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**Implementation of European Union
Media Policy Standards and
Television without Frontiers Directive
Requirements into Broadcasting Practices in
Acceding, Candidate and Transition Countries**

Tallinn 2003

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INTRODUCTION

This research is based on a survey conducted among the media experts in the framework of 18th meeting of the European Platform of Regulatory Authorities (EPRA) that took place in Nicosia, Cyprus in October 2003.

From the 1st of May 2004 ten new countries will join the European Union. The broadcasting legislation of all acceding countries is in accordance with the principles of Television without Frontiers Directive. No the focus has turned to implementation.

The goal of this paper is to give an overview of that process in acceding, transition and candidate countries from the viewpoint of Regulatory Authorities.

By analysing the responses from the media experts the particular solutions used by the states to tailor the policy standards to their specific needs is seen. The answers provide some feedback of the impact, problems and challenges the countries have experienced on the initial stage of merging to European Union standards. Comparison of the results reveals the possible common interests of the new member states, applicants and transition countries concerning the improvement and revision of the TWF Directive.

The questionnaire was developed and the results of the preliminary analysis were presented on EPRA meeting at the plenary session "Media developments in acceding, candidate and transition countries - What is and what can be the role of the regulators?" by Hagi Shein, the member of the Estonian Broadcasting Council and the Dean of the Media School of International University Concordia Audentes (IUCA). The further analysis of the survey and the presentation of the results was done by Tarmo Rajaleid, a media student of IUCA.

The first chapter describes the research methods. Second part presents the analysis of the answers. In the last chapter the conclusions are made. The detailed answers to the questionnaire are presented in Appendices.

1. RESEARCH METHODS

To get the overview of the process of implementation of European Union media policy standards into the broadcasting practices in acceding, candidate and transition countries the questionnaire was developed.

1.1. Research Questions

The survey consisted of 22 open questions that were organized into six blocks:

- Pursuit
- Regulation
- Implementation
- Means of control and accountability
- Impact
- Improvement

The questions of the questionnaire are presented in detail in Appendix 1.

1.2. Sample

The sample of this research consisted of two groups:

- Regulatory Authorities of acceding countries (10 media experts)
- Regulatory Authorities of applicant countries and countries in transition (10 media experts)

Each country was represented by a media expert from the national broadcasting Regulatory Authority. Table 1. shows the list of acceding countries that received the questionnaire. In Table 2. the applicant countries and countries in transition are listed.

Table 1. List of acceding countries and Regulatory Authorities that received the questionnaire

Country	Regulatory Authority	Replied
Cyprus	Cyprus Radio-Television Authority	Yes
Czech Republic	Council for Radio and TV Broadcasting of the Czech Republic	Yes
Estonia	Estonian Broadcasting Council	Yes
Hungary	National Radio and Television Commission	Yes
Latvia	National Broadcasting Council	Yes
Lithuania	Lithuanian Radio and Television Commission	Yes
Malta	Malta Broadcasting Authority	Yes
Poland	National Broadcasting Council	Yes
Slovakia	Council for Broadcasting and Retransmission of the Slovak Republic	Yes
Slovenia	Broadcasting Council	Yes

Table 2. List of applicant countries and countries in transition and Regulatory Authorities that received the questionnaire

Country	Regulatory Authority	Replied
Bulgaria	Council for Electronic Media	Yes
Romania	National Audiovisual Council	Yes
Turkey	Turkish Radio and Television Supreme Council	Yes (did not fill the questionnaire)
Albania	National Council of Radio and Television	Yes
Bosnia and Herzegovina	Communication Regulatory Agency	Yes (did not fill the questionnaire)
Kosovo	Temporary Media Commission of Kosovo	Yes (did not fill the questionnaire)
FYR Macedonia	Republic of Macedonia Broadcasting Council	Yes
Moldova	Council for Co-ordination on the Audiovisual Activity in Moldova	Yes
Serbia and Montenegro	Montenegrin Broadcasting Agency Council	Yes
Ukraine	National Council of TV and Radio Broadcasting	No

In acceding countries the response rate was 100 per cent as all Regulatory Authorities completed the questionnaire. Among applicant countries and countries in transition the response rate was lower (60 per cent). Three countries replied but did not fill the survey because the implementation process is still in very early stages. Ukraine did not answer at all. Because the implementation process in applicant countries and countries in transition is still in early stages this paper focuses on analysing the answers of acceding countries.

1.5. Reliability and Validity

As all the experts questioned represented the local national broadcasting Regulatory Authority they had enough knowledge about the European and domestic media legislation to assess the implementation process. The answers of the media experts describe the current situation only from the perspective of regulators and do not reflect the opinions of other parties involved in the implementation process such as media practitioners from broadcasting organisations or independent producers. But considering the time frame and available resources it was justified to focus only to the Regulatory Authorities. The validity of the results is acceptable as the answers provide reliable information about the implementation process in different countries.

2. RESULTS AND ANALYSIS

In presenting the results the short summary of experts' answers from each acceding country is given. Each question is concluded by a longer analysis. The original answers of the experts are presented in Appendix 2.

2.1. *Acceding Countries*

2.1.1. Pursuit

1. Has there been any substantial criticism concerning the pursuit, necessity or motivation for implementation of common European broadcasting policy standards into your national broadcasting policies and practices? If yes, what have been the main issues, arguments, particularities?

Czech Republic	Yes, quotas and right of reply
Cyprus	No
Estonia	Yes, limitations on advertising
Hungary	No
Latvia	No substantial criticism
Lithuania	No
Malta	No
Poland	No substantial criticism
Slovakia	No discussion nor criticism
Slovenia	No substantial criticism

In general countries authorities have received few if any complaints concerning the implementation of European Union broadcasting policies. Only two out of ten respondents noted some criticism. In **Czech Republic** the quotas and the right of reply has received some criticism from television broadcasters and eurosceptical political parties. Despite of this discussion TWF directive is considered as an important part of the acquis. In **Estonia** "private broadcasters expressed some criticism concerning some definitions, limitations on advertising and exclusion of local news and sports from the quotas for European production". In **Malta** quotas will come in force after accession on 1st of May 2004 and therefore "there has been no discussion at all, let alone criticism".

2. How efficient do you find the provisions (what have influence on production, scheduling and structure of television programmes) what are based on the adaptation of articles 4 and 5 of the TWF Directive in order to protect your national interests, national culture, the structure and amount of your national broadcasting production and the development of your audiovisual sector in particular?

Czech Republic	Not particularly efficient but better than nothing
Cyprus	Questioning the practicality of the quotas in small countries like Cyprus
Estonia	It has increased the amount of own production in private channels
Hungary	Also regional broadcasters can follow these quotas
Latvia	Provisions are vitally significant for protection of national interest and culture
Lithuania	Provisions are efficient enough
Malta	No proper statistics
Poland	Directive aims to protect pan-European interests, not the national ones
Slovakia	European and independent production "quotas" are fulfilled
Slovenia	Hard to follow the quotas because of the large number of commercial channels and small market

In Baltic countries and in Hungary the adaptation of articles 4 and 5 of the Directive has been seen as a tool to protect the national interest and culture. **Latvia** states that these provisions are "vitally significant for the protection of national interests, national culture, the structure and amount of Latvian national audiovisual production sector and its future

development". In the framework of the Directive additional paragraph regulating the amount of Latvian language production was added. Currently at least 21 per cent of the weekly broadcasting time must be devoted to programs made in Latvian language. **Lithuania** finds the provisions "efficient enough". In addition Lithuanian authority supports the idea of regulating also the national production by the Directive quotas. In **Hungary** the surveys have shown that also the regional broadcasters are able to comply with quotas.

However, other countries question the practicality of the quotas. **Poland** states that "TWF Directive aims to protect pan-European interests, not the national ones". For promoting national audiovisual works other means like MEDIA PLUS program are more efficient. **Cyprus** and **Slovenia** point out that in small markets where many commercial channels compete for the audience it is hard to fulfill the quotas. **Cyprus** adds that high cost of local production and limited market for Greek language programs do not guarantee the development of local audiovisual sector.

3. What do you think about the statement that the TWF Directive is created to protect the European culture but the regulations do not solve the problems of small countries (with restricted advertising market, lack of financial resources and stability etc.)?

Czech	No opinion yet
Cyprus	Mainly agree
Estonia	Tends to agree
Hungary	Tends to agree
Latvia	Not supporting this statement
Lithuania	Yes and no
Malta	Tends to agree
Poland	Agree
Slovakia	Agree
Slovenia	Agree

Latvian Council argues that "TWF Directive really was created to protect the European culture and to promote European audiovisual production, but the Directive also helps small countries to produce higher quality programs". The quotas for European production "promote broadcasters to produce much more qualitative programs rather than to purchase cheap programs". **Other countries** tend to agree with this statement. **Cyprus** mainly agrees that "small countries still face serious problems and have a serious disadvantage compared to bigger countries". As **Malta** points out the Directive "imposes onerous obligations on small state broadcasters who are severely handicapped when compared to the other broadcasters, which do not have financial, and human resources limitations". **Poland** argues that the Directive does not take into account "the legitimate interests of small countries" that have language restricted broadcasting area and not fully developed advertising market. Also **Lithuania** and **Slovenia** claim that the limited advertising market is the reason behind the difficulties. **Estonia** and **Hungary** want that the TWF Directive would take more into consideration the needs of the small countries.

2.1.2. Regulation

4. Do the broadcasting acts of your country state any additional or stricter provisions in comparison with the general standards suggested in articles 4 and 5 or the provisions concerning advertising and teleshopping? If yes, what were the main reasons for that?

Czech Republic	For advertising and teleshopping
Cyprus	For advertising and teleshopping
Estonia	10 % in month for own production, from that 50 % has to be shown in prime time.
Hungary	Stricter provisions on advertising, combined programming time- and resource-based quota for European production
Latvia	21 per cent of weekly broadcasting must be in Latvian language
Lithuania	No
Malta	20% of broadcast should be in Maltese language
Poland	In public television programmes shall not be interrupted by advertising, inserting advertising during children's programs is prohibited

Slovakia	Stricter provisions for public service broadcasters for advertising, teleshopping and sponsoring
Slovenia	Stricter provisions concerning own production, advertising and teleshopping

Besides **Lithuania** all other countries have included additional provisions to the media legislation. Most states have stricter provisions concerning advertising and teleshopping. **Cyprus** says that these limitations were needed to protect the strong social and family values and ethics in the society. **Polish** public television programmes shall not be interrupted by advertising (except the sport events and programs consisting of autonomous parts). Also some gambling services are banned and alcohol advertising (except beer) is prohibited. Inserting advertising during the children's programme is not allowed. Programs produced in Polish language must form at least 30% of broadcaster's quarterly transmission time.

Estonia, Latvia, Malta and **Slovenia** have stated stricter regulations to protect their *own production and national values*. In **Estonia** "a broadcaster shall ensure that at least 10 per cent of the monthly transmission time of the programme service, excluding the time appointed to news, sports events, games, advertising, teleshopping and teletext services, is reserved for own production". In addition at least 50 per cent of this minimum amount of own production has to be broadcast in prime time between 7 and 11 pm. In **Latvia** the law states that at least 40 per cent of the European audiovisual works in the weekly broadcasting time must be produced in Latvian language. This guarantees that 21 per cent from weekly broadcasting time is devoted to production in Latvian language. Currently in **Malta** all broadcasters have to broadcast 20% of their productions in the Maltese language. Actually the percentage of Maltese production is more than 50. From 1st May 2004 the 50% rule will become mandatory. In **Slovenia** own production must form 20 percent in daily transmission time and at least 60 minutes between 6 and 10 in the evening. In a year the amount of Slovenian audiovisual works must form 2 percent.

5. What approach to the notion of own production (either language based or determined by the location of the producer) is used in your country? Has your country implemented any special provisions concerning the amount and scheduling of TV stations' own production? If yes, what are the requirements?

Czech Republic	No such provisions, considered when issuing the licence
Cyprus	No special article for own production
Estonia	Based on the location of the producer
Hungary	Language based approach
Latvia	Language based approach
Lithuania	No such provisions, considered when issuing the licence
Malta	Language based approach
Poland	Language based approach
Slovakia	Based on the location of the producer
Slovenia	Based on the location of the producer

There are two alternatives defining the notion of own production. In **Estonia** it is determined by the *location of the producer*. Additionally these programs have to be related to Estonian culture. In **Slovakia** the term European production is used. The public service broadcasters have to fulfil the additional quota for own production "to fulfil the obligation to broadcast majority of programmes in 'public interests'". In **Slovenia** "broadcasters own production is determined with the condition that he is the producer of the programme or the programme is made by his order and from his account. The basic condition for all Slovenian broadcasters is that they should broadcast in Slovene language."

Hungary, Latvia, Malta and **Poland** are using *language based approach* where the programs have to be made in national language. In **Cyprus** the specific article of the law was amended referring to "European works" rather than "Cypriot productions". **Czech Republic** and **Lithuania** have no such provision in their legislation. However the amount of own production is considered when issuing the licence.

6. Are the main requirements concerning application of EU standards in your country similar for public and private broadcasters? If not, what are the reasons for that and what are the main differences?

Czech Republic	Advertising and teleshopping regime is stricter for public broadcasters
Cyprus	Not yet
Estonia	Advertising is abandoned on public TV, programme quotas are the same
Hungary	Until accession requirements for public service broadcasters are stricter
Latvia	Same requirements
Lithuania	Almost the same requirements, some additional advertising requirements for public channels
Malta	Same requirements
Poland	Stricter advertising requirements for public service channels
Slovakia	Public broadcaster has much stricter regime especially in the advertisement and teleshopping field
Slovenia	Requirements for own production, advertising and teleshopping is stricter for public channels

The requirements are mostly the same for public and private channels in all countries. **Czech Republic, Lithuania and Slovakia** have added stricter advertising rules for public broadcasters. In **Slovenia** public service broadcasters have additional requirements concerning the own production, advertising and teleshopping. These stricter rules apply also for “programmes with special meaning for the Republic of Slovenia (local, regional, student and non-commercial programmes)”. **Cyprus** has implemented specific Act for private stations and is going to amend the public radio and television legislation to impose the same standards. **Estonia** has abandoned advertising and sponsorship on public television. During the period until the accession **Hungarian** public service broadcasters have to fulfil stricter requirements for European, Hungarian, independent and own production. In **Poland** only public television cannot insert advertising during the programmes.

2.1.2. Implementation

7. How smoothly have the broadcasters accepted the new European texts and abide to their obligations? What have been or still are the main difficulties in the process of implementation of the EU rules into your broadcasting practices and what further efforts are needed to improve this process?

Czech Republic	No smooth process at all
Cyprus	Rather smoothly
Estonia	Private broadcasters have had difficulties meeting the quotas
Hungary	Channels are capable to follow the regulations taking effect on the accession
Latvia	Majority of TV broadcasters are satisfied with European works quotas, protection of minors should be improved
Lithuania	Problems with limits for advertising and accepting the mechanism of self-regulation
Malta	All provisions except Art 4 and 5 have been transposed in Maltese law since 2000 / 2001
Poland	Fundamental principles of the Directive are implemented in the law and these provisions are applied satisfactorily
Slovakia	Some problems with the interpretation of the legislation in practice
Slovenia	Private broadcasters have difficulties meeting quotas for own production, advertising and teleshopping

In general broadcasters have accepted European requirements rather smoothly. **Hungarian** and **Polish** authorities state that the fundamental principles of the Directive are implemented in the legislation and channels are capable of following the regulations taking effect on the accession.

However other countries have experienced problems during the implementation process. **Slovakia** states that there have been some problems interpreting the rules implemented to the national broadcasting legislation. In **Estonia** private broadcasters have had difficulties meeting the quotas. In **Lithuania** limitations for advertising have received criticism. The reason behind this is the small advertising market and huge competition among four national scale broadcasters.

Channels are also unwilling to accept the mechanism of self-regulation. In **Latvia** “majority of broadcasters are even satisfied with the European audiovisual works quotas”. The Article 22 concerning the protection of minors has caused some problems because channels are still showing violent movies at 9 p.m. In **Czech Republic** the "Euro-law 2001" has prolonged broadcasters licences for further term to "sweeten" the implementation of EU regulations.

To improve the situation **Lithuania** assumes that “higher living standard, bigger advertising market, more demanding audience, responsibility and understanding of the broadcasters, close co-operation of the regulatory institutions and broadcasters, journalists and editors” is needed to improve the implementation process. **Slovenian** authority believes that “responsibility and better understanding of the law provisions will improve the implementation process” after joining the EU in May 2004.

8. Have you experienced any substantial difficulties regarding the applicability of EU media policy standards (due to the restricted market resources, financial, cultural or other reasons what are caused by the current situation in your broadcasting etc.)? Are the TWF requirements in accordance with media (broadcasting) resources and market size of your country?

Czech Republic	Not yet, short experience
Cyprus	No serious difficulties
Estonia	Private broadcasters have had some difficulties to meet the quotas
Hungary	No experiences, standards will only take effect following the accession.
Latvia	TWF Directive requirements are more or less in accordance with broadcasting resources and market size of Latvia
Lithuania	No substantial difficulties, broadcasters would like to have all regulations milder, especially those on advertising
Malta	No substantial difficulties
Poland	No substantial difficulties, it seems that the provisions of TWF Directive are generally in line with Polish audiovisual market conditions
Slovakia	Difficulties to interpret some terms like “natural break” in sport events or “teleshopping” channels
Slovenia	Private broadcasters have difficulties meeting quotas for own production, advertising and teleshopping

Most countries have not experienced substantial difficulties regarding the applicability of the European Union broadcasting policy standards. Authorities state that the time period for implementation has been too short to draw the conclusions. In **Estonia** and **Slovenia** private channels have had difficulties to meet the quotas and follow the requirements for advertising and teleshopping. **Latvia** and **Poland** say that TWF Directive requirements are generally in accordance with the local market condition and available resources.

9. What is the time period during what the requirements for the amount of European, independent, own or national production must be fulfilled in your country (either one year, one month, one week or other options)? How does this affects the efficiency of monitoring and controlling the TV stations? Which time period could be most appropriate?

Czech Republic	No time period
Cyprus	No time period
Estonia	One calendar year for European and independent, one month for own production
Hungary	One year
Latvia	One week
Lithuania	No time period
Malta	Three months
Poland	Quarter of a year
Slovakia	No time period
Slovenia	One day for quotas for own production, one year for European and independent production

Two third of acceding countries have included a specific time period during which the quotas must be met into the law. In **Estonia** the quotas for European and independent production must be fulfilled in *one calendar year*. Own production is calculated on *monthly* basis. **Hungarian** law states that the quotas must be fulfilled on annual bases. **Poland** has set the *quarter of a year* as a time period to fulfil the quotas. This time period will also be used in **Malta** “as programme schedules are usually prepared on a quarterly basis”. **Latvia** has been most strict and set the time period to *one week*. In **Slovenia** quotas for own production must be met in *a day* and requirements for European and independent production in one year. The Slovenian Authority believes that “the most appropriate time period for own production quotas would be one week.”

Czech Republic, Cyprus, Lithuania and **Slovakia** have not included any specific time period for meeting the quotas. **Lithuanian** law states that these provisions shall be implemented “consistently and where practicable”.

2.1.3. Means of Control and Accountability

10. Does the same regulatory authority monitor both sectors - the public and the private broadcasters? If not, do you find this arrangement appropriate?

Czech Republic	Same authority
Cyprus	Same authority (from the beginning of year 2004)
Estonia	One for public sector, no special authority for private channels
Hungary	Same authority
Latvia	Same authority
Lithuania	One for public and one for private sector
Malta	Same authority
Poland	Same authority
Slovakia	Same authority
Slovenia	Same authority

There is one common authority that monitors both public and private sector in eight out of ten countries. **Slovenian** authority believes that “the convergence of media authorities is inevitable for such a small country.” Exceptions are **Estonia** and **Lithuania** where the responsibilities are divided between different bodies. When in Lithuania there is special authority also for private stations in Estonia the Ministry of Culture deals with monitoring the private broadcasters.

11. Which are the main means and procedures what your authority uses to obtain required data in order to follow the fulfilment of stated requirements for programming, production and quotas? Do you consider the monitoring system applied in your country efficient? Should it be improved and if yes then how?

Czech Republic	Questionnaire
Cyprus	Sampling monitoring and information from stations
Estonia	Data from stations
Hungary	Data from stations, following the accession
Latvia	Reports from broadcasters and Latvian Central Statistics Centre
Lithuania	Twice a year data from broadcasters, monitoring the programmes
Malta	Recording of television broadcasts
Poland	Data from stations, monitoring of programmes
Slovakia	Consider monitoring system efficient enough, using statistical reports
Slovenia	Annual plan of monitoring, viewers complaints

Mostly regulatory Authorities rely on the data provided by the stations. **Cyprus, Lithuania, Malta** and **Poland** use also sampling monitoring of programs. In **Latvia** the Central Statistics Centre provides information on broadcasters activities. To improve the monitoring the Monitoring Centre of National Broadcasting Council was established in June 2003. **Czech Republic** has elaborated a questionnaire to find out the share of European and independent production. In **Hungary** broadcasters must submit the information to the Commission. In **Slovenia** the data is collected according to the annual plan of monitoring. Broadcasting Council also takes into consideration the viewer’s complaints. Both Slovenian and **Slovak** Authorities

consider the monitoring system “efficient enough”. In Slovakia the project to monitor the fulfilment of the European and independent production quotas was postponed for the year 2004. In general Authorities are yet unable to say how the existing system should be developed and whether it is able to handle the increased workload.

12. Has your authority (or other entitled institutions) applied any sanctions on broadcasters who have not abided the rules? Can you give any examples?

Czech Republic	Not yet
Cyprus	Not yet
Estonia	Not yet
Hungary	The measures currently available will continue to be available in the future
Latvia	Warnings, suspension and annulment of license
Lithuania	Temporary suspension and revoking the licence
Malta	Sanctions mainly due to infringement of advertising regulations, protection of minors, right of reply
Poland	Stations have been fined mostly because of violations concerning the protection of minors
Slovakia	Warnings, fines, suspending the programme and revoking the licence can be applied
Slovenia	Warnings, disallowing the broadcaster to show all advertising and teleshopping for one week because of the product placements

Majority of the countries has applied sanctions on broadcasters. These are mainly due to infringement of advertising regulations, concerning the protection of minors and right of reply. In 2002 **Latvian** Authority issued 13 warnings, one annulment of license and one suspension. In **Lithuania** one temporary suspension and two revoking of the licences were reported. In **Poland** the sanctions have been mainly caused by violations of rules concerning the protection of minors. Polskie Media S.A was fined 200 000 PLN because of broadcasting reality TV show “Gladiatorzy” (“Gladiators”). **Slovenian** Authority has applied “3 warnings and one sanction regarding infringements of advertising”. For example one private broadcaster “was disallowed to broadcast all advertising and teleshopping for one week, because of the advertising infringements (mostly because of the product placements)”.

13. Does your authority publish any regular reports concerning the process of implementation of the policy standards and fulfilment of the requirements by the broadcasters? Can you refer to any special academic research and/or printed or web-publication concerning this issue?

Czech Republic	Annual Report
Cyprus	Annual Activity Reports, report to the Council of Ministers and to the House of Representatives regarding the implementation quotas for European works
Estonia	No
Hungary	Not yet
Latvia	---
Lithuania	Analytical publication on the broadcasting sector once in two years
Malta	Annual Report (http://www.ba-malta.org)
Poland	Annual Report
Slovakia	Annual Report (http://www.rada-rtv.sk)
Slovenia	Annual Report

The process of implementation of European Union media policy standards is mostly analysed in Annual Reports. No special academic research was mentioned in the answers.

2.1.4. Impact

14. What have been the most visible and substantial results of implementation of EU policy principles on the amount, structure and quality of TV programming in your country?

Czech Republic	At least middle term experience is needed to answer
Cyprus	The implementation of the programme rating system, much more sensitivity shown for news presentation
Estonia	More European works and own production
Hungary	Currently unable to answer (the legal harmonisation-related amendment of 2002 will only take effect following the accession)
Latvia	Less American serials, more own production
Lithuania	More European works, time for ads has decreased to 12 minutes, ads are separated from other programme parts
Malta	More respect for consumer's rights, better protection of minors, right of reply is guaranteed by law
Poland	Improvement in the rules regarding the proportion of European and language works, advertising and protections of minors
Polish	Better protection of minors, implementation of programme rating system
Slovakia	Some improvements regarding better protection of minors, the amount of own production and European works has increased
Slovenia	

Most of the countries have mentioned positive changes. **Cyprus** points out the implementation of the programme rating system and increased sensitivity shown for news presentation. In **Estonia** the proportion of European works as well as own production has increased in television programmes. The same trend is has been seen in **Latvia** where the decrease in South American and American serials has been noted. **Lithuanian** Authority indicates that the advertising time has decreased to 12 minutes per hour and commercials are separated from the other programme parts. In addition **Malta, Poland, Slovakia** and **Slovenia** mention improvement in respect for consumer's rights, better protection of minors and right of reply.

15. Has the implementation of EU standards and TWF principles led to a better or more effective co-operation between different institutions of your AV sector (public and private firms, independent producers, telecommunication and Internet firms, regulatory authorities etc)?

Czech Republic	No experience
Cyprus	Yes
Estonia	Yes, absolutely
Hungary	Currently unable to answer
Latvia	Not especially improved more effective co-operation, the co-operation has always been satisfactory
Lithuania	Perhaps it became better, and more effective for sure. Regulatory institutions have better contacts with self-regulatory ones, especially in improving some broadcasting standards
Malta	Not directly
Poland	Hard to determine at the moment. Introducing transparent, supra-national standards usually has a positive effect on the market
Slovakia	No visible changes in quality of co-operation
Slovenia	Improved co-operation between local and European regulatory authorities

The hypotheses was that implementation of common policy standards will enforce the consolidation and co-operation within the audiovisual sector. Most of the answers proved this viewpoint. **Latvia** believes that the co-operation has always been satisfactory. **Lithuanian** authority sees improvements in contacts between regulatory and self-regulatory institutions, which has led to improvement in broadcasting standards. **Poland** points out that "introducing transparent, supra-national standards usually has a positive effect on the market". **Slovenian** Authority says that common standards have improved co-operation between local and European regulatory authorities.

16. Can you see that the TV programming and TV landscape as a whole looks in fact more European after implementation of the TWF requirements?

Czech Republic	Not enough experience to share the opinion
Cyprus	Yes, however this matter does not apply to all European countries
Estonia	Yes of course
Hungary	Currently unable to answer
Latvia	TV landscape as a whole looks more Latvian and also more European
Lithuania	Beyond doubt, yes
Malta	The whole local broadcasting landscape looks more European
Poland	At this moment there is not enough data to evaluate if there is an instant and remarkable change
Slovakia	---
Slovenia	Yes, perceive some changes towards this improvements, but this are merely assumptions. We do not have any researches on this issues

Most countries have said yes to this question. “**Estonian** law contains also the requirements for own production in addition to European works, which has increased the proportion of own production remarkably”. **Latvian** council admits that “after implementation of the TWF directive requirements the TV landscape as a whole looks more Latvian and also more European”. **Malta** considers that “the whole local broadcasting landscape looks more European in so far as there are more local productions and the provisions of the directive are complied with”. **Poland** and **Slovenia** point out the perceived changes but say that there is not enough data or research on this issue.

17. Have you any information how the audiences have accepted the changes in the programme structures and scheduling of TV stations?

Czech Republic	No
Cyprus	No
Estonia	No
Hungary	Currently unable to answer
Latvia	---
Lithuania	No
Malta	No
Poland	No official research
Slovakia	No audience research
Slovenia	No

The countries do not have yet reliable information based on audience research. The answers are based on assumptions. **Czech Republic** suggests that “in general the TV audience is not interested in europrogrammes but especially in national produced programmes provided they are above quality threshold”. **Slovakia** states that “99% of viewers” know that the television programming is regulated 'according some Directive". **Estonia** and **Poland** argue that because the main requirements of TWF directive were implemented step by step during many years the viewers may have not notice the changes in television programmes. **Lithuania** says that generally could be argued that more educated layer of the audience is for the European standards, while the other part is more against.

2.1.5. Improvement

18. What have been the main TV and AV policy issues debated in your country after adoption of the acquis and implementation of the TWF standards? Are there any projects of new legislative acts or amendments of existing ones?

Czech Republic	Quotas, right of reply, position of a broadcasting regulatory body in the system of public service. Amendment of Broadcasting Act
Cyprus	Debate regarding the Major Events List, which has been implemented since 2001. Working towards the amendment of Broadcasting Act
Estonia	No new projects at the moment
Hungary	Media Act harmonized with EU requirements, watch the progress made in Europe and apply new developments in practice

Latvia	Creation of Council responsible for administrating the state capital share and other management functions of public broadcasters
Lithuania	Recommendation on the Rules of Preparing and Broadcasting Programmes, Rules on Programme Monitoring
Malta	No debates and new projects
Poland	On 21 st of October 2003 Council of Ministers adopted draft amendment to the Broadcasting
Slovakia	In 2003 the main focus was on public service television, its mission, financing and future, the new Act on Slovak television adopted at the end of 2003
Slovenia	Protection of minors, definitions of erotic and pornography programmes and the list of the most important events

In **Czech Republic, Cyprus** and **Poland** the new amendment of Broadcasting Act has been adopted or is currently worked on. The issues discussed range from the quotas, right of reply, list of major events to defining the erotic and pornographic programmes. In **Slovakia** the main focus has been "on public service television, its mission, financing and future".

19. Should the time appointed to local news programmes and local sports events be excluded from calculation of required amount of broadcasting time for European works, own production and production of independent producers as it is currently stated in TWF Directive? How motivated do you find these exclusions?

Czech Republic	Not opinion yet
Cyprus	Yes
Estonia	No
Hungary	Currently they are excluded
Latvia	No
Lithuania	No
Malta	No
Poland	Currently they are excluded
Slovakia	---
Slovenia	No

Estonia has made a proposal for revision of this provision and not to exclude local news and local sport broadcasts from the calculation. Also **Latvia** and **Slovenia** support this idea as the news programmes are an essential part of national production and are quite expensive for broadcasters. **Lithuania** agrees that by calculating news into European works it would be easier for the broadcasters to achieve the quotas. **Malta** points out that exclusion of local news and local sports events "might end up with difficulties to reach the 50% quota". **Hungary** and **Poland** state that currently news and sport events are excluded from the calculation of quotas.

20. What is your general attitude regarding the main issues covered by the TWF Directive (freedom of circulation, program quota, advertising limitations, child protection, popular event protection, media windows chronology) and how do you think it should evolve?

Czech Republic	TWF Directive represents good platform for national regulatory policies
Cyprus	Positive
Estonia	---
Hungary	The Commission (ORTT) submitted its observations to the European Commission in July 2003
Latvia	The general regulation in the Directive is adequate and there should not be determined too specific
Lithuania	Very positive regarding those issues, most sensitive is probably European quotas.
Malta	Main issues covered by the TWF Directive tend to be exhaustive even though there needs to be more uniformity
Poland	Particular stakeholders have different approach to above mentioned issues.

Slovakia	It is a sophisticated set of minimal rules that allows adopting more stricter national rules if needed
Slovenia	Main issues are well covered. Have some problems covering the advertising with the existing Directive and national legislation.

The general attitude towards TWF Directive is positive among the experts. **Czech Republic** believes that "TWF Directive represents good platform for national regulatory policies". Czech Authority adds that "the quotas should not only promote European identity but lead to quality of euro-production able to compete in the international AV market as well". **Slovakia** sees the Directive as "a sophisticated set of minimal rules" that allow adopting stricter national rules if needed. **Malta** stresses the need for "more uniformity in the matters addressed such as a European programme classification system in order to better protect children within a transfrontier perspective". **Hungarian** authority holds an opinion that "ongoing revision is required, due to the continuously expanding services and technical innovations". **Slovenia** indicates that the Directive must meet the developments in new advertising techniques. "For now we are solving those problems with self-regulation (gentleman's agreement acts)". **Latvian** Council argues that the regulations of the Directive should not be too specific. This gives the member states the option to adopt more detailed rules in their national legislation.

21. Have your regulatory authority or other institutions involved made (or are planning to make) any concrete suggestions for the revision of the existing TWF Directive? If yes, what are the main issues?

Czech Republic	Not yet
Cyprus	Not yet
Estonia	Yes. Not to exclude local news and sport from the calculation of European works
Hungary	Yes. Suggestions on advertising, protection of minors to increase the efficiency of the co-operation between member states
Latvia	Yes. Some suggestions concerning advertising and teleshopping
Lithuania	No. (National production should be foreseen in quotas)
Malta	No
Poland	Not adopted official position
Slovakia	Is in favour of current wording of TWF in six areas, which were considered to revise
Slovenia	No

Four countries out of ten have submitted their proposals for the revision of the Directive. **Estonian** proposition is "carrying the message that there could be more flexibility in the requirements of the Directive, as small countries are concerned". **Latvia** has done several proposals for the revision of the Directive. **Malta** is not planning to make any concrete suggestions for the revision of the Directive although it is closely following the developments being proposed by the Commission and the Transfrontier Television Standing Committee. **Slovakia** is in favour of current wording of the Directive "in six areas which were considered to revise".

22. Can you refer to any common interests, needs and positions of accessing countries in the process of revision and improvement of TWF Directive?

Czech Republic	No
Cyprus	No
Estonia	Yes. Issues concerning national production and problem of exclusion of local production from the quotas
Hungary	No competence to respond that question
Latvia	No
Lithuania	Yes. Issues concerning national production
Malta	Yes. Some uniformity is obviously needed
Poland	Co-operation in the fields of major events, regulation of advertising market, protection of minors, common approach to the regulation of jurisdiction

Slovakia	No
Slovenia	No

Estonia points out that the co-operation in the issues concerning national production and exclusion of local production from the quotas could be in the interest of all acceding countries. **Lithuania** refers to the need to protect the national production and suggests defining certain percentage of national works in the European quotas. It also mentions possible restrictions for advertising directed to national markets in the programmes of foreign broadcasters. **Malta** draws the attention to the need for more uniformity concerning European programme classification system, better protection of children and harmonising details regulating advertising and teleshopping. **Poland** adds that national authorities could co-operate in finding common approach to the regulation of jurisdiction.

2.2. *Applicant Countries and Countries in Transition*

In applicant countries and countries in transition the variety of processes that characterise the development of broadcasting policies is remarkable. Countries are in very different stages on their way of adaptation to the European media standards. However the analysis of responses shows that all these states are in an active transitional phase characterised by fast changes and contradictions caused by historical, political, cultural and financial reasons.

From the answers of the experts that are presented in detail in Appendix 3 one can see that **Bosnia-Herzegovina** and **Kosovo** are still in a situation where it is impossible to discuss nor implement the principles of TWF Directive. **Albania**, **Macedonia**, **Moldova**, **Montenegro** and **Turkey** have started to include these principles into their legislation but have not yet reached the full compliance with the Directive. Because of the special agreement with WTO **Romania** can start promoting European works only after becoming a Member of the European Union possibly in 2007. In **Bulgaria** the Radio and Television Act is in accordance with European broadcasting policy standards.

Albania points out that unstable economical situation and lack of financial resources, limited advertising market and extremely politicised environment are hindering the implementation process. In **Montenegro** media law has been anti-monopolistic and "has vigorously confronted the monopolistic nature of the political factor, both of the regime and opposition". The Authority believes "that the solution is not in rejection or postponement of implementation of the directive, but in finding the flexible solutions that will preserve its spirit and ground principles in their entirety, and prevent the negative practical effects that could be caused by their mechanical implementation." **Albania** suggests that developed countries should assist small ones by giving "free of charge program exchange or low prices for the programs sold in small countries".

Many countries have implemented stricter provisions concerning the protection of minors and advertising. For example in **Montenegro** "the new media legislation bans advertising of the sale and purchase of human organs or tissues for transplantation or transfusion". These sorts of advertisements used to be present in certain period. In **Albania** some private radio and television channels have criticised "the implementation of author's rights requirements and anti piracy measures".

In most countries own production is defined by the producer of the program. "The broadcasting act of **Albania** defines the obligation for Albanian Public Television (only) to broadcast its own programs in 50 % of broadcasting time." In **Moldova** own production must form 30 % of the total transmission time. 65 % of that must be in official language. In countries with several ethnic groups like **Montenegro** the broadcasters must provide them with regional programming.

Concerning the provision that excludes the local news programs from the amount of European production **Romania** points out that while local news and sport focus on limited audience and European works focus on all European inhabitants the exclusion is justified.

When suggesting improvements in the Directive transition countries emphasised the importance of protection of minors and need for stricter rules concerning advertising of alcoholic beverages. **Romanian** Authority suggests that "circulation of advertising dedicated to the public of Romania, and inserted in the program of international channels, under the jurisdiction of a Member State, should be limited." Such restriction is needed to limit the retransmission of pornographic programs. **Macedonia** finds that "the principle of advertising limitations is to be kept, but new solutions are to be introduced." **Romania** proposes to increase the quota for independent production from 10 up to 15 per cent.

Albania states that as the result of the process of implementation of the TWF Directive requirements the television landscape is becoming more European.

In general the situation in different countries is so diverse that it is difficult to draw up thorough generalisations concerning this particular stage of development. The answers indicate that most applicant countries and countries in transition are working hard in order to achieve and maintain the media standards of democratic societies with more or less balanced media systems.

CONCLUSION

From the analysis of the results the following main conclusions can be made:

- Regulatory Authorities of acceding countries report no substantial criticism concerning the implementation of common European broadcasting policy standards into the national legislation.
- Majority of respondents supports the statement that the TWF Directive is created to protect the European culture but the regulations do not solve the problems of small countries.
- While following the general framework acceding countries have found their own ways to tailor the national legislation to their needs, especially concerning the amount of national (own) production.
- In most acceding countries the language based approach is used to determine the notion of own production where the programs have to be made in national language.
- The monitoring of the broadcasters is handled by one common authority for both public and private channels in most of the countries.
- Most countries have reported of sanctions applied on broadcasters.
- Media experts agree that the implementation of common policy standards leads to the consolidation and co-operation within the audiovisual sector and improve the co-operation between local and European regulatory authorities.
- Most Authorities agree that the TWF Directive has influenced the Europeanisation of the television landscape and programming, especially in the private sector.
- Even there is no reliable information based on audience research experts assume that viewers have accepted the changes in programming.
- To improve the TWF Directive acceding countries have stressed the need for more flexibility in the requirements concerning small countries. Estonia has suggested that local news and local sport broadcasts should not be excluded from calculation of quotas for European production.
- Regulatory Authorities hold an opinion that even the current TWF Directive gives a solid base for national regulation the further improvement is necessary to meet the fast changes in European broadcasting sector.
- In applicant countries and countries in transition the implementation process of the common European broadcasting policy standards is still in early stages. Unstable economical situation, limited financial resources and advertising market but also the politicised environment hinders the implementation process.

Experts from Regulatory Authorities of acceding countries report no substantial criticism concerning the implementation of common European broadcasting policy standards into the national legislation. While some agree that TWF Directive preserves the European culture and helps also small countries to protect their national interests others point out the inequalities between large and small countries. Following the requirements of the Directive in states with restricted language area, small advertising market and lack of financial resources is hindering the development of the audiovisual sector. Especially private broadcasters have been critical towards the limitations on advertising and exclusion of local news and sports from the quotas for European production.

Majority of respondents supports the statement that the TWF Directive is created to protect the European culture but the regulations do not solve the problems of small countries. While some Authorities find the provisions of the Directive efficient enough to promote the development of national audiovisual sector others state that direct financial support through Media Plus program is more effective.

While following the general framework acceding countries have found their own ways to tailor the national legislation to their needs. Most states have applied stricter provisions concerning advertising and teleshopping and have introduced additional requirements to protect the own production. In most acceding countries the language based approach is used to determine the notion of own production where the programs have to be made in national language. The quotas range from 10 percent of monthly transmission time in Estonia, 21 percent of Latvian language programs in a week to 20 percent in daily transmission time in Slovenia.

There are differences in the time period used in various countries during which the

quotas must be fulfilled. These range from one calendar year to one week for European and independent production and from quarter of a year to a day for own production. One third of acceding countries have not included any specific time period for meeting the quotas.

Even some states have made the requirements for public service broadcasters more strict the main principles of the TWF Directive apply both to public and private channels. The monitoring of the broadcasters is handled by one common authority for both public and private channels in most of the countries. Only in Estonia and Lithuania the responsibilities are divided between different bodies.

Authorities use data provided by the stations and sampling monitoring of programs to control the fulfillment of the requirements by the channels. Validity and reliability of the monitoring methods, audience research and means of accountability should be improved and developed to handle the increased workload after the accession. Most countries have also reported of sanctions applied on broadcasters. These were mainly caused by the violations of advertising regulations, the protection of minors and the right of reply.

When assessing the impact of implementing the European broadcasting policy majority of respondents see positive changes. The increased proportion of European and own production, decrease in South American and American serials, changes in advertising practices and better protection of minors is reported. Most Authorities agree that the implementation of common policy standards leads to the consolidation and co-operation within the audiovisual sector and improve the co-operation between local and European regulatory authorities.

Most countries agree that the TWF Directive has influenced the Europeanisation of the television landscape and programming, especially in private sector. However some state that there is not enough data or research to prove this process.

Even there is no reliable information based on audience research Authorities assume that viewers have accepted the changes in programming. Some experts argue that because the implementation process happened over many years the audience may have not noticed the changes.

To improve the TWF Directive acceding countries have stressed the need for more flexibility in the requirements concerning small countries. Estonia has suggested that local news and local sport broadcasts should not be excluded from calculation of quotas for European production. As the news programs are an essential part of national production and are quite expensive for broadcasters majority of acceding countries supports this idea. It would make meeting the quotas easier for small broadcasters.

Regulatory Authorities hold an opinion that even the current TWF Directive gives a solid base for national regulation the further improvement is necessary to meet the fast changes in European broadcasting sector.

In applicant countries and countries in transition the implementation process of the common European broadcasting policy standards is still in early stages. When most countries have started to include these principles into their national broadcasting laws only Bulgarian Authority reports that their media legislation is in accordance with the European standards. Unstable economical situation, limited financial resources and advertising market but also the politicised environment hinders the implementation process. However the Regulatory Authorities of applicant countries have noticed the positive effect of the TWF Directive and suggest that the local television landscape is becoming more European.

APPENDICES

Appendix 1. Questionnaire

Pursuit

1. Has there been any substantial criticism concerning the pursuit, necessity or motivation for implementation of common European broadcasting policy standards into your national broadcasting policies and practices? If yes, what have been the main issues, arguments, particularities?

2. How efficient do you find the provisions (what have influence on production, scheduling and structure of television programmes) what are based on the adaptation of articles 4 and 5 of the TWF Directive in order to protect your national interests, national culture, the structure and amount of your national broadcasting production and the development of your audiovisual sector in particular?

3. What do you think about the statement that the TWF Directive is created to protect the European culture but the regulations do not solve the problems of small countries (with restricted advertising market, lack of financial resources and stability etc.)?

Regulation

4. Does the broadcasting acts of your country state any additional or stricter provisions in comparison with the general standards suggested in articles 4 and 5 or the provisions concerning advertising and teleshopping? If yes, what were the main reasons for that?

5. What approach to the notion of own production (either language based or determined by the location of the producer) is used in your country? Has your country implemented any special provisions concerning the amount and scheduling of TV stations' own production? If yes, what are the requirements?

6. Are the main requirements concerning application of EU standards in your country similar for public and private broadcasters? If not, what are the reasons for that and what are the main differences?

Implementation

7. How smoothly have the broadcasters accepted the new European texts and abide to their obligations? What have been or still are the main difficulties in the process of implementation of the EU rules into your broadcasting practices and what further efforts are needed to improve this process?

8. Have you experienced any substantial difficulties regarding the applicability of EU media policy standards (due to the restricted market resources, financial, cultural or other reasons what are caused by the current situation in your broadcasting etc.)? Are the TWF requirements in accordance with media (broadcasting) resources and market size of your country?

9. What is the time period during what the requirements for the amount of European, independent, own or national production must be fulfilled in your country (either one year, one month, one week or other options)? How does this affects the efficiency of monitoring and controlling the TV stations? Which time period could be most appropriate?

Means of control and accountability

10. Does the same regulatory authority monitor both sectors - the public and the private broadcasters? If not, do you find this arrangement appropriate?

11. Which are the main means and procedures what your authority uses to obtain required data in order to follow the fulfilment of stated requirements for programming, production and quotas? Do you consider the monitoring system applied in your country efficient? Should it be improved and if yes than how?

12. Has your authority (or other entitled institutions) applied any sanctions on broadcasters who have not abided the rules? Can you give any examples?

13. Does your authority publish any regular reports concerning the process of implementation of the policy standards and fulfilment of the requirements by the broadcasters? Can you refer to any special academic research and/or printed or web-publication concerning this issue?

Impact

14. What have been the most visible and substantial results of implementation of EU policy principles on the amount, structure and quality of TV programming in your country?

15. Has the implementation of EU standards and TWF principles led to a better or more effective co-operation between different institutions of your AV sector (public and private firms, independent producers, telecommunication and Internet firms, regulatory authorities etc)?

16. Can you see that the TV programming and TV landscape as a whole looks in fact more European after implementation of the TWF requirements?

17. Have you any information how the audiences have accepted the changes in the programme structures and scheduling of TV stations?

Improvement

18. What have been the main TV and AV policy issues debated in your country after adoption of the acquis and implementation of the TWF standards? Are there any projects of new legislative acts or amendments of existing ones?

19. Should the time appointed to local news programmes and local sports events be excluded from calculation of required amount of broadcasting time for European works, own production and production of independent producers as it is currently stated in TWF Directive? How motivated do you find these exclusions?

20. What is your general attitude regarding the main issues covered by the TWF Directive (freedom of circulation, program quota, advertising limitations, child protection, popular event protection, media windows chronology) and how do you think it should evolve?

21. Have your regulatory authority or other institutions involved made (or are planning to make) any concrete suggestions for the revision of the existing TWF Directive? If yes, what are the main issues?

22. Can you refer to any common interests, needs and positions of accessing countries in the process of revision and improvement of TWF Directive?

Appendix 2. Summary of Answers: Acceding Countries

CZEC - Czech Republic
 CYP - Cyprus
 EST - Estonia
 HUNG - Hungary
 LAT - Latvia
 LITH - Lithuania
 MALT - Malta
 POL - Poland
 SK - Slovakia
 SLOV - Slovenia

Pursuit

1. Has there been any substantial criticism concerning the pursuit, necessity or motivation for implementation of common European broadcasting policy standards into your national broadcasting POLicies and practices? If yes, what have been the main issues, arguments, particularities?

CZEC-1. Criticism came especially from TV broadcasters (mainly the quotas and the right of reply) and from the political parties with strong penetration of eurosceptics. But membership in the EU has been priority of the Czech Republic and TWF Directive is a part of the acquis.

CYP-1. No. We did not experience such criticism.

EST-1. Private broadcasters expressed some criticism concerning some definitions, limitations on advertising and exclusion of local news and sports from the quotas for European production.

HUNG-1. The Hungarian Media Act took effect in 1996. Regulation is based on the European Convention on Transfrontier Television, made in Strasbourg, on May 5th 1989, published in Hungary in 1998. Hungarian regulations thus always took into consideration the European regulations up until the amendment, for harmonization purposes, of the Media Act in 2002.

The Commission (ORTT) and Hungarian broadcasters have thus had enough opportunity to get accustomed to the regulatory environment, therefore they are perfectly able to handle issues related to compliance with the latest regulations.

LAT-1. There has been no substantial criticism concerning implementation of common European broadcasting standards into Latvian Radio and television law. In 1998 Latvia ratified the Council of Europe Convention on Transfrontier Television and its Amending Protocol, in 1999 Latvia started to harmonize Latvian Radio and television law with EU TWF Directive and at the moment Radio and television law complies with European broadcasting legislation.

LITH-1. No, there wasn't. On the contrary, Lithuania has always been striving to implement all the EU requirements in the audiovisual field as soon as possible, for this purpose it ratified the Convention on Transfrontier Television without any stipulations.

MALT-1. Malta will be joining the European Union on 1st May 2004. Thus, in so far as articles 4 and 5 of the Television Without Frontiers Directive are concerned, the relative legislation transporting these provisions in Maltese Law will be coming into effect on accession. Therefore this questionnaire is being filled on the basis of the scant information available on the subject. As to paragraph 1, there has been no discussion at all, let alone criticism, on the implementation of common European broadcasting policy standards in Malta.

POL-1. No substantial criticism has been noticed.

SK-1. No, there has been no discussion and no criticism. In fact the Act on Broadcasting and Retranmission of 2000 is partly copying the TWF Directive in its relevant – programme and advertising - parts.

SLOV-1. There was no substantial criticism concerning implementation of common European broadcasting policy standards into our policies and practices.

2. How efficient do you find the provisions (what have influence on production, scheduling and structure of television programmes) what are based on the adaptation of articles 4 and 5 of the TWF Directive in order to protect your national interests, national culture, the structure and amount of your national broadcasting production and the development of your audiovisual sector in particular?

CZEC-2. Not particularly efficient but better than nothing.

CYP-2. It is not so much a matter of efficiency per se, but rather a question of how practical it is to be implied in small countries like Cyprus. Local broadcasting production has a very high production cost and all series, specials, and / or other programmes produced locally can not be sold in other markets, especially due to the lack of strong local distribution companies as well as due to the limitation of such markets that can accept productions in the Greek language.

EST-2. As the period during which the above-mentioned provisions have been fully implemented in Estonia, has been rather short, it's too early to draw some conclusions. But in recent years the amount of own production in private channels has increased.

HUNG-2. While both national private and public broadcasters have observed the provisions of these articles, surveys have indicated that regional broadcasters will also be able to comply.

LAT-2. National Broadcasting Council of Latvia (hereafter – the Council) finds the provisions determined in articles 4 and 5 of the TWF Directive vitally significant for the protection of national interests, national culture, the structure and amount of Latvian national audiovisual production sector and its future development. For instance, paragraph 1 of Article 18 of Latvian Radio and television law lies down that :

"All broadcasts of visual programs produced by a broadcasting organization (except news, sports events, games, commercials, teletext services and teleshops) shall be in the following proportions of the total volume of the weekly broadcasting time :

- 1) not less than 51 per cent – European audiovisual works ; and
- 2) of the European audiovisual works, not less than 40 per cent – broadcasts produced in the Latvian language."

This legal norm, which guarantees at least 21 per cent of TV broadcasting organization's weekly broadcasting time devoted to broadcasts produced in the Latvian language is very significant after Latvian Constitutional Court decision of June 5 2003 which deleted the article in Latvian Radio and television law about 25 per cent broadcasting time daily limit for producing programs in foreign languages.

Paragraph 3 of Article 18 of Radio and television law lies down:

"The broadcasts of audiovisual programs produced by a broadcasting organization shall ensure at least 10 per cent of the total volume of the weekly broadcasting time (except for the time dedicated to news, sports events, games, commercials, teletext services and teleshops) for European audiovisual works produced by independent producers. Broadcasting organizations shall ensure that the major proportion of the broadcasting time granted to independent producers is allocated for European audiovisual works produced by independent producers in the last five years."

This paragraph guarantees the minimum quota for the promotion of programs produced by European independent producers, but in practice the weekly broadcasting time amount of independent producers is much higher – up till 40 per cent.

LITH-2. We find them efficient enough, they would be even more efficient if they foresaw the percentage of national production as well (on the other hand we doubt if broadcasters would have financial possibilities to purchase national production, which is very expensive).

MALT-2. At this stage it is difficult to quantify with exact precision the influence on production, scheduling and structure of television programmes because of articles 4 and 5 of the TWF Directive. However, it can be safely stated that Maltese productions only on local television do exceed 50% of all productions even if no statistics are currently held.

POL-2. Articles 4 and 5 of the TWF Directive aims to protect pan-European interests, not the national ones. Those articles aim at one side at cultural and social cohesion of different European societies, and on the other hand seem to have an intention to strengthen the European audiovisual sector. Promotion of national audiovisual works or projects is dealt through the other means e.g. the MEDIA PLUS.

SK-2. European and independent production "quotas" are fulfilled. All broadcasters charged with the obligation by the law have complied and are complying according the statistic report submitted monthly to CBR. An average yearly share is up to 60%. However the statistical reports are covering national /Slovak programmes and Czech as well and different types of programme genres.

SLOV-2. For the 20 commercial TV stations in Slovenia (with only 2 million residents) it is quite hard to fulfil the quotas, because our market is very small. On the other hand our own production and especially audiovisual production is going to be very important for our national interests and national culture in the future when we will join the EU.

3. What do you think about the statement that the TWF Directive is created to protect the European culture but the regulations do not solve the problems of small countries (with restricted advertising market, lack of financial resources and stability etc.)?

CZEC-3. Due to the lack of experience with at least middle term implementing of the Directive we have no opinion.

CYP-3. We mainly agree with the fact that small countries still face serious problems and have a serious disadvantage compared to bigger countries.

EST-3. It should be better tailored to the needs of small countries. Estonia made some proposals to the European Commission in July this year.

HUNG-3. Hungary has given full support to the cultural objectives of the European Union. Considering, however, that Hungary is a country of a limited linguistic area, the language policy objectives of smaller countries and the protection of national cultures are also considered important. Currently, broadcasters are to meet similar requirements in terms of national productions.

LAT-3. National Broadcasting Council (hereafter – the Council) holds an opinion that TWF Directive really was created to protect the European culture and to promote European audiovisual production, but the Directive also helps small countries to produce higher quality programs and Latvian television broadcasting organizations have admitted that the European production quotas promote broadcasters to produce much more qualitative programs rather than to purchase cheap programs.

LITH-3. Yes and no. If we start with no, then certainly the restricted advertising market is the reason why almost all the problems arise, compared it with big markets.

MALT-3. I tend to agree that the TWF directive does not solve the problems of small countries when it imposes onerous obligations on small state broadcasters who are severely handicapped when compared to the other broadcasters, which do not have financial, and human resources limitations such as those of smaller broadcasters.

POL-3. It might be argued that TWF Directive does not satisfactorily take into account the legitimate interests of so-called small countries, having language restricted broadcasting areas, young, not fully developed advertising markets, problems with financing quality audiovisual works, etc.

SK-3. TWF Directive does not solve the problem of language small markets.

SLOV-3. We agree with the statement, because the advertising market in Slovenia is very small.

Regulation

4. Does the broadcasting acts of your country state any additional or stricter provisions in comparison with the general standards suggested in articles 4 and 5 or the provisions concerning advertising and teleshopping? If yes, what were the main reasons for that?

CZEC-4. No, where private sector is concerned. Our regulation has been directly inspired by TWT Convention and later the TWF Directive. But there are stricter provisions in comparison with provisions of the Directive concerning advertising and teleshopping in the case of public broadcasters.

CYP-4. Yes. Cyprus is a small country with strong social and family values and ethics so we needed to protect them by applying stricter provisions regarding broadcasting advertising and teleshopping.

EST-4. Yes. A broadcaster shall ensure that at least 10 per cent of the monthly transmission time of the programme service, excluding the time appointed to news, sports events, games, advertising, teleshopping and teletext services, is reserved for own production. A broadcaster shall transmit at least 50 per cent of the minimum amount of own production provided for in this subsection during the prime broadcasting time between the hours of 19.00 and 23.00.

HUNG-4. Yes, Hungarian regulations provide for a combined programming time- and resource-based quota, i.e. broadcasters are to allocate a specific percentage of their programming time or of their resources available for production to European works or productions originally produced in Hungarian.

In addition, the regulations provide for a so-called sub-quota for productions originally produced in Hungarian by an independent producer or purchased from such producer not more than 5 years ago.

Also, some provisions of the Hungarian advertising regulations can be deemed stricter compared to the general regulations of the Directive. Altogether, however, they fit into the general European picture.

LAT-4. Articles 4 and 5 of the TWF Directive have been transposed into Latvian Radio and television law (see the answer to the question No 2) – the only stricter rules are concerning the Latvian language that at least 40 per cent of the European audiovisual works of the weekly broadcasting time shall be broadcasts produced in the Latvian language. Concerning advertising – Latvian Radio and television law prohibits commercials and tele-shops for alcoholic beverages except wine and beer.

LITH-4. No.

MALT-4. No our law transposing articles 4 and 5 of the TWF Directive, when it will come into force on 1st May 2004 will not contain any provisions, which go beyond what the directive stipulates.

At the current moment in time, local broadcasters are only bound by a provision to the effect that all stations (radio and television) have to broadcast 20% of their productions in the Maltese language. That is the current law even though all stations broadcast as a matter of fact more than 50% of their productions in Maltese. With effect from 1st May 2004 the 50% rule will become mandatory.

POL-4. The Broadcasting Act includes some additional provisions concerning advertising: programmes in a public television programme service, with the exception of coverage of sports events containing mandated intervals and of other events containing intervals, and during programmes consisting of autonomous parts, shall not be interrupted by advertising or teleshopping spots.

The Broadcasting Act comprises ban on advertising of some gambling services. Advertising for alcohol beverages, with the exception of beer is strictly prohibited. At present, there is also a strict prohibition of inserting advertising during children's programmes.

SK-4. Some stricter rules are applied for public service broadcasters in the area of advertising, teleshopping and sponsoring.

SLOV-4. Yes, in Slovenia we have some stricter provisions concerning own production, advertising and teleshopping. All broadcasters should ensure 20 percent of own production in daily transmission time and at least 60 minutes between 6pm and 10pm. The total amount of Slovenian audiovisual works should be 2 percent per annual transmission time, the total amount of European audiovisual works should be 20 percent per annual transmission time, the total amount of European audiovisual works of independent producers should be 10 percent per annual transmission time. There are also some stricter provisions for Public Broadcaster concerning advertising and teleshopping.

Public broadcaster and "programmes with special meaning for the Republic of Slovenia" (local, regional, student and non-commercial programmes) should not exceed 15 percent of advertising and teleshopping together in daily transmission time and 10 percent of advertising in daily transmission time. The amount of advertising and teleshopping should not exceed 12 minutes in 1 hour of daily transmission time and 9 minutes between 6pm and 11pm. Teleshopping is banned between 6pm and 11pm.

5. What approach to the notion of own production (either language based or determined by the location of the producer) is used in your country? Has your country implemented any special provisions concerning the amount and scheduling of TV stations' own production? If yes, what are the requirements?

CZEC-5. There are no such provisions in our country. But support of the domestic production is one of priorities of the Council in issuing of a licence. Council have to take into consideration an amount of the domestic production, which is involved in the licence application.

CYP-5. Not especially own productions. The specific article of the Law was amended referring to "European works", rather than "Cypriot productions".

EST-5. According to Estonian legislation "own production" means programmes and programme services relating to contemporary Estonia or Estonian cultural heritage, produced by a broadcaster itself or in co-operation with producers from the member states of the European Union or commissioned from an independent European producer.

HUNG-5. Hungarian regulations have introduced the term 'productions originally produced in Hungarian'. The sub-quota referred to above can be regarded a special requirement.

LAT-5. There are no special provisions concerning the amount and scheduling of TV stations' own production in the law concerning commercial TV broadcasters – there is 60 per cent restriction for in-house production for public broadcasters. But the Council when issues licenses for broadcasting organizations – approves also the general program concept for each broadcaster and in one section in the program concept there is given the percentage of own production and production of independent producers and other broadcasting organizations.

LITH-5. National legislation does not provide for a definition of "own production", neither does it have special provisions on it. The amount of own production is foreseen only in the Annex II of a Broadcasting Licence. Own production is not obligatory, however The Radio and Television Commission gives priority to those competitors, wishing to acquire the Broadcasting Licence, who oblige themselves to broadcast a certain amount of broadcasts of their own production as well. Once they oblige themselves and it is foreseen in the Licence, they have to keep to it.

MALT-5. In Malta the tendency is to have productions based in the Maltese language. When the Maltese language is not used then foreign productions are imported mainly in the English language being either British or American productions. At the current moment in time, local broadcasters are only bound by a provision to the effect that all stations (radio and television) have to broadcast 20% of their productions in the Maltese language. That is the current law even though all

stations broadcast as a matter of fact more than 50% of their productions in Maltese. With effect from 1st May 2004 the 50% rule will become mandatory.

As to independent productions although there are quite a number of such producers in Malta, no statistics are kept as to the percentage of independent productions on local television stations. These statistics will however be compiled following accession on 1st May 2004.

POL-5. According to the Broadcasting Act, television broadcasters shall reserve at least 30% of their quarterly transmission time (excluding news, advertising, teleshopping, sports events, teletext services, games) to programmes originally produced in the Polish language.

SK-5. The Act on broadcasting and retransmission of 2000 in relevant parts set the term European production. Special obligation are set on public service television and radio, concerning their "own production" aimed to fulfil the obligation to broadcast majority of programmes in "public interests".

SLOV-5. Broadcasters own production is determined with the condition that he is the producer of the programme or the programme is made by his order and from his account. The basic condition for all Slovenian broadcasters is that they should broadcast in Slovene language.

We have some special provisions concerning the amount and scheduling of TV stations' own production. All TV stations should ensure at least 20 percent of their own production in daily transmission time and at least 60 minutes between 6pm and 10pm. Into this share counts premiere and first repetition of the programme and all performances of the Slovenian audiovisual works. There are also special provisions for the "programmes with special meaning for the Republic of Slovenia" (local, regional, student and non-commercial programmes). Local regional and non-commercial programmes should ensure 30 percent of their own production, for the student programmes there is a provision only for the own production of the programme.

6. Are the main requirements concerning application of EU standards in your country similar for public and private broadcasters? If not, what are the reasons for that and what are the main differences?

CZEC-6. See paragraph 4. Public broadcaster has much stricter regime especially in the advertisement and tele-shopping field.

CYP-6. Not yet. The specific Act was implemented initially for the private stations, however we are now approaching the final steps towards amending the public radio and television legislation thus implementing the same applications and standards as well.

EST-6. The requirements are the same.

HUNG-6. Apart from the special requirements owing to their public-service functions – public broadcasters are subject to stricter advertising and sponsorship rules than the ones applying to private broadcasters as well as expected to meet stricter production requirements (European, Hungarian, independent, own production) during the period until the accession.

LAT-6. Yes, the main requirements concerning application of the EU standards in Latvia are the same for public and private broadcasters.

LITH-6. Practically the requirements are almost the same, except that those for the public broadcaster are a little bit higher, e.g. advertising on TV is forbidden on the mourning days, proclaimed by the State and in the events of major importance to the State.

MALT-6. In Malta the main requirement concerning application of EU standards are similar both for public and private broadcasters.

POL-6. There is a difference regarding to rules related to advertising: according to the Broadcasting Act, public TV broadcasters must not insert advertising during programmes.

SK-6. Public broadcaster has much stricter regime especially in the advertisement and teleshopping field.

SLOV-6. There are the same requirements for the commercial broadcasters as they are in EU, but there are stricter provisions for the PBS and "programmes with special meaning for the Republic of Slovenia" (local, regional, student and non-commercial programmes) in the term of own production and in the provisions concerning advertising and teleshopping.

Implementation

7. How smoothly have the broadcasters accepted the new European texts and abide to their obligations? What have been or still are the main difficulties in the process of implementation of the EU rules into your broadcasting practices and what further efforts are needed to improve this process?

CZEC-7. Accepting euroregulation has not been smooth process at all. As a "sweetener" for accepting it the broadcasters the "eurolaw 2001 " has prolonged their licences for further term of 8 (radio) resp.12 (TV) years.

CYP-7. Rather smoothly, however we still need quite some time until we have the expected final results.

EST-7. Private broadcasters have had some difficulties to meet the quotas.

HUNG-7. Hungarian broadcasters are currently expected to meet sufficiently strict requirements so they will be capable of complying with the regulations taking effect on the accession.

LAT-7. Generally speaking Latvian TV broadcasters have accepted the European audiovisual standards quite smoothly and there have been no particular difficulties of implementation of the EU rules into Latvian broadcasting practices. The majority of TV broadcasters are even satisfied with the European audiovisual works quotas. The only thing that should be improved in TV channels programs is observation of Article 22 of the Directive about protection of minors as Latvian Radio and television law lies down that TV broadcasters may not distribute programs and broadcasts with such content as may be harmful to the normal physical, mental and moral development of children and adolescents between the hours of 7.00 and 22.00 and there are problems with violent movies broadcasted at 9 p.m., but this is the question of development of the Council's monitoring system.

LITH-7. They accepted them quite smoothly, except those on advertising. These requirements are not acceptable due to small advertising market in Lithuania and huge competition among broadcasters (there are 4 national scale broadcasters in Lithuania, who divide the biggest advertising share among themselves). They also unwillingly want to accept the mechanism of self-regulation.

To improve the process we need a lot: higher living standards, bigger advertising market, more demanding audience, responsibility and understanding of the broadcasters, close co-operation of the regulatory institutions and broadcasters, journalists, editors, etc.

MALT-7. In so far as the TWF directive is concerned, other than articles 4 and 5 thereof, all these provisions have been transposed in Maltese law since 2000 / 2001 and are in force. Only articles 4 and 5 are not yet in force. There are no problems as to their implementation. As to articles 4 and 5 of the TWF Directive, as these have not yet been implemented in Malta it is early to comment about the reaction thereto by local broadcasters.

POL-7. Generally, fundamental rules of the TWF directive are implemented in the existing law. Draft amendment to the Broadcasting Act containing detailed provisions aiming at an adjustment to Community law, was adopted on the 21st October 2003 by the Council of Ministers, and it should be soon sent to Parliament. At present, it seems that these provisions are applied satisfactorily and do not cause any serious problems.

SK-7. No problems with the implementation into legal framework in generally. Some problems with the interpretation of this Slovak legal rule in practice.

SLOV-7. Private broadcasters have difficulties meeting quotas in regard to own production and advertising and teleshopping. The main reasons are small market and big amount of TV and radio stations. Maybe higher living standard, bigger advertising market, responsibility and better understanding of the law provisions will improve the implementation process after we are going to be a part of EU in May 2004.

8. Have you experienced any substantial difficulties regarding the applicability of EU media policy standards (due to the restricted market resources, financial, cultural or other reasons what are caused by the current situation in your broadcasting etc.)? Are the TWF requirements in accordance with media (broadcasting) resources and market size of your country?

CZEC-8. Not yet, but our experience with implementing EU standards is not long.

CYP-8. Not any serious difficulties. However, as a small country, we have experienced some difficulties with certain practices and requirements.

EST-8. Private broadcasters have had some difficulties to meet the quotas.

HUNG-8. In this respect, we have not had any experiences, as these standards will only take effect following the accession.

LAT-8. At the moment the TWF Directive requirements are more or less in accordance with broadcasting resources and market size of Latvia.

LITH-8. There were no substantial difficulties in this field, however, certainly broadcasters would like to have all regulations milder, especially those on advertising. As regards your last question, no research was done in Lithuania concerning it. The answer would differ, I guess, if you speak with the regulator and a broadcaster.

MALT-8. In so far as the TWF Directive is concerned, other than articles 4 and 5 aforesaid, we have not experienced as yet any substantial difficulties regarding the applicability of EU media policy but one still has to see what the position will be after accession when articles 4 and 5 come into force on 1st May 2004.

POL-8. No substantial difficulties regarding the applicability of EU media policy standards have been noticed. It seems that the provisions of TWF Directive are generally in line with Polish audiovisual market conditions.

SK-8. As was said above. Some problems with the interpretation of the Slovak rule (fully harmonized with the Directive) in practice e.g. the interpretation of term "natural break" in sports event or "teleshopping" channel (channel exclusively devoted to teleshopping according Directive TWF) which in fact is a pure advertising channel.

SLOV-8. Already answered in question 7.

9. What is the time period during what the requirements for the amount of European, independent, own or national production must be fulfilled in your country (either one year, one month, one week or other options)? How does this affect the efficiency of monitoring and controlling the TV stations? Which time period could be most appropriate?

CZEC-9. There is no time period for "eurolaw 2001" implementing.

CYP-9. We didn't imply any specific time-period.

EST-9. As for the main requirements of TWF Directive, the so called progressive mechanism was implemented – the amount of European works and works of independent producers was increasing year by year reaching 51% and 10% this year.

HUNG-9. Under Hungarian regulations, broadcasters are to fulfil such requirements in terms of the entire duration of annual programming.

LAT-9. The TWF Directive rule regarding European audiovisual works was transposed into Latvian Radio and television law at the end of 1999. In 2000 the Council adopted the new form of general program concept and the form of a year report for fulfilment of general program concept. In this form there is a section on European audiovisual works and independent producers weekly broadcasting time amount. Broadcasters started to implement these norms starting from the end of year 2000 and there was no transitional period determined in Radio and television Law. But the strict monitoring of the quotas the Council will start from the end of 2003 when the Council's Monitoring Centre will start to function entirely.

LITH-9. I can only quote here, what our broadcasting law provides. As you will see, there is no time period foreseen: "Television broadcasters, except for local broadcasters, having regard to the broadcasters' informational, educational, cultural and entertainment programme responsibilities to its viewing public, must implement the provisions of paragraphs 3 and 4 of Article 38 (concerning European works) of the Law On Provision of Information to the Public. The requirements of these provisions shall be implemented consistently and where practicable. Every two years, broadcasters, (except LRT, which is a public broadcaster) shall submit a report on the implementation of the provisions of paragraphs 3 and 4 of Article 38 of the Law on Provision of Information to the Public, to the Radio and Television Commission. The report shall provide reasons for failure to implement these provisions, and the measures which have been taken or are envisaged to eliminate these shortcomings. In applying the provisions of paragraphs 3 and 4 of Article 38 of the Law on Provision of Information to the Public, one shall take into account the absence of relevant European works for thematic channels, and the start-up phase of a new television broadcaster."

MALT-9. In our case the time period will be that of three months as programme schedule are usually prepared on a quarterly basis. Consequently it would be more convenient for monitoring purposes to keep the same time frames.

POL-9. The Broadcasting Act provides quarter of a year as a time period for evaluation of fulfilment of European, European independent and Polish language quotas.

SK-9. No timeout or time limits are set in the law. It has to be said that the duty to broadcast majority of European production has been set before the Act on Broadcasting and Retransmission of 2000 came into entry in so called Licence terms ordered by the Council what was in more or less in accordance with former legal rule applied since 1991. Majority of European production was the licence term derived from the relevant provision of "European Convention on Transfrontier Television". Slovakia is a Contracting Party to ECTT since May 1997.

SLOV-9. The quotas for own production are required for one day and one year for European and independent production. We think that the most appropriate time period for own production quotas would be one week.

Means of control and accountability

10. Does the same regulatory authority monitor both sectors - the public and the private broadcasters? If not, do you find this arrangement appropriate?

CZEC-10. Yes, the same authority monitors both sectors.

CYP-10. Not yet. However the public broadcasting Act it is now through the process to be amended and soon, approximately by the beginning of next year, the Cyprus Radio and Television Authority will be responsible not only to monitor the private but also the public sector.

EST-10. Broadcasting Council is the supervisory body over public service broadcasting as regard the public service obligations. National Communications Board is responsible for technical aspects and the Ministry of Culture carries out the rest of responsibilities.

HUNG-10. Yes.

LAT-10. Yes, National Broadcasting Council monitors both sectors – the public and the private broadcasters.

LITH-10. Under historical circumstances in Lithuania there are two regulatory authorities in the broadcasting sector. The Radio and Television Commission regulates the activities of the commercial radio and television broadcasters; the Council of the National Radio and Television supervises the public broadcaster. We find it appropriate, both institutions cooperate in solving problems, when needed.

MALT-10. Yes it is the Malta Broadcasting Authority, which monitors the implementation of the TWF Directive both as to the public and private sector.

POL-10. The same authority is in charge of monitoring both public and private broadcasters.

SK-10. Council for Broadcasting and Retransmission is regulatory body for broadcasting (programme service aimed on public) without taking into account the legal background of broadcasters (private vs public established by special rule).

SLOV-10. We have the same authority for both sectors and we think this quite appropriate. We think that the convergence of media authorities is inevitable for such a small country.

11. Which are the main means and procedures what your authority uses to obtain required data in order to follow the fulfilment of stated requirements for programming, production and quotas? Do you consider the monitoring system applied in your country efficient? Should it be improved and if yes than how?

CZEC-11. The Office of the Council has elaborated a questionnaire for national TV broadcasters, which serves as a tool for finding the share of euro-programmes and independent production. After the rehearsal period of 2 months broadcasters are obliged to fulfil the questionnaire regularly.

CYP-11. We use a combination of sampling monitoring data plus certain data we receive both from AGB (a company specialised in programming data analysis and rating scores) and from the stations. We are still working on other parallel methods in order to improve the efficiency of this specific work.

EST-11. According to our Broadcasting Act the broadcasters have to submit the corresponding data to the Ministry of Culture.

HUNG-11. Pursuant to the provisions of the Media Act, broadcasters are obliged to provide such information to the Commission (ORTT) as specified by the latter, therefore the Commission (ORTT) will, following the accession, need to develop a reporting system also with regard to the quotas.

As yet we are unable to say to what extent the existing system should be developed and whether it will be capable of handling the increased amount of workload.

LAT-11. Since June 30 2003 the Monitoring Centre of National Broadcasting Council was established. At present moment it is at the very early stage of development and it is planned that the strict monitoring of the European audiovisual quotas the Council will start from the end of 2003 when the Council's Monitoring Centre will start to function entirely and new employees will be hired. Up till now the Council every year checked the reports of fulfilment the general program concept submitted by broadcasters and also every year the Council received the data from Latvian Central Statistics Centre.

LITH-11. According to the Commission's Decision broadcasters have to provide data on their activity (programming including) twice a year, other data is obtained while monitoring the programmes. Once a year the Commission gets information on the percentage of European works quotas from the 4 national broadcasters.

The monitoring unit has to be improved by purchasing more equipment and human resources.

MALT-11. Yes we consider the monitoring system efficient. We record all television broadcasts and receive all clarifications we need from television stations.

POL-11. In order to collect the required data National Broadcasting Council of Poland monitors broadcasted programmes and obtain reports submitted by broadcasters. According the Art. 10 par. 2 of the Broadcasting Act the Chairman of the National Council may require a broadcaster to provide materials, documentation and information to the extent necessary for the purpose of supervising the broadcaster's compliance with the provisions of the Act and the terms of the broadcasting licence.

According to the draft amendment to the Broadcasting Act adopted on 21st October 2003 Council of Ministers National Broadcasting Council could issue regulation on the mean of keeping record of transmission time devoted to European, European independent and works originally produced in the Polish language.

SK-11. We consider the monitoring system efficient enough to find if the "quotas" are real, comparing high and satisfying numbers from statistical reports. There has been a longitudinal project prepared for autumn 2003 to monitor European and

independent production quotas (first time since the harmonized rule is applied), but the project was postponed for the year 2004.

SLOV-11. We collect data concerning own production according to the annual plan of monitoring, on the initiative of Broadcasting Council, on the received complaints from the viewers and according to the received application for the "programme with special meaning for the Republic of Slovenia" (local, regional, student or non-commercial programme). Data concerning European and independent production are collected with the annual reports from the broadcasters. We thought our monitoring system is quite efficient.

12. Has your authority (or other entitled institutions) applied any sanctions on broadcasters who have not abided the rules? Can you give any examples.

CZEC-12. Not yet. The Council shall impose a fine, upon any broadcaster and any operator of retransmission in the event, that such broadcaster has not abided the rules.

CYP-12. Not yet. Until now, it seems that broadcasters are fulfilling this requirement.

EST-12. Not yet. The system was launched finally only this year.

HUNG-12. The measures currently available will continue to be available in the future.

LAT-12. According to paragraph 9 of Article 46 of Radio and television law the Council shall examine materials concerning violations of the Law in the area of electronic mass media and, depending on the seriousness, frequency and the dangerousness of the violations determined, shall have the right to take one of the following decisions:

- 1) to issue a warning;
- 2) to prepare a report concerning the administrative violation and to impose fine up to 5000 LVL (approximately – 8000 Euros; this amendment allowing the Council to impose fines was adopted by the Parliament on May 15 2003);
- 3) to suspend the operation of broadcasting organization for the period up to 7 days;
- 4) to annul the broadcasting or the re-transmission license or the special license for cable television or radio;
- 5) to file a action in court to terminate the operation of the broadcasting organization;
- 6) to forward materials to law enforcement institutions for the bringing of a criminal action.

In 2002 the Council applied the following sanctions: 13 warnings; 1 annulment of license and 1 suspension.

LITH-12. Yes. The most popular sanction is a reprimand, which is applied for minor infringements. There was one case of temporary suspension of the licence for not complying with the content obligations; for the same reason one licence was revoked; another licence was revoked for not starting the broadcasting activity.

MALT-12. Yes. We have applied sanctions mainly due to infringement of advertising regulations (surreptitious advertising; adverts in the news bulletins; twelve minutes of advertising per clock hour), protection of minors, right of reply, etc.

POL-12. Financial sanctions are imposed by the President of the National Broadcasting Council on the basis of the provisions comprised in Chapter VIII (*Liability under the Law*) of the Broadcasting Act:

Article 53

Broadcaster failing to comply with the obligations laid down in Article 15 paragraphs 1-4, Article 15a paragraph 1, Article 16 paragraphs 1-3, Article 16a paragraphs 1-3 and paragraphs 5 and 6, Article 16b, Article 16c, Article 17 paragraphs 1-7, Article 20 paragraph 1, Article 20b paragraphs 1 and 6 or under the provisions issued pursuant to Article 15 paragraph 5, Article 15a paragraph 3, Article 15b, Article 16 paragraph 4, Article 16a paragraph 4, Article 17 paragraph 8 and Article 18 paragraph 6, shall be liable to a fine imposed by decisions of the Chairman of the National Council in the amount of 50% of the annual fee for the use of frequency allocated for broadcasting the programme service, while broadcasters who fail to make the payment of the frequency fee, shall be liable to a fine of up to 10% of the revenues generated by the broadcaster in the preceding tax year.

[...]

Article 54

1. If a person who directs the broadcaster's operations fails to carry out the decisions issued on the basis of Article 10 paragraph 4, the Chairman of the National Council may, by a decision, impose a fine upon such person; however, such fine shall not exceed the person's six month's income.

2. The same fine may be imposed upon a person who directs the broadcaster's operations for the failure to provide information or for providing inaccurate information requested by the Chairman of the National Council under Article 10 paragraph 2.

The most of handled cases are related to breach of the rules regarding to protection of minors. For example: on 4th October 2001 „Polskie Media S.A” was fined 200 000 PLN for breach of § 1 sec. 2 and §2 sec. 2 of the *Regulation concerning the specific rules of transmitting broadcasts which may threaten the psychological, emotional or physical development of children and teenagers by the radio and television programme service*, because of broadcasting reality tv show „Gladiatorzy”(„Gladiators”).

„Polskie Media S.A” appealed from that decision to the District Court in Warsaw – Commercial Court, but due to formal reasons the complaint has been dismissed

In certain cases provided by the Broadcasting Act revoking of the license is also possible.

SK-12. Yes. CBR can impose: 1.warning; 2. warning which must broadcaster publicise in its own media; 3. different financial fines; 4. suspending the programme; 5. revoking the licence. Mostly employed are 1. and 3. sometimes 2.

SLOV-12. Our authority applied 3 warnings and one sanction regarding infringements of advertising. All of the sanctioned broadcasters were from the private sector. Broadcaster was disallowed to broadcast all advertising and teleshopping for one week, because of the advertising infringements (mostly because of the product placements).

13. Does your authority publish any regular reports concerning the process of implementation of the policy standards and fulfilment of the requirements by the broadcasters? Can you refer to any special academic research and/or printed or web-publication concerning this issue?

CZEC-13. Yes we do. Each year the Council submits to the House of Deputies the annual report on its activities and on the status of radio and tv broadcasting which shall contain inter alia information on the support of European production and European independent production in the television broadcasting and on the reasons for not attaining the stipulated proportions as the case may be.

CYP-13. Yes. We publish Annual Activity Reports. We also report to the Council of Ministers and to the House of Representatives regarding the implementation of the Article concerning the percentage of the European works TV stations have to schedule and broadcast.

EST-13. No.

HUNG-13. Not yet, since the provisions introduced in that respect by the legal harmonisation-related amendment of 2002 will only take effect following the accession.

LAT-13.

LITH-13. According to the law the Commission has to publish an analytical publication on the broadcasting sector once in two years' time, but this is not specifically on the implementation of the policy standards.

MALT-13. Our web-page www.ba-malta.org contains the Authority's latest annual report. No additional reports are compiled as to the implementation of articles 4 and 5 of the TWF Directive once they are not yet in force.

POL-13. National Broadcasting Council is obliged to produce annual report which among other things refers to monitoring activities, their results and imposed punishments. By the end of March each year, the National Council submits to the Sejm (lower chamber of the Parliament), the Senate and the President an annual report on its activities during the preceding year, as well as information concerning key issues in radio and television broadcasting. These documents are also available to the public through the web site of the NBC.

SK-13. An annual report is submitted to the Parliament yearly (See our web side www.rada-rtv.sk / English version). There is a special part included " foreign affairs activity" where the process of implementation has been described. Currently the process of TWF revision is in the focus.

SLOV-13. We cover data on this issue partly by our annual report. Our goal in the future is to publish those kinds of studies.

Impact

14. What have been the most visible and substantial results of implementation of EU policy principles on the amount, structure and quality of TV programming in your country?

CZEC-14. We need at least middle term experience to answer the question,

CYP-14. The implementation of the programme rating system, much more sensitivity shown for news presentation.

EST-14. The proportion of European works as well as own production has increased in TV programmes.

HUNG-14. We are currently unable to answer that question due to the same reasons as described under article 13.

LAT-14. There have been less South American and American serials broadcasted in TV channels' programs, the amount of own production has increased.

LITH-14. The advertising time decreased to 12 min. per hour, adverts are separated from other programme parts, there are more European works on TV, watershed time is complied with (almost).

MALT-14. There has been more respect for consumer's rights, better protection of minors and rights of reply are guaranteed by law.

POL-14. It seems that the most visible impact on the amount, structure and quality of television programmes have rules regarding to proportion of European and Polish language works, advertising and protections of minors.

SK-14. Better protection of minors. The implementation of programme rating system - since September 2001.

SLOV-14. There have been some improvements regarding better protection of minors and the amount of own production and European works has increased. We expect bigger improvements in the future.

15. Has the implementation of EU standards and TWF principles led to a better or more effective co-operation between different institutions of your AV sector (public and private firms, independent producers, telecommunication and Internet firms, regulatory authorities etc)?

CZEC-15. We can hardly evaluate, we have not enough experience..

CYP-15. Yes.

EST-15. Yes, absolutely. Estonian law contains also the requirements for own production in addition to European works, which has increased the proportion of own production remarkably.

HUNG-15. We are currently unable to answer that question due to the same reasons as described under article 13.

LAT-15. The process of the implementation of the EU standards and the TWF Directive principles have not especially improved more effective co-operation between different institutions in the audiovisual sector – the co-operation has always been satisfactory.

LITH-15. Perhaps it became better, and more effective for sure. Regulatory institutions have better contacts with self-regulatory ones, especially in improving some broadcasting standards, which are not clearly defined in the Directive or Convention.

MALT-15. Not directly. However, the provisions of the TWF Directive (other than articles 4 and 5 thereof) are all followed by broadcasters.

POL-15. At this moment is hard to determine to what extent the implementation of EC standards have the influence on co-operation between above-mentioned actors, which operate within audiovisual sector. It is deemed that introducing transparent, supra-national standards usually has a positive effect on the market.

SK-15. No visible changes in quality of co-operation. If there was a good co-operation it stays until now.

SLOV-15. It improved the co-operation between our authority and the other European regulatory authorities.

16. Can you see that the TV programming and TV landscape as a whole looks in fact more European after implementation of the TWF requirements?

CZEC-16. We have not enough experience to share the opinion.

CYP-16. Yes, however this matter does not apply to all European countries.

EST-16. Yes of course

HUNG-16. We are currently unable to answer that question due to the same reasons as described under article 13.

LAT-16. The Council admits that after implementation of the TWF Directive requirements TV landscape as a whole looks more Latvian and also more European.

LITH-16. Beyond doubt, yes.

MALT-16. I would say that the whole local broadcasting landscape looks more European in so far as there are more local productions and the provisions of the directive are complied with.

POL-16. At this moment there is not enough data to evaluate if there is an instant and remarkable change particularly because of the duration of the implementation process.

SK-16. ---

SLOV-16. Yes, perceive some changes towards this improvements, but this are merely assumptions. We do not have any researches on this issues.

17. Have you any information how the audiences have accepted the changes in the programme structures and scheduling of TV stations?

CZEC-17. We have still not enough information about position of the audience. But generally, TV audience is not interested in europrogrammes but especially in national produced programmes provided they are above quality threshold.

CYP-17. No.

EST-17. As the main requirements of TV directive were introduced in the Estonian Broadcasting Act in years 1999 and 2000 already, they have been implemented continuously and progressively, increasing European works' proportion step by step and therefore changes in TV programmes haven't been noticed by viewers. In general changes have been accepted positively. But it should be mentioned that our BA contains also the requirements to own production in addition to European works, which has increased the proportion of own production remarkably.

HUNG-17. We are currently unable to answer that question due to the same reasons as described under article 13.

LAT-17. ---

LITH-17. We have no specific information on this. But generally speaking we can say, that more educated layer of the audience is for the European standards, while the other part is more against.

MALT-17. We have had no adverse remarks from audiences in so far as the implementation of the TWF directive is concerned (other than articles 4 and 5 which will come into force on accession).

POL-17. There is no official research regarding it. On the other hand implementing the European standards was a continuous process so the change in the programme might have not been strikingly obvious to the viewers.

SK-17. No audience research has been carried out in this sense. 99% of viewers are aware neither that something what they watching on the screen is regulated according some Directive.

SLOV-17. No, we do not have this information.

Improvement

18. What have been the main TV and AV policy issues debated in your country after adoption of the acquis and implementation of the TWF standards? Are there any projects of new legislative acts or amendments of existing ones?

CZEC-18. Quotas, right of reply, position of a broadcasting regulatory body in the system of public service.

The parliament is now discussing the amendment of the broadcasting law, which will make the harmonisation with the TWF Directive absolute.

CYP-18. Recently we had a debate regarding the Major Events List, which has been implemented since 2001. We are now about to imply the "regulations" and the "guidelines" regarding the List thus we are about to organise a meeting with all interested parties in order to discuss the above matters. We are also currently working towards the amendment of specific Articles of our Broadcasting Act, thus making the Act more efficient and even more strict for certain "sensitive" audiovisual areas.

EST-18. No new projects at the moment

HUNG-18. By the adoption of the legal harmonisation-related amendment of the Media Act, the Hungarian Parliament has fulfilled the European Union's requirements and will continue to make the necessary efforts in order to watch the progress made in Europe and to apply new developments in practice.

LAT-18. At the moment there is not planned the adoption of new legislative acts – the only thing that has been planned is to create a Council which would be responsible for administrating the state capital share and other management functions of public broadcasters - Latvian Television and Latvian Radio. The idea is to remove this function from the existing National Broadcasting Council, which would still control the content of programs for both – public and commercial broadcasters, but the administrative functions for public broadcasters would be delegated to the other Council, but this is still the draft.

LITH-18. Discussions are permanent in small groups and in bigger ones of the audiovisual market with participation of the Radio and TV Commission members. They give rise to new drafts of legal documents, e.g. a Recommendation on the Rules of Preparing and Broadcasting Programmes (it was drafted by the RTCL in order to initiate the self-regulation process among the broadcasters), Rules on Programme Monitoring, etc.

MALT-18. No debate has ensued in Malta with regard to the TV and AV policy issues. Nor are there any projects of new legislative acts or amendments of existing ones apart from regulations to bring into force on 1st May 2004 articles 4 and 5 of the TWF Directive.

POL-18. On 21st October 2003 Council of Ministers adopted draft amendment to the Broadcasting Act which is aimed on improving harmonization between national and the Community law. Another broad set of amendments e.g. concerning creating an adequate environment for the development of the digital television is considered.

SK-18. No. In 2003 the main focus of public and state has been concerned on public service television, its mission, financing and future. The new Act on Slovak television has been adopted at the end of 2003.

SLOV-18. The main issue concerning TV programme and TWF Directive that were debated in our country were watershed for the protection of minors, definitions of erotic and pornography programmes and the list of the most important events.

19. Should the time appointed to local news programmes and local sports events be excluded from calculation of required amount of broadcasting time for European works, own production and production of independent producers as it is currently stated in TWF Directive? How motivated do you find these exclusions?

CZEC-19. No opinion yet.

CYP-19. Yes.

EST-19. Estonia has made a proposal for revision of this principle and not to exclude local news and local sport broadcasts from the calculation, since these broadcasts are an essential part of national production and is quite expensive for private broadcasters.

HUNG-19. For the national private terrestrial broadcasters and public broadcasters, programming time is currently so calculated in this respect.

LAT-19. The Council holds an opinion that local news programs should not be excluded from the calculation of the required amount of broadcasting time for the European audiovisual works because this is broadcasters own quite expensive production and local news is one of the most important parts of a TV program.

LITH-19. We think not. Broadcasts on local news and sports events are also production, that can be calculated into European works etc., and it would be easier for the broadcasters to achieve the requirements on the European quotas.

MALT-19. I do not agree that the time appointed to local news programmes and local sports events be excluded from calculation of required amount of broadcasting time for European works as if this were to happen it might end up being difficult to reach the 50% quota. In Malta local news programmes are supplemented by current affairs programmes and discussion programmes which are on the increase and constitute an important chunk, together with sports programmes, of local productions.

POL-19. Scope of exclusions of the aforementioned quotas contained in the Broadcasting Act is in compliance with the regulations of the TWF Directive. Therefore news and sports events of all types are excluded from the calculation of required amount of broadcasting time for the relevant quotas.

SK-19. ---

SLOV-19. We think that they shouldn't be excluded from the amount of European works, because for our local broadcasters local news and sports are very expensive, local news especially represent one of they main production activities.

20. What is your general attitude regarding the main issues covered by the TWF Directive (freedom of circulation, program quota, advertising limitations, child protection, popular event protection, media windows chronology) and how do you think it should evolve?

CZEC-20. As a minimum of regulation TWF Directive represents good platform for national regulatory policies. It should be evolved in a realistic manner respecting taste of viewers, national values and viability of broadcasters. Quotas should not only promote European identity but lead to quality of euro-production able to compete in the international AV market as well.

CYP-20. Positive.

EST-20.

HUNG-20. The Commission (ORTT) submitted its observations to the European Commission in July 2003, as in its opinion an ongoing revision is required, due to the continuously expanding services and technical innovations.

LAT-20. The Council's attitude regarding the main issues covered by the TWF Directive is that the general regulation in the Directive is adequate and there should not be determined too specific details because the member states has the right to adopt more detailed and stricter rules in their national legislation.

LITH-20. This is a very wide question, but in general we are very positive regarding those issues, most sensitive is probably European quotas.

MALT-20. I think the main issues covered by the TWF Directive tend to be exhaustive even though there needs to be more uniformity in the matters addressed such as a European programme classification system in order to better protect children within a transfrontier perspective, that certain details regulating advertising and teleshopping are better defined to ensure more harmony within a European context of the application of the same rules of the Directive.

POL-20. This question is formed too generally. Particular stakeholders have different approach to above mentioned issues.

SK-20. Our attitude to TWF Directive is positive in all aspects. It is a sophisticated set of minimal rules and it allows to adopt more stricter national rules if there is a need to adopt them.

SLOV-20. We think that main issues are well covered. We have some problems covering the advertising with the existing Directive and national legislation. The new advertising techniques emerge from day to day and change very fast. For now we are solving those problems with self-regulation (gentleman's agreement acts).

21. Have your regulatory authority or other institutions involved made (or are planning to make) any concrete suggestions for the revision of the existing TWF Directive? If yes, what are the main issues?

CZEC-21. Not yet.

CYP-21. Not yet.

EST-21. Our propositions were presented to Brussels carrying the message that there could be some more flexibility in the requirements of the Directive, as small countries are concerned.

HUNG-21. Yes, the Commission (ORTT) has made such suggestion with respect to advertising, protection of minors and in order to increase the efficiency of the co-operation between member states and the institutions of the member states.

LAT-21. As you might know in 2003 the European Commission held 2 public hearings for the revision of the TWF Directive and the Council also sent reply to the European Commission's questionnaire where are some proposals for the revision of the Directive

LITH-21. The RTCL did not make any, we doubt, that other institutions did it either.

MALT-21. We are not planning to make any concrete suggestions for the revision of the Directive although we are closely monitoring the developments being proposed by the Commission and the Transfrontier Television Standing Committee.

POL-21. Poland has not adopted official position concerning revision of the Television without Frontiers Directive. The preparation of the official position is according to law initiated by the government and finally approved by the Council of Ministers. In that case the government's official position should take into account the internal consultations including position which would be issued by the National Broadcasting Council.

SK-21. We have submitted the statement of professionals in the CBR in course of "public hearings". The statement was to favour current wording of TWF in six areas which were considered to revise.

SLOV-21. No, we didn't plan anything to propose for now, but we are very interested to co-operate in implementations of TWF Directive, especially in the phase of giving comments on concrete suggestions.

22. Can you refer to any common interests, needs and positions of accessing countries in the process of revision and improvement of TWF Directive?

CZEC-22. No.

CYP-22. No. We do not have such information available.

EST-22. No. Issues concerning national production and the problem of exclusion of local production from the quotas

HUNG-22. The Office has no competence to respond that question.

LAT-22. There has not been expressed one common opinion or position of the acceding countries to the EU concerning the revision and improvement of the TWF Directive.

LITH-22. Perhaps protection of national production (defining certain percentage of Lithuanian works in the European quotas); perhaps foreseeing the possibility for limiting advertising directed for the Lithuanian market in the foreign broadcasters' programmes.

MALT-22. Wide answer to par. 20.

POL-22. The following fields of possible co-operation might be worthy of particular consideration :

Major events

Regulation of advertising market

Protection of minors

Common approach to the regulation of jurisdiction

SK-22. No

SLOV-22. No, we don't have.

Appendix 3. Summary of Answers: Candidate and Transition Countries

Bosnia-Herzegovina

The reason for not replying to your questionnaire is simply because it is not applicable to our country. We became a member of the Council of Europe last year and we only started procedure on the ratification of the Convention on Transfrontier TV. The questions in your questioner do not apply to our situation.

Kosovo

I am afraid that Kosovo's development of broadcast regulation has not yet reached a point of development in which European media standards laid out in the Television Without Frontiers document could be discussed, let alone implemented.

Broadcasting here is still regulated by an international agency, the Temporary Media Commissioner, under the authority of the United Nations Special Representative of the Secretary General. We hope that by the end of this year, the elected Kosovo Assembly will approve a law (the draft of which is now nearing completion) to create a Kosovo regulator, the Independent Media Commission. The future IMC then will presumably take up issues of the TWF at an undetermined future date.

Turkey

Regarding the questionnaire compiled by Mr. Hagi Shein from the Estonian Council, I would like to express that we do not have sufficient data at the moment to answer the relevant market related questions.

However I can give you general information at this point. Turkey since it's candidacy to EU membership continues intense efforts and sincere commitment to fulfil the alignment of Turkish legislation to European Acquis Communautaire. On the political level according to our Accession Partnership Document and Turkish National Programme for the Adoption of Acquis audiovisual sector has been covered within the short-term goals. In this respect Radio and Television Council, as the authority responsible from broadcasting regulation, together with European Union Undersecretary has started harmonization and implementation process. The previous and present governments on this basis have adopted 7 harmonization packages. Provisions regarding radio and television broadcasting law have also been among them.

In the framework for alignment of Turkish broadcasting law to EU acquis communautaire Amending Law No. 4771 is adopted on 9 August 2002 within the 3rd harmonisation package. With this law broadcasting in different languages and dialects used traditionally by Turkish citizens in their lives is introduced to the Law No 3984 (Art.4).

In addition to that by Law No 4928 dated 15 July 2003, within 6th harmonization package another amendment has been included into this provision by specifying that public and private radio and television channels may make broadcasting in these languages. Principles and procedures on broadcasting in different languages is to be laid down by a regulation prepared by Supreme Council.

Another change brought by Amending Law No. 4771 was on re-transmission. Re-transmission of the broadcasts shall be allowed according to Council of Europe Transfrontier Television Convention and Additional Protocol. Principles and procedures on re-transmission is laid down by a regulation prepared by Supreme Council (Regulation on Principles and Procedures for Radio and Television Broadcasts, dated 17 April 2003 No: 25082)

Above mentioned regulation has also achieved harmonization regarding issues such as advertising and teleshopping, re-transmission and major events.

ALB – Albania

BUL – Bulgaria

MAC – Macedonia

MOL – Moldova

MONT – Montenegro

ROM – Romania

Pursuit

1. Has there been any substantial criticism concerning the pursuit, necessity or motivation for implementation of common European broadcasting policy standards into your national broadcasting policies and practices? If yes, what have been the main issues, arguments, particularities?

ALB-1. There was some criticism concerning the implementation of common European broadcasting policy standards, expressed by the private radio and TV operators. The main criticism was against implementation of author's rights requirements and anti piracy measures.

BUL-1. The operative Radio and Television Act (RTA) promulgated State Gazzette No. 138/24.11.1998, is in accordance with the European broadcasting policy standards. Our Media Law, does not state any provisions, which are inconsistent with the EU media policy standards. Many of the provisions of the EU legislative texts are applicable as chapters and particular provisions in Bulgarian Radio and Television Act.

MAC-1. A lot of the European broadcasting policy standards, envisaged by the TWF Directive and the Convention on Transfrontier Television, have already been incorporated in the Macedonian Broadcasting Law (brought in 1997). However, even the first few years of its implementation clearly showed that there is a need to revise and improve it. One of the issues, discussed on the Workshop on the Broadcasting Regulation (organized by the Broadcasting Council in April

2000), were the measures to be undertaken in order to implement the European standards in the Broadcasting Law, in the view of harmonization with the European broadcasting policy. This was one of the basic principles underlying the process of drafting the text of new broadcasting law (to be brought by the Parliament by the end of 2003), which was obvious during the wide public debate on the draft-text.

MOL-1. No.

MONT-1. In compliance with the European standards, a set of media laws (Media Law, Broadcasting Law, and Law of Public Broadcasting Services Radio of Montenegro and Television of Montenegro) has been recently adopted in Montenegro. Its implementation is under way and it should provide a thorough media system reform.

The media laws have been the first serious reform intervention in Montenegro. From the very beginning, their explicit anti-monopolistic character has vigorously confronted the monopolistic nature of the political factor, both of the regime and opposition. They had ignored the draft legislation at first, only to reach the consensus on its adoption later, following a strong pressure of both local and foreign public. The essence of the conflict has been and still remains the fact that the political structures are very persistent in their idea that observance of standards and principles is a matter of their willingness.

The current parliamentary crisis in the Republic of Montenegro is the best example of the unwillingness to give up monopolies. Namely, the RTCG Council has adopted the decision on abolishing the parliamentary channel, and the decision that the RTCG, as a public service broadcaster, is not obligated to provide live broadcasts of all parliament sessions. That is why the opposition parties are currently boycotting the parliament's activities. Despite numerous explanations, warnings and attempts of both local and international professional community, as well as of the highest representatives of international institutions, there is still a persistent attempt of the strongest opposition party to amend the media legislation as a condition to return to the parliament.

According to the general assessments, amending media legislation in order to meet such demands would be a direct attack to the foundations of media reform in the Republic of Montenegro.

ROM-1. In so far as questions no. 1,2,3,7,8,9,14,15,16 and 17 from chapters: Pursuit, Implementation, Impact, the Romanian Audiovisual Council is not in a position to answer them since it issued the Decision no. 258, dated September 16th, 2003, concerning the promotion of European Works which cannot be implemented so far, due to the fact that at present Romania has special agreements signed with WTO, established by the GATS. Hence, Romania will not be able to promote European Works before the date Romania becomes a Member of the European Union, meaning by this year 2007, a year unilaterally established by Romania to join the EU.

2. How efficient do you find the provisions (what have influence on production, scheduling and structure of television programmes) what are based on the adaptation of articles 4 and 5 of the TWF Directive in order to protect your national interests, national culture, the structure and amount of your national broadcasting production and the development of your audiovisual sector in particular?

ALB-2. In the actual stage of electronic media development in Albania, when there are less than 5 year from the licensing date, it is difficult the completion of the conditions written in the TWF Directive. This is more evident in the cases of Local TV operators, with minimal incomes. Main reasons for this situation are:

Unstable economic-financial situation;

Lack of financial resources;

Limited advertising market;

Lack of the balance sheet control for each operator;

Extremely politicised environment, which may manipulate each NCRT measure in directive implementation.

BUL-2. The articles 4 and 5 of the TWF Directive are almost literally reproduced in article 10, paragraphs 2 and 3 from Radio and Television Act. At the same time, there are similar obligations in the clauses of the issued licenses for the television activity.

MAC-2. The present Broadcasting Law does not have provisions based on the Articles 4 and 5 of TWF Directive, and this is one of the aspects of harmonization to be achieved with the new broadcasting law. The existing Law contains provisions concerning the participation of own production (programs produced by the broadcasters) in the their total program:

"Article 41

The participation of own programs in the program of the broadcasting organization may not be less than 40% of the total broadcast program during the week, whereby during the first year of operation it must provide 20%, in the second year 30%, and in the third year 40% of the total broadcast program during a week.

Broadcasting organizations that broadcast program at the local level must provide a participation in their program of at least 30% with events and cases from the relevant area..."

The lawmaker also had in mind the need to support the production of Macedonian programs and envisaged that 10% of the collected funds from the broadcasting tax would be allocated for the creation and broadcasting of programs of public interest created by the broadcasting trade companies and the independent producers (*Article 77*). However, this solution is to be abandoned with the new law and replaced with an alternative solution - the public national broadcaster is to broadcast 10% of its annual program output TV programs produced by independent producers.

MOL-2. The efficiency is to come further on as we are now harmonizing the national legislation with the European laws

MONT-2. Implementation of the media laws is in its initial phase, so it is impossible to talk about its effects on the production, scheduling and structure of TV programmes, as well as other elements of implementation included in this question.

ROM-2. See 1.

3. What do you think about the statement that the TWF Directive is created to protect the European culture but the regulations do not solve the problems of small countries (with restricted advertising market, lack of financial resources and stability etc.)?

BUL-3. ---

ALB-3. We agree the statement. We think that the small countries needs assistance from developed ones in the terms of free of charge program exchanges or low prices for the programs sold in small countries, etc.

MAC-3. Having in mind that we are a transition country, which works on the harmonization of its broadcasting policy and standards with those of EU, we still don't have the firsthand experience to comment this statement.

MOL-3. There is a grain of common sense in that. The TWF provisions can be applied in small countries too, but there should be added specific provisions on the particular problems of small countries

MONT-3. The media laws in the Republic of Montenegro have been adopted on the basis on recommendations and standards of the Council of Europe, and other European organisations, but they are original in its essence mainly corresponding to Montenegro's reality. However, there are grounds to suspect that the restricted advertising market, lack of financial resources, instability, etc. could pose problems in small and financially poor societies such as Montenegro. But, we believe that the solution is not in rejection or postponement of implementation of the directive, but in finding the flexible solutions that will preserve its spirit and ground principles in their entirety, and prevent the negative practical effects that could be caused by their mechanical implementation.

ROM-3. See 1.

Regulation

4. Does the broadcasting acts of your country state any additional or stricter provisions in comparison with the general standards suggested in articles 4 and 5 or the provisions concerning advertising and teleshopping? If yes, what were the main reasons for that?

ALB-4. The broadcasting act of Albania does not state any additional or stricter provision in comparison with the general standards suggested in articles 4 and 5 of TWF Directive.

BUL-4. No, the broadcasting act of our country does not state such additional or stricter provisions.

MAC-4. The provision concerning the own program has already been cited (*Article 41*) while the advertising and teleshopping limits are regulated with *Article 51* of the Broadcasting Law according to which the public broadcasting organizations may not broadcast more advertisements than 7% of each hour of broadcast program. This limit for the trade (commercial) broadcasting companies is not more than 20% of each hour of broadcast program. The public broadcasters may not air tele-shopping, while for the commercial broadcasters there is a limit of no more than one hour of teleshopping during the daily program.

These, and all the other provisions referring to advertising, follow the directions set by TWF Directive.

On top of the already cited provisions from the existing broadcasting Law related to the own production, there are also provisions concerning the language:

"Article 45

The broadcasting program is broadcast by the broadcasting organizations in the Macedonian language.

The Public Broadcasting Enterprise, which broadcasts programs on the territory of the Republic of Macedonia, besides in Macedonian language, broadcasts programming contents also in the languages of the nationalities.

For areas where members of the nationalities live as a majority, respectively in a significant number, the public broadcasting enterprises that perform the activity at the local level broadcast programs also in the languages of the respective nationality.

The broadcasting trade companies, besides broadcasting of programs in the Macedonian language, may broadcast programs also in the languages of the nationalities.

Article 46

Foreign programs or parts of foreign programs must be translated into the Macedonian language, as well as into the language of the nationalities in the programs that are broadcast for them.

The stipulations from Paragraph 1 of this Article do not refer to the transmission of musical, theatrical and religious events, as well as to educational programs for learning foreign languages, as well as to programs intended for foreigners.

Programs that are not translated are also announced in the Macedonian language, i.e. the languages of the nationalities, for the programs that are broadcast for them.

Article 47

The public broadcasting organization which broadcasts programs on the territory of the Republic of Macedonia is obligated to provide the creation and broadcasting of special programs for providing information, for preserving the cultural and historical traditions, and for maintaining and promoting the links with emigrants and other citizens of the Republic of Macedonia who live in the neighbouring countries, in Europe and on other continents."

MOL-4. Not yet, the new version is to be considered in the Parliament

MONT-4. Media must protect the integrity of young persons and are forbidden to broadcast the contents related to the involvement of minors in criminal acts, either in the capacity of victims or defendants. The legal obligation of protection of minors' integrity in media must also be observed, with separate regulations for programming that could jeopardise health, moral, intellectual, emotional and social development of a child.

The new media legislation bans advertising of the sale and purchase of human organs or tissues for transplantation or transfusion. Such a decision of the lawmakers is the result of the effort to prevent the broadcast media to advertise the sale and purchase of human organs or tissues for transplantation (kidney transplantation, etc.), which used to be present in certain period.

The law also bans advertising of alcohol, narcotics, tobacco products, medicines and medical treatments available only with the medical prescription. The advertising of tobacco products, alcohol, etc. used to be widespread in broadcast media. The practice of advertising the medical procedures and methods not in keeping with the Health Protection Law (certain kinds of quack remedies) also had to be banned.

The Broadcasting Law proscribes that the independent regulatory body, the Broadcasting Agency, determines the conditions and quotas for advertising, in compliance with the international standards.

The law on commercials and advertisements, which would specify rights and obligations of media related to the advertising, hasn't yet been adopted in Montenegro. The media laws alone have determined certain general rules, such as surreptitious advertising and the above bans, but this area could not have been defined more specifically, given that this legislation is general.

The implementation process is in progress.

ROM-4. No, there are no such additional or stricter provisions.

5. What approach to the notion of own production (either language based or determined by the location of the producer) is used in your country? Has your country implemented any special provisions concerning the amount and scheduling of TV stations' own production? If yes, what are the requirements?

ALB-5. Generally, the own production is understood as the production of the producer. The broadcasting act of Albania defines the obligation for Albanian Public Television (only) to broadcast its own programs in 50 % of broadcasting time. (Article 72 of " Law on Public and Private Radio and Television in the territory of Republic of Albania").

BUL-5. The issued licenses include as a clause the programme characteristics of each TV operator.

MAC-5. The own production is understood as radio and TV programs, the production of which is initiated or organized by the broadcaster itself. The "own production" also incorporates the programs commissioned by the broadcaster (commissioned production) as well as the co-produced programs. It doesn't include the advertising (advertisements, teleshopping and the other paid announcements).

MOL-5. 30% of the total broadcasting volume shall make up the own production; 65% of the total volume of own production shall be in the official language of the state

MONT-5. The lawmakers have paid special attention to the fact that Montenegro is a multi-ethnic and multi-cultural society, providing the obligation and possibility for the RTCG to found regional radio and TV studios for the needs of certain public service broadcasters, with the special obligation to produce and broadcast regional programmes and programmes in languages of national and ethnical groups in that area.

ROM-5. There are no provisions stipulated.

6. Are the main requirements concerning application of EU standards in your country similar for public and private broadcasters? If not, what are the reasons for that and what are the main differences?

ALB-6. ---

BUL-6. The operative Radio and Television Act contains a little more provisions, which concern the regulation of the national public broadcasters as the Bulgarian National Television and the Bulgarian National Radio. (RTA, Chapter 3). The commercial (private) broadcasters abide the provisions of RTA and clauses of the issued licenses when fulfil their activities.

MAC-6. The main program requirements are the same/similar for public and private broadcasters.

MOL-6. Similar

MONT-6. As regards the implementation of the European principles and standards there is no distinction between the public service and commercial media, apart from the fact that some obligations of the public service broadcasters are specified in the law, which by no means jeopardise the editorial autonomy of broadcast media on any grounds.

ROM-6. Mainly, yes, there are such provisions. The only exception refers to advertising within programs which is forbidden to public television, and permitted to the commercial ones. The Romanian Television Company may insert advertising spots, including self-promoting or teleshopping ones, only between programs. Besides, advertising on public television cannot surpass the time limit of 8 minutes/hour.

Implementation

7. How smoothly have the broadcasters accepted the new European texts and abide to their obligations? What have been or still are the main difficulties in the process of implementation of the EU rules into your broadcasting practices and what further efforts are needed to improve this process?

ALB-7. The broadcasters, especially small ones till now are making all efforts to escape from obligations imposed by the Albanian and European legislation regarding the author's rights.

BUL-7. The Bulgarian broadcasters abide the provisions of the Bulgarian legislation (RTA) and European Convention on Transfrontier Television. Bulgaria is a member state of the Council of Europe and we abide the provisions of the Convention.

MAC-7. The issues referred to are yet to be addressed in Macedonia, after the adoption of the new broadcasting law.

MOL-7. The European texts are not yet included in the national legislation and as the Directive says that the document is only a recommendation, only after the enclosure of the Directive provisions in local legislation we shall be able to insist on the compliance with them

MONT-7. During the brief period from the foundation of the Broadcasting Agency, we have had no objections coming from broadcasters to the observance of European principles and standards. One of the reasons is that all broadcast media in the Republic of Montenegro have had their representatives in the Working Group involved in the media legislation drafting, so all different positions have been harmonized at the Working Group meetings.

It should also be mentioned that, in addition to the obligations, the law has also provided for certain rights the commercial broadcasters did not have so far.

For example, for the first time now, the commercial broadcasters have the right to appoint their representatives to the Managing Board of the Broadcasting Centre – the Company for Transmission and Broadcasting of Radio and TV signals, who will represent their rights and interests in that company. Briefly, former practice has shown no serious problems as regards the acceptance of European standards by the broadcasters.

ROM-7. Implementation has not been carried out, yet.

8. Have you experienced any substantial difficulties regarding the applicability of EU media policy standards (due to the restricted market resources, financial, cultural or other reasons what are caused by the current situation in your broadcasting etc.)? Are the TWF requirements in accordance with media (broadcasting) resources and market size of your country?

ALB-8. The main difficulties in the process of implementation of the EU rules, is the law enforcement and the interference of politics on behalf of the broadcasters, which are breaking the rules.

BUL-8. No, we do not experience any substantial difficulties regarding the applicability of EU media policy standards. Yes, they are in accordance with media resources and market size in Bulgaria.

MAC-8. The issues referred to are yet to be addressed in Macedonia, after the adoption of the new broadcasting law.

MOL-8. The difficulty in this context refers to the total volume of the advertising. Due to financial reasons, Moldovan broadcasters do not stick to the recommended volume in the TWF provisions

MONT-8. There have been no serious difficulties concerning the applicability of European principles and standards in broadcasting.

ROM-8. Implementation has not been carried out, yet.

9. What is the time period during what the requirements for the amount of European, independent, own or national production must be fulfilled in your country (either one year, one month, one week or other options)? How does this affect the efficiency of monitoring and controlling the TV stations? Which time period could be most appropriate?

ALB-9. The best time period for Albania during what the requirements for the amounts of European, independent, own or national production must be fulfilled it is estimated 1 year from now.

BUL-9. The programme characteristics are granted for one year, one month, one week in the clauses of the issued licenses. The Council for Electronic Media, exercises monitoring over the activities of the television operators of abiding these indicators.

MAC-9. The issues referred to in these three questions are yet to be addressed in Macedonia, after the adoption of the new broadcasting law.

MOL-9. It will be stipulated in the new version of the BL which is now under consideration.

MONT-9. Given that the Broadcasting Agency is the first independent regulatory authority in Montenegro and that it has been founded recently, and that the Broadcasting Agency Council should adopt the entire range of by-laws in this field, it is difficult to believe that the demands of certain European independent autonomous national productions could be completely met in the Republic of Montenegro in the period of time shorter than 6 months.

ROM-9. Implementation has not been carried out, yet.

Means of control and accountability

10. Does the same regulatory authority monitor both sectors - the public and the private broadcasters? If not, do you find this arrangement appropriate?

ALB-10. Yes, NCRT monitors the public and private broadcasters.

BUL-10. In its practice, The Council for Electronic Media exercises supervision (monitoring) over the public and the private broadcasters.

MAC-10. Yes, the Broadcasting Council of the Republic of Macedonia monitors both the public and the private broadcasters.

MOL-10. Theoretically – yes. But the new formed PBS operate according to their own law and they say the general Broadcasting Law is not written for them

MONT-10. Yes, and we believe that to be an appropriate solution.

ROM-10. Yes, the National Audiovisual Council, the unique regulatory authority in Romania monitors the compliance of both public and private licensees.

Nevertheless, the Public Corporation and the Public Television Corporation have their own organization and operation law, no.41, passed by the Parliament of Romania in 1993.

11. Which are the main means and procedures what your authority uses to obtain required data in order to follow the fulfilment of stated requirements for programming, production and quotas? Do you consider the monitoring system applied in your country efficient? Should it be improved and if yes than how?

ALB-11. NCRT program monitoring system is an appropriate system, but it can be used to monitor the Tirana area only, where are crowded the consistent part of Albanian broadcasters. It should be improved to cover all Albania possibly.

BUL-11. The Council for Electronic Media shall make records to some of the TV programs of the operators. After that, the experts watch these records and specify if there is a violation. On the other hand, The Council for Electronic Media, requires records from the relevant broadcaster, in accordance with the provisions of RTA. We consider the monitoring system efficient.

MAC-11. The Broadcasting Council conducts monitoring tailored towards the need to follow/control the extend to which the broadcasters abide to the provisions of the present Broadcasting Law. The basis for drawing conclusions is the data on the weekly program output. The monitoring is based on a precise analytical procedure and is conducted systematically and regularly. Yet, it is not efficient enough due to the fact that the Broadcasting Council can only issue written warnings i.e. it can't impose sanctions directly to those broadcasters, which continue to violate the Law. There is no need for major improvements of the way the monitoring is conducted. It is more important for the new law to provide the Broadcasting Council with bigger authorisations to impose sanctions, in order

MOL-11. We consider a good monitoring system can be an efficient means but the one we have in our country must be improved. The problem is the lack of up-to-date equipment for monitoring to ensure implementation of the law.

MONT-11. The newly founded Broadcasting Agency, within its organisational scheme, includes the Monitoring Sector, which has just been established and should commence its activities by the end of the year. More reliable answer to this question will be available at that time.

ROM-11. These provisions have not been applied, yet.

12. Has your authority (or other entitled institutions) applied any sanctions on broadcasters who have not abided the rules? Can you give any examples.

ALB-12. Yes, NCRT has applied sanctions from warnings to fines and licence withdrawal. Last case of licences withdrawal is some months ago when ALBA TV licence was withdrawn.

BUL-12. There are property sanctions for violation the provisions of RTA and the clauses of the issued licenses.

MAC-12. No, since there are no such provisions.

MOL-12. Yes. CCA suspended a broadcasting license as a radio station (Vocea Basarabiei) operated without authorization for broadcasting. A radio programme (Hyde Park from Anena C) was suspended because of the language offending the dignity of ethnic minorities used during its transmission

MONT-12. So far, there has been no need for the Agency to sanction broadcasters. They have been timely warned about their realistic possibilities of violating the legal provisions, so the preventive communication has given very good results. Be regard as positive the fact that, from the very beginning, the independent regulatory body is not perceived as an administrative instrument of penal policy directed to media. But of course, without any compromise in case of actual violation of the law.

ROM-12. These provisions have not been applied, yet.

13. Does your authority publish any regular reports concerning the process of implementation of the policy standards and fulfilment of the requirements by the broadcasters? Can you refer to any special academic research and/or printed or web-publication concerning this issue?

ALB-13. NCRT present the Yearly Report to the Albanian Parliament. This Report is also published.

BUL-13. The Council for Electronic Media, shall issue a Newsletter which carrying the decisions made, topical articles on the problems of audiovisual culture, the results of the monitoring of television operators, as well as public opinion surveys commissioned by The Council for Electronic Media. The Council, issued a collection which contains public discussions.

MAC-13. The information on the broadcasters conduct, concerning the respect for the program demands, are regularly part of the Annual Report that the Broadcasting Council submits to the Parliament. This issue has also been elaborated in the publication "Radio and TV Programs and the Cultural Identity" (published in Macedonian language). The publication comprises

the discussions on the Tribune held in Skopje, in October 2000, under the same title. The Tribune, as well as the Publication, are activities of the Broadcasting Council).

MOL-13. www.cca.md

MONT-13. The operation of the Agency is transparent and completely public, in compliance with the Media Law. As for the operating report, the Agency exists too briefly for it to make any sense.

As for the implementation of media legislation, provided by the working group comprised with the active co-operation with the European Union, Council of Europe, European Agency for Reconstruction, European Media Institute, OSCE, "Article XIX" Organisation, and other international institutions that showed interest in this process in the Republic of Montenegro.

ROM-13. The Romanian Audiovisual Council annually publishes a Report which includes data referring to promoting European Works, but at the moment the legal provisions are implemented.

Impact

14. What have been the most visible and substantial results of implementation of EU policy principles on the amount, structure and quality of TV programming in your country?

ALB-14. The TV landscape in our country is becoming more and more European. The changes are small, but visible if we compare them with 4-5 years ago when the first TV stations are born.

BUL-14. As we pointed above, the Bulgarian Radio and Television Act has adopted some of the TWF Directive principles. The Bulgarian TV operators, abide these principles in their TV programming.

MAC-14. It is impossible to comment the impact of what is yet to be implemented. However, as has already been mentioned (question 2), 10% of the collected means from the broadcasting tax are intended for financing programs of public interest produced by commercial broadcasters and independent producers. While implementing this provision, the Broadcasting Council has had five public announcements (in the last five years), which resulted with allocation of over 500.000.000 Denars (more than 8.500.000 Euro) as financial support for almost 1.500 radio and TV projects. The Parliament is expected to bring the new broadcasting law by the end of 2003. This new text should result with further approximation of the Macedonian broadcasting policy standards with the European ones.

MOL-14. There are no results yet

MONT-14. The most obvious result of the implementation of the new media legislation, related to the RTCG public service, is the adoption of the RTCG Council's decision on the abolishment of the parliamentary channel to the advantage of production of new programmes scientific and educational, cultural and children's programmes.

Another important result is the strict observance of legal limitations related to the unauthorised contents of advertisements and visible improvement of implementation of professional standards in the news programmes.

ROM-14. These provisions have not been applied, yet.

15. Has the implementation of EU standards and TWF principles led to a better or more effective co-operation between different institutions of your AV sector (public and private firms, independent producers, telecommunication and Internet firms, regulatory authorities etc)?

ALB-15. Yes

BUL-15. Yes, the implementation of the EU standards and TWF principles led to a better co-operation between different institutions of our AV sector.

MAC-15. See 14.

MOL-15. Not yet

MONT-15. Yes. The public service broadcasters are presently forming the Association of Local Public Service Broadcasters, mainly because these are relatively small media that can only united survive on the market. The Union of Independent Electronic Media (UNEM), which had existed even prior to the process of implementation of medial laws, had actually participated in their drafting and implementation.

ROM-15. These provisions have not been applied, yet.

16. Can you see that the TV programming and TV landscape as a whole looks in fact more European after implementation of the TWF requirements?

ALB-16. Yes.

BUL-16. Yes, the TV programming and TV landscape as a whole looks more European after implementation the TWF requirements.

MAC-16. See 14.

MOL-16. Not yet

MONT-16. A reliable answer is not possible. The implementation process is still under way.

ROM-16. No analysis can be carried out yet. Yet, there are tendencies to give programs a European trend.

17. Have you any information how the audiences have accepted the changes in the programme structures and scheduling of TV stations?

ALB-17. ---

BUL-17. No, we do not have such information.

MAC-17. See 14.

MOL-17. No

MONT-17. No.

ROM-17. No.

Improvement

18. What have been the main TV and AV policy issues debated in your country after adoption of the acquis and implementation of the TWF standards? Are there any projects of new legislative acts or amendments of existing ones?

ALB-18. The main debates in Albania in this period were about the author's rights and intellectual property. The new law came after the debate was developed (July, 2003).

BUL-18. Since 2002, the Media Committee has moved two new media bills, which have attracted severe public criticism.

MAC-18. ---

MOL-18. There are several project of a new Broadcasting Law. In addition CCA addressed the Government a list of laws which are to be harmonized with the European texts

MONT-18. The main issues have been the realisation of full independence of public service broadcasters and the policy of fair allotment of frequencies. The concept of public services both at the republican and local level has been protected from the dominant influence of political parties. As for the frequency allotment policy, it will be developed soon, with the obligation to find the acceptable models that will not financially destroy many radio and TV stations in Montenegro, in the conditions of open media system easily accessible by powerful and wealthy broadcast media from outside of Montenegro.

ROM-18. During the seminar, "Regulating Program Services", organized with the support of the Council of Europe in Bucharest, in June, 2003, topics such as advertising, minors' protection, European majority quotas, the protection of Romanian language have been debated. After the Parliament of Romania passed the Audiovisual Law no. 504, in 2002, which covers the main acquis requirements, according to the Directive Television without Frontiers, standards, in 2003, a series of proposals for the modification of the Audiovisual Law have been forwarded to Parliament with a view to further increase the harmonization of the audiovisual acquis-communeautaire.

19. Should the time appointed to local news programmes and local sports events be excluded from calculation of required amount of broadcasting time for European works, own production and production of independent producers as it is currently stated in TWF Directive? How motivated do you find these exclusions?

ALB-19. Yes

BUL-19. Yes, they are excluded from calculation of required amount of broadcasting time for European works, own production and production of independent producers. Article 10, paragraph 2 and 3

(Amended SG No. 79/2000) At least 50 percent of the total annual transmission time, excluding the time appointed to news and sports broadcasts, radio and television games, advertising, teletext services and radio and tele-shopping, shall be reserved for European works whenever this is practically possible.

(3) (Amended SG No. 79/2000) At least 10 percent of the total annual transmission time, excluding the time appointed to news and sports broadcasts, radio and television games, advertising, teletext services and radio and tele-shopping, shall be reserved for European works created by external producers. This proportion should be achieved progressively through allocation of sufficient resources for new works, i.e. works broadcast not later than 5 years after their creation.

MAC-19. The solutions envisaged by TWF Directive should remain the same.

MOL-19. Yes. N/A

MONT-19. The new set of media laws favours the local programming within the national public service in significant degree. Therefore, this media legislation additionally regulates that segment of information of the citizens of the Republic of Montenegro.

The programming important for the development of science and education, development of culture, information of people with the impaired hearing and sight, and programming in the languages of national minorities have also been favoured. There is a possibility for the public broadcasting service to found regional radio and TV studios, with the special obligation to produce and broadcast regional programmes and programmes in languages of national and linguistic groups of this region.

ROM-19. Yes. They should be excluded. The motivation might be linked to the degree of interest, since local news and sports focus on a limited audience, while European works focus on all European inhabitants, therefore maybe the criteria would be interest on the one hand, and on the other the size of the public focused.

20. What is your general attitude regarding the main issues covered by the TWF Directive (freedom of circulation, program quota, advertising limitations, child protection, popular event protection, media windows chronology) and how do you think it should evolve?

ALB-20. For the instance, we think they should stay as there are presented in the TWF Directive.

BUL-20. Bulgaria is a country, which abides the principles and the requirements of the TWF Directive.

MAC-20. At the moment, it is hard to give a more substantive discussion on these issues. All of them are to be further addressed within the new law, which is expected to bring a lot of changes (especially for some of them such as the free circulation of programs and the program quota). The principle of advertising limitations is to be kept, but new solutions are to be introduced. The provisions for child protection (restriction of programs with pornography and violent content /Article 35/, as well as the restriction that the advertisements aimed at children or in which they participate, may not contain messages which could harm their interests and damage the child sensitivity and age /Article 50/) will remain. The process of introducing the Recommendation for protection of minors from contents that may have harmful influence on their physical, mental and ethical development will also continue. If protection of events of major importance is understood under "popular events protection", then here should be noted that the new law will incorporate the provisions from the TWF Directive and the Convention on Transfrontier Television etc.

MOL-20. N/A

MONT-20. Our general position with regard to these directives is positive and directly contained in the media laws.

ROM-20. The Romanian Audiovisual Council's (further called: RAC) position versus advertising:

- circulation of advertising dedicated to the public of Romania, and inserted in the program of international channels, under the jurisdiction of a Member State, should be limited. In this case, the Directive Television without Frontiers stipulates that it is not necessary for the respective program to abide by the European provisions, according to Art. 2, par.6 of the Directive. If this limitation of the national market is justified on the basis of the freedom of retransmission, then we may speak also of the freedom to retransmit pornographic programs or of the cancellation of the restriction on advertising insertion. We consider that such restrictions should be eliminated so long as they are not applicable to program services too, specially those program services that insert in their international program advertising dedicated to the Romanian market, a market which for the moment does not benefit from the same rights as those of the Member States.

So long as the audiovisual field implies a relationship between the licensees and the public, the public interest should prevail. It is quite normal to limit advertising time, in order to ensure the public's access to audiovisual programs under reasonable conditions.

We consider that restrictions applied to ads for alcoholic drinks is too general; The Romanian Audiovisual Council forwarded proposals for extending the restrictions in the case of advertising for alcoholic beverages, with a view to protecting minors and teenagers. The Directive art. 15 point a) specifically stipulates that: " Advertising for alcoholic beverages may not be aimed specifically at minors or, in particular, depict minors - or teenagers - consuming these beverages."

We also consider that minors' protection is not well ensured so long as there are no provisions for the protection of minors presented in audiovisual programs, besides those that provide minors' protection as public of these audiovisual programs. In so far as major importance events are concerned: specific provisions should be included in a such a way that licensees which do not have exclusivity rights shall be able to broadcast free of charge excerpts from these major importance events. This proposal might be backed by the public's right to information.

21. Have your regulatory authority or other institutions involved made (or are planning to make) any concrete suggestions for the revision of the existing TWF Directive? If yes, what are the main issues?

ALB-21. No.

BUL-21. No, our regulatory authority did not make any concrete suggestions for the revision of the existing TWF Directive. We have no information about other institutions involved.

MAC-21. No.

MOL-21. No

MONT-21. No, they haven't so far.

ROM-21. The Romanian Audiovisual Council has already forwarded proposals for the modification of Directive "Television without Frontiers", as follows:

to include the term "teenagers", together with the one of "minors" in so far as the restrictions stipulated for advertising to alcoholic beverages.

The need to adopt provisions capable to co-ordinate at a European level the terms used for arbitration or mediation procedures.

RAC estimates that additional norms should be adopted in order to ensure the public's right to information in the case of events of major importance to society. Thus, common rules should be drawn to ensure free access of broadcasters to recording in full or by excerpts of events of major importance. We propose the drawing up of measures to guarantee the better application of art. 3a.

RAC considers that it is necessary to modify the procedure stipulated in art. 3a, especially in the sense of the adoption by the Commission of a decision on the compatibility of the proposed measures.

RAC proposes an increase in the percentage dedicated by broadcasters for programmes of independent producers that would go from the present 10% up to 15% (DTWF, art.5). In this way, in association with the adoption of more detailed national regulations, it will be possible to encourage mainly the promotion of more recent independent European creations (created within the last 5 years). NACR thus intends to encourage the production of new audiovisual works, compared to the 10-year old national works from the candidate countries.

RAC proposes the introduction in art.16 of DTWF of additional provisions in a new paragraph e. that should forbid the presentation of young people in the act of drinking alcohol within advertising spots dedicated to the promotion of strong alcoholic beverages.

RAC proposes the modification of article 17 on sponsorship, by the inclusion of a provision prohibiting sponsorship of programmes by a producer of strong alcoholic drinks in the case the company bears the identical name or trade mark of the product which is a strong alcohol beverage.

RAC estimates that the specification by the Directive of the of the way it should apply to virtual and split-screen advertising as the Directive should defend the freedom of the public to view the programs in their entirety and to be correctly informed. If there will be no clear distinction between the advertising message and its superposition with a different content, confusions may be induced and the public may be easily manipulated. RAC feels it is necessary to specify the way in which the DTWF provisions will be applied in the case of the new advertising techniques.

RAC suggests that the term "gratuitous violence" in the Directive be more explicit, by mentioning, for instance, possible types or violence or quantitative criteria.

with regard to access to short extracts of events subject to exclusive rights, this right may be granted in order to use the excerpts in the general news bulletins or in the sports news programmes of dedicated channels, without any financial compensations, if broadcast in the 24 hrs following the event itself.

The RAC members estimate that the public's right to be informed is the main priority and suggest the granting of the right to a short extract of maximum 3 minutes, in order to avoid the monopoly of a single broadcaster over rights of certain events, under the pretext of their duties in informing the public.

RAC estimates that this right must be established by means of legislation because in its case the experience accumulated in the field of co-regulation did not prove satisfactory.

22. Can you refer to any common interests, needs and positions of accessing countries in the process of revision and improvement of TWF Directive?

ALB-22. ---

BUL-22. In the implementation of the Convention on Transfrontier Television, Bulgaria observes the common interests, needs and positions in our country.

MAC-22. This is a question to be answered by the accessing countries.

MOL-22. No

MONT-22. No.

ROM-22. In the case the national authorities holding responsibilities in the field of the regulation of the audiovisual field cannot be included in the Contact Committee, RAC supports the idea that a Committee of the regulatory authorities should be established (Committee no.2) to debate in detail the practical issues of the implementation of the DTWF in the Member States. The Contact Committee described in art.23a should be informed on the conclusions of the debates in Committee no.2.