	+3581 *5510	65	511	10	551	10	51	9.25	55	10
ALPHA	ALPHA DORIFORIKI TILEORASI A.E	+2254 *3955	57	+2216 *3820	58	564	25	554	25	62	11	67	12
ANTENNA	ANTENNA TV A.E	+3620 *6005	60.28	+4024 *6024	61.36	1550	25.81	1870	28.51	1200	77.41	1500	80.21
ALTER CHANNEL	ELEVETHERI TILEORASI A.E	+6516 *6960	93.74	+7745 *8064	96.04	670	10.2	805	10.2				
TEMPO	NEO KANALI RADIOTILEOPTIKI A.E. TEMPO TV			+361 *638	56%			129.6	20.3			57.9	44.7
STAR	NEA TILEORASI A.A	+3359 *6469	51.9	+3487 *6625	52.6	1548	46	416	12	888	57	118	28
SEVEN TV	SEVEN RADIOFONIKI KAI TILEOPTIKI A.E.	+2654 *3099	85.65	+3884 *4371	88.85	171	5.51	555	14.28	171	100	400	72.7
MAKEDONIA	TILEOPTIKES EPICHIRISSIS A.E. KARAVASSILI BROS & CO A.E.	+4084 *4501	91	+3861 *4565	85	417	10	533	12	209	50	99	19
MEGA	TILETYPOS A.E. TILEOPTIKON PROGRAMMATON	+4980 *5352	93	+3825 *4386	87.2	1642	30.7	1570	35.8	740	45.1	1102	70.2

⁷⁹ (+) transmission time of European works
(*) actual programme transmission time

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

No observations

2. Independent producers

No observations

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

Not reported

D) FURTHER COMMENTS

None

SPAIN

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
	Calendar years 1999/2000	80

2. Proportions (%)

National and regional analogue terrestrial channels

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (OR)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
	ENTE PÚBLICO RTVE						
TVE-1 "La Primera"		51.89	56.63	35.89	36.11	10.35	11.32
TVE-2 "La 2"		56.28	61.38	44.31	39.91	12.40	14.73
	GESTEVISIÓN CINCO. S.A.						
Telecinco		45.40	51.60	42.42	50.20	39.37	48.17
	ANTENA-3 TELEVISIÓN. S.A.						
Antena 3 Televisión		58.20	64.40	42.00	54.00	20.74	31.16
	SOGEGABLE. S.A.						
Canal +		51.8	51.7	21.3	20.1	16.7	15.8
	TELEVISIÓN DE CATALUNYA						
TV3		53.00	50.00	31.00	34.00	20.00	22.00
Canal 33		67	63	28	29	8	9
	TELEVISIÓN VALENCIANA						
Canal Nou		54.10	58.40	42.10	44.10	35.00	39.30
Punt 2		64.90	63.60	61.50	62.20	38.70	40.00
	TELEVISIÓN DE GALICIA. S.A.						
Televisión de Galicia		71.00	70.00	15.00	15.70	15.00	15.70
	TELEVISIÓN AUT. MADRID. S.A.						
Telemadrid		64.70	67.40	10.40	12.10	5.50	6.50

⁸⁰ It should be noted that the figures were obtained primarily by two different data collection methods, which are explained below. The DIRECCIÓN GENERAL PARA EL DESARROLLO DE LA SOCIEDAD DE LA INFORMACIÓN then carried out an analysis (including, if need be, contact with broadcasters and the Regions – "Autonomous Communities"- where the data provided by them differed significantly from those gathered directly by this Department through a specialized company) and an appraisal for the final report. The data collection method used was based on two sources of information, namely:

1. According to a contract signed between this Unit and a company specialized in the TV sector, the latter compile and collate the information required annually on European quotas following the instructions it was given. However, in the new contract (currently being prepared) it is expected to gather monthly information on this subject.

2. Following a prior request by this Department, suprarregional broadcasters (which are under central State jurisdiction), and the Autonomous Communities (in the case of TV operators under their respective jurisdictions) collect and send us the data on European quotas.

	E.P. RADIOTELEVISIÓN VASCA						
ETB-1		90.50	83.60	24.00	22.00	11.50	12.00
ETB-2		50.30	57.90	27.50	24.80	14.20	14.40
	E.P. RADIO and TV. ANDALUCÍA						
Canal Sur		68.00	74.30	24.50	22.00	12.00	11.50
Canal 2 de Andalucía		80.50	84.20	21.80	18.10	12.50	11.00

Digital channels

Channels	Broadcaster	European works (EW)		Independent producers (IP)		Recent works (RW)	
		1999	2000	1999	2000	1999	2000
	ANTENA-3 TEMÁTICA/GT 2000						
Canal Campero		100	100	13.95	13.95	13.95	13.95
	MULTIPARK MADRID. S.A.						
Telemadrid. SAT		100	96	100	96	100	96
Canal Cocina		93	90	93	90	93	90
	TURNER BROADCASTING SYSTEM ESPAÑA. S.L.						
TCM (Turner Classic Movies) (start of transmission: 1.9.1999)		20	30.66	20	30.66	0	0
	AXN SPAIN LLC						
AXN		22.50	27.70	7.9	7.5	5.8	6.2
	TVE (Special interest channels)						
Cine Paraiso		70.77	65.61	68.63	52.27	3.59	13.33
Alucine		37.45	32.04	35.61	27.21	3.46	5.46
Clásico		85.63	91.51	28.9	30.75	16.33	12.83
Hispavisión		85.45	91.06	27.15	58.84	9.47	7.56
Nostalgia		94.20	92.37	13.52	11.63	2.63	5.72
	COSMOPOLITAN IBERIA						
Cosmopolitan (start of transmission: 1.03.2000)		None	60.90%	None	60.90%	None	45.20%
	FOX KIDS ESPAÑA. S.L.						
Fox Kids		38.70%	44.90%	38.50%	44.80%	17.41%	29.17%
	COMPANÍA INDEPENDIENTE DE TELEVISIÓN (C.I.T. S.L) Special interest channels Start of transmission: 31.1.1997						
Cinemanía		30.90%	37.70%	23.51%	27.20%	6.48%	10.85%
Canal Viajar		90.57%	81.89%	46.84%	41.05%	32.01%	30.57%
Canal Estilo		57.40%	68.60%	28.00%	33.00%	21.00%	15.00%
Documanía		67.10%	63.20%	59.70%	55.73%	57.30%	52.14%
	DISNEY CHANNEL ESPAÑA SAU (taken over by THE WALT DISNEY COMPANY IBERIA. S.L. on 1 August 2000)						
Disney Channel		18.61%	24.53%	10.62%	15.56%	6.46%	10.24%

Channels	Broadcaster	European works (EW)		Independent producers (IP)		Recent works (RW)	
		1999	2000	1999	2000	1999	2000
	PARAMOUNT COMEDY CHANNEL ESPAÑA. S.L.						
Paramount comedy		51.10%	55.30%	43.50%	43.34%	33.30%	38.40%
	NICKELODEON INTERNATIONAL. L.T.D.						
Nickelodeon		2.10%	19.80%	0.00%	16.40%	0.00%	7.80%
	PLANETA 2010. S.L.						
Beca		*****	60.00%	*****	41.96%	*****	25.20%
Geoplaneta TV		*****	90.00%	*****	32.18%	*****	24.70%
	UNIVERSAL STUDIOS NETWORKS ESPAÑA. S.L.						
Calle 13		10.60%	16.89%	10.60%	16.89%	0.58%	3.83%
Studio Universal		None	9.13%	None	9.13%	None	0%
	DTS DISTRIBUIDORA DE TELEVISIÓN DIGITAL S.A. (VÍA DIGITAL)						
Gran Vía		25.55%	40.06%	25.55%	40.06%	25.55%	40.06%
Gran Vía 2		25.85%	66.36%	25.00%	66.36%	25.00%	66.36%
Gran Vía 3		35.33%	58.18%	35.33%	58.18%	35.33%	58.18%
Cine 600		100.00%	100.00%	100.00%	100.00%	0.13%	4.47%
	QUIERO TV et VÍA DIGITAL (data: from 19-6-2000 to 31-12-2000)						
Factoria de Ficción		No data	93.00%	No data	70.00%	No data	36.00%
	MULTITHÉMATIQUES ESPAÑA. S.L.						
Cineclassics España. S.		55.60%	51.60%	52.00%	49.00%	5.26%	5.05%
Seasons España. S.L.		79.00%	85.00%	78.00%	84.00%	46.00%	63.00%

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

See below

2. Independent producers

See below

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

See below

D) FURTHER COMMENTS

In order to present the data of the different television operators under Spanish jurisdiction as clearly as possible, two questionnaires were produced: one for analogue terrestrial channels, either national or regional, and another for digital terrestrial and satellite channels.

In the case of the latter category, although some failed to reach the percentage set by Articles 4 and 5 of the Directive, it should be noted that Spanish law provides for two exceptions in this area: 40% of air time to be allocated to European works during the first year of transmission (first transitional provision) and aggregation for the purposes of quotas of all of the pay channels offered to subscribers in one inseparable bundle (Article 7(2)).

Where operators have failed to reach the required percentage, the Spanish government will therefore provide all concerned with the information concerning their programmes, while officially requesting that all necessary steps be taken to rectify the situation during this and coming years.

FRANCE

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
54 in 1999 59 in 2000	Calendar years 1999/2000	Monitoring of daily programme for terrestrial channels, survey for cable

2. Proportions (%)

a) Terrestrial channels

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers⁽¹⁾ (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
France 2	France Télévision	77.3	78.1	17.9	15.1	100	100
France 3	France Télévision	69.4	71.4	20.6	18.9	100	100
La 5 ^{ème}	France Télévision	85	86.1	11.4	13	100	100
TF1	Télévision Française 1	65.5	66.4	13.5	14.8	100	100
Canal +	Canal + SA	61.1	65.2	12.7	13.1	100	100
M6	Métropole Télévision	63.8	63.9	17	17.3	100	100

⁽¹⁾ Independent productions calculated as a percentage of company turnover

b) Cable services (%)

NR: not reported

(a): as a proportion of transmission time

(b): % of programming budget

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
ABI ^(a)	ABsat SA	25%	30%	25%	19%	24%	19%
Action ^(a)	ABsat SA	20%	23%	19%	21%	NR	100%
Animaux ^(a)	ABsat SA	67%	70%	67%	70%	67%	70%
Automobile ^(a) devenu AB Moteurs	ABsat SA	71%	88%	71%	84%	71%	84%
Canal J ^(a)	Canal J SA	51%	55%	47%	49%	33%	26%
Canal Jimmy ^(a)	Canal Jimmy SA	NR	45%	NR	42%	NR	21%
Chasse Pêche ^(a) et	ABsat SA	71%	71%	48%	69%	48%	69%

NR: not reported

^(a): as a proportion of transmission time

Channels	Broadcaster	European works (EW)		Independent producers (IP)		Recent works (RW)	
		1999	2000	1999	2000	1999	2000
Cinémas - Cinémas2 - Cinémas 3 ^(a)	Ciné-Cinéma Cable SA	NR	48%	NR	25%	NR	7%
Ciné Classics ^(a)	Ciné-Cinéma Cable SA	NR	52%	NR	100%	NR	100%
Ciné Palace ^(a)	ABSat SA	76%	89%	76%	89%	NR	NR
Cinéfaz ^(a)	TPS Cinéma	24%	45%	100%	100%	36%	67%
Cinéstar 1 ^(a)	TPS Cinéma	45%	52%	100%	100%	50%	63%
Cinéstar 2 ^(a)	TPS Cinéma	43%	49%	100%	100%	48%	63%
Cinétoile ^(a)	TPS Cinéma	48%	55%	100%	100%	1%	14%
Comédie ! ^(b)	SECC	77%	74%	13% ^(b)	12% ^(b)	54% ^(b)	69% ^(b)
Disney Channel ^(a)	Disney Channel France SA	57%	58%	65%	54%	50%	73%
Encyclopédia ^(a)	ABSat SA	71%	73%	71%	69%	71%	69%
Escales ^(a)	ABSat SA	74%	84%	74%	69%	74%	69%
Equidia ^(a)	Paris Mutuel Urbain (PMU)	/	89%	/	72%	/	64%
Festival ^(a)	France Téléfilms	NR	82%	NR	82%	55%	55%
Forum Planète ^(b)	Planète Cable SA	90%	100%	50%	0%	50%	0%
Fox Kids ^(a)	Fox Kids France	54%	55%	23%	28%	10%	24%
Fun TV ^(a)	Fun TV SNR	NR	82%	NR	59%	NR	59%
histoire ^(a)	Histoire SA	40% ^(b)	93%	16% ^(b)	86%	NR	48%
Kiosque ^(a)	Kiosque SNR	32%	57%	NR	NR	NR	NR
KTO ^(a)	Association Notre Dame de Paris	/	92%	/	72%	/	46%
La Channel Histoire ^(a)	ABSat SA	63%	63%	63%	63%	60%	63%
M6 Music ^(a)	EDI TV	70%	68%	60%	59%	60%	28%

^(b): % of programming budget

Channels	Broadcaster	European works (EW)		Independent producers (IP)		Recent works (RW)	
		1999	2000	1999	2000	1999	2000
Mangas ^(a)	Absat SA	33%	34%	31%	34%	75%	100%
MCM Euromusique ^(a)	Euromusique SA	NR	NR	98%	100%	60%	62%
Mezzo ^(a)	France Télémusicque	93%	98%	91%	97%	NR	32%
Monte Carlo TMC ^(a)	Monégasque des ondes	NR	67%	NR	54%	NR	71%
Multivision ^(a)	Telcarte SA	NR	44%	NR	100%	NR	39%
Musique Classique ^(a)	Absat SA	97%	96%	97%	96%	97%	96%
Muzzik ^(a)	Euromusique SA	NR	NR	72%	65%	15%	18%
Odyssée ^(a)	Société d'exploitation de documentaires SA	76%	46%	72%	72%	30%	30%
Paris Première ^(a)	Paris Première SA	88%	76%	87%	76%	NR	62%
Planète ^(a)	Planète Cable SA	76%	70%	62%	65%	56%	41%
Planète 2	Planète Cable SA	/	70%	/	65%	/	41%
Polar ^(a)	ABSat SA	62%	43%	62%	43%	NR	NR
RFM TV ^(a)	ABSat SA	74%	43%	74%	43%	74%	32%
Rire ^(a)	ABSat SA	68%	60%	68%	60%	NR	NR
Romance ^(a)	ABSat SA	61%	69%	61%	69%	NR	NR
Santé Vie ^(a)	Santé Vie	/	80%	/	24%	/	47%
Seasons ^(a)	Multithématique SA	90%	77%	80%	70%	70%	60%
Série Club ^(a)	Extension TV SA	59%	60%	40%	47%	17%	85%
Télétoon ^(a)	TPS Jeunesse	62%	NR	100%	56%	71%	56%
Téva ^(a)	Sedi TV SNR	NR	51%	NR	47%	NR	42%
T.F.J.	Télévision Française Juive	/	NR	/	NR	/	NR
13 ^{ème} Rue ^(a)	Société Universal Studios Channels France	17%	34%	100%	100%	34%	62%
TV5 ^(a)	Société Satellimages TV5	95%	88%	NR	NR	NR	NR
Voyage ^(a)	SAS Voyage	82%	NR	41%	NR	85%	NR
XXL ^(a)	ABSat SA	79%	91%	79%	91%	100%	100%

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

In 1999, 10 services did not achieve the minimum proportion for European works; in 2000, 12 services did not comply, but five of these came close with more than 45%.

These were mainly channels dedicated to cinema (the three Ciné Cinémas services 1, 2, and 3, which are more or less identical, Cinéfaz, which was set up in 1999 in the recent cinema niche, Polar and Action from the ABsat Group, and the pay-per-view channels from Multivision, which has managed to increase its proportion of transmission time dramatically from 16% in 1998 to 44% in 2000, and Kiosque with 32% in 1999).

On the whole, the percentage of European works is increasing in an area where only seven of the 59 services are really experiencing difficulties.

2. Independent producers

Calculated either according to broadcasting time (a) or programme budget (b), the percentage reserved for European works by independent producers has been observed by all services, with the exception of Forum Planète.

This offshoot of the documentary channel Planète changed its programmes in September 1999 to show only repeat broadcasts of debates which it produces itself, to tie in with the reports broadcast on Planète. Given the relative failure of this formula, the management stopped this format in autumn 2001.

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

The various services which had not achieved the percentages required by French rules in 1997, 1998 and 1999 were issued with formal demands to comply with broadcasting proportions of transmission times in future.

As the French rules are stricter than the requirements in Article 4 of the TWF Directive, these formal notices obviously covered non-compliance with this Article.

On 13 November 2001, the Conseil supérieur de l'audiovisuel (broadcasting standards council) opened proceedings against nine channels for not complying with the broadcasting quotas for 2000: AB 1, Action, Canal Jimmy, Ciné Cinémas 1, Ciné Cinémas 2, Ciné Cinémas 3, Cinéstar 2, Mangas and 13ème Rue.

Cinéfaz, Multivision and Polar also received formal demands to comply with quotas for European works in future.

D) FURTHER COMMENTS

None

IRELAND

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
4	Calendar years 1999/2000	Comprehensive data

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
RTE	RTE 1	3558 56%	4063 58%	1103 17%	1253 18%	100	100
RTE	Network 2	3591 57%	4004 59%	1185 19%	1325 19%	100	100
Teilifis na Gaeilge	TG 4	3049 71%	2782 66%	2793 65%	2526 60%	100	100
TV 3	TV 3	2967 49,5%	3583 49%	909 15%	1406 19%	100	100

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

Not reported

2. Independent producers

Not reported

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

None reported

D) FURTHER COMMENTS

Please note:

(a) the data are comprehensive for each year and not based on samples;

(b) in the case of RTÉ and Teilifis na Gaeilge, the definition of an independent producer is that set out in section 5 of the Broadcasting Authority (Amendment) Act, 1993, which deems a producer to be independent of broadcasters if the producer has control over the making of the programme and is neither a subsidiary nor a holding of a broadcaster;

(c) with regard to TV3, the definition of an independent producer is that set out in the suggested guidelines for the monitoring of the implementation of the "Television without Frontiers" Directive.

ITALY

TERRESTRIAL BROADCASTERS

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
11 terrestrial channels	1999-2000	Columns A and C: Monitoring Column B: Self-certification

2. Proportions (% , programming and investment

<i>Concession holder</i>	<i>Channels</i>	<i>A. European works (EW)</i>		<i>B. Independent producers (IP)⁸¹</i>		<i>C. Recent works (RW)⁸²</i>	
		1999	2000	1999	2000	1999	2000
RAI – SpA	RAI Uno	77.28	78.64	20.5	17.6	63.34	69.65
RAI – SpA	RAI Due	75.54	70.54	36.9	29.4	76.18	77.56
RAI – SpA	RAI Tre	80.15	86.91	23.9	22.7	72.83	81.85
RTI SpA	Canale 5	64.80	60.27	10.12	14.03	78.78	89.66
RTI SpA	Italia Uno	41.25	39.66	12.05	12.28	49.15	57.03
RTI SpA	Retequattro	56.35	59.87	23.50	26.57	48.11	50.38
Prima TV SpA	Tele+ Nero ⁸³	34.77	38.87	19.47	18.26	86.07	96.7
Europa TV SpA	Tele+ Bianco ⁸⁴	38.67	41.77	20.14	20.59	95.34	97.18
TV Internazionale	TMC/ LA 7	43.86	57.83	39.3	27.7	47.5	45.55
BetaTelevision srl	TMC 2	80.81	86.01	28.7	23.99	81.64	88.36
Rete A Spa	Rete A	53.82	70.52	36	19	99.33	99.33

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

The percentage of European works and recent works scheduled by **Italia 1** in 1999 and 2000 did not meet the quota; the same applies to **Retequattro**. However, since both channels, together with Canale 5, belong to R.T.I. Spa within the meaning of Article 2(4) of Decision 9/99/CONS, compliance with the quota is checked on the basis of the three channels taken together. Bearing that in mind, as shown in the table below, the scheduling of R.T.I. Spa complies in all respects with the relevant rules.

⁸¹ The national television broadcasters reserve as a rule at least 10% of broadcasting time for European works by independent producers, excluding time devoted to news, sports events, game shows, advertising, teletext services, talk shows and teleshopping. The public-service concession holder reserves a minimum quota of 20% for such works.

⁸² Within the meaning of Article 2 of Law 122/98, the percentage in column C was calculated as follows: hours when recent works (past five years) were scheduled in relation to the total scheduling hours for European works.

⁸³ Formerly Telepiù Uno.

⁸⁴ Formerly Telepiù Due.

	A – 1999 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
Canale 5	4969	3220	65%	2537	79%
Italia 1	6464	2666	41%	1310	49%
Rete 4	5897	3323	56%	1599	48%
Total	17330	9209	53%	5446	59%

N.B. : The percentages have been rounded to the nearest whole number.

	A – 2000 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
Canale 5	4990	3007	60%	2697	90%
Italia 1	6286	2493	40%	1422	57%
Rete 4	6265	3751	60%	1889	50%
Total	17541	9251	53%	6008	65%

N.B. : The percentages have been rounded to the nearest whole number.

It also seems that **TMC** (now "La7"), belonging to Tv Internazionale Srl, did not comply with the quota for European works in 1999 and for recent works during the period 1999–2000. In this case too, however, the above-mentioned Article 2(4) of Decision 9/99/CONS applies and it is necessary to check whether all the channels controlled by the SEAT–Cecchi Gori group taken together have complied with the quota. By including the group's second channel in the survey (TMC2 (now, MTV Italia)), the quotas have clearly been met in full, as shown in the table below.

	A – 1999 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
TMC	4888	2143	44%	1018	48%
TMC2	1770	1431	81%	1168	82%
Total	6658	3574	54%	2186	61%

N.B. : The percentages have been rounded to the nearest whole number.

	A – 2000 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
TMC	5227	3023	58%	1376	46%
TMC2	2219	1909	86%	1686	88%
Total	7446	4932	66%	3062	62%

N.B. : The percentages have been rounded to the nearest whole number.

For the reasons outlined above (the need to survey the data on individual channels in the light of the figures for all the channels controlled by a single operator), **Tele+ Bianco** and **Tele+ Nero**, which appear not to comply with the quota for European works, will be checked in conjunction with the survey of the Tele+ group's satellite channels (please see below).

Moreover, **Tele+ Grigio** stopped terrestrial broadcasting from 1998 and now broadcasts only by satellite. The channels and data on its broadcasting quotas are therefore included under satellite broadcasters.

2. Independent producers

Under Article 2(3) of Law No 122/98 transposing the "Television without Frontiers" Directive, national concession holders are required to transmit a minimum 10% (20% for RAI) of European works by independent producers and, under Article 2(5), to invest, by purchasing or producing, no less than 10% (20% for RAI) of their own net annual revenue from advertising in European works, including works by independent producers.

The national concession holders supplied the data on the independent producers' European quotas directly on the basis of self-certification; similarly, the data on investment quotas.

Investment quotas in European works in 1999 COMPANY/GROUP	CHANNELS	NUMBER OF CHANNELS	COMPULSORY INVESTMENT QUOTA	SELF-CERTIFIED INVESTMENT QUOTA
Rai spa	Raiuno Raidue Raitre	3	20% ⁸⁵	23%
R.T.I.	Canale 5 Italia 1 Rete 4	3	10% ⁸⁶	46%
Cecchi Gori Communications spa	Tmc - Tmc2 -	2	10% ⁸⁷	24.6%
Telepiù spa	Tele+ Bianco Tele+ Nero	2	10% ⁸⁸	1.223.67%
Rete A srl	Rete A	1	10% ⁸⁹	34.7%

Investment quotas in European works in 2000

COMPANY/GROUP	CHANNELS	NUMBER OF CHANNELS	COMPULSORY INVESTMENT QUOTA	SELF-CERTIFIED INVESTMENT QUOTA
Rai spa	Raiuno Raidue Raitre	3	20% ⁹⁰	25.4%

⁸⁵ 20% of proceeds from the *net annual licence fees* in audiovisual works.

⁸⁶ 10% of *net revenue from advertising* in producing and purchasing European audiovisual programmes.

⁸⁷ 10% of *net revenue from advertising* in producing and purchasing European audiovisual programmes.

⁸⁸ 10% of *net revenue from advertising* in producing and purchasing European audiovisual programmes.

⁸⁹ 10% of *net revenue from advertising* in producing and purchasing European audiovisual programmes.

⁹⁰ 20% of proceeds from the *net annual licence fees* in audiovisual works.

R.T.I.	Canale 5 Italia 1 Rete 4	3	10% ⁹¹	42.1%
Cecchi Gori Communications spa	Tmc Tmc2	2	10% ⁹²	58.9%
Telepiù spa	Tele+ Bianco Tele+ Nero	2	10% ⁹³	1.672.9%
Rete A srl	Rete A	1	10% ⁹⁴	44.9%

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

No action vis-à-vis terrestrial broadcasters appeared necessary.

D) FURTHER COMMENTS

None

SATELLITE BROADCASTERS

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
56 satellite channels	1999-2000	Self-certification

⁹¹ 10% of net revenue from advertising in producing and purchasing European audiovisual programmes.

⁹² 10% of net revenue from advertising in producing and purchasing European audiovisual programmes.

⁹³ 10% of net revenue from advertising in producing and purchasing European audiovisual programmes.

⁹⁴ 10% of net revenue from advertising in producing and purchasing European audiovisual programmes.

2. Proportions (% , programming and investment)

Company	Satellite channels	A. European works (EW)		B. Investment ⁹⁵		C. Recent works (RW)			
		1999	2000	1999	2000	1999	2000		
Anicaflash srl	Coming Soon Television	8.5	8.5	n.d	n.a.	8.5	8.5		
CFN – Class Financial Network Spa	Class Financial Network	n.o.	93	n.o.	n.a.	n.o.	100		
Digitaly Spa	Digitaly – Italian channel	-	-	-	-	-	-		
Disney Channel Italia	Disney Channel	20	28	n.a.	n.a.	19	27		
Eurocast Italia Srl	Topshop	n.o.	0	n.o.	-	n.o.	0		
Eurocast Italia Srl	Super 1	n.o.	39.38			n.o.	47.82		
Eurocast Italia Srl	Polonia 1	n.o.	26			n.o.	56		
Eurotelevision Spa	Telegenova sat	n.o.	82.2	n.o.	75	n.o.	77.2		
Fin. Ma.Vi – Gruppo Cecchi Gori	Cinemovie	-	66	n.a.	n.a.		22		
Fox Kids Italy srl (b)	Fox Kids	n.o.	36	n.o.	0	n.o.	37		
Kidco Service Srl	ART Variety M.E.	0	0	0	0	0	0		
Kidco Service Srl	ART Children E.U.	0	0			0	0		
Kidco Service Srl	ART Movie	0	0			0	0		
Kidco Service Srl	ART Music	0	0			0	0		
Kidco Service Srl	ART IQRAA	0	0			0	0		
Kidco Service Srl	ART Sport	0	0			0	0		
Kidco Service Srl	Nile Variety	0	0			0	0		
Kidco Service Srl	LBC Europe	0	0			0	0		
Kidco Service Srl	Nile Drama	0	0			0	0		
Kidco Service Srl	Algeria Tv	0	0			0	0		
Mediadigit spa	Duel	n.o.	12			n.o.	n.a.	n.o.	36
Mediadigit spa	Comedy Life (ex Comedy House)	n.o.	25			n.o.	n.a.	n.o.	44
Mediadigit spa	Happy Channel	70	73	n. a.	n.a.	30	33		
Multithématiques - Canal Jimmy srl -	Canal Jimmy	59	58	100#	100#	25	34		
Multithématiques - CineCinemas srl -	Cine Cinemas 1	55	65			8	17		
Multithématiques - CineCinemas srl -	Cine Cinemas 2	53	66			6	17		
Multithématiques - CineCinemas srl -	Cineclassics	47	53			9	16		
Multithématiques - Planete srl -	Planete	57	63			25	42		
Multithématiques - Seasons srl -	Seasons	70	99			37	100		
Rete Blu spa	Sat 2000	54	55			46	36	59	51
Sitcom - Nuvolari Srl	Nuvolari	n.o.	n.o.	99	100	n.o.	n.o.		
Sitcom - Galileo Srl	Galileo	n.o.	n.o.			n.o.	n.o.		
Sitcom - Leonardo Srl	Leonardo	n.o.	n.o.			n.o.	n.o.		

⁹⁵ The national concession holders reserve as a rule at least 10% of broadcasting time for European works by independent producers, excluding time devoted to news, sports events, games, advertising, teletext services, talk shows and teleshopping. For the same works, the public-service concession holder reserves a minimum 20% quota for independent producers.

Company	Satellite channels	A. European works (EW)		B. Investment ⁹⁵		C. Recent works (RW)	
		1999	2000	1999	2000	1999	2000
Sitcom - Marcopolo spa -	Marcopolo	85	76			95	100
Sitcom - INN spa -	Italia Network News	100	-			100	-
Sitcom spa	Giotto	n.o.	n.o.			n.o.	n.o.
Stream Spa	TVL	-	-			-	-
Stream Spa	DSN	-	-			-	-
Stream Spa	Promo	-	-			-	-
Stream Spa	Canale Viaggi	-	-			-	-
Stream Spa	Stream Calcio 1	-	-			-	-
Stream Spa	Stream Calcio 2	-	-			-	-
Stream Spa	Stream Calcio 3	-	-	100#	100#	-	-
Stream Spa	Stream Calcio 4	-	-			-	-
Stream Spa	Stream Calcio 5	-	-			-	-
Stream Spa	Stream Calcio 6	-	-			-	-
Stream Spa	Stream Calcio 7	-	-			-	-
Stream Spa	Stream Calcio 8	-	-			-	-
Stream Spa	Anteprima	-	-			-	-
Team TV Spa	Stream News	0	0	0	0	0	0
Team TV Spa	Stream Verde	0	0			0	0
Tele+ Prima TV	Tele+ Grigio	48.82	54.37			96.53	95.4
Tele+ Prima TV	Tele+16/9	46.13	41.18	100#	100#	97.24	97.3
Tele+ Prima TV	Tele+ Nero	34.77	38.87			86.07	96.7
Tele+ Omega TV	Palco	45.91	42.74			100	100
Tele+ Europa Tv	Tele+ Bianco	38.67	41.77			95.34	97.18

Key:

n.o.: not operational: the channel started operating from 2000, so no data is available for 1999 when it was not operational.

n.a.: not applicable: the channels did not have any advertising revenue so are not required to invest.

100#: the amounts invested by the broadcasters in the purchase and production of European workers were greater than the advertising revenue.

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

As shown in the above table, some of the satellite channels have not fulfilled all the scheduling requirements of the Community Directives and of the Italian transposal legislation (Law No 122/98 and Decision 9/99/CONS of the Authority), notably:

1. Anicaflash Srl's Coming Soon Television channel has not complied with the minimum broadcasting quotas for European works and recent works: it states that it broadcasts for an average of two hours a day programmes consisting solely of trailers. It has also stated that it does not have any advertising revenue.
2. The Class Financial Network channel belong to Class Financial Network Spa has been broadcasting since 2000 programmes consisting solely of financial news for an unbroken 24 hours a day; it states that it has no revenue from advertising and has accordingly not sent any information on investment quotas.

3. The ground given by Disney Channel, belonging to Disney Channel Italia, for failure to comply with the minimum quotas for European works and recent works is that it broadcasts essentially works by Disney (films, cartoons and series). It states that it has no revenue from advertising and has accordingly not sent any information on investment quotas.

4. Digitally Spa has not sent any data on its Digitally – Italian Channel, nor provided any grounds therefor.

5. Eurocast Italia Srl has three channels which broadcast in Polish; they have been operating since January 2000:

Top Shop, devoted exclusively to teleshopping;

Polonia 1, broadcasting general programmes for families and women;

Super 1, broadcasting children's programmes.

Data on the broadcaster's investments have been notified only in part and not in accordance with the proper form. The time earmarked for the scheduling of recent European works is not in line with the quotas laid down.

6. Cinemovie, belonging to Fin.Ma.Vi. Spa – Cecchi Gori group, shows films dating from the 1930s to 1975. For that reason, the broadcaster states that it is impossible to comply with the broadcasting quota for recent works. As it has no advertising revenue, no data on investment quotas were notified.

7. Fox Kids Italy Srl's Fox Kids channel broadcasts solely cartoons and children's programmes for the four to fourteen age group. The broadcasts commenced on 1 April 2000 and the broadcaster states that it has not purchased directly, nor through its controlling company, any programmes during the period in question.

8. The editorial policy of the channels belonging to the Kideo Service Srl group is to broadcast programmes in original Arabic solely concerned with Arab–Muslim culture. The broadcaster accordingly declares that no European productions appropriate to its editorial policy are available.

9. The six channels listed below, controlled by Multithematiques, are all devoted to highly specific themes and this is given as grounds for failure to meet the broadcasting quotas for recent European works both in 1999 and 2000:

Canal Jimmy's schedules are devoted to US culture of the sixties and seventies. Given that it is a special-interest channel targeted at a limited audience, the grounds given are acceptable.

Cine Cinemas 1 is devoted to films from the fifties and nineties.

Cine Cinemas 2 is devoted to international films and festivals.

Cine Classic is devoted to black-and-white films from the twenties and sixties.

Planete is devoted solely to historical, social and anthropological documentaries.

Seasons is devoted exclusively to nature documentaries and talk shows, particularly on hunting and fishing.

10. Sitcom Spa, which controls the INN, Nuvolari, Marcopolo, Galileo, Leonardo and Giotto channels, has sent data only on Marcopolo and INN; moreover, there were no data on 2000 for the latter. The company states in addition that the Nuvolari, Galileo and Leonardo channels, for which authorisations were issued within the meaning of Decision 127/00/CONS, have not yet started broadcasting, while the temporary authorisation for the Giotto channel has expired.

11. Team Tv Spa, to which the two news channels, Stream News and Stream Verde, belong, has stated that it neither produces nor purchases European works in view of the special-interest nature of the channels; it has not notified any data on scheduling.

12. The Tele+ Nero and Tele+ Bianco channels, broadcast by both terrestrial and satellite means and belonging respectively to the concession holders Prima Tv Spa and Europa Tv Spa (both belonging to the Tele+ group), have not met the scheduling requirements for European works in 1999 and 2000.

In accordance with Article 2(4) of the Authority's Decision 9/99/CONS, however, the quota for European works is determined on the basis of the overall scheduling of all the Tele+ group's channels, as shown in the table below.

Taken together, the Tele+ group's channels broadcast 45% of European works in 1999 and 43% in 2000 out of the total scheduling hours covered by the quotas. Accordingly, Article 2(3) of Decision 9/99/CONS is applicable: the Authority has to assess the broadcaster's reasons for failure to meet the quota where the shortfall is more than 7% a year.

	A – 1999 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
Tele+Bianco	7251	2804	39%	2673	95%
Tele+ Nero	7337	2551	35%	2195	86%
Tele+ Grigio	3718	1815	49%	1752	97%
Tele+ 16/9	2500	1153	46%	1121	97%
Tele + Palco ⁹⁶	116130	53320	46%	53320	100%
Total	136936	61643	45%	61061	99%

N.B. : The percentages have been rounded to the nearest whole number.

	A – 2000 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
Tele+Bianco	7620	3182	42%	3093	97%
Tele+ Nero	6528	2537	39%	2453	97%
Tele+ Grigio	6008	3267	54%	3116	95%
Tele+ 16/9	4988	2054	41%	1998	97%
Tele+ Palco ⁸	123676	52864	43%	52864	100%
Total	148820	63904	43%	10660	97%

N.B. : The percentages have been rounded to the nearest whole number.

13. The Duel and Comedy Life channels belonging to Mediadigit Spa (which is part of the Mediaset group) do not meet the quotas for European works and recent works.

Under Article 2(4) of the Authority's Decision 9/99/CONS, however, the broadcasting quota for European works is determined on the basis of the overall scheduling of all the Mediaset group channels, including terrestrial channels, as shown in the tables below.

Accordingly, taken together, the Mediaset channels broadcast 58% of European works in 1999 and 50% of recent works during the total scheduling hours covered by the broadcasting quotas.

⁹⁶ Tele+ Palco broadcasts pay-per-view programmes: the subscriber can select audiovisual programmes from Italian and international films, adult films and dramas, each time paying for the individual programme viewed.

In 2000, the figures were 46% for European works and 52% for recent works. Once again, therefore, Article 2(3) of Decision 9/99/CONS is applicable: the Authority has to assess the reasons given for not meeting the broadcasting quota where the shortfall is more than 7% over a year.

	A – 1999 scheduling subject to SRs	B – European works	% (B/A)	C – Recent works	% (C/B)
Canale 5	4969	3220	65%	2537	79%
Italia 1	6464	2666	41%	1310	49%
Rete 4	5897	3323	56%	1599	48%
Duel	n.o.	n.o.	-	n.o.	-
Comedy Life	n.o.	n.o.	-	n.o.	-
Happy Channel	6400	4480	70%	1344	30%
Total	23730	13689	58%	6790	50%

N.B. : The percentages have been rounded to the nearest whole number.

	A – 2000 scheduling subject to SRs	B - European works	% (B/A)	C - Recent works	% (C/B)
Canale 5	4990	3007	60%	2697	90%
Italia 1	6286	2493	40%	1422	57%
Rete 4	6265	3751	60%	1889	50%
Duel	5483	673	12%	239	36%
Comedy Life	5486	1379	25%	603	44%
Happy Channel	6488	4773	74%	1555	33%
Total	34998	16076	46%	8405	52%

N.B. : The percentages have been rounded to the nearest whole number.

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

Given the special-interest nature of certain channels, the competent authority is assessing the reasons put forward by the companies listed below for failure to meet the scheduling and investment requirements laid down by Law No 122/98 and Decision 9/99/CONS:

- Anicaflash Srl
- Class Financial Network Spa
- Disney Channel Italy
- Fin.Ma.Vi Spa
- Fox Kids Italy Srl
- Kidco Service Srl
- Multithematique
- Sitcom Spa

Stream Spa, Eurocast Italia Srl, Team Tv Spa and Digitaly Spa failed to notify scheduling figures for European works and recent works for 1999 and 2000, so the relevant department of the Authority is looking into whether to take steps to assess the broadcasters' failure to meet the requirements and the grounds given with a view to possible proceedings.

D) FURTHER COMMENTS

Decision 127/00/CONS of 1 March 2000 on approval of the “Provisions on satellite broadcasting of television programmes” laid down rules on the activities of satellite broadcasters. In the past, as there were no special rules, the very limited number of broadcasters operated on the basis of a statement on the commencement of operations made independently to the Ministry for Communications or of a provisional authorisation issued for experimental transmissions also by the Ministry for Communications.

Given the objective difficulty of setting in place a system to monitor satellite broadcasting, the Authority asked the satellite broadcasters to self-certify data on compliance with the scheduling and investment requirements under Article 2 of Law No 122/98 and Articles 2 and 4 of the Authority's Decision 9/99/CONS.

Referring to the special-interest nature of their TV channels' editorial line, in accordance with Article 5 of Decision 9/99/CONS, a number of broadcasters requested total or partial derogation from the scheduling and investment requirements. The Authority will check on the broadcasters' compliance with the requirements “*in the context of the technical and objective difficulties of compliance...*” and also “*...with a view to safeguarding the progressive development of operators in the radio and television industry, the actual quantity of works available on the market, each broadcaster's target audience, the supply of programmes in keeping with the editorial line and the network's special characteristics, with particular reference to peak viewing time*” (Article 2(2) of Decision 9/99). The data provided by the broadcasters and the grounds given for failure to attain the minimum quotas are now being assessed. The reasons for requesting total and partial derogations from the requirements are also being assessed.

We would point out that satellite broadcasters, in contrast to terrestrial broadcasters, are not required under Italian law to broadcast 10% of European works by independent producers; however, they are required to reserve at least 10% of their net advertising revenue for the production or purchase of European audiovisual programmes, including programmes by independent producers.

LUXEMBOURG

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
11	Calendar years 1999/2000	Records (estimates when no records available)

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
RTL Télé Lëtzebuerg	CLT-UFA	100%	100%	19.80%	18.10%	8.90%	9.60%
RTL9	CLT-UFA	40.50%	56.40%	33.20%	45.10%	4.40%	5.00%
RTL TVi	CLT-UFA	49.10%	54.12%	27.67%	22.67%	18.43%	13.53%
Club RTL	CLT-UFA	60.29%	54.28%	15.79%	21.27%	2.63%	3.02%
RTL4	CLT-UFA	56.00%	49.00%	50.00%	46.00%	34.00%	33.00%
RTL5	CLT-UFA	46.00%	56.00%	36.00%	50.00%	26.00%	38.00%
RTL Television	CLT-UFA	71.00%	71.00%	57.00%	55.00%	majority	majority
Grand Tourisme	Canal Europe Audiovisuel	>90%*	>90%*	n d	n d	n d	n d
No ZAP	Canal Europe Audiovisuel	>90%*	>90%*	n d	n d	n d	n d
Liberty TV	Liberty TV.com		100%	-	0%	-	0%
Nordlicht TV	Nordlicht	100%	100%	0%	0%	0%	0%

* estimate

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

On the whole, the various channels met their quotas. RTL4 and RTL TVi remained slightly below 50% for one year. RTL5's shortfall in 1999 was more significant because of the channel's thematic focus, but it more than made up for this in 2000. Each of these channels fulfilled the 'majority' quota for the whole period 1999-2000. In addition, each of the two pairs of channels, RTL4 together with RTL5 and RTL TVi together with Club RTL, met the target of broadcasting a majority of European works for each of the years in question. It must therefore be concluded that these channels managed on the whole to broadcast a percentage majority of European works.

RTL9 did not meet the target for European works in 1999, as it was undergoing economic restructuring, but it rectified this in 2000.

2. Independent producers

Not reported

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

In view of the information given above, specific measures do not seem necessary to ensure future compliance.

D) FURTHER COMMENTS

In the years under review, Directive 97/36/EC had not yet been transposed in Luxembourg. Accordingly, this report relates to all channels broadcasting under a Luxembourg licence during the reference period.

NETHERLANDS

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
21	Calendar years 1999/2000	(*)

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

SBS Broadcasting B.V. used samples relating to the following weeks : 4, 18, 35, 39 (1999) and 5, 22, 27, 44 (2000).

TV10 B.V. used samples relating to the following weeks : 2, 13, 34 and 48.

Canal+ Nederland B.V. used samples relating to the first week of each quarter of the reporting period.

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
Ned. 1	Radiobroadcastur du service public	76%	78%	33%	34%	75%	82%
TV2	Radiobroadcastur du service public	86%	76%	48%	47%	96%	94%
Ned. 3	Radiobroadcastur du service public	83%	85%	29%	28%	88%	86%
Fox 8/Fox kids	TV10 B.V.	53%	51%	85%	85%	72%	80%
SBS6	SBS Broadcasting B.V.	46%	54%	36%	32%	97%	97%
Net 5	SBS Broadcasting B.V.	40%	49%	11%	7%	89%	96%
Veronica	Veronica RTV Beheer BV	49%	45%	43%	40%	95%	93%
Kindernet5	Kindernet C.V.	81%	70%	97%	95%	58%	59%
TMF	The Music Factory B.V.	>50%	>50%	NM	NM	99%	99%
The Box	The Box Holland B.V.	55%	67%	NM	NM	>50%	>50%
Canal+1	Canal+ Nederland B.V.	24%	23%	89%	92%	93%	94%
Canal+2	Canal+ Nederland B.V.	17%	26%	94%	95%	97%	95%
Film1	UPC Programming B.V.	44%	49%	25%	34%	13%	10%
Club	UPC Programming B.V.	70%	75%	56%	57%	63%	52%
Avante	UPC Programming B.V.	73%	75%	62%	60%	77%	63%
Innergy	UPC Programming B.V.	-	39%	-	25%	-	99%
Expo 24x7	UPC Programming B.V.	-	76%	-	52%	-	30%
Filmtime	Casema N.V.	-	17%	-	100%	-	>50%
Delta TV	ZeelandNet B.V.	NR	100%	NR	44%	NR	100%
Regionet TV	TV RegioNet NoordHolland BV	100%	100%	24%	10%	100%	100%
Kleurnet	Stichting Kleurnet	100%	100%	50%	50%	100%	100%

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

Scandinavian Broadcasting B.V. gave the following reasons for not reaching the percentage target on SBS6 in 1999 : in June 1999 they discovered that they had not met the percentage target in 1997 and 1998. As a result, SBS6 changed part of their programme so they would reach the percentage target in 1999 and 2000. The percentage of European works has risen compared with the previous reference period. Scandinavian Broadcasting B.V. started broadcasting on Net5 in 1999. It is difficult for a new channel to reach the percentage targets. The percentage of European works rose in 2000 compared with 1999.

Veronica RTV Beheer BV (now: Yorin TV BV) gave the following reason for not reaching the percentage target on Veronica in 1999 and 2000 : in 1999 and 2000 Veronica devoted their day programme to home shopping. Veronica is convinced that the percentage will grow again in the coming years because they have bought more European fiction.

UPC launched a number of channels in 1999 and 2000. These channels broadcast in several countries. For Film1 it is difficult to obtain European films. Furthermore, the rights have not been cleared for all the countries in which Film1 broadcasts. Innergy is an alternative lifestyle channel. There are not enough European works available.

2. Independent producers

NM means “not measurable”. It is difficult to determine the origin of the video clips, i.e. where the production company was registered.

3. Recent works

Film1 is a library movie channel broadcasting films from the 1950s to the 1990s. This accounts for why Film1 did not reach the percentage target for recent works.

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

In the interests of effective and optimal reporting, the “Commissariaat voor de Media” (the Dutch media authority) has established policy guidelines concerning (the reporting of) European quotas which came into effect on 1 January 2002.

D) FURTHER COMMENTS

Canal+ Nederland BV was granted a temporary exemption by the Commissariaat voor de Media on the basis of article 52k, subsection 6 of the Dutch Media Decree for the years 1999 and 2000. In both years the required percentage of European works was at least 25%.

Film1 started broadcasting in May 1999, Club in October 1999, Avante in December 1999, Innergy in May 2000 and Expo 24x7 in June 2000.

Filmtime is a pay-per-view channel, which has a temporary exemption from the Commissariaat voor de Media on the basis of article 53b of the Dutch Media Decree. Filmtime started broadcasting in May 2000.

The 12 regional public broadcasters have confirmed that they fulfilled their obligations. The programmes of these broadcasters consist mainly of teletext services, news and sport. This means that the transmission time on which they have to report is only a few minutes a day. This transmission time is reserved for programmes intended for regional audiences and produced by the broadcaster itself or a Dutch independent producer.

PORTUGAL

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
9	Calendar years 1999 and 2000	<i>Samples</i> ⁹⁷

2. Proportions (%)

Table 1: Public service operator RTP

<i>Broadcaster</i>	<i>Channels</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
RTP. SA	RTP1	59.2	64.6	27.6	42.2	27.6	42.2
	RTP2	60.3	61.9	21.5	20.5	21.5	20.5
	RTP Internacional	95.9	92.3	38.5	35.2	38.5	35.2
	RTP Africa	94	90.8	40.4	36.6	40.4	36.6

Table 2: Private operators

<i>Broadcaster</i>	<i>Channels</i>	<i>European works (OE)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
SIC. SA	SIC	44.8	34.8	24.4	18.6	24.4	18.6
	SIC Internacional	-	98.2	-	53.7	-	53.7
	SIC Gold	-	77.1	-	38.0	-	38.0
TVI	TVI	30.5	36.5	16.8	31.5	16.8	31.5
SPORT TV Portugal. SA	SPORT Tv	90	74.7	5.5	3.9	5.5	3.9

Table 3: Weighted averages for European works, independent producers and recent works by operator

<i>Broadcaster</i>	<i>Channels</i>	<i>European works (OE)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
RTP. SA	RTP1 RTP2 RTP Internacional RTP Africa	77.4	77.4	32	33.6	32	33.6
SIC. SA	SIC SIC Internacional SIC Gold	44.8	70	24.4	36.8	24.4	36.8
TVI. SA	TVI	30.5	36.5	16.8	31.5	16.8	31.5
SPORT TV Portugal. SA	SPORT TV	90	74.7	5.5	3.9	5.5	3.9

⁹⁷ The percentages indicating how television broadcasters performed in respect of Articles 4 and 5 of the TWF Directive were calculated, for 1999, on the basis of samples of two normal broadcasting weeks (chosen at random) per quarter and, for 2000, of three normal broadcasting weeks (also chosen at random) per half-year, in order to prevent any possibility of the figures being manipulated.

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

See below

2. Independent producers

See below

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

Measures taken or planned to achieve the percentages set by the Directive (TVI et Sport Tv Portugal).

As we can see above, the only television operators under Portuguese jurisdiction which failed to comply with the programming objectives set in Articles 4 and 5 of the TWF Directive during the reference period were TVI-*Televisão Independente* (for European works) and *Sport TV Portugal* (for independent productions and recent works). In fact, one of the channels run by *SIC-Sociedade Independente de Comunicação* also failed to achieve the percentages provided for in Article 4 of the TWF Directive, although they were clearly met by this operator taken as a whole, as provided for in the Community rules.

The Portuguese authorities have stressed, particularly to TVI, the need to make every effort to raise the percentages of European works broadcast to the levels provided for in the TWF Directive. Although this aim has not yet been achieved, it should be emphasised that there has been clear progress in this direction.

Similar reminders have been given to Sport TV Portugal as regards independent productions and recent works, although it is recognised that there are good reasons why this operator, in particular, should find it more difficult to comply with the percentages set out in Article 4 of the Directive.

D) FURTHER COMMENTS

It should be explained that, in terms of the broadcasting of independent productions and recent works, Article 38 of the Portuguese Television Law (approved by Law No 31-A/98 of 14 July 1998) provides for a stricter system than that laid down in Article 5 of the Directive since it obliges the operators covered by the law to ensure that “at least 10% of programming, excluding the time allotted to news, sports events, game shows, advertising, teleshopping and teletext services, consists of the broadcasting of European works created by producers who are independent of broadcasters” and, *in addition*, that these works have been “produced in the last five years”⁽⁹⁸⁾.

RTP-*Radiotelevisão Portuguesa, SA*

In the period 1999-2000, as in previous years, the public service television operator complied fully with the programming objectives set out in Articles 4 and 5 of the Directive.

A new feature in the report which should be highlighted is the inclusion of data relating to the channel RTP-*África*, which began regular broadcasts in January 1998 and which, despite being intended as a

⁽⁹⁸⁾ See Article 38 of Law No 31-A/98, published in *Diário da República* (Official Journal) No 160/98 (supplement), series I-A, of 14 July 1998, pages 3384(2)-3384(13).

satellite channel for some of the former Portuguese colonies (Angola, Cape Verde, Guinea-Bissau, Mozambique, and S. Tomé e Príncipe), is also received in Portugal via cable and satellite.

SIC-Sociedade Independente de Comunicação, SA

In terms of the broadcasting of independent productions and recent works, the operator SIC-Sociedade Independente de Comunicação achieved percentages which were clearly higher than the provisions of Article 5 of the TWF Directive, both in 1999 (when it only had the generalist “SIC” channel) and in 2000 (when, in addition, it started running the generalist “SIC Internacional” and “SIC Gold” channels, which began regular broadcasts in January and June 2000 respectively).

With regard to the broadcasting of European works, SIC failed to comply with the objectives laid down in Article 4 of the Directive in 1999, although the percentage relating to its performance in this period was close to the figure provided for in this Community provision. In 2000, however, the percentage for the broadcasting of European works – calculated with reference to SIC as a whole – was 70%⁽⁹⁹⁾, which therefore easily met the relevant Community objectives.

TVI-Televisão Independente, SA

With regard to TVI, this operator showed percentages in 1999 and 2000 which were higher than the provisions laid down in Article 5 of the TWF Directive, although it did not achieve the percentages set out in Article 4.

It is important to note, however, that since the year when its activities began (1993), TVI has continuously and regularly increased its percentages for the broadcasting of European works, thus respecting the guidelines on progressive achievement of the proportion as laid down in Article 4(1) of the TWF Directive.

Factors which have prevented TVI from complying with the Community provisions - as noted in previous years – include the fact that it was the last terrestrial operator to start up, with obvious consequences for its market penetration, a situation which was exacerbated by the limited size and contraction of the national advertising market, by the fragility of the national programme production industry, and by a period of increased financial instability, which has only recently eased. However, it should also be stressed that there are quite good indications that this operator will be able to comply with the objectives of Article 4 of the Directive in future years.

Sport Tv Portugal, SA

Since the end of 1998, the operator Sport TV Portugal has been running the sports channel “Sport TV”, which has conditional access and is transmitted by cable and satellite..

Despite the fact that, due to its specialised nature, “Sport TV” focuses on coverage of sports events – which are in principle specifically excluded from the broadcasting percentages – it should be noted that it is not exclusively developing this type of programming. In accordance with the principles of the Directive, the rest of the programmes on this channel were examined to determine what proportion of them consisted of European works. The results obtained using this methodology are contained in Table 2.

⁽⁹⁹⁾ See Table 3 in the Annex, which indicates the annual weighted averages of each operator for the period 1999-2000.

In the case of this operator, non-compliance with the Community objectives relates only to the broadcasting of independent productions and recent works. However, the proportions achieved are remarkable in view of the recent appearance of this channel, its specialised nature and the difficulties in complying with the required percentages in this particular field.

FINLAND

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
4	Calendar years 1999/2000	Survey (by the Communications Office)

2. Proportions (%)

<i>Channel</i>	<i>Broadcaster</i>	<i>European works</i>		<i>Independent producers</i>		<i>Recent works</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
TV 1	YLE	4299 h 86%	4406 h 85%	750 h 17%	1248 h 28%	59	62
TV 2	YLE	2652 h 72%	2624 h 77%	850 h 32%	1010 h 38%	61	59
YLE(TV1 + TV2)	YLE	6951 h 80%	7030 h 80%	1600 h 23%	2258 h 32%	60	61
MTV 3	MTV	3007 h 55%	2690 h 63%	1051 h 19%	1176 h 27%	100	100
Nelonen (4)	Ruutunelonen	2011 h 52%	2140 h 53%	929 h 24%	926 h 23%	100	100

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

No observations

2. Independent producers

No observations

C) MEASURES TAKEN OR ENVISAGED BY THE MEMBER STATE

None reported

D) FURTHER COMMENTS

None

SWEDEN

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
30	Calendar years 1999/2000	Questionnaire to broadcasters

2. Proportions (%)

Channels	Broadcaster	European works		Independent producers		Recent works	
		1999	2000	1999	2000	1999	2000
SVT 1	Sveriges Television AB	2458 h 82%	3143 h 84.88%	514 h 15%	777 h 20.98%	100%	54%
SVT 2	Sveriges Television AB	3169 h 88%	2264 h 88.20%	551 h 17%	317 h 12.35%	100%	77%
Mälarkanalen	Sveriges Television AB	(1)	40 h 100%				
SVT Väst	Sveriges Television AB	(1)	615 h 100%				
SVT Mitt	Sveriges Television AB	(1)					
SVT Syd	Sveriges Television AB	(1)	1445 h 100%				
Digital Öst	Sveriges Television AB	(1)	300 h 100%				
SVT 24(2)	Sveriges Television AB						
UR	Sveriges Utbildningsradio AB	815 h 98%	783 h 99%	259 h 31%	87 h 11%	98%	
TV 4	TV4 AB	2997 h 51.49%	2810 h 50.27%	1983 h 66.17%	1809 h 64.38%	2%	78.15%
TV 3 AB	TV3 AB	(3)	1027 h 17%		1027 h 17%		88%
TV 5 AB	Kanal 5 AB	(3)	1295 h 19.5%		1295 h 100%		100%
TV 1000	TV 1000 AB	2311 h 26%	2049 h 24%	2311 h 26%	2049 h 24%	100%	78%
Cinema	TV 1000 AB	1953 h 25%	2009.5 h 23%	1953 h 25%	2009.5 h 23%	100%	77%
Z TV	Modern Times Group MTG AB	(3)	1401 h 19%		1000 h 14%		85%
Viasat Sport (4)	Modern Times Group MTG AB						
6(logotype)	TV 6 Sverige AB	1092 h 42%	1095 h 50%	0 h 0%	1095 h 50%	0%	0%
TV 8	Televisionsaktiebolaget TV 8	1263 h 60%	935 h 85.4%	234 h 17.6%	136 h 12.4%	17.6%	12.4%
Canal+ (5)	Canal + Television AB	1950 h 23%	2600 h 32%				
Canal+ Gul (5)	Canal+ Television AB	2100 h 25%	2800 h 36%				
Canal + Bla (5)	Canal + Television	290 h	1500 h				

Channels	Broadcaster	European works		Independent producers		Recent works	
		1999	2000	1999	2000	1999	2000
	AB	20%	36%				
Kiosk (5)	Canal + Television AB	22000 h 12%	25890 h 14.1%				
K-World	Kunskaps TV I Sverige AB	336 h 76.7%	2460 h 84%	168 h 31.7%	624 h 25%	30%	66%
CineCinemas (6)	CineCinemas AB(AB Grundstenen)	31 h 5.75%	1377 h 23%	31 h 5.75%		0%	
ETV	Cell Internet Commerce Development AB	(3)	4800 h 60%		4800 h 60%		
DTU 7	DTU Television AB	(3)	0 h 0%		0 h 0%		0%
SkaneKanalen	SkaneKanalen AB (Landskrona Vision AB)	100 h 100%	750 h 100%	100 h 100%	750 h 100%	100%	100%
NollEttan Television	TV-Kinsköping Länkomedia AB	485 h 47%	1250 h 100%	0 h 0%	0%	0%	0%
TV-Butiken (7)	Nordic Shopping Sverige Aktiebolag						
Assyria-TV	Bethnahrin Institutet	(8)	52.5 h 75%		15 h 20%		100%

(1) In general, 100% European origin.

(2) The entire content of SVT 24 is news and sport, which is not counted as broadcasting time.

(3) Began digital terrestrial broadcasting in 2000.

(4) ViaSat Sport broadcasts only sport.

(5) As Canal+Television AB buys its programmes from distributors it does not know whether the programmes are produced by independent producers or not.

(6) CineCinemas is a film channel that shows films which had TV premieres. They have no recent works. And the broadcaster has no information on whether the programmes are produced by independent producers or not.

(7) Nordic Shopping Sverige AB broadcasts only "shopping" programmes.

(8) Bethnahrin Institutet did not broadcast during 1999.

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

TV 3 AB:

High cost of producing own programmes. Adapts supply to viewers' wishes. USA productions less expensive than Swedish and European productions.

TV 5 B:

From the budget/rating aspect the proportions are markedly higher.

TV 1000:

Shortage of good quality European films.

Cinema/TV 1000 AB:

Shortage of good quality European films.

ZTV:

The channel is music oriented and reflects global supply and demand for music videos.

6(logotype):

The shortage of new productions is due to low viewing figures and correspondingly low turnover.

Kiosk:

Pay-per-view service

CineCinemas:

The business concept is incompatible with the percentages.

DTU 7:

Broadcasts regionally from Iran on digital terrestrial television.

2. Independent producers

No observations

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

TV 3 AB:

Aiming for as high a proportion of own productions as is commercially justifiable.

TV 5 AB:

Increased buying of European programmes in 2000.

TV 1000:

Seeking out European films of good quality.

Cinema/TV 1000 AB:

Seeking out European films of good quality.

Z TV:

Encouraging European artists to produce high quality music videos.

DTU 7:

Intends producing programmes in Swedish in 2001 and broadcasting European programmes.

D) FURTHER COMMENTS

None

UNITED KINGDOM

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
	Calendar years 1999-2000	Survey

2. Proportions (%)

Channel	Broadcaster	European works (EW)		Independent works (IP)		Recent works (RW)	
		1999	2000	1999	2000	1999	2000
3+Denmark	Viasat Broadcasting UK Limited	18	10	16	8	17	8
Adult Channel	The Home Video Channel Ltd/Playboy	48	51	37	39	31	34
Animal Planet	Discovery Networks Europe	40	64	35	60	29	26
Arab News Network	Linkchain Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Artsworld	Artsworld Channels Ltd	n/o	89	n/o	81	n/o	59
Asianet	Asianet Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Auction Channel	Trojan Television Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Bet International	Bet International	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
B4U Movies	B4U Movies	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
BBC Choice	BBC	92	97	22	36	22	36
BBC Knowledge	BBC	99	99	12	17	12	17
BBC News 24	BBC	100	100	0	0	0	0
BBC Parliament	BBC	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
BBC Prime	BBC	100	100	26	18	26	18
BBC World	BBC	88	84	11	14	11	14
BBC1	BBC	65	71	19	20	19	20
BBC2	BBC	65	73	17	15	17	15
Bid Up TV	Sit Up	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Biography Channel	BSKyB	n/o	5	n/o	5	n/o	1

Bloomberg Information Television	Bloomberg LP	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
The Box	The Box	66	63	19	37	19	37
Bravo	Flextech Television	18	15	6	3	1	3
Carlton Food Network	Carlton	99	93	61	67	61	66
Carlton Select (formerly Select TV)	Select Cable TV	55	54	26	21	8	7
Challenge TV	Maidstone Broadcasting Ltd	79	81	25	26	21	21
Channel 4	Channel Four Television Corporation	65	69	39	39	33	31
Channel 5	Channel Five Broadcasting Ltd	53	54	40	42	37	41
Channel Health	Channel Health Ltd	n/o	35	n/o	12	n/o	12
Chinese Channel (TVBS Europe)	TVBS Europe	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
CNBC	Business News (Europe) Ltd Partnerships	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
CNN International	Turner Broadcasting Systems Europe Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Culture Television - CTV	CTV International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Dating Channel	Euro Digital Corporation Ltd	n/o	100	n/o	0	n/o	0
Discovery Channel (UK)	Discovery Networks Europe	57	66	50	59	34	36
Discovery Civilization	Discovery Networks Europe	n/o	74	n/o	58	n/o	35
Discovery Home and Leisure	Discovery Networks Europe	56	56	49	46	41	46
Discovery Health	Discovery Networks Europe	n/o	44	n/o	12	n/o	4
Discovery Kids	Discovery Networks Europe	n/o	48	n/o	46	n/o	7
Discovery Ski-Trek	Discovery Networks Europe	n/o	54	n/o	51	n/o	33

Discovery Travel and Adventure	Discovery Networks Europe	n/o	63	n/o	58	n/o	45
Discovery Wings	Discovery Networks Europe	n/o	58	n/o	49	n/o	38
Disney Channel UK (Incorporating the core Disney Channels; Disney Channel, Disney Channel +1, Playhouse Disney and Toon Disney)	Disney Channel UK	27	31	4	3	2	3
Film Four	Channel Four Television Corporation	52	44	11	9	8	6
Fox Kids UK	Fox	27	38	17	34	20	25
Fox Kids Scandinavia	Fox	20	36	14	31	10	11
Front Row (with the Barker Channel)	Front Row Television Ltd	54	48	0	1	0	1
Front Row (without the Barker Channel)	Front Row Television Ltd	35	37	1	1	1	1
God Channel (formally Christian Channel)	The Christian Channel Europe Ltd	35	36	24	26	24	26
GSB Men + Motors/Breeze	Granada Sky Broadcasting	68	54	6	4	6	4
GSB Granada Plus	Granada Sky Broadcasting	81	66	17	11	3	3
HBO	HBO Communications Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Hallmark Entertainment Network	Crown Entertainment Ltd	n/o	No data available	n/o	No data available	n/o	No data available
History Channel	BSkyB-NCG-UK Partnership	26	21	11	7	8	8
Home Shopping Network	K-Tel Marketing Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Inspiration Network	Mission Today Ltd	30	40	10	13	4	13
Ideal World Home Shopping	Ideal Home House	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
ITN News Channel	ITV Network	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
ITV	ITV Network	72	77	26	28	18	20
JSTV	Japan Satellite Television Europe Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt

ITV2	ITV Network	86	51	29	18	29	18
Kanal 5	Kanal 5 Ltd	22	20	21	19	21	19
Kiss	Emap Performance TV	n/o	56	n/o	44	n/o	44
Landscape Channel	Landscape Studios	80	78	81	83	2	1
Lashkara	Reminiscent Television UK Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Living	UK Living Ltd	37	31	35	15	30	17
Media Shop Television	Media Shop Television	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Middle East Broadcasting Centre	MBC Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Minaj Broadcasting International	Minaj UK Ltd	n/o	No data available	n/o	No data available	n/o	No data available
The Money Channel	Wapping Studios	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
M2 (MTV2)(STST59)	MTV Network Europe	95	94	77	90	77	90
MTV Base (STS274)	MTV Network Europe	68	77	67	72	67	72
MTV Central	MTV Network Europe	94	n/o	85	n/o	85	n/o
MTV Europe	MTV Network Europe	92	92	82	70	82	70
MTV Extra (STS274)	MTV Network Europe	75	76	60	68	60	68
MTV France (STS352)	MTV Network Europe	n/o	91	n/o	71	n/o	71
MTV Netherlands (STS352)	MTV Network Europe	n/o	92	n/o	73	n/o	73
MTV Nordic (STS238)	MTV Network Europe	92	93	84	78	83	78
MTV Polska (STS356)	MTV Network Europe	n/o	95	n/o	87	n/o	87
MTV Spain (STS363)	MTV Network Europe	n/o	95	n/o	87	n/o	87
MTV UK (STS182)	MTV Network Europe	94	89	79	66	79	66

Muslim Television Ahmadiyya	Al Shirkatul Islamiyya	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
National Geographic	National Geographic Channel UK	9	16	6	6	3	3
Nickelodeon	Nickelodeon UK	29	20	22	14	16	10
Nickelodeon Junior	Nickelodeon UK	58	55	45	42	31	21
Nickelodeon Nordic	Nickelodeon UK	8	11	4	1	4	1
Novashop	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Novashop 2	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Pakistani Channel	Pakistani Channel	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Paramount Comedy Channel	Paramount Comedy	23	24	17	19	10	12
Phoenix Chinese News and Entertainment Channel	Phoenix CNE	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Performance - The Arts Channel	Performance TV	67	73	20	27	6	8
Play UK	UK TV	92	75	8	20	28	19
Playboy TV	Playboy TV UK	15	18	15	18	9	18
Private Blue (previously Midnight Blue)	Zone Broadcasting UK Ltd	n/o	49	n/o	23	n/o	23
Q24	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Q TV	Emap Performance TV	n/o	53	n/o	47	n/o	47
Quantum Channel	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
QVC Shopping Channel	QVC International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Racing Channel	Satellite Information Services Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Rapture	Rapture TV	100	69	4	16	4	16

Reality TV	CNI UK Ltd	69	50	0	0	0	0
Revival Channel	Christian Channel Europe Ltd	16	31	15	19	15	19
S4C - Analogue	S4C	100	100	70	67	67	64
S4C - Digital	S4C	100	100	86	86	80	80
S4C2	S4C	100	100	0	0	0	0
Satellite Information Services Ltd Racing Facts	Satellite Information Services Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Sat-7	Sat-7 Media Services Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Sci-Fi Channel	Sci-Fi Channel	11	11	4	2	2	2
Sell-a-Vision Shopping	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Setanta Sport	Setanta Sport	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Shop!	The Home Shopping Channel Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Shop America	Shop America Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Simply Money	Invest TV	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
SIS Racing Facts	Satellite Information Services Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Sky Cinema (formerly Sky Movies Gold)	BSkyB Ltd	13	17	12	13	1	0
Sky Movie Max (formerly Screen 1 and Sky Movies)	BSkyB Ltd	7	4	6	3	4	3
Sky News	BSkyB Ltd	89	91	4	0	4	0
Sky One	BSkyB Ltd	46	34	6	5	6	5
Sky Premier (formerly known as Screen 2 and as The Movie Channel)	BSkyB Ltd	8	9	7	7	4	4
Sky Soap	BSkyB Ltd	79	n/o	64	n/o	0	n/o
Sky Sports 1	BSkyB Ltd	89	91	20	28	17	28

Sky Sports 2	BSkyB Ltd	89	90	42	56	42	56
Sky Sports 3	BSkyB Ltd	81	80	53	55	55	69
Sky Sports Extra	BSkyB Ltd	100	95	50	78	50	78
Sky Travel Channel	BSkyB Ltd	56	43	20	12	20	12
Sony Entertainment Television Asia	Sony Entertainment Television Asia	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Studio Universal	Studio Universal	46	47	46	47	23	47
Supershop	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
TCC Nordic	Flextech	27	n/o	5	n/o	5	n/o
Television X	Portland Enterprises Ltd	33	44	19	16	25	16
TESUG TV	TESUG	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Turner Cartoon Network	Turner Broadcasting Systems Europe Ltd	28	36	28	32	14	20
Cartoon Network (Boomerang)	Turner Broadcasting Systems Europe Ltd	n/o	21	n/o	21	n/o	0
Cartoon Network (Dutch Language)	Turner Broadcasting Systems Europe Ltd	22	26	22	25	18	19
Cartoon Network (French Language)	Turner Broadcasting Systems Europe Ltd	n/o	21	n/o	20	n/o	7
Cartoon Network (Italian Language)	Turner Broadcasting Systems Europe Ltd	20	22	12	18	3	10
Cartoon Network (Spanish Language)	Turner Broadcasting Systems Europe Ltd	12	21	12	16	12	16
Cartoon Network (Nordic)	Turner Broadcasting Systems Europe Ltd	15	20	15	20	0	11
TNT Classical Movies: Digital	Turner	11	n/o	0	n/o	0	n/o
TCM (Turner Classic Movies) UK	Turner	40	41	40	41	0	0
TCM (Turner Classic Movies) Spanish Language	Turner	40	40	40	40	0	0
TCM (Turner Classic Movies) French Language	Turner	40	41	40	41	0	0

Trouble	Starstream Ltd	20	24	12	16	2	2
TV3 Denmark	Viasat Broadcasting UK Ltd	22	16	15	9	15	9
TV3 Norway	Viasat Broadcasting UK Ltd	15	8	8	4	8	4
TV3 Sweden	Viasat Broadcasting UK Ltd	22	12	17	9	17	9
TV Land	Gulf GTH Productions	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
TV Shop	Viasat Broadcast Centre	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
TV Shop Sport	Viasat Broadcast Centre	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
UK Arena	UK TV	81	68	8	20	7	17
UK Drama (formally UK Arena)	UK TV	n/o	96	n/o	0	n/o	0
UK Gold	UK Gold Broadcasting Ltd UK	81	67	21	17	7	14
UK Horizons	UK TV	99	97	19	29	16	21
UK Style	UK TV	98	95	43	36	35	31
V+ Norway	Viasat Broadcasting Centre	n/o	13	n/o	4	n/o	4
VH 1 (STS 076)	MTV Network Europe	90	79	83	74	83	74
VH1 Classic (STS 275)	MTV Network Europe	89	70	88	93	86	93
VH1 Export (STS 171)	MTV Network Europe	89	80	81	75	81	75
Vision Channel	Vision Broadcasting	57	69	47	59	49	45
VT4	VT4	15	16	12	15	12	14
What's in Store	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
What's in Store 2	Quantum International Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Wizja	UPC Broadcast Centre Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Zee TV	Asia TV Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Zee Bangla	Asia TV Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Zee Cinema	Asia TV Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
Zee Music	Asia TV Ltd	Exempt	Exempt	Exempt	Exempt	Exempt	Exempt
ZTV	Viasat Broadcasting UK Ltd	63	46	60	12	14	12
Average Compliance Rate		56	56	29	32	23	26
No of channels exceeding quota targets		52	57	71	84	51	64
No of channels operating	172						
No of channels exempt	51						

N/O – Not operational – N/A – Not available

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

a) Subject matter of the channel:

Bet International, CNBC, Disney Channel UK, Playboy TV, Revival Channel

b) When the channel commenced broadcasting:

Channel Health, God Channel, V+ Norway

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

Arab News Network, Asianet, Auction Channel, BET International, B4U Movies, BBC Parliament, Bid-Up TV, Bloomberg Information Television, Chinese Channel, CNBC, CNN International, Cultural Television, HBO, Home Shopping Network, Ideal World Home Shopping, ITN News Channel, JSTV, Lashkara, Media Shop Television, Middle East Broadcasting Centre, The Money Channel, Muslim Television Ahmadiyya, NovaShop, NovaShop 2, Pakistani Channel, Phoenix Chinese New and Entertainment Channel, Q24, Quantum Channel, QVC Shopping Channel, Racing Channel, Satellite Information Services Racing Facts, Sat-7, Sell-a-Vision Shopping, Setanta Sport, Shop!, Shop America, Simply Money, SIS Racing Facts, Sony Television Entertainment Asia, Supershop, TESUG TV, TV Land, TV Shop, TV Shop Sport, Whats in Store, Whats in Store 2, Wizja TV, Zee TV, Zee Cinema, Zee Music, Zee Bangla.

d) Difficulty in finding European programmes or finding European programmes at competitive prices:

Bravo, Cartoon Network, Front Row (including Barker Channel), Front Row (excluding Barker Channel), The History Channel, Kanal 5, Living, National Geographic, Nickelodeon Nordic, Playboy TV, Sci-Fi Channel, Sky 1, Television X, Trouble, TV+ Denmark, TV+ Norway, TV+ Sweden, VT4

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

Cartoon Network services, Fox Kids UK, Fox Kids Scandinavia, Paramount Comedy Channel, Turner Classic Movies services

2. Independent producers

The Dating Channel transmits video profiles only, but plans to move away from this towards home grown programming.

GSB Men and Motors/Breeze's output consists of 75% of Granada Television's stock.

Nickelodeon Nordic has difficulty acquiring locally produced programming.

Playboy UK has undergone a change in organisation, budget and branding constraints.

TV3 Norway have difficulties due to there being so few viewers in Norway, which means that programmes are more expensive to make than in the other Scandinavian territories and it is necessary to spend more to reach fewer people.

3) Recent works

BBC's programmes tend to be shown within 5 years of production, therefore they are not broken down separately.

GSB Granada Plus, Landscape Channel, UK Drama have an emphasis on repeats.

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

Bravo hope to increase investment as audience figures grow and Viasett hope to continue to secure more EC productions which are economically viable.

Cartoon Network have clinched a number of co-production deals with France and Germany. Funds are also being invested in original programming, especially in a showcase exercise to foster new talent in the UK and Europe. Continued effort to increase level of European content.

Disney Channel UK recently acquired a large selection of independent European programmes, which they aim to broadcast throughout 2001.

Fox Kids UK and Scandinavia are having an overhaul of their schedule at present but they have promised to incorporate new European and in-house productions. Nickelodeon UK, Playboy UK and Trouble have also stated that they have plans for EC-produced programmes for 2001.

Nickelodeon Nordic are committed to providing best quality children's entertainment and hope to increase EU content.

Sci-Fi Channel has a long-running commissioned show planned for late 2002.

Sky One is focussing on higher cost/quality per hour programming such as one-off dramas and comedy series.

The History Channel and National Geographic figures are up in 2001.

D) FURTHER COMMENTS

None.

III. – SUMMARY OF THE REPORTS FROM THE MEMBER STATES OF THE EUROPEAN FREE TRADE ASSOCIATION PARTICIPATING IN THE EUROPEAN ECONOMIC AREA

ICELAND

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
	Calendar years 1999-2000	

2. Proportions (%)

<i>Broadcaster</i>	<i>Channels</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
NLC	Stöð2 (Channel 2)	10,37	14,44	0,74	2,17		
	Sýn (Vision)	10,62	13,69	21,20	21,17		
	Bíórás (The Film Channel)	5,51	5,55	0,18	1,54		
RUV	1	43	41	34	33	79	80
ITC	Screen One	50	40	40	40	25	35

RUV: The Icelandic National Broadcasting Service –1

ITC: Icelandic Television Company- Screen One (Skjar 1)

NLC: Northern Light Communications (3 channels)

-Channel 2 (Stö)

-Vision (Syn)

-The Film Channel (Biorasin)

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

No observations

2. Independent producers

No observations

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

None reported

D) FURTHER COMMENTS

None.

NORWAY

A) STATISTICAL STATEMENT

1. Summary table

<i>Number of channels</i>	<i>Reference period</i>	<i>Method</i>
6	Calendar years 1999-2000	Sampling In addition to statistics covering 1999 and 2000, the sampling procedure described in the suggested guidelines was used for one week (selected at random) in 2000

2. Proportions (%)

<i>Channels</i>	<i>Broadcaster</i>	<i>European works (EW)</i>		<i>Independent producers (IP)</i>		<i>Recent works (RW)</i>	
		<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>	<i>1999</i>	<i>2000</i>
NRK 1	NRK Ltd.	76	85	11	12	89	90
NRK 2		66	62	9	16	75	85
NRK Intern.		76	90	11	9	89	71
TV 2	TV 2 Ltd.	55	56	19	19	96	96
TV Norge	TV Norge Ltd.	22	20	22	20	89	100
Metropol	NYTV	51	48	25	22	44	76

B) REASONS GIVEN BY THE MEMBER STATE FOR NON-COMPLIANCE

1. European works

TV Norge Ltd has not given any acceptable reason for failure to reach the required proportion of European works.

2. Independent producers

The NRK's channels NRK 2 and NRK International failed — although by a small margin — to reach the required proportion of independent productions.

C) MEASURES ADOPTED OR ENVISAGED BY THE MEMBER STATE

The Mass Media Authority has issued TV Norge Ltd with a formal notice to fulfil its obligations under the Norwegian Broadcasting Act. It has also requested NRK Ltd to increase its proportion of independent productions.

D) FURTHER COMMENTS

None.

IV. ANNEXES

ANNEX 1

LIST OF TELEVISION CHANNELS IN THE EUROPEAN UNION MEMBER STATES WHICH FAILED TO ACHIEVE THE MAJORITY PROPORTION OF EUROPEAN WORKS AND/OR THE MINIMUM PROPORTION OF 10% OF EUROPEAN WORKS BY INDEPENDENT PRODUCERS

A) EUROPEAN WORKS

Status _____ Type _____

PR = private channel GE = general interest √ = target met
PB = public channel TH = special interest x = target not met
PY = pay channel LA = non-Community - = data not communicated
BA = channel forming part of language n.o. = not in operation

a basic service for a cable

network or satellite service

Member State	Channel	1999	2000	Status	Type
AT	ORF 1	x	x	PB	GE
BE	RTL TVI	x	√	PR	GE
	KANAAL 2	x	x	PR	GE
	Canal+grijs	x	x	PR/PY	TH
	Canal+blauw	x	x	PR/PY	TH
	Canal+geel	x	-	PR/PY	TH
	Canal+16/9	x	x	PR/PY	
DE	Studio Universal	x	x	PY	TH
	13 th Street	x	x	PY	TH
	KABEL 1	x	x	PR	GE
	Premiere	x	x	PY	TH
	Pro Sieben	x	x	PR	GE
	RTL 2	x	x	PR	GE
	Super RTL	x	x	PR	GE
	VH1	-	-	PR	TH
	n-TV	-	-	PR	TH
DK	TV Zulu	n.o.	x	PR/PY	TH
	TV Danmark	x	x	PR	GE
GR					
ES	Telecinco	x	√	PR	GE
	TCM	x	x	PR	TH
	AXN	x	x	PR	TH
	Alucine	x	x	PR	TH
	Fox Kids	x	x	PR	TH
	Cinemanía	x	x	PR	TH
	Disney Channel	x	x	PR	TH
	Nichelodeon	x	x	PR	TH
	Calle 13	x	x	PR	
	Gran Via	x	x	PR	
	Gran Via 2	x	√	PR	

Member State	Channel	1999	2000	Status	Type
	Gran Via 3	x	√	PR	
	Studio Universal	n.o.	x	PR	TH
FR	AB 1	x	x	PR/BA	TH
	Action	x	x	PR/PY	TH
	Canal Jimmy	-	x	PR	TH
	Cinecinéma 123	-	x	PR	TH
	CinéClassics	-	√	PR	TH
	Cinéfaz	x	x	PR/BA	TH
	Cinéstar 1	x	√	PR/BA	TH
	Cinéstar 2	x	x	PR/PY	TH
	Cinétoile	x	√	PR/PY	TH
	Festival	-	√	PR	TH
	FunTV	-	√	PR	TH
	Histoire	x	√	PR/PY	TH
	Kiosque	x	√	PR/PY	TH
	Mangas	x	x	PR/BA	TH
	MCM-Euromusique	-	-	PR	TH
	Monte Carlo TMC	-	√	PR	TH
	Multivision	-	x	PR	TH
	Muzzik	-	-	PR	TH
	Odyssée	√	x	PR	TH
	Polar	√	x	PR	TH
	RFM TV	√	x	PR	TH
	Télétoon	√	-	PR	TH
	Téva	-	√	PR/PY	TH
	TFJ	n.o.	-	PR	TH
	13 ^{ème} Rue	x	x	PR	TH
	Voyage	√	-	PR	TH
IE	TV 3	x	x	PR	GE
IT	Italia Uno	x	x	PR	GE
	Tele + Nero	x	x	PR/PY	TH
	Tele + Bianco	x	x	PR/PY	TH
	TMC/ La 7	x	√	PR	GE
	Coming Soon Television	x	x	PR	GE
	Disney Channel	x	x	PR	TH
	Fox Kids	n.o.	x	PR	TH
	Duel	n.o.	x	PR	TH
	Comedy-Life	n.o.	x	PR	TH
	Cineclassics	x	√	PR	TH
	Nuvolari	-	-	PR	TH
	Galileo	-	-	PR	TH
	Leonardo	-	-	PR	TH
	Giotto	-	-	PB	
	TVL	-	-	PB	TV
	DSN	-	-	PR	
	Promo	-	-	PR	
	Canale-Viaggi	-	-	PR	
	Stream Verde	x	x	PR	
	Anteprima	-	-	PR	
	Tele + Grigio	x	√	PR/PY	TH
	Tele + 16/9	x	x	PR	
	Tele + Nero	x	x	PR	
	Palco	x	x	PR	
	Tele+ Bianco	x	x	PR	

Member State	Channel	1999	2000	Status	Type
LU	RTL 9	x	√	PR	GE
	RTL Tvi	x	√	PR	GE
	RTL 4	√	x	PR	TH
	RTL 5	x	√	PR	GE
NL	SBS 6	x	√	PR	GE
	Net 5	x	x	PR	TH
	Veronica	x	x	PR	GE
	Canal+ 1	x	x	PY	GE
	Canal+2	x	x	PY	GE
	Film 1	x	x	PR	
	Innergy	n.o.	x	PR	
	Filmtime	n.o.	x	PR/PY	TH
	Delta TV	-	√	PR	
PT	SIC	x	x	PR	GE
	TVI	x	x	PR	GE
FI					
SE	SVT Mitt	√	-	PR	GE
	TV 3 AB	n.o.	x	PR	GE
	TV 5 AB	n.o.	x	PR/PY	TH
	TV 1000	x	x	PR/PY	TH
	Cinema	x	x	PR/PY	TH
	Z TV	n.o.	x	PR	TH
	6(logotype)	x	√	PR	TH
	Canal+	x	x	PR/PY	
	Canal+ Gul	x	x	PR/PY	TH
	Canal + Bla	x	x	PR/PY	TH
	Kiosk	x	x	PR	TH
	CineCinemas	x	x	PR	TH
	Nollettan Television	x	√	PR/py	TH
UK	3 + Denmark	x	x	PR	GE
	Adult Channel	x	√	PR/PY	GE
	Animal Planet	x	√	PR/PR	TH
	Biography Channel	n.o.	x	PR	TH
	Bravo	x	x	PR/PY/BA	GE
	Channel Health	n.o.	x	PR	TH
	Discovery Health	n.o.	x	PR	TH
	Discovery Kids	n.o.	x	PR	TH
	Disney Channel UK UK (Disney Channel, Disney Channel + 1, PlayHouse Disney, Toon Disney)	x	x	PR/PY	GE
	Film Four	√	x	PR/PY	TH
	Fox Kids UK	x	x	PR	TH
	Fox Kids Scandinavia	x	x	PR/PY	TH
	Front Row (with the Barker Channel)	√	x	PR/PY	TH
	Front Row (without the Barker Channel)	x	x	PR	TH
	God Channel	x	x	PR	TH
Hallmark Entertainment	n.o.	-	PR	TH	
History Channel	x	x	PR	TH	

Member State	Channel	1999	2000	Status	Type
	Inspiration Network	x	x	PR	TH
	Kanal 5	x	x	PR	GE
	Living	x	x	PR	GE
	Minaj Broadcasting Int'l	n.o.	-	PR	TH
	National Geographic	x	x	PR	TH
	Nickelodeon	x	x	PR	TH
	Nickelodeon Nordic	x	x	PR	TH
	Paramount Comedy Channel	x	x	PR/PY/BA	TH
	Private Blue	n.o.	x	PR	TH
	Playboy TV	x	x	PR/PY	TH
	Revival Channel	x	x	PR	TH
	Sci-Fi Channel	x	x	PR/PY/BA	TH
	Sky Cinema (formerly Sly Movie Gold)	x	x	PR/PY	TH
	Sky Movie Max (formerly Screen 1 & Sky Movies)	x	x	PR/PY	TH
	Sky One	x	x	PR	GE
	Sky Premier	x	x	PR	TH
	Sky Travel Channel	√	x	PR	TH
	Studio Universal	x	x	PR	TH
	TCC Nordic	x	n.o.	PR	TH
	Television X	x	x	PR	TH
	Turner Cartoon Network	x	x	PR	TH
	Cartoon Network (boomerang)	n.o.	x	PR	TH
	Cartoon Network (Dutch language)	x	x	PR	TH
	Cartoon Network (French language)	n.o.	x	PR	TH
	Cartoon Network (Italian language)	x	x	PR	TH
	Carton Network (Spanish language)	x	x	PR	TH
	Carton Network (Nordic)	x	x	PR	TH
	TNT Classical Movies: Digital	x	n.o.	PR	TH
	TCM UK	x	x	PR	TH
	TCM (Spanish language)	x	x	PR	TH
	TCM (French language)	x	x	PR	TH
	Trouble	x	x	PR	TH
	TV3 Denmark	x	x	PR	GE
	TV3 Norway	x	x	PR	GE
	TV3 Sweden	x	x	PR	GE
	V+ Norway	n.o.	x	PR	
	VT4	x	x	PR	GE
	ZTV	√	x	PR	

B) EUROPEAN WORKS BY INDEPENDENT PRODUCERS

Status _____ Type

PR = private channel GE = general interest √ = target met
 PB = public channel TH = special interest x = target not met
 PY = pay channel LA = non-Community - = data not communicated
 BA = channel forming part of language n.o. = not in operation

a basic service for a cable

network or satellite service

Member State	Channel	1999	2000	Status	Type
AT					
BE	Canal + geel	√	-	PR	TH
	Liberty TV	x	x	PR	TH
	Vitaya	n.o.	-	PR	TH
DE	Phoenix	√	x	PB	TH
	13 th Street	x	x	PR	TH
	Studio Universal	x	x	PR	TH
	Viva	x	x	PR	TH
	Viva 2	x	x	PR	TH
	VH-1	-	-		
	n-tv	-	-		
DK					
GR	Alter Channel	√	-	PR	
	Seven TV	x	√		
ES	AXN	x	x	PR	TH
	Nichelodeon	x	√	PR	TH
	Studio Universal	o.p.	x	PR	TH
FR	Canal Jimmy	-	√	PR	TH
	Ciné Cinémas 1,2,3	-	√	PR	TH
	Ciné Classics	-	√	PR	TH
	Festival	-	√	PR	TH
	Forum Planète	√	x		
	Fun TV	-	√	PR	TH
	Kiosque	-	-	PR	TH
	Monte Carlo TMC	-	√	PR	
	Multivision	-	√	PR	TH
	Téva	-	√	PR	TH
	TFJ	n.o.	-	PR	TH
	TV5	-	-	PB	GE
	Voyage	√	-	PR	TH
IE					
IT	Coming Soon Television	-	-	PR	TH

Member State	Channel	1999	2000	Status	Type
	Class Financial Network	n.o.	-	PR	TH
	Disney Channel Italia	-	-	PR	TH
	Cinemovie	-	-	PR	TH
	Fox Kids	n.o.	x		
	Duel	n.o.	-	PR	TH
	Comedy Life (già Comedy House)	n.o.	-	PR	TH
	Happy Channel	-	-	PR	TH
	DSN	-	-	PR	TH
	Promo	-	-	PR	TH
	Canale Viaggi	-	-	PR	TH
	Anteprima	-	-		
	Stream Verde	X	x	PR	TH
LU	Grand Tourisme	-	-	PR	TH
	No ZAP	-	-	PR	TH
	Liberty TV	n.o.	x	PR	TH
	Nordlicht TV	X	x		
NL	Net 5	√	x	PR	
	TMF	-	-	PR	
	The Box	-	-	PR	
	Delta TV	-	√	PR	
PO	Sport TV	X	x	PR	TH
Fin					
SE	Mälarkanalen	-	-		
	SVT Väst	-	-		
	SVT Mitt	-	-		
	SVT Syd	-	-		
	Digital Öst	-	-		
	« 6 »	X	√	PR	
	Canal+	-	-	PR	
	Canal+ Gul	-	-	PR	TH
	Canal + Bla	-	-	PR	TH
	Kiosk	-	-	PR	TH
	CineCinemas	X	-	PR	TH
	NollEttan	X	x	PR	
UK	3+ Denmark	√	x	PR	GE
	BBC News 24	X	x	PB	TH
	Biography Channel	n.o.	x	PR	TH
	Bravo	X	x	PR	
	Dating Channel	n.o.	x	PR	TH
	Disney Channel UK (Disney Channel, Disney Channel + 1, PlayHouse Disney, Toon Disney)	X	x	PR/PY	TH
	Film Four	√	x		
	Front Row (incl. Barker Ch.)	X	x	PR/PY	
	Front Row (Without Barker Ch.)	X	x	PR/PY	
	GSB Men+Motors/ Breeze	X	x	PR/PY	
	Hallmark Entertainment Network	n.o.	-	PR	
	History Channel	√	x	PR	
	Minaj Broadcasting International	n.o.	-	PR	
	National Geographic Channel	X	x	PB	
	Nickelodeon Nordic	X	x	PR	TH

Member State	Channel	1999	2000	Status	Type
	Play UK	X	√	PR	TH
	Rapture	X	√	PB	TH
	Reality TV	X	x	PR	TH
	SC4C2	X	x	PR	TH
	Sci-Fi Channel	X	x	PR	TH
	Sky Movie Max (formerly Screen 1 & Sky Movies)	X	x	PR/PY	TH
	Sky News	X	x	PR	TH
	Sky One	X	x	PR	GE
	Sky Premier	X	x	PR	TH
	TCC Nordic	X	n.o.	PR	TH
	TNT Classical Movies: Digital	X	n.o.	PR	TH
	TV3 Denmark	√	x	PR	GE
	TV3 Norway	X	x	PR	GE
	TV3 Sweden	√	x	PR	GE
	UK Arena	X	√	PR	TH
	UK Drama (formerly UK Arena)	n.o.	x	PR	TH
	V+ Norway	n.o.	x	PR	

ANNEX 2

PARAMETERS USED TO CALCULATE THE AVERAGE TRANSMISSION TIME OF EUROPEAN WORKS BY THE CHANNELS OF THE EUROPEAN UNION MEMBER STATES (TAKING AUDIENCE RATING INTO ACCOUNT) — ARTICLE 4 OF THE “TELEVISION WITHOUT FRONTIERS” DIRECTIVE

Member State	Channel	% audience 1999 (*)	% audience 2000 (*)	% European works 1999 (**)	% European works 2000 (**)
AT					
	ORF 1	24.4	24.1	34	36.6
	ORF 2	33.1	31.5	79.2	81
BE					
	RTBF 1	17.2	17.7	74.3	71.1
	RTBF 2	3	3.4	83.7	89.4
	RTL - TVI	18.4	18.1	49.1	54.1
	Club	4.8	5.6	60.2	54.2
	VRT TV 1	22.6	23.4	59	60
	VRT Canvas/ Ketnet	8	8.3	62	63
	VTM	27.2	26.7	61	60
	Ka 2	5.9	7.7	25	30
DE					
	ARD	26.80	27	90.4	90.37
	ZDF	13.20	13.3	86.1	87.04
	KABEL 1	5.40	5.5	25.4	27.9
	Prosieben	8.40	8.2	46.2	46
	RTL	14.80	14.3	71	71
	RTL 2	4.00	4.8	36	46
	SAT 1	10.80	10.2	66.5	72.7
DK					
	DR TV 1	28.1	28.9	81	82
	TV2	36.1	36.1	65	59
	TV Denmark	7.7	7	36	42
GR					
	ET 1	5.6	6.4	71	72
	Net	3.9	4.2	95.56	95.9
	ALPHA	16.7	15.8	57	58
	ANTENNA	23	21.8	60.28	61.36
	STAR	13.7	14.3	51.9	52.6
	MEGACHANNEL	20.5	21.2	93	87.2
ES					
	TVE 1	24.9	24.5	51.89	56.63
	TVE-1/ La 2	8.1	7.9	56.28	61.38
	Tele 5	21	22.3	45.4	51.6
	Antena 3	22.8	21.5	58.2	64.4
FR					
	TF1	35.1	33.4	65.5	66.4
	France 2	22.3	22.1	77.3	78.1
	France 3	16.3	16.8	69.4	71.4
	M6	13.6	12.7	63.8	63.9
	Canal +	4.5	4.1	61.1	65.2
IR					
	RTE 1	31.9	29.6	56	58
	Network 2	16.7	15.8	57	59
IT					
	TV 3	5.8	9	49.5	49

Member State	Channel	% audience 1999 (*)	% audience 2000 (*)	% European works 1999 (**)	% European works 2000 (**)
	Rai Uno	22.8	23.3	77.28	78.64
	Rai Due	15.7	14.6	75.54	70.54
	Rai Tre	9.1	9.4	80.15	86.91
	Canale 5	21.2	22.5	64.8	60.27
	Italia Uno	11.5	11.3	41.25	39.66
	Rete 4	9.9	9.6	56.35	59.87
LU					
	Rtl Tele Lëtzebuerg	58.6 ¹⁰⁰	58.6 ¹⁰¹	100	100
NL					
	Ned 1	11.8	11.2	76	78
	Ned 2 / TV 2	13.8	17.2	86	76
	Ned 3	8.9	8	83	85
	Veronica	8.5	6.5	49	45
	SBS 6	10.1	9.8	46	54
PT					
	RTP 1	27	24.3	59.2	64.6
	RTP 2	5.6	5.6	60.3	61.9
	SIC	45.4	42.2	44.8	34.8
	TVI	16.4	20.8	30.5	36.5
FI					
	TV 1	23	22.6	86	85
	TV 2	20	19.7	72	77
	MTV 3	42	40.4	55	63
	Nelonen	10	11.5	52	53
SE					
	SVT 1	21.4	19.9	82	84.88
	SVT 2	25.8	24	88	88.2
	TV 3 ¹⁰²	10.8	11.4		17
	TV 4	27	28	51.49	50.27
	Kanal 5 ¹⁰³	5.9	6.1		19.5
UK					
	BBC1	28.4	27.2	65.00	71.00
	BBC2	10.8	10.8	65.00	73.00
	ITV	31.2	29.3	72.00	77.00
	Channel 4	10.3	10.5	65.00	69.00
	Channel 5	5.4	5.7	53.00	54.00

(*) Source: European Audiovisual Observatory, *Statistical Yearbook 2002 (Volume 2) "Household audiovisual equipment — transmission — television audience"* — Audience share over the whole day, with the exception of Luxembourg (between 19 h and 20 h).

(**) Source: Declarations by the Member States, period from 1 January 1999 to 31 December 2000.

¹⁰⁰ Audience share between 19 h and 20 h and not for the whole day (14.3% for the period 1999-2000).

¹⁰¹ Audience share between 19 h and 20 h and not for the whole day (14.3% for the period 1999-2000).

¹⁰² The report does not include the figures for 1999 (analogue transmission).

¹⁰³ The report does not include the figures for 1999 (analogue transmission).