

***Screening Chapter 10  
with Croatia and Turkey***



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***Explanatory Session, 13 June 2006***

***Audiovisual policy***

***General framework***

**European Commission, DG INFSO AND MEDIA**

**Audiovisual and Media Policy Unit**

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# Television without Frontiers Directive

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- **main objective:** internal market for TV-broadcasts
- **means:** country of origin principle
- **consequences:** co-ordination of basic principles

# Scope of the Directive

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- **Television broadcasting  
initial transmission (air, cable, satellite)  
in unencoded or coded form  
intended for reception by the public**
  
- **NOT included: information or other messages on  
individual demand**

# Objectives of general interest

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- **Right to information**
- **cultural diversity**
- **consumer protection**
- **protection of minors and public order**
- **right to reply**

# Basic principles

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- **One MS has jurisdiction over a broadcaster**
- **Control by originating Member State**
- **All other Member States must ensure freedom of reception**

# Clear criteria to determine the originating Member State

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- **Broadcaster is established in the EU**
- **Broadcaster is not established in the EU but programmes can be received**

# Establishment criteria

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- **Head office**
- **Editorial decisions on programme schedules**
- **Significant part of workforce**

# Establishment criteria 1

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## 1. Head office in MS A

editorial decisions MS A  
→ MS A

## 2. Head office in MS A

editorial decisions in MS B  
→ MS with significant part of workforce



## Establishment criteria 2

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- 3. Significant part of workforce in MS A and MS B  
→ head office**
- 4. Significant part of workforce neither in MS A nor in MS B  
→ first began broadcast + stable and effective link**

# Establishment criteria 3

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## 5. Head office in MS A

decisions on programme in a third country (or vice versa)

→ MS (provided that a significant part of workforce)

# Criteria in case there is no establishment within the EU

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- **Use of a frequency granted by that Member State**
  - **Use of satellite capacity appertaining to that Member State**
  - **Use of satellite uplink situated in that Member State**
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# Freedom of reception



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## Freedom of reception and retransmission of TV broadcasts from other MS:

- no “dual” control by other Member States
- covers both direct reception and retransmission

### One exception:

- infringement of rules concerning protection of minors and incitement to hatred
- specific procedure to be followed